

**LOCATION:** Land Formerly Known As British Gas Works, Albert Road, New Barnet, Barnet, EN4 9SH

**REFERENCE:** 20/1719/FUL                      **Received:** 02 April 2020  
**Accepted:** 02 April 2020

**WARD:** East Barnet                      **Expiry:** 02 July 2020

**APPLICANT:** Citystyle Fairview VQ LLP

**PROPOSAL:** Redevelopment of the site to provide 652 residential units (Use Class C3) within 14 buildings ranging from 1 to 10 storeys and a single storey Plaza Kiosk building, with 327.6sqm of retail/commercial space and 111.3sqm of community space (Use Class A1/A2/A3/A4/B1/D1/D2) at ground floor; new public realm with communal landscaped amenity areas; alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes; 392 car parking spaces (including car club and accessible provision) with basement and surface level provision; secure cycle parking; servicing and other associated development

## **RECOMMENDATION 1:**

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

## **RECOMMENDATION 2:**

Subject to Recommendation 1 above, the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes of seeking to secure the following, subject to any changes as considered necessary by the Service Director or Head of Development Management:

- a) Legal Professional Costs Recovery  
Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- b) Enforceability  
All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- c) Indexation  
All financial contributions listed to be subject to indexation.
- d) Affordable Housing  
35% of habitable rooms to be provided as affordable with a tenure split of 59.8% Affordable Rent and 40.2% Shared Ownership. This equates to a total of 209 affordable units with the following mix:

London Affordable Rent (111 units)

20 x 1B 2P

50 x 2B 4P

41 x 3B 5P

Shared Ownership (98 units)

47 x 1B 2P

19 x 2B 3P

13 x 2B 4P

19 x 3B 5P

All affordable housing to be secured in perpetuity and an early stage review mechanism is to be secured and to be triggered if scheme not implemented within agreed timescale. The formula for this is set out within the Mayor's Affordable Housing SPG.

e) Employment and Enterprise

i) The applicant would be required to enter into a Local Employment Agreement with the Council in order to provide an appropriate number of employment outcomes for local residents, as follows:

- Progression into Employment (<6 months) – 10
- Progression into Employment (>6 months) – 5
- Apprenticeships – 7
- Work Experience – 22
- Site Visits – 204
- Site / School Workshops – 112
- Local Labour – 15%
- Local Supplier – 2
- Number of End Use Jobs – 15

Alternatively, the applicant may wish to make a financial contribution in lieu of the employment outcomes outlined above. Such a contribution would be commensurate with the number of outcomes secured and in line with the Barnet Delivering Skills, Employment, Enterprise and Training SPD guidance.

- ii) Owner to provide a dedicated workplace coordinator responsible for the Local Employment Agreement (LEA) implementation, coordination and delivery of LEA activities, during the development phase. If unable to provide a dedicated Workplace Coordinator, the Council will require payment of an equivalent cost to support alternative E&S activities.
- iii) Owners to pay a financial contribution of a) £20,000 per apprenticeship and b) 5,340 per other employment outcomes if not delivered as per agreement.
- iv) Employment and Training Contribution means the sum of £210,680 (Two Hundred and Ten Thousand Six Hundred and Eighty Pounds) (Index Linked) to be paid by the Owner to the Council and to be applied by the Council To support local economic development initiatives including but not limited to Employment and Skills training and Business Support, in the administrative area of the borough of Barnet.

f) Off Site Highways Improvement Works

The applicant shall, at its own expense, implement the following off-site highways improvement works (including but not limited to) to mitigate the impact of the development, with agreement of the Highways Authority. These works shall be undertaken under S278 of the Highways Act 1980.

- 1) The removal of an existing elevated pedestrian bridge and replacement with improved access and public realm and further improvements to the west of site i.e. resurfacing Network Rail land including the pedestrian tunnel resurfacing and vegetation clearance
- 2) Pedestrian improvements to consist of improved signing, and lighting under the railway bridge on East Barnet Road
- 3) Provision of new zebra pedestrian crossing facility on Victoria Road (north east of mini roundabout junction)
- 4) Replacement of an existing Zebra Crossing on East Barnet Road to Puffin Pedestrian Crossing south east of East Barnet Road and Lytton Road junction
- 5) Junction Improvements to Victoria Road and East Barnet Road including carriageway and footway widening and all associated highway works
- 6) Review existing Traffic Regulation Orders and any new restrictions for Albert Road East and West, Victoria Road, East Barnet Road in the vicinity of Lytton Road
- 7) Financial contribution towards CCTV monitoring of the pedestrian link - only under s106 and not also required under s278

g) Highway Improvements

- i) The details of the highway works will consist but not limited to cover the access points off Victoria Road; the realignment of the Albert Road (East and West); Improvements to Albert Road West; Improvements to the Albert Road East and Victoria Road Priority Junction; proposed development block entrances; the proposed car parking laybys throughout the development and proposed footways/cycle ways including new footpaths (adopted, unadopted and proposed for adoption).
- ii) Albert Road East and Albert Road West:  
All drawings relating to the highway layouts for Albert Road West and the adopted section of Albert Road East are for indicative purposes only. Detailed design of any improvements to the footway and carriageway as well as parking/traffic restrictions to be introduced in these areas are to be agreed as part of the s278 process.
- iii) Due to the scope of works proposed on the section of Victoria Road fronted by the development, suitable reinstatement works including resurfacing of the highways (including footways) should be undertaken and implemented by the developer at their own costs, but approved and supervised by Local Highway Authority. The approved works shall be completed at the applicant's expense based on an agreed layout with the Council, following the formation of a combined agreement under S38 and S278 of the Highways Act 1980 between the London Borough of Barnet and the Developer.

- iv) The proposals will require the stopping-up of areas of adopted highway under s247 of the Town and Country Planning Act, 1990 and road adoption under s38 of Highways Act, 1980. Details of the areas to be stopped up or adopted as highway will be subject to approval of the Highway Authority.
- v) All proposed designs and improvements must be accompanied by acceptable Road Safety Audits statements.
- h) Feasibility Study  
Financial Contribution of £25,000 towards a Feasibility Study on improvements to the Pedestrian and Cycling Environment surrounding the site, including upgrades to crossing facilities. To include all reasonably accessible Public Transport (PT) stops (Bus/Rail/LUL, and including New Barnet, Cockfosters and High Barnet stations) within a 20 minute walk or 10 minute cycle ride. The study to be based on TfL's Healthy Streets toolkit and principles.
- i) Feasibility Study Outcomes  
Financial Contribution towards the implementation of the outcomes of the Feasibility Study to a capped ceiling of £100,000 and triggered for delivery prior to occupation of any unit on the site.
- j) Provision of a crossing facility in the form of a Toucan Crossing at Victoria Road north east of mini roundabout junction near Albert Road (West). This scheme should be a combination of the two schemes described above under the existing S106 requirements in order to provide and deliver a compact improved junction which has appropriate pedestrian and cycling crossing facilities. Details of the scheme should be discussed and agreed with the Local Highway Authority and implemented thereafter by the developer in accordance with the approved scheme. Trigger for delivery is prior to occupation of the 28th residential unit on the site.
- k) Section 278 Highway Works  
All necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development in agreement with the Local Highways Authority.
- l) Travel Plan  
The applicant shall enter into a strategic level Travel Plan for the residential and commercial uses on the site that seeks to reduce reliance on the use of the private car and to ensure the sustainability of the development. The Travel Plan shall include the following obligations to facilitate modal shift in the choice of transport mode available to occupiers of the residential and commercial units as follows:
  - i) Residential Travel Plan (RTP):
    - Residential TP Statement (RTPS) that meets the requirements of the 2013 TFL TP guidance and is ATTrBuTE and iTRACEs compliant and contains targets to be submitted and approved by Council at least 6 months prior to 1st occupation.
    - iTRACE compliant monitoring to be completed within 5 months of 1<sup>st</sup> occupation and updated RTPS to be submitted for approval within 6 months of occupation.
    - iTRACE compliant monitoring to be completed in years 1,3,5 and then every other year until 5 years after the 1st occupation of the final unit.
    - RTPS to be revised and RTPS Review submitted for approval within 2 months of monitoring being completed.

- RTPS to be re-submitted for approval prior to each phase.
- RTPS Champion to be in place at least 3 months prior to occupation and for lifespan of RTP.
- At least 4 car club space to be provided.
- Welcome pack for all first occupants.
- 2x a year for 5 years Dr Bike maintenance sessions for residents.

ii) Commercial Travel Plan (CTP):

Should the non-residential uses have more than 20 staff then the following would be required:

- CTP that meets the requirements of the 2013 TFL TP guidance and is ATTrBuTE and iTRACE compliant to be submitted and approved by the Council within 6 months of 1<sup>st</sup> occupation of any commercial unit.
- CTP to cover any travel movements by staff, users and visitors to any commercial unit.
- iTRACE compliant monitoring to be completed in years 1, 3 and 5 and a revised CTP Review to be submitted for approval.
- CTP Champion to be in place within 3 months of occupation and for the lifespan of the CTP.
- Each commercial unit to have a Travel Plan Ambassador.

If non-residential uses have less than 20 staff then the following would be required as part of the CTP:

- CTP to include travel movements to and from the commercial units and targets, measures and actions for the commercial units.
- Each commercial unit to have a Travel Plan Ambassador.

m) Residential Travel Plan Incentives Fund

£300 per unit Residential Travel Plan Incentive Fund to be used by 1st occupiers to get 2 of the 3 TP incentives of the following:

- Oyster card with £150 credit
- Cycle shop voucher to the value of £150
- Car club credit/membership to the value of £150

n) Travel Plan Monitoring Contribution

Payment of a financial contribution of £15,000 to the Council towards its costs in promoting more sustainable modes of transport and monitoring both the residential and commercial travel plans that will be submitted for the development within twenty (20) working days of commencement of development.

o) Control Parking Zone (CPZ)

Financial contribution towards Local CPZ monitoring, consultation and implementation, final sum to be agreed.

p) Traffic Management Order

A contribution of £5,000 (per phase if applicable) towards the amendment of Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing parking permits in local CPZs.

q) Bus Service Contribution

A financial contribution to provide an additional bus service in the vicinity of the site. Amount to be agreed with TfL.

r) Tree Planting and Landscaping

The applicant shall submit a detailed landscaping and management scheme for the site; including tree planting, this will be subject to a Landscape Management Plan to be submitted to the Council prior to first occupation of a unit on the site. The strategy shall include:

(i) The provision of a mix of indigenous species and tree sizes (including semi-mature species) in suitable locations including in public open spaces provided within the site to be agreed with the local planning authority.

(ii) The maintenance of trees planted along any roads to be adopted by the Council for a period of 5 years by the applicant landowner/ successor in title or nominated management company.

(iii) A financial contribution to maintain the trees on the adopted public highway thereafter shall be provided by the applicant. This figure shall be calculated in accordance with guidance from LoTAMB Commuted sums for Highway Adoption A Guidance Note 2015 as revised.

s) Greenspaces

Parks and Open Spaces contribution sum of £283,721.90 index linked towards the improvement and enhancement of Victoria Recreation Ground.

t) Carbon Offset Contribution

Payment of £485,712 index linked as a contribution to ensure that the Development achieves net zero carbon dioxide emissions, in accordance with the Mayor of London's Zero Carbon target for new developments.

u) Monitoring Fee

A contribution of £5,000 towards the monitoring of the S106 agreement.

### **RECOMMENDATION 3:**

That subject to Recommendation 1 and upon completion of the agreement specified in Recommendation 2, the Service Director of Planning and Building Control or Head of Strategic Planning to approve the planning application reference 20/1719/FUL under delegated powers, subject to the conditions as set out within this report.

That the Committee also grants delegated authority to the Service Director of Planning and Building Control or the Head of Development Management to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

## **CONDITION(S)**

Conditions and Informatives will be reported in full in the Addendum.

### **1. MATERIAL CONSIDERATIONS**

#### **1.1 Key Relevant Planning Policy**

##### Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

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

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

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application, is set out in subsequent sections of this report dealing with specific policy and topic areas.

The development proposals have been considered very carefully against the relevant policy criteria and, for the reasons set out in this report, have concluded that the development will fulfil them to a satisfactory level, subject to the conditions and planning obligations recommended. The proposed development is considered to comply with the requirements of the development plan.

##### National Planning Policy Framework (February 2019)

The 2019 NPPF was adopted in February 2019 replacing the 2012 NPPF and includes minor clarifications to the revised version published in July 2018. The NPPF sets out the Government's planning policies for England and how these should be applied<sup>1</sup>. It provides a framework within which locally-prepared plans for housing and other development can be produced.

The NPPF states that, "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF also states that the purpose of the planning system is to contribute to the achievement of sustainable development. In addition the NPPF retains a 'presumption in favour of sustainable development', unless any adverse

impacts of a development would "significantly and demonstrably" outweigh the benefits.

### The London Plan 2016

The London Plan 2016 (Consolidated with Alterations since 2011) 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:

##### 2.2 (London and the Wider Metropolitan Area)

##### 2.7 (Outer London Economy)

##### 2.8 (Outer London Transport)

##### 2.13 (Opportunity Areas and Intensification Areas)

##### 2.15 (Town Centres)

##### 2.18 (Green Infrastructure: The Multi-Functional Network of Green and Open 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)

##### 3.13 (Affordable Housing Thresholds)

#### London's Economy:

##### 4.1 (Developing London's Economy)

##### 4.3 (Mixed Use Development and Offices)

##### 4.7 (Retail and Town Centre Development)

##### 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)

##### 5.9 (Overheating and Cooling)

##### 5.10 (Urban Greening)

##### 5.11 (Green Roofs and Development Site Environs)



- 5.12 (Flood Risk Management)
- 5.13 (Sustainable Drainage)
- 5.14 (Water Quality and Wastewater Infrastructure)
- 5.15 (Water Use and Supplies)
- 5.17 (Waste Capacity)
- 5.21 (Contaminated land)

#### London's Transport:

- 6.1 (Strategic Approach)
- 6.2 (Promoting 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)
- 6.12 (Road Network Capacity)
- 6.13 (Parking)

#### London's Living Spaces and Places:

- 7.1 (Lifetime Neighbourhoods)
- 7.2 (An inclusive Environment)
- 7.3 (Designing Out Crime)
- 7.4 (Local Character)
- 7.6 (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 and Managing Noise)
- 7.18 (Protecting Local Open Space and Addressing Local Deficiency)
- 7.19 (Biodiversity and Access to Nature)
- 7.21 (Trees and Woodland)

#### Implementation and Monitoring Review:

- 8.2 (Planning Obligations)
- 8.3 (Community Infrastructure Levy)

### Draft Replacement London Plan 2017

The Draft London Plan (DLP) published November 2017 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.

The Inspector Panel Report following the Examination in Public was published in October 2019. The Inspector Panel was broadly supportive of the majority of the DLP, subject to several changes being made. The Mayor has subsequently declared in December 2019 it's 'intention to publish', accepting some but not all of the Inspector's recommendations. As not all of the Inspector's recommendations have been accepted. It is for the Secretary of State to decide whether the DLP can proceed to adoption.

Due to the advanced nature of the DLP increasing weight should be attached to those policies which the Inspector's report considered sound. Nevertheless the London Plan 2016 remains the statutory development plan until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2016 London Plan, while noting that account needs to be taken of emerging policies.

### 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 Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

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 integrated community facilities and uses)

CS11 (Improving health and wellbeing 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)

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:

New Barnet Town Centre Framework (2010)  
Planning Obligations (April 2013)  
Residential Design Guidance (April 2013)  
Sustainable Design and Construction (April 2013)  
Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)

#### Strategic Supplementary Planning Documents and Guidance:

Barnet Housing Strategy 2015-2025  
Accessible London: Achieving an Inclusive Environment (April 2004)  
Sustainable Design and Construction (May 2006)  
Wheelchair Accessible Housing (September 2007)  
Planning for Equality and Diversity in London (October 2007)  
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)  
All London Green Grid (March 2012)  
Housing (March 2016)  
Affordable Housing and Viability (August 2017)  
The Control of Dust and Emissions during Construction and Demolition (July 2014)  
Mayor's Transport Strategy (2018)

#### Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's Emerging Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

#### 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.

## **2. PLANNING CONSIDERATIONS**

### **2.1 Site Description**

- 2.1.1 The application site is located to the north of Victoria Road comprising of land formerly part of the British Gas Works site. The site is 3.03ha and currently vacant with the former buildings, structures and hard surfacing removed. The site has also been decontaminated and the basement car park dug out in accordance with the extant Planning Permission ref: B/04834/14, which is one of three permissions granted for the site.
- 2.1.2 The site is located on the edge of New Barnet town centre which is to the immediate south along East Barnet Road. Adjoining the site to the east is Victoria Park (aka Victoria Recreation Ground) with the New Barnet Leisure Centre located on the eastern side of the park. The Albert Road Gas Works is located to the north with a right of access provided from Albert Road running through the site. The wooded embankment to the railway line runs along much of the western boundary, with the railway line raised 10m above the site. In the south west corner are a number of two storey buildings including the Buildings Arms and The Railway Bell PH. A range of two and occasionally three storey semi-detached and terrace houses are located to the south east of the site.
- 2.1.3 Between the cleared application site and the Gas Works site to the north is an elevated, caged pedestrian walkway (approx 3-4m above ground level) which crosses the site from east to west and provides a pedestrian route via a tunnel beneath the network rail track between Victoria Park (to the east) and Cromer Road (to the west). This is a public right of way.
- 2.1.4 The site is accessed via Albert Road which in turn is accessed off East Barnet Road/Victoria Road. The present access arrangements require that vehicles entering the site use the eastern arm of Albert Road whilst those exiting may use either arm.
- 2.1.5 The site is located approximately 200m to the north east of New Barnet Station with Great Northern and Thameslink providing regular services to Kings Cross and Luton Airport. There are a range of bus services from nearby bus stops located on East Barnet Road with services to various transport hubs. Further and circa 1.6km to the east is Cockfosters Station on the Piccadilly Line and 1.4km to the west is High Barnet on the Northern Line. The majority of the site has a Public Transport Accessibility Level (PTAL) score of 3 however this drops to 1b for a section at the northern end of the site.
- 2.1.6 Within the town centre on East Barnet Road, building heights generally range from 2 to 4 storeys with the exception being the Sainsbury's store. Beyond the railway embankment is a mixture of office, retail and residential buildings varying in height from 2 to 8 storeys around the district centre. To the west of the railway bridge on Station Road the height and massing increases with a number of large blocks extending up to 11/12 storeys in height.
- 2.1.7 The site is not within a conservation area and there are no statutory or locally listed buildings on site. The application site is located within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding).

## 2.2 Relevant Planning History

2.2.1 The majority of the planning history comprises of historic applications relating to the use of the site by National Grid, which are of little relevance to this current application. However there a number of planning applications which have been granted which are relevant to this proposal. These are detailed below.

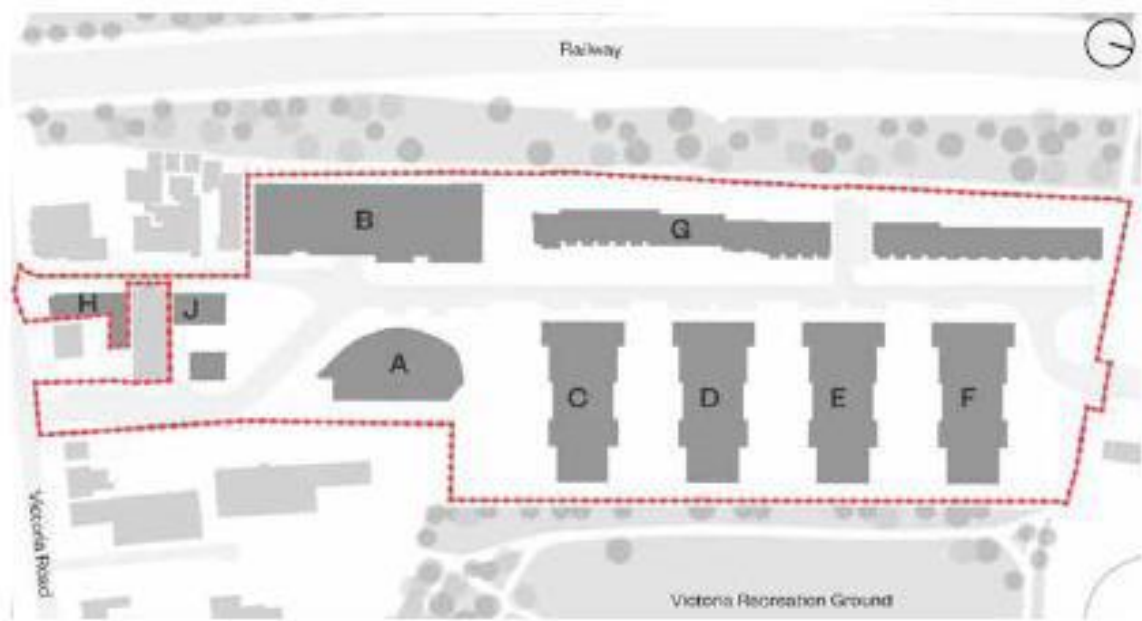
Adjoining site:

- Application Ref: 17/6422/FUL, 9 Albert Road - Redevelopment of the site to provide a five storey building comprising 9no. self-contained flats with associated basement parking, refuse and recycling store, amenity space, cycle storage. Refused 5<sup>th</sup> December 2017, reason for refusal – insufficient evidence provided to indicate that the existing employment site has been effectively marketed for at least 12 months. Allowed at Appeal, dated 20<sup>th</sup> March 2019.

Application site:

- Application Ref: B/04834/14 - The first permission was granted in May 2015 (following completion of the legal agreement) for 305 residential units including 15% affordable, 674sqm mixed use commercial space. This included creation of new public open space; alteration and additions to the existing highways arrangements, the removal of the existing elevated footbridge and creation of new pedestrian routes together with associated works including landscaping, provision of basement and surface car parking, servicing and plant area.

The site boundary for this application is provided below:



The permission has been formally implemented and the following conditions relating to the site clearance, demolition and remediation discharged:

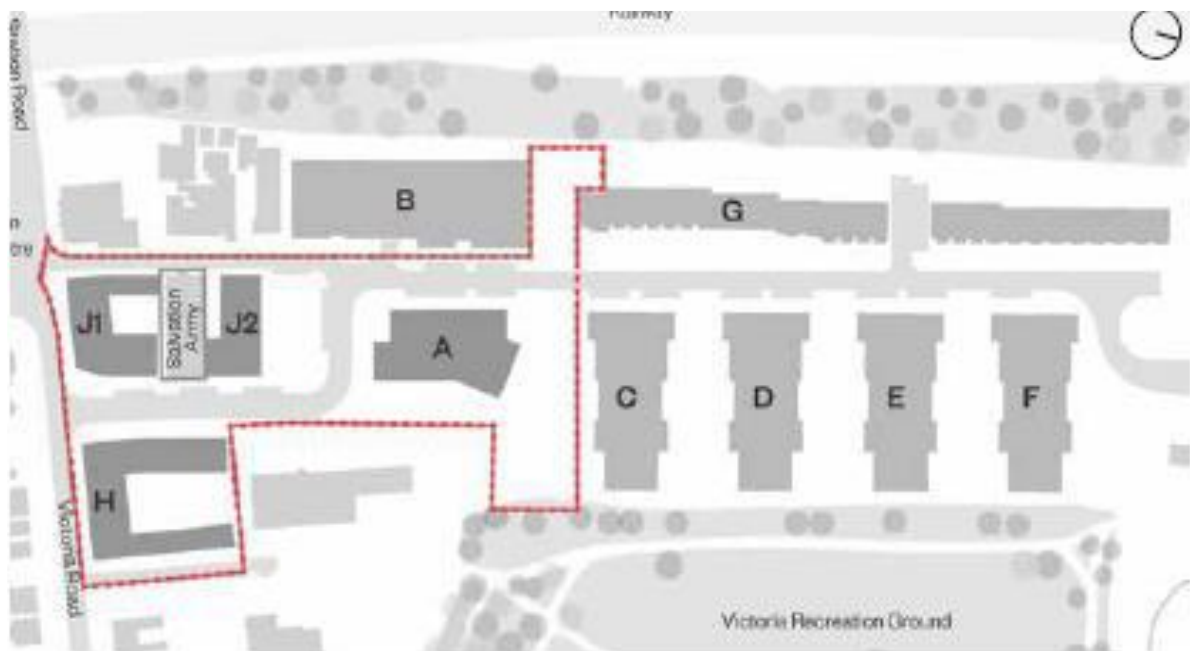
Condition 4 – Water Course (17/1476/CON)

Condition 5 – Hazardous Substance Revocation (16/2195/CON)  
 Condition 7 – Construction and Management (17/7160/CON)  
 Condition 27 – Site Waste Management plan (16/4311/CON)  
 Condition 38 – Drainage (16/3626/CON & 17/3583/CON )  
 Condition 40 – Demolition & Construction Method Statement (16/4336/CON)  
 Condition 41 – Remediation and Verification Strategy (16/2785/CON,  
 17/1476/CON & 18/3278/CON)  
 Condition 57 – Air Quality Assessment (16/4887/CON)  
 Condition 59 – Tree Protection (16/3459/CON & 17/2053/CON)  
 Condition 60 – Tree Method Statement (16/3459/CON)  
 Condition 61 – Tree Excavations (16/3459/CON, 17/2053/CON &  
 17/7160/CON)  
 Condition 62 – Ecology Mitigation Measures (16/2193/CON)  
 Condition 63 – Site Clearance Works (16/2193/CON)  
 Condition 69 – Bat Boxes (16/3565/CON)  
 Condition 74 – Excavations and Earthworks (16/3894/CON)

Associated works including demolition, site remediation, sewer diversion, drainage and excavation of the basement areas for the proposed car park having commenced.

- Application Ref 16/7601/FUL: Second permission was granted in July 2020 (following completion of legal agreement) to cover an additional piece of land to the front of the site as well as part of the existing site (southern part of the site). This was for an additional 104 residential units (net increase of 52 units), 623sqm of mix use commercial floorspace (A1/B1/D1/D2), the creation of new publically accessible open spaces, pedestrian routes and car parking, cycle parking and landscaping.

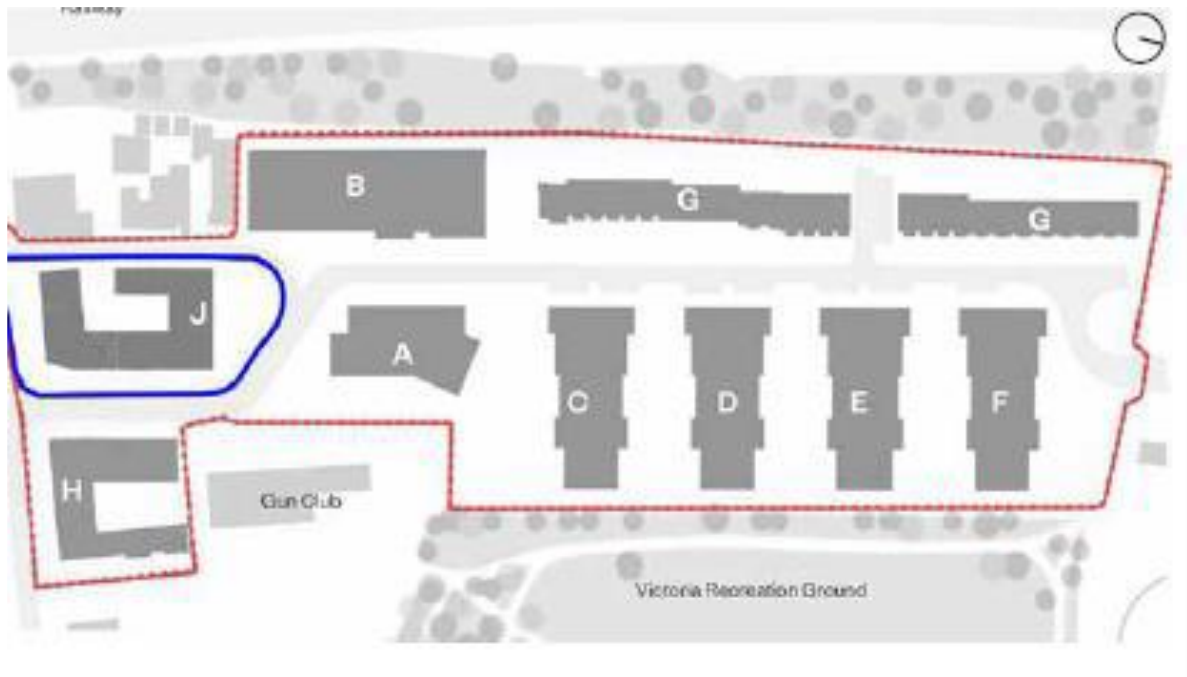
The site boundary for this application is provided below:



- Application Ref 17/5522/FUL: The third application was granted in July 2020 (following completion of legal agreement) relates to the southern area (front part – Block J) of the site to construct 39 residential units and 265sqm of

commercial/retail/office floorspace (Use Class A1 – A4/B1/D1/D2), the creation of new publicly accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping.

The site boundary for this application is shown in blue below:

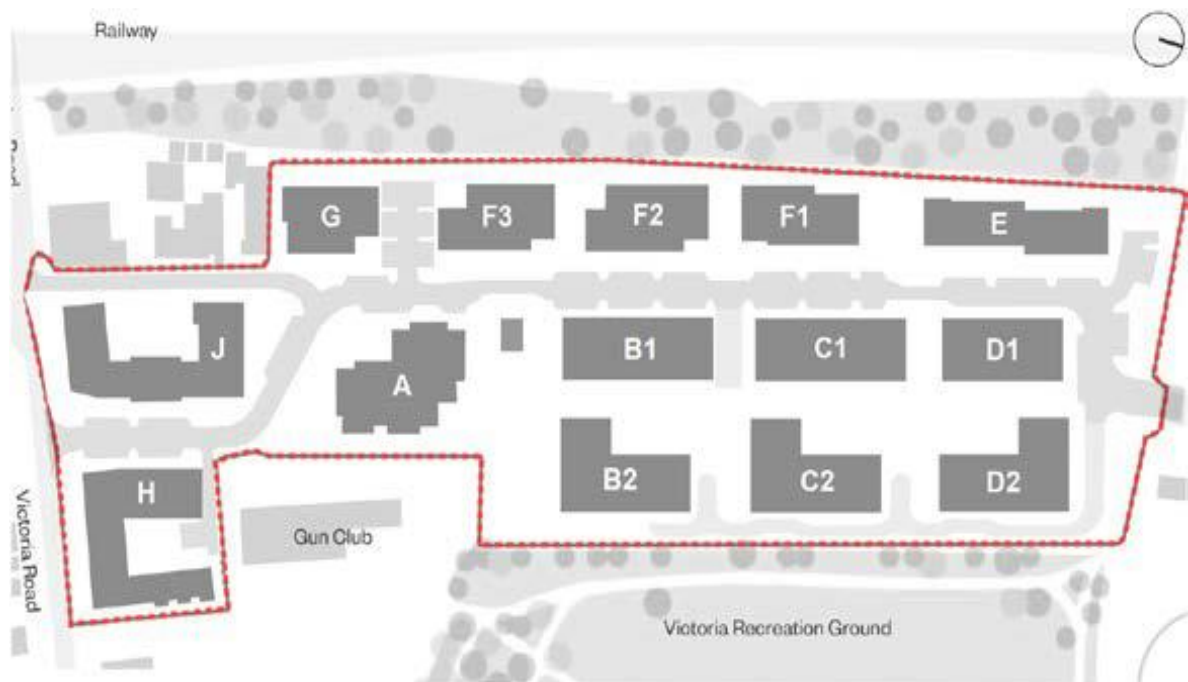


- 2.2.2 The extant planning permissions result in a combined scheme which provides a total of 371 units; 18% affordable by habitable rooms; 618m<sup>2</sup> of mix use commercial floorspace; and 396 car parking spaces along with the other improvements to the surrounding area secured via legal agreement.

### **2.3 Proposed Development**

- 2.3.1 This application seeks planning permission for the redevelopment of the entire site to provide 652 residential units (Use Class C3) within 14 buildings ranging from 1 to 10 storeys; and a single storey Plaza Kiosk building, with 327.6sqm of retail/commercial space and 111.3sqm of community space (Use Class A1/A2/A3/A4/B1/D1/D2) at ground floor; new public realm with communal landscaped amenity areas; alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes; 392 car parking spaces (including car club and accessible provision) with basement and surface level provision; secure cycle parking; servicing and other associated development.

The site boundary for this application is provided below:



- 2.3.2 The proposal would provide a total of 652 units with 35% as affordable housing by habitable room equating to 209 units of both London Affordable Rented and Shared Ownership. The scheme seeks to optimise the provision of residential development on the site, providing high quality accommodation and positively responding to the site constraints.
- 2.3.3 The site has been laid out in a series of blocks arranged with regard to the locational characteristics and constraints including the network rail line and embankment land, Victoria Park, the National Grid depot including its right of access, culverted watercourse and surrounding trees and topography. A central spine road serves the site and National Grid depot, connecting to the existing Albert Road East and West alignment. The 14 blocks would vary in height and are set out below:

Building	Height (Storeys)
Block A	10
Block B1	9
Block B2	7
Block C1	9
Block C2	7
Block D1	8
Block D2	7
Block E	7
Block F1	7
Block F2	5
Block F3	7
Block G	5
Block H	5
Block J	4



- 2.3.5 The development has 4 main character areas; The Gateway; The Plaza Building; The Pavillion Blocks & Spine Road; and The Courted Blocks. The Gateway buildings (Blocks H & J) along Victoria Road would connect the Town Centre to the new development with new active frontage provided at ground floor level. A wide variety of landscaping is provided across the site. The main vehicular route would have widened landscape space to provide a green defensive space and a residential active frontage. Public amenity space will be provided between the blocks, with natural surveillance provided by the surrounding residential units.
- 2.3.6 The landmark 'Plaza Building' (Block A) is located slightly to the south of the centre of the site and would act as a visual marker providing a way-finder for pedestrian movement from the gateway into the site and through to the proposed new access to Victoria Park.
- 2.3.7 The natural surveillance of Victoria Park would be enhanced by the active frontage of the Courted Blocks (B1+2, C1+2, D1+2) facing this space. Soft landscaping will integrate the west edge of Victoria Park with clear permeability between the proposed development and the park.
- 2.3.8 The Pavillion Blocks (E, F1-3, G) back along the wooded railway embankment and front the spine road. The widened landscape space in front of the Pavilion Buildings provides a green defensive space for the residential active frontage. The areas between the buildings allow for pocket play areas.
- 2.3.9 The scheme provides a total of 3,953 sqm of public open space on site and 3,383 sqm of communal amenity space as well as 5,699.4 private space in the form of terraces and balconies. The open space is provided in three areas around Block A/B1/B2 and between B1/B2, C1/C2 and D1/D2. Additionally, 1372.8 sqm of play space is proposed to be provided for children ages 0-4 across the site in accordance with the GLA calculations.
- 2.3.10 The scheme would provide a total of 392 car parking spaces at a ratio of 0.6 with the majority within the basement along with some surface level parking. There would also be 1,254 secure cycle parking spaces.
- 2.3.11 As with the extant planning permissions, further connectivity improvement is proposed by removing the elevated caged pedestrian link and re-providing at surface level with a new staircase up to the network rail foot tunnel.

#### Revisions and additional information

- 2.3.12 In the course of the assessment, additional details and clarification were provided in respect of various detailed aspects of the scheme e.g. boundary treatments, drainage, energy, green spaces, park pathway realigned, and additional tree planting along the eastern boundary adjoining the park. In addition amendments have been submitted for Albert Road West to provide enhanced facilities for pedestrians and cyclists. Therefore, there has been no significant or material change to the proposed scheme.

## **2.4 Public Consultations**

2.4.1 As part of the consultation exercise, 1194 letters were sent to neighbouring properties and residents. In addition the application was advertised in the local press and site notices were posted around the site. The original consultation process was extended to 6 weeks and there was a further 21 day re-consultation from the 29<sup>th</sup> July following minor revisions which were submitted. At the time of preparing this report a total of 1054 objections have been received with 148 objections submitted during the second consultation period however these are generally all related to the same issues as previously raised with the scheme. In addition 25 letters in support have also been received.

### **2.4.2 Public Objections:**

The letters of objection received can be summarised as follows:

- Blocks of 7 to 10 storeys would be totally out of place in a suburban neighbourhood, most homes are just one or two storeys. These plans would be a massive over-development.
- The height, density, massing and bulk of the buildings would all be inconsistent with the character of the surrounding neighbourhood. This would conflict with local planning policy that new developments should protect and enhance local character and that density should be optimised rather than maximised.
- Four of the blocks of flats are over 7 storeys, contravening policies in the Barnet Plan that new tall buildings should be confined to certain designated locations.
- The development would overlook the adjoining park and existing housing. These blocks would reduce many residents' amenity and enjoyment of a landscape populated largely by low-rise semi-detached and terraced family housing. They would also damage the protected local view looking down from Hadley Green through New Barnet to central London.
- Over 80% of the units proposed would be one and two bedroom flats. This is inconsistent with local planning policies which give priority to three and four bedroom flats as the type of home which is most needed locally. There is insufficient provision of gardens and outdoor space, as required by local planning principles.
- Public transport access (PTAL) has been overstated in the planning application. The developers have used the PTAL score of 3 for their calculations when this applies only to some dwellings at one end of the site. More than half of the proposed units have a PTAL score of just 1a. The nearest tube stations are some distance away and, although closer to reach, national rail services have only limited capacity.
- The proposed decrease in car parking provision per dwelling from 107% to 58%, as compared to the 2017 previously consented plans, would leave almost half of households without any on-site parking. This would increase overspill parking in nearby streets which are already crowded with cars.
- Impact on local infrastructure and services such as GPs surgeries, dentists, and schools.
- The 2017 planning application for 371 new homes on the site was extensively discussed with local groups and represented a carefully balanced compromise

which would deliver a significant number of new homes, but without excessive pressure on local services. The planning committee should turn down this new application, leaving One Housing and Fairview to build the 2017 scheme for which they already have permission.

- As a result of Covid-19 the local community were deprived of a face to face consultation with the developers to listen to their concerns in public.
- Equalities obligations have not been met by Fairview New Homes and One Housing.
- The applicant has failed to carry out any meaningful public consultation.
- Impact on the protected view from King George Playing Fields, Hadley Green, Monken Hadley.
- The local residents will have no benefit from this development.
- Should be no left turn onto Victoria Road from site as road is impassable now during peak times due to Aldi rat run and New Barnet Leisure Centre.
- Fails to meet the GLA Guidelines for Play Space providing only for 0-4-year-old.
- This development together with what is planned at Cockfoster and High Barnet stations will turn the area in an 'overcrowded slum' at the outskirts of London.
- New Barnet Station becoming stretched, overcrowded platforms and trains.
- Would generate huge number of vehicle movements in this area which is already at capacity.
- Missed opportunity to make public realm inspiring, could use 'wall' art similar to that in Euston Tower.
- Courtyard gardens would be overshadowed.
- Overlooking to the park and housing.
- The 384 bus route is been rerouted by TFL and would increase traffic during busy times of the day.
- The site was flooded earlier in the year and therefore drainage is a concern.
- Routes for construction traffic to and from the site inappropriate and unacceptable.

#### Officer Comment

All of the above representations have been taken into account in the relevant sections of the report, which form part of the assessment below.

#### 2.4.3 In Support

The letters of support received can be summarised as follows:

- Opportunity to rejuvenate the New Barnet area
- Give better access those wishing to move to London's suburbs
- Provide much needed housing in an area with excellent public transport links, mainline railway station and frequent bus services.
- Should be approved subject to s106 commitments in relation to health, public realm and transport.
- Location use and density all consistent with NPPF, high density residential led project near stations should be supported.
- Vacant disused site is idea for this kind of development.

- Edge of park site means there is ample access to green spaces, hugely beneficial during this crisis.
- Fits objectives of London Plan, supports young families with viable transport network
- Height, bulk, massing and density appropriate to the local area given changes in demand and population across London.
- Visually unobtrusive with little meaningful impact over Victoria Recreation Ground, and nearby homes. Little or no damage to the locally protected view from Hadley Green
- 8 to 10 storeys are not 'tall'
- inclusion of new trees, planted areas, green roofs and bat/bird boxes will enhance the wildlife value of the site.

#### 2.4.4 Elected Representatives:

- This application has been "called in" by Cllr L Williams who wishes the matter to be considered by Planning Committee for the following reasons:  
"If the officers are minded to approve this application I would like to call it in, on the grounds of height and density."
- A letter of objection was received from Rt Hon Theresa Villiers MP and Cllr Felix Byers. The letter states:

We strongly oppose this planning application, as do many of the people we represent, and we urge the planning committee to reject it.

In this letter, the term 'Barnet Local Plan' is used to refer to the existing plan first published in 2012; and 'Draft Barnet Local Plan' refers to the 2020 document recently published for consultation.

#### Process

We believe that, because of the Covid emergency, when the local democratic process is limited, free association is curtailed, and so many residents are understandably distracted by serious health and economic concerns, the determination of this application should be delayed. This will enable the cancelled consultation organised by the developers to take place, and One Housing and Fairview can take into consideration and respond to legitimate concerns about their proposals for this sensitive site. Letting highly controversial applications like this one go ahead now will mean residents are deprived of their full right to engage with the planning process.

Whilst electronic means of taking part in planning hearings may be feasible, much of the campaign activity that would normally take place (and has done regarding this site over a period dating back several years) is impossible, for example public meetings. Moreover, planning officers and councillors need to be publicly accountable for their recommendations and decisions, in a meaningful way and this is not achievable through virtual meetings.

#### The 2016 and 2017 planning applications

We recognise the need for more housing and we support the principle that new homes should be built on this site. But we strongly believe that One Housing should build in accordance with the plans for which it already has permission under planning permissions granted in 2016 and 2017.

Even those earlier plans were controversial, dividing opinion because of the bulk and height of the buildings and the number of units permitted. But after much engagement in good faith between the previous owners of the site and residents, they were adopted as a compromise and received considerable local acceptance. At the time, this appeared to be a successful conclusion to over 10 years of debates and campaigns on the future of the land. Abandoning this compromise is a betrayal of trust.

#### Over-development: height, massing and density

It is deeply worrying that this latest application by One Housing, in partnership with Fairview New Homes, nearly doubles the proposed size of the development. The number of units would go up by 76% from 371 to 652, including buildings of seven to ten storeys – rendering the proposals, not a revision of the 2016/17 plans, but entirely new and inconsistent with them.

The plans would involve ten new buildings in excess of six storeys, which would be totally out of place in our suburban neighbourhood where most homes are just one or two storeys and for which height, with the sole exception of the lone-standing Desmond House, there is no precedent anywhere in East Barnet ward.

The new plans would be a massive over-development of the site. They would have a significant negative impact on the surrounding neighbourhood because of the height, density, massing and bulk of the buildings.

The blocks proposed would contravene policies in the Barnet Local Plan on tall buildings. Policy CS5 on page 69 of the Local Plan, on “Protecting and enhancing, Barnet’s character to create high quality places,” states that tall buildings (defined as eight storeys or more) will only be approved for certain parts of the borough. The list of strategic sites and local town centres identified as suitable for tall buildings does not include New Barnet Town Centre nor the Victoria Quarter site. This approach is replicated in the new Draft Barnet Local Plan (CDH04 page 111).

Furthermore, Paragraph 8.1.3 of Barnet’s Core Strategy states:

“Current national planning guidance on housing set out in Planning Policy Statement 3 – Housing, advises that high quality housing should aim to create places that meet the needs of people, maintain and improve local character.”

Paragraph 6.8.1 in the Draft Barnet Local Plan states that:

“Proposals that significantly harm the amenity of neighbouring occupiers will not be acceptable. Protecting amenity helps to protect residents’ wellbeing and privacy. It is important to ensure that development does not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.”

We would argue that in no way would the development maintain and improve local character. In fact, the proposals would be inconsistent with, and permanently damage, the character of the surrounding neighbourhood.

The proposed scheme has a housing density to 625 habitable rooms per hectare. This breaches current Development Management Policy DM02, and Draft Barnet Local Plan Policy CDH01 which seeks to optimise, rather than maximise, housing density. The Victoria Quarter site is not identified as either an Opportunity Area or Area of Intensification in the current London Plan.

The plans would also be inconsistent with Development Management Policy DM01(g) and DM02 that provide that developments should include outdoor amenity space including sufficient play space for children and young people.

#### Visual impact and overlooking

If this application is allowed, the blocks of flats would overlook the adjoining park and existing housing. The detriment to the landscape, particularly in Victoria Recreation Ground, resulting from these proposals would reduce many residents' amenity and enjoyment of what has long been, and remains, a landscape populated by largely by low-rise semi-detached and terraced family housing. This is reflected in the majority opposition by local residents acknowledged in both the developers' own consultations in 2020 and in objections submitted in relation to this planning application.

We would highlight Policy ECC05 of the 2020 Draft Barnet Local Plan which provides that:

"Development within or adjacent to Metropolitan Open Land should minimise any adverse impact on the openness of the MOL and respect the character of its surroundings".

Whilst it is not clear that Victoria Recreation Ground is Metropolitan Open Land, we believe similar principles should apply given the importance of this open space to the local community.

The new blocks would also be clearly visible in the locally important local view D, looking down from Hadley Green and King George's Fields through New Barnet to central London and Canary Wharf, and the east-west view between the summits of High Barnet and Cockfosters. This application would therefore be inconsistent with planning policy to safeguard such views, as set out in Paragraphs 10.6.4-5 of the Core Strategy.

Policy CS5 of the Barnet Local Plan dictates that developments should both 'respect and enhance the distinctive natural landscapes of Barnet' and 'protect important local views from places within Barnet'. These proposals do neither.

#### Housing mix

The application is inconsistent with the Barnet Local Plan which states in Policy CS3 9.2.13 to 14 that priority will be given to three and four bedroom homes (see also Development Management Policy DM08). The development here proposes predominantly one and two bedroom units, with three bedroom units constituting just 18.6% of the total. The 2020 Draft Barnet Local Plan also emphasises that priority will be given to three-bedroom homes (HOU02).

#### Public transport access level (PTAL)

The application overstates the public transport access for the site.

A PTAL score rates a location based on how close it is to public transport and how frequent services are in the area, and ranges from 0 (poor) to 6 (excellent). It is claimed that the site has "good transport connections". The report uses a PTAL score of 3 in all of the calculations and assumptions used to justify the development. The local campaign group, Save New Barnet have pointed out that more than half of the proposed units will actually have a PTAL score of 1a.

The site is some considerable distance from the nearest tube stations. Although the closest national rail station is quicker to get to, services there have limited capacity and are already very crowded at peak travel time.

Since submission of this application, Transport for London have published a decision on 24th April 2020 to withdraw the 384 Bus service from local roads including East

Barnet Road and Crescent Road, further reducing public transport capacity and connectivity in East Barnet ward. This comes after reductions in the frequency of the service which have already taken place.

#### Parking, traffic congestion, and infrastructure

The proposed decrease in car parking provision per unit, as compared to the 2016/17 consented plans, sees this decrease from 107% to 58%. That would leave almost half of households without any on-site parking at all, despite the predominance of travel by car and multi-car households in this part of London.

As acknowledged in the 2020 Draft Barnet Local Plan, there continues to be high car usage in this borough. This site is some considerable distance from Tube stations. Although a national rail station is closer, services there are limited, both geographically and in scheduling. The comparatively poor public transport options nearby mean that people living in this new development will inevitably be dependent on car travel.

There would therefore be a considerable impact on local roads both in terms of traffic congestion and parking. Overspill parking will occur in streets which are narrow and are already filled with the cars of residents whose homes cannot accommodate off-street parking.

A CPZ in the vicinity is neither wanted, nor will it be acceptable to a majority of local residents and local elected representatives. It is wrong for the developers to presume that their willingness to fund consultation and implementation of a CPZ in any way mitigates the traffic concerns arising from their proposals. Their attitude on this point illustrates the developers' failure to listen to the local community.

A particular location of concern is the junction of Victoria Road, Albert Road and East Barnet Road, which is already under pressure because of existing traffic problems. Transport for London's intention to reroute the 384 Bus across this junction down the already narrow and heavily parked Victoria Road through Park Road will exacerbate existing problems.

Residents have raised concerns about safety issues at the junction of Victoria Road, Albert Road and East Barnet Road and the junction was the focus of considerable controversy during previous consideration of the future of the gasworks site. This application would see hundreds more cars using this problem junction every day, with no mitigating adaptation of the junction, with negative impacts for congestion, air pollution, and safety. We are especially concerned about the safety of cyclists using this junction.

#### Impact on local services

We note the comments made by nearby residents about the pressure on local infrastructure such as GP surgeries, dentists, schools and other essential local services. The scheme is expected to accommodate between 1,395 and 1,485 new residents including between 137 and 174 under 5s, and between 98 and 120 primary school children.

The scheme is outside Cromer Road School catchment area and Livingstone is only a one form entry, so it is hard to see how such a big increase in pupil numbers could be accommodated in nearby schools.

There is already a need to expand local GP services because of increasing healthcare needs, and a significant increase in the local population would see pressure on local NHS practices increase still further.

Having asked repeatedly for reassurance that the developers engage with the CCG and local authority on these matters, we have yet to receive any.

## Conclusion

We believe that the application should be refused because it contravenes a number of planning rules and would damage the quality of life and local environment for New Barnet residents. It would also set a dangerous precedent for similarly damaging development in the constituency. Any merits this application might have are demonstrably outweighed by its adverse impacts. In our view, the developers should be advised to revert to the original plans for which planning permission has been granted.

We would be grateful if you could ensure that our views, and those of our constituents, are brought to the attention of the planning committee. We also wish to notify you that we would both like to address the planning committee when this application is considered.

- A letter of objection was received from Cllr.R.Weeden-Sanz, this can be summarised as follows:
  - Given the global pandemic the new plans for high rise blocks are not suitable in the current climate and should not be progressed.
  - Height, bulk and density are an atrocity to the long-established character of New Barnet and its environs. Will be an eyesore from Victoria Park and damaging to the protected views from Hadley Green.
  - Extremely disappointed with the mainly 1-2B flats proposed in an area which needs more family homes. Offers little to the local community and has little outdoor space provision.
  - Increase population add to the pressure on local infrastructure.
- A letter of objection was received from Cllr Laithe Jajeh, this can be summarised as follows:
  - determination of this application should be delayed due to Covid-19 when the local democratic process is limited. This will allow the cancelled consultations to be undertaken and allow developer to consider and respond to legitimate concerns.
  - Scheme should be built in accordance with the extant planning permissions.
  - Overdevelopment, excessive in height, massing and density
  - Development would not maintain or improve the local character
  - Visual Impact and overlooking the adjoining park and existing housing.
  - Housing mix, predominantly 1B and 2B not enough 3B and family homes.
  - PTAL, application overstates the access, local group assert that more than half of the proposed units would have a PTAL score of just 1a. In addition the 384 bus service has been withdrawn by TFL, reducing transport capacity.
  - Parking, traffic congestion will have considerable impact on local roads, resulting in overspill parking. CPZ neither wanted or acceptable to residents and local elected representatives.
  - Impact on infrastructure and local services.
- Two letters of objection were received from Andrew Dismore AM (London Assembly Member for Barnet and Camden) objecting to the proposed development. These can be summarised as follows:
  - Questioning accuracy of D&A statement, shows a number of local rail stations but with London Underground roundels, which is misleading
  - Disappointing a completely new scheme submitted after the extensive public consultation work to draw up the first plan, which had public support.
  - Should be aiming for 50% affordable housing



- Height is unacceptable and out of keeping with the area. 10 storey would set unwelcome precedent for buildings along Station Road
- Density is unacceptable and impact on local infrastructure
- Design, completely out of keeping with the area

#### 2.4.5 Neighbouring/Residents Associations & Local Amenity Groups

##### **New Barnet Community Association & Save New Barnet Campaign**

Two responses were received the first on 11<sup>th</sup> June followed by the second on 17<sup>th</sup> June. These were detailed responses however the main objections are summarised below.

##### 11<sup>th</sup> June Objection:

- Housing Mix, the scheme is in breach of Council Planning Policy DM08.
- Tall Buildings, the scheme is in breach of Council Planning Policy DM05 and Core Strategy CS5.
- Fails to preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
- Housing Density, the scheme is in breach of Barnet's Core Strategy Policy CS3.
- Amenity/ Play Space, the scheme fails to provide the required private amenity space and play space for children 5 years or older.
- Poor Quality Design, a detailed design review is attached which sets out our evidence, a summary of which includes:
  - o Monolithic, rectilinear massing of high rise blocks
  - o Uniform and repetitive building typologies
  - o Flat facades create a 'wall' of building with little visual relief which dominates and overshadows surrounding open spaces
  - o Generic grid overlaid on the site, resulting in uniform footprints and massing and repetitive building typologies and a lack of visual amenity
  - o 7 storey blocks are orientated with the longer elevation addressing the park, creating a wall of high rise building which dominates the park
  - o 8 and 9 storey blocks behind block views into the site.
  - o Generic approach and lack of visual amenity.
  - o Individual blocks allow train noise to penetrate
  - o 110 flats with habitable rooms directly facing the railway.
  - o Tall buildings either side of the new spine road has been created a 'noise canyon' with noise pollution levels that are severe enough to require mitigating.
  - o Closely spaced, high rise blocks overshadow habitable rooms, particularly on lower floors.
  - o Daylight levels fall below the recommended level in living/kitchen/dining rooms, particularly on the lower floors in the middle row blocks.
  - o Distances between blocks appear likely to be well below 21 metres compromising privacy in habitable rooms.
  - o 30% of rooms do not meet BRE guidelines in achieving recommended level of sunlight.
  - o Eleven of the twelve blocks significantly exceed the LHDG recommended limit of 25 dwellings per core - 521 dwellings in all.
  - o One block (Block A) has 67 dwellings per core, almost 3 times the LHDG recommended safe maximum.

- Flats in Blocks B1 and C1 are a distance of 31 metres between entrance door and lift/stair, breaching recommendations of the Smoke Control Association guidance (2015 revision).
- In some flats the kitchen area is immediately adjacent to the door, posing a considerable risk of blocking the residents' sole means of escape – critical in a 'flat of origin'.
- Some flats in Block A show open plan arrangements which do not comply with standard building regulations arrangements.
- The use of uPVC windows, which are flammable, has been implicated in the spread of flat fires including Lakanal House.
- Poor quality supporting reports, a number of supporting evidence reports appear to be rushed, with factually incorrect or misleading information.
- Failure of official consultees to respond, we have tried to contact a number of these consultees however many are struggling to respond with staff either working from home or furloughed.

#### 17<sup>th</sup> June Objection:

Application should be refused on the basis that the developer has ignored critical pre application advice on building height, design, articulation of buildings including the following:

- The applicant was told that "Where buildings breach the (building height) policy threshold, we would require justification not only on townscape views, but also on the quality and function of these structures. The applicant has failed to provide any justification on the quality and function of these structures.
- The applicant was told that LBB "would require the articulation of buildings to assist in the perception of height and character variation. This is due to the limited height variations currently proposed when viewed from ground level". Based on the proposed application, that articulation has not been fulfilled.
- The applicant was told that "The exaggerated vertical order is good for fronting a square to instil a more civic character, but this is not a civic square. It is a relaxing space that connects to the park and the architectural form should reflect this character and function". Unfortunately the applicant appears to have ignored that advice as we still have an exaggerated vertical order.
- The pre-app advice notes that there is "A general acknowledgement that improvements could be made to how movement patterns, active frontages and the quality of public realm could be improved". However this has not been adequately addressed (if at all) in the application.
- The pre-app advice notes that "Officers would like to see the results of the updated Daylight /Sunlight Assessment to ensure the optimal performance of the internal floor plans". Given that the daylight assessment shows many habitable rooms failing to meet the minimum daylight levels and that 30% of properties fail to meet the BRE guideline on sunlight how can officers approve such poor standards.
- The pre-app advice notes that "A greater understanding of how landscaping both within and adjacent to the site can assist in softening the proposed height and massing of the scheme". We would challenge whether any softening has taken place and that no end of landscaping will reduce significant overshadowing created by the height and massing.
- The pre-app advice notes that "Officers... consider the proposed height strategy is more appropriate in respect of the local character and 'political' context". It is not clear, under any circumstances, that this scheme could be said to respect the local character given that the area is characterised by low

- level suburban housing. It is also not clear what is meant by 'political' context but that certainly has not been articulated in any aspects of the design.
- The pre-app advice notes that "It is appreciated that the building form and elevational detailing shown within the highlighted document, is at this point more conceptual than proposed" and that "more detailed design discussions should be the focus of the next meeting, once the building form and elevations have been developed further. However by Pre App Meeting Four, it was recorded that final elevations still needed further work. This work does not appear to have been completed, ignoring Officers' advice.
  - The pre-app advice notes that "the proposed building heights, massing, siting and materiality should clearly demonstrate how it has optimised the spatial quality of the site's public realm". However in this scheme, landscaped spaces are the 'left-over' spaces between buildings. The spaces are not designed as 'positive' spaces – they are not seen as a generator for the layout (unlike the 'green fingers' in the previous scheme). The density means that it is the footprints of buildings which dominate.
  - The applicant was told that "Officers would like to better understand how building form and articulation and site landscaping responds to the site's open space and desired movement corridors". We agree and note that this is still missing in the current application.
  - In addition applicant had refused to engage with the community who sent several emails requesting a dialogue and who have a track record of collaboration on the previous consented scheme.
  - It appears that the public consultation undertaken by the developer in January 2020 was a complete sham in that they showed the public plans which had been superseded by the time the pre application notes were written in September 2019.
  - This invalidates any assertions they make in their Statement of Community Involvement as they failed to provide the community with a genuine opportunity to provide comments and feedback on the plans.

## **Barnet Society**

Accept the principles of redevelopment of brownfield land and higher density near transport hubs, where appropriate. Supported the previous scheme with the inclusion of terraced family houses with gardens. This proposal by contrast is poor response and massive overdevelopment with poor design quality. Reasons for objecting are:

- Over-development
- Density
- Bulk and massing
- Height, 4 blocks exceed policy on tall buildings
- Character, design and response to context, urban formula applied to a suburban site, not a response to context or local character
- Housing mix, 81% of the homes are 1-2 beds flats, not the 3-4 bed homes which are needed locally
- Parking, 392 spaces is unnecessarily large number for a site so close to a railway station
- Traffic, substantial increase in residents and car-use will put additional pressure on an already strained network of streets, in particular, the mini-roundabout at the main exit of the site
- Cycling, storage inconveniently located at the northern end of the site
- Impact on local services

- Views, neither Tudor Park, Monken Hadley Common nor Hadley Woods are included in the analysis of local green areas.
- Indoor space, cramped and poor-quality, only 5% of the dwellings have a kitchen separate to the living space.
- Outdoor space, falls a long way short (by 40%) of the required amount of private outdoor amenity space
- Energy use, communal air source heat pumps are proposed with substantial rooftop technical areas on blocks G & J, but the noise impact of these is not considered.
- Sustainability, only achieves zero-carbon by making an offset payment.
- Fire, no account of new regulations requiring all buildings over 11m to have sprinklers.
- Management, no evidence is provided to assure us that the buildings and landscape will be managed and maintained adequately in the long term.

### **East Barnet Residents' Association**

The proposal does nothing to enhance or preserve the quality of life for residents in East Barnet and New Barnet. Objections can be summarised as follows:

- The proposed tower blocks are far too tall
- The proposed development is too dense
- There are no proposals to increase the infrastructure
- Public transport already overcrowded

### **Clerk to the Trustees of Monken Hadley Common:**

Objection to the vehicle construction route. Hadley Road, Hadley Common Road, Clifford Road and Camlet Way are wholly inappropriate for the proposed vehicle routing.

Gates at the Common and The Crescent have already been repaired after damage caused by drivers in the past. Iron bollards by the Hadley Road gate are damaged and concern that additional HGV usage would cause further damage to structures along the proposed route.

Road widths are too narrow, parked vehicles along the carriageway and there are existing signage stating that the identified roads are unsuitable for HGVs.

Schools on Camlet Way which result in large numbers of children in the vicinity twice a day crossing the road with no traffic/speed calming obstacles in place.

### **Barnet Cycling Campaign**

Object on grounds of highway safety and traffic generation. Disabled persons' access in the area is also problematic.

- The active travel links to High Barnet and Cockfosters stations are not safe for cycling
- the improvements to the railway foot tunnel as key to benefit the increasing population as well as users of local schools, businesses, shops and leisure facilities in an area where road safety is already a major concern.

- Connectivity for cycling, London Cycling Design Standards (LCDS1) recommended that a cycle route quality criteria assessment should be performed against the existing and planned layouts based on six criteria.
- No assertions can be made about cycling unless safe cycling routes are provided, such as provision of segregated cycle tracks along the A110 and A1000 and a well-designed Low Traffic Neighbourhood in Victoria Road and the Bevan Estate towards Cockfosters.
- Active Travel Zones:
  - o Route 1 - resurfacing will not make this a safe route. Need to rationalise parking and introduce dedicated bus lanes and cycle lanes to link it to the strategic A1000 route.
  - o Route 2 - pedestrian, cycling and bus routes serving New Barnet Station are unwelcoming and inefficient. The limited and insecure cycle parking needs to be expanded and upgraded. Traffic calming and pavement widening is needed to improve cycling and pedestrian access around the junction of Station Road and Lyonsdown Road.
  - o Route 3 - mini roundabout is dangerous for cyclists, especially after dark. Consideration should be given to replacing the mini-roundabout with traffic lights to improve road safety at this junction.
  - o Route 4 - suggest a raised platform instead of dropped kerbs. A raised platform and tightening the corner radii at Lawton Road / Baring Road. The access and safety improvements around the railway tunnel, Victoria Road and New Barnet station will increase the proportion of all residents and visitors to the area using active travel.
  - o Route 5 - PROW under the railway line be given step free access suitable for disabled, child buggies and cycles. This will make it the preferred, more direct route for active travel to schools in Cromer Road.
  - o Route 6 - the entire residential area east of the site, including the Bevan Estate to Cockfosters Road, needs to benefit from a Low Traffic Neighbourhood scheme.
  - o Route 7 - The A1000 has been identified by TfL and Barnet Council as a strategic cycle route and the entire route needs to have dedicated cycling infrastructure before this planning application can claim to be anywhere near a cycle network.
- Albert Road West, should be two-way for cycling and access-only southbound for motor vehicles.
- The need for 392 car parking spaces seems hard to justify, particularly when compared to car-free developments at High Barnet and Cockfosters.
- The proximity to New Barnet railway station, good east-west bus routes, greater use of car clubs and provision of cycle routes should mean a greater reduction in the need for car ownership.

#### Officer Comment

All of the above representations have been taken into account and are considered within the relevant sections of this report, which form part of the assessment set out below.

## 2.4.6 Responses from External Consultees

### **Greater London Authority (GLA)**

#### Strategic Issues Summary

*Principle of development:* The proposed scheme would deliver an optimised residential-led mixed use scheme and is strongly supported. (paragraphs 20 – 22)

*Housing:* The scheme would deliver 35% affordable housing (60.5% London Affordable Rent: 39.5% shared ownership) and would qualify for the Fast Track Route. The affordability levels must be confirmed and secured. An early stage review must also be secured. Further clarification on the habitable rooms of LAR units is required. (paragraphs 23 – 38)

*Urban design and heritage:* The proposal seeks to optimise the site and there are no strategic concerns raised in respect of the height and massing of the proposed development. The council should ensure that courtyard open space is accessible to all residents of the development. There would be no harm caused to the setting of the nearby heritage asset. (paragraphs 39 – 51)

*Environment:* Further information is required in relation to the non-domestic Be Lean target, overheating, future-proofing for connection to district heating, PV and heat pumps. A payment to the borough's offset fund is required and should be secured in the Section 106 agreement. Further information on urban greening and drainage strategy is required. (paragraphs 55 – 61)

*Transport:* A revised trip generation assessment should be provided. Walking and cycling improvements should be made to the junction of East Barnet Road, Victoria Road and Albert Road West; and contributions to public transport enhancement should be agreed with the GLA and the borough. Cycle parking should be redesigned to ensure easy access for all with a variety of cycles. Car parking should be reduced or further justified. (paragraphs 62 – 82)

The GLAs Stage 1 response included the following recommendation:

That Barnet Council be advised that whilst the principle of development is strongly supported the application does not yet fully comply with the London Plan and Mayor's intend to publish London Plan for the reasons set out in paragraph 86 of this report. However, the resolution of these issues could lead to the application becoming compliant with the London Plan and Mayor's intend to publish London Plan.

### **London Fire Brigade**

No objections to the proposal

### **Environment Agency**

We have no objections to this proposal from a flood risk perspective as the main river, the Victoria Watercourse, runs off the site to the east.

## **Historic England**

The site does not lie within an archaeological priority area and an archaeological assessment carried out as part of a previous application identified the site as having a low archaeological potential.

No further assessment or conditions are therefore necessary.

## **Network Rail**

No objection in principle to the development, however there are some requirements which must be met given the close proximity to the development of an electrified railway.

*Officer Comment:* These can be secured by compliance conditions and informatives.

## **Highways England**

The applicant provided a Technical Note and associated Appendices, which responded to the initial queries raised by Highways England in relation to the planning application consultation.

Upon review of the response received by the applicant, Highways England are content that the queries raised in our response on 19th May 2020 have been addressed. On this basis, Highways England are content that the 11 trips and nine trips forecast by the proposals to use Junction 23 of the M25 in the AM and PM peaks respectively, and the 4 trips forecast to use Junction 24 of the M25 in both the AM and PM peaks are unlikely to have an adverse impact on the SRN.

However, given the size of the development, Highways England recommend that a Construction Management Plan (CMP) is conditioned to consider the impact of construction on the SRN and strategies to reduce the impact. This should include details of the number and frequency of construction trips, vehicle types, proposed routing, timings and how these will be managed to reduce impacts on the SRN, notably during network peak hours.

*Officer Comment:* Although draft CMP and CLP have been submitted these are not considered acceptable, e.g. construction route, and therefore will not form part of any approved documents. Accordingly appropriate conditions would be added.

## **Metropolitan Police – Designing Out Crime**

Through effective environmental design and physical security via Secured by Design, it will help to enhance community safety for the end-users of the development. Therefore, an overall planning condition for the development to achieve SBD accreditation, prior to occupation, will ensure that the most appropriate security measures can be recommended and implemented.

I do not object to this proposal but due to the reported issues affecting the ward, overall crime levels and size of the development, I would respectfully request that a

planning condition is attached to any approval, whereby each phase/development must achieve Secured By Design accreditation, prior to occupation.

In addition, further recommendations have been provided:

- Boundary treatment: SBD recommendations will vary throughout the development. It is recommended that an enhanced rear boundary height of 2.1m is incorporated for blocks E, F1-3 and G, as these abut the railway embankment. This area does not appear to benefit from any other levels of natural or formal surveillance other than those naturally afforded by the new units proposed for the site. A development abutting railway property is considered to be more vulnerable, hence the enhanced recommendation of boundary treatment to be above 1.8m. (SBD Homes 2019 – Part 1 - 10.7-10.8). Research has proven that most burglaries will occur at the side or rear of a property, with the borough of Barnet suffering from high levels of residential burglary (see appendix). In the absence of an increase in the height of the fence from 1.8m, defensive planting could be incorporated along the boundary in some format to present an additional natural defensive barrier. With graffiti also being problematic to boundaries next to railway lines, it may be prudent for the agent to incorporate 'narrow weld mesh fencing' as opposed to timber close board fencing.
- In general, SBD recommends that front boundaries should be no more than 1m high to both demarcate and increase natural surveillance, with side and rear boundaries to be at least 1.8m high.
- 'Green break-glass boxes' are not suitable for this development due to potential misuse and requirement to manually reset if activated, legitimately or not. Ensure fire egress is available with green break-glass boxes substituted by dual pole (self-resetting) exit/emergency buttons. The self-resetting element will allow the re-activation of communal fob-controlled doors following an incident, to help maintain security integrity. Compliance with fire strategy is required.
- Compartmentation: Residential units: as the number of residential units for each lift/stair-core is greater than 25 (other than Block G – 22 units), compartmentation is recommended for each block. This can be easily achieved by incorporating destination control via 'smart' lifts and fob-controlling specific door-sets for residential stair-cores. This crime prevention measure is required to prevent unrestricted access around each residential block, as this could lead to incidents of crime and disorder such as trespass, vagrancy, drug use/supply, burglary and so on. Each resident must only be allowed access to their block and shared communal areas eg. Car park, ground floor, corridor leading to their flat and so on. Although the agent has incorporated a secure postal lobby which is highly commendable, by controlling the lift and stair-cores it would remove the need to install the secondary door for the postal lobby. This will help to protect against tailgating and deterring unrestricted access throughout the building.

## **Natural England**

No comments to make on this application.



## 2.4.7 Responses from Internal Consultees

### **Ecology**

The applicant identified no European statutory sites within 5 km of the survey area. However, the site is located in close proximity to Covert Way Local Nature Reserve (LNR) at 700m from the site and the closest non-statutory site is Pymmes Brook located 400m east of the site. The survey area does fall within a SSSI Impact Risk Zone for Redwell Woods SSSI, which is located c. 7.5 km north-west of the site. However, the development does not fall into any of the categories listed by Natural England that would require consultation with them.

We are satisfied that the evidence provided by the applicant is sufficient to address potential impacts and implications on biodiversity receptors. We propose that the following issues can be addressed through suitably worded planning conditions.

#### **Lighting**

Please attach a condition on lighting strategy that it must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>. The lighting strategy should be submitted to the LPA for approval prior to commencement.

#### **Nesting birds**

Trees and scrub are likely to support nesting birds between 1st March and 31st August inclusive. Under the Wildlife & Countryside Act 1981 (as amended) it is an offence to damage active nests. Therefore to ensure no offences are committed a suitably worded condition requiring the applicant to have habitats checked by a competent ecologist to assess if active nests are present and if so suitable zones are set up to avoid damage or disturbance to nesting birds during site clearance and construction.

#### **Bats**

Building B7 and west of building B6, which was previously reported to support a summer roost used by a single, or small number of common pipistrelle bats, was subject to a licence which facilitated the demolition of the building in line with the permitted position. We would state that although the buildings are no longer present the development should provide additional suitable compensatory measures with the inclusion of at least three appropriate integrated bat roosting opportunities be incorporated into new buildings in close proximity to the previous roost as part of the current proposals.

#### **Reptiles**

A reptile survey was undertaken in 2014 of suitable habitats within the proposed development site. Reptiles are confirmed as being present on the immediate area and the site clearance and construction will need to be managed to avoid killing or injuring all reptile species. All contractors should be made aware of the legislation protecting these species and the required methods that will be required. This should be outlined in an informative toolbox talk and we would recommend this is submitted to the LPA for approval prior to commencement. In addition to provide a sustainable development and net gain to this species, landscape design should aim to increase suitable foraging and dispersal of slow worm across the site. It is therefore

recommended that the applicant is conditioned to develop a landscape and ecological management plan to facilitate sustainable development and management for these and other species for the next five years onwards and that this is submitted for approval prior to commencement.

#### Biodiversity Enhancement Recommendations

In line with the National Planning Policy Framework (NPPF) 2019 in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006.

The following habitat creation is proposed for the site and the locations of suitable areas for biodiversity enhancement within a local context as no landscape scheme has been provided it is suggested that the following measures for enhancements are include:

- Installation of three integrated bat boxes;
- 1 no. Schwegler 1B bird box with 26 mm hole (suitable for blue tits etc.);
- 1 no. Schwegler 1B bird box with 32 mm hole (suitable be great tits etc.); and,
- 6 no. Schwegler 1SP Sparrow Terraces: made of woodcrete, they may also occasionally attract tits Paridae Sp., but are designed to accommodate three separate pairs of House Sparrow *Passer domesticus*. They are suitable for mounting on an exterior wall or fitted integral to the brickwork.
- 6 no. Schwegler 17A Swift Nest Box: Triple Cavity Swift Terraces made of woodcrete mix, suitable for mounting on an exterior wall or fitted integral to the brickwork. These boxes can each support up to three nest pairs of swifts *Apus apus*.
- Use of native and wildlife attracting perennials /shrubs;
- Planting of native and wildlife attracting trees;
- Consideration of rough grassland areas adjacent to boundaries; and creation of habitat piles where possible,
- Proposals and future management should be included as part of condition to produce a site specific Landscape and Ecological Management plan, or Biodiversity Enhancement Strategy Report.

#### Environmental Health

The proposed development has been reviewed and is considered acceptable subject to a number of standard conditions.

- There is are commercial areas, substation and energy store so recommend *C440 Noise from Plant*.
- The Syntegra noise report has background noise level targets however specific details of plant are needed when installed to see if meet these targets.
- The Syntegra noise report does contain proposed air quality mitigation for glazing and ventilation, these recommendations could be conditioned using *C242 Impact of Noise on Development*, as a basis though the noise report is done.
- In commercial areas any premises with amplified or impact noise including Gym will need to be isolated from structure of attached residential premises with own noise report. Recommend *C245 #Insulation against Internally/Externally Generated Noise*.
- Any restaurants/ licenced premises will need *C251 Odour and Smoke Control from Kitchen Extraction Systems* and *C440 for Plant Noise/ Impact of Noise from Ventilation and Extraction Plant on Development* including proposed new residents.

- Recommend condition C246A Air Quality Neutral / C247 Air Quality Mitigation Measures, for transport as the building emissions are satisfactory.
- Recommend condition C246A NRMM for construction phase.

## Arboriculturalist

There are no arboricultural reasons to object to this application, recommend a number of conditions relating to:

- Levels
- Hard & Soft landscaping
- Excavation for services
- Pre-commencement tree protection and method statement
- Green roof
- Landscaping details to frontage to ensure synergy with surrounding properties

In addition a Landscape Management Plan will be agreed for the long-term maintenance and management of the shared spaces, as part of the s106 legal agreement. Financial contribution to maintain the trees on the adopted public highway will also be secured.

## Green Spaces

No objections.

### Play Provision

	m <sup>2</sup> per child
Play space requirement	10

Play Calculations – PTAL Rating 3-4						
	Market & Inter (No; Children)	Social (No; Children)	Total (No; Children)	Required Provision (m2)	Scheme Provison (m2)	Shortfall in Provision (m2)
Age 0-4	82.91	54.37	137.28	1,372.80	1,377.00	-4.20
Age 5-11	55.06	43.01	98.07	980.68		980.68
Age 12-15	13.52	21.50	35.02	350.24		350.24
Age 16 & 17	7.14	11.36	18.50	185.02		185.02
<b>TOTAL</b>	<b>158.63</b>	<b>130.24</b>	<b>288.87</b>	<b>2,888.73</b>	<b>1,377.00</b>	<b>1,511.73</b>

i - Provision calculated using the GLA Population Yield Calculator v3.2

ii - Overprovision is shown as a negative number

Bases on the above figures, the development has a shortfall of 1,511.73sqm of play provision for older children, based on the council's charge rate, this equates to a s106 contribution of £283,721.90 for Victoria Recreation Ground. This has been agreed with by the applicant.

Amenity Open Space Provision						
	m <sup>2</sup> per Room	Public Spaces	Communal Spaces	Private Spaces	Total Provision	
Amenity Open Space requirement	5	Amenity Open Space Provided	3,953.00	3,383.00	5,669.40	13,005.40

Amenity Open Space			
	Required Sqm Amenity	Scheme Provison	Shortfall in Provision
TOTAL	9,475.00	13,005.40	-3,530.40

iii - Overprovision is shown as a negative number

The above calculations confirm the development provides sufficient quantum and quality of amenity space.

Details regarding the boundary treatments and materials for the pathway network joining the development to the park, to be secured by conditions.

### Affordable Housing

No objections. Following minor revisions to the tenure, all proposed London Affordable Rented units would now be 2B 4P. The proposal is acceptable.

### Transport and Regeneration

No objections subject to appropriate conditions and heads of terms. Detailed comments incorporated in officer comments below.

### Drainage/SuDs

No objections to the scheme following submission of additional information and subject to conditions.

### Urban Design

No objections raised detailed comments incorporated in the relevant sections of the report below.

### Employment and Skills

No objections subject to the agreement outlined within the heads of terms. Detailed comments incorporated in officer comments below.

### **3. PLANNING ASSESSMENT**

#### **3.1 Principle of development**

- 3.1.1 The National Planning Policy Framework (NPPF) states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Development that accords with an up-to-date Local Plan should be approved.
- 3.1.2 Policy 3.3 of the London Plan recognises the pressing need for more homes in London and seeks to increase housing supply in order to promote opportunity and provide real choice for all Londoners in ways that meet their needs at a price they can afford. Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.
- 3.1.3 Furthermore the principle of a residential led mixed use development at the site has already been established by the three extant planning permissions granted, B/04834/14; 16/7601/FUL; and 17/5522/FUL. The original permission (B/04834/14) has been implemented and the associated works including site remediation, drainage and excavation of the basement has already commenced.

#### **Residential density**

- 3.1.4 London Plan policy 3.4 seeks to optimise the housing output of sites. This considers local context and character, the design principles outlined within chapter 7 of the London Plan (2016) and public transport capacity. Table 3.2 of the London Plan (2016) sets out a density matrix which serves as guidance for appropriate densities in different locations and with varying levels of accessibility.
- 3.1.5 It should be noted that the Draft London Plan, takes a less prescriptive approach with Policy D6 stating inter alia, that the density of a development should result from a design-led approach to determine the capacity of the site. This again should consider site context, its connectivity and accessibility by walking and cycling, existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D6 goes on to state that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy should be refused.
- 3.1.6 Given the location of the site on the edge of the town centre, its proximity to New Barnet Station and GLA's advice for this and the extant permissions; the site setting for the purposes of PTAL can be regarded as 'urban' (Table 3.2). This has been defined as an area "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." For sites such as these, the London Plan density matrix suggests a residential density of between 70 and 170 units per hectare and 200-450 hr/ha.

- 3.1.7 The density of the proposed development would equate to 214 units per hectare or 621 hr/ha, which is over the maximum range. However it is noted that the Council's New Barnet Framework does not suggest a density range for 'Victoria Quarter'; and the original extant permission was also above the suggested range. Notwithstanding, Chapter 11 of the NPPF (Revised 2019) states that:

*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.*

- 3.1.8 This strategic objective to optimise redevelopment opportunities within sustainable locations is reinforced within both the existing and draft London Plan. Indeed, Policy 3.4 of the London Plan (2016) advocates a more flexible approach to density and should not be applied mechanistically, stating:

*A rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 (Density Matrix) mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential - local context, design and transport capacity are particularly important, as well as social infrastructure.*

- 3.1.9 The numerical application of the density matrix needs also to be balanced against design and the quality of residential environment created. The application site has been subject to a design-led approach to optimise the potential of the site. In this instance it is not considered to result in any overdevelopment symptoms. Officers consider that the density of the scheme is suitably expressed through development of a height and scale that is appropriate for the site and in accordance with Policy 3.4 of the London Plan.

- 3.1.10 Furthermore, The GLA Stage 1 advice reaffirms this view, stating the proposed scheme would deliver a residential development on a brownfield site, which has the benefit of an implemented extant planning permission for residential-led development. The principle of residential development, and the further optimisation of the site, is therefore strongly supported in strategic planning terms in view of its contribution towards the strategic functions of brownfield land and Town Centre in line with London Plan Policies.

#### Environmental Impact Assessment Regulations (2017)

- 3.1.11 The EIA Regulations 2017 requires that for certain planning applications, an EIA must be undertaken to assess the likely environmental effects (alongside social and economic factors) resulting from a proposed development. This is to ensure that when deciding whether to grant planning permission for a project, the LPA does so in the full knowledge of the likely significant effects and can therefore account for these within the decision making process. This assessment is reported in a document called an Environmental Statement ('ES').

- 3.1.12 A formal screening opinion for EIA was sought at pre-application stage with the council advising the proposal does not constitute EIA development. Following

submission, the council has re-screened the proposal to confirm that no EIA is required. It should be further noted that in pursuance to the Regulations, the proposed development does not fall within 'Schedule 1' development. Instead, 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 site is not located in a sensitive area as defined in the regulations.

- 3.1.13 In summary, it is considered that the proposals do not constitute an EIA development and as such an Environmental Statement is not required to be submitted with the application. Nevertheless, a full range of technical reports and assessment have been submitted in support of the application in accordance with the national and local guidance.

## 3.2 **Housing Quality**

- 3.2.1 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', Ch 3 'London's People', and Ch 7 'London's Living Places and Spaces', and is explicit in policies 2.6, 3.5, 7.1, and 7.2. It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management 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.

### Unit Mix

- 3.2.2 Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (London Plan Policy 3.8, and Barnet Development Management Policies DPD policy DM08). The Council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough. Although, this should not be interpreted as implying that there is not a need for a full range of unit sizes.
- 3.2.3 The proposed development proposes the following unit mix across the application site:

<b>Tenure</b>	<b>Studio &amp; 1B2P</b>	<b>2B 3P</b>	<b>2B 4P</b>	<b>3B 5P</b>	<b>Total Units</b>
London Affordable Rent (LAR)	20		50	41	111
Shared Ownership (SO)	47	19	13	19	98
Private	153	86	142	62	443
<b>Total</b>	<b>220</b>	<b>105</b>	<b>205</b>	<b>122</b>	<b>652</b>

- 3.2.4 In terms of dwellings types which constitute family accommodation provision, the London Housing Design Guide classifies family housing as all units upwards of 2

bedroom 3 person units. Based on this definition the proposal would provide a total of 327 family units equating to 50.1% of the total number of units on site. Given the application site's edge of town centre location and urban character, it is considered that the proposed mix is acceptable and consistent with the highlighted policy approach. Indeed, half of the overall number of proposed units are large two-bed, or three-bed units, with 123 of these provided as affordable housing units.

- 3.2.5 Overall it is considered that the proposed scheme comprises a good mix of housing types and sizes to address the housing preference and need. Officers therefore consider the proposed dwelling mix to be acceptable and in accordance with Policy DM08 of the Local Plan. Furthermore the GLA has confirmed, in strategic planning terms the mix is acceptable and note the provision of family housing has been appropriately provided within the affordable component of the mix of which 28% of units are 3 bedroom properties (41.7% by habitable room).

#### Affordable Housing

- 3.2.6 London Plan 2016 Policy 3.12 seeks the maximum reasonable amount of affordable housing to be negotiated. The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings. Council policies seek a tenure split of 60% social rented and 40% intermediate housing.
- 3.2.7 The Mayor of London has published the affordable housing and viability SPG, which effectively accepts schemes under a 'fast track' process which propose a minimum level of 35% onsite affordable housing by habitable room without the need to submit a viability assessment. Schemes which provide less than this level need to be accompanied by a viability assessment. In those circumstances where the outcome of a viability review indicate that a scheme cannot viably provide more affordable housing, then a scheme can be approved with a lower level of affordable housing subject to the attachment of early and late stage viability reviews.
- 3.2.8 The proposal would provide 35% affordable housing by habitable rooms with a tenure split of 59.8% Affordable Rent and 40.2% Shared Ownership. The proposed mix is therefore in line with LB Barnet's Local Plan and the Mayor's Homes for Londoners Supplementary Planning Guidance. Following review by the Council's Affordable Housing Officers and in view of local market conditions, the proposed unit mix and tenure split is considered acceptable. In addition, as the GLA have noted, the provision of 35% affordable housing is a marked improvement from the implemented permission of c.15% affordable housing contribution, as well as the combined offer of c.18% affordable housing contribution as part of the extant planning permissions.

#### Residential Internal Space Standards

- 3.2.9 Table 3.3 in the London Plan (2016) outlines the minimum gross internal floor area required for different dwelling sizes. The table below shows the relevant minimum floorspace standards for the unit sizes proposed:

	Dwelling Type (bedrooms/persons)	Storeys	Minimum Internal Floorspace (m2)
Flats	1 bed (2 persons)	1	50
	2 bed (3 persons)	1	61



	2 bed (4 persons)	1	70
Duplex	2 bed (4 persons)	2	79
	3 bed (5 persons)	1	86
Duplex	3 bed (5 persons)	2	93

Following a review of all proposed units, it is confirmed that they meet the minimum internal space standards outlined above.

### Wheelchair Accessible Housing

3.2.10 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.

3.2.11 The planning submission sets out that 10% of the residential units would be provided as wheelchair adaptable in line with aforementioned policy context and in accordance with Part M4(3) of the Building Regulations. This is considered to be acceptable and a condition is attached which would secure these wheelchair units. The table below sets out the revised schedule of accessible units.

#### Wheelchair units

Tenure	Unit Reference	Unit Type	Submitted units	Revised Units	Difference
<b>Private</b>	1 BED WC	1B2P WC	20	26	6
	2 BED WC	2B3P WC	17	17	0
<b>Private Total</b>			<b>37</b>	<b>43</b>	<b>6</b>
<b>LAR</b>	1 BED WC	1B2P WC	1	8	7
	2 BED WC	2B3P WC	14	3	-11
<b>LAR Total</b>			<b>15</b>	<b>11</b>	<b>-4</b>
<b>SO</b>	1 BED WC	1B2P WC	6	3	-3
	2 BED WC	2B3P WC	7	7	0
		2B4P WC	1	0	-1
<b>SO Total</b>			<b>14</b>	<b>10</b>	<b>-4</b>
<b>Total</b>			<b>66</b>	<b>64</b>	<b>-2</b>

3.2.12 The revisions set out in the above schedule show that the WC units would now be shared more evenly across all tenures, rather than being skewed to the affordable housing, as was previously the case. As a result there is also now 10% WC units in each tenure.

### Amenity space

3.2.13 Barnet's Sustainable Design and Construction SPD Table 2.3 outlines the minimum external amenity space standards required for new residential developments. For flats, the SPD requires 5sqm of space per habitable room for all minor, major and large-scale developments. Kitchens over 13sqm are counted as a habitable room

and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space compliance. The minimum requirements are set out in the table below:

<b>Outdoor Amenity Space Requirements</b>	<b>Development Scale</b>
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

3.2.14 The Mayor's housing SPG sets out a requirement of 5 sqm of private amenity space for 1 and 2 person dwellings with a further 1 sqm per additional person. The proposed development is required to provide 9,430 sqm of private external space.

3.2.15 All proposed units would have private amenity in the form of either balconies or terraces, totalling 5,699.4 sqm. In addition the scheme also provides a total of 3,953 sqm of public open space on site and 3,383 sqm of communal amenity space. The open space is provided in three areas around Block A/B1/B2 and between B1/B2, C1/C2 and D1/D2. Together this is a total provision of 13,005.40 sqm. In addition the previously dedicated private courtyards would now be fully accessible to all residents. The proposed communal amenity space areas will be hard and soft landscaped and will also include a children's play space as discussed below. Full details including landscaping plans will be secured via conditions.

3.2.16 The public amenity strategy seeks to complement the adjacent Victoria Park by providing high quality transition space and a public square within the site. Given the location next to Victoria Park and the improved access created by the development ensures that the future occupiers of the development will have sufficient access to the public open space they require. There will also be benefits to the wider population with better connectivity to the park and s106 contributions to improvements to Victoria Park. Based on the above, it is considered that sufficient onsite external amenity space has been provided in compliance with the highlighted standards.

#### Children's Play Space

3.2.17 London Plan Policy 3.6 of the London Plan requires housing development to make provisions for play and informal recreation based on child yield, referring to the Mayor's SPG Shaping Neighbourhoods: Play and Informal Recreation 2012. London Borough of Barnet Core Strategy Policy CS7 requires improved access the children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan.

3.2.18 The submission confirms that 1,377 sqm of playspace for children from 0 to 4 years olds would be provided throughout the development, which meets the requirements according to the GLA's population yield calculator. The location of the play space in

the centre of the development provides for good levels of surveillance from surrounding residential units and access from the main plaza square. Exact details of the play space, including materials, play facilities providing increasing levels of challenge and associated landscaping, will be secured via condition to ensure the play space aligns with the objectives outlined within the Shaping neighbourhoods: Play and informal recreation SPG (2012).

- 3.2.19 The development however has a shortfall of 1,511.73sqm of play provision for older children, based on the council's charge rate, this equates to a s106 contribution of £283,721.90. The applicant has agreed to provide this contribution towards improvements to Victoria Park, to enable play space for all other play age ranges as required by the Play and Informal Recreation SPG. In view of the location of the site adjacent to a recreation ground, which is suitable to provide playspace for older children, the GLA have confirmed that this is an acceptable approach in this case. Furthermore the applicant has also confirmed that the private courtyards of B1 – D1 would now be fully accessible to all residents. Again all matters would be secured through conditions.

#### Privacy / Overlooking

- 3.2.20 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. The Barnet Residential Design Guidance SPD states there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.
- 3.2.21 The design proposes a minimum distance of 20m between the main façades of the buildings facing the primary route along Albert Road East and Spine Road. There are only two narrow points of 19m on the east façades of Block J, due to the projection of enclosed balconies and 18m due to the step of the façade on Block E.
- 3.2.22 For the Courtyard between Blocks B1-C1-D1 and B2-C2-D2 20m is achieved. Large distances of 20.5-21m between B2-C2-D2 open the Courtyard toward Victoria Recreation Ground. The separation does drop to 10m between the rear portion of the Mansion Blocks B2-C2-D2 and Blocks B1-C1-D1. Larger separation distances of 20.5-21m between B2-C2-D2 open the Courtyard towards Victoria Recreation Ground.
- 3.2.23 The separation among the Pavilion Blocks E-F-G vary to accommodate different functions. 21.5m for the communal soft play area between Block E and F1, 10m for two intimate garden areas between Blocks F1, F2, F3, and 18m for the communal car parking spaces between Block F3 and G.
- 3.2.24 A key design principle of Victoria Quarter is the maximisation of façade opening and active frontage with an appropriate window-to-wall ratio. This principle, together with the achievement of 70% dual aspect units across the scheme, introduces a large number of windows that have been organised in all the façades of the buildings. Separation of 18-20m on the long side of the buildings is considered an appropriate distance to provide a good level of privacy with no issues of overlooking windows. In

a few locations where separation of 10-12m occurs, windows are offset from each other to mitigate direct sightlines and reduce overlooking. In a small number of areas where there are facing habitable windows, they are in most cases a secondary window, (as these units are dual aspect) and their living rooms would have alternative uncompromised views. Where there are bedroom facing windows which cannot be obscured glazed, alternative measures can be introduced such as oblique oriel windows to mitigate any potential issue.

- 3.2.25 It is considered that in the context of the development and the design-led approach to optimising the site, these separation distances would not result in unacceptable harm for future occupiers. Indeed such separation distances are common in established, higher density urban areas within London and indeed in this case the facing windows do not both consist of primary outlooks with some of the windows in question forming secondary bedroom windows – lessening the extent to which potential overlooking may occur. Furthermore full details of the openings in the relevant blocks will be agreed. Thus subject to a condition securing the implementation of mitigation measures to include for example oblique oriel windows or screens/fins, officers are satisfied that there would be no detrimental overlooking as to justify a refusal within the proposal.

#### Outlook and Daylight

- 3.2.26 The application is accompanied by a Daylight/Sunlight report prepared by CHP Surveyors Limited which provides an assessment of the potential impact of the development on sunlight, daylight and overshadowing to neighbouring residential properties and the proposed units and amenity space. This is based on the approach set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide'.
- 3.2.27 Daylight has been assessed in terms of Vertical Sky Component (VSC), No Sky Line (NSL) and Average Daylight Factor (ADF). Sunlight has been assessed in terms of Annual Probable Sunlight Hours (APSH) and overshadowing has been assessed against the above BRE guidelines. The methodology used within the report is considered to be robust and appropriate.
- 3.2.28 The BRE guidelines explain that the BRE guidelines are not mandatory and that the guide should not be seen as an instrument of planning policy; its aim to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstance the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. It should also be noted that the London Plan guidance states that in view of London's context accepting VSC reductions exceeding 20% is acceptable. A reduction of under 30% is classified as minor adverse, under 40% moderate adverse and over 40% substantial adverse.
- 3.2.29 In regard to the proposed accommodation, the report states despite the orientation of the scheme and the provision of private amenity space, in the form of terraces and balconies, over 90% of the proposed habitable rooms will achieve or exceed the recommended level of daylight and over 70% of those flats with principal windows

facing within 90° of due south will achieve or exceeded the recommended level of sunlight. In addition, all communal amenity areas will have access to the recommended level of direct sunlight. It is therefore considered that this demonstrates that the proposals will provide the proposed accommodation with good access to daylight and sunlight.

- 3.2.30 The setting out of the buildings within the masterplan and the separating distances between the blocks are essential parts of the design intent to maximise natural day light penetration from sunlight throughout the day. In respect of outlook, the proposal also provides a total of 456 dual aspect units (70%) and there are no north facing single aspect units. On balance, and considering the site constraints and context, it is considered that the development would achieve acceptable levels of daylight and sunlight compliance.

### Noise

- 3.2.31 In relation to the noise impacts on the proposed development, the application is accompanied by a Noise Impact Assessment by Syntegra Consulting Ltd. The report states the part of the site closest to Victoria Road has a medium risk in terms of noise during the both the daytime and at night. The majority of the site, however, has a low risk in terms of noise during the daytime and a low-medium risk in terms of noise at night.
- 3.2.32 Good acoustic design has been shown by the site layout in that only a very small number of flats (within Blocks H and J) are directly facing the dominant noise source at the site, Victoria Road/A110 East Barnet Road. Additionally, there are a number of communal amenity areas around the proposed development site located within courtyards between buildings where they be significantly shielded from noise.
- 3.2.33 The submitted Noise Impact Assessment has been reviewed by the Council's Environmental Health team and satisfied with the information provided, subject to conditions relating to the proposed extraction and ventilation equipment and associated noise mitigation measures.
- 3.2.34 The development also comprises of a mix of uses with some flexible use commercial space at ground floor level. There would therefore be scope for increased noise generation from a use falling within the range of approved uses, such as a gym. With this in mind, a condition would also be attached which would require the submission of a scheme of noise insulation for any proposed use of the floorspace under the D use class prior to the occupation of that unit.

### Air Quality

- 3.2.35 An Air Quality Assessment including an Air Quality Neutral Assessment have been submitted in support of the application. The report concludes that the resulting air quality effect of the proposed development is considered to be 'not significant' overall. The Proposed Development does not, in air quality terms, conflict with national or local policies, or with measures set out in the London Borough of Barnet's Air Quality Action Plan. There are no constraints to the development in the context of air quality.
- 3.2.36 The submitted documents were reviewed by the Council's Environmental Health team who have advised that the proposed development is acceptable in view of Air

Quality and Air Quality Neutral requirements. Consequently, a condition would be attached to any permission ensuring the mitigation scheme proposed in the highlighted documents are fully implemented.

### Secured by Design

- 3.2.37 Policy DM01 requires that the principles set out in the national Police initiative, 'Secured by Design' should be considered in development proposals. The proposed development was subject to consultation with the Met Police who have raised no objections subject to the standard condition. Therefore a condition would be attached to any permission requiring the proposed development and design to achieve Secured by Design accreditation.

## **3.3 Design**

- 3.3.1 The National Planning Policy Framework (published 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors; securing high quality design goes beyond aesthetic considerations.
- 3.3.2 The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.1 of the London Plan further emphasises the need for a good quality environment, with the design of new buildings supporting character and legibility of a neighbourhood. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment. Architectural design criteria are set out at Policy 7.6.
- 3.3.3 Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard Policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance. Policy DM03 seeks to create a positive and inclusive

environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.

- 3.3.4 The proposed development and design has drawn from the original concepts established through the extant planning permissions and have evolved through detailed discussions with both LBB and the GLA. The site has been laid out in a series of 14 blocks arranged with regard to the locational characteristics and constraints. The scale of the proposal is designed to respond to its surrounding context, paying close attention to the particular adjacent threshold of each block:
- Blocks H and J respond to the domestic scale of the adjacent Victoria Road.
  - Medium height buildings such as the pavilion blocks are screened by the railway embankment.
  - The mansion blocks, adjacent to Victoria Recreation Ground, use their height to strengthen the edge condition of the park whilst interfacing with the existing tree line.
- 3.3.5 The buildings range from 1 to 10 storeys with the majority at 7 storeys and under, however four would be over 8 storeys. These are the Blocks A (10 storey) and Blocks B1, C1, D1 (9 storey). These taller buildings are nestled in the centre of the site utilising both the railway embankment as well as the natural slope of the site to minimise their impact to neighbours.

#### Tall Building Assessment

- 3.3.6 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.
- 3.3.7 Core Strategy Policy CS5 of the Barnet Core Strategy identifies tall buildings of 26 metres or 8 storeys or more and those areas of the borough where tall buildings will be suitable. These include the Regeneration Areas at Brent Cross and Colindale, but not the application site. Policy DM05 of the Local Plan also identifies certain criteria which tall buildings would need to adhere to. The application therefore represents a departure from development plan policy. Notwithstanding, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that all applications must be determined in accordance with the development plan, unless material planning considerations dictate otherwise. The key consideration is therefore whether material planning considerations exist which justify the tall buildings in this location. In this case, officers consider that the principle of tall buildings at this location is acceptable.
- 3.3.8 The massing strategy for the site has been carefully considered in line with the above policies. The proposals would position the tallest building within the centre of the site and flanked with buildings of lower height. The topography of the site ensures the height of these four buildings and the wider views are suitably mitigated, given the raised wooded embankment of the railway line. This sits 10m above the development site to the immediate west.
- 3.3.9 It is also important to note that to the immediate north of the site is the disused gas holder in the National Grid site. This structure sits well above the heights of the proposed buildings at around 39m in total height. By way of comparison the 9 storey

courtyard blocks would be around 23.7m and Block A would be circa 33.5m. Furthermore within the wider context the proposed building heights would also be subservient to the taller 12 storey buildings to the west of the railway bridge along Station Road. These matters are best illustrated by the site wide long section drawings submitted.

- 3.3.10 The bulk, scale and massing of the scheme is broken down into a series of blocks responding to the surrounding context, including the neighbouring properties on Victoria Road, Victoria Recreation Ground and Network Rail land. It strikes a balance of optimising the density whilst providing a scheme that is appropriate in respect of character and appearance as well as achieving high quality accommodation for occupiers and maintaining amenity for neighbours. The townscape analysis demonstrates that the proposal has little impact on the neighbouring surroundings.
- 3.3.11 The blocks facing directly onto Victoria Road form the 'gateway' into the masterplan. They provide active frontages through either commercial uses which book end East Barnet Road or residential entrances further along Victoria Road at ground floor. Across the site sees the maximisation of active frontages with dedicated private access to ground floor units improves the visitor and residents experience for the site. The variety in heights, massing and visual gaps also ensure a less monolithic form which is considered to be of benefit to the surrounding urban fabric. There are no local viewing corridors or locally important views which would be adversely impacted by the development.
- 3.3.12 There are no heritage assets within the vicinity of the site. The proposed development is not considered to adversely affect its surroundings in terms of micro climate, wind turbulence and glare and would not impact the important local views. This is considered consistent with London Plan (2016) Policy 7.7 D.
- 3.3.13 The scheme has also been reviewed by the GLA and have confirmed through the formal stage 1 process that the proposed heights and massing are acceptable. The GLA states, that the proposed massing alongside the park boundary creates a frame for the park, while other frontages and adjusted massing along the high street and the spine road complements the high street character of Victoria Road. The variation in heights across the development, which has developed since the pre-application stage, is welcomed and the massing of the development is supported.
- 3.3.14 Having regard to the above, it is considered that on balance, the principle of a tall building in this location is acceptable. Whilst the application site is not identified as a strategic tall buildings location within Policy CS5, there are material circumstances which justify a departure from policy in this regard. The proposed scale and massing of the development is acceptable and would ensure integration into the surrounding urban fabric, in accordance with DM05. Officers also consider that the scheme is of a high design quality and is in general accordance with London Plan Policy 7.7 and Barnet Policy DM01. Notwithstanding, whilst there are no outright in principle objections to the overall proposed massing and height, it is considered that this is at the very limit of what the site could appropriately accommodate.

#### Character/Appearance

- 3.3.14 The proposed buildings are contemporary in style, employing a limited pallet of durable materials and finishes with an emphasis on brickwork and detailing. Within



the contemporary interpretation, the classical approach of breaking buildings down into base, middle and top and using repeated fenestration elements of window/door way openings provides a balance between a consistency, differentiation and interest in the architecture.

- 3.3.15 The council's urban design team note that the main landmark in the area remains the Gasholder structure. Overall views are not seen as detrimental. The existing buffer is considered so is the local topographic changes. The development also acts successfully as a gateway with clear views into the site from the pedestrian perspective. The development is visible from the recreation ground but is a positive edge to the park. The proposal also provides another opportunity to reach the park without detracting footfall from the town centre. A robust wayfinding strategy will be agreed through the formal legal agreement and conditions where appropriate.
- 3.3.16 The development relates well to the character of the area and does not detract from the high street but provides additional retail and leisure space and publicly accessible environments, which will enhance quality of life, the local economy and complement the existing Town centre. The width of streets and open spaces respond to the human scale, such as the proposed Plaza, which is an intimate green public space at the heart of the development. Significant improvements are also proposed to Albert Road which would provide a more welcoming and accommodating environment for all.
- 3.3.17 The GLA also confirm that proposed development would create a link with Victoria Recreation Ground and create a permeable and useful open space connection through to the park for residents. The creation of a Park Plaza and direct access routes between the development and the park are supported. The public space around Block A incorporating the Park Plaza creates a welcoming public realm and accessibility from the park.
- 3.3.18 The proposed buildings would have breathing space between each block and the central courtyard space between Blocks B1 – D1 provides a north-south route through the development. Following comments received by the GLA these private courtyards would now be fully accessible to all residents. These matters would be secured through appropriate conditions and legal agreement.
- 3.3.19 In terms of the materiality of the scheme, the palette is considered to be complementary across all of the plots and would provide subtle variation on site to relate to the architecture of buildings and landscape. The material palette is informed where possible from local analysis of materials used; and applied appropriately. The range of proposed materials is considered to be acceptable however appropriate conditions requiring the submission of the final external materials and details for approval by the LPA would be required.
- 3.3.20 The architecture presents a consistent and high quality appearance which responds to its surroundings. It is considered that the scheme provides an attractive development which is contemporary in appearance yet employs devices of classical architecture and traditional London housing forms, creating a new character for the site that is considered appropriate and acceptable.

## **3.4 Amenity Impact on Neighbouring Properties**

- 3.4.1 Part of the 'Sustainable development' imperative of the NPPF 2012 is pursuing

improvements to amenity through the design of the built environment (para 9). Amenity is a consideration of London Plan 2011 policy 2.6 'Outer London: Vision and Strategy' and is implicit in Chapter 7 'London's Living Places and Spaces'. In addition Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

- 3.4.2 The Barnet Residential Design Guidance SPD states there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

#### Privacy/Overlooking and Outlook

- 3.4.3 Given the location and siting of the development the separation distances from any sensitive receptors are significant and more than adequate. Indeed there are no residential properties within the vicinity which would be adversely affected by the proposal.

#### Daylight and Sunlight

- 3.4.4 The application is accompanied by a Daylight/Sunlight report prepared by CHP Surveyors Ltd which provides an assessment of the potential impact of the development on sunlight and daylight to neighbouring residential properties and the proposed units based on the approach set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide'.
- 3.4.5 Daylight has been assessed in terms of Vertical Sky Component (VSC), NO Sky Line (NSL) and Average Daylight Factor (ADF) and sunlight has been assessed in terms of Annual Probable Sunlight Hours (APSH) and has been assessed against the above BRE guidelines. The BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:
- The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight); or
  - The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value; or
  - The daylight distribution, as assessed by the Average Daylight Factor (ADF) calculation which assesses the actual level of light received by a room rather than potential light. The ADF requires the achievement of values of 1% in bedrooms, 1.5% in living rooms and 2% in kitchens.
- 3.4.6 The BRE guidelines explain that the guidelines are not mandatory and that the guide should not be seen as an instrument of planning policy; its aim to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstance the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new

developments are to match the height and proportions of existing buildings. It should also be noted that the London Plan guidance states that in view of London's context accepting VSC reductions exceeding 20% is acceptable. A reduction of under 30% is classified as minor adverse, under 40% moderate adverse and over 40% substantial adverse.

- 3.4.7 In regards to the proposal the assessment with regard to the daylight and sunlight enjoyed by the neighbouring properties, demonstrates that in all instances the numerical values set out in the BRE guidelines, will be achieved. Where they are not, the levels would be improved when compared to the consented schemes. Accordingly, it is concluded that the proposals will not therefore have a significant effect on the daylight and sunlight enjoyed by the neighbouring residential properties.

#### Noise and general disturbance

- 3.4.8 No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. Whilst there is an increase in the intensity of use of the site and extending to an increased use of Victoria Recreation Ground and local streets for example, the use is consistent with the residential character of the wider area and is also appropriate in the context of the edge of town centre location. Nor is the additional non-residential floorspace considered to pose any impact to warrant refusal given the uses are appropriate and acceptable in this edge of town centre location.
- 3.4.9 However as a major development, the construction phase would involve large-scale operations. As there is the potential for significant adverse environmental effects during this phase, a Construction Logistics Plan and an Environmental Management Plan would be therefore be secured via condition. Subject to the above Officers do not consider that the development would have any significant impact on the existing residential amenity in the immediate or surrounding area.

#### Air quality

- 3.4.10 In respect of air pollution, no impacts are identified by the Council's Environmental Health Team. It is noted that any extraction that may be required for food premises (Class A3) would be controlled by an appropriately worded condition. In respect of traffic and parking impacts on air quality, the levels of parking are controlled and the green travel plan which will be secured as part of planning obligations will encourage transport by other modes. In respect of the design, the scheme contributed towards overall reductions in CO2 production, having regard to energy and sustainability policies.

### **3.5 Transport / Highways**

- 3.5.1 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.

### Residential Car Parking

- 3.5.2 The London Plan sets out maximum parking standards which are outlined in Table 1.4 below. Explanatory text provided in the parking addendum sets out that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit.

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		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	Up to 1.5 spaces per unit	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/ha	Up to one space per unit	100–240 u/ha		215–405 u/ha	

- 3.5.3 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

- 3.5.4 The development proposes a total of 392 parking spaces across the site at a ratio of 0.60 spaces per unit. The level of parking provided is therefore below what would be expected through local planning policy. The Transport Assessment (TA) submitted in support of the application sets out justification in respect of the reduced levels of parking. It considered that the site is readily accessible by non-car modes of transport and is suitable for high density residential development. The TA states the site has a good level of access to public transport modes and on this basis a relatively low car parking provision has been proposed.

- 3.5.5 The London Plan outlines maximum car parking standards for residential developments. It sets out that developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit based on the majority of the development being one and two bedroom flats. With 80% of the flats being developed as either studio, one or two bedroom flats, this process is consistent with applying a lower parking ratio. Indeed in the Stage 1 response from the GLA – TfL officers were requesting an even lower ratio of 0.5 spaces per unit ratio.

- 3.5.6 This has been reviewed by the LBB highways team and the parking provision ratio of 0.6 is considered acceptable in principle, given wider London policy framework, TfL's Healthy Streets Policy, current and emerging Borough Policy, and previous LBB approvals for schemes with similar accessibility levels. This is also on the basis of the significant improvements to the site and surrounding area which would be secured through the s106 and 278 works. With regards to the official PTAL rating for this site, it should be noted that the proximity to the gasworks skews the levels and is somewhat misleading. This is due to inherent limitations in the PTAL calculation methodology itself. However they confirm that a further reduction to 0.5 would not be acceptable.
- 3.5.7 The TA states that the Transport Classification of Londoners (TCOL) assessment revealed that Barnet residents largely fall into the categories of 'Detached Retirement' and 'Suburban Moderation', both of which are groups which rely heavily on car use. It has been determined that it is likely that these are unlikely to be the classifications which are most likely to inhabit the development, instead 'Urban Mobility', 'Students and Graduates' and 'City Living' are anticipated to be the most common future resident types. All of which are less likely to rely on private car. Travel trends particularly amongst younger generations are showing a greater tendency to utilise active and shared travel modes. It is therefore anticipated the future residents would be less car reliant than existing residents in Barnet (based upon the TCOL assessment) and thus a high proportion of commuters would travel using sustainable modes.
- 3.5.8 In evaluating the impacts of the scheme and considering future cumulative effects, a package of s106/s278 highway improvements have been established through the extant planning permissions and formally secured through the completion of their respective legal agreements. This suite of highway works and improvements will also be secured with this scheme. The details of the highway works will cover the access points off Victoria Road; the realignment of the Albert Road (East and West); Improvements to Albert Road West; Improvements to the Albert Road East and Victoria Road Priority Junction. Improvements to both the footway and carriageway Albert Road (East and West) as well as parking/traffic restrictions to be introduced and would be agreed as part of the s278 process.
- 3.5.9 Furthermore off-site improvement works which would help mitigate the impact of the development, improve the public realm and encourage sustainable modes of transport will also be secured. These include:
- The removal of an existing elevated pedestrian bridge and replacement with improved access and public realm and further improvements to the west of site i.e. resurfacing Network Rail land including the pedestrian tunnel resurfacing and vegetation clearance;
  - Pedestrian improvements to consist of improved signing, and lighting under the railway bridge on East Barnet Road;
  - Provision of new zebra pedestrian crossing facility on Victoria Road (north east of mini roundabout junction);
  - Replacement of an existing Zebra Crossing on East Barnet Road to Puffin Pedestrian Crossing south east of East Barnet Road and Lytton Road junction;
  - Junction Improvements to Victoria Road and East Barnet Road including carriageway and footway widening and all associated highway works; and
  - Review existing Traffic Regulation Orders and any new restrictions for Albert Road East and West, Victoria Road, East Barnet Road in the vicinity of Lytton Road.

- 3.5.10 With the proposed improvements associated with the development, which will further encourage sustainable mode use, it is anticipated that the development will have a sustainable mode share which exceeds the 75% target set out by the Mayor. In addition to the above the applicant has also agreed to provide a financial contribution towards a feasibility study and the outcomes of that study, to improvements to the Pedestrian and Cycling Environment surrounding the site, including upgrades to crossing facilities. Furthermore additional measures would also be secured such as the travel plan, provision of car club spaces and contributions towards the consultation and implementation of a local CPZ.
- 3.5.11 The agreed highways improvements listed above and detailed within the Heads of Terms ensures that the Healthy Streets approach is adopted. As the GLA have noted a permeable internal street network is proposed, offering new active travel routes through the site and into Victoria Park. These streets and access routes to Victoria Park will be available at all times throughout the year.
- 3.5.12 It is agreed that Albert Road West provides a key desire line for pedestrians and cyclists. Vehicular access needs to be retained in order to facilitate access to the existing properties along its length. This will be maintained as one way exit only for vehicular traffic and the wider movements to and from the development can be taken via Albert Road East. As such, whilst vehicular access needs to be retained, the volume of movements is low.
- 3.5.13 The TA shows expected demand for bus services. TfL have noted that while there are several bus routes in the area, demand will be concentrated on a small number of routes. Route 384 is expected to require a capacity uplift to cater for additional demand and have requested a financial contribution from the applicant to help provide for the capacity uplift. The applicant has agreed to provide a contribution which will be secured through the legal agreement.

#### Cycle parking

- 3.5.14 Taking both the residential units and the commercial/community space requirements a total of 1,240 cycle parking spaces are currently proposed across the site, this provision exceeds the requirements for cycle parking standards. Following comments received from the GLA at Stage 1, minor revisions have been made to the cycle stores and layouts across the site. Full details would be secured through appropriate conditions.

#### Construction Management/Logistics Plans

- 3.5.15 These plans should include limits on times of operation for the lorries and identify a designated safe route for lorries to ensure minimal impact on the public highway and to demonstrate how the operation and construction can be done safely. Draft plans have been submitted, however these do not provide all the required information and certain elements, such as the vehicle routes are not considered acceptable. Therefore these would not form part of any approved documents under this permission and thus details will be confirmed with agreement with LBB and secured through appropriate conditions.

## Delivery and Servicing

- 3.5.16 Each building of the scheme is provided with a refuse store at ground floor which have been sized and located in respect of the Barnet Council's guide for Architects & Developers Provision of Household Recycling and Waste Service. Refuse/recycling vehicles will require regular access upon occupation of the dwellings and for other existing users along Albert Road West. The submitted details confirm that the residential and commercial elements would be separate to avoid any conflict. Full details of the collection provision and collection point will be secured via condition.

## **3.6 Energy/Sustainability**

- 3.6.1 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
- 3.6.2 London Plan Policy 5.2 'Minimising Carbon Dioxide Emissions' requires all residential developments to achieve zero carbon on new residential developments post 2016. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in 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. The Further London Plan Chapter 5 policies detail specific measures to be considered when designing schemes including decentralised energy generation (Policies 5.5 and 5.6), renewable energy (Policy 5.7), overheating and cooling (Policy 5.9), urban greening (Policy 5.10), flood risk management and sustainable drainage (Policies 5.13 and 5.15).
- 3.6.3 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 Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes.
- 3.6.4 The proposed development is accompanied by an Energy Statement prepared by LEC Ltd. The Energy Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO<sub>2</sub> emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development site will be constructed to comply with Part L 2013 (with 2016 amendments) of the Building Regulations and in line with the London Plan target to achieve a minimum 35% CO<sub>2</sub> reduction over the Part L baseline using the new draft SAP10 carbon factors.

- 3.6.5 The development will reduce regulated CO<sub>2</sub> emissions by incorporating a range of passive design and energy efficiency measures for all buildings, including improved building fabric standards beyond the requirements of Part L of the Building Regulations and energy efficient mechanical and electrical plants. After reduction of the energy demand, the strategy proposes implementation of an Air Source Heat Pump (ASHP) system connected to a site-wide district heating network which will supply hot water and space heating to all residential units.
- 3.6.6 The regulated CO<sub>2</sub> savings for the residential development are expressed in terms of actual and percentage reduction after each stage of the energy hierarchy are presented in the table below. The table below shows that the proposed strategy can achieve regulated CO<sub>2</sub> savings of circa 328 tCO<sub>2</sub> which is equivalent to circa 55% reduction when compared to the baseline. To achieve the zero carbon homes standard, an off-set payment will be made for the outstanding regulated CO<sub>2</sub> emissions. The estimated outstanding regulated CO<sub>2</sub> emissions for the 30-year period is 8,095 tonnes which equates to circa £485,712 of carbon offset payment based on carbon offset price of £60 per tonne.

	Regulated Energy CO <sub>2</sub> savings	
	Tonnes per annum	%
Savings from energy demand reduction	20	3%
Savings from heat network	0	0%
Savings from renewable energy	309	52%
<b>Total cumulative savings</b>	<b>328</b>	<b>55%</b>
<b>Carbon shortfall</b>	270	-
	Tonnes CO <sub>2</sub>	
<b>Cumulative savings for off-set payment</b>	<b>8,095</b>	
<b>Cash-in-lieu contribution</b>	<b>485,712</b>	

- 3.6.7 The final calculation for the carbon offset payment will be based on the final carbon calculations of all units following completion. Therefore, this indicative carbon offset figure is likely to change once the as-built results have been calculated. This will be secured via the s106 agreement.
- 3.6.8 The GLA have confirmed in their stage 1 response that the energy strategy is considered broadly acceptable however further information is required in relation to the Be Lean target, overheating, mechanical cooling, future-proofing for connection to district heating, PV and heat pumps. Therefore these matters will be clarified and agreed in accordance with the GLA's requirements.

### BREEAM

- 3.6.9 As the development is characterised as a "major" development, it is required under SPA Sustainable Design and Construction, that BREEAM standards be met. Under



Council policies DM01 and DM02 and the London Plan Policy 5.2 it is required that non-residential developments meet a target of BREEAM 'Very Good'. This would be conditioned accordingly.

### **3.7 Flood Risk / SUDS**

- 3.7.1 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”.
- 3.7.2 A flood risk assessment (FRA) has been prepared by Stantec in support of the proposal. The site is located within Flood Zone 1 'Low Probability' less than a 1 in 1000 (0.1%) Annual Probability of flooding from rivers. In accordance with the fundamental objectives of the National Planning Policy Framework (NPPF), the FRA demonstrates that: the development is safe through appropriate management of flood risk; does not increase flood risk; and does not detrimentally affect third parties.
- 3.7.3 Surface water from the development is proposed to be attenuated in geo-cellular crate within the site and then discharged to the Shirebourne/Pymme's Brook via the existing adopted surface water network. The scheme proposes an intensification, whilst maintaining the previously agreed discharge rates for surface water into the existing culvert. The surface water management strategy will incorporate Sustainable Drainage Systems (SuDS) measures such as permeable paving, attenuation crates and green/blue roofs to provide water quality and surface water attenuation benefits.
- 3.7.4 The applicant has submitted a Drainage Strategy that has been reviewed by all parties concerned. The council's drainage team have confirmed that the proposed details are broadly acceptable. However insufficient details have been submitted in relation to some aspects of drainage. Therefore further details are required. These details will be secured via condition.

### **3.8 Landscaping, Trees and biodiversity**

- 3.8.1 The 'sustainable development' imperative of NPPF 2012 includes enhancing the natural environment and improving biodiversity (para 7). London Plan 2016 policy 7.19 states that development proposals, where possible, should make a positive contribution to the protection, enhancement, creation and management of biodiversity. Barnet Local Plan policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity.
- 3.8.2 The proposed development has been reviewed by the council's arboriculturist team and additional information was requested and revisions subsequently applied to the scheme. These include realignment of the main connection to park pathway, additional tree planting added to Eastern Boundary, recommendations on tree species; and minor changes to the pathways further along the Eastern Boundary. The

submitted tree impact assessment confirms that the proposed development results in the loss of one moderate quality tree that is offset by extensive new tree planting throughout the site. To achieve access to the new site layout it is necessary to remove tree T23, a lime. The tree is of moderate quality but is not an exceptional specimen that warrants retention as a constraint to the scheme. Its loss is more than offset by the planting of new trees throughout the residential community. The development proposes extensive new planting throughout the site to result in a substantial gain of trees in the area and, as a result, a significant contribution to the amenity of the area.

- 3.8.3 The full proposal involving the detailed landscaping and management scheme for the site; including tree planting, will be subject to a Landscape Management Plan to be submitted to the Council for their review and approval and secured through the formal s106 agreement. As detailed within the head of terms. The strategy would ensure a provision of a mix of indigenous species and tree sizes (including semi-mature species) in suitable locations including in public open spaces are provided within the site. Furthermore, financial contribution to maintain the trees on the adopted public highway will also be secured.
- 3.8.4 Following a review by the council's greenspaces team, details regarding the boundary treatments and materials for the pathway network joining the development to the park, would be secured by conditions. In addition, it has been agreed that the development has a shortfall of 1,511.73sqm of play provision for older children. Based on the council's charge rate, this equates to a s106 contribution of £283,721.90 for Victoria Recreation Ground, which would be secured through the s106 agreement to enhance further improvements to the park.
- 3.8.5 The proposal has also been reviewed by the council's ecology team. They confirm the applicant has identified no European statutory sites within 5 km of the survey area. However, the site is located in close proximity to Covert Way Local Nature Reserve (LNR) at 700m from the site and the closest non-statutory site is Pymmes Brook located 400m east of the site. The survey area does fall within a SSSI Impact Risk Zone for Redwell Woods SSSI, which is located c. 7.5 km north-west of the site. However, the development does not fall into any of the categories listed by Natural England that would require consultation with them. On review, the council's ecologist are satisfied that the evidence provided by the applicant is sufficient to address potential impacts and implications on biodiversity receptors. Therefore the points raised can be appropriately addressed through suitably worded planning conditions.

## **4 Planning Obligations & CIL**

### Planning Obligations

- 4.1 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.
- 4.2 In accordance with development plan policies the list of obligations as set out in the heads of terms at the beginning of this report; 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.

#### Community Infrastructure Levy (CIL)

- 4.3 The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) at a rate of £135 per square metre. As noted in SPD para 2.2.11, the purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough.
- 4.4 Pursuant to the Table 3: Mayoral CIL Charging Rates of the Mayor's April 2013 SPG 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy', a flat rate charge of £35 applies to the application.
- 4.5 Given the nature of the way in which CIL is calculated it is only possible to estimate the contribution which will finally be made at the time planning applications are determined. At this stage from the information available it is estimated that the combined CIL total without affordable relief would be £15,844,100 (Mayoral CIL: £4,045,398 and LBB CIL: £11,798,702). With the affordable relief applied, the total CIL sum would be £11,359,517 (Mayoral CIL: £3,012,457 and LBB CIL: £8,347,060).

## **5 Equality and Diversity Issues**

- 5.1 Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:
- (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
  - (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
  - (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

- 5.2 In considering this application and preparing this report, Officers have had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory

duty under this important legislation. The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site. The site will provide 10% wheelchair adaptable units.

- 5.3 The development includes level, step-free pedestrian approaches into the building to ensure that all occupiers and visitors of the development can move freely in and around the public communal spaces. Lifts are provided to provide step-free access between the lower ground, ground and the upper levels. Dedicated parking spaces for people with a disability will be provided in locations in close proximity to the lift areas.
- 5.4 It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

## **6 Conclusion**

- 6.1 In conclusion officers consider that, on balance, the development is acceptable having regard to the relevant local, regional and national policies. The principle of the redevelopment of the site and the provision of a residential-led mixed use scheme is acceptable.
- 6.2 The proposed scheme would deliver an optimised residential-led mixed use scheme which is supported. Furthermore, the scheme would deliver a good level of onsite private and communal amenity, whilst providing sufficient safeguards to protect neighbouring occupier amenity. It is considered that the significant public and wider regenerative benefits of the proposed development would on balance, outweigh any concerns relating to building height and density. The scheme provides 35% affordable housing which is a significant uplift from the extant planning permissions.
- 6.3 In summary, a high-quality, residential-led redevelopment of the site will bring a disused and formerly contaminated brownfield site back into active use, supplying housing which is a key strategic priority in London, as well as helping to support and revitalise the town centre with complimentary uses and improving the linkages to and from it and Victoria Recreation Ground. No significant impacts are identified to neighbours and future occupiers and to the environment. Where there are impacts such as to the functioning of the highway network, the scheme includes a comprehensive set of improvements to maintain the functioning of the network, secured through s106/s278 planning obligations. This is part of full range of planning contributions to mitigate the scheme as well as CIL charging to address infrastructure impacts. Accordingly for these reasons and on balance, the scheme is considered acceptable.
- 6.4 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 generally and

taken overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to a Stage 2 referral to the Mayor of London and subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out above.

**SITE LOCATION PLAN – Reference: 20/1719/FUL**

