

## **STRATEGIC PLANNING COMMITTEE**

**20<sup>th</sup> February 2024**

### **ADDENDUM TO DIRECTOR OF PLANNING AND BUILDING CONTROL'S REPORT**

**Agenda Item No. 8**

**23/2868/FUL– Ravensfield House, Fenella Buildings, 1 - 3 Burroughs Parade And 3  
Egerton Gardens, The Burroughs, London, NW4 4BD**

**Pages 111 - 197**

166 additional letters of objection were received following the publication of the agenda; and prior to the publication of the addendum. It appears that a large number of the objections have also been directly sent to members of the SPC by email.

A large number of the objections concern the impact of the proposal on parking for members of Hindu Chinmaya Mission UK, as a result of increased use of the boroughs car park, which is used by members of the congregation for parking, along with local churches. Views have also been expressed regarding the design and bulk of the proposed buildings; and, the occupation of the area by Middlesex.

Other comments are summarised as follows:

Residents overwhelmingly oppose the project, citing issues such as the adverse impact on the setting and experience of the area, inadequate provision for community services, unrealistic car-free conditions, and doubts about the motivations behind raising funds through the Mayoral Community Infrastructure Levy. Other concerns include the lack of parking provisions, inadequate play and amenity spaces, and a perceived disregard for community preferences, as highlighted in the Statement of Community Involvement. Additionally, there are worries about the potential increase in person trips, lack of a flood risk report, and concerns about over-densification in the Ravensfield/Fenella site. Overall, the comments reflect a widespread lack of support for the proposed development.

Officer Comment:

Most of the above are addressed in the report, the Burroughs car park is a Council owned car park for the use of members and officers which is currently informally used by neighbouring organisations at the weekend, however there is no automatic right for the public to use it. It is also noted that there is no change from the previous schemes which the Strategic Planning Committee of the 10<sup>th</sup> January 2022 previously considered. In relation to the other concerns raised, there is no change in car parking numbers for the university over the existing arrangements, and any unauthorised car parking is addressed through CPZ reviews. English Heritage did not object to the proposals at Hendon library but did identify less than substantial harm in relation to the Ravensfield and Fenella application, which is discussed in the report. The Council's heritage officer has also raised no objections to either scheme. Other matters such as landscaping, energy and the scale and form of the development are addressed in the Officer report.

**Agenda Item No. 9**

**23/3964/FUL – Land formerly known as British Gas Works, Albert Road, New Barnet**

**Pages 199 - 338**

- 1. Page 234, insert the following EA recommended Informative** (*Note: The informative is already referenced within the report, under the External Consultees section*):

38. EA Informative

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place: • on or within 8 metres of a main river • on or within 8 metres of a flood defence structure or culvert including any buried elements • involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert • in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm GMT) or by emailing [enquiries@environment@agency.gov.uk](mailto:enquiries@environment@agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

**2. Page 257, under Sustainable Drainage consultee heading, insert the following:**

Follow up comments (15.02.2024), following receipt of additional information:

We have reviewed the information provided and can recommend approval for the proposed development, subject to conditions.

**3. Page 276, insert following comments from Federation of Enfield Residents' & Allied Associations. (Note: comments were originally summarised within the public objection summaries of the Officer report):**

**Federation of Enfield Residents' & Allied Associations**

These further proposals for developing this site breach a number of important planning restrictions and quality of living conditions. We therefore find them unacceptable as described below, and strongly advocate refusal:

Executive Summary of reasons for refusal:

1. The proposed site is unacceptably dense through over-development in footplate and elevation. Economic viability arguments advanced by Fairview to justify what will inevitably total 500+ units are unacceptable. Fairview knew from the outset what remediation was required, and has used economic viability to justify overdevelopment, and has consequently degraded the size and quality of units planned.

2. The mix of units does not profile the needs of Barnet. So many small units favour economic migrants from inner London over a contribution to family accommodation for those in need in Barnet – the council's first priority. Loose talk of meeting borough targets is secondary and cannot be allowed to justify over-development to minimise standards.

3. Local primary health services cannot support a further 1000 residents in this locality. GP's patient lists are already over quota by 20%. Adding more will simply degrade public health services, and place more pressure on local hospitals. Asserting that funds will be made over to remedy GP coverage is a false offer, the NHS has no means of increasing GP services across North London. Money is no convincing answer, doctors just do not seek GP engagement in sufficient numbers - Enfield is short of 60 GP's and has been so for several years for this very reason.

4. Overheating is forecast in so many of these units, a function of bad design which, being so dense, cannot afford proper natural ventilation. This is intolerable. Units have been inserted casually to make numbers, with very negative effects.

5. No adequate effort has been made to suppress the noise from intercity trains passing at 100 mph. Bunding or fencing is standard in Europe. Without remedy this intrusion is a health and social hazard and is unacceptable, whether mandated by UK building standards or not.

6. Parking has been further reduced vs earlier schemes and will cause stress to residents and neighbours when vehicles spill out to local roads. It is fatuous dogma to assert that public policy will reduce car ownership, it won't. Many intended occupants will require vehicles for front line employment; excluding them would be unjust and counter-productive.

7. The architecture of this development is awful, ultra functional and must be remediated with detail and variety to make it acceptable and compatible with the locality. The current layout cannot be described as other than a harkback to 1960's estate units. It is depressing and need not be so. Lower density is the solution

8 Councillors are advised to consider the National Planning Policy Framework (NPPF) when reviewing this scheme. The NPPF sets proportionate and relatable standards, against which this scheme fails. NPPF urges balanced developments that work and sit well in their environment. This scheme is not compliant with NPPF, owing mostly to density and quality of accommodation.

9. Quality of living is not a remote standard, it is a right and a necessity across all development schemes. The original VQ scheme was much closer to this standard than now proposed, through lower density, better unit sizing, less aggressive architecture, and better compliance with local proportions and public services availability.

#### Officer Response:

Officers had taken matters raised into account in the overall summaries of objections received. Responses to the matters raised have been addressed, where possible, directly and indirectly in the Officer assessment of the scheme.

**4. Page 276, under Para 2.5.19 Elected Representatives insert the following representation (received after Officer report publication):**

**East Barnet Ward Councillors – Dr Philip Cohen, Edith David, and Simon Radford**

In my view and that of my fellow East Barnet councillors, Simon Radford and Edith David, the current proposals from Fairview for the Victoria Quarter site do not address the real issues of poor design and over-development which were highlighted in the Planning Inspector's 2022 rejection of the previous scheme for 539 homes. The inspector accepted our view that the sheer scale of the plans was at odds with the largely suburban streetscene of the local New Barnet area. In his words, "Overall, I consider that the sheer scale of the proposed development would cause a dislocation within the area, inserting an alien typology of larger mass and scale and disrupting any sense of continuity between the areas to the west and east of the site," he said.

We do not believe these current proposals fundamentally change that scenario, although the developer has reduced the numbers to 486 units (including the blocks currently being built) and increased affordability to 35 per cent. We think that to be successful any developer has to take the local community with them and Fairview have signally failed to do that with all of their successive plans. We and the local campaigners have never really understood why the original consented scheme for 371 decent quality homes with a mix of housing and flats was not progressed by the developer. But Fairview wanted to increase the density of the scheme without consultation and in a way that was detrimental to the liveability of the housing.

In this proposal, for example, 45 per cent of the housing would require expensive cooling systems to be installed to meet minimum guidelines on overheating. But there is a significant difference between the 30 per cent of flats in the finger blocks requiring active cooling and the 77 per cent of flats in the London Affordable Rent blocks needing active cooling. The running costs of this would not be included in their rent so they would face higher bills – meaning that the 35% affordable number is, in reality, grossly overstated after costs of running the flats are taken into consideration.

Second, many homes would require mechanical ventilation and heat recovery, which if switched off could cause condensation, mould and poor air quality. This could damage the building fabric and mean serious health consequences for occupants.

Third, 52 flats will have kitchens with no windows despite all the guidelines stating that non-daylit internal kitchens should be avoided wherever possible. The application ignores this non-compliance. Again, 20 per cent of flats would be single aspect whereas the GLA Housing Design Standards state that new homes should be dual aspect apart from exceptional circumstances.

We do not think that we are that far away from a proposal that both Fairview and the local residents could live with. We hope that open-minded engagement could lead to a co-designed solution that would take into account Fairview's commercial need to generate margin and the community's wish to get a development which they could happily support. For these reasons we urge rejection of this application.

Officer Response:

Officers have taken these comments into account. Several of the matters raised have been addressed, where possible, directly and indirectly in the Officer assessment of the scheme.

The concerns raised about the costs to the future residents of having to run the MHVR are acknowledged. It is not for the planning system to regulate the cost associated with running such a system, however, the scheme-wide energy centre strategy has been designed with sustainability in mind, and to meet both the Building Regulation's regulatory requirements, and the GLA's sustainability requirements. The GLA have not suggested that the scheme should be refused on such grounds, and furthermore, there are external influences outside the control of the Local Planning Authority that can influence the future running costs (rise and fall energy/fuel prices) of the future development.

Condensation and mould growth potential in a future development are not matters for the Local Planning Authority to consider in making a decision on this application. Mould and condensation occur as a consequence of poor management of internal ventilation. It will be the building management companies' responsibility to ensure that the MHVR systems are maintained and serviced in accordance with recommended industry standards and it is not for the Local Planning Authority in this situation to assume that they will not act responsibly. Equally, there will be a responsibility on the resident to play their part in managing condensation and mould in their homes by ensuring that they open their windows and balcony doors, or utilise relevant kitchen and bathroom ventilation fans, whenever necessary, to manage condensation build up and any subsequent mould growth.

**5. Page 290, para 2.1.24 insert further clarification to the amenity space provision.**

*Note: Deleted text is denoted by square brackets and ~~text~~ below. Addition of corrected text is denoted by text below. The minor changes and clarifications to the figures in this paragraph do not materially alter Officers view on the acceptability of the amenity space considerations of the scheme – it provides amenity space in exceedance of standards.*

2.1.24 Within the proposed development, all units have access to private amenity in the form of private balconies or terraces (totalling 5,418m<sup>2</sup>) which falls short of the estimated 6,250m<sup>2</sup> required. Residential amenity quality must be appropriately balanced with design quality, and thus, to ensure that the aesthetic of the proposals are not overly dominated by incongruent balcony and terrace provisions, Officers consider it appropriate to mitigate the shortfall in alternative provisions within the development. As such, provision is made for ~~[4810m<sup>2</sup> (1165m<sup>2</sup> of which is a public through route between the middle of the finger blocks)]~~ 4,055m<sup>2</sup> of communal amenity space for residents equating to a total of ~~[10,228m<sup>2</sup>]~~ 9,473m<sup>2</sup> of amenity space (combining balconies, terraces and community space for the residents). Furthermore, the scheme also proposes ~~[3,940m<sup>2</sup>]~~ 4030m<sup>2</sup> public amenity space (public realm) comprising the public square, the transition to the park and the park boundary in front of the finger blocks (not including the park). The exact configuration and breakdown of the open space strategy can be seen below in the table and accompanying Figure 10. It is evident that there is a satisfactory supply in excess of the amounts required by the Council's SPD, which also notes at para 2.3.1 that alternative provision for flats "include provision communally around buildings or on roofs".

<u>AMENITY BREAKDOWN FROM LANDSCAPE DAS</u>		
<u>communal</u>	<u>public</u>	<u>private</u>
<u>170</u>	<u>2095</u>	-
<u>240</u>	<u>305</u>	-
<u>180</u>	<u>1165</u>	-
<u>390</u>	<u>465</u>	-
<u>410</u>	-	-
<u>160</u>	-	-
<u>460</u>	-	-

<u>1030</u>	-	-
<u>1015</u>	-	-
<b><u>4055m2</u></b>	<b><u>4030m2</u></b>	<b><u>5418m2</u></b>
<u>13,503m2*</u>		
<u>*excluding park land of 1075m2 (Council owned)</u>		

**6. Page 297, para 2.1.56 correction to number of units with kitchens with no windows.**

*Note: Deleted text is denoted by square brackets and ~~text~~ below. Addition of corrected text is denoted by text below. The minor changes and clarifications to the figures in this paragraph do not materially alter Officers view on the acceptability of the proposals.*

2.1.56 Whilst the Inspectors concerns over the appeal scheme are acknowledged, it should be noted that this was a minor objection, that cumulatively considered with other amenity concerns resulted in an aggregated reason for dismissing the development on the grounds of amenity. Officers note that several public objections received raise concerns about a number of units within the scheme which contain self-contained kitchens with no access to natural lighting (i.e. they have no windows). This is not contrary to any particular policy, only recommended to be avoided by BRE Guidance. Although it would be preferable for these units to have access to natural light, it is more preferable that natural light access is prioritised for habitable rooms that people spend time in – i.e. lounge, dining and bedroom areas, where it is inevitable that some internal space within the unit may be enclosed. The number of units where there is a lack of naturally lit kitchens equates to approximately [~~16.4% (62 Units)~~] 12.5% (52 Units) relative to the wider scheme is not significant. Further, para 2.1.15 of BRE Guidance is clear that whilst it should be avoided wherever possible, it caveats that where this is unavoidable this room should then be linked to a well daylighted room. The majority of the enclosed kitchens within the scheme are linked to daylight living spaces.

**7. Page 327, Additional information in respect of Drainage in para 2.1.210**

The Lead Local Flood Authority have considered the revised drainage information (documents: Drainage Strategy Report, Including Waste Water Strategy, produced by Infrastructure Design Ltd, P04 09/02/2024, Doc Ref IDL/947/DS/100 P04; and, 2. Flood Risk



Assessment, produced by CityStyle Fairview VQ LLP, February 2024, Doc Ref 2305200-R01C-Final) submitted by the applicant. They consider that sufficient information has been submitted to demonstrate that the development will have an adequate drainage strategy for the site, and to ensure that waste and surface water are suitably managed to avoid unacceptable flooding on and/or adjacent to the site. They have recommended a condition requiring a detailed design of the surface water drainage strategy. Officers acknowledge this request, however consider that the details within the condition they have suggested could be included as an informative as there is already a full drainage and suds strategy condition attached to the recommendation, which will ensure there is a consolidated and co-ordinated approach to the final drainage and suds strategy on site. The scheme is considered to be acceptable in planning policy terms, subject to conditions.

**8. Page 234, add the following drainage informative:**

Informative: Detailed design of the surface water drainage

No laying of services, creation of hard surfaces or erection of a building should commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker should thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme should be based upon the principles within the agreed Drainage Strategy Report including waste water strategy prepared by City Style Fairview (ref: IDL/947/DS/100 P04) dated 09/02/2024 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);

- e) Temporary storage facilities if the development is to be phased;
- f) A timetable for implementation if the development is to be phased;
- g) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- h) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- i) Full details of the maintenance/adoption of the surface water drainage system;
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water. The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

Typically, we would expect the Drainage Strategy to include the following but not limited to:

- A fully labelled SuDS network diagram showing, pipes and manholes, suds features with reference numbers etc.
- SuDS design input data and results to support the design.
- Infiltration site investigation results showing that infiltration systems are feasible method of discharge for this site, if SuDS infiltration method is proposed;
- Appropriate design rainfall i.e. Flood Estimation Handbook (FEH) design rainfall 2013.
- Assessment of the proposed drainage system during the 30-year design rainfall according to Design and Construction Guidance, March 2020;
- Assessment of the attenuation storage volumes to cope with the 100-year rainfall event plus climate change.
- Evidence of Thames Water (Water Company) agreement for discharge to their system (in principle/ consent to discharge) if the proposal includes connecting to a sewer system.
- Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing the flood risk to occupants or neighbouring properties;
- SuDS operation and maintenance plan;
- SuDS detailed design drawings;
- SuDS construction phasing.

The justification of the above is to ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan (2012), and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18

December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

## **9. Additional Comments received in response to the published Officer Report**

### New Barnet Community Association

We have now had a chance to review the committee report and would like to draw your attention to what appears to be a factual error. Item 2.1.17 states:

Although there may be some width shortfalls in some of the living rooms in the “G” Block units, these are very minor deviations from the guidelines (in some cases as much as 0.1m).

As I am sure you are aware the London Plan Housing Design Standards LPG 2023 states:

The main sitting space in a home for up to two people should be at least 3m wide and increased to 3.5m wide in all homes with three or more bedspaces to achieve a functional layout (Para C2.6)

In NBCA’s Appraisal of Design Quality page 19 Fig 24, we have shown one example of a 3 bed 5 person flat with a living room which is 2.9m wide instead of the expected 3.5m minimum. That is 0.6m or 17% below the expected width. We have also checked the other flats in G3 and G4 and the 2.9m width is repeated but is not the narrowest. Plots 455, 459 & 463 in Block G3 and 473, 476 & 480 in Block G4 are actually larger capacity flats (4 bed 6 person) yet have narrower living rooms at 2.7m wide. That is 0.8m or around 22.9% below the expected minimum.

Related to this, the HDS LPG 2023 also states minimum combined floor area of living, dining and kitchen spaces. For a 4 bed, 6 person flat, this should be a minimum of 31 m<sup>2</sup>. The 4 bed, 6 person flats in Block G3 and G4 noted above are 26.1m<sup>2</sup> which is 4.9m<sup>2</sup> or 15.8% below the expected minimum.

We will also carry out a more thorough review of kitchen capacity in these blocks (NBCA Appraisal of Design Quality Fig 23) but expect to find similar shortfalls.

Although this is not exactly new information as it is already contained in NBCA's submission, we thought you should be aware of these discrepancies.

Officer Response:

Officers acknowledge the comments received in response to the published Officer Recommendation Report to the Committee. It is accepted that there are some shortfalls from the identified guideline metrics published in the Mayor's Housing Design Standards (2023, London Plan Guidance) in a small number of units within the proposed development. The guidance in this document has been created to assist in interpreting the housing-related design guidance and policies within the London Plan (2021), however the document itself is clear that guidance should not be inferred to mean compliance with the policies. Guidance is created to guide designers in designing the scheme and for decision makers to have a metric from which to assess the scheme against. In essence, it is there to guide, and is not strictly binding (not mandatory). It is for the decision maker to consider the wider benefits of the scheme and determine whether minor shortfalls against these guideline metrics (taken into account with any other potential disbenefits), and ensure that it does not result in an unacceptable and uninhabitable residential scheme. Officers consider, on balance, that the shortfalls do not result in an unacceptable, and uninhabitable residential scheme, and that the benefits significantly outweigh the identified shortfalls. Furthermore, the Greater London Authority, on behalf the Mayor of London, has not raised any objection on residential quality grounds, nor specifically made any reference to any issues in respect of compliance with the London Plan Guidance, Housing Design Standards (2023).

**10. Page 322, addition of Officer comments on Wind Microclimate**

Wind Microclimate

In support of the application, the applicant has submitted a Wind Microclimate assessment (September 2023 – produced by Urban Microclimate). The document concludes:

- the proposed development is not expected to have any significant impact on pedestrian level wind conditions with regards to pedestrian safety, and conditions in and around the site are expected to rate as safe for all users.
- Pedestrian comfort in respect of windforce is also anticipated to be acceptable
- Main entrances to the proposed development are expected to enjoy suitable conditions for pedestrian ingress / egress.

- Communal and public recreational spaces are generally expected to enjoy suitable conditions for planned activities,

Officers have no reason to disagree with the findings of the Wind Microclimate report, and are therefore satisfied that the development will be acceptable in regards to wind microclimate impacts. The development will accord with Policy D8 and D9 of the London Plan (2021).