

**LOCATION:** Barnet House 1255 High Road London N20 0EJ

**REFERENCE:** 21/3726/FUL

**Received:** 6<sup>th</sup> July 2021

**Accepted:** 6<sup>th</sup> July 2021

**WARD:** Totteridge

**Expiry:** 5<sup>th</sup> October 2021

**APPLICANT:** Daniel Watney LLP

**PROPOSAL:** Redevelopment of the site to deliver up to 260 homes and up to 709 sqm GIA of Class E commercial floorspace through the conversion of Barnet House from offices to residential, including extension at roof level, and the front, rear and side elevations alongside the provision of Class E use at ground floor of Barnet House. And the demolition of rear annex and erection of new residential buildings. Together with associated public realm, landscaping, access improvements, car and cycle parking.

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## **1. BACKGROUND:**

This committee report is a result of an appeal which has been submitted against the non-determination of planning application reference 21/3726/FUL, under Section 78(2) of the Town and Country Planning Act 1990.

In order to express the Council's views to the Planning Inspectorate, Members are asked for their recommendation.

The determination date of the application was 5<sup>th</sup> October 2021. The need to discuss and obtain further information (pertaining to financial viability and affordable housing, trees, ecology and highways) and seek minor improvements to design of the scheme, which collectively required re-consultation in November 2021, prevented the application from being reported to Strategic Planning Committee before December 2021.

The scheme was to be reported to the Strategic Planning Committee on 6<sup>th</sup> December 2021, however this meeting was cancelled in late November 2021, with the Applicant being notified on this on the 25<sup>th</sup> November.

On 30<sup>th</sup> November 2021, Officers received a notification of intention to submit an appeal for non-determination of the application from the Applicant's appointed appeal agent (Town Legal LLP).

The Planning Inspectorate have confirmed to the Local Authority by letter dated 2 February 2022 that the appeal is valid, with the start date being 2<sup>nd</sup> February 2022. The procedure chosen by the applicant and subsequently agreed by the Planning Inspectorate is a planning inquiry, which they have estimated will sit for 9 days. The exact dates are to be agreed/confirmed.

Because the applicant has lodged an appeal of non-determination this means that the London Borough of Barnet is no longer the determining authority, rather the Planning Inspectorate will consider the application.

The Member's recommendation will be sent to the Planning Inspectorate as part of local planning authorities' statement of case.

## **2. POLICY CONSIDERATIONS**

### Key Relevant Planning Policy

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

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

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

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

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

## Revised National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The Revised 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 Revised NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2041. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that development in London achieves growth that is socially and economically inclusive and environmentally sustainable.

The following Policies are relevant:

- GG1 (Building strong and inclusive communities)
- GG2 (Making Best Use of Land)
- GG3 (Creating a healthy city)
- GG4 (Delivering the homes Londoners need)
- GG5 (Growing a good economy)
- GG6 (Increasing efficiency and resilience)
- SD1 (Opportunity Areas)
- G5 (Urban Greening)
- G6 (Biodiversity and access to nature)
- G7 (Tree and woodlands)
- D1 (London's form, character and capacity for growth)
- D2 (Infrastructure requirements for sustainable densities)
- D3 (Optimising site capacity through the design-led approach)
- D4 (Delivering Good Design)

- D5 (Inclusive design)
- D6 (Housing quality standards)
- D7 (Accessible housing)
- D8 (Public realm)
- D9 (Tall buildings)
- D10 (Basement development)
- D11 (Safety, security & resilience to emergency)
- D12 (Fire Safety)
- D13 (Agent of change)
- D14 (Noise),
- HC1 Heritage conservation and growth
- H1 (Increasing housing supply)
- H4 (Delivering affordable housing)
- H5 (Threshold approach to applications)
- H6 (Monitoring affordable housing)
- H10 (Housing size mix)
- S4 (Play and informal recreation),
- T5 (Cycling),
- T6.1 (Residential Parking)
- SI1 (Improving air quality)
- SI2 (Minimising greenhouse gas emission)
- SI5 (Water infrastructure)
- SI12 (Flood risk management)
- SI13 (Sustainable drainage)
- DF1 (Delivery of the plan and Planning Obligations)

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

### Relevant 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)
- CS7 (Enhancing and protecting Barnet's open spaces)
- CS9 (Providing safe, effective and efficient travel)
- 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)

#### Relevant Development Management Policies:

- DM01 (Protecting Barnet's character and amenity)
- DM02 (Development standards)
- DM03 (Accessibility and inclusive design)
- DM04 (Environmental considerations for development)
- DM05 (Tall buildings)
- DM06 (Barnet's heritage and conservation)
- DM08 (Ensuring a variety of sizes of new homes to meet housing need)
- DM10 (Affordable housing contributions)
- DM11 (Development principles for Barnet's town centres)
- DM14 (New and existing employment space)
- DM16 (Biodiversity)
- DM17 (Travel impact and parking standards)

#### Barnet's Local Plan (Reg 22) 2021

The Council is in the process of reviewing and updating the Borough's planning policies in a document, known as the Local Plan. It forms a 15-year strategy which emphasises Barnet's many strengths as a place to live, work and visit. The Local Plan sets out a vision for how the Borough will change as a place over the next 15 years.

Barnet's Draft Local Plan -Reg 22 – Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft 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 the policies and site proposals in the draft Local Plan and the stage that it has reached.

#### Supplementary Planning Documents

- Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)
- Green Infrastructure (October 2017)
- Planning Obligations (April 2013)
- Residential Design Guidance (April 2016)
- Sustainable Design and Construction (April 2016)

- Affordable Housing SPD (2007)

### **3. MATERIAL CONSIDERATIONS**

#### **Site Description**

The site comprises approximately 0.58ha of land within Whetstone and includes a 12 storey building fronting the High Road (though read as 13 storeys with the 4.2 meter parapet), with a two storey annex, with under-croft parking, fronting Baxendale Road. The remainder of the site is occupied by car parking; 212 spaces at ground and 75 spaces within the basement area. The site is used as B1 office space by the London Borough of Barnet Council, providing c. 7,500sqm (NIA) of floorspace.

The application site has considerable presence within the locality, containing the tallest building in the local area and occupying an area of high ground fronting a major cross-road within the town centre.

The eastern and southern boundaries of the site are formed by the High Road and Baxendale respectively. To the south of the site is the former B&Q site, which has planning approval (ref. 14/07670/FUL) for the erection of 124 residential units (Use Class C3) comprising 24 houses (3-4 storey) and four apartment blocks (3-6 storey) providing 100 new flats and associated facilities beyond. To the west of the site is Baxendale Care Home (3-4 storeys) and associated access and parking. There is an existing wall which rises to the equivalent of the 2nd/3rd storey of the Care Home building and a c. 0.9 m change in level across the application site; these visually and physically separate the building from the application site. Located in the southern corner of the application site is an existing mature Holm Oak which provides a dense and verdant visual buffer for the residents of Baxendale.

The north of the site is bound by the rear of properties fronting Totteridge Lane (Nos. 1-3 Totteridge Lane 'Paulston House' is 3 storeys, ref. B/03302/14) and the rear of a restaurant (Sushi Mania which is 2 storeys) fronting the High Road. Further to the north, the High Road is characterised by 2/3 storey buildings with retail at ground floor and residential units above. Further to the south east is 886-902 High Road which is currently being redeveloped for a 5 storey mixed use scheme, comprising 548.4sqm of office floorspace (Use Class B1) at ground floor and 60 residential units (Use Class C3) above (ref. F/00236/12).

All vehicle access to the site occurs from Baxendale with a separate, segregated pedestrian access from the footpath off the High Road. The site has a PTAL of 4 and is within a five minute walk of Totteridge and Whetstone Station and the closest bus stop is less than 50m away. Oakleigh Park Station (national rail) is less than a 15 minute walk from the site, with connections to Moorgate and Welwyn Garden City. A wide range of existing services and facilities are located within walking distance of the site.

There are some trees within the site boundary, including a 'Category A' tree in the north west corner of the site which is protected by a Tree Preservation Order (TPO).

There are no above ground heritage assets within, or immediately adjoining, the site. The closest heritage asset is 'The Whetstone' (outside the Griffin Public House No. 1262) which is Grade II listed, on the opposite side of the High Road, and also Nos. 1264, 1266, 1268, and 1270 High Road, which are also Grade II listed.

The site lies entirely within Flood Zone 1. Topographically, the site slopes downhill in a westerly direction.

### **Description of Proposed Development**

The proposed development is as follows:

*'Redevelopment of the site to deliver up to 260 homes and up to 709 sqm GIA of Class E commercial floorspace through the conversion of Barnet House from offices to residential, including extension at roof level, and the front, rear and side elevations alongside the provision of Class E use at ground floor of Barnet House and the demolition of rear annex and erection of new residential buildings. Together with associated public realm, landscaping, access improvements, car and cycle parking'*

### **Additional Information**

During the lifetime of the application, in response to consultee comments, the applicant supplied additional and updated plans and information with regards to alterations/articulation improvements to the Baxendale elevation, a reconfigured bin store, additional green screening, widening of the holding zone in front of first access to cycle core, provision of direct access from Core D into cycle store, alterations to windows and private terraces, and an updated parking demand survey. This was reconsulted on with the neighbouring properties, MPs, Councillors and local residents groups/associations for a period of 14 days between 12<sup>th</sup> November and 26<sup>th</sup> November 2021.

### **Site History**

The existing building was constructed in 1964. Subsequent to this there have been several minor planning applications and advertisement consent applications:

Application Reference	Description	Decision and Date
N/00153/B	Construction of store room, goods in and out, Chauffeur's room, and lavatory, in basement car park.	Approved: 04/03/1966
N/00153/E	The erection of aerial mast.	Approved: 02/07/1975
N/00153/G	New pedestrian gate in fence adjoining High Road at northern end of site.	Approved: 14/02/1979
N/00153/P	Provision of additional car parking together with associated landscaping and the formation of a new vehicular access to Baxendale.	Approved: 08/05/1985
N/00153W/04	Alteration to car park layout including additional parking spaces.	Approved: 08/12/2004

In addition to the table above, a prior notification application was granted on the 11 May 2017 for the Change of Use of the building from B1 (Office) to C3 (residential), providing for 254 residential units, under application reference: 17/1313/PNO. This prior approval established the principle of residential development of the site but has since expired, having not been implemented within 3 years of the decision.

Under application reference 17/5373/FUL, planning permission was recommended for approval to the Planning Committee for the "redevelopment of the Barnet House site including change of use of the main building from B1 (office) to C3 (residential); extensions to front, side and rear elevations; and the addition of 2 storeys to the height of the main building, partially within the existing built framework. Demolition of the existing 3 storey rear annex and erection of a new building ranging from 2 to 6 storeys. Redevelopment will deliver 216 new homes and 1,352 sqm of community, retail and commercial floorspace, together with associated public realm, landscaping, new accesses and basement level car parking." However, the Committee resolved to refuse the application on the grounds that:

*"1. The proposed development, by virtue of its excessive height, scale, massing and density would represent an over development of the site resulting in a discordant and visually obtrusive form of development that would fail to respect its local context and the pattern of development in its context, to such an extent that it would be detrimental to the character and appearance of the area and would be detrimental to the visual amenity of adjoining residential occupiers. The proposal would therefore not constitute a sustainable form of development and would be contrary to the provisions of the NPPF, policies 3.4, 7.4, 7.6 and 7.7 of the London Plan 2016 and policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies 2012."*

*"2. The proposed development by reason of the quantum of development and absence of appropriate secured mitigation would result in an undue strain being placed upon local services contrary to the provisions of Paragraph 7 of the NPPF, Policy 3.2 of the London Plan 2016 and Policy CS11 of Barnet Local Plan Core Strategy 2012."*

The application was subsequently refused on 13 April 2018.

Planning permission was granted on 12 May 2021 (application ref. 21/1523/FUL) for the erection of temporary hoarding around the perimeter of the Barnet House site to ensure the car park and buildings are secure from anti-social behaviour.

## **Internal / External Consultation**

### Pre-application Consultation by the Applicant

A statement of community involvement has been submitted with the Planning Application which outlines the consultations which the applicant carried out prior to the submission of the application.

Due to the outbreak of COVID-19, the Applicant held a virtual public exhibition which ran from 22 February 2021 to 8 March 2021. In addition to this, two public webinar sessions were held on 23 February 2021 and 25 February 2021. Meetings were also held with elected representatives and stakeholders between 4<sup>th</sup> February 2021 and 5<sup>th</sup> March 2021.

### Public Consultation

Consultation letters were sent to 906 neighbouring properties. The application was also publicised by site notice, displayed on 23rd July 2021; and, also by press notice within the Barnet Times on 29th July 2021.

380 responses have been received, comprising 365 letters of objection and 15 letters of support.

The objections received are summarised as follows:

- The scheme does not comply with the London Plan
- The scheme does not comply with Barnet's adopted Core Strategy or Development Management Policies DPD (2012)
- The reasons for refusal in the previously refused application referenced: 17/5373/FUL remain relevant to this application and have not been addressed.
- The scheme would be detrimental to the character and appearance of the area.
- Excessive height, scale, massing and density representing visually intrusive and discordant overdevelopment.
- The Greengage report states that there are likely to be 624 residents occupying the site and that 'it is considered that there would be a local negative impact in the long term'
- The current plans have not taken account of the previous objections / feedback, and this application is an attempt to push through residential units
- Lack of evidence of need for this type of accommodation
- Overbearing structure
- Loss of light and overshadowing of existing adjacent neighbouring occupiers

- Density exceeds that of neighbouring new development and also exceed the maximum proposed in the London Plan for Central London.
- Overlooking and loss of privacy of existing adjacent residential occupiers
- Previous use is unoccupied overnight and therefore with the proposed use there is greater potential for light nuisance overnight affecting the nearby residents and surrounding area.
- Negative impact on visual amenity of the residents
- Insufficient manoeuvring space for servicing and delivery vehicles.
- Insufficient access for emergency services to access the development and Baxendale when other servicing and delivery vehicles present.
- Obstruction for Baxendale residents from servicing and deliveries associated with the development
- Insufficient parking provision leading to increased congestion and pressure on surrounding roads.
- Lack of consideration for home workers and therefore vehicles remaining at home contributing to parking pressures.
- Non-compliance with disabled parking space provision
- Lack of updated parking demand information – survey is from 2017.
- Poor methodology for parking survey.
- Insufficient detail on how traffic management will be handled to ensure cars can access and egress from a busy junction
- Increase in air pollution
- No parking for visitors or workers associated with the commercial or residential aspects of the development.
- Amenity green which is maintained at the expense of Baxendale residents will be used by the occupiers of the development
- Lack of documentation on development's traffic impact and conformity to road safety standards
- Lack of documentation on development's conformity to pollution standards
- Risk to the public and occupiers from wind which the Council should be liable for.
- It will create a worse wind tunnel effect
- Noise and general disturbance / disruption to existing residents from the construction phase of the development.
- Greater noise and disturbance from a residential development occupied more often than the existing Office use.
- Undue pressure on local amenities and services.
- Loss of, and harm to trees, including TPO trees.
- Council has not done anything to protect local character in accordance with DM01.
- The additional height of the development fails to accord with the tall building policy.
- The tall building will have a negative impact on digital connectivity i.e. telecommunications, TV signals and internet services.
- Insufficient external space for 700+ residents and lack of external space overall.

- Lack of school places for children associated with the development. It will create greater pressure on educational services.
- Observations following the pandemic and Grenfell Tower tragedy indicate that living in high rise blocks threatens the safety of residents and negatively affects mental health, physical wellbeing, and increases isolation.
- There is a lack in improvement of services and amenities despite the approval of so many new housing developments.
- Insufficient consideration of health care implications of the development. Greater stress will be placed on these services as a consequence of the development.
- No demonstration of what measures will be undertaken to minimise groundwater discharges into the public sewer.
- The Mayor's previous report in 2018 suggested the building should be demolished
- The Council is responsible for the erosion of the Borough and its community
- Rumours suggest Barnet support the proposal in return for the Developers releasing Barnet Council from their lease of Barnet House for Offices.
- Current social infrastructure (GP, schools, hospitals etc) cannot cope with the additional pressure from the development.
- There is an underreporting of the number of people who have responded to the application. The numbers reflected on the website are not reflective of the actual number of people who have responded.
- The existing design quality of Barnet House should not be dismissed and used as a reason for redevelopment, as it is a good example of architecture at its time.
- The proposed alterations to the existing building are not sympathetic or subservient, resulting in the loss of its original appearance.
- The proposed design is bulkier and more busy in appearance, resulting in a more dominant and out of scale form of development. The exterior profile of the present building should remain.
- The ground floor should remain open and not infilled, with a different design features.
- Insufficient family home provision, not suitable for couples with children
- Landscaping is poor/inadequate.
- The existing building is hideous, but the additional development will make it worse.
- The development will place undue strain of utilities and waste services.
- Increased height will increase its visibility from longer distances.
- The increased forward projection development will create a canyon effect, creating a more cramped feel within the street scene.
- Quality of the residential units will be poor – small, dark and on a busy road.
- Insufficient affordable housing provision.
- The development, sited on a busy junction, will increase the risk of accidents for pedestrians, cyclists and motorists.
- You're all morons and deserve everything you get
- MPs should put their energy into preventing this scheme from going ahead

- Concerns about whether the units will be rented or owned as the renters will not take care of anything.
- Lack of green space / landscaping within the development. Occupiers will use neighbouring residents lawns - trespassing
- Lack of security for Baxendale
- Baxendale is dark, with light obscured by trees – risk of crime and anti social behaviour.
- It will make the tenants of Baxendale care home feel insecure and will worsen their quality of life.
- The occupiers of the proposed development will be exposed to harmful noise and air quality.
- The development will contribute towards poor air quality and exacerbate existing respiratory conditions of neighbouring residents.
- The Council will benefit financially from this scheme
- Increased traffic will be damaging to the environment
- The balconies overlooking the High Road are intrusive
- The Planning department are not doing their job – failing to screen out unsuitable development proposals
- The building is already out of keeping with the area, to add storeys would make this worse.
- It will make it impossible to get a doctors appointment
- The building should be demolished and new dwellings erected that are more in keeping with the area.
- The proposed development will create a modern day overcrowded slum.
- Profit is being put before quality of human life
- There will be a lack in interest for these homes, owing to their quality
- The Council has decided to proceed for a similar plan to the refused scheme
- Could you please clarify if you have already carried out an ITT, selected the contractor and signed the contract for redeveloping Barnet House.
- The redevelopment has already commenced without permission - the rooms walls inside the building have been stripped off.
- The consultation process with the public has no value if the Council has a contract with a contractor who has already commenced works, at the tax payers expense.
- Unrealistic to expect future occupiers to rely on public transport over personal motor vehicles.
- People will park in Baxendale, taking up available parking used by the existing residents.
- No consideration has been given to topography.
- Adverse impact on local viewing corridors, local views and sky line.
- The proposal does not any benefits or facilities for the community.
- The proposed mini public plaza is barely public and is unlikely to appeal to the public. It is also not clear who will be responsible for maintaining /managing this space.

- Behind the care home, and houses, is a large lake (with rowing boat), a tennis court, grassed areas, seating, a playground, and wooded walks etc, which will not be secured from the residents of Barnet House.
- Pedestrians will be at greater risk from delivery vehicles and construction vehicles parking on pavements.
- Totteridge and Whetstone Northern Station cannot cope with the amount of people this development will generate.
- The Council does nothing for its residents, particularly those on low incomes. The existing building should be used for recreational purposes and the community.
- Existing tensions between residents and commercial operators in the area over parking, to be worsened by the development.
- Huge loss of employment/office space
- Shortage of office space in the Borough
- The committee need to fully consider the implications of the proposed development on the local community, acknowledging the expert reports but consider that they are written in favour of the developers and needs to be read in conjunction with the real life situation.
- Dense housing only really works with wide accessible public spaces which whetstone does not have.
- The roof gardens will present an overlooking / loss of privacy issue.
- Overdevelopment of the site resulting in excessive density and height conflicting with London (Policies D1/D3) and Local (Policies DM01/DM05) planning policies
- The building is not fit for purpose and was designed for office use, not residential. The building is therefore unlikely to be suitable for healthy living and this should be challenged.
- The ground floor should be used for health/social care services (GP, dentist, nursery) and secured by Section 106 legal agreement, to compensate for existing stretched services.
- Whetstone does not need additional retail/office space
- Granting the development will ensure that Baxendale is permanently blocked by vehicles.
- A separate dedicated cycle access way should be created from the development to the High Road as a condition of any development of this scale to ensure the safety of residents.
- The scheme is driven by greed.
- The development is contrary to Barnet's own Tall Buildings policy which states "The presence of an existing tall building does not necessarily mean that its replacement or a further tall building in the same area will be acceptable."
- A new build would have better capability of meeting the sustainability and carbon objectives compared to the existing building and could be a legacy building.
- The structural integrity of the existing building may be a concern, raising issues of safety for the future.

- Suggesting the PTAL rating is higher than it actually is, is not appropriate to justify the lack of parking.
- The socio economic report submitted is inaccurate and using out of date data from the census in 2011/12
- The community facilities referenced in the socio-economic report are mostly for hire only, as are a number of the leisure facilities referenced.
- There are inaccuracies and grammatical errors within the supporting documentation.
- The conversion of this building in the centre of Whetstone from office use to predominantly residential is contrary to the need to provide local employment
- The permission if given should include a requirement to fund additional local services eg Primary Care, Schools, voluntary sector services.
- It will set a bad precedent for other development
- The development will create health and safety risks
- Increase in fly tipping and anti-social behaviour
- Proposals for the south building are excessively imposing on the Baxendale side street, with 'no soft entrance' set back from the footway.
- Baxendale is already used as a cul-de-sac for turning around it and this will be worsened
- A single lay-by is wholly inadequate provision for visitors' and visiting tradespeople's cars for 260 homes.
- Both train commuters and restaurant customers have no qualms about parking on the footway or across driveways in St Margarets Ave, and this will be worsened. Enforcement action is only taken if residents call persistently.
- Oversupply of flats and not enough houses
- The site is not an urban location it's a suburban location therefore this is an inappropriate form of development in that context.
- Barnet has too many cycle lanes which are unused and so the cycle space provision is too much.
- Local supermarkets will struggle to cope with the extra customers
- It exceeds the projected number of units anticipated for the site within the draft Local Plan.
- Elected representatives are not listening to the people they serve
- It has asbestos that is said cannot be removed safely
- Less access to money - no longer have any banks or building societies in Whetstone and only one ATM which is often out of money.
- Impact on wildlife, ecology and biodiversity – the development will compromise this.
- The development will contribute to overheating and carbon emissions
- S106 money does not go where it needs to.
- Lack of leisure facilities
- Loss of privacy of gardens overlooked by development
- Objection by the fire service due to the restricted access and this would be an issue if there was an incident in the premises and could result in a serious injury to those living there.

- Mental Health Issues - Piling people on top of people in small flats with little outdoor space will likely lead to further health issues.
- Provision of quantity of cycle spaces without other infrastructure such as cycling superhighway will result in deaths and injuries
- Proposal too close to footpaths
- Proposed balconies will overhang footpaths
- Servicing area inadequate
- Light pollution from proposed flats (office hours less than residential)
- Future residents should be prevented from applying for permits
- Poor quality of architectural design
- Contrary to DM01, DM02, DM03, DM04, DM05, DM06, DM08, DM10, DM11, DM14, DM16, DM17

The support comments are summarised as follows:

- The site is an eyesore and in a state of disrepair
- The scheme will modernise the site
- The scheme will deliver much needed homes in a sustainable location.
- There will be improvements to the public realm – new public space and landscaping
- There will be high quality, flexible commercial space, which will attract much needed new investment into the area, post pandemic.
- Important to have more affordable homes

Following receipt of updated plans and a parking demand survey, further consultation by letter was undertaken for a period of 14 days between 12th November 2021 and 26th November 2021.

202 responses have been received in response to the additional, comprising 200 letters of objection and 2 letters of support.

The objections received largely reflect the matters which have previously been raised, but can be summarised as follows:

- Gross overdevelopment of the site
- Overbearing form of development
- Loss of office space
- Harm to local economy, business community and social enterprise
- Adverse impact on local infrastructure and services
- Impact on parking within the local area
- Impact on traffic congestion
- Poorly designed community green spaces – too small
- Unattractive design / eyesore
- Overpopulation of the area
- The site should be left alone
- Decision makers are being paid privately to grant planning permission.
- The building should be replaced by local facilities for local families (doctors, nurseries, schools, dentists etc)
- Contains asbestos

- Unsafe to have balconies in a windy environment
- Unsafe fire escapes
- Increase in pollution (noise / air / light)
- Waste of tax payers / Government money
- Lack of availability in schools/nurseries
- Lack of health care services available – existing are over subscribed
- Not a nice / desirable place to live
- Lack of parks and green spaces for people to go to
- Revised parking demand survey is not accurate / methodology is flawed
- Barnet House should be lower in height
- Unnecessary dwellings as there are lot of empty units on the high road
- Lack of affordable dwellings
- Public / neighbours comments have been ignored
- Deliveries will be difficult owing to constraints of the road and the development
- Obstruction of the highway, preventing emergency vehicle access
- Health and Safety concerns
- Inadequate refuse collection facilities leading to anti-social, environmental and health concerns.
- Noise nuisance from the development
- Anti-social behaviour
- Lack of owner/occupier care for upkeep of communal areas and the general building
- Increased flooding and risk of sewage contamination from pressure on existing systems
- Lack of care for care home residents
- Existing building is unlikely to be safe in 50+ years time / should be demolished now
- Micro-flats are undesirable – poor quality accommodation
- Nothing has changed from the previous application, and so the objections remain unchanged
- Changes to the design are insignificant
- The site is on a busy junction and likely to increase congestion and risk of accidents
- Insufficient public transport capacity
- Adverse wind microclimate impacts
- Too many homes
- Should include nursery, GP practice, shops and other services.
- Inappropriate location
- Insufficient/inappropriate family homes with lack of gardens and work from home space
- Strain on public and emergency services which cannot currently deliver services adequately
- Scheme is now worse than previously considered
- No regard for safety and security of Baxendale
- Overdevelopment, too big, too high, not in keeping with character and appearance of the surrounding area.

- Adverse air quality impact
- Loss of light and overshadowing of neighbouring buildings
- Disruption and pollution during construction phase.
- Totteridge and Whetstone Tube station cannot cope with the influx of people
- Parking survey is insufficient / inaccurate
- The development will attract private landlords which whose tenants will not look after the property or respect the neighbours and/or their properties. Likely to lead to antisocial behaviour / unneighbourly conflict.
- The privacy, access to light and the amenity of the immediate neighbours and surrounding residents needs to be better considered – it prejudices amenities.
- Inadequate allowance for electric vehicle charging
- Does not benefit the community
- Will create dangerous conditions for children walking to school
- Floor to ceiling heights inadequate
- Surface water flooding will be worsened
- Erodes the green sub-urb
- Did not receive letter despite living close to Barnet House
- Too many high density developments in the area
- Current application is an attempt to avoid previous negative comments
- The building is dangerous as it sways in the wind, due to inadequate construction
- Devaluation of neighbouring properties
- There is a conflict of interest because Barnet Council own the building.

Comments of support can be summarised as follows:

- Improved housing stock
- Better to have more multi-family accommodation rather than conversion of existing housing stock into flats
- Sustainable location
- Good to see that an unattractive building will be redeveloped and put to good use.

#### Officer Response to comments received

All of the above representations have been taken into account in the Officer assessment of the scheme, and have been addressed, where possible, in the main body of the report below.

Outstanding matters not covered in the report are addressed as follows:

- Trespassing and matters of access to third party land are civil matters between the parties concerned, and therefore not material to the application, and consequently outside the scope of consideration.
- The Council is not the applicant of the application and has no land-owning interest in Barnet House. The Council's previous position as a lessee of the building bears no relevance on this application.

- Regardless of who the applicant of an application is, they are entitled to make further planning applications, irrespective of their similarity to previously considered and determined applications. There are limited provisions within the Town and Country Planning legislation that would preclude applications for similar development from being considered.
- The outcome of the appeal on this application will be for the Planning Inspectorate to decide and not the Local Planning Authority or Members of the Council.
- The works that have taken place within the application site relate to asbestos removal, environmental cleaning, decommissioning and internal strip out works. Such works do not involve structural reconfiguration of the building in accordance with the current scheme being considered, and also they do not require planning permission. These works that have taken place are not at expense to the Council, as the Council no longer holds a lease on this building, and has no land-owning interest. Accordingly, the process of the public procurement /invitation to tender would not be relevant. The cost and appointment of contractors is therefore the responsibility of, and at the expense of, the applicant.
- The scheme has taken account of some of the feedback from the previous application, however, it should be noted that the policy landscape since the previous application has changed, with the adoption of the Mayor's 2021 London Plan, and the progression of the Council's draft Local Plan moving towards examination by the Planning Inspectorate, both of which contain new policies which are notable material considerations.
- The increase in density and consequent increase in number of residents will positively impact the local economy and drive further investment within the area.
- The suggested capacities for designated development sites within the draft local plan are indicative and not maxima, therefore, would not preclude higher density developments from coming forward.
- Given that the tall building already exists, it is unlikely that the additional storeys will have a significantly greater impact on digital connectivity i.e. telecommunications, TV signals and internet services.
- No statutory or non-statutory consultee has raised concerns about the risk of groundwater discharging in the public sewer. This would also be managed by separate statutory mechanism which the Local Planning Authority have no remit in.
- The number of people who have responded to the application is accounted for above. In some case there are repeated or extended entries made by the same individuals or households.
- The proposed development is located close to Swan Lane Open Space, Whetstone Stray and Brook Farm Open Space which provide ample public open space for existing and proposed residents to enjoy.
- Each application is taken on its own merits, assessed against the relevant policies and material planning considerations, and thus, it is considered that the

matter of “setting a precedent” is not a substantive reason to object to the scheme.

- The lack of money at ATMs in the town centre is not a material planning consideration.
- The London Fire Brigade have not objected to the planning application.
- There are no policies or guidance which set standards for how close a development should be to public rights of way, and balconies overhanging footpaths are not a material planning consideration.
- The impact of living space and outdoor space on mental health is well documented, however the space standards for both internal and external spaces meet the requisite criteria set out within Local Plan and London Plan policies and guidance.
- It is beyond the scope of the planning system to control who purchases the open market homes. Nevertheless, should it be private landlords then it will be for them to manage their tenants appropriately and also any other regulating authority to manage any disruption or nuisance to other residents (e.g. Police, antisocial behaviour team, environmental health etc)
- Loss of neighbouring property value is not a material planning consideration.

### **Elected Representatives**

#### **Rt. Hon Theresa Villiers MP Member Of Parliament For Chipping Barnet House**

I write to object to this planning application because its excessive height, scale, massing and density is wholly inconsistent with the character and appearance of the surrounding area and it amounts to an overdevelopment.

Overdevelopment: height, massing and density

This scheme does not address the reasons for the refusal of the 2018 planning application. These included:

"The proposed development, by virtue of its excessive height, scale, massing and density would represent an over development of the site resulting in a discordant and visually obtrusive form of development that would fail to respect its local context and the pattern of development in its context, to such an extent that it would be detrimental to the character and appearance of the area and ?."

In material respects, this application worse than the 2018 proposals and the planning committee should therefore dismiss it as they did the previous one. While there have been some minor changes to the configuration of the refurbishment and the new build element to the rear, there has been no meaningful change to the overall height, bulk and mass of built form.

The plan for 260 flats on the site (44 more than the rejected scheme) would be a major over-development of the site. It would have a significant negative impact on the surrounding neighbourhood because of the height, density, massing and bulk of

the buildings. This criticism applies to the buildings to replace the annex and build over the car park as well as changes to the existing tower. The development proposal is excessive and discordant with the character of the area, inconsistent with London plan policies D1 and D3 and Local Plan policy DM01 and DM05.

The plan to add an extension to the roof level making the building at 14 storey building would contravene policies in the Barnet Local Plan on tall buildings. Policy CS5 (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 this area of my constituency.

This is a wholly inappropriate location for upward extension. The existing building is already divergent from the prevailing height and form of neighbouring properties. Adding two storeys to this existing incongruous tower would exacerbate its prominence, to the detriment of visual amenity of the wider area. Barnet House is an obtrusive building, of little architectural merit, and development which increases its height and attracts further attention to it, should be rejected.

Of very significant concern is the proposal to extend the building forward, bringing closer to the pavement in the High Road. Extending it on other sides, to increasing its footprint is also problematic.

#### Loss of business use

If there is to be redevelopment of the site, local planning policy dictates that it should be employment led. In areas of this type, Barnet planning policy DM14 provides that office use should be retained unless

"it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use".

This retention of business use is specified as particularly important in town centre locations. This approach is confirmed in London Plan policy E1. Barnet House is in a town centre and the seriousness with which retention of business use in such areas is treated in local planning policy is confirmed by the Article 4 direction for Whetstone high road. This disapplies permitted development rights to convert from office to residential use without a planning application.

#### Alternative permitted development scheme

In recommending approval for the 2018 scheme, the officers' support appeared, in part, to be grounded on the fear that the developer would press ahead with the conversion scheme under which it had prior approval to convert Barnet House into 254 units, including very small 'micro-flats' of less than 16 square metres. This approval has lapsed and the Article 4 direction referred to above means it cannot be

revived. So this potential threat by the developer should no longer be viewed as a reason to approve the current application.

**Inclusion in the list of proposed developments in the emerging Local Plan**  
The 2012 Local Plan determines this application. Only very limited weight can be given to the emerging plan expected to be implemented towards the end of next year. If any weight is to be given to the sites list in the Regulation 19 emerging plan, this application is inconsistent with the development envisaged in that document which consists of a mixed-use development with 10% commercial floorspace and 139 residential units. The proposed scheme would consist of almost double the number of units and is severely lacking in employment space.

#### Housing mix

The majority of the flats proposed are studio or one bed units. The Local Plan (DM08) identifies homes of at three and four bedrooms as the priority need. 87% of the units proposed fail to meet the borough's specified priority need.

#### Loading, pinch points and the impact on Baxendale Care Home

I would highlight the following points from a report prepared for the Baxendale Residents Association and Baxendale Care Home which I believe provide further grounds for rejecting the application:

- o The site has a PTAL rating of 4, not the 5 suggested by the developer's proposal.
- o The Parking Stress Survey referred to in the application is four years old. Much development has taken place since then in the immediate locality. The 700m radius used in the survey is unrealistic. A more appropriate 200m radius, or two minutes' walk would be appropriate and would produce a completely different result.
- o The design creates a traffic 'pinch-point' towards the top of Baxendale, where the Car Club and Disabled parking clashes with the lay-by and loading access.
- o This loading access arrangement creates a dangerous conflict with vehicles having to back out across the main pedestrian route. A proper service yard, facilitating the turning of large vehicles, would need to be provided within the site to avoid this, but this is not included in plans.
- o Significantly increased traffic congestion could threaten the viability of the Baxendale Care Home, a valuable local facility.

#### Impact on local infrastructure and services

Policy D2 of the London Plan confirms that the density of proposals should be linked to the provision of future planned levels of infrastructure and the local plan (policy CS11) confirms this policy approach.

I note that only 58 parking spaces are to be provided for the total of 260 homes. This will leave a significant number of households without any on-site parking.

As acknowledged in the 2020 Draft Barnet Local Plan, there continues to be high car usage in this borough. While the site is not far from a tube station, it is unrealistic to believe that residents will not wish to own a car. Lateral cross-borough transport is a challenge in Barnet, as it is in all suburbs. That fact that residents are unable to access easy public transport that traverses east to west is a further reason to expect that the 768 residents who could move into this new development to own cars.

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.

I am also very concerned about the pressure on GP surgeries, dentists, schools and other essential local services.

There is already a need to expand local GP services because of increasing healthcare needs. For example, I know that St Andrew's medical practice is exceptionally busy and struggles to accommodate its very large patient list. A significant increase in the local population would see pressure on local NHS practices increase still further. Whetstone has seen significant building in recent years with a number of new developments in the pipeline. Allowing this application for Barnet House would compound existing stresses on infrastructure and services.

It is clear that the proposal would have a serious detrimental effect on Baxendale Care Home with tall structures towering over its existing buildings. The Home relies on regular easy access for emergency vehicles, and for an emergency evacuation plan in the event of a fire. With no proper on-site service yard for the scheme, and the prospect of vehicles regularly clogging up the Baxendale access to the Home, it might no longer be possible to meet the essential safety requirements.

I believe that the application should be refused because it violates a number of planning policies in the Barnet Local Plan 2012 and the London Plan 2021 and would damage the quality of life and local environment for nearby residents.

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

Councillor Caroline Stock

Redevelopment of the site to deliver up to 260 homes and up to 709 sqm GIA of Class E commercial floorspace through the conversion of Barnet House from offices to residential, including extension at roof level, and the front, rear and side elevations

alongside the provision of Class E use at ground floor of Barnet House. And the demolition of rear annex and erection of new residential buildings. Together with associated public realm, landscaping, access improvements, car and cycle parking

I would like to object to this proposal as I am concerned about a number of points.

I am aware that Barnet House already has the ability to build a certain number of residential units. I would certainly not be opposed to this. The building is also in the designated area for development. However, what concerns me is that the height of this already extremely tall building is going to be increased. Barnet House is an eye sore in my opinion and it can be seen for miles around. The beautiful views from so much of the surrounding rural aspects are interrupted by this building. Increasing its height is just not acceptable, as it will become even more dominant and overbearing. It is interesting that at a recent meeting chaired by Andrew Boff of the London Assembly's Planning & Regeneration Committee, there have been clear recommendations about tall buildings. The letter I received outlines key findings from the Committee's investigation into housing typologies, focussing on housing density and the development of tall buildings for residential use in London.

"Matthew Carmona indicated his view that up to a medium density of 56 dwellings per hectare better enables access to local facilities within a neighbourhood. Whetstone has recently had hundreds of small units built, with many not being sold. The area actually needs larger units with proper facilities for families and play spaces. By building with the density proposed there is no genuine provision of space for the residents to enjoy any quality of leisure facilities. This development sadly is not supplying what is required.

Additionally, tall buildings also suffer more from heat loss for the same amount of insulation as lower buildings because of the higher wind. I have been at the top of Barnet house and experienced the swaying of the building on a windy day. Further height will only increase this, and the issues associated with tall buildings.

I am also dismayed that although I expressed my views at a meeting with the developers they have continued to propose to build out from the front of the building. This will have negative impact on the High Road, which with the recent building development at the adjacent site (old B & Q) will result in a further closing in of the street scene and an advance in the building line. It will also affect the well-established large trees that have TPO's on them. This applies to the other elevations from Baxendale. The replacement of the three-storey annex with buildings ranging in much taller structures again will dominant the road, which otherwise contains small dwellings. This is unacceptable as it is out of keeping with this part of Whetstone and the mass, height and pattern of the surrounding streets building.

The high dwelling density proposed greatly exceeds that of neighbouring new developments and also exceeds the maximum proposed in the London Plan for Central London. This density is inappropriate, and out of keeping with the location.

Finally, I think the lack of car parking is a real concern. I think it is right that as the building is so near good transport links there should be reduced parking provision. However, in reality residents will use the surrounding roads, which are already blocked with residents parking. I am not sure I agree with the number of spaces identified, but what has been allowed for is just not adequate.

I don't believe that this application complies with the London Plan 2016 and Barnet Local Plan Core Strategy and Development Management Policies 2012 regarding policies CS1, CS5 and DM01 and DM05. The previous application 17/5373/FUL was refused by Barnet and I feel that the reasons they gave for refusal continue to be valid.

I think that due to the increased height, scale, mass and dwelling density of the new proposed development it will have a detrimental impact on this part of Whetstone. This development would not preserve, protect or enhance Barnet's heritage and character and will have a harmful impact on the character of the surrounding area.

#### Councillor R. Cornelius

I wish to object to this application on the grounds that the increase in height will be seen for miles around and be unattractive as well as dominating the local area. I am concerned as to the health of the beautiful plane trees which have TPOs that so improve the visual amenity of Whetstone. Moving the construction forward will cause a canyon effect on Whetstone High Road which will create a cramped feeling in the area. Increasing the density of an already excessively large construction by extending to the rear will create a really very unpleasant place to live as well as being so large a development that it will dominate the area and change the character of what was a suburban area. The lack of sufficient parking will cause problems in the area despite the over confident assumptions of the developers.

#### **Consultation responses from neighbouring associations / other non-statutory bodies**

##### NTR Planning Objection (August 2021) on behalf of The Baxendale Residents Association & Care Home

The Baxendale Residents Association and Baxendale Care Home (the objectors), strongly object to planning application ref. 21/3726/FUL for the proposed re-development of Barnet House. Their objections are set out in detail in section 4.0 of this report and are summarised below.

Loss of employment floorspace

Objection is made to the principle of the loss of employment floorspace in this town centre location, which is contrary to adopted plan policy (London plan policy E1 and Local Plan policy DM14).

Part of the justification for the loss of office floorspace, as previously proposed, was based on the fallback position of the extant prior approval permission. This has now lapsed and existing office floorspace is protected by Article 4 Direction. The fallback position weighed in the balance when coming to a planning judgment on the merits of the previous scheme. The opportunity for PDR no longer exists and cannot form part of any planning judgement. In the absence of this, the policy position is clear – existing office space within town centres should be protected.

There is a lack of evidence of marketing and in the absence of this the loss of existing office floorspace in this town centre location is contrary to policy E1 of the London Plan and DM14 of the adopted plan.

In the event that alternative uses were considered appropriate, any redevelopment should be employment led. This proposal is not employment led.

The amount of available office floorspace within Whetstone has decreased. In the period May 2013 – May 2017 Whetstone lost 3,571 m<sup>2</sup> of office floorspace through PDR in return for 79 new residential units which emphasises the need to retain and/or replace commercial floorspace. Objection is made on the basis that the quantum of available town centre office space has diminished since the time of the previous refusal and that which remains should be protected.

The proposal is not supported by any local plan policy – it is contrary to local plan policy and should be refused.

The principle of residential led redevelopment

Objection is made on grounds that the residential led redevelopment of the site is contrary to adopted plan policy. The most recent Housing Delivery Action Plan confirms a 5-year housing supply and there no pressing need for any future development at this site to deliver more homes at any cost.

The emerging plan process offers an opportunity for the proper spatial planning of this prominent town centre site, informed by local communities and stakeholders. Notwithstanding this, even if the site is considered appropriate for redevelopment in accordance with the direction of travel of the emerging plan, the mix of use and number of residential units proposed through this application is not in accordance with the proposed site allocation – almost double the number of units and severely lacking in employment space.

Overdevelopment which is discordant with the character of the area

Objection is made on the basis that the development proposes an increased density, with a similar height, scale and massing to that already refused. The development remains excessive and discordant with the character of the area. The scheme represents an overdevelopment of the site, discordant with London plan policies D1 and D3 and Local Plan policy DM01 and DM05. The development is at odds with the density of other schemes recently approved within and around the town centre (see summary of recently consented scheme at Appendix NTR5).

#### Unit mix

Objection is made on the basis that the development fails to provide an appropriate unit mix. 87% of the units are studio/one/two bedroom apartments, which will not help meet the borough's identified need for three and four bedroom units. It is therefore contrary to adopted plan policy DM08.

#### Affordable Housing

Objection is made on the basis that the scheme, as currently submitted (subject to review of documents currently available online) demonstrates a significant under provision of affordable housing, with just 12% of the units being affordable and is therefore contrary to adopted plan policy DM10.

#### Detrimental impact on neighbouring amenity

Objection is made on the basis that the development proposals would have a detrimental impact on the living conditions of residents of care home and nearby residential properties. The buildings would be overbearing in nature and reduce natural light to habitable rooms, contrary to policy DM01 of the Local Plan.

#### Inappropriate location for a tall building

Objection is made on the basis that the site is not within an area allocated for Tall Buildings. London Plan policies are clear in stating that Tall Buildings should only be developed in locations that are identified as suitable in development plans. The development plan does identify such locations and the subject site is not within one of them. The development of a Tall Building here would be contrary to London Plan policy D9 and local plan policy CS5.

01/09/2021 Royal HaskoningDHV – Highways Comments on behalf of Baxendale Residents Association Limited and Baxendale Care Home

- The development is likely to result in overspill parking of up to 67 vehicles overnight. Baxendale will be affected by the overspill and this will impact on access the homes of residents in Baxendale and Baxendale Care Home.

- Overspill parking is likely to impact on the ability for refuse lorries and the emergency services to access Baxendale and Baxendale Care Home.
- The development does not adequately accommodate service and delivery vehicles, requiring vehicles to reverse from the site across the footway. This is contrary to TfL's best practice and contrary to intention of TfL's Vision Action Plan that promotes safe street through design and ensuring safety is at the forefront of all design schemes.

### East Barnet Residents' Association

These new plans are even more intensive than previous proposals and should be refused. The developers held "consultations" and the feedback they received clearly showed that it's ridiculous to try to convert this rickety old building into cramped mostly 1-bedroom flats that nobody wants.

Who in their right mind would choose to live in these tiny flats with no space for homeworking, no amenity space, and nowhere to park? Has the pandemic taught us nothing?

This proposed vertical ghetto would just add to the local infrastructure problems and must be rejected forthwith.

### Friern Barnet & Whetstone Residents Association

Barnet House is clearly in need of redevelopment of some description. However the current proposals are not good enough and are largely a repackaging of the 2018 application that was refused by the Council. Accordingly, FBWRA objects to the current application.

The application, for 260 residential units, should be contrasted with the previous application, for 229 units (later cut to 216).

The specific reasons why we consider the current application should be refused are, in outline -

1. the low level of affordable housing units proposed- the proposal includes 32 "affordable" residential units (12 1/2 % - substantially less than the 20% offered in 2018 and far short of the 35 % Barnet's required by draft updated planning policies. The draft policies are relevant as they can be taken into account as "emerging planning policies". The strategic London Plan seeks overall 50% of new homes to be affordable. Barnet's current plan looks for 40% overall.

2. the mix of different sized units is inconsistent with Barnet policy- of the 260 flats proposed 52% would be 1-bedroomed, 35% 2-bedroomed and just 13% 3-bedroomed.

Barnet's updated policies assess the need for units of different sizes as 70% for 3 or more bedrooms for "market housing" ( on the developer's proposals 87% of the units will be "market housing"). 70% compared with 13%. For 1-bedroomed units Barnet's update looks for 6% (market) and 13% (affordable). The developer proposes 52%. 52% compared with 6%/13%.

3. the number of units- the large number of flats would result in an undue strain being placed on local services.

4. inadequate car parking- the developer says "The development is proposed to be car-lite, providing 58 car parking spaces inclusive of 11 disabled parking spaces and a further 5 motorcycle spaces. This provides a ratio of 0.22 spaces per residential unit when incorporating the motorcycle parking as required by the GLA."

The car parking provision is less than generous. It could be increased- in the Planning Statement the developer's agent admits "On this basis [ transport and planning policies], the range of car parking allowed for the proposed development is anything from 0-130 spaces."

The developer's survey of on-street parking within a 780m walk from Barnet House showed that "On the 13th July 2017, parking occupancy within nonrestricted areas was generally 100% from 0900-1400 before demand for parking dropped to 84% by 1600." So- essentially there was no available on-street parking during the daytime to accommodate additional cars. Yet there appears to be no analysis or evidence in the application documents to show 58 parking spaces will accommodate all vehicles of the residents of the property.

5. the "gated" nature of the proposal- the proposal is for a gated community with the main entrances within the enclosed internal space. The green spaces for the residents are within this enclosure and on the roofs of the new block. The scheme is turning itself inward away from the surrounding community and not integrating or contributing to the wider community.

6. the placing of the proposed green space at the centre of the development - so no public benefit as largely hidden.

7. the height/mass of the proposed new build element adjacent to Baxendale- its excessive height, scale, massing and density would be over development and detrimental to the character and appearance of the area and detrimental to the visual amenity of adjoining residential occupiers.

8 poor waste management - inadequate waste storage in flats and residents of 83 units will have to walk more than the maximum allowed, (30m excluding lift distance) to dispose of rubbish.

9 overlooking - overlooking will be inevitable as there are facing habitable rooms less than 21m apart; blocks are too close together

10 poor internal design- too many units have been crammed into the shell of the existing building resulting in some unpleasant spaces. The central corridor approach results in single aspect dwellings.

11 inadequate light-the sunlight/daylight report shows some habitable rooms don't meet the minimum criteria. The proposal uses minimum criteria as a benchmark, rather than trying to give a good quality of life to residents and in some cases is not meeting even those minimum criteria. This therefore suggests the development is too dense.

12 inadequate ceiling height- the London Plan requires a minimum ceiling height of 2.5m in dwellings. The sections do not show if this is achieved

13 poor sustainability- the development only achieves a 63% BREEAM rating, so not achieving zero carbon. As this will be a requirement by 2050, or sooner, the development will likely need retrofitting to achieve this which is undesirable. The developer should be asked what it can do now to get to zero carbon.

Plans of the units show common areas and the internal kitchen, bathroom and corridor spaces will need additional lighting to make up for the shortfall in daylight, as will those habitable rooms that do not meet even the minimum daylight criteria. The lifts will require power to operate. Where will this energy come from? It is not clear from the reports whether the heat pumps mentioned will get enough power from the solar panels on the roof or do they merely supplement power from the grid.

Additionally mechanical ventilation will be needed where natural ventilation is insufficient. This adds to power load but could be minimised with better design.

*01/10/2021 Follow up objections:*

The National Design Guide C1 paragraph 42 asks that 'well designed new development is integrated into its wider surroundings, physically, socially and visually'.

The proposal is for a gated community with the main entrances to the blocks, and therefore to the homes, within the enclosed internal space. Similarly, the green spaces for private residences are within this enclosure and on the roofs of the new block. This scheme therefore is turning itself inward away from the surrounding community and not integrating or contributing to the wider community.

Entrance to the whole development appears to be via the South Gate on Baxendale Avenue. It is expected that the concierge scheme (operating between 9-5 only) will deal with deliveries to flats, manage the waste collection and servicing of the

dwelling. The main entrance therefore to people's homes are tucked away. Elevation pl05 105 shows a very small entrance, no sense of arrival or expression of the entrance. The opportunity to access homes in Barnet House from the High Road has not been taken thus missing an opportunity.

Notoriously windy the wind report shows that mitigation levels are required at the ground floor, north east corner of the courtyard, seating locations at the north end of terrace level amenity space. Additionally 3 locations with strong winds exceeding the safety threshold and requiring mitigation. Mitigation measures include proposed landscaping, 2.4m high porous security fence from NW corner of Barnet house to the site boundary, and 2m high hedges. As these mitigation measures include landscaping and hedges, it is imperative that these are fully matured sized and grown at occupation and not subjected to reduction in specification during project development and the construction work. This must be conditioned.

The waste management strategy seems ambitious. It is recognised that for some residents they will have to walk further than the maximum allowed, 30m excluding lift distance. Rubbish is stored on bins in their home then transported to the lift and down to a waste disposal point. This assumes that they will have the ability to be able to do this, and the willingness. 83 units exceed the distance.

Overlooking will be inevitable where there are facing habitable rooms less than 21m apart, blocks are too close together.

Looking at the flat plans. London Plan D6 is clear that single aspect flats are to be the exception. There are quite a number of these. To achieve a dual aspect in some cases, in particular the 2 flats at the centre of Barnet House the layout is particularly tortuous. Very minimal external wall with a dark and underlit interior with the kitchen as a corridor, dangerous particularly in the wheelchair flat. The plan might meet the space standards in terms of sq metres but the layout is poor. Essentially too many units have been crammed into the shell of the existing building resulting in some particularly unpleasant spaces. The floor plan of the building has been extended to allow for a central corridor approach with the inevitable introduction of single aspect dwellings.

Daylight, sunlight, fresh air and good ventilation, and access to private external space are all now understood to be essential to healthy living. The sunlight and daylight report shows that a number of habitable rooms in the new development will not meet the minimum criteria required. It should be remembered that these are minimum criteria and in reality the aim should be to exceed these in all cases. Some of these are explained by the provision of balconies which is restricting daylight and sunlight. As both are essential it should not be acceptable for one to compromise the other. The proposal is using minimum criteria as a benchmark, rather than trying to give a good quality of life to residents and is not meeting even those minimum criteria in some cases. This therefore points to the fact that the development is over dense.

The London Plan requires a minimum ceiling height of 2.5m in the dwellings. The sections do not show whether this is achieved. The servicing for the building is not indicated, but one might assume that to achieve the ducting required for a heating, heat recovery and ventilating system, plus the flooring required to achieve sound reduction between flats for air and structure borne, the floor thickness shown could be undersized. Although this technically might be a Building Control issue, it will be too late once planning is granted if compromises have to be made as the technical design is developed to the detriment of the proposal.

Although environmentally it is good to see Barnet House reused in terms of the overall crisis that we are facing this development is underachieving. The whole development is only achieving a BREEAM rating of 63% so not achieving zero carbon. As this will be a requirement by 2050, or sooner than that in all probability, the development will likely need a degree of retrofitting to achieve this which is undesirable. The developer should be asked now what they might need to do to achieve zero carbon, and how this will be achieved. The plans of the units show clearly that for common areas and the internal kitchen, bathroom and corridor spaces will all require additional lighting to make up for the shortfall in daylight, as will those habitable rooms that do not meet even the minimum daylight criteria. The lifts will require power to operate. Where will this energy come from? It is not clear from the reports whether the ASHP and WHP mentioned will get enough power from the solar panels on the roof of Barnet House or is this merely supplementing power from the grid. Additionally mechanical ventilation will be required where natural ventilation is insufficient. All of this adds to the power load and could be minimised with better planning.

## Part 2 – further issues

The 2017 application was rejected on the following grounds (Design and Access Statement 2.12):

Reason 1: Height, Scale, Massing and Density as 'excessive' and;

Reason 2: Quantum of development putting strain on local services.

The developer claims to address these. Yet:

1. The profile of the new design differs little from that of 2017 (4.2.1). Have they done anything to address Reason 1 for the previous refusal?
2. The number of flats is now 260, up from 216 in 2017. Does this address Reason 2?

## Exterior space / play space

The exterior space overall is inadequate for 260 homes. Moreover, it is unpleasantly fragmented and constrained. Play areas, as required by regulations, take up about

half of the open areas. At least half of the external area is located on the roof of the buildings. The results are:

1. Exceptionally fragmented and small open communal areas which are not dedicated to play,
2. Location of about half of the playing space on the roof, which is hardly ideal (large peripheral barriers will be required for safety creating an unpleasant enclosed effect in a narrow space for children).

After subtracting the play space, the amount of dedicated open space available for each adult is minimal. By cramming so much building onto the site the developers have left far too little for open space (much of which has been moved to the roof).

The outside space does not meet the standards in the London Plan:

London Plan Policy D6 (see extract from Table 3.2 below) sets out the Mayor's expectations with regard to the design quality of outside space:

Outside space iv

Communal outside amenity spaces should:

- > provide sufficient space to meet the requirements of the number of residents (an analysis would show this is questionable in this case - a tiny amount of space in fragmented form per resident)
- > be designed to be easily accessed from all related dwellings (anything on the roof is not easily accessed from all dwellings - people will need to move between buildings then climb to the roof – what about disabled access to the roof?)
- > be located to be appreciated from the inside (a roof cannot be appreciated from the inside – by definition)
- > be positioned to allow overlooking (a roof cannot usually be effectively overlooked)
- > be designed to support an appropriate balance of informal social activity and play opportunities for various age groups (the balance in this case, for better or worse, favours the children because only their space is prescribed. With so many studios and one bedroom flats the number of children may be below expectations leaving children with a lot of space but adults overcrowded in their own little areas).
- > meet the changing and diverse needs of different occupiers (previous comments apply). Play areas for children of the same age-bands is divided between the courtyard on the ground level and the roof. This will encourage children to run between these two locations, which is unsafe. Children's play areas should all be on a ground level, to permit easy inter-mixing of all children and allow games requiring space to run. Splitting the play areas may encourage development of different groups (the "roof" and the "courtyard" - with rivalry according to the equipment provided and the weather conditions (sunnier on the roof/more protected in the courtyard). Finally, can children

really be expected never to play ball games or frisbee on the roof (with the ball flying over any but the highest barriers?).

## Design Life of Reinforced Concrete and Refurbishment of Barnet House for Residential Use

There are concerns that modernist reinforced concrete buildings become prone to failure after 60 years. This is due to corrosion of the metal embedded in the concrete, primarily reinforcing steel.

The quality of construction of the original Eveready House in 1966 is probably uncertain by now. The developers assume that the basic concrete structure of Barnet House can be reused safely to last for another 60 years. By this time, the original Barnet house reinforced concrete will be 115 years old. There are currently no buildings of this type that can serve as examples of what happens to a medium quality building such as Barnet House after 115 years (structures built before 1906 were of a different type).

The developers should be required to prove beyond a reasonable doubt that the probability of failure of the old Barnet House structure over the next 60 years is negligible.

Reuse of old buildings can lead to some energy savings, since the structure does not have to be rebuilt. In this case these savings are likely to be modest, because: (a) the extent of the refurbishment is massive, requiring construction of a whole new exterior and upper layer, and (b) the building can never be as well insulated and efficient as an optimized new-build structure. Moreover, the architects have had to make considerable compromises in designing the flats within the existing Barnet House, which was built for offices. A new building would allow much higher quality accommodation, with more light, external space (better balconies), improved services (including plumbing/ventilation/air conditioning) and amenities (lobby spaces etc.). Moreover, there is a significant risk that due to the problem of reinforced concrete, the "new" Barnet House will have to be greatly refurbished (i.e. abandoned for some time) or demolished before its projected life of 60 years. A new building can be guaranteed to last beyond that horizon.

## Whole Life-cycle Carbon Assessment

This Assessment shows a huge carbon benefit (reduction in net CO<sub>2</sub> emissions) from recycling of materials at the end of the project life. In the base case (Table 4.3), total emissions during the life of the building (Stages A-C from construction through demolition) are 36,681 tons CO<sub>2</sub>e, and the carbon savings at the end of the building's life (stage D) are 9,636 tons CO<sub>2</sub>e.

According to the developers, the benefits (negative emissions) in stage D "include emission benefits from recycling recyclable building materials. Benefits for re-used or

recycled material types include positive impact of replacing virgin-based material with recycled material and benefits for materials that can be recovered for energy cover positive impact for replacing other energy streams based on average impacts of energy production." It is assumed that almost all parts of the building can be recycled to some extent. However, a very large part of the material is embodied in the existing Barnet House, which is already 55 years old. The assumed building life in the Assessment is 60 years, so the assumption is that around 2087 (assuming the project is finished in 2027), most of the materials from the existing Barnet House will be recycled. These materials will by then be 115 years old. Can all of them really meet anticipated needs for recycling in 2087 - will they not be of obsolete quality and beyond salvage?

There appears to be a methodological flaw in the calculations of the savings at Stage D: The decarbonization scenario assumes that energy used in 2087 will be carbon free (or almost so). Therefore, production of materials in 2087 in the decarbonization scenario will emit much less CO<sub>2</sub> than in the base scenario. This means that recycling will save correspondingly less energy. For example, if today producing 1 ton of steel from iron ore emits 1.85 tons CO<sub>2</sub>, and producing 1 ton of steel from recycled steel emits 0.4 tons of CO<sub>2</sub>, then each ton of steel recycled saves 1.45 tons of CO<sub>2</sub>. However, in a decarbonization scenario all energy is renewable and steel processes are carbon free. Hence recycling a ton of steel saves no CO<sub>2</sub> (i.e. in 2087 producing a ton of steel from iron ore emits 0 tons CO<sub>2</sub> and from recycled steel also 0 tons CO<sub>2</sub>). Hence the CO<sub>2</sub>e benefits shown for Stage D in the Decarbonization scenario should be much lower than those in the base scenario (indeed they could be close to zero).

To summarize in relation to the further issues in Part 2 :

- a. The developers have done nothing to address the reasons for the refusal of the 2017 proposal,
- b. The provisions for exterior space and play space are grossly inadequate,
- c. The developer should prove that the existing reinforced concrete structure of Barnet House, which will be used in the new development, can last a further 60 years (as planned),
- d. It is questionable whether the reuse of the existing building is the best option for energy use, architectural design, and residential quality,
- e. There appear to be methodological problems with the Whole Life-Cycle Carbon Assessment.

For the avoidance of doubt, FBWRA continues to object to the application and remains of the view that it should be refused.

### The Barnet Society

*The Barnet Society objects to this proposal on grounds of overdevelopment and overbearing bulk, both close up and in long views, particularly from the Dollis Valley.*

*We welcome mixed residential and commercial use of the site and retention of the existing tower. The massing and materiality of the new lower-rise buildings are a notable improvement on the previous application (17/5373/FUL), and the landscaping proposed appears of high quality.*

*However, we regret the low proportion of affordable and social housing, and the treatment of the existing tower. Its original strong form is blurred by infilling the whole ground floor and lack of articulation between it and the lower-rise buildings. The applicant expresses admiration of the work of the original architect, Col. Seifert, whose reputation has risen considerably in recent years, but retains none of the building's distinctive features such as its sculptural pilotis. We wouldn't object to its recladding, but the zig-zag horizontal projections are tentative and don't disguise mundane fenestration. Nor would we necessarily object to adding two stories, but we dispute their description (in the Design & Access Statement, 4.2) as an 'elegant crown'. Col. Seifert's tower deserves design of greater flair.*

#### Totteridge Residents' Association

Redevelopment of the site to deliver up to 260 homes and up to 709 sqm GIA of Class E commercial floorspace through the conversion of Barnet House from offices to residential, including extension at roof level, and the front, rear and side elevations alongside the provision of Class E use at ground floor of Barnet House. And the demolition of rear annex and erection of new residential buildings. Together with associated public realm, landscaping, access improvements, car and cycle parking | Barnet House 1255 High Road London N20 0EJ

On behalf of Totteridge Residents' Association I would be grateful if you would bring to the attention of the Planning Committee our views on the above.

We object to this proposal as we believe it does not comply with the London Plan 2016 and Barnet Local Plan Core Strategy and Development Management Policies 2012 regarding policies CS1, CS5 and DM01 and DM05 and the reasons for Barnet's refusal of the previous application, namely 17/5373/FUL, remain completely valid for this current application which should also be REFUSED.

The proposed increased height of the existing tower block, (which gained approval in the 60s through a planning loophole and which should never have been built), is wholly inappropriate and together with the elevational changes adding greater bulk, bringing the front and side boundaries nearer Baxendale and the High Road pavements, and forward of the building line of the adjoining recent development of the B & Q site is totally contrary to the Council's policies on tall buildings. The impact of this high rise element of the proposal would create a dominant overbearing structure, completely at odds with its surroundings.

The proposal to replace the three storey annex at the rear with new buildings ranging from two to six storeys would create an undesirable and dominant mass which would be overshadowing, oppressive and overbearing on the Baxendale home and dwellings along Totteridge Lane and therefore would be harmful and detrimental to the quality of life of the residents of these properties.

The high dwelling density proposed greatly exceeds that of neighbouring new developments and also exceeds the maximum proposed in the London Plan for Central London. This density is inappropriate, wholly unacceptable and out of keeping with the location.

The car parking provision is inadequate and should be at least in accordance with the maximum parking provisions of policy DM17 in the Development Management Policies. The limited parking proposed appears contrary to 2.i and 2.ii of this policy

Barnet's Development Management Policies (2012), 2.3.7 states: Protecting character helps to maintain Barnet's heritage. Policy DM01: Protecting Barnet's Character and Amenity states that development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding streets building, spaces and streets. In order to protect character Barnet's policy DM01 requires development to demonstrate good understanding of the local characteristics of the area. Proposals which are out of keeping with the character of an area will be refused

This proposed development would result in severe strain on the infrastructure and local services of the area which are already over stretched due to the many developments that have taken place in the immediate vicinity in the last few years.

We are of the opinion that the height, mass, scale and dwelling density of the proposed development would have an unacceptable harmful impact on the character and amenity of its neighbouring occupiers and Whetstone. This development would not preserve, protect or enhance Barnet's heritage and character. This application should be REFUSED.

## **Responses from Internal/External Consultees**

### Greater London Authority (GLA)

Strategic planning application stage 1 referral

Strategic issues summary

Land use principles: Proposed optimisation of the town centre site for residential-led mixed-use development is supported. The proposed ground floor commercial floorspace should be secured for community use and workspace suitable for SMEs.

A detailed marketing strategy for SME floorspace, including affordable workspace, should be secured (paragraphs 18-25).

Housing: 13.5% affordable housing by habitable room (100% shared ownership) is currently unacceptable and should be significantly increased. GLA officers will robustly interrogate the viability assessment to ensure that the maximum amount of affordable housing is delivered. Grant funding and the addition of low-cost rented units should be explored. Further information on rent levels, income triggers and review mechanisms must be provided prior to Stage 2 (paragraphs 26-36).

Urban design: The street level elevation along Baxendale should be activated or better articulated through design. Further detail on floor-to-ceiling heights, over-heating and single aspect units is required. The proposed heights, massing and density could be supported subject to the Council's assessment against Part C of Policy D9, an exemplary standard of design secured by condition, and a high residential quality (paragraphs 43-62).

Transport: Access to the long-stay cycle parking facilities must be amended to ensure safe and convenient access. Detailed Delivery & Servicing Plan and Construction Logistics Plan to be secured by condition. Travel Plan to be secured by S106 (paragraphs 63-71).

Further information on energy, whole-life carbon, circular economy, sustainable drainage and flood risk.

Recommendation: That Barnet Council be advised that the application does not yet comply with the London Plan for the reasons set out in paragraph 85. Possible remedies set out in this report could address these deficiencies.

## TFL

Further work and conditions / section 106 obligations are required in relation the following:

- Reduction in the level of car parking proposed.
- Clarification on the impact of the development on trees located on the A1000 High Road.
- EVCP's for the proposed blue badge parking.
- Amend access to the cycle parking store.
- Detailed Construction Logistics and Delivery and Servicing Plans.
- Travel Plan secured in the Section 106.
- Payment of the Mayor's Community Infrastructure Levy.

## Historic England Archaeology

Historic England not consulted, however comments on previous application raised no objections on the basis that the had already significantly been developed in its

current state, and therefore, remains of archaeological significance were unlikely to be present on site.

### London Fire Brigade

No comments received.

### Thames Water

Waste Comments:

Surface water network infrastructure capacity comment: No objection

Foul water sewerage network infrastructure capacity comment : No objection

Water Comments:

With regard to water supply, this comes within the area covered by the Affinity Water Company.

### Metropolitan Police (Design Out Crime Officer)

I have reviewed the crime rates in the local area of the proposed application on Police.uk and I have noted that the highest recorded issues affecting the local ward of Totteridge are anti-social behaviour, violence & sexual offences, vehicle crime, and burglary offences.

The London Borough of Barnet as an entirety has a higher than average rate of burglary. Please see Appendix A for crime statistics.

Due to borough-wide burglary and wider crime statistics, it is recommended to incorporate crime prevention measures and police-preferred, tested and certified physical security products into a new-build or refurbishment project. This can be achieved through the adoption and compliance with the Secured by Design (SBD) accreditation process. This process is free of charge throughout and the services of a police DOCO to assist the applicant to achieve SBD accreditation for this scheme is both free and impartial.

It is positive that the applicant wished to meet to discuss their project from a security perspective, prior to formal planning submission, and I originally met with the agent on 26<sup>th</sup> January 2021 (and as per the design and access statement). It is also positive to note their input with a brief summary for Secured by Design within the applicants Design and Access Statement (DAS) – Section 5.6.

We discussed various security measures across the site including secure boundaries and secure access control, especially to the car park (due to high levels of vehicle

crime within the ward) and private residential areas, separating this from the public realm areas.

As alluded to within the DAS, it is important that there is a clear separation between the residential and commercial aspects of the site. By mixing uses/facilities on the site, for example, allowing commercial use of the private residential courtyard or sharing cycle and refuse storage between residential and commercial can lead to confusion and potential conflict. For example, residents complaining of noise and litter following commercial occupants using the residential courtyard, or residents 'fly-tipping' rubbish in unrestricted areas designated as commercial refuse and so on.

The cycle store was briefly discussed at my meeting with the agents in January 2021. The DAS reflects 450 designated cycle spaces in one large store, accessible by all blocks. If at all possible, I would recommend that the agent explores the opportunity to partition the cycle store and consider allocating a separate cycle store for each block. With 260 units planned for the site and potentially over four times that amount of residents - all with access to the large cycle store, any cycle stored here is then considered to be quite vulnerable. By reducing the size of the store and allocating these to individual blocks helps to reduce the numbers of residents with access to each store and the number of cycles (or 'potential targets') on display to every resident. With fob control and data logging working alongside overt CCTV coverage for the cycle stores, this will help with the management of this facility and provide an audit trail, should an incident occur within the cycle store. As per the DAS, the agent has advised that CCTV will also form part of the basement security strategy. It is recommended that CCTV is installed by a member of either the National Security Inspectorate (NSI) or Security Systems and Alarms Inspection Board (SSAIB).

As part of SBD compliance and as explained to the agent in our meeting, with the number of residential units for each lift/stair-core appearing to be greater than 25, compartmentation would be required for each block. This can be achieved by a number of fob-controlled points for the lift (destination control), fobbed stair-core or access controlled and fobbed corridors for each floor. Each resident must only be allowed access to their block and shared communal areas eg. car park, ground floor, courtyard garden and their individual storey/corridor. This will in essence create a secure lobby to assist with any issue of tailgating and helping to deter unrestricted access throughout the building to any resident, their guests and helping to restrict any potential intruder from accessing all areas of the development.

The 'principles' of Secured by Design are a good aim to work towards, however by potentially following some principles but not others will not achieve SBD accreditation. This development will need to fully comply with either Section 2A (SBD Silver Award) or Sections 1, 2A & 3 (SBD Gold Award) if SBD is either targeted by the applicant or made as a formal condition of planning (upon any planning approval). Achieving SBD certification will help to ensure that a development is much more resilient to crime and ASB, as a wider range of measures will have to be

considered and included in order to gain accreditation. This will help to ensure lower rates of crime and ASB in the long term, to the benefit of the community.

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/the development must achieve Secured By Design accreditation, prior to occupation.

#### Environmental Health

No objections, subject to conditions relating to contaminated land, air quality, overheating and noise mitigation.

#### Drainage / Lead Local Flood Authority

No objections, subject to condition.

#### Traffic and Development

No objections subject to conditions and the completion of a legal agreement securing obligations and contributions. Comments detailed further within the assessment of the application.

#### Travel Plan Team

No objections, Travel plan should be secured by legal agreement and obligations sought for £30,000.00 toward travel plan monitoring; and £150.00 per unit for travel incentives.

#### Street Lighting Team

No comments

#### Urban Design & Heritage

No comments.

#### Affordable Housing

Acknowledge the findings of the independent Financial Viability Assessment, and whilst it concludes that an undesirable level of affordable housing provision can be provided, the split and configurations of affordable housing provision is deemed to be acceptable.

#### Arboricultural Officer

Detailed comments provided regarding tree protection and proposed landscaping, which have been incorporated into Officer assessment below. In summary, no objection, subject to conditions and a financial contribution of £15,000.00 towards street tree planting off-site, secured by S.106 agreement.

### Ecology

No objections, subject to conditions which secure enhancement measures set out within the Preliminary Ecological Assessment report; and, a Construction Environmental Management Plan (CEMP), which details how pollution will be prevented from leaving site.

### Waste & Recycling Team

No objections

### Skills, Employment, Enterprise & Training

At the time of writing, Officers and the Skills, employment, enterprise and training team are still discussing the financial contributions and obligations that would mitigate that the loss of any employment space. The exact figures and Heads of Terms will be provided within an addendum to this report.

### NHS North Central London Clinical Commissioning Group

The following heads of terms / contributions are recommended:

- NHS North Central London Clinical Commissioning Group (CCG) or its successor body have first refusal on all the commercial space within the development – The CCG have 9 month response time from receiving the offer in writing
- The developer to provide the space at a Shell and Core fit-out specification
- The ability to renew the lease on the same terms i.e. Shell and Core fit-out specification
- An option to take a 25 year lease term
- The space to be offered on a lower employment / new start-up business rental rate
- 5 year rent reviews:
  - Index linked to the CPI
  - Cap 3% & Collar 1%
- An initial rent-free period while the space is being fitted out
- A parking allocation that meets health facility guidance

## Barnet Education & Learning Services

Having reviewed the projected child yield we are confident that there will be sufficient capacity within the surrounding school estate to accommodate children from the Barnet House proposal.

### **4. PLANNING ASSESSMENT**

#### **Principle of development**

##### Loss of existing employment floor space

The current building currently provides approximately 7,500sqm of office floor space which was predominately used by the London Borough of Barnet until recently, when the Council fully vacated the building in March 2021. A small quantity of space on the first floor of the building was also sublet to other bodies.

In the interest of making the effective use of land, the NPPF (2021) Paragraph 122 states that “planning policies and decisions need to reflect changes in the demand for land... the local planning authority should... as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs... and in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area”.

The site lies within Whetstone town centre, which is classified in the Mayor's London Plan (2021) town centre network as a ‘district centre’. Annex 1 (Town Centre Network) of the London Plan, identifies the town centre for low commercial growth potential, but medium residential growth potential. The London Office Policy Review (LOPR) 2017, although dated, set out that Whetstone town centre shows demand for existing office functions, and recommends the protection of small office units. The Mayor's 2021 London Plan continues this recommendation.

Policy E1 (Offices) of the London Plan encourages improvement to the quality, flexibility and adaptability of existing office space through refurbishment and mix-use development, but also recognises scope for the redevelopment, intensification and change of use of surplus office space to other uses such as housing. This is also consistent with the objective of provision E of Policy SD6 (Town centres and high streets) of the Mayor's London Plan (2021).

Policy DM14 (in the Barnet Development Management Policies) identifies that in locations such as this the loss of B1 uses will only be permitted where it can be demonstrated that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority will be for a mixture of small business units with residential use. The policy also states that

office space specifically should be retained in town centres and edge of centre locations. Loss of office space will only be permitted in these locations where it can be demonstrated that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of active marketing has been undertaken. Where this can be demonstrated the proposal will be expected to provide appropriate mixed use re-development which delivers some re-provision of employment, residential and community use. The policy identifies that proposals to redevelop existing employment space which reduce the levels of employment use and impact negatively on the local economy will be resisted and that, where it is appropriate, loss of employment space will be expected to provide mitigation in the form of contributions to employment training. Proposals for new office space should follow a sequential approach which considers town centre sites before edge of centre sites.

Policy ECY01 of Barnet's Draft (regulation 22) Local Plan sets out the Council's aims to protect and promote new employment opportunities. Any proposal for the redevelopment of office space must no longer be suitable or viable, alternative business uses including affordable workspace solutions must be considered, a suitable marketing period must be undertaken and re-provision of community/employment uses are expected. Notwithstanding, the application site is also included in the Draft Local Plan as site that has been identified for redevelopment for a residential led mixed use scheme.

The application is accompanied by an Employment Land Study (produced by Grant Mills Wood; dated: May 2021). The study concludes that the application building no longer meets, without significant and likely unviable refurbishment, the requirements of the majority of commercial and office occupiers looking for secondary space. It further opines that it is highly probable that the building would remain unoccupied if offered to the market as pure office floorspace. Owing to recent political and economic instability and insecurity created in part by Britain's exit from the EU and the recent changes effected by the COVID-19 pandemic, many companies are downsizing and require smaller, coworking and flexible/smart working spaces. The report advises that there will be growing demand for the coworking/flexible/smart space proposed within the development, but that it would not be financially viable for the entire building to be redeveloped in this way, as it would result in a significant oversupply of space. Further, the study makes the case that the application site is not included in any of the draft Local Plan's evidence base or supporting documents, with a view for retention as employment land, and the emerging local plan evidences that this is sufficient supply within the pipeline for Office space within the Borough.

Appendix 6 (quantitative analysis availability schedules) of the Employment Land Study (ELS) report identifies that at the time the ELS was written, there was approximately 363,795 sq ft (circa. 33,797m<sup>2</sup>) of Office accommodation being marketed within Barnet. This is around four times greater than the finding in the previous Employment Land Study presented within the previously refused 2018 application.

The scheme proposes the provision of 759m<sup>2</sup> of affordable (i.e. capped at 80% of the market rate) flexible workspace. This would align with objectives of Policies E2 and E3 of the Mayor's London Plan (2021).

Officers acknowledge the observations of the Employment Land Study, recognising that in its current form, due to its outer London location and poor layout, it would be unlikely to attract a large company. The provision of space that is flexible for a mix of smaller businesses aligns with the objectives of Policy DM14. Furthermore, the proposals meet the in-principle objective of the site's allocation (Site no. 54) within Barnet's Emerging Local Plan (Regulation 22) – which envisages a residential-led mixed use development.

At the time of writing, Officers and the Skills, Employment, Enterprise and Training team are still discussing the financial contributions and non-financial obligations that would mitigate the loss of any employment space. The exact figures and Heads of Terms will be provided within an addendum to this report. Notwithstanding, it is considered both possible and likely that appropriate contributions and obligations could be secured, that are both reasonable and proportionate, and which take account of the viability of the scheme, ensuring that the development would comply with policy.

### Housing

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.

The Mayor's London Plan (2021) Policy SD7 (Town centres: development principles and Development Plan Documents) takes a 'town centres first' approach in order to make the most of the agglomeration benefits and accessibility of town centres, ensure sustainable patterns of development and maximise the overall growth potential -promoting investments in high streets and primary shopping fronts. Accordingly, SD7 establishes that development plans should identify sites suitable for higher density mixed-used residential intensification capitalising on the availability of services within walking and cycling distance and current and future public transport provision. This also aligns with the objectives of provision E of Policy SD8 (Town centre network).

In addition, Policy H1 (Increasing housing supply) of the London Plan (2021), seeks to ensure that development plans and planning decisions optimise potential for housing delivery on all suitable and available brownfield sites, particularly where they are within an area with existing public transport access levels (PTALs) 3-6 or within 800m of a town centre. This further supported through the London Plan's design policies, of which policy D3 (Optimising site capacity through the design-led

approach) seeks to ensure that all development takes a design led approach that optimises the capacity of sites – supporting higher density developments in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. Notwithstanding, the policy is also clear that there are important design-related standards with respect to form, layout, experience, quality and character to be met in conjunction with optimising density.

Policies CS1 and CS3 of the Barnet Core Strategy broadly align with the London Plan's objectives and 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.

The supporting text to Policy CS3 'Distribution of growth in meeting housing aspirations' advises that 'encouraging greater housing development within or on the edge of some of Barnet's town centres is an option that allows mixed uses which add vibrancy and greater all round activity.

The application site falls wholly within the Whetstone Town Centre boundary as identified on Map 11 (pg. 88) of Barnet's adopted Development Management Policies DPD (2012), making it sustainably located in terms of access to shops and services. It is situated in an area with a PTAL rating of 4 (Good) making it sustainably located in terms of access to public transport also. Being a mixed-use development (i.e. residential with commercial), located on a site allocated within Barnet's regulation 22 draft Local Plan (Site No. 54 – allocated for mixed residential and community/commercial uses) with commercial uses proposed on the lower floors on the High Road frontage, and residential on the upper floors, the proposed development would be broadly consistent with the established configuration of Whetstone Town Centre.

Overall, the redevelopment of the site would broadly accord with the objectives of abovementioned policies.

### Housing Density

The Council's approach to density is set out in Policy CS3 of Barnet's adopted Local Plan Core Strategy DPD Document (2012) which refers to the superseded density matrix of the London Plan (2016), however, it subsequently states that the Council will seek to optimise density to reflect local context, public transport accessibility and provision of social infrastructure. The latter three principles of this policy broadly align with the objectives of Policies GG2, D2, and D3 of the Mayor's London Plan 2021, which requires developments to make the best use of land, through a design-led approach - i.e. density being informed by good, sustainable design that reflects and respects local character and distinctiveness. Policy D6, inter alia, states that particular consideration should be given to the site context, its connectivity and

accessibility by walking and cycling, and existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure.

As previously noted, the development is situated within Whetstone Town Centre, a location that is regarded as being sustainable in terms of its access to services and amenities by foot and by cycling. In principle, the site is therefore appropriate for higher density residential development. Also, previously noted, the site has been identified within the emerging (regulation 22) draft local plan as being appropriate for a residential-led mixed use development, and as per the site history, has previously benefited from a grant of prior approval for a change of use from office to residential for 254 units.

Furthermore, the site is located within an area that has a PTAL rating of 4, which is regarded as good, and is 0.2 miles (circa 0.3km – 5 min) walk from Totteridge and Whetstone Tube Station, where the PTAL is rated 5 (very good). The site is located on the High Road, which is a designated 'A' road (A1000), and benefits from multiple nearby bus stops that serve routes that afford access to the city centre, wider London, and routes outside of Greater London. All of the public transport nodes are accessible by pedestrian/cycle friendly routes. The scheme would meet the public transport and social infrastructure accessibility aspects of both the London Plan and Local Plan density criteria.

The site is situated within an urban area, with a number of commercial/retail units nearby, and is close to other higher density residential developments such as Northway House and Quayle Crescent. In context with the wider urban landscape, where there are a number of high-density residential developments, the residential density proposed would not be out of keeping with the surrounding context.

The Greater London Authority has reviewed the application and in their Stage 1 comments they have advised that the proposed density - relative to the site's location, good access to jobs, amenities and public transport – is considered to be appropriate, in accordance with Policy D3 of the London Plan 2021.

Overall, the development would broadly comply with abovementioned policies on density.

## **Housing Quality**

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 (2021) Chapter 1 'Planning London's Future - Good Growth', Chapter 3 'Design' and Chapter 4 'Housing', and explicit in Policies GG4 (Delivering the homes Londoners need), D3 (Optimising site capacity through the design-led approach), D5 (Inclusive design), and D6 (Housing quality and standards). 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, and Residential Design Guidance SPD.

### Unit Mix

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 (2021) Policy H10; Barnet Development Management Policies DPD policy DM08; and emerging Barnet Local Plan Policy HOU02). 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. This should not be interpreted as implying that there is not a need for a full range of unit sizes.

The application development proposes the following unit mix across the application site:

<b>Total Unit Mix</b>		
<b>Unit Mix</b>	<b>No. of Units</b>	<b>Percentage Mix (%)</b>
1 bed 1 person	12	4.6%
1 bed 2 person	123	47.3%
2 bed 3 person	11	4.2%
2 bed 4 person	81	31.1%
3 bed 4 person	15	5.8%
3 bed 5 person	15	5.8%
3 bed 6 person	3	1.2%
<b>Total</b>	<b>260</b>	

With regards to dwelling types that constitute family accommodation (i.e. upwards of 2 bedroom 3 person units), the proposed development would provide 125 units (i.e. circa 48.1% of total number of residential units proposed) capable of occupation by families.

The layout of the existing building does not lend itself towards larger units, which in any event would not necessarily be appropriate in an urban, town centre location – owing to the limited ability to provide sub-urban style private outdoor amenity space in the form of private gardens.

Overall, the proposed development provides a mix of housing typology to address housing preference and need in accordance with the abovementioned policies.

### Affordable Housing

Policy H4 of the London Plan 2021 sets a strategic target of 50% of all new homes to be delivered across London to be genuinely affordable. Policy H5 provides a threshold approach, allowing the provision of a minimum of 35% affordable housing, subject to the development adhering to the tenure mix requirements of Policy H6;

adherence to other relevant policy requirements; and, not receiving any public subsidy. Where this cannot be met then the development must be assessed under the Viability Tested Route.

The Barnet Core Strategy and Development Management policies (2012) (CS4 and DM10) seek a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings with a tenure split of 60% social rented and 40% intermediate housing.

The affordable housing provision proposed is 12.3% (32 units – 13.6% by habitable room), falling below the expectations of Policies CS4 and DM10 of Barnet's Core Strategy and Development Management Policies (2012); and Policy H5 of the Mayor's London Plan (2021).

Notwithstanding these targets, both policy sets allow for a financial viability case to be put forward to justify any shortfall in affordable housing provision, which would be subject to an independent review of this justification. In support of the application, the applicant has supplied a Financial Viability Assessment (prepared by BNP), which has subsequently been reviewed independently by Carter Jonas LLP on behalf of the Council. In addition, it has been also assessed by the Greater London Authority's viability team.

Juxtaposed to the findings of the applicant's Financial Viability Assessment (FVA), which concluded that the development would result in a negative residual land value of -£4.99million, and Net Position of -£7.74m, the Council's independent consultant (Carter Jonas LLP) found that the scheme would generate a positive residual land value of circa £6.1million, and Net Position of circa £3.6m. It was suggested that this could be used to secure additional affordable housing or provide a more balanced affordable housing mix to include lower value tenures.

The GLA in their Stage 1 comments also advised that the Affordable Housing provision was unacceptable, and that the proposal to provide 100% intermediate housing does not meet London or local plan requirements (i.e. Policy DM10 requires a tenure split of 60% social/affordable rented units and 40% intermediate housing units).

In response, the Council's independent Viability Consultant continued to discuss build costs and shared ownership values with the applicant's consultants. However, in parallel to these discussions, the Applicant submitted a new affordable housing offer. The original planning application was submitted on the basis of 32 units of affordable housing, all within the Shared Ownership tenure. Following consultee responses from LBB Housing and the GLA, the Applicant has revised their affordable housing offer to include 23 (ground, first, second and third floors of Block B) London Affordable Rent units and 9 units (fourth and fifth floors of Block B) Shared Ownership units.

In addition, and as part of the revised offer, the applicant amended the offer relating to the affordable workspace. The original proposals reflected that 50% of the commercial floorspace would be affordable and capped at 50% of the market rate. The revised offer is for 100% of the floorspace to be offered as affordable capped at 80% of the market rate. The Council's Viability Consultant has concluded that based on the applicant's revised offer and the assumptions in relation to build costs and shared ownership value, that there remains a small surplus of circa £250,000, which the Council should seek to secure, along with early and late stage review mechanisms to ensure that any improvements to viability is captured.

The schedule of affordable housing accommodation would be as per the below table:

	Market	Shared Ownership	London Affordable Rent	Total
1 bed	120	3	12	135
2 bed	86	1	5	91
3 bed	22	5	6	33
Total units	228	9	23	260
Habitable Rooms	586	29	63	678
% by habitable rooms	86.4%	4.3%	9.3%	100%

The Council's Housing Officers were consulted on the affordable housing provision. They acknowledge the findings of the independent Financial Viability Assessment, and whilst it concludes that an undesirable level of affordable housing provision can be provided, the split and configurations of affordable housing provision is deemed to be acceptable.

The comments of the Council's Housing Officers are acknowledged, however, the provision of this in conjunction with the affordable work space have been thoroughly review by the Council's Independent Viability Consultant, who has advised that the revised the revised affordable housing and workspace provision offer is acceptable. As such, the offer would satisfy the exceptions set out within the relevant abovementioned affordable housing policies - subject to the terms set out by the Council's Financial Viability Consultant which would be secured by Section 106 legal agreement

#### Standard of accommodation

Housing standards are set out within Policy D6 (Housing quality and standards) of the Mayor's London Plan (2021); and Barnet's adopted Sustainable Design and Construction SPD (2016). Table 3.1 in the London Plan provides a minimum gross internal floor area for different types of dwelling as set out in the table below:

Type of dwelling	Minimum gross internal floor areas (square metres)
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Number of bedrooms	Number of bed spaces (persons)	Single storey	Two storey (duplex)
1 bed	1 person	39 (37, where shower room instead of bath)	N/A
	2 person	50	58
2 bed	3 person	61	70
	4 person	70	79
3 bed	4 person	74	84
	5 person	86	93
	6 person	95	102

All of the units proposed comply with the Gross Internal floor areas prescribed in the table above.

In terms of ceiling heights and addressing the Urban Heat Island affect, as required by Policy D6 of the Mayor's London Plan (2021), all units will have a minimum ceiling height of 2.5m for at least 75% of the gross internal floor areas. This will ensure that the new housing is of adequate quality, especially in terms of daylight penetration, ventilation and cooling, and sense of space.

The development would comply with the standards set out within Policy D6 (Housing Quality and Standards) of the Mayor's London Plan (2021) and Barnet's adopted Sustainable Design and Construction SPD (2016).

### Daylight and Sunlight

London Plan Policy D6 states that new development should provide sufficient daylight and sunlight to new and surrounding housing. Policy DM01 of Barnet's adopted Development Management Policies DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

With regards to daylight and sunlight access, the applicant has provided a Daylight & Sunlight report which assesses the development against the BRE's site layout planning for daylight and sunlight guidelines (BR 209, 2011).

BRE guidelines state that Average Daylight Factor (ADF) is the primary measure for daylight in new build accommodation. Further the guidelines state that a kitchen should enjoy daylight levels of 2% ADF; a living room levels of 1.5% ADF; and, bedrooms a level of 1% ADF.

The daylight and sunlight report concludes that the vast majority of rooms receive good levels of daylight in excess of the relevant BRE targets. The ADF results show that 94% (637 out of 678) of the rooms meet the daylight criteria when the presence of the balconies and deep, open-plan living spaces is taken into account.

With respect to sunlight, the report concludes that 92% (circa 239) of the units have a main living room that achieves the recommended levels of sunlight. The assessment identifies that 29 bedrooms, 2 living rooms and 9 living/kitchen/dining rooms fall below target levels, however, of the 29 bedrooms they fall below the 1% target by between 0.1% and 0.3%. This is a relatively minor variance. Whilst there is a shortfall on both sunlight and daylight assessments (6% and 8% respectively) the overall level of compliance for daylight and sunlight is generally very good.

Overshadowing and sunlight access to the proposed amenity area are also considered within the daylight and sunlight assessment. The report identifies that 84% of the proposed areas of shared amenity space will receive more than two hours of sunlight on 21st March exceeding the BRE targets; and, despite the courtyard, in isolation, is marginally below the target this area will achieve the recommended BRE target just 9 days later on the 30th March. This is a minor deviation from the target standards.

Overall, in terms of sunlight and daylight access for the future occupiers of the development, and with regards to the overshadowing and sunlight access of the shared amenity space, the scheme is broadly compliant with BRE standards, and would therefore satisfy the objectives of DM01 of Barnet's adopted Development Management Policies DPD (2012); and, Policy D6 of the Mayor's London Plan (2021).

### Privacy and overlooking

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.

With no units at ground floor level there will be very little potential for unacceptable loss of privacy and overlooking relationships from the public realm on Baxendale or the High Road.

In relation to the buildings within the site, there are some shortfalls in the guideline distances between habitable room windows - affecting the windows between the west and elevation of Barnet House and east elevation of the new building block, in the northern section of the development. The shortest distance is circa 15.1m, however, the windows are not entirely aligned between the two buildings and the new build development sits at angle that also reduces any direct line of sight. Further, through a revised detail submitted and consulted on in November 2021, the applicant has also added angle/fixed aspect windows to address this matter further, meaning that there would be not unacceptable degree overlooking or loss of privacy.

In light of the above factors, and given that it is a new build development (i.e. introducing these outlook relationships between non-established residential buildings), and that the distances between the southern half of the development are compliant, the development is broadly compliant with the objectives of Policy DM01 of Barnet's adopted Development Management Policies DPD (2012) and Policy D6 of the Mayor's London Plan (2021).

The standard of outlook across all of residential units is unobstructed and would also satisfactorily meet policy objectives of both the Barnet's Local Plan (2012) and the Mayor's London Plan (2021)

### Wind and Microclimate

London Plan Policy D8 (Public Realm) part J states that development proposals with public realm should ensure that microclimate considerations (including temperature and wind) have been taken into account to encourage people to spend longer in the area.

Policy D9 (Tall buildings) Part C (3) requires development to take account of air movement and associated noise to not compromise: the comfort and enjoyment of open spaces around the development; the dispersion of pollutants; and/or, compromise street level conditions.

The application is accompanied by a pedestrian level wind microclimate assessment. It identifies that there would be strong winds exceeding the safety threshold – two at the north western corner Barnet House and one at the southern side of Barnet House – thereby requiring mitigation measures to generate a safe wind environment for pedestrians and occupiers of the buildings.

The report conclusions identify mitigation that has been incorporated into the final design of the development to ensure safe microclimate conditions for the majority of the environment around the building. These mitigation measures include:

- The implementation of the proposed landscaping scheme;
- The addition of a 2.4m tall, 70% (open) porous security fence extending from the north-west corner of Barnet House running north to the site boundary; and,
- The addition of a 2m tall, U-shaped hedge measuring 4m long on the northern side, 3m long on the eastern side, 4m long on the southern side placed around the sun lounge area in the courtyard; and between Baxendale Gardens and Barnet House.

Whilst the scheme does not completely mitigate all adverse wind conditions within and around the building, it is an improvement over the existing building, and the design and mitigation is such that it will achieve acceptable pedestrian level wind microclimate, and subsequent impact on the surrounding area, broadly in accordance with Policies D8 and D9 of the Mayor's London Plan (2021).

### Inclusive design - accessibility

The application scheme is required by Policy DM03 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and Policy D7 (Accessible Housing) of the Mayor's London Plan (2021) to meet Building Regulation requirement M4(2) and for 10% of all units to be wheelchair home compliant (i.e. compliant with Building Regulation requirement M4(3)). The applicant has confirmed that the proposed development would meet this requirement, and a condition will be recommended in the event that the appeal is allowed and planning permission is granted, to ensure compliance with these policies.

### Amenity space

Policy D6 states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

Barnet's Sustainable Design and Construction SPD (2016) Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13m<sup>2</sup> are counted as a habitable room, and habitable rooms over 20m<sup>2</sup> are counted as two habitable rooms for the purposes of calculating amenity space requirements.

<b>Table 2.3: Outdoor Amenity Space Requirements</b>	<b>Development Scale</b>
<b>For Flats:</b> <ul style="list-style-type: none"><li>• 5 m<sup>2</sup> of space per habitable room.</li></ul>	Minor, Major and Large scale
<b>For Houses:</b> <ul style="list-style-type: none"><li>• 40 m<sup>2</sup> of space for up to four habitable rooms</li><li>• 55 m<sup>2</sup> of space for up to five habitable rooms</li><li>• 70 m<sup>2</sup> of space for up to six habitable rooms</li><li>• 85 m<sup>2</sup> of space for up to seven or more habitable rooms</li></ul>	Minor, Major and Large scale
Development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards.	Householder

The proposed development would require approximately 4700m<sup>2</sup> of amenity space. All residential units would benefit from private amenity space in the form of balconies or terraces, cumulatively equating to circa. 2,223.79m<sup>2</sup>, coupled with the provision of 1,900m<sup>2</sup> of shared residential gardens, 468m<sup>2</sup> of shared roof terrace, and 1,015m<sup>2</sup> of public open space - totalling circa. 5,606.79m<sup>2</sup>. The development would provide a satisfactory level of outdoor amenity space in accordance with Barnet's adopted Sustainable Design and Construction SPD (2016) standards, and Policy D6 of the Mayor's London Plan (2021).

## Playspace

Policy S4 of the London Plan seeks to ensure that development proposals incorporate good-quality, accessible play provision for all ages. At least 10m2 of suitable playspace should be provided per child.

Barnet's DPD refers to the Mayor's SPG 'Providing for Children and Young People's Play and Recreation for the accessibility benchmarks for children. Aligning with this, Policy CS7 of Barnet's adopted Core Strategy (2012) requires improved access to children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan. In addition, Barnet's draft Local Plan (regulation 22 submission) Policy CDH07 states that development proposals should provide play spaces in accordance with the London Plan and Mayor's SPG.

Using the GLA's population yield calculator, the applicant has estimated that the total number of children expected to occupy the development will be 59.1. The development would therefore need to provide 591m2 of childrens play space, broken down as follows:

Age	Play requirement	Play provided
0-4	293.8sqm	326sqm
5-11	202.8sqm	212sqm
12+	94.7sqm	119sqm
Total	591sqm	657sqm

As per the figures in the table above, the amount of playspace provided in the scheme across all age groups demonstrably exceeds the amount of playspace required by the London Plan Housing SPG.

The GLA Stage 1 response raises no objection to the level of playspace provision and also identifies that the previous concerns in the previous planning application (i.e. with particular regard to the playspace being overshadowed by other elements of the development) have now been satisfactorily addressed.

In the event of an allowed appeal, as per the GLA's recommendations, a planning condition securing the provision of the playspace and a detailed playspace strategy could be recommended.

## **Design**

High quality design underpins the sustainable development imperative of the NPPF and Policies D1, D3, D5, D6, D7, D8, and D9 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of

high- quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets. 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.

All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of surrounding buildings and streets, in accordance with DM01 of the Development Management Policies DPD (2012).

### Form, Scale, Layout and Mass

The main mass of the proposal is within the existing Barnet House building, which is to be retained and extended - increasing the height and massing of the building and remodelling of its façade. The footprint of Barnet House would extend further to the east, west and southern boundaries. The existing rear annexe is to be demolished to make way for the erection of medium rise blocks on the western part of the site. The top two additional storeys are recessed to create a more subordinate feature that minimises the visual prominence and vertical emphasis of the additional storeys. The GLA have suggested that the design of the additional two storeys should be revisited, but have not insisted that they be omitted. The GLA's suggestions revolve around changes to the articulation of the additional two stories to the existing building.

The two proposed blocks to the south and west of the site form an L-shape with central courtyard. Being 4-6 storeys in height and located to the rear of Barnet House, this aspect of the proposal is subordinate to the main building and responds to the change in scale of existing development within Baxendale. These buildings are still larger in scale, comparative to existing development adjacent, but are arranged around the secondary street frontages (Baxendale) with separation distances that are reasonable in terms of spatial relationships to adjacent development.

The GLA's Stage 1 comments suggested that the street level facing elevation of this element facing Baxendale could benefit from further design articulation to improve the frontage. In response to these comments, the applicant has made changes to create greater visual interest and avoid blank, characterless walls. The applicant has provided revised plans reconfiguring the ground floor of Core A to bring the concierge to Baxendale and provide additional activation of this frontage. This provides a glazed corner entrance to the core, which is a key entrance to the site, containing post boxes and Amazon boxes and the concierge facility, ensuring activity throughout the day. The change has resulted in a slight reconfiguration of the bin store due to the level changes, but it is also proposed to install some green climbers

on the remainder of the Core A elevation to sit alongside the access to the bin store to ensure that there is additional visual interest to this part of the development.

Members are advised to consider whether the form, scale, layout and mass in context with the size of application site, and also, the context of the adjacent neighbouring buildings, both on the High Road and in Baxendale are considered to be acceptable.

### Tall Buildings assessment

Policy D9 of the Mayor's London Plan (2021) establishes the expectations for the location and impact of tall buildings, requiring Borough's to identify where tall buildings may be an appropriate form of development. It further stipulates that development proposals should address visual impacts (immediate, mid and long range views of the building); spatial hierarchy of local / wider context; architectural quality and materials; harm to significance /setting of heritage assets; functional impacts (i.e. safe access/egress, maintenance and management to minimise disturbance and inconvenience; avoidance of overcrowding/isolation of the development; avoid overloading of local infrastructure; maximisation of jobs, services, facilities and economic activity; avoid interference with aviation, navigation, telecoms and detrimental effect on solar energy generation on adjoining buildings); environmental impacts (wind, air movement, noise; sunlight penetration and temperature conditions); and cumulative impacts.

Barnet Core Strategy defines tall buildings as buildings of 8 storeys or 26m, and states that they may be appropriate in strategic locations subject to detailed assessment criteria.

Local Development Plan Policy DM05 'Tall Buildings' further advises that: 'Tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable. Proposals for tall buildings will need to demonstrate:

- i. An active street frontage where appropriate
- ii. Successful integration into the existing urban fabric
- iii. A regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- iv. Not cause harm to heritage assets and their setting
- v. That the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.

Proposals for redevelopment or refurbishment of existing tall buildings will be required to make a positive contribution to the townscape.'

The site is located in Whetstone Town Centre, where the surrounding townscape is predominantly composed of 3-4 storey buildings. The principal section of Whetstone High Street is more-or-less book ended by two 12 storey buildings - Northway House and Barnet House – which are established landmarks of the town centre.

At present, the current Barnet Local Plan (2012) does not suggest that the application site would be suitable for tall buildings. However, as noted, the principle of a tall building in this location is already established by the fact that the building itself is already classified as a tall building. In addition, it should be noted that within the draft Barnet Local Plan (regulation 22) it is stated that tall buildings may be appropriate along the A1000 (High Road). This is consistent with the tall building principles set out part B of the Policy D9 (Tall buildings) of the Mayor's London Plan (2021).

Members are advised to consider the scale and height of the proposal in relation to the lower rise nature of the surrounding properties. This must be weighed with the established presence of a tall building already on site, but also, the existing (London Plan 2021, Barnet Local Plan 2012) and emerging (Barnet's Reg 22 Draft Local Plan) planning policy context.

### Detailing and Materials

With regards to articulation and materials, the architectural expression follows a logical approach, with windows and projecting / recessed balconies at regular intervals, between brickwork in a clear linear pattern. The development is proposed to be a contemporary style building which is predominantly finished in light coloured brickwork, light render and significant glazing. Comparative to surrounding buildings within the immediate street scene and nearby, which are comprised of brickwork, metal and other forms of cladding of varying colour palettes, the development's proposed material palette would not be significant departure from material palettes that exist within the wider townscape.

In the event of an allowed appeal, it would be recommended that further details and samples of the final materials to be used in the external elevations are required to be submitted to, and agreed in writing by the Local Planning Authority, through a planning condition. This will ensure that an acceptable palette of materials is selected that will achieve a satisfactory visual appearance for the building upon its completion, and for the future to come.

### **Heritage/Conservation**

The preservation and enhancement of heritage assets is promoted within Section 16 of the National Planning Policy Framework, recognising that such assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. It is also statutory obligation of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the special architectural and historical interest as well as the setting of listed buildings as well as the character and appearance of conservation areas. Saved PPS5 'Planning and the Historic Environment' provides guidance regarding consideration of designated and non-designated heritage assets. In addition, London Plan policy HC1 and Barnet's 2012

Core Strategy Policy CS5 and Development Management Policy DM06 all require the consideration of the impact to heritage assets including listed buildings, conservation areas and archaeology.

The site is not located within a Conservation Area. The nearest listed buildings to the site comprise of 'The Whetstone' (Grade II listed) outside the Griffen Public House as well as no's 1264,1266,1268 and 1270 High Road Whetstone. It is not considered that the proposals would harm the setting or significance of these properties and assets given the context of the existing structure.

In respect of archaeology, the application site is located in an area of archaeological interest. Historic England Archaeology were consulted on the previous application proposal and advised that due to the previously built nature of the site the redevelopment is unlikely to have a significant effect on heritage assets of archaeological interest and that no further investigation would be required. The same would apply to the current application given the similarity.

The scheme would therefore comply with Policy DM06 of Barnet's adopted Development Management Policies DPD (2012) and Policy HC1 (Heritage conservation and growth) of the Mayor's London Plan (2021).

### **Safety, Security and crime mitigation**

Pursuant to London Plan Policy D11 (Safety, security and resilience to emergency), Barnet Core Strategy Policy CS12 and Barnet Development Management Plan Policy DM01, the scheme is considered to enhance safety and security and mitigate the potential of crime because:

- The entrance to the car park ramp will be equipped with a roller shutter and a dedicated wicket door for cyclists
- There will be secure gates, CCTV cameras, PIR sensors to basement
- All doors and windows will be security rated (PAS 24)
- There will be two lines of defence throughout in the scheme - Secure gates into the courtyard and fob access into each core.
- Reception entrance doors will be single leaf to avoid security issues with double or leaf and a half doors.
- There will be clear separation between commercial and residential spaces to avoid unwanted intrusion.
- The curtain walling solution in the commercial office towards High Road will provide visibility from and to the street, and will illuminate the pavement.
- The first line of fencing will be a minimum of 1.8m high fence; or defensive planting

All areas of public open space will be clearly overlooked, and the indicative landscaping scheme is designed to avoid hidden spaces. The Metropolitan Police's Design Out Crime Unit have considered the scheme and advised that they have no objection subject to a condition requiring that the development obtain the Secure by

Design accreditation. It is therefore considered that subject to such a condition the scheme would be acceptable from a safety and security perspective.

## **Fire Safety**

The application is accompanied by a Fire Statement (Dated May 2021; Rev. PO2; Ref: 55418-CBD-00-ZZ-RP-F-5700) produced in line with the requirements of London Plan (2021) Policy D12 (Fire Safety). Whilst the detailed information on materials and product types are not yet available, the statement confirms that the material performance to fire will be in accordance with Regulation 7 'Materials and Workmanship' (Building regulation 20210), ensure that all materials are non-combustible.

A planning condition will be recommended to ensure that the development is constructed in accordance with the mitigation and safety measures prescribed by the fire statement. This has also been recommended by the GLA in their Stage 1 comments.

## **Amenities of Neighbouring Residents**

Part of the NPPF's (2021) objective of achieving well-designed, high quality, beautiful and sustainable buildings and places is ensuring that planning decisions result in safe, inclusive and accessible development that promotes health and well-being, with a high standard of amenity for existing and future users. Amenity is a consideration of several policies within the London Plan (2021), but particularly within Policy D9 (Tall buildings). In addition Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

### Privacy and separation to surrounding sites

Initially there were concerns of overlooking towards the north from the new build block's habitable room windows to the Flats of Paulston House, owing to proposed habitable room windows and terrace access on the north facing elevation. However, following proactive discussions with the applicant, a reduced balcony terrace area on the third floor was secured together with the addition of angled fixed aspect windows, which mitigate the direct line of sight. Additional screening on the return sections of the remaining terrace area will be required by condition, in order to prevent any residual harm from overlooking. It is therefore considered that the residents of Paulston House would not be harmfully overlooked and several of the other neighbouring residential properties, such as the residents of Woodside Care Home, Wardens House (Baxendale), Nos 1-7 Baxendale and Nos 5-17 Totteridge Lane are suitable distances (circa. 21m as per guidance).

Notably, the Baxendale properties all have a road between them and the new building meaning they are overlooked from the public realm. Consequently, the

fronts of these properties could not reasonably be expected to achieve the same level of privacy that would be expected where back-to-back properties are concerned. Drawing No PL(99)-103 provides clarity on the overlooking/privacy relationships and demonstrates that these would be satisfactory.

Similarly, with regards to the recently completed Highbrook House, the distances are compliant with the 21m guidelines. There are established overlooking relationships between Barnet House and Highbrook House, but also the developments are separated by Baxendale and units at Highbrook House to the rear of the High Road are screened by existing trees.

With regards to Attlee Court, on the opposite side of the High Road the distance between the two building is greater than 30m and would therefore not amount to any harmful overlooking and loss of privacy.

In light of the above, it is not considered that the proposals would result in any demonstrable loss of privacy to neighbouring properties.

#### Daylight and Sunlight impacts

The daylight and sunlight report considers the impact of the development on the adjacent neighbouring properties. In respect of Paulson House (Totteridge Lane) it identifies that there would be some minor impact in respect of a loss of daylight, but that this would not be significantly below the levels that would be expected for a typical urban location. It also identifies that the existing balconies of Paulston House are contributory adverse factor to the level of daylight enjoyed by these units. In respect of sunlight the report found that the Paulston House would meet largely meet the BRE's annual probable sunlight hours target and although in one instance it may fall short of the target by 1%, this is minor. With regards to 5 – 7 Totteridge Lane, the report finds that both daylight and sunlight standards would meet the BRE's guidelines.

For Attlee Court opposite, the report found this property would be in full compliance with BRE guidance and that the sunlight for both winter annual levels would also remain fully compliant. With regard to Highbrook House, the report identified that similar to Paulston House, a number of units would fall short owing to their own balconies and also the obstruction created by trees adjacent to the building. There are 11 single aspect units that fall marginally below the target on the first three floors, however on balance the report reasons that given the urban environment and existing context this is considered to be acceptable. In terms of sunlight all relevant rooms will remain fully compliant with BRE targets for both winter and annual sunlight levels.

1-3 Baxendale and the Wardens House (Baxendale) have been found to demonstrate full compliance with BRE guidance in respect of both daylight and sunlight criteria.

The report identifies that Baxendale care home 30 of 31 rooms will meet the Vertical Sky Component criteria of the BRE guidance, although the one room that has a shortfall is only marginally short of the standards – being acceptable on balance. With regards to NSC values 14 rooms fall short, however the SPG issued by the London Mayor advises that “Less weight should be given to the room-based measures of daylight such as ‘no-sky line’ or average daylight factor as these are dependent on the design of the neighbouring property”. Accordingly the principle consideration should be the VSC assessment, which the development will perform against satisfactorily. In terms of sunlight the report notes that it has not been necessary to test the majority of the rooms in this property because the windows facing the site are not within 90° of due south.

Overall, given the urban location, the existing context (the form of buildings and their features and trees) it considered that the proposed development would, on balance, have an acceptable impact on daylight and sunlight amenity of the adjacent neighbouring properties.

## **Environmental Considerations**

Policy DM04 of Barnet’s adopted Development Management Policies DPD (2012) seeks to reduce and mitigate against the impacts (i.e. noise, air pollution, and land contamination) of development which have an adverse effect on the health of the surrounding environment and the amenities of residents and businesses alike. This is consistent with the objectives of Section 15 of the National Planning Policy Framework (2021), which seeks to ensure that planning decisions conserve and enhance natural environment and avoid significant adverse impacts on health and quality of life.

### Contaminated Land:

The application is accompanied by a Desk Study Report by Geotechnical and Environmental Associates Ltd (dated 26 April 2021) and subsequent letter produced by Geotechnical & Environmental Associates (ref: J17036A/KtM/2; dated 18<sup>th</sup> April 2021). Both conclude that significant remediation works would not be required as part of the proposed development, as the potential risk to identified receptors is considered manageable through the use of measures detailed within section 8.0 of the Contamination Risk Assessment report.

The Council’s Environmental Health team have reviewed the contents of both documents and are satisfied with the recommendations and conclusions set out.

In the event of an allowed appeal, it is suggested that a planning condition be recommended requiring remediation works in accordance with the submitted reports and that post remediation verification should be submitted to the Local Planning Authority for approval, following completion of the remediation works. This is

considered to be both reasonable and necessary to ensure that the completed development is safe for the end users of the site.

Accordingly, subject to condition, it is considered that the development would accord with Policy DM04 of Barnet's adopted Development Management Policies DPD (2012).

#### Air Quality:

Policy SI1 (Improving air quality) of the Mayor's London Plan (2021) aligns with the principles of DM04 of Barnet's adopted Development Management Policies DPD (2012), in that it seeks to ensure emission risks associated with development – i.e. air pollution, both existing and as a consequence of the proposed development - are identified, and that a suitable scheme of mitigation is established to mitigate the impacts for the existing environment and receptors (residents/public) as well as future receptors (residents of the development); and, that all new development meet the GLA's Air Quality Neutral benchmarks.

The application is accompanied by an Air Quality Assessment report (dated: April 2021) produced by Mayer Brown Limited. The report states that the monitoring sites within the borough all fall below the national annual mean objective for NO<sub>2</sub>, and that the site is likely to fall within Air Pollution Exposure Criteria (APEC) A, where there are no air quality grounds for refusal, however, that mitigation systems must be considered.

The Council's Environmental Health team have considered the report and following further clarifications with the agent, have raised no objections, subject to conditions.

The report identifies that the development is likely to result in a reduction in traffic movements on the local road network, which would have a positive impact on the current scenario (i.e. the site remaining as an office) pollution levels. These findings are not disputed and, as such, it is considered that mitigation for development associated traffic is unlikely to be necessary. The levels of parking are controlled and the travel plans which will be secured as part of planning obligations will encourage transport by other modes.

The application has been accompanied by an Energy Strategy which makes reference to the use of Low NO<sub>x</sub> gas boilers within its Be Lean building fabric assessment. Notwithstanding, the actual intention and recommendation of the Energy Strategy is to make use of Air Source Heat Pumps and Water Source Heat Pumps. This has been further confirmed in communication with the applicant – that no gas boilers will be used. Accordingly, it is considered that the emissions from the building are likely to comply with the London Plan SPG's minimum standards and that no other mitigation measures would be necessary. To secure implementation in accordance with the Energy Strategy's details, a planning condition would be recommended, in the event of an allowed appeal.

In respect of Air Quality Neutrality, the AQNA assessment identifies that the total transport emission associated with the development is expected to result in a reduction, relative to the existing scenario where the property is retained as an office. Accordingly, the development itself would be air quality positive, without the need for associated mitigation measures.

Overall, subject to conditions, the proposed development would ensure that adverse air quality impacts are minimised and mitigated appropriately in accordance with Policy DM04 of Barnet's adopted Local Plan Development Management Policies DPD (2012).

### Noise & general disturbance

Policies D13 (Agent of Change) and D14 (Noise) of the Mayor's London Plan (2021) recognise that the management of noise is important to promote good health and quality of life, within the wider context of achieving sustainable development, and that the burden of mitigation should not be exclusively placed on established neighbouring businesses and occupiers (i.e. who may operate / be responsible for existing noise-generating activities or uses). The policies stipulate that mitigation should be a part of the design through the use of distance, screening, layout, orientation, uses and materials.

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. The commercial uses are less in quantity than the existing site usage and would be unlikely to result in additional disturbance to the existing environment, or to the proposed residential units.

The proposed residential uses are compatible with the surrounding land uses located to the rear of the site in Baxendale and Totteridge Lane, the Highbrook House development across Baxendale and the Liberty Square development located on the opposite side of Whetstone.

In considering the potential impact to neighbours, conditions are recommended to ensure that any plant or machinery associated with the development achieves required noise levels for residential environment. The Council's Environmental Health team have also recommended conditions to ensure adequate sound levels within the proposed plant and to avoid noise disturbance from plant or machinery. It should be noted that any excessive or unreasonable noise is also covered by the Environmental Protection Act 1990.

Overall the development is not expected to give rise to any undue noise or disturbance to the existing neighbouring environment, thereby satisfying Policies DM04 of Barnet's adopted Development Management Policies DPD (2012) and Policy D13 of the Mayor's London Plan (2021).

## Highways / Parking

Policy CS9 of the Barnet Core Strategy 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 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 CS9 and DM17 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

It is recognised within the Barnet Local Plan policies that the residential parking standards will be applied flexibly based on different locations and issues related to public transport accessibility, parking stress and controls, ease of access by cycling and walking, and population densities. Appropriate parking for disabled people should always be provided.

Barnet's Local Plan (2012), draft (regulation 22 submission) Local Plan, and the Mayor's London Plan (2021) recommend a range of parking provision for new dwellings based on the site's Public Transport Accessibility Level (PTAL) and the type of units proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units with the range of provision 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

Based on the requirements of Policy DM17 of the current Local Plan, the proposed development has a parking requirement range of 209-339 parking spaces. The application site is located within an area with a PTAL rating of 4, which is good, and is 0.2 miles (circa 0.3km – 5 min) walk from Totteridge and Whetstone Tube Station, where the PTAL is rated 5 (very good). It should also be borne in mind that these standards, as per the policy wording, are maximum standards, and not minimum standards.

Also of note, Barnet's Draft Local Plan – Regulation 22 submission was approved by the Council on 19th October 2021 for submission to the Secretary of State for examination. Whilst the plan has not yet been adopted, and the 2012 Barnet Local Plan remains the statutory development plan for the Council, the policies of the draft Local Plan hold some weight in the overall planning balance. The draft Local Plan

responds to the Mayor’s adopted London Plan (2021) parking standards, intending to adopt similar standards that it has established for residential car parking.

The London Plan (2021) states that the accessibility of each site should be taken into consideration, including the PTAL, local population density and vehicle ownership, access on foot and by bike and other relevant transport considerations. The standards in both the Barnet draft Local Plan and Mayor's London Plan (2021) are as follows:

	<b>Barnet Draft Local Plan - Reg 22</b>		<b>London Plan (2021)</b>	
<b>Location</b>	<b>1/2 bed units</b>	<b>3+ bed units</b>	<b>1/2 bed units</b>	<b>3+ bed units</b>
Outer London / PTAL rating: 4	0.5 - 0.75 spaces per dwelling	0.5 - 0.75 spaces per dwelling	0.5 - 0.75 spaces per dwelling	0.5 - 0.75 spaces per dwelling

The standards above are maxima (not minimum) and are lower than those in Barnet’s current Local Plan (2012). Accordingly, using the above standards the proposed development would be required to provide 130 vehicle parking spaces. Owing to the draft nature of Barnet’s Regulation 22 Local Plan, only limited weight can be afforded to its policies, however, such weight can be afforded nonetheless. Moderate weight can also be afforded to the London Plan 2021 parking standards, which broadly align with the Regulation 22 Barnet draft Local Plan.

The scheme proposes 58 car parking spaces, inclusive of 11 disabled parking spaces and a further 5 motorcycle spaces, providing notably less than the maximum standards examined above. In addition, the proposed development will offer one car club space and one disabled car space for commercial use on Baxendale.

TfL recommend that the starting point for all developments should be ‘car-free’. Nevertheless, it is recognised that this is not suitable for all locations, especially in outer London Boroughs. The proposed parking ratio for this development is 0.22 per unit. The GLA Stage 1 review is supportive of the significant reduction in car parking spaces. TfL in their formal comments, have asked for a further reduction, however, the Highways Authority are satisfied with the proposed level of provision and would not support a further reduction beyond than what is currently proposed.

The application is supported by two parking stress surveys which have been conducted within the local vicinity of the site – a survey conducted in 2017 for the previous planning application and one conducted in late September of 2021. The Highway Authority agreed that the scope and methodology of the 2021 surveys should be the same as the 2017 survey to enable comparison, if required.

The only difference in the scope of the 2021 survey is that a single overnight observation has been made whereas two observations were made in 2017. The Highway Authority did not raise any objections to this approach and consider the latest survey to be more robust, given that COVID-19 restrictions (specifically

lockdown measures) have been lifted in England since the summer (2021), whilst also having regard for the potential impact from other recently constructed / completed developments.

Time Period	Cars Parked 2017	Cars Parked 2021	Net Change in Demand
0400	922	1,096	174
0700	1,293	1,228	-65
0900	1,566	1,343	-223
1100	1,571	1,408	-163
1400	1,498	1,399	-99
1600	1,328	1,264	64
1800	1,135	1,209	74
2000	1,123	1,305	182
0100	N/A	1,242	N/A

The latest survey, comparatively (as above) demonstrates that there is significant spare capacity in the streets surrounding the development and that there has been an increase in available daytime reserve capacity relative to historic data due to the relocation of the Council Offices. This is counterbalanced by some increase in overnight parking, possibly in relation to new developments, and changed behaviour/movement patterns due to the pandemic.

Overall, these results show that there is sufficient capacity in the surrounding streets to mitigate for any potential overspill parking from the new development.

It also is noted within the public objections, a number of concerns are raised by those residents who live within Baxendale, which is proximally situated to the development. It is understood that this is, and has been, a common place for parking overspill, given its immediate location outside of the site and limited parking restrictions. The current parking survey indicates that during the day approx. 20% of the spaces available (circa. 43 in total) within Baxendale are occupied, and during the night time hours 30% were occupied. As such, the survey indicates there is currently low demand for parking along the street.

Notwithstanding, it recognised that with the introduction of the proposed development there may be potential for this to change in Baxendale, but also in other surrounding small streets which are close to their capacity. In the interest of protecting existing residents parking provisions, this could be managed by seeking S106 contributions toward consultation on a CPZ extension and subsequent implementation secured by legal agreement. It is acknowledged by Officers and the Highways Authority that this should be required for Baxendale - given its immediate proximity in relation to the development - but may be less necessary for other nearby roads. Nonetheless, it is acknowledged that this should be determined following a Council review of the CPZs within the area, which could be funded by S.106 contributions secured for this very purpose..

Accordingly, the Highway Authority have advised that a financial contribution of £70,000.00 towards a CPZ review and Traffic Management Order amendment (fee includes consultation, draft of Traffic Management Order, design and implementation) to prevent future residents of the development from purchasing permits for controlled areas would be appropriate, to ensure that the development does not increase parking pressures / overspill within the local area. This is considered both reasonable and necessary, and thus, in the event of an allowed appeal, it would be recommended that this obligation is secured via a legal agreement.

Overall, the Highways Authority are satisfied that the overall mitigation proposed for the development along with suitable conditions/obligations will ensure that the development satisfies the parking policy objectives of DM17 of Barnet's adopted Development Management Policies DPD (2012) and the Mayor's London Plan (2021).

Electric vehicle charging points must be provided in accordance with London Plan (2021) standards for residential uses (i.e. 20% active and 80% passive). The submitted Transport Assessment and Car Park Design and Management Plan confirms that 20% of parking spaces will have active charging from occupation, with the remainder provided with passive provision. This is in line with London Plan (2021) policy T6.1 and is therefore considered to be acceptable. In the event of an allowed appeal it would be recommended that this is secured by planning condition.

In accordance with the Highway Authority's recommendation – in the event of an allowed appeal – it would be recommended that an updated parking management plan be secured by condition to set out and secure how the parking spaces within the development will be allocated and managed amongst residents; and, establish the procedure for managing visitors to the development. This would be in the interest of the efficient functioning of the development – mitigating and managing any parking associated conflict.

### Healthy Streets/Vision Zero

The Healthy Streets Transport Assessment includes an Active Travel Zone (ATZ) assessment, in line with TfL Transport Assessment requirements. Key walking and cycling destinations identified in the ATZ Assessment are accessed via borough roads. In this context, TfL have provided their support to Barnet Council securing improvements identified in the ATZ Assessment in line with policies T2 (Healthy Streets) and T4 (Assessing and mitigating transport impacts) of the London Plan.

The assessment has identified that there are deficiencies in the urban realm environment surrounding the site, and especially along the key walking routes to Totteridge Station. The layout of the junction with Oakleigh High Road and Totteridge Lane also leads to convoluted access arrangements for pedestrians.

The Highway Authority therefore seeks a contribution towards all the improvement measures identified in the Transport Assessment, including:

- the full list of pedestrian footpath improvements as listed in Appendix J of the Transport Assessment,
- the full list of improvements identified in Table 8-1 of the Transport Assessment (Healthy Streets Improvements), including a contribution towards a feasibility study on options to improve the High Road/Oakleigh Road/Totteridge Lane junction layout for all users.
- A contribution towards improvements to the walking environment along Totteridge Lane and a feasibility study on benefit of a Pelican Crossing to replace the informal crossing at Totteridge & Whetstone Station.

The Highways Authority have put forward an estimated contribution requirement of £85,000.00 (£35,000.00 and £50,000.00, respectively) to cover these improvements, which in the event of an allowed appeal, would be secured by S106 agreement. Subject to conditions and suggested S.106 legal obligations it is considered that the development would satisfy the objectives of Policies T2 and T4 of the Mayor's London Plan (2021).

### Cycle Parking

The development is to provide a minimum of 473 cycle parking spaces (450 long-stay and 14 short-stay). This complies with the minimum standards set out in table 10.2 of the London Plan (2021).

A long-stay cycle parking store for employees of the flexible workspace is contained within the commercial unit. The commercial area at ground floor will be allocated five long stay and 4 short stay cycle parking spaces. This is in accordance with the minimum standards set out in Table 10.2 of the London Plan (2021).

The GLA Stage 1 review and TfL raised concerns that the proposed access to the cycle parking store would increase the threat of conflict between cyclist and vehicles in the basement car park, contrary to Vision Zero – i.e. the objective of eliminating all deaths and serious injuries in London by 2041.

During the lifetime of the application, the applicant agreed to provide amendments to the plans which sought to address this issue. In response to TfL noting that the access point into the cycle store should provide more space for cyclists seeking safe refuge during peak usage times within the car park, the waiting area has been widened to provide a safer waiting zone for users of the cycle store. This would reduce the potential for cyclist-motorist collisions in this area.

In response to TfL's concern over how users of Core D would access the cycle store through a secondary route, requiring movement through the car park, Core D has been revised on the basement plan (Drawing No. A-PL(03)-099 Rev. 19) to facilitate a dedicated access into the cycle storey from this core.

Accordingly, it is considered that the issues have been addressed and no significant issues remain on these grounds. The Council's Highway Authority have also not raised any objections in this regard. The proposed development would satisfy the objectives of Vision Zero and Policy T5 (Cycling) of the Mayor's London Plan (2021).

### Car Club

In addition to the above car parking provision, one car club space is proposed as part of the development. This will support the lower parking provision, whilst enabling multiple households to make infrequent trips by car. It is therefore supportive of the London Plan (2021) policy aims for well-connected and accessible sites such as the application site.

The Council's Highways Authority are satisfied with this provision and have recommended that it be secured by S.106 agreement.

### Trip Generation / Travel Plan

The Transport Assessment (Doc No. D002; Dated: May 2021 - Version: 1.1 – produced by Velocity Transport Planning Ltd) submitted in support of the application identifies that the redevelopment of the site to provide 260 residential dwellings and a commercial use with a reduced floor area will result in a reduction in total person trips during the peak hours and across the day. It is suggested that the proposed development will significantly reduce the number of vehicle trips generated by the site, with a reduction of up to 1,300 less vehicle trips across a typical day forecast, and that with a car-lite focus, travel would primarily be undertaken by public transport and active modes, which will result in a reduction when compared with the existing office development. Overall, the trip generation exercise concludes that the proposed development will have a positive transport impact, reducing vehicles movement and level of parking currently occurring in residential streets.

The Highways Authority have not raised any objections with regards to the scheme on the grounds of trip generation. TfL have commented that they would usually expect trip generation to consider London Underground trips split out by direction and a gateline and line loading capacity assessment, however, they have advised that given the low level of additional demand expected to be generated, the observations and recommendations made in the assessment are acceptable.

A Framework Travel Plan (Doc No. D003; Dated: May 2021 – Version 1.1, produced by Velocity Transport Planning Ltd) has been submitted by the applicant and is considered by Highways and the Travel Plan team to be acceptable in principle. The formal submission of the travel plan and its monitoring by the Council would be secured by planning condition and a legal agreement. Travel Plan incentives (£300 per unit, equating to £78,000) would be secured by S.106, as would £30,000.00 contributions for monitoring, as estimated by the Travel Plan Team.

### Access / Deliveries / Servicing

In line with Policy T7 (Deliveries, servicing and construction) of the London Plan (2021) a draft Delivery and Servicing Plan (DSP) has been submitted with the application.

Servicing is proposed from the southern boundary of the site on Baxendale through the implementation of a lay-by and turning head. TfL are satisfied that the design will allow for a place for sustainable freight through the provision of an area suitable for cargo bikes to deliver directly to the concierge and are satisfied that the delivery and servicing arrangement proposed complies with policy T7 (Deliveries, servicing and construction) of the London Plan (2021). The Council's Highway Authority also have not raised any objections in this regard.

The draft Delivery and Servicing Plan (DSP) document provides full details of the provision and efficiencies expected from the proposed development. It approximates that 46 deliveries, resulting in 93 two-way trips per day, would be generated by the residential element of the scheme. The office development would generate circa. eight delivery and servicing trips per day, resulting in 16 two-way trips daily. As such, it concludes that the proposed development would generate a total 109 two-way delivery and servicing trips on Baxendale daily. This is estimated to be a reduction of 55 service vehicle movements as generated by the existing use of the building, when operational.

Both TfL and the Highway Authority are satisfied with the details contained within the draft DSP and consider that this and a Construction Management and Logistics Plan should be secured by condition and discharged in consultation with both TfL and the Highway Authority, in line with Policy T7 of the Mayor's London Plan (2021).

### Refuse & Recycling

Barnet Core Strategy DPD 2012 policy CS14 promotes waste prevention, reuse, recycling, composting and resource efficiency over landfill, and Policy SI7 (Reducing waste and supporting the circular economy) of Mayor's London Plan (2021) aligns with these principles.

The Council's Waste Management Department were approached for comment on the scheme, and raised no objections. The refuse and recycling provisions proposed are acceptable, with refuse vehicles able to reverse into the servicing area at the south gate on Baxendale to service the bins. No objections from Highways have been raised, however, for certainty on the exact collection arrangements a planning condition, in the event that the scheme is allowed on appeal, would be recommended requiring the final refuse and recycling arrangements to be agreed in writing by the Local Planning Authority

## Construction Management

Details of construction site and related-traffic management typically found within a Construction Traffic Management Plan have been submitted within the Delivery and Servicing Plan and the Air Quality Assessment report. Whilst these content across these documents is generally acceptable in principle, it is considered that these details should be consolidated and finalised within a single document to ensure that the development throughout the construction phase can be monitored and assessed against its contents.

Environmental Health, the Highway Authority, TfL and the GLA have all suggested that a full Construction Traffic (Logistics) management plan should be secured by planning condition. It is therefore considered both reasonable and necessary to recommend such a condition, in the event of an allowed appeal.

## Highways Conclusions:

Taking into account the areas covered above, Highways would raise no objection to the proposed development subject to the following planning obligations listed below and a number of relevant conditions:

- The full list of pedestrian footpath improvements as listed in Appendix J of the Transport Assessment
- The full list of improvements identified in Table 8-1 of the Transport Assessment (Healthy Streets Improvements), including a contribution towards a feasibility study on options to improve the High Road/Oakleigh Road/Totteridge Lane junction layout for all users.
- A contribution towards improvements to the walking environment along Totteridge Lane and a feasibility study on benefit of a Pelican Crossing to replace the informal crossing at Totteridge & Whetstone Station.
- Funding for a CPZ consultation (including before & after Monitoring surveys)
- A mechanism to be agreed to Include a planning condition / further S106 obligation that requires further consultation with specific regard to Baxendale and implementation of stand-alone parking controls (i.e. regardless of the wider area); and
- Include a S106 obligation for the implementation of parking controls on Baxendale prior to the occupation of the proposed development. These controls would then either be put in place regardless of the outcome of the wider CPZ consultation, or would be superseded / not implemented where a wider CPZ might come into force.
- The Travel Plan Contribution - secured by s.106
- The Car Club provision - secured by s.106
- Cycle parking & access modifications as proposed by TfL
- A Servicing and Delivery Plan - Required by planning condition
- A Construction Logistics Plan - Required by planning condition

- Car Park Management Plan - Required by planning condition
- Refuse & Recycling Strategy - Required by planning condition
- Electric Vehicle Charging Point provision in accordance with London Plan Standards - Condition
- Adoption / delineation of highway on Baxendale
- Prior to the commencement of the development hereby approved, details of any highways to be stopped under Section 247 of the Town and Country Planning Act shall be submitted to and agreed with the Local Planning Authority.

## **Drainage / SuDs**

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 not 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".

The application site is in Flood zone 1 and the West London Strategic Flood Risk Assessment mapping does not indicate that the built area of the site will be affected by surface water flooding. It does indicate a 0.1% chance of surface water flooding along the section of the High Road relevant to the scheme, however it is not considered likely that the development will have a demonstrable impact on the existing circumstances.

The application is accompanied by a Flood Risk Assessment (ref: A/MPWHETSTONE.10; dated: 13 May 2021) produced by Mayer Brown. This has been assessed by the Council's appointed drainage specialists who, following the submission of further details, have raised no objection to the development.

If permission were granted, a condition securing the submission of further details of the surface water drainage scheme would be recommended. This is considered both reasonable and necessary, in the interest of preventing on-site and off-site surface water flooding, in accordance with Policy C13 of the Barnet Core Strategy (2012) and Policies SI12 (Flood Risk Management), and SI13 (Sustainable Drainage) of the London Plan 2021.

## **Energy and Sustainability**

### Energy Statement

London Plan (2021) policy SI2 states that major development should be net zero-carbon. The hierarchical principles of be lean, be clean, be green, and be seen

should be implemented in order to reduce greenhouse gas emissions and minimise energy demands.

The application is accompanied by an Energy Statement (Ref: 55418; dated 02/07/2021; Rev 00) produced by chapmanbdsp, which sets out how the development will accord with the objectives of the 'lean, clean and green' objectives of the London Plan (2021) and other relevant London and Local Plan policies.

In respect of carbon dioxide emission reduction, the statement confirms that the residential element of the scheme has been designed to achieve a 63% CO<sub>2</sub> reduction over Part L of the Building Regulations, and the non-domestic element would achieve a 36% reduction. It proposes to achieve this through the incorporation of:

- High levels of envelope insulation, airtight construction, and minimisation of thermal bridges between building elements to prevent heat loss.
- Optimised glazing-to-solid ratios to minimise heat loss, mitigate overheating risk and limit cooling whilst maximising daylight.
- Highly efficient double glazing throughout all residential uses, with low-emissivity coatings to minimise heat loss and also prevent excessive solar gains, whilst maximising light transmittance to promote natural daylight.
- High-efficiency mechanical ventilation systems with heat recovery for occupied commercial and domestic areas alike.
- Low energy lighting throughout with occupant detection, where possible.
- Smart meters, system controls and diagnostics systems to operate the building effectively.

A carbon offset payment of £256,940.00 is also proposed, to be secured by Section 106 agreement, to contribute towards the Boroughs Carbon Zero objectives.

The GLA in their Stage 1 comments suggest that the energy strategy is generally compliant with the London Plan 2021 policies, however, additional information is required, including additional information on the Whole Life Carbon assessment of the scheme, which would be required prior to Stage 2 referral to GLA.

The issue of overheating has been considered by both the GLA and the Council's Environmental Health team. Both have suggested that more information is required – providing an overview of their overheating strategy and to clarify how it will comply with the cooling hierarchy for the residential element of the development.

The applicant has subsequently confirmed that no internal blinds are required on site and for the acoustically sensitive areas (i.e. when opening windows is not suitable), the strategy is to have increased mechanical ventilation rates to meet the CIBSE TM59 standard. The areas where these are required have been highlighted in figure 8.11 of the Acoustic Report prepared by Mayer Brown (dated July 2021). Further the applicant has confirmed that the submitted Mayer Brown report follows the

Acoustics, Ventilation and Overheating Guidance referred to by Environmental Health, but does not provide detailed calculations as a detailed design has not been developed as this stage. Officers acknowledge that the report merely establishes the feasibility of the proposed strategy to address the overheating constraints presented, but that the scheme requires further design development to provide the full detail of the system and align the approach to overheating and acoustic considerations. It is considered both reasonable and necessary, to secure the finer details of this by a planning condition.

In principle, the mitigation and stated 61.5% / 36% reductions, together with the carbon offset payment are considered to comply with the objectives of Policies DM01 and DM02 of Barnet's Local Plan Development Management Policies DPD (2012) and Policy SI2 of the Mayor's London Plan (2021). Conditions are recommended in the event of planning permission being granted, to ensure the scheme is implemented in accordance with the Energy & Sustainability Statement recommendations, but also to secure details and implementation of other mitigation with respect to overheating, which will subsequently ensure compliance with the aforementioned policies.

### Circular Economy

London Plan Policy D3 states that the principles of the circular economy should be taken into account in the design of development proposals in line with the circular economy hierarchy. Further, London Plan Policy SI7 requires major applications to develop Circular Economy Statements.

A Circular Economy Statements has been submitted in support of the application, however, the GLA Stage 1 comments advise that there is outstanding information required (including further detail of the retained and proposed buildings, key commitments, bill of materials, recycling and waste reporting, operation waste and end of life strategy), and again, this will need to be provided prior to Stage 2 referral. Nevertheless, there is sufficient information submitted within the application at this stage in order for the Local Planning Authority to progress the application to a recommendation.

### Water Consumption

In terms of water consumption, a condition would be recommended in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Barnet's Core Strategy (2012) Policy CS13 and Policy SI5 of the London Plan (2021).

The proposed development, subject to conditions, would therefore meet the necessary sustainability and efficiency requirements of the London Plan (2021).

## **Secure by Design**

Policy DM01 requires that the principles set out in the national Police initiative, 'Secure by Design' should be considered in development proposals. Policy D11 of the London Plan relates to safety, security and resilience to emergency. Development proposals should maximise building resilience and minimise potential physical risks, including those arising as a result of extreme weather, fire, flood and related hazards and deter terrorism.

The proposed development was subject to consultation with the Metropolitan Police Service who have raised no objections subject to a standard condition. Therefore, a condition would be recommended requiring the proposed development to achieve Secure By Design Accreditation.

## **Landscaping, Trees, and Ecology / Biodiversity**

### **Landscape & Urban Greening:**

The proposed development presents a well-considered approach to integrating green infrastructure and urban greening across the masterplan, which satisfactorily softens the appearance of the development and provides meaningful amenity benefits, together with satisfactory sustainability credentials. This view is supported by the Council's Tree Officer, who raises no objections to the landscaping proposals of the scheme, in principle. Notwithstanding, more information is required and they have recommended that a final hard and soft landscaping plan together with a landscape management plan should be required by condition.

Overall, subject to conditions, the proposed development would accord with the landscaping objectives of Policy DM01 of Barnet's adopted Development Management Policies DPD (2012), and Policy G1 (Green Infrastructure) of Mayor's London Plan (2021).

The applicant has calculated the Urban Greening Factor (UGF) of the proposed development as 0.46, which exceeds the target set by Policy G5 (Urban Greening) of the London Plan (2021). This will provide a range of benefits including enhanced amenity space, enhanced biodiversity, addressing the urban heat island effect, and sustainable drainage – the latter being especially important in such a densely developed part of the Borough, where traditional green space is limited. Notwithstanding the GLA Stage 1 comments advise that a drawing showing all the surface cover types must be provided prior to any Stage 2 referral.

### **Trees:**

There are a number of existing trees and shrubs within the site which benefit from TPO. The Council's Tree Officer has considered the developments impact on the

existing trees (particularly TPO London plane trees G4 and T12 (21/TPO/011 x 6 London plane on eastern boundary) on the site and is of the view that these need to be carefully managed to avoid adverse impacts on their visual quality and the purpose they serve in softening the building's appearance. With regards to protecting the root systems of the trees, the architect has suggested the use of pile caps rotated such that they have as little impact on the Root Protection Zones as possible, and to introduce cantilever ground beams with inset pile caps, where appropriate. Notwithstanding, they have advised that the exact technical details for this methodology would need to be developed in more detail at the next stage of design. The Council's Tree Officer has advised that this is an acceptable approach in principle and has agreed with the applicant that a planning condition securing the further details of the foundation design and piling methodology, prior to commencement of piling works. Accordingly, a suitably worded condition would be recommended, should the application be allowed on appeal.

With regards to tree works, the Council's Tree Officer initially raised concerns with respect to the proposed pollarding of TPO London Plane trees G4 and T12, due to the impact that such works would have on the visual appearance and quality of the trees. The Tree Officer has advised that a tree pruning specification that maintains, as much as possible, the natural form of the trees towards to the road side is what would be appropriate in this instance. It would be both reasonable and appropriate to recommend a pre-tree works planning condition to secure the exact details of the pruning specification, and ensure that an approach could be agreed that optimises appearance and quality of the trees and consequently, the development.

The Tree Officer notes the Scots pine (T3) is protected by a TPO, and that whilst there are no objections in principle to its removal, the applicant will need to provide a suitable replacement. They have stated that it should be replaced with another Scots pine or appropriate species in another suitable location on the site. It is considered that these details could be secured through the hard and soft landscaping condition proposed above.

The Tree Officer, in consultation with the Council's Greenspaces Team, has identified the need for 20 trees to be planted along Barnet High Road, A109, Totteridge Lane and Baxendale to assist/ improve the visual setting of this very large building. This will help the scheme to satisfy the objectives of Paragraph 131 of the National Planning Policy Framework, Policies G5, G6 and G7 of the London Plan 2021; and Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012). A financial contribution of £15,000.00 towards the funding of these trees would be secured by a Section 106 agreement.

### **Ecology / Biodiversity:**

The application is accompanied by a Preliminary Ecological Appraisal (ref: 5848.1; dated: 12/05/2021, rev 1.1) produced by The Ecology Consultancy Ltd. The appraisal identifies the following ecological issues:

- habitat suitable for breeding birds is present – measures must be taken to avoid killing birds or destroying their nests;
- habitat suitable for peregrine falcon is present - measures must be taken to avoid disturbance, killing birds or destroying their nests;
- mature trees should be retained and protected wherever possible; and,
- a range of measures should be undertaken to satisfy the requirement for ecological enhancement included in planning policy.

The report makes recommendations for mitigation to minimise potential harm to protected species.

The report raises the concern that the building may be suitable for the Peregrine Falcons, however the applicant provided additional supporting information (a letter detailing correspondence with Dave Morrison, an Urban Peregrine Falcon Consultant and member of the London Peregrine Partnership; and Stuart Harrington, a local bird recorder / consultant) that demonstrates that the presence of such species is unlikely. The Council's Ecologist accept these findings but advised , if at any time following the start of works peregrines are observed as using the building, work should cease until a suitably qualified ecologist has been consulted and advice sought on how best to proceed under current legislation.

During the lifetime of the application, the applicant has submitted a Biodiversity Impact Assessment that identifies that the development will achieve a net gain in biodiversity. The report also identifies that the landscape management plan submitted provides details of landscape monitoring and management which should be adhered to in full to ensure the long term delivery of biodiversity gains.

The Council's appointed Ecologist was approached for comment on the application and in response to the findings of the appraisal they have raised no objections, subject to conditions requiring the submission of a Landscape Environmental Management Plan that incorporates the enhancement measures set out in Section 4 of the Preliminary Ecology Appraisal report, and a Construction Environment Management plan which details how pollution will be prevented from leaving the site.

Accordingly, subject to conditions requiring implementation of the development, in full accordance with the recommendations of the aforementioned reports, the development would meet the ecological and biodiversity net gain objectives of the Policy DM16 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and the Policy G6 of the Mayor's London Plan (2021).

## **Other Matters**

### Utilities

In support of the application a Utilities report has been submitted in support of the application. The utility report advises that main distribution networks of Gas,

Electricity and Water, are located outside of the application site, running along the highroad and along Baxendale, with connection points inwards serving Barnet House. While these connection points would need to be closed off to allow for demolition, and new connection points created during construction, it is not considered that there are any significant constraints on the development of the site.

It is also of note that none of the utilities service providers consulted as part of the application have responded in objection to the proposed scheme.

### Impact upon Local Services

Comments have been received from numerous neighbouring residents concerning the impact of the development on local services in particular GP Practices, dentists, hospitals and schools.

Officers have sought comments from the NHS North Central London Clinical Commissioning Group (CCG) who have advised that there is likely to be some impact upon services posed by the proposed development, however, none such that this could not be mitigated by CIL and S106 obligations. They have made the following recommendations:

- NHS North Central London Clinical Commissioning Group (CCG) or its successor body have first refusal on all the commercial space within the development – The CCG have 9 month response time from receiving the offer in writing
- The developer to provide the space at a Shell and Core fit-out specification
- The ability to renew the lease on the same terms i.e. Shell and Core fit-out specification
- An option to take a 25 year lease term
- The space to be offered on a lower employment / new start-up business rental rate
- 5 year rent reviews:
  - Index linked to the CPI
  - Cap 3% & Collar 1%
- An initial rent-free period while the space is being fitted out
- A parking allocation that meets health facility guidance

Due to the late receipt of these comments there was insufficient time to discuss and negotiate with the applicant and the consultee, how these could be incorporated into the scheme or the Section 106 agreement, before publication of this report for the Strategic Planning Committee. Nevertheless, these terms are not final, and it is considered likely that satisfactory terms could be agreed to avoid impact on local health services being regarded as a material planning reason for refusal

With regards to the developments impact on school places within the area, Barnet Education & Learning Services have considered the projected child yield and are

confident that there would be sufficient capacity within the surrounding school estate to accommodate children from the Barnet House proposal.

Overall, it is not considered that the potential impact of the development on local services would warrant the refusal of the application, as the impact on social infrastructure would be expected to be mitigated by CIL and S106 requirements under the planning process.

## **Viability, Planning Obligations & CIL**

### S106 obligations & viability

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.

The full list of planning obligations are set out in the heads of terms to this report.

In summary the scheme includes 13.6% affordable housing by unit which will be secured by legal agreement, along with other contributions such as the proposed highway works (including safety improvements and amended Traffic Management Order), cycling improvements, travel plan incentives, off site tree planting, skills and employment contributions and funding for apprenticeships.

### LB Barnet CIL

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.

Pursuant to the LB Barnet Planning Obligations SPD, the CIL charging rate is £135 per sq.m. In the case of Barnet's CIL, ancillary car parking space is not chargeable (SPD Para 2.2.14).

### Mayoral CIL

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, this In total approximately the applicant's supporting documents indicate that £1,268,460 (based on the larger initially submitted scheme) will be payable under both Barnet and Mayoral CIL before affordable housing relief is taken into account.

## **5. EQUALITY AND DIVERSITY ISSUES**

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; and
- sexual orientation.

Officers have in considering this application and preparing this report 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.

A minimum of 10% of units will be wheelchair adaptable.

The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. Dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

The proposals are therefore considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

Overall, it is considered that the proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## **7. SUMMARY OF ASSESSMENT / RECOMMENDATION TO MEMBERS**

In light of the above, the proposed development generally, and taken overall, accords with the relevant development plan policies, satisfying exceptions, where appropriate.

Members are advised to carefully consider the above assessment and weigh the benefits and disbenefits of the scheme accordingly – particularly in regard to design, scale, mass, height; and, tall building policy.

Should Members consider recommending refusal of the application, then, in the interest of avoiding and/or reducing the risk of costs being awarded to the appellant, given that the proposed scheme is similar in principle to the development previously refused in 2018 (Application ref: 17/5373/FUL), it would be advisable to avoid introducing reasons for refusal that are based on materially different planning considerations from those that formed reasons for refusal on the previous application.

Notwithstanding, with regards to the second reason for refusal of planning application 17/5373/FUL, which states:

*“The proposed development by reason of the quantum of development and absence of appropriate secured mitigation would result in an undue strain being placed upon local services contrary to the provisions of Paragraph 7 of the NPPF, Policy 3.2 of the London Plan 2016 and Policy CS11 of Barnet Local Plan Core Strategy 2012.”*

Officers consider that it would not be advisable to pursue a reason for refusal on such grounds as such matters could both feasibly and satisfactorily be mitigated against through Section 106 obligations and financial contributions.

## 8. PLAN NUMBERS / DOCUMENT CONSIDERED

### Plans:

- PL(02)–100 Rev-01 - Location Plan
- PL(02)–101 Rev-01 – Site Plan
- PL(02)–102 Rev-01 – Site Sections (1)
- PL(02)–103 Rev-01 – Site Sections (2)
- PL(03)–099 Rev-19 – Proposed Basement Plan
- PL(03)–100 Rev-19 – Proposed Ground Floor Plan
- PL(03)–101 Rev-12 – Proposed First Floor Plan
- PL(03)–102 Rev-10 – Proposed Second Floor Plan
- PL(03)–103 Rev-11 – Proposed Third Floor Plan
- PL(03)–104 Rev-10 – Proposed Fourth Floor Plan
- PL(03)–105 Rev-14 – Proposed Fifth Floor Plan
- PL(03)–106 Rev-10 – Proposed Sixth Floor Plan
- PL(03)–107 Rev-10 – Proposed Seventh Floor Plan
- PL(03)–108 Rev-10 – Proposed Eighth Floor Plan
- PL(03)–109 Rev-10 – Proposed Ninth Floor Plan
- PL(03)–110 Rev-10 – Proposed Tenth Floor Plan
- PL(03)–111 Rev-10 – Proposed Eleventh Floor Plan
- PL(03)–112 Rev-08 – Proposed Twelfth Floor Plan
- PL(03)–113 Rev-10 – Proposed Thirteenth Floor Plan
- PL(03)–114 Rev-09 – Proposed Roof Plan
- PL(04)–101 Rev-08 – Proposed Sections (1)
- PL(04)–102 Rev-09 – Proposed Sections (2)
- PL(04)–103 Rev-08 – Proposed Sections (3)
- PL(05)–100 Rev-09 – Proposed North Elevation
- PL(05)–101 Rev-09 – Proposed South Elevation
- PL(05)–102 Rev-09 – Proposed East Elevation
- PL(05)–103 Rev-08 – Proposed West Elevation
- PL(05)–104 Rev-09 – Proposed Internal Courtyard Elevation
- PL(05)–105 Rev-05 – Proposed Internal Courtyard Elevation
- PL(72)–101A Rev-04 – Barnet House First Floor Apartment Layouts - South
- PL(72)–101B Rev-04 – Barnet House First Floor Apartment Layouts - North
- PL(72)–102A Rev-03 – Barnet House Typical Apartment Layouts - South
- PL(72)–102B Rev-03 – Barnet House Typical Apartment Layouts - North
- PL(72)–112A Rev-02 – Barnet House Twelfth Floor Apartment Layouts - South
- PL(72)–112B Rev-02 – Barnet House Twelfth Floor Apartment Layouts - North
- PL(72)–113A Rev-02 – Barnet House Thirteenth Floor Apartment Layouts - South
- PL(72)–113B Rev-02 – Barnet House Thirteenth Floor Apartment Layouts - North

- PL(72)–200A Rev-03 – Baxendale Gardens Ground Floor Apartment Layouts - South
- PL(72)–200B Rev-02 – Baxendale Gardens Ground Floor Apartment Layouts - North
- PL(72)–201A Rev-02 – Baxendale Gardens First Floor Apartment Layouts - South
- PL(72)–201B Rev-03 – Baxendale Gardens First Floor Apartment Layouts – Core D
- PL(72)–201C Rev-03 – Baxendale Gardens First Floor Apartment Layouts – Core A
- PL(72)–202A Rev-03 – Baxendale Gardens Second Floor Apartment Layouts – South
- PL(72)–202B Rev-03 – Baxendale Gardens Second Floor Apartment Layouts – North
- PL(72)–202C Rev-03 – Baxendale Gardens Second Floor Apartment Layouts – Core A
- PL(72)–203A Rev-01 – Baxendale Gardens Third Floor Apartment Layouts – South
- PL(72)–203B Rev-02 – Baxendale Gardens Third Floor Apartment Layouts – North
- PL(72)–203C Rev-02 – Baxendale Gardens Third Floor Apartment Layouts – Core A
- PL(72)–204A Rev-01 – Baxendale Gardens Fourth Floor Apartment Layouts – South
- PL(72)–204B Rev-02 – Baxendale Gardens Fourth Floor Apartment Layouts – North
- PL(72)–204C Rev-02 – Baxendale Gardens Fourth Floor Apartment Layouts – Core A
- PL(72)–205A Rev-01– Baxendale Gardens Fifth Floor Apartment Layouts – South 1
- EX(03)–100 Rev-00 – Existing Ground Floor Plan
- EX(03)–101 Rev-00 – Existing First Floor Plan
- EX(03)–102 Rev-00 – Existing Second Floor Plan
- EX(03)–103 Rev-00 – Existing Third Floor Plan
- EX(03)–104 Rev-00 – Existing Fourth Floor Plan
- EX(03)–105 Rev-00 – Existing Fifth Floor Plan
- EX(03)–106 Rev-00 – Existing Sixth Floor Plan
- EX(03)–107 Rev-00 – Existing Seventh Floor Plan
- EX(03)–108 Rev-00 – Existing Eighth Floor Plan
- EX(03)–109 Rev-00 – Existing Ninth Floor Plan
- EX(03)–110 Rev-00 – Existing Tenth Floor Plan
- EX(03)–111 Rev-00 – Existing Eleventh Floor Plan
- DEM(03)–100 Rev-01 – Demolition Ground Floor Plan
- DEM(03)–101 Rev-01 – Demolition First Floor Plan
- DEM(03)–102 Rev-01 – Demolition Second Floor Plan
- DEM(03)–103 Rev-01 – Demolition Typical Third – Eleventh Floor Plan

- DEM(05)–100 Rev-00 – Demolition - East Elevation
- DEM(05)–101 Rev-00 – Demolition - South Elevation
- DEM(05)–102 Rev-00 – Demolition - West Elevation
- DEM(05)–103 Rev-00 – Demolition - North Elevation
- PL(99) – 103 Rev- 00 – Proposed Third Floor Plan – Adjacency Plan
- ExA\_2065\_00\_GF\_DR\_L\_200 Rev-01
- ExA\_2065\_00\_RF\_DR\_L\_201 Rev 01
- ExA\_2065\_00\_GF\_DR\_L\_100 Rev 06
- ExA\_2065\_00\_RF\_DR\_L\_101 Rev 06
- ExA\_2065\_00\_RF\_DR\_L\_102 Rev 05
- ExA\_2065\_00\_ZZ\_DR\_L\_103 Rev 03
- 15458-A-PL(03)-100\_1
- K16233- BWP-XX-XX-DR-C-0101 P01
- K16233 XX XX DR C 0200 P01

Documents:

- Planning Statement, prepared by Daniel Watney LLP (July 2021)
- Design and Access Statement, prepared by TateHindle (Doc ref: 15458\_L11\_001\_0; dated 01/07/2021)
- Landscape Statement prepared by EXTERIOR ARCHITECTURE (Doc ref: 2065\_ExA\_ZZ\_ZZ\_RP\_L\_900, Rev 03; dated 01.07.2021)
- Transport Assessment (Version 1.1; PROJECT NO. 2110/1120 DOC NO. D002; dated May 2021) prepared by Velocity
- Updated Parking Beat Survey September 2021 (Ref: 28979 Totteridge), prepared by Velocity;
- Travel Plan (Version 1.1; PROJECT NO. 2110/1120 DOC NO. D003; Dated: May 2021) prepared by Velocity;
- Draft Delivery and Servicing Management Plan (Version 1.1; PROJECT NO. 2110/1120 DOC NO. D004 - Dated: May 2021) prepared by Velocity;
- Car Park Design Management Plan (Version 1.1; PROJECT NO. 2110/1120 DOC NO. D008 - Dated May 2021), prepared by Velocity;
- Waste Management Plan (Version 1.0; PROJECT NO. 2110/1120 DOC NO. D012 - Dated: May 2021) prepared by Velocity;
- Townscape and Visual Impact Assessment (Dated: April 2021), prepared by Peter Radmall Associates;
- Verified Views (February 2021), prepared by AVR;
- Energy Statement (Ref: 55418; Revision 00 - Dated: 02/07/2021), prepared by Chapman BDSP;
- Sustainability Statement (Ref: 55418; Revision 00 - Dated 02/07/2021) prepared by Chapman BDSP,
- Whole Carbon Life Cycle (Ref: 55418; Revision 00 - Dated: 02/07/2021) , prepared by Chapman BDSP;
- Circular Economy Statement (Ref: 55418; Revision 00 - Dated: 02/07/2021), prepared by Chapman BDSP;

- Utilities Statement (Ref: 55418-CBD-00-XX-RP-C-2000; Revision P02 - May 2021), prepared by Chapman BDSB;
- Fire Statement (Ref: 55418-CBD-00-ZZ-RP-F-5700; Revision P02 - Dated: May 2021), prepared by Chapman BDSB;
- Phase 1 Desk Study and Preliminary Risk Assessment (Ref: J17036; Rev 2 - Dated: 16.04.2021), prepared by GEA;
- Letter re: Contaminated Land Assessment (Ref: J17036A/KtM/2 - Dated: 18 April 2021), prepared by GEA
- Arboricultural Report (including CAVAT Assessment, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan; dated: 25 May 2021), prepared by Arbtech;
- Statement of Community Involvement (April 2021), prepared by BECG;
- Archaeological Desk Based Assessment (Dated: August 2017) prepared by CgMS Consulting;
- Ecology Survey (Ref: 5848.1; Version 1.1 - Dated 12/05/2021), prepared by The Ecology Consultancy;
- Air Quality Assessment (Ref: MPBarnet(A)2.9; Rev 2 - Dated: April 2021), prepared by Mayer Brown;
- Daylight and Sunlight Assessment (Ref: 4696 - Dated: 2 July 2021), prepared by EB7;
- Pedestrian Level Wind Microclimate Assessment (RWDI #2102745 REV B - Dated: 11.05.2021), prepared by RWDI;
- Financial Viability Assessment (Dated: July 2021) and updated Appraisals, prepared by BNP Paribas;
- Flood Risk Assessment (Ref: A/MPWHETSTONE.10; First Issue - 13 May 2021) & Drainage Strategy (K16233 BWP XX XX DR D 0100 07 & K16233 BWP XX XX DR D 0100 08), prepared by Mayer Brown;
- Noise Impact Assessment (Ref: MPBARNET(N)2.9; Version 1.0 - Dated July 2021), prepared by Mayer Brown;
- Employment Land Review (Dated: May 2021), prepared by Grant Mills Wood; and
- Socio-Economic Assessment (Ref: 551627NC24MAY21FV02\_SE; Dated: May 2021) prepared by Greengage.

# Site Location Plan

