

**LOCATION:** Pentavia Retail Park  
Watford Way  
London  
NW7 2ET

**REFERENCE:** 17/8102/FUL Validated: 22/12/2017

**WARD:** Mill Hill Expiry: 23/03/2018

**APPLICANT:** Meadow Residential

**PROPOSAL:** Redevelopment of site including the demolition of all existing buildings and construction of 724 new Build to Rent residential units (Use Class C3) along with 949 sqm of ancillary residential facilities, 987 sqm of non-residential floorspace (Use Class A1, A3 and D1) within buildings ranging from 5 to 15 storeys, a new pedestrian access off Bunns Lane, open space, landscaping, car parking, acoustic mitigation and highway / pedestrian improvements (Environmental Statement Received)

## **APPLICATION SUMMARY**

The application seeks permission for the comprehensive redevelopment of the site to provide a residential-led mixed use development comprising 724 residential units. The existing site is largely occupied by retail units and it is considered that the overarching principle of development to provide a residential-led mixed use development is acceptable and in line with the Council's Town Centres first retail strategy seeking to focus retail uses in existing town centres.

The density of the scheme, in isolation, is considered to be acceptable subject to a package of improvements to pedestrian/cycle and public transport connections being secured through a Section 106 Agreement. The scheme would provide a good quality of accommodation and the mix of units would be appropriate.

In terms of affordable housing, the development proposes to provide 35% (by habitable room) which is significantly above the viable position as evidenced by the Council's independent advisors. 70% of the affordable provision would be Discounted Market Rent (DMR) and 30% of the provision would be a London Living Rent (LLR) levels. Subject to S106 obligations relating to rent levels, a positive review mechanism and other safeguards on the affordable provision it is considered that the affordable housing offer is acceptable.

In terms of noise and air quality, the site is located in a sensitive location and as such both topics were covered within robust Environmental Statement chapters. Council Environmental Health officers are satisfied that the proposed mitigation strategies would be adequate to ensure that the impacts would be acceptable.

In terms of transport, the levels of car parking is considered to be appropriate and cycle parking would be fully compliant with current and draft London Plan policy. Pedestrian and cycle connectivity to the site would be improved through a package of off-site improvements that could be secured through the S106. The development would have a negligible impact on all of the local road junctions with the exception of the Bunns Lane/Pursley Road/Page Street mini roundabouts, which are currently at capacity and as such are sensitive to any minor impact. A financial contribution towards junction remodelling could be secured through a S106 to mitigate this impact.

The scheme largely accords with the London Plan energy hierarchy and would achieve in excess of the policy minimum carbon dioxide emissions. A carbon offset contribution could be secured through a S106 to ensure that the development would be in compliance with the Mayor's zero carbon objective.

Notwithstanding all of the above, officers consider that the scale and the height of the development is wholly inappropriate for its context. The excessive height and scale would be dominant in short, medium and long-range views and would harm the established character of the surrounding residential areas through its incongruity. The development due to its height and scale would also be visible from both nearby conservation areas and would harm the setting of both. The height and scale of the development would also be contrary to that which was envisaged within the adopted Planning Brief for the site.

On balance, officers consider that the level of harm that would arise from the excessive height and scale of the development would be significant and would outweigh any of the other identified benefits arising from the scheme. Accordingly, the application is recommended for refusal.

## **RECOMMENDATION**

### Recommendation 1:

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

## Recommendation 2:

That subject to Recommendation 1, the Chief Planning Officer determine the planning application reference 17/8102/FUL under delegated powers and refuse planning permission for the following reason:

1. The proposed development, by virtue of its excessive height and scale would represent an over development of the site resulting in a discordant and visually obtrusive form of development that would fail to respect its local context and the pattern of development within the surrounding area, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore be contrary to policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (July 2011, October 2013 and January 2014) and the adopted Pentavia Retail Park Planning Brief.
2. In the absence of a Section 106 Agreement, the application does not include a formal undertaking to secure the planning obligations which are necessary to make the application acceptable. The application is therefore contrary to London Plan policies 3.12, 3.13, 4.3, 4.12, 6.3, 6.9, 6.10, 8.2, Policies DM10, DM14, DM17, CS4, CS15, CS8, CS9 of the Barnet Local Plan Core Strategy and Development Management Policies Document (adopted September 2012), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Document, the Barnet Supplementary Planning Document on Delivering Skills, Employment and Enterprise Training (SEET) (adopted October 2014) and the Mayor's Supplementary Planning Guidance on Affordable Housing and Viability (2007).

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## **MATERIAL CONSIDERATIONS**

### **Key Relevant Planning Policy**

#### **Introduction**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan

is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

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

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

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

## **The London Plan**

The London Plan (2015) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

### Context and Strategy

1.1 (Delivering the Strategic Vision and Objectives for London)

### London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); 2.15 (Town Centres); and 2.18 (Green Infrastructure: the Network of Open and Green Spaces)

### London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on

Individual Private Residential and Mixed Use Schemes) and 3.13 (Affordable Housing Thresholds).

#### London's Economy:

4.1 (Developing London's Economy); 4.2 (Offices); 4.3 (Mixed Use Development and Offices); 4.4 (Managing Industrial Land and Premises); 4.6 (Support for and Enhancement of Arts, Culture Sport and Entertainment Provision); 4.7 (Retail and Town Centre Development); 4.10 (Support New and Emerging Economic Sectors); and 4.12 (Improving Opportunities for All)

#### London's Response to Climate Change

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land).

#### London's Transport

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.4 (Enhancing London's Transport Connectivity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

#### London's Living Places and Spaces

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.7 (Location of Tall and Large Buildings); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing Noise) and 7.18 (Protecting Local Open Space and Addressing Local Deficiency).

#### Implementation, Monitoring and Review:

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

### **Barnet Local Plan**

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning

and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most relevance to the determination of this application are:

Core Strategy (Adopted 2012):

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

CS1 (Barnet’s Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

CS5 (Protecting and enhancing Barnet’s character to create high quality places)

CS6 Promoting Barnet’s Town Centres

CS7 (Enhancing and protecting Barnet’s open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well-being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet’s character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM05 (Tall Buildings)

DM06 (Barnet’s Heritage and Conservation)

DM08 (Ensuring a variety of sizes of new homes to meet housing need)

DM10 (Affordable housing contributions)

DM11 (Development principles for Barnet’s town centres)

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)

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

Local Supplementary Planning Documents:

Sustainable Design and Construction (April 2013)

Residential Design Guidance (April 2013)

Planning Obligations (April 2013)

Affordable Housing (February 2007 with updates in August 2010)

Strategic Supplementary Planning Documents and Guidance:

Barnet Housing Strategy 2015-2025

Accessible London: Achieving an Inclusive Environment (April 2004)

Sustainable Design and Construction (May 2006)

Health Issues in Planning (June 2007)

Wheelchair Accessible Housing (September 2007)

Planning for Equality and Diversity in London (October 2007)

All London Green Grid (March 2012)

Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

Affordable Housing and Viability (2017)

**National Planning Guidance:**

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance.

The NPPF is a key part of reforms to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications which are considered to accord with the development plan. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development which are set out in Section 10 of this report.

### **Environmental Impact Assessment (EIA)**

The EIA procedure in the UK is directed by the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'Regulations'), EU Directive 85/337/EEC (as amended), Circular 02/99 as well as the National Planning Practice Guidance (2016).

#### Screening for EIA development

In respect of EIA screening, the proposed development does not fall within 'Schedule 1' development. However, the development is considered to constitute the 'Schedule 2' development namely, an 'urban development project' in accordance with Section 10(b) of Schedule 2 of the Regulations. The scheme would exceed the threshold identified for such projects due to having an area exceeding 0.5ha and comprising 150 or more residential dwellings.

Prior to the submission of the previously withdrawn application, an EIA Screening Opinion was sought by the applicant pursuant to section 13 of the Town and Country Planning Act 1990. Following assessment, officers considered the whole scheme of development, incorporating the extant permission, and took the view that it did fall within Schedule 2 of the Regulations. A scoping opinion was subsequently adopted by the Council with the following topics to be covered within the Environmental Statement

Previous application 16/6420/FUL was accompanied by a full Environmental Statement which covered the following topics:

- Demolition and Construction
- Socio-Economics
- Traffic and Transportation
- Townscape, Heritage and Visual Impact Assessment
- Air Quality
- Noise and Vibration
- Water Resources and Flood Risk
- Ground Conditions and Contamination
- Wind Microclimate



- Daylight, Sunlight and Overshadowing
- Effect Interactions
- Mitigation Measures and Significant Residual Effects

As part of the consideration of the previously withdrawn application, all of the topics outlined above were fully assessed and the likelihood of significant impacts identified. Accordingly, a revised scoping opinion was adopted for the current application with a reduced number of topics predicated on the previous assessment. The topics covered within the Environmental Statement submitted with the current application comprise of the following:

- Demolition and Construction
- Socio-Economics
- Traffic and Transportation
- Townscape and Visual Impact Assessment
- Air Quality
- Noise and Vibration
- Wind Microclimate
- Effect Interactions
- Mitigation Measures and Significant Residual Effects

## **PLANNING ASSESSMENT**

### **1.0 Site Description**

- 1.1 The application comprises of Pentavia Retail Park, located between the M1 and A1 (Watford Way) within Mill Hill. The site has an area of approximately 3 hectares and currently in situ is out of centre retail park which is in a mostly vacant state having previously been occupied by a mix of retail and restaurant uses. The existing buildings on site are mostly low rise, varying between 1 and 2 storeys in height.
- 1.2 The site is sandwiched in between the A1 Watford Way to the east, which forms part of the Transport for London Road Network (TLRN), and the M1 motorway to the west. To the south of the site is an operational vehicular petrol station which has an access and egress from the A1. To the north of the site is an area of green space which buffers the site from a cul-de-sac of three storey residential dwellings and Bunns Lane which runs southeast-northwest beneath both the M1 and A1. There is a significant land level drop from the site down to Bunns Lane.
- 1.3 Existing vehicular access to the site is from a mini roundabout to the south of the site which connects to the access road for the petrol station and the A1. There are

existing pedestrian routes which connect with the wider locality via a bridge across the M1 and via the Bunns Lane underpass to the south-east and north-east of the site respectively.

- 1.4 The site is not subject to any other Local Plan designation, nor is it located within a conservation area and there are no listed buildings on site. It should be noted that the Watling Estate Conservation Area is located approximately 0.3km away to the west, beyond the M1 and Midland Mainline railway. The Mill Hill Conservation Area is located more distantly at approximately 0.8km from the site. The Public Transport Accessibility Level (PTAL) of the site ranges from a 1a to 1b (poor).

## **2.0 Proposed Development**

- 2.1 Permission is sought for the redevelopment of site including the demolition of all existing buildings and construction of 724 new Build to Rent residential units (Use Class C3) along with 949 sqm of ancillary residential facilities, 987 sqm of non-residential floorspace (Use Class A1, A3 and D1) within buildings ranging from 5 to 15 storeys, a new pedestrian access off Bunns Lane, open space, landscaping, car parking, acoustic mitigation and highway / pedestrian improvements.
- 2.2 It should be noted that the application was amended to June 2018 to incorporate an internal reconfiguration of the development to provide 7 additional residential units, a reduction of 708 sqm in the amount of non-residential floorspace (Use Class A1, A3 and D1), an increase of 168 sqm in the amount of ancillary residential floorspace along with amendments to the site access, landscaping and external layout. The resultant figures are reported in paragraph 2.1.

## **3.0 Relevant Planning History**

- 3.1 The following planning history is considered to be relevant to the consideration of the application.
- 3.2 Permission was granted in 1988 for the construction of two non-food retail warehouses within Class A1 of the Town and Country Planning (Use Classes) Order 1987, together with a garden centre, petrol filling station, (including Class A1 use and car wash,) restaurant; partial demolition (application ref: W00408A).
- 3.3 W00408C - Variation of conditions 2,3,10, 11, 12 and 13 of permission HQ/W00408A for constrn of 2 non-food retail warehouses within Class A1 of the Town and Country Planning (Use Classes) Order 1987, together with garden centre, petrol filling station. (Approved July 1989).

- 3.4 14/08075/FUL - Demolition of the existing Class A3 unit and partial demolition, recladding and extension of the existing Class A1 retail units and creation of Class A3 floorspace reconfiguration of vehicular access, staff parking and customer car parking. Associated hard and soft landscaping to public spaces, new ramped pedestrian access. (Approved April 2016).
- 3.5 15/01820/FUL - Demolition of the existing Class A3 unit (Restaurant) and partial demolition, recladding and extension of the existing Class A1 units (Retail) and creation of Class A3 (Restaurant & Cafe) floorspace, Class D2 (Gym) floorspace, reconfiguration of vehicular access, staff parking and customer parking. Associated hard and soft landscaping to public spaces and new ramped pedestrian access. (Approved April 2016)
- 3.6 15/01825/FUL - Demolition of the existing Class A3 unit (Restaurant) and partial demolition, recladding and extension of the existing Class A1 units (Retail) and creation of Class A3 (Restaurant & Cafe) floorspace, Class D2 (Gym) floorspace, reconfiguration of vehicular access, staff parking and customer parking. Associated hard and soft landscaping to public spaces and new ramped pedestrian access (SCHEME 2). (Approved April 2016).
- 3.7 The applicant sets out within the submitted Planning Statement that the existing site enjoys permission for unfettered retail use with no restrictions. It should be noted that due to the lack of conditions on the initial retail permission, this is correct and the existing site does not have any restrictions related to its retail offer.

#### **4.0 Consultations**

- 4.1 As part of the consultation exercise, 3455 letters were sent to neighbouring residents, site notices were erected adjacent to the site and a notice was published in the Barnet Press on 11.01.2018. As a result of the initial consultation exercise, a total of 667 responses were received comprising of 664 objections and 3 letters of support.

##### Summary of Neighbour Objections

- 4.2 The material planning considerations contained within the objections received from neighbouring residents can be summarised as follows:
- The development is excessively high and is not located within a strategic location identified as suitable for tall buildings;

- The scale and quantum of development would result in unacceptable strain on local services - including health services and schools;
- The density of development is excessive and unacceptable for this inaccessible location with low PTAL;
- The development would result in significant additional strain on local public transport services, trains from Mill Hill Broadway and local buses;
- Due to the excessive height and scale, the development would result in significant harm to both local and wider views;
- The development would result in a significant increase in local traffic conditions and would increase congestion;
- The development is incongruous in the context of the traditional and low-rise character of Mill Hill;
- The quality of the accommodation proposed would be substandard due to the proximity of both the M1 and the A1;
- The development would result in a loss of sunlight and daylight to surrounding residential dwellings;
- The development would result in overshadowing of surrounding residential dwellings;
- Due its location and the potential for light spillage and pollution, the development would harm the view of the night sky from the nearby UCL Observatory;
- The development would fail to provide an adequate number of on-site parking spaces which would result in overspill parking on local roads;
- The development provides an inadequate amount of community floorspace relative to the number of residential units;
- There is no suitable walking access to the site and thus the development would be inaccessible to the disabled or less mobile;
- The additional traffic created by the development would worsen existing air quality problems in the local area;
- The application is contrary to the adopted Planning Brief.

4.3 An objection to the application was received from Matthew Offord MP which can be summarised as follows:

- The proposals constitute overdevelopment, are not visually attractive and will have a detrimental impact on the surrounding area. The application is contrary to the NPPF, Barnet Local Plan and the Residential Design SPD;
- The application site is in an isolated location and thus the development would have inadequate levels of access. The development would result in a significant population increase without providing sufficient facilities and services which are already strained;
- The development makes inadequate parking provision in a location which is inaccessible and has a poor PTAL rating. The inadequate levels of on-site parking would result in overspill parking on surrounding roads;
- The development does not represent a sustainable form of development. The excessive density would put unreasonable pressure on services, would be detrimental to the character of Mill Hill and would not provide the quality of life which might reasonably be expected in an outer London, suburban location.

4.4 An objection to the application was received from Andrew Dismore (AM) which can be summarised as follows:

- The proposal does not comply with the draft planning brief produced by the Council, which rightly advocated a more mixed-use development, and not such an intensification of the site;
- The loss of A1/A3 (Retail/Restaurant) units will lead to a reduction in local amenities. Given the large nearby developments at Millbrook Park, the proposed development at the former National Institute for Medical Research centre, the number of smaller scale but still substantial developments in Mill Hill nearing completion or recently completed, and likely future sites in the pipeline which include little or no retail, the area already suffers from a lack of amenity and retail, despite many more potential customers. This will lead to traffic and congestion elsewhere, or leave the new developments as dormitories, fit only as assets for overseas owners;
- The proposed 'affordability' contribution is inadequate. The proposed level of allegedly affordable rent is to be set at a level higher than the existing average market rent for the area, which is already largely unaffordable to many. With rents set above existing market levels it could have a knock-on effect, ratcheting up even further current private sector market rent levels nearby. A build-to-let development is also inappropriate in an area where the largest demand is for family-sized homes and the preservation of mixed communities;

- The proposed scale and design of the scheme is also out of keeping with the neighbouring area. Up to 15 storeys is too high, and creates an overbearing and enclosed design. It represents an overdevelopment of the area, which is out of conformity with the draft design brief, which advocated a mixed-use medium density development of 3-5 storeys;
- This scheme, in the context of other nearby developments, will lead to a large increase in the local population, without any accompanying improvement in local public services to cope with the increased demand. Given the severe shortage of school places in the borough, a result of the Council's inaction, I am concerned that any children living in the proposed development would have to travel far to access schools. The same also applies to primary care health services;
- Local public transport provision is poor at this site, which is sandwiched between the M1 and A1. Pedestrian crossings and access is constrained. The proposed development has removed substantial local retail opportunities. There will be a high level of residents' car usage for the most basic of daily tasks, such as shopping or travelling to and from work. I do not believe the parking provision will be sufficient to deal with the expected need. This will cause overflow parking on nearby streets, and will impact on already heavily congested roads, such as Bunns Lane and Woodcroft Avenue;
- The polluted environment between the M1 and A1 will leave the development with very poor air quality. Air quality in the scheme is so bad that the scheme design has inward facing balconies, creating an oppressive and overbearing aspect. Any outward facing windows will not be safely openable due to pollution;
- There is a lack of open space for older youths' recreation. A children's playground is not suitable for teenagers, and as pedestrian access outside the site is so poor, there is nowhere for them to go.
- There is a significant risk of light pollution, which will impact on the nearby scientifically important and long standing UCL Observatory;
- This scheme constitutes a significant overdevelopment and unwelcome change of use of the site, with consequent loss of amenity for the community. The design is unacceptable and the flats are not affordable. The local infrastructure is inadequate to cope with another significant increase in the local population. There is little public transport at this site, which, due to the difficult access, will result in more residents owning cars, than there are parking spaces to accommodate. The air quality is so poor, that any flat would be almost uninhabitable.

#### Responses from External Consultees

- 4.5 A consultation response was received from Historic England which can be summarised as follows:
- This application should be determined in accordance with national and local policy guidance, and on the basis of the specialist conservation advice of the Council.
- 4.6 A consultation response was received from Historic England (Archaeology) which can be summarised as follows:
- Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, it is concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.
- 4.7 A consultation response was received from Natural England which can be summarised as follows:
- Natural England has no comments to make on this application. The Council should refer to Natural England's standing advice.
- 4.8 A consultation response was received from the Mill Hill Neighbourhood Forum which can be summarised as follows:
- The application does not comply with policies in Barnet's Local Plan (September 2012). The proposals extend the Colindale area of consolidated growth into established low-density suburbs, thus contravening the Local Plan policy;
  - The application does not follow guidance within the Tall Buildings Study of London Borough of Barnet (2010). Policy C5 provides clear guidance on tall buildings (considered to be 8 storeys or more) but does not include the Pentavia site in the list of strategic locations as the site falls a long way outside the Colindale Avenue Corridor of Change;
  - The application is outside the Colindale Regeneration Area (March 2010). The Area Acton Plan (AAP) for Colindale clearly states 'the M1 forms the eastern boundary of the AAP area';
  - The application disregards principles and requirements in the Draft Pentavia Planning Brief (September 2016);
  - We note that new properties built along the side of Grahame Park way which is immediately to the west and parallel with the Pentavia site are limited to 2-5 storeys maximum in accordance with the Grahame Park Supplementary Planning Document (SPD) as defined for the "Northern Character Area" of this site. This SPD was published only in May 2016;

- We consider that the buildings proposed in this application, are “substantially taller than their surroundings (on both sides of the tracks) and they will make a significant change to the skyline including protected views from the Mill Field and from Sunnyhill park. This proposal will have significant detrimental impact on local character. The site is not highly accessible (PTAL 1b) and they will damage rather than enhance the qualities of their immediate and wider suburban settings;
- Mill Hill is already undergoing considerable growth. The supporting infrastructure is simply not in place to cope with the current pace of growth. Notably Mill Hill needs, urgently, more secondary school spaces, and it is taking weeks to get an appointment with a General Practitioner. Public transport and local highways are also grossly overcrowded;
- This site is in between the Midland Main Line & the M1 on one side and the A1/A41 in the other. The noise from these sources is excessive and the air quality very poor with more than 60,000 vehicles passing by on the A41/A1 each day. There will undoubtedly be a canyon effect caused by the proposed buildings. We note that the windows facing the railway & the M1 will be locked down and the scheme is designed with inward facing balconies. It will clearly not be pleasant sitting out in any of the proposed green spaces within the site. The air quality report seems to only take note of issues that the buildings will cause and while it attempts to mitigate these it doesn't seem to take into account the current dire levels of air quality. The air pollution maps for London show the A1/A41 from Mill Hill to Apex corner is one of the most polluted parts of London and there are 5 DEFRA “hot spots” that require treatment for excessive noise in the same stretch along the M1;
- There is a significant risk of light pollution, from these tall structures, which will impact on the nearby scientifically important and long standing UCL Observatory;
- Many surveys have been done about the effects of living in Tall Buildings where housing outcomes were all more likely to be worse for occupants of high-rise, compared to people in other types of dwelling (<http://www.gowellonline.com/>);
- We suggest that 500 car park spaces for 717 flats (0.7 per flat) will initially be grossly inadequate for residents in this suburban location with its poor PTAL rating of 1b. We accept that over the next 30-40 years car ownership may possibly decline, in which case provide at outset 1.4 (Barnet's norm for such sites) spaces per dwelling, and as car ownership is seen to decline convert the space allocated to further amenity space. Perhaps initially only 0.5 cycle spaces will be needed per dwelling but these could increase correspondingly as car ownership declines. Probably 4 cycles spaces equal 1 car space. So, provide 359 initially instead of 1160 and this would provide an additional 200 car spaces, which approaches 1 per flat. The reality is that if sufficient parking is not provided on the site, to meet the needs of its Residents, they will be parking on



Bunns Lane, Grahame Park Way and all roads nearby and that will be hell for current residents, resulting in a need for controlled parking. It will bring further congestion and huge levels of un-neighbourly frustration;

- We do not believe that the proposed 35% level of “Affordable” properties will be truly affordable by those who currently need housing in the area. It is being set at a level above the existing average market rate for the area, which means it will not be possible for “key workers” to rent these properties. The concept for this development is clearly high-priced flats for professionals and in order to afford the rent you will undoubtedly see 2 couples renting a 2- bedroom flat and because of the poor location they will not stay long and add much to the local community. This site is never going to represent a “nice place to live” and as such people will not want long-tenure to set down roots. Renting here will be a grudge-purchase and a stepping stone. Tenants will probably have a long commute (as employment opportunities locally have declined dramatically in recent years) to add to high rental costs and minimal amenities;
- This proposal suggests a density of housing of 205 units per hectare. The current London Plan states that as such this level of density may be appropriate in a Central London setting with PTAL 2-3 access to public transport. This site is in a suburban setting with PTAL 1b accessibility to transport. Accordingly, the recommended density of housing should be around 55 units per hectare, indicating that a maximum of 193 Dwellings should be included in any development of this site. See also point 5 where the density of properties in the Northern Character Area was approved at 50-100 units per hectare;
- We also reference the planning application 17/07932/OUT here (North London Business Park - NLBP). The proposal was for 1350 dwellings and a school within this 16.37 Hectare site indicating a density of 82 units per hectare which was within the guidance for a site in a PTAL 1-2 area. Compared to the application for development at Pentavia at 205 units per hectare and 16-17 storeys high it would confirm that the precedent to refuse such applications that grossly exceed guidelines is set. The NLBP application went to appeal and was still refused by the Mayor of London. Both Pentavia and NLBP fall outside areas designated in Barnet as suitable for buildings above 4-5 storeys;
- The loss of A1/A3 (Retail/Restaurant) units will lead to a reduction in local amenities. There are a large number of significant nearby developments (e.g. Millbrook Park, the National Institute for Medical Research centre, IBSA House, together with developments in Grahame Park, and Colindale) plus the number of smaller scale but still substantial developments in the area nearing completion or recently completed, and likely future sites in the pipeline with little or no retail offering. The area already suffers from a lack of amenity and retailers and such demand will grow with the many more potential customers. To buy DIY goods residents now have to travel to Borehamwood or Finchley and carrying pots of paint or planks of wood on public transport or on a cycle is not possible. This will lead to more traffic and greater congestion in and around the area and

elsewhere, or leave the new developments as dormitories, fit only as assets for overseas owners;

- In summary the application represents an overbearing and enclosed design. It is a gross overdevelopment of the area, which is out of conformity with the draft design brief, which advocated a mixed-use medium density development. The design brief proposed a maximum of 3-5 storeyed development. The designed density of the scheme is more in keeping with a city centre, rather than an attractive garden suburb.

4.9 A consultation response was received from the Mill Hill Preservation Society which can be summarised as follows:

- The scale and mass is excessive and breaches the Barnet Plan, the London Plan and the Planning Brief for the site. The application is for 18 blocks ranging in size from 6-storeys (Block R with ground + 5 levels) to 17-storeys (Block A with lower ground, ground + 15 levels). The Pentavia site is bounded by predominantly 2-storey terraced and semi-detached family houses for which this development will be extremely overbearing. This includes some newly built properties on Bunns Lane which are not shown on some of the outdated maps and plans submitted in this application. On the Colindale side of the M1 the new builds are 3-4 storeys high as part of a plan to 'step-up' to the main Colindale development. The application describes the site as "urban" but it is suburban and should be described as such;
- The development would have a detrimental impact on local views which breaches the Barnet Plan, the London Plan and the Planning Brief for the site. The proposed development clearly breaches the instruction to protect views laid down in the Barnet Plan, the London Plan and in the Planning Brief. The excessive bulk and height will have a severely detrimental impact on the view from The Mill Field and the Mill Hill Conservation Area, which is described in the Local Plan as an "important" view that should be protected. It will also adversely affect the views from Mill Hill Park and Sunny Hill Park. Furthermore, the proposed development will loom large over nearby residential roads such as Bunns Lane and the Watling Estate Conservation Area;
- The height and bulk of the development will cause significant overshadowing of both the surrounding areas and within the development itself, for example the central gardens. The Daylight/Sunlight/Overshadowing Assessment submitted as part of the application only shows shadows cast on 21st March (the spring equinox). In the 6 months of the year from September to March, the overshadowing will be worse and this information is conveniently omitted.

Furthermore, as elsewhere in the application, this document does not show the newly built houses along Bunns Lane;

- This is an 'over-dense' development where the flats are very small with little storage space. The development is sandwiched between the M1 and the A1/A41 and the main railway line and hence is subject to high levels of noise pollution and air pollution. Whilst much is made in the application about "acoustic protection", the reality is that in warm weather these small flats will get stuffy and people will want to open their windows. The air pollution maps for London show the A1/A41 from Mill Hill to Apex Corner as one of the most polluted parts of London;
- The 717 units will add in excess of an additional 2,000 residents to Mill Hill, which as a community has already significantly expanded with the Millbrook Park development, planning permission granted for NIMR site and numerous other smaller-scale developments. There has been no parallel increase in the local infrastructure, such as schools, GP surgeries and public transport provision, all of which are already struggling to cope. Mill Hill has traditionally been a settled family neighbourhood and a large 'all for rent' development with a transient population is out of keeping with the area. Indeed the Planning Brief for the site is clear that should be mixed use with retail and employment opportunities, which are needed in the local area;
- Local public transport is very poor as demonstrated by the site's 1b PTAL rating designated by TfL. As such, 540 parking spaces for 717 units, comprising 86 x 3-bed, 314 x 2-bed and 317 x 1-bed units, is clearly insufficient and will cause overspill parking in local roads, which will be exacerbated by the proposed new pedestrian access route to Bunns Lane. The scale of this development coupled with poor public transport will have a significant impact on traffic levels on both local roads and on the A1/A41 on which all traffic from the development will have to travel. The roundabout at Mill Hill Circus is already subject to serious congestion;
- The size of this development and the consequent light pollution generated will have an adverse impact on the University of London Observatory situated less than 500 metres away.

4.10 A consultation response was received from the London Cycling Campaign which can be summarised as follows:

- In terms of the overall assessment, whilst BCC welcomes the inclusion of a significant number of cycle parking spaces in the plans, we object to the plans overall;
- It is the belief of the Barnet Cycling Campaign that the development in Pentavia Park does not fulfil either the planning brief or the wider aims of Barnet Council and the Mayor of London in terms of cycling. In particular, we can see little evidence of paragraphs 1.2, 1.3, 5.12 and 6.6 being met;
- We also conclude that the Travel Assessment (TA) did not complete the CLoS correctly, and it does not account for the requests of Transport for London (TfL) as stated in the TA. There is no evidence of an Equality Impact Assessment (EqIA), and this is reflected in the CLoS scores and recommendations. Ramps requiring a dismount are unusable by those who are unable to leave the bicycle and walk, such as disabled riders using hand cycles;
- With regards to the Mayor's Transport Strategy (MTS), we note that the TA was performed against the 2010 version. It should be understood that scheme as currently designed will be explicitly against the 2017 version. Consequently, it is not likely to help the borough achieve any modal shift towards cycling and might indeed send it the other way. It represents a wasted opportunity for the borough to improve walking and cycling in the area, with the result that more motor vehicles, congestion and pollution will be likely.

4.11 A consultation response was received from Thames Water which can be summarised as follows:

- With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed;
- The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

4.12 A consultation response was received from Sport England which can be summarised as follows:

- The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment. It is understood that the London Borough of Barnet is a Community Infrastructure Levy (CIL) charging authority however its Regulation 123 list does not include sport facilities therefore the sporting demand created from the proposed development would not be addressed through CIL;
- The population of the proposed development is estimated to be 1,721 (calculated by multiplying the number of residential units by the figure for an average household, 2.4) . As noted above, this additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development;
- As stated previously Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that a population of 1,721 in this local authority area will generate a demand for 0.12 sports halls (£335,807), 0.09 swimming pools (£368,409), 0.09 indoor bowls rinks (£37,765) and 0.06 artificial grass pitches (£60,305 if 3G or £54,500if sand based). The Playing Pitch Strategy should direct what is required to meet the needs from the growing population in this area;
- In light of the above, Sport England would like to object to the application if the requisite contributions are not secured.

4.13 Due to the extent of the development proposed, the application is also subject to referral to the Mayor of London. In accordance with procedure, the GLA were therefore consulted. The Stage 1 response received from the GLA can be summarised as follows:

- The principle of the residential-led redevelopment of the site is supported, subject to addressing access issues and concerns about the DMR rent levels;

- The scheme provides 35% affordable housing by habitable rooms, all of which are DMR, an intermediate tenure, which accords with draft London Plan Policy H13. The DMR is proposed to be 80% of the market rent; this is unacceptable. Paragraph 4.7.4 of the draft London Plan is clear that 80% of market rent is not 'genuinely affordable'; the proposed rent levels must be revised to provide a range of affordable rents below 80%, including London Living Rent. All units must be held in a 15-year covenant, with an appropriate clawback mechanism; this must be secured within any S106;
- The site is isolated by the roads that enclose it, the M1 to the immediate west and the A1 to the immediate east. The success of the scheme is dependent on its pedestrian links to its surroundings; the applicant must consider alternate pedestrian route configurations and create a clear, legible entrance into the site for pedestrians;
- Further pedestrian and cycle access details must be provided. Financial contributions towards a bus route, a Travel Plan, a Delivery and Servicing Plan, a Construction Logistics Plan and a Construction Traffic Management Plan must be secured;
- Energy, air quality and noise issues must be addressed;
- Barnet Council are advised that the application does not comply with the London Plan and draft London Plan, for the reasons set out in paragraph 62. However, the resolution of those issues could lead to the application becoming compliant with the London Plan and draft London Plan.

#### Responses from Internal Consultees

- 4.14 A consultation response was received from the Council's Environmental Health team which can be summarised as follows:
- In terms of air quality, the key point to note is that windows on the external facades where air quality exceeds the UK air quality objectives will need to be kept closed to ensure internal air quality does not exceed the UK Air Quality Objectives. Air will need to be drawn in from the internal facades through openable windows. The ventilation and extraction system needs to have suitable purge ventilation ability should these external windows be sealed shut. As air quality should improve with height, it might not be necessary to keep windows closed on the higher storeys of the development. A condition to require windows to be sealed shut where air quality exceeds the UK air quality objectives is strongly recommended;

- The air quality neutral assessment shows that transport emissions will be above the benchmark with the development. Therefore offsetting will be required. A scheme for air pollution mitigation measures to offset the increased emissions from transport calculated in the air quality neutral report should be submitted to and approved by the Local Planning Authority prior to development;
- In terms of noise, the form of mitigation measures proposed are sufficient. However when windows on external facades are opened, then internal noise levels will be higher than those in the council's SPD. Therefore these can be kept shut, with adequate ventilation given by the Mechanical Ventilation Heat Recovery Units. Purge ventilation also needs to be sufficient. Tying in with the air quality mitigation, it is recommended that windows on the affected facades are sealed shut;
- Standard conditions should be attached relating to construction management, contaminated land, extract equipment and the CHP plant machinery.

4.15 A consultation response was received from the Council's drainage consultants which can be summarised as follows:

- The applicant should provide information / justification as to why more preferred SuDS techniques (e.g. open SuDS and green roofs) have not been proposed;
- The applicant should provide calculations for the current runoff volume from the development site and the proposed post-development runoff volume;
- It is recommended that the application is not approved until the above information has been provided.

#### Amended Scheme Reconsultation

4.16 Following on from the amended plans being received in June 2018, a full reconsultation was carried out with 3455 letters being sent out neighbouring occupiers. As a result of the reconsultation, an additional 79 letters of objection were received from local residents. Further representations were also made by local ward councillors, the Mill Hill Preservation Society and the Mill Hill Neighbourhood Forum reinforcing their objection to the scheme.

4.17 There were no substantively new issues raised within the additional objections received that were not raised within the initial consultation exercise.

### **PLANNING ASSESSMENT**

#### **5.0 Land Use / Principle of Development**

- 5.1 The existing site is occupied by comprises one large retail building in the north of the site and a smaller restaurant building to the southern part of the site. The site was previously occupied as a retail park with occupiers including Homebase along with TGI Friday within the restaurant building. there are currently temporary occupiers within the retail buildings including a food supermarket catering for the Jewish community.
- 5.2 As set out within the paragraph 3.7 of this report, the retail floorspace within the application site benefits from no restrictions relating to the retail offer and benefits from unfettered permission for retail provision.
- 5.3 The application seeks permission for a comprehensive redevelopment of the site to provide a residential led mixed use development comprising the following:
- 717 residential units
  - 987m<sup>2</sup> (GIA) of Flexible use commercial floorspace (Use Class A1, A3 A4 and D1);
- 5.4 In light of the above, Core Strategy Policy CS6 and DMP Policies DM11, DM13 are relevant to the consideration of the application.
- 5.5 Core Strategy Policy CS6 relates to the promotion of Barnet's town centres, and the supporting text for the policy outlines that suburban town centres are the economic, civic, retail, leisure and transport hubs of Barnet (paragraph 11.1.1). Policy CS6 comprises numerous aspects, all of which seek to ensure the prioritisation of town centres for town centre uses and a planned approach to retail provision within the borough.
- 5.6 Development Management Policy DM11 goes on to state inter alia that significant new retail and other appropriate town centre uses outside the town centres or any expansion of existing out of centre sites will be strongly resisted unless they can meet the sequential approach and tests set out in the NPPF or are identified in an adopted Area Action Plan.
- 5.7 Barnet's Local Policy is in line with national policy, with the NPPF stating that new economic growth and development of town centre uses should be focused on existing centres and going on to state that the definition of town centre uses includes retail development, leisure, entertainment facilities such as cinemas, restaurants, pubs, offices and theatres, museums and hotels.
- 5.8 With regards to the proposed community floorspace, Policy DM13 is relevant and states that new community or educational uses should be located where they are



accessible by public transport, walking and cycling, preferably in town centres or local centres.

- 5.9 There is existing retail floorspace on the site of approximately 9,053 square metres along with 664 square metres of A3 floorspace which would reduce to 987 square metres of flexible use floorspace in the proposed development (the 558 square metres is inclusive of A4 floorspace). Both retail and food and drink uses are identified as being town centre uses which the aforementioned policy framework seeks to direct to town centres.
- 5.10 As outlined above, the development would entail an approximate 90% reduction in commercial floorspace which is entirely consistent with the aforementioned policy context and would support Barnet's Town Centre First Approach. It is considered that the development would contribute towards the promotion of Barnet's network of town centres in accordance with the objectives of Core Strategy Policy CS6 and DMP Policy DM11.
- 5.11 The role of the commercial units would be primarily to serve the needs of the residential occupiers of the development and in this regard it is considered that the extent of the commercial floorspace would be consistent with this role and commensurate with the scale of the development. Additional non-residential uses, including a gym (Use Class D1) would be provided as part of the development however this would be ancillary to the residential use and its use restricted to residents of the development.
- 5.12 At this point it is important to note that the site is also the subject of a Planning Brief (adopted September 2016) which established development principles for the site. The adopted brief which was subject to full public consultation and due process, outlines that a mixed-use development comprising an element of residential would be the optimal use of the site. In line with the adopted brief, there are no overriding policy considerations that would preclude the introduction of residential to the application site, subject to further considerations on amenity which will be assessed in subsequent sections of this report.
- 5.13 Having regard to the above and in full accordance with development plan policy, officers consider that the principle of development is acceptable in respect of land use.

## **6.0 Residential Density**

- 6.1 London Plan policy 3.4 seeks to optimise the housing output of sites taking into account local context and character, the design principles in chapter 7 of the London Plan and public transport capacity. Taking into account these factors, Table 3.2 of the London Plan sets out a density matrix which serves as guidance for appropriate densities in different locations dependent on the aforementioned factors.
- 6.2 It should be noted that the Draft London Plan, takes a less prescriptive approach and Policy D6 states inter alia that the density of a development should result from a design-led approach to determine the capacity of the site with particular consideration should be given to the site context, its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D6 goes on to state that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy should be refused.
- 6.3 The application site has an area of 3.64 ha and has a Public Transport Accessibility Level PTAL which varies between 1A and 3. The application site is best described as 'urban' defined within the London Plan as "areas with predominantly dense development such as, for example, 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".
- 6.4 Based on the London Plan density matrix, the optimal density of the site would be between 50 and 95 units per hectare (u/ha) or 150–250 habitable rooms per hectare (hr/ha) for a site with a PTAL of 1 and between 70 and 170 u/ha or 200–450 hr/ha for a site with a PTAL of 3. In both cases, the density of the site exceeds the optimal range with a density of approximately 199 u/ha or 725 hr/ha.
- 6.5 Notwithstanding the application exceeding the optimal density ranges as set out within Policy 3.4 of the London Plan, it should be noted that these density ranges are not designed to be applied mechanistically.
- 6.6 Whilst the site has a low PTAL of between 1 and 3, the Section 106 Agreement would secure a range of qualitative improvements to the accessibility of the site such as funding for an additional bus service, relocation of bus stops to adjacent to the site, cycling and walking improvements and improved wayfinding. These improvements, specifically the pedestrian link to Bunns Lane, allow for the PTAL to increase to 3 across the site and would provide a demonstrable qualitative improvement to the accessibility of the site over and above this rating. Officers consider that this provides scope for an increased density, over and above that which could be

achieved on a site with a similar PTAL without the identified improvements. This is in line with approach taken in the Draft London Plan.

- 6.7 It should be noted that, officers consider the height and scale of the development to be excessive and this is fully discussed in subsequent sections of this report. However, it is considered that the density of the scheme and the excessive height and scale are not inextricably linked. The proposed density of the development could likely be achieved with a scheme not comprising tall buildings subject to a design-led approach to the site. Therefore, officers consider that the density of the scheme in isolation can be considered acceptable.

## 7.0 Residential Quality

- 7.1 A high quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the ‘sustainable development’ imperative of the NPPF. It is also implicit in London Plan Ch1 ‘Context and Strategy’, Ch2 ‘London’s Places’, Ch3 ‘London’s People’, and Ch7 ‘London’s Living Places and Spaces’, and is explicit in policies 2.6, 3.5, 7.1, and 7.2. It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD, Residential Design Guidance SPD and CAAP policy 5.2.

### Dwelling Mix

- 7.2 Policy DM08 of the DMP – DPD states that new residential development should provide an appropriate mix of dwellings and with regards to market housing states that 4 bedroom units are the highest priority and 3 bedroom units are a medium priority.
- 7.3 The development proposes 724 residential units with the following mix of units

Unit Size	Number of Units	% of Units
1 bedroom	242	33%
2 bedroom	362	50%
3 bedroom	120	17%

- 7.4 It is considered that the mix of units would provide an appropriate range of different sized housing, appropriate for its location including a good number of 3 bedroom units which would make a contribution towards the borough priority for 3 bedroom, family sized housing.

### Residential Space Standards

- 7.5 Table 3.3 in the London Plan provides a minimum gross internal floor area for different sizes of dwelling. This is set out in the table below, which shows the areas relevant to the units proposed within the development:

	<b>Dwelling Type (bedrooms/persons)</b>	<b>Minimum Internal Floorspace (square metres)</b>
<b>Flats</b>	1 bed (2 persons)	50
	2 bed (3 persons)	61
	2 bed (4 persons)	70
<b>Houses</b>	3 bed (5 persons)	85

- 7.6 All of the proposed units would at least meet and in most cases would exceed the minimum standards, providing a good standard of accommodation for future occupiers.

### Wheelchair Housing

- 7.7 Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst Policy DM02 sets out further specific considerations. All units should have 10% wheelchair home compliance, as per London Plan policy 3.8.
- 7.8 Page 139 of the Design and Access Statement submitted in support of the application outlines how the development adheres to principles of the inclusive design which is welcomed by officers. However, it is considered prudent that a condition be attached to any permission requiring that 10% of all residential units be provided as wheelchair adaptable with details of such provision to be submitted to the LPA for approval.

### Amenity Space

- 7.9 Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sqm are counted as a habitable room and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space requirements. The minimum requirements are set out in the table below:

<b>Outdoor Amenity Space Requirements</b>	<b>Development Scale</b>
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For Flats: 5m <sup>2</sup> of space per habitable room	Minor, major and large scale
For Houses: 40m <sup>2</sup> of space for up to four habitable rooms 55m <sup>2</sup> of space for up to five habitable rooms 70m <sup>2</sup> of space for up to six habitable rooms 85m <sup>2</sup> 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

- 7.10 The development proposes a mix of private and communal amenity areas and the Design and Access Statement submitted in support of the application incorporates an assessment of the level of amenity space provided in relation to the requirements of both the London Plan SPG and the Barnet SPD.
- 7.11 The originally submitted scheme would have comprised approximately 2637 habitable rooms which based on the abovementioned policy would require an overall amenity space provision of 13,185 square metres with the scheme proposing 13,371 square metres. Whilst the amended scheme results in a slight increase in unit numbers and changes to the mix which would result in an increase in the number of habitable rooms being provided, the over provision of amenity space within allows for the additional habitable rooms to be accommodated within the overall amenity provision. It should be noted that all of the residential units would have access to a private amenity space.
- 7.12 The breakdown of the amenity space would be as follows:
- Private Balconies and Winter Gardens - Total of 4,699m<sup>2</sup>;
  - Private Roof Gardens (used only by the residents of each block) - Total of 2,049m<sup>2</sup>;
  - Courtyard style open green spaces – Total of 6,623m<sup>2</sup>; and
- 7.13 In addition to the quantitative assessment set out above, officers consider that in qualitative terms – the amenity space proposed is of a good quality with robust landscaping.

#### Children's Playspace

7.14 Dedicated children’s playspace is required and should be predicated on the child yield of the development calculated in accordance with London Plan Policy 3.6, the GLA's SPG on Play and Informal Recreation (2012) and the London Plan Housing SPG (2016).

7.15 The planning statement submitted with the planning application outlines the projected child yield of the development as follows:

Age	No. of Children	Space Requirement (sqm)
0-4 years	39	390
5-11 years	16	160
12 +	9	90
TOTAL	63	630

7.16 It is clear from the submitted plans that the requisite 630 sqm of children’s playspace would be provided within the communal open spaces within the development in line with the policy compliant position identified in the table above. It is indicated within the application documentation that the playable features would include equipment for different age groups providing a variety of activities. Should permission be granted, a condition requiring the submission of details relating to the play equipment would be attached to any approval.

#### Privacy

7.17 Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development.

7.18 The Council’s Sustainable Design and Construction SPD (2016) sets that in new residential Development, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking.

7.19 The scheme has been well considered and designed so as to achieve the requisite 21 metre separation distance between facing habitable windows. Through achieving these minimum separation distances, the development is fully compliant and would ensure that future occupiers of the development would be likely to enjoy good levels of privacy.

#### Outlook

- 7.20 Policy DM01 also requires consideration of the residential amenity of future occupiers of the development in terms of outlook.
- 7.21 In line with the separation distances outlined above, the scheme has been well designed and the layout well considered so as to achieve a minimum of 21 metres for all facing habitable windows. This will ensure that the outlook from each of the habitable windows would not be unacceptably obstructed.

#### Daylight/Sunlight

- 7.22 Following on from revisions to the scheme, an updated Internal Daylighting Assessment was prepared by Delva Patman Redler and submitted in June 2018. The document assesses the internal daylighting of all of the proposed residential units in accordance with the requirements of Policy DM01.
- 7.23 In terms of assessing the internal daylight levels of proposed residential developments, the primary assessment tool is the BRE recommended Average Daylight Factor (ADF) methodology. The documents from Delva Patman Redler, set out that 73.2% of the rooms assessed would comply with the minimum ADF levels recommended by the BRE.
- 7.24 A compliance rate of 73.2% is considered to be adequate in the context of the site characteristics and constraints including the need to orientate a linear row of blocks parallel to the M1 to provide achieve noise insulation to the site within the site. The development also demonstrates a good level of compliance in terms of APSH and overshadowing, with 68% of amenity areas complying with the BRE guidelines in terms of overshadowing.
- 7.25 The BRE guidelines are not meant to be applied mechanistically and should be applied with a degree of flexibility, cognisant of other merits of the scheme. In this case, on balance, officers consider that the development would achieve good levels of daylight and sunlight for the proposed residential units and as such is acceptable from this perspective.

#### Noise

- 7.26 Given the location of the application site between the M1 and the A1, the potential noise impacts on future residential occupiers is a sensitive point and one which has been addressed robustly within the application submission. The application is thus accompanied by a Noise Impact Assessment from Mayor Brown, submitted as part of the Environmental Statement (Chapter XX).

- 7.27 The assessment established the baseline conditions at the site through a range of surveys in July 2015 using industry standard methodology and at three points on the northern, eastern and western site boundaries.
- 7.28 As would be expected, given the location of the site and its environs, the majority of existing noise levels are generated from local road traffic. The baseline data within the assessment establishes that the highest noise levels are experienced on the western side of the site, adjacent to the M1 with the lowest noise levels experienced at the northern boundary of the site.
- 7.29 Given the existing baseline conditions, the fundamental layout of the development is predicated on attempting to minimise noise ingress into the site through the positioning of a linear block adjacent to the M1. The positioning and massing of these blocks would provide an acoustic barrier which would mitigate against the high levels of ambient noise generated from the M1. The layout allows for amenity spaces to be provided on the internal side of the site which would accord with all WHO guidelines.
- 7.30 On the external elevations of the development, facing the surrounding road infrastructure – the development would incorporate mitigation in the form of high specification glazing and additional insulation in order to minimise noise levels. In addition, green walls and planting would be located on the edges of the site to provide additional noise mitigation. Officers consider that additional mitigation in the form of non-opening windows, alongside mechanical ventilation for the windows on the external elevations would also be required should permission be granted.
- 7.31 The Noise Impact Assessment was fully reviewed by the Council’s Environmental Health officers who were of the view that the mitigation strategy proposed, inclusive of the condition requiring non-opening windows and mechanical ventilation, would be sufficient to ensure acceptable noise levels could be achieved across the development.

#### Air Quality

- 7.32 The application site is located adjacent to the M1 and A1 and a Borough-wide Air Quality Management Area (AQMA) declared by LBB. The site is also located near to an air quality Focus Area at M1 junction 2 and the A1 Barnet bypass; these are locations identified by the Greater London Authority that not only exceed the EU annual mean limit value for nitrogen dioxide, but also have high levels of human



exposure. Accordingly, air quality was scoped into the Environmental Statement and a chapter of the statement has been submitted in respect of Air Quality.

- 7.33 As part of the ES, an Air Quality Assessment was prepared by Mayer Brown. The baseline conditions established within the assessment sets out that the levels of nitrogen dioxide (NO<sub>2</sub>) at points adjacent to the M1 and A1 exceed target levels. Modelling was undertaken as part of the assessment in relation to the impact of the proposed layout and massing of the development, effectively shielding the internal elevations and amenity areas from the surrounding road infrastructure.
- 7.34 In addition to the overarching layout of the development, specific mitigation is also proposed in the form of mechanical ventilation with inlets located on internal elevations, including robust filter as necessary. As noted in the preceding noise section of this report, those units with windows fronting onto the surrounding road infrastructure would be required through condition to be non-opening with ventilation to be provided through the mechanical system outlined.
- 7.35 The Air Quality Assessment, submitted as part of the ES, was fully assessed by the Council's Environmental Health officers who were satisfied that the mitigation strategy is sufficient to address any concerns with regards to air quality. If permission were to be granted, conditions would be attached to ensure the mitigation was implemented accordingly and subject to these conditions officers consider that the application would be acceptable from an air quality perspective.

## **8.0 Affordable Housing**

- 8.1 London Plan 2015 Policy 3.12 seeks the maximum reasonable amount of affordable housing to be negotiated. The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings. Council policies seek a tenure split of 70% social rented and 30% intermediate housing.
- 8.2 The application was accompanied by an 'Financial Viability and Housing Statement' (FVHS) produced by Quod which was reviewed by BNP Paribas on behalf of the Council in April 2018. Subsequent to scheme amendments, a revised FVHS was submitted by Quod and reviewed by BNPP on behalf of the Council in July 2018.
- 8.3 From the outset, it should be noted that the scheme comprises a Build to Rent (BTR) tenure and the originally submitted scheme proposed 35% of the units to be provided at a 20% discount on market rent (DMR). Following discussion with both the LPA and the GLA, revisions were made to the scheme including a revised

affordable housing offer comprising 30% of the affordable housing units offered at London Living Rent (LLR) with the remaining 70% offered as DMR.

- 8.4 For clarity and brevity, the focus of this section of the report is on the revised scheme which is the most pertinent in terms of assessment. The revised FVHS from Quod outlined that the revised scheme would generate a deficit of £31m below the viable position. The reason for this is the high Existing Use Value (EUV) which is generated by the existing retail units as well as the additional value arising from the extant planning permission. The high EUV provides a high viability benchmark against which the financial viability of the scheme is assessed.
- 8.5 The review of the revised FVHS undertaken by BNPP outlines some revisions to the assumptions made by Quod and also introduces some sensitivity in respect of the construction costs and profit levels. The result of the revised appraisal from BNPP is to reduce the deficit significantly.
- 8.6 Notwithstanding the revised appraisal from BNPP, the fundamental point for consideration is that the scheme would still generate a deficit against the viability benchmark. This position is supported by BNPP, acting for the Council. In this regard it is clear that the affordable housing offer of 35% of the units being provided as affordable is significantly above what the viable position would be.
- 8.7 The Mayor of London's Affordable Housing SPG supports BTR housing as part of the wider housing sector and as a way of boosting housing delivery. In terms of affordable provision within the BTR sector, the SPG goes on to state that Discounted Market Rent (DMR) will be the model for the delivery of affordable units. In terms of rent levels, it is preferred that the DMR units are let at a level which does not exceed London Living Rent (LLR) levels for that area.
- 8.8 The revised scheme offers 35% of the BTR units as affordable with a 70/30 split within the affordable element between those that would be let at a 20% discount on market rent and those that would be let at LLR levels.
- 8.9 In order to ensure that the Discounted Market Rent homes would remain affordable and in consultation with the GLA, it is considered appropriate that the rent levels are controlled through the Section 106. Whilst the application is recommended for refusal by officers, if permission were to be granted it is considered that a mechanism to ensure that the DMR units were available to occupiers on maximum incomes of £60,000 based on 40% of net income, including service charge could be secured through the S106. In addition, those units let at London Living Rents should

be subject to the Section 106 to ensure that they are let at the GLA calculated London Living Rent levels in perpetuity.

8.10 The affordable units would be fully integrated into the scheme and pepper potted within the private units. All of the units would be managed by Meadow Residential.

8.11 Subject to the Section 106 obligations outlined, officers consider that the affordable housing offer is acceptable. The level of 35% (by habitable room) is significantly above the viable position demonstrated by viability data and, subject to the S106 obligations outlined, should be viewed as a benefit to the scheme to be weighed against harm identified in other areas.

## 9.0 Urban Design

### Tall Buildings

9.1 The application proposes 18 blocks across the site of varying heights and forms, the following table summarises the height of each of the blocks:

<b>Building</b>	<b>Height</b>
<b>Block A</b>	<b>15*</b>
<b>Block B</b>	<b>9*</b>
<b>Block C</b>	<b>9*</b>
<b>Block D</b>	<b>9*</b>
<b>Block E</b>	<b>8*</b>
<b>Block F</b>	<b>8*</b>
<b>Block G</b>	<b>9*</b>
Block H	7
Block I	7
<b>Block J</b>	<b>8*</b>
<b>Block K</b>	<b>8</b>
<b>Block L</b>	<b>10*</b>
Block M	7
<b>Block N</b>	<b>8*</b>
<b>Block O</b>	<b>8*</b>
Block P	6
Block Q	7
Block R	6

9.2 Those blocks marked in bold in the table above are those which would have a height of 8 storeys or above and as such would comprise tall buildings for the purpose of

assessment against the Barnet Local Plan. It will be noted that all but 6 of the 18 blocks would comprise tall buildings for the purpose of assessment.

- 9.3 London Plan Policy 7.7 sets out the approach to tall buildings in London requiring that appropriate locations are identified in Local Plan's. The policy sets out design criteria that tall buildings should comply with. Further to this, London Plan paragraph 7.25 defines a tall building as one that is substantially taller than its surroundings, or significantly changes the skyline.
- 9.4 Core Strategy Policy CS5 of the Barnet Core Strategy identifies those areas of the borough where tall buildings will be suitable. These include the nearby Regeneration Areas at Colindale, but not the application site. The application therefore represents a departure from development plan policy and it should be noted that it was advertised as such as part of the consultation undertaken.
- 9.5 Tall buildings outside of the strategic locations identified would thus need compelling material considerations to justify a departure from the development plan. The starting point for the assessment is the criteria of Policy DM05 which is set out below with an assessment of the scheme against each of the criterion.
- i) An active street frontage
- 9.6 The nature and location of the development is such that is largely set back from the surrounding main road infrastructure. This is considered to be appropriate and welcomed by officers given the nature of the roads in question. The site is accessed from a vehicular entrance to the southern end of the site with the buildings built around a central courtyard comprising a central spine road (Mill Hill Walk) along with communal amenity space.
- 9.7 All of the proposed blocks, built around the central courtyard area, have active frontages with either residential entrances or commercial uses in the case of the ground floor units to the north of Mill Hill Walk. Given the specific layout of the site, it is considered appropriate that the main active frontages are located on the internal elevations. In this regard, it is considered that the scheme is accordant with this criterion.
- ii) Successful integration into the urban fabric
- 9.8 The application site is dislocated from the surrounding residential areas by the surrounding highway infrastructure, including the M1 to the west, the A1 to the east and Bunns Lane to the north. Nevertheless, in short and medium range views – the

development would be viewed in the context of the existing urban fabric beyond the road infrastructure and as such it is appropriate that it is assessed against the extent of its integration with the existing urban fabric.

- 9.9 A Visual Impact Study by Miller Hare was submitted in support of the application which identifies 21 key views of the application site and transposes the development onto a CGI visualisation of the proposed view. The location of all of the viewpoints were agreed with the applicant in the consideration of the previous application and are considered to be appropriate.
- 9.10 In terms of the integration of the scheme into the existing urban fabric, officers consider that the short and medium range views from the existing residential areas surrounding the application site are the most relevant. Of these views, views 3, 4, 5, 7, 8, 17 and 20 are considered to show the greatest impact. Whilst shorter range views such as view 6 (from the A1) show the greatest impact, these are located in the immediate vicinity of the site and as such do not offer a
- 9.11 View 3 is taken from Parkside to the north of the site, looking south with the two storey residential properties to either side of the street prevalent. In this context, the 15-storey height of Block A of the development projects significantly above the prevailing building heights and stands in harmful juxtaposition with the scale of the existing buildings. In this regard, it is considered that the excessive scale of Block A specifically and its incongruity would cause significant and unacceptable harm to the intrinsic character of this locality.
- 9.12 View 4 is taken from Bunns Lane outside Laing looking west towards the application site. Again, two storey properties are prevalent in this view located to either side of the street. The eastern element of the development through Blocks B, D, F, H, K, M and P would be clearly visible above the massing of the existing development. It should be noted that the detailed design and the massing of the development has been carefully considered and attempts to break up the massing through the staggered projection, varied heights and the contrasting elevational treatments; this can be clearly seen in this view. Nevertheless officers consider that due to the excessive heights of the blocks visible in this view, the development would have a minor harmful impact within this context and would fail to integrate with the existing urban fabric as a result of the disparity in heights.
- 9.13 View 5 is taken from Bunns Lane at Rowlands Close looking west towards the application site. The prevailing architectural typology within this context is a mix of two and three storey residential properties. Blocks P, M, K and H would present clearly in the backdrop of the existing buildings and street trees. This view is focused

on the northern end of the site where the heights step down and this combined with the three-storey height of some of the existing buildings lessens the extent to which the height disparity is legible. Notwithstanding the slightly lessened legibility of the disparity, the development would still represent a noticeable departure from the scale of development prevalent within this context and officers thus consider that it would represent a minor harmful impact.

- 9.14 View 7 is taken from opposite 93 Bunns Lane looking south towards the site. Visible in the view are two and a half storey properties largely consistent with the prevailing building heights on this part of Bunns Lane. The massing of the northern edge of the development in the form of Block M presents in the backdrop of the existing properties and officers consider that it represents a harmful imbalance in terms of height and scale. Officers consider that this would represent a minor harmful impact.
- 9.15 View 8 is taken from Flower Lane before the junction with Bunns Lane looking south towards the northern part of the site. In this part of Bunns Lane, two and a half storey properties are prevalent and would be dominated by the massing of the development which would project significantly above the roofscape. All of the blocks in the eastern row of blocks as well as Block A would represent a wholly incongruous height and scale of the development within this context and would have a significantly harmful impact on its character. In this regard, the development would fail to integrate with the existing urban fabric.
- 9.16 View 17 is taken from Junction Field Mead adjacent to Dunn Mead looking east at the western part of the site. Most of the existing properties in within this context are of a two storey height and are set back from the road whilst there are also prevalent street trees. The massing of the existing retail development on the application site is also visible at the end of the street. The massing proposed development would be dominant at the end of this linear view, the projecting significantly above the heights of the existing urban fabric and presenting a wholly alien and incongruous height and scale of the development.
- 9.17 View 20 is taken from outside no.39 Bunns Lane looking west at the site. Either side of the road, two storey residential properties are prevalent along with modestly sized street trees. Starting with the 15 storey Block A to the south, all of the east row of blocks would project above the skyline and significantly above the prevailing scale of the existing urban fabric. The extent of the imbalance in the scale of the development in the context of the existing urban fabric and the result incongruity is amplified in this view through the cumulative impact of the massing of tall buildings presenting across the skyline from Block A to the south Block P to the north. It is

considered that significant harm would arise from the incongruous height and scale of the development within this context.

- 9.18 It should also be noted that the aforementioned views are static views from fixed points around the development, officers consider that the level of impact and the perception of the height in the context of the existing urban fabric would likely be experienced to a similar degree from kinetic views on the local roads and footways in the surrounding locality. In such views, officers consider that the incongruous scale and height of the development would be similarly legible.
- 9.19 Having regard to all of the above, officers consider that the development would wholly fail to integrate into the surrounding urban fabric as a result of its excessive scale and height which would be at odds with the low-rise nature of the surrounding development. The relevant local views assessed as part of the VIS, largely show a significant and harmful impact on the existing character of the surrounding area. On this basis officers consider that the development fails to accord with this criterion of Policy DM05.
- iii) A regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- 9.20 Due to location of the site, the development would not have any perceptible impact on any of the views identified within the London Views Management Framework.
- 9.21 In terms of local views and corridors, strategic View A identified within the Local Plan from Mill Field towards Harrow on the Hill is relevant for consideration due to the application site being located in close proximity to the vista. View 1 within the submitted VIS shows this view from the Mill Field looking south-west and it shows that Block A of the development would be perceptible however would not present above the skyline. Whilst Block A would be perceptible, in the strategic context of the view, officers consider that it would not cause notable harm and would not detract from the intrinsic value of the view with the view to Harrow on the Hill being retained.
- 9.22 In terms of other important local views assessed within the VIS, View 9 is taken from Mill Hill Park looking south towards the site across the park. The existing view is one where the existing heights of the buildings to the south terminate below the height of the mature trees on the southern edge of the site. It is considered that the scale and the height of the development would be overwhelming in this context, projecting significantly above the height of the existing properties and mature trees. It is considered that the development would be wholly alien and incongruous within

this context and would have a significantly adverse impact on the intrinsic value of this local view.

9.23 Having regard to the above, whilst the development would not result in perceptible harm to any of the strategic local views identified within the local plan, in other local views the development would appear as an alien and incongruous mass by virtue of its excessive height and scale. In this regard officers also consider that the development would fail to accord with this criterion of Policy DM05.

iv) Not cause harm to heritage assets and their setting

9.24 There are no listed buildings in the vicinity of the site with the nearest heritage assets being the Watling Estate Conservation Area and the Mill Hill Conservation Area.

9.25 In respect of the Watling Estate Conservation Area, the Conservation Area Statement at paragraph 4.2 sets out the important views and vistas which contribute to the character of the area and its setting. These views are largely linear views along such roads as Watling Avenue, Deansbrook and Abbots Road in addition to other short-range views within the area. The location of the application site and its relationship to the CA would ensure that none of these identified views or vistas would be detrimentally impacted.

9.26 In terms of the VIS submitted in support of the application, views 15 and 16 are relevant and show no discernible impact due to the separation distances and the massing of existing development.

9.27 View 10 is taken from the edge of the CA within Woodcroft Park and shows a more noticeable change with the massing of the proposed development clearly presenting in the backdrop of the view. Blocks A, C, E, G, I, J, L, N, O, Q and R would all project significantly above the existing low rise development, including The Orion School. The effect of the development in this view would be to dominate views from the edge of the conservation area, to the detriment of its setting to an extent that officers consider unacceptable.

9.28 In terms of the Mill Hill Conservation Area, the Conservation Area also sets out the important views and vistas which contribute to the character of the area and its setting. These views and vistas are identified as the following:



- Important views across the valleys into the Conservation Area from Totteridge Common and Totteridge Lane, particularly the National Research Institute building, which acts as a landmark building;
- Views from Holcombe Hill east towards Highwood Hill;
- Westward views from St Josephs Missionary College to undulating land and 1930's suburban estates;
- Skyline view of former St Mary's Abbey from The Lincolns (off Highwood Hill);
- Northwest views along The Ridgeway framed by heavy planting;
- Views towards the top of Hammers Lane;
- Views along High Street from Milesplit Hill.

- 9.29 In light of the views and vistas identified above, the location of the application site and the significant separation distance from the CA, officers consider that none of the views would be detrimentally impact by the development.
- 9.30 In terms of the VIS, views 1, 2, 19 and 21 are relevant to the consideration of the impact on the setting of the CA. Views 1 (The Mill Field) and 21 (Observatory) show no discernible impact due to the separation distance and the presence of large trees respectively.
- 9.31 View 2 is taken from Mill Hill Park looking south towards the site. The view shows a noticeable impact with Block A specifically projecting significantly above the tree line in a harmful manner. Blocks K, M and P are also visible to a lesser extent than Block A however it is still considered that they would present in a harmful manner in this context. The existing view is one of an open green field with mature trees and in this regard it is considered that the massing of the development would represent a significant and harmful introduction to the context. The setting would be harmed to an extent that officers consider unacceptable.
- 9.32 View 19 is taken from Hammers Lane looking south and prevalent within the view are two storey, traditional properties. The development would project significantly above the prevailing massing of the existing buildings and would present as an incongruous feature of the locality due to its excessive scale and height, particularly Block A. It is considered that the alien and incongruous scale of the development, clearly visible in this view would result a significant harmful impact on the setting of the conservation area.
- 9.33 In summary, whilst it should be noted that the development would not detrimentally impact on key views and vistas within both of the conservation areas, officers consider that the inherent character of the setting of conservation areas does not solely derive from the limited number of key views identified with the respective

Conservation Area Statements. It is considered that the instances outlined (views 2, 10 and 19) represent significantly adverse impacts on the setting of the respective conservation areas by reason of the excessive height of the development and the incongruity of this height within the setting of the conservation area. In this regard, officers consider that the scheme does not accord with this criterion of Policy DM05.

v) That the potential microclimate effect does not adversely affect existing levels of comfort in the public realm

9.34 The application is accompanied by a Wind Microclimate Study from BMT Fluid Mechanics Limited (ES - Appendix 11.1). Wind microclimate assessments consider the wind conditions that would result upon the introduction of a new development into an existing space.

9.35 The study establishes that the wind conditions at all assessed locations in and around the existing site are suitable in terms of pedestrian safety and comfort. The assessment then goes on to model the wind microclimate conditions that would prevail at the application site with the massing of the proposed development within the context of both existing and cumulative surrounds. The assessment shows that wind conditions in and around the proposed development site would be suitable in terms of pedestrian safety and comfort in line with the assessment methodology.

9.36 On the basis of the submitted Wind Microclimate Study, it is considered that the development is in accordance with this criterion of Policy DM05.

#### Tall Buildings - CABE/English Heritage

9.37 CABE/English Heritage provide guidance in relation to the tall buildings (July 2007) which is also relevant to the consideration of this application. Policy CS5 of the Core Strategy outlines that proposals for tall buildings within the borough will be assessed against this guidance document. The relevant criteria for the evaluation of tall buildings are set out below with a brief assessment against the proposed development.

9.38 *Context:* As outlined the preceding section of this report, the surrounding context of the application site is largely characterised by low-rise development. It is considered the proposed development would be an alien element within this context as a result of its excessive height and scale which is at odds with the prevailing building heights of the development in the surrounding area. The incongruity of the development would be harmful to the intrinsic character of the surrounding residential areas and

as such would fail to harmonise with its context, contrary to this criterion of the CABE guidance.

- 9.39 *Historic Assets Impact:* As outlined in the preceding section of this report, the application site is not located within close proximity to listed buildings. Whilst the key views and vistas identified within the Watling Estate and Mill Hill Conservation Areas would not be adversely impacted by the development, officers consider that other views identified within the submitted VIS demonstrate that the development would have an unacceptably harmful impact on the setting of the conservation areas, contrary to this criterion of the CABE guidance.
- 9.40 *Relationship to Transport:* The majority of the site has a PTAL of 1 which is considered to be poor. In order to address the current accessibility levels of the site, it is proposed to relocate 2 bus stops closer to the site whilst a £450,000 contribution would be secured through the Section 106 to contribute towards an additional bus service to serve the site. It is also proposed to create a new direct pedestrian and cycle link to Bunns Lane along with other off-site improvements to pedestrian accessibility such as wayfinding and public realm enhancements.
- 9.42 It is considered that the aforementioned package of improvements would deliver qualitative improvements to the accessibility of the site to an extent that would justify the increased density at this location, as set out in Section 6.0 of this report. However, solely in relation to an assessment of the development against this particular criterion in isolation, officers consider that the development cannot be said to enjoy a high quality of links to public transport infrastructure contrary to this criterion of the CABE guidance.
- 9.43 *Architectural Quality:* It is considered that the development is of a high architectural quality with well-considered detailing and strong and legible overarching design rationale in accordance with this criterion of the CABE guidance. The architectural quality of the development is discussed fully in the subsequent section of this report.
- 9.44 *Sustainability:* The application is supported by an energy statement which confirms that the development will accord with London Plan guidelines relating to CO<sub>2</sub> emissions in accordance with this criterion. The sustainability of the scheme is discussed fully within the relevant section of this report.
- 9.45 *Design Credibility:* The scheme is submitted by an established developer, designed by a reputable architecture team and is supported by an established consultancy in accordance with this criterion.

- 9.46 *Contribution to Spaces and Facilities:* The development would provide a high-quality central landscaped area incorporating shared amenity space and surrounded by active frontages. In this regard the development is considered to be accordant with this criterion.
- 9.47 *Environmental Effect:* In the respective documents submitted in support of the application included within the ES no significant adverse environmental impacts are identified including on microclimate, overshadowing, light pollution, air quality or impact on the amenity of neighbouring occupiers in accordance with this criterion.
- 9.48 *Contribution to Permeability:* The development would introduce a new pedestrian/cycle link to Bunns Lane and improve the pedestrian accessibility of the site through other off-site public realm improvements. In this regard, the permeability of the site and its environs would be improved through the development in accordance with this criterion.
- 9.49 *Well-Designed Environment:* The scheme would deliver robust, well designed buildings with a good quality of internal and external space for future residents in accordance with this criterion.

#### Tall Buildings Conclusion

- 9.50 It is clear that the application site is located outside of the identified strategic locations for tall buildings within the borough. These locations are identified within Policy CS5 of the Core Strategy, as part of the current statutory development plan for the borough. The policy is underpinned by the Barnet Tall Buildings Study (2010). Policy CS5 is clear in that tall buildings outside of the identified strategic locations will not be supported.
- 9.51 Notwithstanding the location of the site outside of the strategic tall building locations within the borough, officers consider that further assessment under Policy DM05 and CABE/English Heritage tall buildings evaluation criteria shows that the development as proposed would have a significant detrimental impact on the intrinsic character of the surrounding area. This harm is clearly evident in views assessments and would be expressed through the excessive height and scale of the development which would be at odds with the surrounding residential areas and would be wholly incongruous within its context. In this regard, it is considered that the development is contrary to Policy 7.7 of the London Plan, Policy CS5 of the Core Strategy and Policy DM05 of the Local Plan.

#### Layout

- 9.52 The layout of the development responds to its immediate surroundings with two linear blocks running north to south adjacent to both the M1 and A1 boundaries which would partly act to insulate the internal courtyard area from noise ingress emanating from the road infrastructure.
- 9.53 All of the proposed blocks, built around the central courtyard area, have active frontages with either residential entrances or commercial uses in the case of the ground floor units to the north of Mill Hill Walk. Given the surrounding road infrastructure of the site, it is considered appropriate that the main active frontages are located on the internal elevations. Notwithstanding its height and scale, the overarching rationale for the layout of the development is considered to be acceptable.
- 9.54 Following discussions with LPA and GLA officers, revisions were made to the application to improve the permeability of the site and its pedestrian linkages to the surrounding area. The revised plans which are the subject of the current assessment show a new colonnade introduced to Block H which would provide a direct pedestrian link to an improved pedestrian link to Bunns Lane including steps and a ramp for cycle and disabled access. Officers welcome this design response and consider that it would provide a clear and legible pedestrian route into the site and would help to integrate it with its surroundings.
- 9.55 The revised plans also show a revised layout to the southern boundary of the site which provides significantly more pedestrianised public realm with a less dominant vehicular access road. It is considered to be an appropriate layout which would provide a safe pedestrian environment, aiding linkages to the south whilst also retaining a robust and functional vehicular access to serve the development.
- 9.56 Overall, it is considered that the layout of the development would represent a well-designed residential scheme that would respond well to its context.

#### Architectural Quality

- 9.57 The proposed architecture of the scheme is varied in a successful manner which achieves a characterful and aesthetically pleasing composition incorporating natural looking materials that blend and complement the proposed landscaping. In particular, the varied architecture and materiality is evident in the recessed dark brick buildings contrasted with projecting beige yellow brick buildings. The effect of this, combined with the staggered projection is to break up the massing of the long linear blocks. In this regard, and notwithstanding the building heights, it is

considered that the design is successful in modulating the horizontal mass of the development.

9.58 It is considered that Gabian baskets filled with natural stone, white stone and brick, metal details such as brass finish, green walls and quality finishes all work very well in producing distinct spaces that create a welcoming undertone. On the whole, officers consider that the architecture of the scheme is of a high quality.

## **10.0 Amenity Impact**

### Daylight

10.1 The applicant has submitted a Daylight/Sunlight report from Delva Patman Redler LLP (November 2017) which is inclusive of daylight, sunlight and overshadowing assessments of the impact of the proposed development on both neighbouring occupiers. It should be noted that the June 2018 revisions to the scheme did not include any changes to height, massing or footprint of the scheme and as such the November 2017 assessment is still relevant for the consideration of the application.

10.2 The standardised assessment methodology for daylighting is set out within the BRE document Site Layout Planning for Daylight and Sunlight (BRE, 2011). Within this document it is set out that the primary tool is the Vertical Sky Component (VSC) and that the target value for windows to retain the potential for good daylighting is 27% or more than 0.8 times its former value.

10.3 In terms of scope, the daylight assessment from Delva Patman Redler assessed the following neighbouring properties:

- Palmerstone Court
- 82 Bunns Lane
- 80 Bunns Lane
- Farmhouse Court, 19-24 Bunns Lane
- 27-30 Lancaster Close
- 17 Grahame Park Way
- 19 Grahame Park Way

10.4 The scope of the assessment is considered to be appropriate and includes all of those properties which would be likely to experience the greatest impact from the development in terms of daylight. Of all the windows assessed within the aforementioned properties, all would comply with the requisite BRE standards for VSC demonstrating that they would all retain good levels of daylighting.

10.5 In order to provide a more robust and comprehensive assessment, the report goes on to assess the daylight impact on the neighbouring properties in terms of Average Daylight Factor (ADF) and No Sky Line (NSL). In respect of ADF, all of the windows assessed would comply with BRE standards whilst in terms of NSL only the following windows would breach the BRE guidelines:

- 82 Bunns Lane – A single side panel of a ground floor living room bay window
- 27 and 30 Lancaster Close – A bedroom window in each of the properties

10.6 In respect of 82 Bunns Lane, the failure relates to a single side panel of a bay window with all of the other panels in compliance whilst in respect of 27 and 30 Lancaster Close, the failure relates to a single bedroom window in each property. In both cases, it is considered that the failures are negligible in the context of the VSC/ADF compliance and in the context of the number of windows assessed.

#### Sunlight

10.7 In relation to sunlight, the BRE recommends that the Annual Probable Sunlight Hours (APSH) received at a given window in the proposed case should be at least 25% of the total available including at least 5% in winter. Where the proposed values fall short of these, and the absolute loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period. The BRE guidelines state that “..all main living rooms of dwellings should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block out too much sun”.

10.8 In terms of scope, the daylight assessment from Delva Patman Redler assessed the following neighbouring properties all of which have a window facing within 90 degrees of due south in accordance with the BRE assessment criteria:

- Palmerstone Court
- 82 Bunns Lane
- 80 Bunns Lane
- Farmhouse Court, 19-24 Bunns Lane

10.9 The results of the assessment show that all of the windows assessed within the aforementioned properties would comfortably accord with the APSH criteria set out by the BRE, demonstrating that good levels of sunlight would be retained.

#### Outlook

- 10.10 The proposed development varies in height with the highest element being Block A at 16 storeys reducing down to a minimum of 6 storeys and when viewed from the facing windows of the surrounding residential properties, it is inexorable that the development would be clearly visible due to this height and scale. Nevertheless, in terms of assessment the key matter is whether by virtue of the proximity, size and scale of the development; it would have a significant and unacceptable impact on the living conditions of the neighbouring residential occupiers.
- 10.11 In terms of separation distances, to the west the development would enjoy a separation distance of over 100 metres from the closest residential properties; to the north would be a separation distance of over 50 metres to the closest residential properties (and nursery) on Bunns Lane and to the east would be a separation distance of over 70 metres to the closest residential properties.
- 10.12 To the north, the relative proximity of the Bunns Lane proximity would be mitigated by the fact that the development would step down to 6 storeys at this point ensuring that it would not present an overly obtrusive or overwhelming when viewed from the residential windows. In the case of the east and west, the separation distances are considered to be significant enough to ensure that there would be no significant harm in terms of the impact on the outlook from these properties.

#### Privacy

- 10.13 As set out in paragraph 10.11 above, the development would enjoy significant separation distances from the surrounding neighbouring properties which would ensure that there would be no harmful impacts arising in relation to a loss of privacy to neighbouring residential occupiers.

### **11.0 Sustainability**

- 11.1 London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- Be lean: use less energy
  - Be clean: supply energy efficiently
  - Be green: use renewable energy
- 11.2 Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that



sustainable design standards are integral to the proposal, including its construction and operation.

- 11.3 Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.
- 11.4 The application is accompanied by an Energy Statement from Chapman BDSP (November 2017) which sets out how the development accords to the London Plan energy hierarchy.

#### Be Lean

- 11.5 The design approach for the development would give priority to the optimisation of the building fabric performance in order to reduce the need for heating, cooling and lighting. Passive measures included within the development to reduce energy demand would include the following:
- high levels of insulation for exposed solid envelope elements
  - double glazed windows;
  - optimised glazing-to-wall ratio on the exposed facades based on solar gains for thermal comfort, daylighting for visual comfort and responding to surrounding issues, such as noise and air pollution;
  - improved airtightness;
  - maximised passive ventilation potential;
  - external solar shading protecting glazed areas from
  - unwanted solar gains.
- 11.6 In addition to the measures outlined above, all dwellings would be provided with a high efficiency whole-house mechanical ventilation with minimum fresh air and very high heat recovery rate. Artificial lighting would use low-energy light fittings and efficient lighting controls that include presence/absence detection and daylight linked dimming where appropriate. Supplementary heating would also be provided via radiators whilst cooling for the non-domestic assets will be supplied from the efficient air-cooled chillers in the basement.
- 11.7 In addition to those measures outlined above, the scheme would incorporate other passive features that cannot directly be accounted for using the SAP 2012 methodology however which would further improve environmental performance and reduce emissions of the development. These measures include the following:
- Internal layouts and glazing position optimisation for good daylighting access.
  - Indoor water consumption of less than 105 litres/person/day
  - Energy efficient appliances
  - Water efficient irrigation strategies for communal areas

- Rainwater attenuation in ponds or open water features

#### Be Clean

- 11.5 At the present date, there is no district network available in close proximity of the application site. the closest planned district heating network is within the Colindale Regeneration Area which is located to the south-west of the site. Notwithstanding the absence of implementation plans for the Colindale network at this point in time, connection to any Colindale network from the development would likely be impracticable due to the motorway infrastructure between the two locations. Nevertheless, the development would be constructed with capped connections to allow for connections to any district heating network which may come forward in future.
- 11.6 The development would be served by a communal heat network from a single energy centre/plantroom. A gas-fired Combined Heat and Power (CHP) plant to help offset carbon emissions through efficient heat and power generation would also be provided within the development.

#### Be Green

- 11.7 Although the available unshaded roof area of the development is relatively small when compared to the development's area and electricity requirements, Solar Photovoltaic technology are proposed for use in order to fully maximise the use of renewable energy generation.
- 11.8 The report from Chapman concludes that Solar Thermal, Wind Turbines, Ground Source Heat Pumps and Biofuels/Biomass are not appropriate for use within the development. The reasons for the omissions are considered to be sound and the conclusions reasonable.

#### Summary

- 11.9 All of the measures outlined above combine to give the following site wide regulated carbon dioxide emissions:

	<b>Total Regulated Emissions (Tonnes per year)</b>	<b>CO2 Savings (Tonnes per year)</b>	<b>Percentage saving</b>
Part L Baseline	1161.91	-	
Be Lean	1085.49	76.42	7%
Be Clean	751.35	334.14	29%
Be Green	640.01	111.34	10%
		<b>Co2 Savings off set</b>	
<b>Off-set</b>		13335.63	

11.10 In summary, the application is largely in accordance with the London Plan energy hierarchy. The domestic elements reduce carbon emissions by 48% whilst the non-domestic elements would reduce carbon emissions by 36%; this exceeds the target set out in current Policy 5.2. Nevertheless, in line with the zero carbon objectives, if permission were granted a financial contribution would be sought with regards to the Council's carbon offset fund commensurate with the level of shortfall below 100%.

#### Other Sustainability Matters

11.11 With regards to the Code for Sustainable Homes (CSH), the government issued a Written Ministerial Statement which confirmed that the scheme has been withdrawn with immediate effect. Therefore planning applications, other than those which have already been approved with a CSH condition, are no longer required to comply with the code.

11.12 In relation to the non-residential floorspace, the Council supports the use of Building Research Establishment Environmental Assessment Method (BREEAM) which is used to measure the environmental performance of non-residential buildings and a standard of 'Very Good' is required in all new non-residential developments. Therefore, if permission were to be granted, a condition would be attached to ensure that the development achieved a minimum standard of 'Very Good' on implementation.

### **12.0 Transport / Highways**

12.1 Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

#### Car Parking

12.2 The London Plan sets out maximum parking standards which are outlined in the table below:

Suburban	150-200 hr/ha	Parking provision	150-250 hr/ha	Parking provision	200-350 hr/ha	Parking provision
Parking for residential development						
3.1-3.7 hr/unit	40-65 u/ha	Up to 2 spaces per unit	35-65 u/ha	Up to 1.5 spaces per unit	45-90 u/ha	Up to one space per unit
2.7-3.0 hr/unit	50-75 u/ha		40-80 u/ha		55-115 u/ha	
			50-95 u/ha		70-130 u/ha	
Urban	150-250 hr/ha		200-450 hr/ha		200-700 hr/ha	
3.8-4.6 hr/unit	35-65 u/ha	Up to 1.5 spaces per unit	45-120 u/ha	Up to 1.5 spaces per unit	45-185 u/ha	Up to one space per unit
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	Up to one space per unit	70-260 u/ha	
Central	150-300 hr/ha		300-650 hr/ha		650-1100 hr/ha	
3.8-4.6 hr/unit	35-80 u/ha	Up to 1.5 spaces per unit	65-170 u/ha		140-290 u/ha	Up to one space per unit
3.1-3.7 hr/unit	40-100 u/ha		80-210 u/ha	Up to one space per unit	175-355 u/ha	
2.7-3.0 hr/unit	50-110 u/hr	Up to one space per unit	100-240 u/ha		215-405 u/ha	

- 12.3 Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the on a sites Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units with the range of provision is as follows:
- Four or more bedroom units - 2.0 to 1.5 parking spaces per unit
  - Two and three bedroom units - 1.5 to 1.0 parking spaces per unit
  - One bedroom units - 1.0 to less than 1.0 parking space per unit
- 12.4 Based on the PTAL of the site, a policy compliant scheme would necessitate a range of between 583 (0.83 spaces per unit) and 930 (1.33 spaces per unit) parking spaces for the 724 residential units. The scheme would deliver 540 residential car parking spaces including 40 visitor parking which will equate to a ratio of 0.75 spaces per unit with 72 of these spaces being provided for disabled use.
- 12.5 Notwithstanding that the parking ratio is below the policy compliant position, officers consider that the parking provision is acceptable for a number of reasons. Firstly, that solely Build to Rent tenure of the development is important to consider. It has been established through research that levels of car ownership within the rented sector are significantly below that in traditional market housing with owner occupiers. Less than 50% of those who live in rented accommodation within the borough own a car which would suggest that there would be a largely similar demand for car parking within the current development.
- 12.6 Secondly, whilst the site has a poor PTAL of 1 the qualitative connectivity of the site would be improved through a range of measures including improved cycling/pedestrian linkages, wayfinding and a financial contribution towards an extra hourly bus service which would serve Mill Hill Broadway. All of these measures would combine to provide viable alternatives to travel by car in line with overarching strategic policies promoting sustainable modes of transport.
- 12.7 Thirdly, looking at the development holistically – any increase in the current level of parking could likely only be achieved through additional ground level parking, at the expense of landscaping and amenity space, or additional excavation at basement

level to provide parking – the significant cost of which would have a detrimental impact on the viability of the scheme and the level of affordable housing secured.

- 12.8 On the basis of the above, the parking ratio of 0.75 spaces per unit is considered to be appropriate for the development. The relationship of the application site to the surrounding residential areas and its isolated nature would minimise the extent to which it is likelihood of overspill parking. It should also be noted that parking beat surveys undertaken by the applicant and shown within the transport assessment show adequate residual capacity to accommodate any limited overspill parking which may occur.

#### Vehicular Access

- 12.9 Vehicular access to the site would be solely from the south utilising the existing on and off slip roads from the A1. A two-way vehicular road would run adjacent to the western boundary of the site along with Mill Hill Walk which would run through the centre of the site with access limited to taxis, short stay pick up/drop off and deliveries. This arrangement is considered to be acceptable and would ensure a robust and functional vehicular layout whilst also providing a high quality landscaped central area, not dominated by vehicles.
- 12.10 A pedestrian and cycle access would be provided to the north of the site to provide access to Bunns Lane. Following on from discussions with GLA and LPA officers, the access was amended to provide a more legible and direct route which has been achieved through stepped access leading to a colonnade through Block H providing access to the central area of the development. An adjacent indirect ramped access would provide access for cycles and wheelchairs at a suitable gradient.

#### Cycle Parking

- 12.11 The development would provide 1182 cycle spaces across the site. The residential cycle parking provision would accord with both London Plan Policy 6.9 and draft London Plan Policy T5. However, for the retail and commercial uses, an additional 7 spaces for staff and 42 spaces for visitors would be required, alongside lockers and showers in order to be fully compliant. The additional spaces, facilities and the full details of the cycle provision would be secured through condition were permission to be granted.

#### Highway Network Impact

- 12.12 The Transport Assessment from Velocity contains junction impact assessments of all junctions within the local area which could be affected by the development. The assessment establishes the baseline conditions at each junction which are expressed through Reserve Flow Capacity (RFC) and then goes on to model the impact of the proposed development on each of the junctions with the resultant impact also expressed through RFC.

12.13 The modelling undertaken for all of the junctions assessed show that all junctions would experience a minor or negligible impact with the notable exception of the following:

- Junction 7 – Bunns Lane / Pursley Road / Page Street Mini Roundabouts – Minor Adverse

12.14 The TA acknowledges that this junction are currently is at capacity and as such would be sensitive to any increase in traffic levels, even minor. The operation of this junction is considered to be particularly important given that the 221 bus service which serves the site and upon which public transport connectivity to the site is predicated utilises this junction.

12.15 Officers therefore consider that mitigation would have to be put forward in order to make the application acceptable in this respect. Given the existing baseline conditions at the mini roundabouts which show them at capacity, some preliminary work has already been undertaken by the Council to establish the most viable junction remodelling strategy. It is considered appropriate that if permission were to be granted, a financial contribution would be sought from the applicant towards the implementation of the Council's preferred mitigation strategy. At the time of writing this report, the preferred option of the Council had not been costed so the final amount of contribution which would be sought cannot be reported. If permission were to be granted, the amount of contribution would be commensurate with the level of impact arising from the development and cognisant of the existing baseline conditions. Subject to such a contribution being secured through the S106, the development would be acceptable from this perspective.

#### Public Transport Impact:

12.16 The Transport Assessment from Velocity has been fully assessed by LPA transport officers as well as TfL and it is considered that the proposed development would generate approximately one full bus load of passengers during the peak hours, which the existing route 221 would not be able to accommodate.

12.17 With this in mind, if permission were to be granted, a financial contribution of £95k per annum for 5 years (a total of £475k) would be sought to add an additional return bus journey to the route. Such a contribution be secured through the Section 106 and would ensure that the development would be acceptable in this respect.

#### PERS Audit:

12.18 Any highway works identified in the vicinity of the site as part of PERS, the applicant would be required to fund as part of the S106 Agreement and would then be concluded under a Section 278 Agreement if permission were granted.

#### Refuse Collection / Servicing

- 12.19 The proposed refuse strategy would involve the storage of both residential and commercial refuse in purpose built enclosures within the site for collection. The location of the refuse storage areas is considered to be logical and appropriate and swept path analysis show that a refuse vehicle could safely access the site and carry out the necessary collections. If permission were to be granted, a condition would be attached securing a refuse collection strategy along with a deliveries and servicing strategy pertaining to both residential and commercial servicing.

#### Trip Generation

- 12.20 It is projected that the extant development could generate 56 vehicle movements in the AM peak hour, and 124 in the PM peak hour (based on Gross Internal Area). A multimodal trip generation exercise for all proposed site uses has identified that development will generate 108 and 125 vehicle movements in the AM and PM peak hours respectively. The vehicle movements generated represent an additional 52 and 1 movements in the AM and PM peak hours respectively, by comparison to the permitted use of the existing site.

### **13.0 Planning Obligations**

- 13.1 Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.
- 13.2 In accordance with development plan policies the following obligations are required to be secured through a legal agreement with the developer. If permission were granted it is considered that the package of planning obligations and conditions recommended would, when considered alongside the financial contributions that the development would be required to make under the Barnet CIL, mitigate the potential adverse impacts of the development and ensure the provision of the funding needed for the delivery of the infrastructure that is necessary to support the scheme.
- 13.3 Whilst the application is recommended for refusal, the following planning obligations would be sought if permission were to be granted.

#### Highways / Public Realm

- A financial contribution of £475,000 to be made towards the introduction of an additional 221 bus service;
- All works necessary to the public highway and/or identified within the PERS to be undertaken under Section 278 and in agreement with the LPA;

- A financial contribution (to be agreed with TfL) to be made towards the relocation of bus stops on the A1 and Bunns Lane;
- A feasibility study to be undertaken with regards to the potential for improvements to the M1 pedestrian bridge including the requisite liaison with Highways England. If shown to be feasible then improvements to be implemented in accordance with a scheme to be agreed with the LPA and at the cost of the developer;
- A lighting, public art and public realm improvement scheme is to be submitted and agreed with the LPA in relation to the pedestrian underpass of the M1. The agreed scheme is to be implemented at the developers cost;
- A financial contribution towards the implementation of scheme of highway improvements to be agreed with the LPA in relation to the junction at Bunns Lane/Pursley Road/Page Street. Contribution to be agreed with the LPA/TfL and commensurate with the level of impact arising from the development;
- A Strategic Level Residential Travel Plan requiring monitoring contributions of £20,000 along with a full Commercial Travel Plan requiring monitoring contributions of £15,000. The residential Travel Plan incentives to be secured with each 1st household to be offered to select 2 of the 3 following incentives to the value of £300 (up to a maximum of £217,200):
  - Oyster card with £150 credit
  - Cycle shop voucher to the values of £150
  - Car club credit/membership to the value of £150

#### Affordable Housing

- No less than 35% of the habitable rooms within the development shall be provided as affordable housing with 70% provided as Discounted Market Rent (at a discount of 20% on market rent) and 30% provided at London Living Rent levels. For the avoidance of doubt, London Living Rents shall not exceed the LLR's published levels;
- A mechanism to be included to ensure that the discounted market rent units shall be affordable to occupiers on maximum incomes of £60,000 based on a rental cost not exceeding 40% of net income, including service charge;
- All affordable housing is to be retained in perpetuity with nomination rights granted to the LPA;



- A positive early stage review mechanism to be inserted to capture any uplift up to a policy compliant level of 40%;
- Covenant to retain PRS units for 15 years and a clawback mechanism to be agreed if the covenant is broken and any of the PRS units put out to open market (clawback = the difference between the total value of the market rent units based on the viability assessment at application stage and those units valued on a 'for sale' basis at the point of sale);
- 15% of non-affordable units shall be made available to key workers living in the borough with a cascade clause to be agreed to allow the units to revert to the open market after an appropriate period of marketing and engagement at each new letting to be agreed with the LPA.

#### Miscellaneous

- Part of the community floorspace (Use Class D1) is to be made available to a healthcare user in the first instance, a cascade clause to be inserted to allow the floorspace to revert to an open D1 use following an appropriate period of marketing and engagement to be agreed with the LPA;
- A carbon offset contribution would be secured in order to mitigate the shortfall below the zero-carbon target;
- The applicant would be expected to enter into a Local Employment Agreement (LEA) with the Council to deliver a minimum of the following:
  - 20 Progression into Employment roles
  - 13 Progression into Employment roles (over 6 months)
  - 34 Apprenticeships
  - 44 Work Experiences
  - 404 School/College/University site visit places
  - 222 School Workshop places

In lieu of delivering the above, the applicant would have the option of making a financial contribution of £864,702.

#### Community Infrastructure Levy

- 13.4 The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) at a rate of £135 per square metre as well as the Mayoral CIL. Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which will finally be made through the Barnet CIL at the time planning applications are determined.

- 13.5 The CIL liability of the scheme is determined by the amount of new floorspace being provided, deducting both the social housing element and the office floorspace, both of which are exempt from CIL liability.

#### **14.0 Flood Risk / SUDS**

- 14.1 Policy CS13 of the Barnet Core Strategy states that “we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels”.
- 14.2 The application is accompanied by a Flood Risk Assessment from Heyne Tillett Steel (November 2017) which was fully assessed by the Council’s appointed drainage specialists. The methodology of the assessment is accordant with best practice and the results show that the development would incorporate measures that would minimise the likelihood of flooding. If permission were granted, conditions would be attached to secure the mitigation measures and to clarify a number of minor issues identified within the review.

#### **15.0 Light Pollution**

- 15.1 The application is accompanied by a Visibility and Light Pollution Assessment from EB7 regarding potential light pollution from the site, in particular the document assesses the potential impact on the performance of UCL’s Observatory which is located about 0.5km north of the site.
- 15.2 Potential light pollution from the development and its impact on the performance and view of the night sky from the UCL observatory was identified as an issue early on in the development process and indeed was included within the adopted planning brief as a material consideration.
- 15.3 The Visibility and Light Pollution Assessment from EB7 concludes that the development would be almost completely obscured from the Observatory and would fall below the tree Line adjacent to the Observatory. The assessment goes on to conclude that the view of the night sky would not be detrimentally impacted and that illuminance levels at the windows of residential properties would cause a negligible or barely discernible change to current baseline conditions. Officers consider that these conclusions are reasonable and thus there would no basis to resist the application for this reason.

#### **16.0 Crime Prevention / Community Safety**

- 16.1 Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.
- 16.2 To this end, the Metropolitan Police were consulted on the application and no objections were received. If permission were to be granted, a condition would be attached to ensure that the development complied with Secured by Design standards.

## **17.0 Conclusion**

- 17.1 In order to make a recommendation on the application, it is necessary to take a balanced judgment based on all of the issues identified as discussed within this report. It should be noted that the scheme does have some merit, particularly in terms of the level of affordable housing that would be provided and the design quality. Subject to mitigation being secured the scheme is also acceptable in other respects such as noise, air quality, transport impact and sustainability. However, it is clear that the development as proposed is of a height and scale which is wholly at odds with the established character of the surrounding areas and would represent an excessive and incongruous form of development. Officers consider that the level of harm that would arise from this excessive scale and incongruity would be significant enough as to outweigh the benefits of the scheme and to justify refusal of the application.
- 17.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development is contrary to the development plan in respect of its height and scale to an extent that would justify refusal of the application. Accordingly, subject to a Stage 2 referral to the Mayor of London, **REFUSAL** of the application is recommended.

**APPENDIX – SITE LOCATION PLAN**

