

**LOCATION:** West Hendon Estate, West Hendon, London NW9

**REFERENCE:** 23/1803/RMA                      **Received:** 25 Apr 2023  
**Accepted:** 25 Apr 2023

**WARD:** West Hendon                      **Expiry:** 25 Jul 2023

**APPLICANT:** Barrett Metropolitan LLP

**PROPOSAL:** Reserved matters application seeking approval for access, appearance, landscaping, layout and scale pursuant to outline planning permission H/01054/FUL dated 20/11/13 for 'Hybrid planning application for the demolition and redevelopment of the West Hendon Estate to accommodate up to 2000 residential units, a new 2 form entry primary school, community building and commercial uses and associated open space and infrastructure comprising: Outline submission for the demolition of existing buildings and the construction of up to 1642 new residential units (Class C3); up to 3,870m<sup>2</sup> (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses; and up to 1,635m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 stories, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp. Full planning submission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the construction of 358 new residential units (Class C3), and 131m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 stories, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre, and interim works. Submission of Environmental Statement.'

Application for approval of reserved matters relating to appearance, landscaping, layout, scale, access, pertaining to Buildings B, D1, D2, D3, D4, D5, D6, D7 and D8 of the West Hendon Estate, including the construction of residential units (Use Class C3), basement, parking and new landscaped public space pursuant to planning permission H/01054/13 dated 20/11/2013.

## **APPLICATION SUMMARY**

Planning permission was originally granted in hybrid in 2013 for the comprehensive

redevelopment of the West Hendon Estate for 2,000 homes, a new 2 form entry primary school, community building and commercial floorspace. The hybrid planning permission has been implemented and reserved matters have been submitted and approved for all phases (4-6), save for the school land, the most recent (Phases 5 and 6) being granted five years ago in 2018.

The development, known as Hendon Waterside, is well underway. Phases 1-2 have been completed under earlier planning permissions (2007 and 2008). Phase 3 (with both outline and detailed elements in the hybrid) has been completed, and Phase 4 (the first fully outline phase of the hybrid) is underway which will see major highway works delivered including the removal of the Perryfield Way gyratory, a key public benefit of the scheme. The 2018 Phase 5 and 6 reserved matters approvals have not been carried out.

The original red line of the hybrid planning permission was defined by land availability along West Hendon Broadway (A5), factoring in lease periods and CPO costs. An opportunity has now arisen whereby 213 The Broadway (an MOT garage) and 215 The Broadway (an NHS Doctors Surgery known as Hendon Way Surgery) has now become available for redevelopment. This is important as the 2013 permission includes land directly to the west of 215 The Broadway. Cumulatively, these individual land parcels comprise a city block, however, with only half the block falling within the 2013 hybrid planning permission this left a part developed frontage onto The Broadway which the development can now address under the current proposals.

The applicant (Barratt Metropolitan LLP) has also used the ability to acquire this land to re-look at the opportunities available for the remaining, undeveloped, parts of Hendon Waterside whilst also capitalising on an opportunity to provide more homes on largely the same land area that was subject to the 2017 Phase 5 and 6 reserved matters applications.

The applicant's strategy to achieve this is two-fold, namely:

- A reserved matters application for 732 homes as part of Phase 5 (Block B) and Phase 6 (Block D) pursuant to the 2013 hybrid permission. These applications complete the 2000 home maximum capped by the hybrid planning permission, and deals with the D Blocks and Block B; and
- A standalone detailed planning application for 350 homes, flexible town centre floorspace and a new health centre on land adjacent to the reserved matters application. The detailed application is on land identified as Phase 5 under the 2013 hybrid permission, and also includes the two new land parcels which are now available, dealing with Blocks A, C and G.

Both of the above applications form separate items on this agenda as the applications due to the linkage between the applications.

## **RECOMMENDATION**

**Recommendation 1:** Approve Subject to conditions.

**Recommendation 2:** It is RESOLVED that the Committee grants delegated authority to the Service Director of Planning & Building Control to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with

the Chair (or in his absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

## **CONDITIONS AND INFORMATIVES**

### **APPROVED DRAWINGS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

#### **Site Location**

WSTHN MAK ZZ ZZ DR A 01101 Site Location Plan

#### **Existing**

WSTHN MAK ZZ ZZ DR A 01200 Existing Plan

WSTHN MAK ZZ ZZ DR A 01300 Site Survey

#### **RMA**

##### **General Drawings**

WSTHN MAK MPA XX DR AR 80-000	Masterplan - RMA Red Line Phases 5/6
WSTHN MAK MPA XX DR AR 80-001	Masterplan - RMA Red Line Phase 5
WSTHN MAK MPA XX DR AR 80-002	Masterplan - RMA Red Line Phase 6
WSTHN MAK MPA LG2 DR AR 80-100	Masterplan - Basement Plan 1:500
WSTHN MAK MPA LG DR AR 80-101	Masterplan - Lower Ground Floor Plan
WSTHN MAK MPA 00 DR AR 80-102	Masterplan - Ground Floor Plan
WSTHN MAK MPA 01 DR AR 80-103	Masterplan - 01 Floor Plan
WSTHN MAK MPA XX DR AR 80-104	Masterplan - 02-04 Floor Plan
WSTHN MAK MPA 05 DR AR 80-105	Masterplan - 05 Floor Plan
WSTHN MAK MPA 06 DR AR 80-106	Masterplan - 06 Floor Plan
WSTHN MAK MPA 07 DR AR 80-107	Masterplan - 07 Floor Plan
WSTHN MAK MPA 08 DR AR 80-108	Masterplan - 08 Floor Plan
WSTHN MAK MPA 09 DR AR 80-109	Masterplan - 09 Floor Plan
WSTHN MAK MPA 09 DR AR 80-110	Masterplan - 10 Floor Plan
WSTHN MAK MPA XX DR AR 80-111	Masterplan - 11-12 Floor Plan
WSTHN MAK MPA XX DR AR 80-112	Masterplan - 13-20 Floor Plan
WSTHN MAK MPA 21 DR AR 80-113	Masterplan - 21 Floor Plan
WSTHN MAK MPA XX DR AR 80-114	Masterplan - 22 Floor Plan
WSTHN MAK MPA XX DR AR 80-115	Masterplan - 23 Floor Plan
WSTHN MAK MPA XX DR AR 80-116	Masterplan - 24 Floor Plan
WSTHN MAK MPA XX DR AR 80-117	Masterplan - 25-29 Floor Plan
WSTHN MAK MPA XX DR AR 80-118	Masterplan - Roof Plan
WSTHN MAK MPA XX DR AR 80-200	Masterplan Elevations 1 of 2
WSTHN MAK MPA XX DR AR 80-201	Masterplan Elevations 2 of 2
WSTHN MAK MPA XX DR AR 80-300	Masterplan - Section 1 of 1

#### **Block B**

WSTHN MAK BZ 00 DR AR 08-100	Block B - 00 Floor Plan
WSTHN MAK BZ 01 DR AR 08-101	Block B - 01 Floor Plan
WSTHN MAK BZ 02 DR AR 08-102	Block B - 02 Floor Plan
WSTHN MAK BZ 03 DR AR 08-103	Block B - 03 Floor Plan
WSTHN MAK BZ 04 DR AR 08-104	Block B - 04 Floor Plan

WSTHN	MAK	BZ	05	DR	AR	08-105	Block B - 05 Floor Plan
WSTHN	MAK	BZ	06	DR	AR	08-106	Block B - 06 Floor Plan
WSTHN	MAK	BZ	07	DR	AR	08-107	Block B - 07 Floor Plan
WSTHN	MAK	BZ	08	DR	AR	08-108	Block B - 08 Floor Plan
WSTHN	MAK	BZ	09	DR	AR	08-109	Block B - 09 Floor Plan
WSTHN	MAK	BZ	10	DR	AR	08-110	Block B - Roof Plan
WSTHN	MAK	BZ	XX	DR	AR	08-200	Block B - Sections
WSTHN	MAK	BZ	XX	DR	AR	08-300	Block B - Elevations 1 of 2 1:200
WSTHN	MAK	BZ	XX	DR	AR	08-301	Block B - Elevations 2 of 2 1:200
WSTHN	MAK	BZ	XX	DR	AR	08-302	Block B Birds and Bat Boxes – Elevations

#### **Block D1-D4**

WSTHN	HUT	DA	00	DR	AR	20100	Block D1-D4 - 00 Floor Plan
WSTHN	HUT	DA	01	DR	AR	20101	Block D1-D4 - 01 Floor Plan
WSTHN	HUT	DA	02	DR	AR	20102	Block D1-D4 - 02 Floor Plan
WSTHN	HUT	DA	03	DR	AR	20103	Block D1-D4 - 03 Floor Plan
WSTHN	HUT	DA	04	DR	AR	20104	Block D1-D4 - 04 Floor Plan
WSTHN	HUT	DA	05	DR	AR	20105	Block D1-D4 - 05 Floor Plan
WSTHN	HUT	DA	06	DR	AR	20106	Block D1-D4 - 06 Floor Plan
WSTHN	HUT	DA	07	DR	AR	20107	Block D1-D4 - 07 Floor Plan
WSTHN	HUT	DA	08	DR	AR	20108	Block D1-D4 - 08 Floor Plan
WSTHN	HUT	DA	09	DR	AR	20109	Block D1-D4 - 09 Floor Plan
WSTHN	HUT	DA	ML	DR	AR	20110	Block D1-D4 - 10-22 Floor Plan
WSTHN	HUT	DA	ML	DR	AR	20111	Block D1-D4 - 23-28 Floor Plan
WSTHN	HUT	DA	29	DR	AR	20112	Block D1-D4 -Roof Plan
WSTHN	HUT	DA	ZZ	DR	AR	20200	Block D1-D4 - Sections 1 of 2
WSTHN	HUT	DA	ZZ	DR	AR	20201	Block D1-D4 - Sections 2 of 2
WSTHN	HUT	DA	ZZ	DR	AR	20300	Block D1-D4 - Elevations 1 of 4
WSTHN	HUT	DA	ZZ	DR	AR	20301	Block D1-D4 - Elevations 2 of 4
WSTHN	HUT	DA	ZZ	DR	AR	20302	Block D1-D4 - Elevations 3 of 4
WSTHN	HUT	DA	ZZ	DR	AR	20303	Block D1-D4 - Elevations 4 of 4

#### **Block D5-D8**

WSTHN	MAK	DB	LG	DR	AR	08-110	Block D5-D8 - LGF Floor Plan
WSTHN	MAK	DB	00	DR	AR	08-111	Block D5-D8 - 00 Floor Plan
WSTHN	MAK	DB	01	DR	AR	08-112	Block D5-D8 - 01 Floor Plan
WSTHN	MAK	DB	02	DR	AR	08-113	Block D5-D8 - 02 to 06 Floor Plan
WSTHN	MAK	DB	07	DR	AR	08-114	Block D5-D8 - 07 to 08 Floor Plan
WSTHN	MAK	DB	09	DR	AR	08-115	Block D5-D8 - 09 Floor Plan
WSTHN	MAK	DB	10	DR	AR	08-116	Block D5-D8 - 10 to 12 Floor Plan
WSTHN	MAK	DB	13	DR	AR	08-117	Block D5-D8 - 13 to 20 Floor Plan
WSTHN	MAK	DB	21	DR	AR	08-118	Block D5-D8 - 21 to 22 Floor Plan
WSTHN	MAK	DB	21	DR	AR	08-119	Block D5-D8 - 23 Floor Plan
WSTHN	MAK	DB	21	DR	AR	08-120	Block D5-D8 - 24 Floor Plan
WSTHN	MAK	DB	26	DR	AR	08-121	Block D5-D8 - Roof Plan
WSTHN	MAK	DB	XX	DR	AR	08-210	Block D5-D8 - Sections 1 of 2
WSTHN	MAK	DB	XX	DR	AR	08-211	Block D5-D8 - Sections 2 of 2
WSTHN	MAK	DB	XX	DR	AR	08-310	Block D5-D8 - North Street Elevation
WSTHN	MAK	DB	XX	DR	AR	08-311	Block D5-D8 - York Park Elevation
WSTHN	MAK	DB	XX	DR	AR	08-312	Block D5-D8 - West Street Elevation

WSTHN MAK DB XX DR AR 08-313	Block D5-D8 - Internal Elevations 1 of 3
WSTHN MAK DB XX DR AR 08-314	Block D5-D8 - Internal Elevations 2 of 3
WSTHN MAK DB XX DR AR 08-315	Block D5-D8 - Internal Elevations 3 of 3
WSTHN MAK DB XX DR AR 08-316	Block D5-D8 - North Street Elevation Birds and Bat Boxes
WSTHN MAK DB XX DR AR 08-317	Block D5-D8 - York Park Elevation Birds and Bat boxes
WSTHN MAK DB XX DR AR 08-318	Block D5-D8 - West Street Elevation Birds and Bat Boxes

Planning and Development Specification Conformity Statement  
 Design & Access Statement (to include Landscaping) inc. Statement of Compliance with Design Code and Parameter Plans; approach to Energy Strategy; approach to Whole Life Cycle Assessment  
 Site Wide Accommodation Schedule  
 Landscape Drawings  
 Transport Statement  
 Statement of Community Involvement  
 Daylight, Sunlight & Overshadowing Analysis  
 Air Quality Assessment  
 (\*Provided within EIA Statement of Conformity)  
 Noise and Vibration Assessment  
 Wind Assessment  
 (\*Provided within EIA Statement of Conformity)  
 Flood Risk Assessment (inc. Drainage)  
 EIA Statement of Conformity  
 Fire Strategy  
 Preliminary Ecological Assessment

Reason: For the avoidance of doubt and in the interests of proper planning.

### **SECURED BY DESIGN**

2. Prior to the first occupation of any residential unit, details shall be submitted demonstrating that the relevant building has been designed using the principles of Secure by Design. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To protect the amenity of the area in accordance with policies DM01 and DM04 of the Barnet Development Management Document (2012).

### **CAR PARKING**

3. Before each block is first occupied parking spaces, cycle parking and turning spaces shown on the plans hereby approved for that block shall be provided and marked out within the site in accordance with the approved details. Thereafter, the parking spaces shall not be used for any purpose other than the parking and turning of vehicles, in connection with the approved development.

Reason: To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free

flow of traffic in line with policies CS9 of Barnet Council's Core Strategy (adopted) 2012; and DM17 of Barnet Council's Development Management Policies (adopted) 2012.

#### **BLUE BADGE PARKING**

4. The Blue Badge spaces for the residential units will be allocated to registered Blue Badge holders in the first instance. Any surplus disabled spaces can be allocated to remaining residents on a first-come first-served basis subject to a strategy to be submitted and agreed by the Local Planning Authority prior to first occupation of each block. The strategy to be submitted will ensure that residents who become Blue Badge holders or new residents who are Blue Badge holders can be allocated one of the surplus disabled spaces where appropriate.

Reason: To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in line with policies CS9 of Barnet Council's Core Strategy (adopted) 2012; and DM17 of Barnet Council's Development Management Policies (adopted) 2012.

#### **RESTRICTIONS OF PERMITTED DEVELOPMENT - TELECOMMUNICATION**

5. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part of the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policy DM01 and DM18 of the Adopted Barnet Development Management Policies DPD (2012).

#### **INFORMATIVES**

1. In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary however further work is required.
2. No chemical herbicides should be used to control weed growth around the base of newly planted trees or shrubs. Weeds in these areas should be hand weeded and then controlled with the specified woodchip or bark mulch.

## ASSESSMENT

### 1. SITE AND SURROUNDINGS

The wider application site is situated southwest of the Borough within the West Hendon Ward which borders the neighbouring Borough of Brent. No part of the current application site falls within or is close to a conservation area. There are also no listed buildings on site. However, the nearby Cool Oak Lane Bridge is Grade II Listed. The application site also incorporates some parts of the Broadway High Road Town Centre area. The site benefits from a Public Transport Accessibility Level (PTAL) rating of between 2(Poor) - 3 (Moderate). Although the surrounding area contains a mix of land uses and built forms, it can be characterised as predominantly residential in nature with the Hendon Railway Station located approximately 300 metres to the east of the site.

In 2004 the London Plan identified the West Hendon area as an Opportunity Area with the potential to provide a minimum of 10,000 new homes. A planning framework for this was subsequently prepared by the London Borough of Barnet in partnership with the Mayor. This was later adopted by the Council as Supplementary Planning Guidance (SPG) in April of that year and also formally adopted by the Mayor as part of the Opportunity Area Planning Framework in December 2005.

The redevelopment of the Estate (along with other similar housing estates within the Borough) has been a longstanding priority for the Council for many years and has been designated as one of the Council's Priority Housing Estates for Regeneration within its Local Plan (2012). In particular, it states at Policy CS3 that the area is projected to provide 1540 new homes. It also forms part of Barnet Council's Place Shaping Strategy which seeks to guide regeneration in the Borough. Therefore there is a recognised need for physical improvements to the Estate in order to tackle the poor quality built environment and current areas of isolation. The regeneration would also deliver new housing to address the housing demand within the Borough. However funding constraints required the Council to seek external partners and in 2011 Barratt Metropolitan LLP (BMLLP) entered into discussions with London Borough of Barnet to help deliver the regeneration of the estate and community facilities.

In November 2013 Hybrid Planning Permission (part outline, part detailed) was granted for the development of the West Hendon Estate under planning application reference H/01054/13 for the following development.

*Hybrid planning application for the demolition and redevelopment of the West Hendon Estate to accommodate up to 2000 residential units, a new 2 form entry primary school, community building and commercial uses and associated open space and infrastructure comprising: Outline submission for the demolition of*

*existing buildings and the construction of up to 1642 new residential units (Class C3); up to 3,870m<sup>2</sup> (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses and up to 1,635m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 stories, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp. Full planning submission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the construction of 358 new residential units (Class C3), and 131m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 stories, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre, and interim works. Submission of Environmental Statement.*

The Hybrid Planning Permission dealt with Phases 3-6 inclusive, recognising that Phases 1 and 2 has been established under earlier permissions.

The Hybrid Planning Permission masterplan established the overall West Hendon Estate boundary. This is red line bounded by the Welsh Harp to the South, incorporating lands for the two new bridges over this reservoir (for the delivered Cool Oak Bridge and the future Silk Stream Bridge) and extends to include the Broadway and lands around the station to accommodate urban integration and upgrading works. The 2013 Hybrid Planning Permission (outline part) established a series of development phases, with boundaries identified on parameter plans.

Reserved Matters Approvals, including approval for the phases the subject of the current application, have been granted. Approval has also been granted for the erection of both bridges, one of which (Cool Oak Lane) has been constructed.

The current reserved matters application will supersede the previous reserved matters approvals for Phase 5 and 6. The current application incorporates a new Phase 5 and 6 boundary, which has been updated from that of the Hybrid Planning Permission parameter plan, to remove lands that will now be delivered as part of the Full Detailed Application (23/1802/FUL, which forms a separate item on this agenda). The new red line includes Plot B and Plot D. Also included are relevant parts of North Street, West Street, Silk Stream Plaza, the Link Space and the remaining portions of York Park that will be delivered as part of this application.

Some land that was formerly part of the Hybrid Planning Permission Phase 5 area has been removed as detailed proposals for this area is now included in the Detailed Application (Plots A, C and G).

## **2. PROPOSAL**



The application seeks **Approval** of reserved matters relating to appearance, landscaping, layout, scale, access, pertaining to Buildings B1, D1, D2, D3, D4, D5, D6, D7 and D8 of the West Hendon Estate, including the construction of residential units (Use Class C3), basement, parking and new landscaped public space pursuant to planning permission H/01054/13 dated 20/11/2013.

The RMA Development consists of the following:

- A total of 732 residential units across a mix of tenures;
- 61 studio units (8.5%), 237 x 1 bed units (32.5%); 388 x 2 bed units (53%); 46 x 3 bed units (6%);
- 10,796 sqm GEA basement and undercroft parking;
- 273.28m<sup>2</sup> GEA gym / workspace (ancillary C3 use) for residents only; and 3,701.48m<sup>2</sup> GEA other floorspace, including back of house facilities, such as cycle storage, plant, effuse and storage areas.

3.2.5 The proposal comprises a residential-led mixed use development across 9 buildings (Blocks B and D) ranging between 7 and 29 storeys in height.

### **3. RELEVANT SITE HISTORY**

Hybrid Planning Permission reference H/01054/13 was granted on 20th November 2013. The application approved development comprising the demolition and redevelopment of the West Hendon Estate to accommodate up to 2,000 residential units, a new 2 form entry primary school, community building and commercial uses and associated open space and infrastructure.

As part of the Hybrid, outline permission was granted for the demolition of existing buildings and the construction of up to 1,642 new residential units (Class C3); up to 3,870m<sup>2</sup> (GEA) of Class D1 floorspace comprising nursery and primary school and community centre uses; and up to 1,635m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 storeys, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp.

As part of the Hybrid, full planning permission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) was granted for the construction of 358 new residential units (Class C3), and 131m<sup>2</sup> (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 storeys, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre, and interim works.

#### **Reserved Matters Applications**

The reserved matters application for Phase 3b and 3c was granted on 26th March 2015 for 298 homes. Following this, the next reserved matters application, comprising Phase 4, was approved by LB Barnet on 18th July 2017 for 611 homes.

Reserved matters for Phase 5 comprising 216 residential units were approved on 25th June 2018, and the reserved matters application for Phase 6 was approved on the same date (25<sup>th</sup> June 2018) comprising 516 residential units. The 2018 Phase 5 and 6 reserved matters approvals have not been delivered.

Reserved Matters have been approved separately for the Cool Oak Lane Bridge (ref. 17/0168/RMA) on 23 January 2017, and the Silk Stream Bridge (ref. 18/1163/RMA) on 21 February 2018.

Reserved matters for the school can still be submitted before November 2025.

The Hybrid Permission has been implemented and remains extant. There are development caps on the amount of development that can be delivered under it including a maximum of 2,000 homes, 202,000sqm residential (Use Class C3); 3,870sqm community facilities (Use Class D1); 1,766sqm retail and related uses (Use Class A1-A5); and office (Use Class B1).

The legal agreement requires a baseline of 25% of the total number of residential units as affordable housing units of which a minimum of 43% shall be social rented housing with the remainder being intermediate housing (unless otherwise agreed with the Council).

A S96a non material amendment application has also been submitted (Ref: 23/4260/NMA). This non material amendment is for *'Amendments include changes to the wording of conditions 5 and 7 and update to Strategic Phasing Parameter Plan'*. This application is currently being considered and would be determined in the event that committee resolves to grant planning permission for the reserved matters application.

A separate detailed planning application (Ref: 23/1802/FUL) is also currently under consideration for the remaining part of Phases 5 and 6 as well as some additional land on a former MOT garage and NHS centre on West Hendon Broadway. The description of this development is as follows.

*"Comprehensive redevelopment of the site comprising the demolition of existing buildings and structures and the construction of 8 buildings from 2 to 12 storeys comprising of 350 residential units (Use Class C3), commercial uses (Use Class E), including Health Centre, basement, private and communal amenity space, associated car parking, cycle parking, refuse storage."*

## **4. PUBLIC CONSULTATIONS AND VIEWS EXPRESSED**

### **4.1 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.

This has included two Public Consultations events, each with 2 exhibition dates, held in July 2022 (the 21st and the 22nd of July) and January 2023 (the 10th and the 12th of January) with pop-up events taking place in the Community Hub at West Hendon.

Physical form newsletters were sent to the wider area to local residents and

communities. Across the two events, 30 people attended the public exhibition and 11 feedback forms were submitted in person.

## **4.2 Public Consultations by the Council and Views Expressed**

Letters were sent out to 1247 addresses on the 22<sup>nd</sup> May 2023. The application was also advertised by site notice and by press notice on the 1<sup>st</sup> June 2023.

### Public Representations

No representations were received.

## **5. STATUTORY AND INTERNAL BODIES**

### Transport for London

TfL provided the following comments and recommendations:

1. It is welcomed that cycle parking will be in form of two tire as well as Sheffield stands. Their on-going provision for during the life of the proposal shall be secured by condition. The applicant shall clarify the number of cycle spaces in each cycle store. It is strongly recommended that cycle storage to be split into two, if the original design contains more than 100 spaces in one store for the sake of safety and convenience for cyclists.
2. It is welcomed the proposal will includes 20% of active electric vehicle charging points from the on-set and the remaining spaces be provided with passive provision, meeting the current London Plan standards. On-going provision for during the life of the proposal shall be secured by condition.
3. The proposed car parking arrangement and management strategy is considered acceptable; its implementation and on-going enforcement shall be secured by condition/ s106 agreement.
4. The implementation and on-going operation of the Deliveries and Servicing Plan measures shall be secured by condition/ s106 agreement.
5. The production and implementation of the Residential Travel Plan shall be secured by condition/s106 agreement.

### Metropolitan Police

Thanks for allowing the MPS to review and comment upon the planning submissions for West Hendon Estate on the above reference numbers.

Please can you accept the attached comments for both planning references.

In summary and as per my attached comments and rationale, I'd be grateful if you can please consider applying a formal planning condition to any approval whereby 'each building within each phase of the development must achieve Secured by Design (SBD) accreditation, prior to any occupation'.

### Thames Water

#### Waste Comments:

With the information provided, Thames Water has been unable to determine the Foul water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:- 1. Foul water Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed'. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you

need to follow if you're considering working above or near our pipes or other structures.

<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your-development%2Fworking-near-our-pipes&data=05%7C01%7CAndrew.Dillon%40Barnet.gov.uk%7Cf38e305bd7b04b21c5b508db6e6f44e1%7C1ba468b914144675be4f53c478ad47bb%7C0%7C0%7C638225196390529888%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=5YidwMactmaYHmu7e6pHsk9FdHJnYeo%2FNrkXiqY6eFc%3D&reserved=0>

Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your-development%2Fworking-near-our-pipes&data=05%7C01%7CAndrew.Dillon%40Barnet.gov.uk%7Cf38e305bd7b04b21c5b508db6e6f44e1%7C1ba468b914144675be4f53c478ad47bb%7C0%7C0%7C638225196390529888%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=5YidwMactmaYHmu7e6pHsk9FdHJnYeo%2FNrkXiqY6eFc%3D&reserved=0>

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments:

Supplementary Comments

As per impact study SMG1160E4031 undertaken in 2012, concluded that the proposed development will have minimal impact on the existing Foul sewer system. However as this was over 10 years ago, Thames Water requires a drainage strategy for foul flows from site containing points of connection in the sewer networks, expected discharge rates and site drawings. Where flows will be split between multiple connection locations in the sewer, we require a clear breakdown of flow rate and/or site size (square meterage) at each connection location. Please also provide pump rates where applicable. This is to check that the drainage strategy matches that of 2012 and nothing in the network has changed.

### **Internal Consultees**

#### Trees

Subject to the submission of a detailed soft and hard landscape plan for the area that complement the approved schemes already introduced, there is no objection.

No Tree protection plan has been submitted, however there are no trees growing within these phases of the development.

Suggest that usual soft and hard landscape conditions are applied to any planning permission. .

#### Street Lighting

Expectation that no more than 3 lux to escape the site boundary when using a horizontal measurement.

Require further details on:

R - A submission detailing philosophy, reasons and targeted achievements dealing with expectations, controls, light pollution and spillage.

- Equipment used, specific lamps, luminaires and columns with images.

I - Isolux diagrams of the report overlaid with the parking areas, public areas and the surrounding houses and roads showing as a minimum 3, 5 and 10 lux lines.

- All of the external lights, whatever they are, whoever they belong to and wherever they are, need to be included if they affect the design area.

#### Scientific Services

## Transport

The London Borough of Barnet (LBB) Transport Team have reviewed the submitted material (within the Transport Statement). Please see below comments from the Transport Team:

### Condition 68: Vehicular Parking

- With a residential parking ratio of 0.43 spaces per dwelling (317 spaces), the proposed levels of car parking provision accord with the standards set out with the London Plan (maximum of 0.5 spaces per dwelling for Outer London Opportunity Area).
- In relation to the additional 7% of accessible parking spaces, clarification on plan is sought as to where the if the car parking spaces would be converted / provided.
- There are roads in the vicinity of the site that are not fully protected by parking restrictions and hence consideration would need to be given to potential impacts on the local amenity as a result of overspill / displaced parking.
- LBB Parking Team in relation to a scheme in vicinity of the subject site have previously commented as follows:
  - i. 'I can confirm that both Goldsmith Avenue and The Hyde area have been identified as locations where significant parking pressure is being experienced.
  - ii. Goldsmith Avenue area sits within Phase 2 of our CPZ programme which we are undertaking feasibility works for now and The Hyde area including the Jemca Toyota Services site sits within Phase 3 of our programme which we are looking to progress in late 2023/24.'
- Accordingly a proportionate contribution would likely be sought as part of this application in relation to the CPZ works programme. The Council's Parking Team should be consulted in relation to this application.

### Cycle Parking

- The proposed levels of cycle parking set out within Table 2.3 of the TS does not align with current standards. Cycle parking should be provided in accordance with the London Plan and the London Cycle Design Standards (LCDS).

### Condition 69: Electric Vehicle Charging Points

- Noted. No comment.

### Condition 71: Car Parking Management Strategy

- Clarification is sought as to whether the maximum number of permits issued for buildings B and D1-8 are equal to the number of parking spaces shown in Table 2.2 1 of the TS (317 cars and 8 powered two-wheelers).
- There should be a planning condition to prevent residents from applying for on-street parking permits (on public highway).

- Disabled parking spaces whether used or unused should not be used as a standard space for residents (as suggested in paragraph 4.9 of the TS) and would be contrary to the London Plan.

#### Condition 72: Car Parking Management Plan

- The TS mentions that a Car Parking Management Plan (CPMP) was included within the Travel Plan for the consented scheme and would be implemented for the proposed development.
- As the scheme has been revised is there not a need for a revised CPMP in line with current proposals?

#### Condition 80: Delivery and Servicing Plan

- Service off the public highway and so close to the signalised junction with the A5 should be avoided.
- The swept path analysis appears to indicate that loading bays would struggle to accommodate service / delivery vehicle movements (e.g. entering in a forward direction / being able to fully stand within the bay without overhang).
- The Council's Street Scene team should be consulted on the acceptability of the refuse arrangements (refer to the Operational Waste Management Plan).

#### Condition 83: Residential Travel Plan

- It is stated that 'a Residential Travel Plan (RTP) will be submitted to LBB's Travel Planning Officer three months prior to occupation of the Proposed Development.'
- Once submitted, the Council's Travel Planning team should be consulted in relation to the Residential Travel Plan.

#### Condition 92: Pedestrian Environment Review System

- It is not clear how the applicant has fulfilled the requirements of Condition 92 against the each of the items in the PERS audit. Further clarification is sought.

#### Condition 93: Stopping Up Order

- Noted. No comment.

#### Condition 94: Turning Space Within Each Phase

- This is not clear on plan. Further clarification is required.

#### Condition 95: Adoption as Public Highway

- Noted. No comment.

#### Condition 97: Works to Existing Public Highways

- Noted that this Condition refers to any works on existing public highway and not just 'major' works. Please clarify compliance with this Condition.



### Condition 98: Traffic Signal Re-Timing

- This Condition appears to refer to details of the interim re-timing of the traffic signals which take account of the phased delivery of the development and not just the whether the major highway works have been completed. Please clarify compliance with this Condition.

### Waste

- All waste streams should be collected on the same day. This may have an impact on the holding area and any knock-on impacts should be mitigated.
- Standards refuse vehicle length should be 10.25m (allows for vehicle plus bin lift). Swept path analysis should be updated accordingly.
- Ravenstone Road collection arrangements are queried.
- It is understood that servicing activity will predominantly take place and be managed on-street / loading bays but this needs to allow for safe passing of vehicles whilst collections are being undertaken.
- There needs to be dropped kerbs at each of the collection points (applies to loading bay and all collection areas, on road and pavements to loading bays).
- Clarification is sought as to whether Ravenstone Road, East Street and other roads are to be public highway or private.
- It should be demonstrated that there is sufficient safe passing space and available forward visibility for other vehicles when collections are being undertaken. There appears to be issues at some locations such as at the bend on Ravenstone Road and West Street.

### Officer Comments

Council planning officers have engaged with the applicant on all consultation feedback summarised above. The applicant has provided justification and explanation (where appropriate) in all cases.

Officers are comfortable with the justification provided and the level of detail submitted within the planning application itself, including the transport comments raised.

Officers do not consider it reasonable to require that a disabled parking bay which is not needed for wheelchair purpose can not be repurposed for general parking purposes until such time as it is needed.

Officers are comfortable that any outstanding issues, or where further information is required, can be controlled through appropriately worded planning conditions should committee resolve to grant planning permission.

## **6. KEY PLANNING POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises The London Plan (published 2021) 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. 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.

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

#### National Planning Policy Framework (September 2023)

This document replaces the previous version of the National Planning Policy Framework (NPPF) published in July 2021. The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF also states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development', unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

#### National Design Guide 2021

The National Design Guide (NDG) sets out the characteristics of well-designed places and demonstrates what good design means in practice. It advises that good design involves careful attention to other important components of place such as context, landscaping, technical infrastructure and social infrastructure. It continues that a well designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings and it comes through making the right choices at all levels, including layout, form and scale, appearance, landscape, materials and their detailing.

The guide identifies 10 characteristics which contribute to well-designed places which are as follows:

1. Context - enhances the surroundings
2. Identity - attractive and distinctive
3. Built form - a coherent pattern of development
4. Movement - accessible and easy to move around
5. Nature - enhanced and optimised
6. Public spaces - safe, social and inclusive

7. Uses - mixed and integrated
8. Homes and buildings - functional, healthy and sustainable
9. Resources – efficient and resilient
10. Lifespan - made to last

### The Mayor's London Plan 2021

The London Plan 2021 is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth.

The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.

The London Plan policies (arranged by chapter) most relevant to the determination of this application are as follows:

#### Chapter 1

- GG1 Building strong and inclusive communities
- GG2 Making the 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

#### Chapter 2

- Policy SD1 Opportunity Areas
- Policy SD3 Growth locations in the Wider South East and beyond
- Policy SD10 Strategic and local regeneration

#### Chapter 3

- Policy D1 London's form, character and capacity for growth
- Policy D2 Infrastructure requirements for sustainable densities
- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D7 Accessible housing
- Policy D8 Public realm
- Policy D9 Tall Buildings
- Policy D11 Safety, Security and resilience to emergency
- Policy D12 Fire safety
- Policy D14 Noise

#### Chapter 4

Policy H1 Increasing housing supply  
Policy H2 Small sites  
Policy H3 Meanwhile use as housing  
Policy H4 Delivering affordable housing  
Policy H5 Threshold approach to applications  
Policy H6 Affordable housing tenure  
Policy H7 Monitoring of affordable housing  
Policy H8 Loss of existing housing and estate redevelopment

Policy H10 Housing size mix  
Policy H11 Build to Rent

#### Chapter 5

Policy S4 Play and informal recreation  
Policy S5 Sports and recreation facilities

#### Chapter 7

Policy HC3 Strategic and Local Views  
Policy HC4 London View Management Framework

#### Chapter 8

Policy G1 Green infrastructure

Policy G4 Open space  
Policy G5 Urban greening  
Policy G6 Biodiversity and access to nature  
Policy G7 Trees and woodlands

#### Chapter 9

Policy SI 1 Improving air quality  
Policy SI 2 Minimising greenhouse gas emissions  
Policy SI 3 Energy infrastructure  
Policy SI 4 Managing heat risk  
Policy SI 5 Water infrastructure  
Policy SI 6 Digital connectivity infrastructure  
Policy SI 7 Reducing waste and supporting the circular economy  
Policy SI 8 Waste capacity and net waste self-sufficiency  
Policy SI 12 Flood risk management  
Policy SI 13 Sustainable drainage  
Policy SI 17 Protecting and enhancing London's waterways

#### Chapter 10

Policy T1 Strategic approach to transport  
Policy T2 Healthy Streets  
Policy T3 Transport capacity, connectivity and safeguarding  
Policy T4 Assessing and mitigating transport impacts  
Policy T5 Cycling  
Policy T6 Car parking  
Policy T6.1 Residential parking  
Policy T6.2 Office parking

Policy T9 Funding transport infrastructure through planning

Chapter 11

Policy DF1 Delivery of the Plan and Planning Obligations

### Mayoral Supplementary Guidance

#### **Planning for Equality and Diversity in London (October 2007)**

This guidance sets out some of the overarching principles that should guide planning for equality in the London context.

#### **The Mayor's Climate Change Mitigation and Energy Strategy (October 2011)**

The strategy seeks to provide cleaner air for London. This strategy focuses on reducing carbon dioxide emissions to mitigate climate change, securing a low carbon energy supply for London and moving London to a thriving low carbon capital.

#### **All London Green Grid (March 2012)**

This strategy provides guidance for designing and managing green and open spaces to bring about previously unrealised benefits. In doing so, we aim to encourage boroughs, developers, and communities to collectively increase the delivery of green infrastructure for London.

#### **Play and Informal Recreation (September 2012)**

Provides guidance to Local Authorities and development to estimate the potential child yield from a development, and the resulting requirements for play space provision.

#### **Sustainable Design and Construction (April 2014)**

The Sustainable Design and Construction (SPG) seeks to design and construct new development in ways that contribute to sustainable development.

#### **The control of dust and emissions during construction and demolition (July 2014)**

The aim of this supplementary planning guidance (SPG) is to reduce emissions of dust, PM<sub>10</sub> and PM<sub>2.5</sub> from construction and demolition activities in London.

#### **Accessible London: Achieving an Inclusive Environment (October 2014)**

The strategy sets out to provide detailed advice and guidance on the policies in the London Plan in relation to achieving an inclusive environment.

#### **Housing (March 2016)**

The housing SPG provides revised guidance on how to implement the housing policies in the London Plan.

#### **Affordable Housing and Viability (August 2017)**

Set's out the Mayor's policies for assessing and delivering affordable housing and estate renewal.

#### **Better Homes for Local People The Mayor's Good Practice Guide to Estate Regeneration**

Sets out the Mayor's policies for Estate Regeneration.

### **Relevant Local Plan (2012) Policies**

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

#### **Core Strategy (Adopted 2012):**

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

CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth

– The three strands approach)

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

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

CS6 (Promoting Barnet's Town Centres)

CS7 (Enhancing and protecting Barnet's open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well-being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

#### **Development Management Policies (Adopted 2012):**

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM05 (Tall Buildings)

DM06 (Barnet's Heritage and Conservation)

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

DM10 (Affordable housing contributions)

DM11 (Development principles for Barnet's town centres)

DM13 (Community and education uses)

DM14 (New and existing employment space)

DM15 (Green belt and open spaces)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

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

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 has been taken of the policies and site proposals in the draft Local Plan limited weight has been given to the draft Local Plan in the determination of this application. The independent Examination in Public commenced on Tuesday 20th September 2022 and concluded in November 2022. On the 17<sup>th</sup> August 2023, the Council received the Inspectors' interim findings and next steps. The Council is currently considering the content of this correspondence and preparing a written response.

#### Supplementary Planning Documents and Guidance

The Council has a number of adopted Supplementary Planning Documents (SPDs) which provide detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet including generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards. They are material considerations for the determination of planning applications:

#### Local Supplementary Planning Documents:

Affordable Housing (February 2008)

Sustainable Design and Construction (October 2016)

Planning Obligations (April 2013)

Delivering Skills, Employment, Enterprise and Training from Development through S106 (October 2014)

Sustainable Design and Construction (October 2016)

Residential Design Guidance (October 2016)

Green Infrastructure (October 2017)

## **7. PLANNING CONSIDERATIONS**

The main areas for consideration are:

- Principle of Development
- Principle of Reserved Matters Details
- Design (scale, layout, appearance)
- Affordable Housing and Viability
- Impact on Neighbouring Amenity
- Landscaping
- Access
- Refuse and Recycling Storage

### **7.1 Principle of Development**

The principle of constructing 732 residential dwellings (564 market and 168 intermediate) for Phases 5 and 6 and the provision of landscaping and parking was established by the Hybrid Planning Permission (outline part) in 2013. It is noted that under the current Reserved Matters application the amended scheme will still fall

within the main land use parameters of the 2013 approval providing a total of 2000 units in the wider West Hendon masterplan. The scheme in floorspace figures also remains under the cap of 202,000 sq.m (scheme is 198,864). The main change over the previous reserved matters approvals are that they are being provided in a smaller area of land (as allowed for under the current parameter plans), with the remaining land now the subject of a separate detailed planning application (ref. 23/1802/FUL). Planning considerations regarding the increase in total numbers across the wider masterplan site is a matter of consideration under 23/1802/FUL rather than this application which by itself is within the maximum parameter caps (in relation to total residential units and floorspace) established under the 2013 approval.

## **7.2 Principle of Reserved Matters Details**

The reserved matters currently under consideration are as per conditions 5 and 6 of the Hybrid Planning Permission and relate to details of access, layout, scale, landscaping and appearance as below:

**Scale** – the height, width and length of each building proposed in relation to its surroundings.

**Layout** – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.

**Appearance** – the visual impression of the detailed elements and aspects of the building or composition of buildings both its intrinsic architectural or aesthetic merit and value.

**Landscaping** – this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures. For example, through planting of trees or hedges or screening by fences or walls.

**Access** – This relates to internal room layouts, primary and secondary routes around the site in compliance with the outline parameter plan as well as disabled access.

The 'outline' element of the Hybrid Planning Permission provided for a number of parameter plans which established a series of clear principles and guidelines to help shape the future of the development. These plans also help drive the direction of the development and set a fix quantum of works, while determining the maximum and minimum controls in relation to the built forms, land uses, height levels and access arrangements. Any assessment of subsequent phases shall be informed by these plans. As such, the key parameter plans relevant to the consideration of this application are as follows:

*Parameter Plan Buildings to be Demolished 716\_00\_07\_002 Revision P2:* This established the number of existing onsite buildings to be demolished to make way for the new development.



*Parameter Plan Development Area 716\_00\_07\_003 Revision P3:* This plan defines the extent and outline of the private space occupied by the buildings and their associated front and rear gardens. It also prescribes the maximum developable area per zone (the maximum Gross Internal Area). Outside of these defined zones is space belonging to the public realm comprising of roads, footpaths and public open spaces.

*Parameter Plan Building Heights 716\_00\_07\_004 Revision P3:* This plan establishes the minimum and maximum building heights from ground level and sets limits for future ground levels within the site. It also controls all possible building storey numbers.

*Parameter Plan Open Space 716\_00\_07\_005 Revision P3:* Establishes the location and extent of public open spaces and associated shared surfaces together with any tree planting strategies, neighbourhood play areas, Doorstep play areas and bridge links.

*Parameter Plan Ground Floor Frontage Uses 716\_00\_07\_006 Revision P3:* This plan establishes the locations of the shop frontages, schools and building frontages.

*Parameter Plan Typical Above Ground Frontage Uses 716\_00\_07\_007 Revision P3:* This plan establishes the general building frontages that would be largely visible above ground.

*Parameter Plan Car Park 716\_00\_07\_008 Revision P3:* This plan provided an outline illustration as to the likely position of any underground, ground level and carpark zone and associated entrance as part of the development.

*Parameter Plan Strategic Phasing 716\_00\_07\_009 Revision P4:* This plan defines the phasing strategy for the redevelopment. As the redevelopment of the estate involves re-housing existing tenants the phase boundaries have been informed by land availability, maintaining access and the likely requirements of each phase.

*Parameter Plan Vehicular and Pedestrian Circulation 716\_00\_07\_010 Rev 02 Revision P3:* This establishes the movement strategy for the site and the locations of primary and secondary access points to the site for vehicles, cycles and pedestrians including connections to the surrounding network as well as identifying street hierarchy, bus routes and possible locations for bus stops.

These plans are read in conjunction with the Design Guidelines and other supporting documents originally submitted as part of the hybrid application, which expand upon the details in the parameter plans. Collectively these establish a series of development principles that are used to guide the detailed design of future phases to ensure the overall resulting development is in accordance with the outline elements of the hybrid permission.

Details submitted as part of the Reserve Matters application for Phases 5 and 6 demonstrate that the application broadly accords with the agreed parameters of the outline consent with the exception of some minor differences.

*Deviations from parameter plans and master plan.*

While the majority of the development complies with the parameter plans and Design Guidelines of the 2013 masterplan, there are several minor deviations which are outlined below:

Deviations Design Specification Strategic Housing Mix Table 4.4

Deviation in private studio, 1 bed and 3 bed units, together with minor deviations in the number of 2 bed and 3 bed intermediate units as set out below:

- Private Units - No. of studio units is 4% (Table 4.4 suggests 0%); no. of 1 bed units is 36% (Table 4.4 suggests a range of 20-35%); no. of 3 bed units is 8% (Table 4.4 suggests a range of 10-20%).
- Intermediate Units – No. of 2 bed units is 53% (Table 4.4 suggests a range of 30-44%); no. of 3 bed units is 9% (Table 4.4 suggests range of 15-30%).

The stated reasons for the above changes are as follows:

- Improve affordability of private units;
- React to market demand in this accessible central location;
- Ensure that the tall buildings contain a mix of units, rather than 2 bed units.

In relation to officer assessment of the proposed change, while there is a reduction in the number of 3 bed units, none of these affect affordable rented units and both private and intermediate 3 bed units can have significant affordable problems. It is also noted that other larger 3 bed units are provided elsewhere in the regeneration so in wider percentage terms the change will be limited and contributes to a broad housing mix of different typology.

Deviations in Strategic Phasing with respect to Proposed Landscaping (Between Block D and Block E)

The reserved matters application includes an element of proposed landscaping to the south of Block D (Phase 6) and between Block D and Block E (Phase 3). This open strip of land runs through the masterplan site from the Broadway to the Welsh Harp.

Whilst this proposed landscaping serves / mitigates the proposed reserved matters blocks in Phase 6 (i.e. Block D) it does sit outside of the area identified for Phase 6 on the Strategic Phasing Parameter Plan. Instead, it falls within the area identified for Phase 3 (just above the triangular section of Phase 6 land which protrudes into Phase 3). However, the proposed landscaping area is included within the reserved matters

red line, and is within the wider Hybrid masterplan red line area.

### Deviations in Strategic Phasing with respect to Proposed Landscaping (at Silk Stream Plaza)

The reserved matters application includes an element of proposed landscaping to the north of Block D and inside Phase 5 as identified on the parameter plan.

Whilst the proposed landscaping serves / mitigates the proposed reserved matters blocks in Phase 6 (i.e. Block D) it does sit outside of the area identified for Phase 6 on the Strategic Phasing Parameter Plan. Instead, it falls within the area identified for Phase 5 (just to the north). However, the proposed landscaping area is included within the reserved matters red line, and is within the wider Hybrid masterplan red line area.

These minor changes to the landscaping parameter plans as set out above do not raise any strategic issues and are considered acceptable by officers.

### Deviation in heights

The scheme involves minor amendments and alterations to the approved maximum parameter heights of Block D (which is located close to the Welsh Harp). The changes are illustrated in the below table. The changes are fairly small in both absolute and percentage terms and are considered acceptable by officers due to the location in a less sensitive part of the development in relation to existing neighbouring residential properties and would not be perceivable as different when seen from ground level by the naked eye.

Table 2.2: Maximum Building Height Changes

Block	Consented (mAOD)	Proposed (mAOD)	Change (m)
Block B	80.85	80.85	N/A
Block D1	69.12	69.80	+ 0.68
Block D2	75.12	75.80	+ 0.68
Block D3	66.12	66.80	+ 0.68
Block D4	143.55	145.55	N/A
Block D5	120.80	122.52	+ 1.72
Block D6	75.40	75.40	N/A
Block D7	66.05	66.05	N/A
Block D8	87.40	87.40	N/A

### **Car Parking and Car Parking ratios**

The Car Park parameter plan has been amended to accommodate the revised layouts and to reduce the site-wide car parking ratio. The Applicant wishes to make an amendment to Condition 68 attached to the Planning Permission to facilitate a lower parking ratio to be attributed to the forthcoming reserved matters application for Phase 5 and 6. The proposed parking ratio for the forthcoming Phase 5 and 6 reserved matters application is 0.45.

This proposed parking ratio is lower than that approved for the earlier reserved matters approvals for Phase 5 and 6 in June 2018. However, this lower parking provision is in line with the current 2021 London Plan standards. To achieve this Phase 5 and 6 car parking ratio, there is a requirement to lower the site-wide parking ratio as controlled by Condition 68. This application proposes to reduce the site wide ratio from 0.8 to 0.7, which will facilitate the lower Phase 5 and 6 parking ratio (of 0.45).

The below table shows car parking provision for Phases 3 and 4 to date, plus the proposed parking level in the forthcoming Phase 5 and 6 reserved matters application. Figure 1 confirms a requirement to reduce the site wide level to 0.7 to achieve 0.45 in Phases 5 and 6. This would result in a site wide reduction of 97 car parking spaces from the requirements of the 0.8 car parking ratio to the Amended Development (1,601 previously required to 1,504 proposed).

Figure 2.1: Provided and Proposed Car Park Ratio

PHASE	BLOCK	UNITS	REQUIRED		PROVIDED		RATIO
			RATIO		UC/BASEMENT	SURFACE	
3	E	287	0.8	526	151	75	0.86
	F	207			303		
	G1/G2/G4	87			36		
	H3/H4	76			0		
SUB-TOTAL		657			490	75	
4	H1/H2	86	0.8	489	545	65	0.89
	J	324					
	K	186					
	M	15					
SUB-TOTAL		611			545	65	
5 AND 6	A	-	0.45			27	0.45
	B	84			7		
	C1-C4	-					
	D1-D8	648			295		
	G3/G5/G6	-					
SUB-TOTAL		732			302	27	
SUB-TOTAL		2000			1337	167	0.75
TOTAL		2000			1504		

Transport matters are discussed in more detail later in this report although overall the proposed amendments to the car parking ratio and quantum are considered broadly acceptable by officers being similar to other similar consented developments and being closed to current planning policy.

### 7.3 Design (scale, layout, appearance)

The National Planning Policy Framework (revised, 2023) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors; securing high quality design goes beyond aesthetic considerations.

The London Plan 2021 Policy D1B requires development to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives consideration to the use of attractive, robust materials which weather and mature well. Policy D2 (Delivering good design) requires masterplans and design codes to help bring forward development and ensure it delivers high quality design.

Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard Policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.

### *Scale*

As detailed above, the original parameter plans controlled the maximum height and building footprint for the scheme. Particular attention has been given to the need to create interest through architecturally active frontages and a variety of building heights, volumes, materials and facades. When completed, the development would result in an attractive skyline and give the development an architectural character of its own. The scale of the development also enforces strong building edges.

The proposed reserved matters application the subject of the current planning application is broadly in compliance with the proposed heights parameters with the exceptions of the minor variations in the height of some of the buildings in Block D which are illustrated above as minor in nature and can be considered non material in so far as the minor changes would not be noticeable from a ground level perspective.

### *Materials*

Details submitted with the application demonstrate that the material pallet for Phases 5 and 6 has been informed by that agreed in the 2013 masterplan. Materials are complementing across plots and provide enough variation on site to relate to the architecture of buildings and proposed landscape. The bricks for this element of the development will include some additional pinks, reds and browns to the predominantly buff palette. However this will be formally agreed at a later date. Any brick will nevertheless be informed by general pallet for the development. The materials have also been informed from the analysis of existing context and applied where appropriate. As a result, the use of the material pallet allows for sufficient variation which avoids unnecessary repetition throughout the new development.

### *Housing Mix*

London Plan Policy H10 sets out schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes, applications should have regard to robust local evidence, the requirement to deliver mixed and inclusive neighbourhoods, mix of uses in the scheme, the nature of the location (with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station with high PTALs) and the aim to optimise housing potential on sites.

Development Management Policy DM08 sets out that a mix of dwelling types and sizes should be provided in order to provide choice for a growing and diverse population.

Under the Hybrid Permission an indicative housing mix was agreed to be formalised under subsequent Reserve Matters applications. The housing mix should be informed by the housing needs within the Borough identified by the Council.

As previously mentioned the Phase 5 and 6 reserved matters application consists of 732 residential dwellings (564 market and 168 intermediate), with a unit mix of 61 studios, 237 one bed, 388 two bed and 46 three bed units.

The housing mix is discussed partly above under ES deviations and is considered appropriate in relation to these phases. It is also noted that the changes to the number of 3 bed units affects private and intermediate sized units only, for which there is a lack of demand for flatted units of this size due to affordability concerns. One bed units have also been identified in the recent housing needs assessment and an increase in this typology is also broadly supported.

### *Density*

Chapter 11 of the National Planning Framework (Revised 2023) (NPPF) states that:

*“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment*

*and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land."*

This strategic objective to optimise redevelopment opportunities within sustainable locations is reinforced within the London Plan 2021.

The previous London Plan (2016) set out a density matrix which served as guidance for appropriate densities in different locations and with varying levels of accessibility. However, the new London Plan 2021 takes a less prescriptive approach stating inter alia, that the density of a development should result from a design-led approach to determine the capacity of the site. This should consider site context, its connectivity and accessibility by walking and cycling, existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D3 goes on to state that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy could be refused.

The Mayor's Housing SPG, at paragraph 1.3.12, further states that the density ranges should be "*used as a guide and not an absolute rule, so as to also take proper account of other objectives*". It does not preclude developments with a density above the suggested ranges, but requires that they "*must be tested rigorously*" (para.1.3.14). This will include an examination of factors relating to different aspect of "*liveability*" of a proposal (dwelling mix, design and quality of accommodation), access to services, impact on neighbours, management of communal areas and a scheme's contribution to '*place shaping*'. The impact of massing, scale and character in relation to nearby uses will be particularly important.

The SPG also considers the opportunities and constraints with regards to density on small sites (para.1.3.39). Responding to existing streetscape, massing and design of the surrounding built environment should be given special attention – where existing density is high, for example, higher density can be justified. Paragraph 1.3.40 notes that small sites require little land for internal infrastructure, and as such, it is appropriate for density to reflect this.

Based on the London Plan calculation, the phases would have a density of 362 units per hectare which is considered acceptable in this location and within the masterplan parameters.

### *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 the new London Plan 2021. 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 the Residential Design Guidance SPD.

#### *Internal space Standards for future Occupiers*

Housing standards are set out in the Nationally Described Space Standards (NDSS), London Plan Policy D6 and London Housing SPG and Barnet's Sustainable Design and Construction SPD. All the dwellings within the development meet the minimum standards as demonstrated in the applicant's supporting documents in relation to the unit and room sizes as such the proposal is fully in accordance with the above policies.

#### *Access/Disabled Units*

Barnet Local Plan policy DM02 requires development proposals to meet the highest standards of accessible and inclusive design, whilst Policy DM02 sets out further specific considerations. All units should comply with Lifetime Homes Standards (LTHS) with 10% wheelchair home compliance, as per London Plan Policy 3.8.

London Plan Policy D7 (Accessible Housing) require 90% of units to meet M4 (2) (accessible and adaptable) and 10% to meet M4 (3) wheelchair standards.

In respect of LTHS, while this legislation has been abolished the applicant advises in their application submission that all units will be built to either M4 (2) or M4 (3) standards which have replaced LTHS.

In respects of wheelchair housing, the applicant has advised that 10% of all units will be built to wheelchair standards which is in accordance with this policy.

#### *Sunlight and Daylight to Proposed Units*

The application is accompanied by a Daylight, Sunlight and Overshadowing Analysis report prepared by Point 2 Surveyors which provides an assessment of the potential impact of the development on sunlight, daylight and overshadowing to the proposed units based on the approach set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide'.

#### Daylight

This assessment includes Climate Based Daylight Modelling (CBDM) calculations, which have been undertaken to the proposed habitable rooms in accordance with the BRE guidelines. The CBDM methodology replaces the Average Daylight Factor (ADF) methodology. The applicant's Daylight Report advises that the new methodology is more complex, however is arguably a more accurate simulation of actual daylight levels but has targets that are generally more difficult to achieve in an urban context. Whilst ADF has been superseded by the new CBDM methodology, the Daylight Report continues to include the ADF results for comparison and as a benchmark.

The CBDM calculations show that 62.6% of the proposed habitable rooms should meet the suggested daylight standards. However, when assessed against the ADF method, 75.1% of the proposed habitable rooms will meet the suggested criteria which would typically be considered to be a good level of compliance for an urban area and



are considered appropriate by officers.

### Sunlight

The BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment it is considered that there would be no real noticeable loss of sunlight where:

*In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period; and In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.*

The sunlight assessments show that over 70.2% of the proposed habitable rooms will meet the suggested sunlight criteria. However, when only main rooms with living room elements are taken into account, 86.2% will meet the BRE recommended criteria. Council officers are of the opinion that this is an acceptable result given the high density nature of the scheme and its urban location.

The Sun on Ground assessments (undertaken on 21 March) show that all amenity spaces will receive 2 hours of direct sunlight to at least 50% of their areas when aggregate values are taken into account. It is therefore considered that these amenity spaces will receive an adequate level of sunlight.

### *Outdoor amenity*

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

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.

In relation to the application proposals all of the proposed units have access to private amenity space in the form of balconies or ground level gardens. In addition, units have access to communal amenity spaces such as podium deck gardens and roof gardens in addition to the wider public open space provided throughout the West Hendon regeneration area.

### Fire Safety

London Plan Policy D12 (Fire safety) requires all development proposals to achieve the highest standards of fire safety and comply with a number of criteria set out in the policy, including: identifying outside space for fire appliances to be positioned on; appropriate fire alarm systems; suitable and convenient means of escape; evacuation strategies for all users; and the provision of suitable access and equipment for firefighting. All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party suitably qualified assessor to address all of the requirements set out in the policy.

A Fire Statement has been prepared by a third party suitably qualified assessor (BB7) demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. All buildings over 18 metres in height are also fitted with two staircores.

As such it is considered that the proposal is in full compliance with the London Plan Policy D12 in this regard. A condition will also be attached to ensure its satisfactory implications.

#### Safety, security and crime mitigation

Pursuant to London Plan Policy D11 (Safety, Security and resilience to emergency) and Barnet Core Strategy Policy CS12, the scheme is considered to enhance safety and security and mitigate the potential of crime over and above the existing estate.

The Metropolitan Police were consulted on this application and did not raise any objections, but suggested a condition is attached to ensure that the development secures secured by design accreditation.

#### **7.4 Affordable Housing and Viability**

London Plan Policy H4 sets a strategic target that 50% of all new homes delivered across London are genuinely affordable. To achieve this aim, major developments which trigger affordable housing requirements are required to provide affordable housing through the threshold approach. Affordable housing should be provided on site. Affordable housing must only be provided offsite or as a cash in lieu contribution in exceptional circumstances.

London Plan Policy H4 seeks to maximise affordable housing delivery, with the Mayor setting a strategic target for 50% of all new homes to be genuinely affordable. London Plan Policy H5 states that the threshold level of affordable housing is a minimum of 35%, or 50% for public sector land and industrial land appropriate for residential uses in accordance with London Plan Policy E7 where the scheme would result in a net loss of industrial capacity. Policy H5 states that schemes can follow the Fast Track Route and are not required to submit viability information nor be subject to a late stage viability review if they meet or exceed the relevant threshold level of affordable housing on site without public subsidy; are consistent with the relevant tenure split; meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant; and demonstrate that they have taken account of the strategic 50% target and have sought grant to increase the level of

affordable housing.

Policy H6 of the London Plan sets out a preferred tenure split of at least 30% low cost rent (London Affordable Rent or social rent), at least 30% intermediate (with London Living Rent and shared ownership being the default tenures), and the remaining 40% to be determined by the local planning authority taking into account relevant Local Plan policy. It is the expectation, however, that the remaining 40% is weighted towards low cost rent.

London Plan Policy H8 aims to protect the provision of affordable housing and create a policy framework for estate regeneration proposals. Part D of the policy establishes that demolition of affordable housing, including where it is part of an estate redevelopment programme, should not be permitted unless it is replaced by an equivalent amount of affordable housing floorspace. Part E of Policy H8 contends that all development proposals that include the demolition and replacement of affordable housing are required to follow the Viability Tested Route and should seek to provide an uplift in affordable housing in addition to the replacement affordable housing floorspace.

Development Management Policy DM10 sets out that the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units, having regard to the borough wide target of 40%.

Emerging Barnet Local Plan Policy HOU01 (Affordable housing) advises that within the context of a strategic London Plan target of 50% of all new homes to be affordable, the Council will seek a minimum of 35% affordable housing from all developments of 10 or more dwellings with a 60/ 40 split between low cost rent and intermediate such as shared ownership. On Housing Estates (Policy GSS10) the Council will seek to replace existing affordable housing whilst considering the specific circumstances of each site, it will facilitate the right of return for existing social rent tenants from estates into new social rent accommodation.

The current phases involve the erection of 732 residential dwellings of which 564 are market and 168 intermediate units. This equates to an affordable housing percentage of 23% for this particular phase. This is identical in amount to the previous reserved matters approvals for these phases.

Site wide - encompassing the entirety of the West Hendon Regeneration consented in the 2013 masterplan - the development would provide the following:

Tenure	No. Units
Private	1428
Affordable Rent	219
Intermediate	353

Total	2000
-------	------

The proposed mix has been assessed by the Council's in house viability officer who has confirmed that the reserved matters phase is providing the maximum quantum of affordable housing and accords with the 2013 Masterplan. It is noted that the Detailed Planning application, which forms a separate item on this agenda, is providing 50% affordable housing with a 60/40 split.

### ***7.5 Impact on Neighbouring Amenity***

Part of the 'Sustainable development' imperative of the NPPF 2023 is pursuing improvements to amenity through the design of the built environment (para 9). Amenity is a consideration of London Plan 2021 policy D6 'Housing Quality and Standards', and is implicit in other policies contained within Chapter 3 'Design'. In addition Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

#### *Privacy, overlooking and outlook*

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.

The application proposes windows within all its elevations. There are also balconies and terraces proposed to the north and east elevations. The application site is in the heart of a residential area. Therefore it is surrounded by residential gardens and would have shared boundary walls with several of these properties. However, the reserved matters site does not directly adjoin any residential units that do not form part of the current development.

Therefore there are no specific elements of the building layout, scale or position that would have a significant impact on the loss of any existing or future residential units as part of the wider site. As such, the development is more than compliant with the required policies governing loss of privacy, outlook, overshadowing and overlooking to any future neighbours.

#### *Daylight, sunlight and overshadowing*

The Daylight, Sunlight and Overshadowing assessment for the reserved matters application was presented within Section 5.7 of the EIA RMA Statement of Conformity (SoC) submitted in support of the application. The RMA SoC was prepared to assess the design proposals and alterations set out for the reserved matters development against the previously consented scheme and considered whether the conclusions of the ES (as amended) remain valid. As such, there was no standalone assessment of effects to neighbouring properties, as this assessment compared the effects of the reserved matters development to the previously reported

effects in the ES (as amended). This concluded that the reserved matters development was unlikely to give rise to different effects to those identified within the ES (as amended).

As the only physical changes are to Block G at the lowest part of the development and these changes are minor in scale i.e. between 0.68m and 1.72 it is not considered that the proposal would result in any significant impact on daylight, sunlight or overlooking over the extant approvals.

### **7.6 Landscape**

London Plan Policy G7 (Trees and woodlands) also requires that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, 'i-tree' or CAVAT or other appropriate valuation system. The planting of additional trees should generally be included in new developments – particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

The Arboricultural Officer has commented on the submission and commented that there are no existing trees within the redline boundary and raised no objections subject to appropriate conditions concerning landscaping and landscape maintenance. It is noted that these conditions were attached to the outline approval and as such do not need to be attached to the reserved matters approval.

### **7.7 Sustainability**

The application site falls within Flood Zone 1. The site is considered to be at low risk from all other sources of flooding. The site is also not located within a critical drainage area (CDA), as defined in the Barnet Surface Water Management Plan (2011). In light of this, it is considered that the proposed development would be appropriate in flood risk terms.

At the heart of the NPPF is the fundamental principle to build in favour of sustainability. It states that developments should reduce greenhouse gas emissions and in

determining planning applications local planning authorities should expect developments to comply with local policies in terms of the layout of development, paying particular attention to create develops that would reduce energy consumption through building orientation, massing and landscape.

In keeping with the fundamental practices of the NPPF, the Council's Local Development Plan provides policies to enforce sustainable practices. In particular, Policy CS (NPPF) states that a positive approach will be taken for developments that have been built to sustainable methods. Policy DM01 of the Local Plan states that all developments should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation.

This approach is also echoed by the London Plan Policy SI 2 (Minimising greenhouse gas emissions) which requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

London Plan Policy SI2 'Minimising Greenhouse Gas' requires all residential developments to achieve zero carbon on new residential developments of which a minimum on-site reduction of at least 35 per cent beyond Building Regulations<sup>152</sup> is required for major development. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough through a cash in lieu contribution to the borough's carbon offset fund.

The applicant has submitted details regarding the sustainability and energy efficiency of the scheme. This advises that the energy strategy at West Hendon delivers carbon savings well beyond the latest Part L regulations, significantly exceeding the benchmark requirements within the 2013 outline application.

The energy solution also complies with various LBB and GLA policies that encourage connection to existing community heating networks, and further expanding networks to meet demand through renewable and low carbon sources.

The provision of on-site renewables is maximised through the use of Photovoltaic arrays on suitable flat roof space. The approach is founded on three principles defined by the Energy Hierarchy: install systems and fabric that ensure energy efficiency and the initial reduction of energy demand to a level that exceeds GLA policy; supply heating and hot water via a community network supplied from a decentralised energy centre that will contribute to the decarbonising of London's heat network, and optimise the contribution of renewable energy suitable for the site.

Overall the proposed energy strategy is considered broadly acceptable by Council Officers although further clarity will need to be provided to the GLA as part of the Stage 2 referral process.

### **7.8 Access**

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) states that the Council will promote the delivery of appropriate transport measures to relieve pressure on the existing infrastructure and support growth, whilst maintaining the level of freedom in terms of public access to these facilities. The Council is also driven by the objective to ensure that any proposed use or development would match the current transport capacity and capabilities at the local level. If necessary these will be undertaken via the use of the Community Infrastructure Levy or S106 Legal Agreements. In doing so, the following measures will be prioritised:

- The reduction congestion
- Continued investment in the highways network
- Working with TFL
- The management of parking
- Maintaining road safety
- Encouraging sustainable modes of transport

Policy DM17 states that the Council will ensure that there is safety for all road users and will refuse applications that may lead to safety concerns on the highway or increase risk to vulnerable users. In considering new developments the Council will require the submission of a Transport Assessment where the proposed development is anticipated to have significant transport implications. Developments should be located close to existing public transport links and should encourage their use and if necessary, new routes and services should be created. Cycle and parking provisions should be proposed in line with the London Plan standards.

The proposed street plan represents a coherent and legible layout with continuous views from The Broadway to the Brent Reservoir. The access routes throughout the development would result in a pleasant environment with a distinct character to the overall space. There is also continuity in the movement of pedestrian walkways. The use of greenery further helps generate beauty in the walkways. The width of the main pedestrian route connecting the Broadway to the Welsh Harp Reservoir satisfies the overarching principle of designing for pedestrians. The orientation of the pedestrian link is also aligned in order to increase connectivity with Station Road which is a welcome move as it will enhance the effectiveness of pedestrian movement. In addition, the differing characters of the streets provide a smooth transition from the urbanised environment of the Broadway and the adjoining phases.

### Public Transport

The site as a PTAL level of between 2 and 3 which is average. Notwithstanding this the site is well served by public transport with the closest bus stops being West Hendon Broadway/ Herbert Road (Stop HM) in the northbound direction and West Hendon Broadway/ Herbert Road (Stop HC) in the southbound direction. Both stops are located approximately 30m from the Site and each has a shelter, seats and timetable information.

A summary of the local bus routes and frequencies (buses per hour (bph)) is provided in the table below which demonstrates that there is a weekday frequency of 27 buses in the AM peak hour and 28 buses in the PM peak hour.

Service	Service Type	Origin/ Destination	Weekday AM Peak (bph)	Weekday Off-Peak (bph)	Weekday PM Peak (bph)
<b>West Hendon Broadway / Herbert Road (Stop HM), Northbound</b>					
32	Normal	Edgware Station	7	7	7
83		Alperton Station	7	7	7
142		Watford Junction	5	5	5
183		Pinner	7.5	7.5	7.5
632	School	Saracens High School	1 (08:06)	-	-
642		London Academy	1 (07:20)	-	-
653		Jewish Free School	1 (07:51)	-	-
683		Jewish Free School	1 (07:49)	-	-
N5	Night	Edgware Station	-	-	-
N16		Edgware Station	-	-	-
N83		Ealing Hospital	-	-	-
<b>West Hendon Broadway / Herbert Road (Stop HC), Southbound</b>					
32	Normal	Kilburn Park Station	7	7	7
83		Golders Green	7.5	7.5	7.5
142		Brent Cross	5	5	5
183		Golders Green	8.5	8.5	8.5
632	School	Cricklewood Broadway/ Kilburn Park Station	-	-	1 (15:48)
642		Last Stop	-	-	1 (15:55)
653		Muswell Hill	-	-	1 (15:39)
683		North Finchley	-	-	3 (15:39/ 15:44 / 15:49)
N5	Night	Whitehall/ Trafalgar Square	-	-	-
N16		Victoria Station	-	-	-
N83		Golders Green Station	-	-	-

## Car Parking

The application supporting documents advise that 317 car parking spaces plus 8 motorbike spaces will be provided as part of the development. As set out in the below table.

Table 2.1: Proposed Car and P2W Parking

Location	Car (Standard)	Car (Accessible)	P2W	Total
Block B Podium	2	2	-	4
Block D Lower Ground	153	19	8	180
Block D Basement	122	-	-	122
On-Street	17	2	-	19
<b>Total</b>	<b>294</b>	<b>23</b>	<b>8</b>	<b>325</b>

As can also be seen from the above in relation to disabled parking, 23 spaces will initially be set out as disabled parking spaces which equates to approximately 7%. This could be increased to 10% if required by converting standard spaces to accessible blue badge standards in accordance with T6 of the London Plan 2021.

This proposed parking ratio is lower than that approved for the earlier reserved matters approvals for Phase 5 and 6 in June 2018. However, this lower parking provision is in line with the current 2021 London Plan standards. To achieve this Phase 5 and 6 car parking ratio, there is a requirement to lower the site-wide parking ratio as controlled by Condition 68. This application proposes to reduce the site wide ratio from 0.8 to 0.7,



which will facilitate the lower Phase 5 and 6 parking ratio (of 0.45).

The below table shows car parking provision for Phases 3 and 4 to date, plus the proposed parking level in the forthcoming Phase 5 and 6 reserved matters application. Figure 1 confirms a requirement to reduce the site wide level to 0.7 to achieve 0.45 in Phases 5 and 6. This would result in a site wide reduction of 97 car parking spaces from the requirements of the 0.8 car parking ratio to the Amended Development (1,601 previously required to 1,504 proposed).

Figure 2.1: Provided and Proposed Car Park Ratio

PHASE	BLOCK	UNITS	REQUIRED		PROVIDED		RATIO
			RATIO		UC/BASEMENT	SURFACE	
3	E	287			151	75	0.86
	F	207			303		
	G1/G2/G4	87			36		
	H3/H4	76			0		
SUB-TOTAL		657	0.8	526	490	75	
4	H1/H2	86				65	0.89
	J	324			545		
	K	186					
	M	15					
SUB-TOTAL		611	0.8	489	545	65	
5 AND 6	A	-				27	0.45
	B	84			7		
	C1-C4	-					
	D1-D8	648			295		
	G3/G5/G6	-					
SUB-TOTAL		732			302	27	
SUB-TOTAL		2000			1337	167	0.75
TOTAL		2000			1504		

On balance given the changing policy position, the proposed reduction in parking levels is welcomed and supported by the Council and would strike an appropriate balance between providing appropriate levels of car parking provision while encouraging the use of sustainable transport modes.

### Cycle Storage

In line with Policy DM17 of the Development Management Plan, the Council requires the provision of a secure and adequate cycle parking space as identified in the London Plan. All new residential units are required to be provided with secure, convenient, sheltered on site cycle parking to encourage residents to use their bicycles for everyday short journeys in line with the London Plan. New flatted development like the one proposed here, should provide some space either inside the building, in a cycle store-room or provide a separate, secure and accessible bike shed within the overall development.

In relation to assessment of the appropriate level of cycle provision, as the application is a reserved matters application pursuant to an earlier outline planning approval it is the cycle parking standards in place at the time which apply which were the Revised Early Minor Alterations to the London Plan (REMA) 2013 rather than the standards contained in Policy T5 of the London Plan 2021.

Details submitted with the application demonstrate that cycle parking provision for each Block would be provided as shown on the following table:

Block	Long-Stay (spaces)			Short-Stay (spaces)
	Two-Tier Racks	1.8m Sheffield Stands	Total	
B	80	6	86	3
D1	48	2	50	
D2	40	4	44	
D3	62	4	66	
D4	178	10	188	
D5	132	6	138	
D6	64	4	68	
D7	26	2	28	
D8	102	6	108	
<b>Total</b>	<b>732</b>	<b>44</b>	<b>776</b>	<b>20</b>

The proposed number of cycle parking spaces is considered compliant with the above stated London Plan policy as applied at the time consent was granted for the masterplan approval.

In light of the above discussion on access, it is considered that details submitted in relation to this element of the reserve matters are compliant with policy.

### **7.9 Refuse and Recycling Storage**

Under Policy CS14 of the Core Strategy, the Council has taken a proactive approach to dealing with waste production and disposal. It notes that a key component of dealing with waste in a more sustainable way is to find better ways of reducing the amount of waste and taking more responsibility for its disposal, instead of relying on landfill sites such as that in Bedfordshire. The London Borough of Barnet has one of the largest carbon footprints per head of population in London. However it was the first local authority to introduce compulsory recycling in March 2005. As such, it is clear that the Council employs a sustainable approach to refuse and recycling. This approach also forms part of The Mayor of London’s objectives. The London Plan (see Policy 5.16 and 5.17) sets a target of working towards managing the equivalent of 100 percent of London’s waste within London by 2031. Meeting this target will require the use of new facilities and technologies.

In keeping with the above, Policy CS14 encourages sustainable waste management practices for all developments by way of waste prevention, re-use, recycling, composting and resource efficiency over landfill. All developments should seek to present waste disposal techniques which are able to meet future needs. The Sustainable Design and Construction SPD provides a detailed minimum requirement for waste provisions stating that *“All non-residential developments should provide a minimum of 10m2 designated waste storage space for materials for recycling, such as paper, glass bottles and jars, cans, cardboard, and plastic bottles”* (p.30) and *“A minimum internal storage capacity of 60 litres per dwelling (flats and houses) should*

*be provided which can accommodate containers for the temporary storage of materials to be recycled.” (p.30).*

Condition 36 of the original Hybrid Permission required the submission of a Waste Management Plan to be submitted, assessed and approved by the Local Planning Authority. Details relating to this were submitted and approved under Approval of Details application reference 17/8162/CON. The details include the storage of waste and recycling, process of collection and the estimated volume of waste, as well as recycling provisions.

The submitted Design and Access Statement advises that:

*‘All residents will be required to take their refuse to either ground level or lower ground level refuse stores. The refuse strategy has been established based on LBB’s ‘Information for developers, architects and managing agents: Provision of Household Recycling and Waste Service’ (June 2021) document. 1,100 litre eurobins will provide separate storage for mixed recyclables and general waste. Safeguarded space is allowed to accommodate future storage of food waste in 240 litre wheeled bins, should such a service be offered by Barnet Council in the future.*

*On collection days the on-site management team will collect bins from any stores that are beyond 10m of a carriageway and temporarily store them at Intermediate holding points before returning them following collection’*

The plan is consistent with that approved for all previous phases and thus is considered acceptable.

## **8. 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 have had regard to the requirements of this section and have concluded that a decision to grant planning permission for the proposed development will comply with the Council's statutory duty under the above legislation.

## **9. VIABILITY, PLANNING OBLIGATIONS & CIL**

As the planning application is for reserved matters approval no S106 is required as this was provided for under the original outline approval.

### 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.

Barnet recently revised its CIL Charging Schedule increasing the CIL charging rate from £135 per sqm to £300 per sqm for residential floorspace. CIL is also payable at a lower amount on some of the commercial but not the community or educational floorspace.

Indicatively in accordance with figures provided with the application, the scheme would generate £ 5,641,597.35 in Barnet CIL calculations.

### Mayoral CIL

From 1 April 2012, the Mayor of London started charging CIL on development to help provide £300m towards the cost of delivering the Crossrail project, a strategic priority to support the growth and development in London.

From 1 April 2012 to 1 April 2019 all chargeable development in Barnet paid a flat rate of **£35 per square metre - \*Nil rate for Health and Education uses.**

The Mayor increased the rate to £60 a square metre for planning permissions granted from 1st April 2019.

Indicatively in accordance with figures provided with the application, the scheme would generate £ 1,456,135.74 in Mayoral CIL calculations.

## **10. CONCLUSION**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the Mayor's London Plan and the Barnet Local Plan, as well as other relevant

guidance and material considerations, have been carefully examined and taken into account by the Local Planning Authority in their assessment of this application.

The application has considered the relevant Reserved Matters submission and deemed the submitted details acceptable and in keeping with the spirit of the original West Hendon Hybrid Planning Permission. The proposal would not significantly affect the amenities of neighbouring residential properties. It would provide for much needed quality housing, including 168 affordable units. All with a good standard of accommodation including outlook, privacy and access to daylight.

As conditioned, the proposal would not compromise the hybrid/outline planning permission (H/01054/13) for the redevelopment of the wider site. It accords with the relevant development plan policies and conforms to the design principles and parameters established in the approved outline application for the West Hendon Estate.

The design of the development is considered appropriate for its location, which also provides for a good level of variety and legibility in the built form. The materials, layout and building form relates well to the surrounding area resulting in a development that is permeable, well landscaped and aesthetically pleasing that sits well with the wider development and context. There are no significant deviations from the originally approved scheme, design inspiration and parameter plans.

In light of the above, the application is recommended for **Approval** subject to the attached conditions.

**SITE LOCATION PLAN: West Hendon Estate, West Hendon Barnet NW9**

**REFERENCE: 23/1803/RMA**

