

Carl Griffiths,
Principle Planner – Major Projects,
Strategic Planning and Regeneration,
Regional Enterprise,
Barnet House,
1255 Highroad,
Whetstone,
N20 0EJ

Our ref: GLA/3756a/01
Your ref: 17/8102/FUL
Date: 19 March 2018

Dear Mr Griffiths,

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

Pentavia Retail Park, Mill Hill
Local planning authority reference: 17/8102/FUL

I refer to the copy of the above planning application, which was received from you on 05 January 2018. On 19 March 2018, the Mayor considered a report on this proposal, reference GLA/3756a/01. A copy of the report is attached, in full. This letter comprises the statement that the Mayor is required to provide under Article 4(2) of the Order.

The Mayor considers that the application does not comply with the London Plan and draft London Plan, for the reasons set out in paragraph 62 of the above report. However, the resolution of those issues could lead to the application becoming compliant with the London Plan and draft London Plan.

If your Council subsequently resolves to make a draft decision on the application, it must consult the Mayor again under Article 5 of the Order and allow him fourteen days to decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 to refuse the application, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. You should therefore send me a copy of any representations made in respect of the application, and a copy of any officer's report, together with a statement of the decision your authority proposes to make, and (if it proposed to grant permission) a statement of any conditions the authority proposes to impose and a draft of any planning obligation it proposes to enter into and details of any proposed planning contribution.

Please note that the Transport for London case officer for this application is Fatima Moreno Viera, e-mail FatimaMorenoViera@tfl.gov.uk and telephone 020 3054 7055.

Yours sincerely,



P.P. Sarah Considine
Head of Development Management (acting)

cc Andrew Dismore, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning Committee
National Planning Casework Unit, DCLG
Lucinda Turner, TfL
Neil Wells, Quod, Ingeni Building, 17 Broadwick Street, London, W1F 0AX

Pentavia Retail Park, Mill Hill

in the London Borough of Barnet

planning application no. 17/8102/FUL

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of all existing buildings and redevelopment of site to provide 18 buildings, rising from 5 to 15 storeys, comprising 717 Build to Rent residential units, 1,543 sq.m of commercial uses and 152 sq.m of community use, together with new access route, public realm and car parking.

The applicant

The applicant is **Meadow Residential** and the architect is **AFK**.

Strategic issues summary

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

Build to Rent Housing: The scheme provides 35% affordable housing by habitable rooms, all of which are DMR, an intermediate tenure, which accords with draft London Plan Policy H13. The DMR is proposed to be 80% of the market rent; this is unacceptable. Paragraph 4.7.4 of the draft London Plan is clear that 80% of market rent is not 'genuinely affordable'; the proposed rent levels must be revised to provide a range of affordable rents below 80%, including London Living Rent. All units must be held in a 15-year covenant, with an appropriate clawback mechanism; this must be secured within any S106.

Design: The site is isolated by the roads that enclose it, the M1 to the immediate west and the A1 to the immediate east. The success of the scheme is dependent on its pedestrian links to its surroundings; the applicant must consider alternate pedestrian route configurations and create a clear, legible entrance into the site for pedestrians.

Transport: Further pedestrian and cycle access details must be provided. Financial contributions towards a bus route, a Travel Plan, a Delivery and Servicing Plan, a Construction Logistics Plan and a Construction Traffic Management Plan must be secured.

Energy, air quality and noise issues must be addressed.

Recommendation

That Barnet Council be advised that the application does not comply with the London Plan and draft London Plan, for the reasons set out in paragraph 62. However, the resolution of those issues could lead to the application becoming compliant with the London Plan and draft London Plan.

Context

1 On 5 January 2018 the Mayor of London received documents from Barnet Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 1A and 1B of the Schedule to the Order 2008:

- Category 1A: Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.
- Category 1B: Development which comprises or includes the erection of a building more than 30 metres high and is outside the City of London.

3 Once Barnet Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website, www.london.gov.uk.

Site description

5 The site is approximately 3.64 hectares in size, is funnel shaped and is flanked by the M1 motorway to the west and the A1 dual carriageway (Barnet By-Pass / Watford Way) to the east. Due to the funnel shape of the site, the M1 and the A1 also border the site to the south, albeit separated by a Nissan Car showroom. Immediately to the north of the site lies Bunns Lane and Mill Hill Park.

6 The site was constructed in the early 1990s and consists of one large retail building, subdivided into different units, and a smaller restaurant building on the southern end of the site at the entrance of the retail park. Between the two buildings there is a substantial quantum of car parking. The site was previously occupied by large retailers such as Homebase, Argos and Comet; however, since September 2015, one of the retail buildings has temporarily been occupied by the Kosher Outlet Store and, since 2017, one of the units has been temporarily occupied by charity, Together Plan.

7 The site does not have specific local planning policy designations. Beyond the major roads that bound the site, the surrounding areas is predominately low rise and residential in character. The site does not lie within a conservation area, with the nearest being the Mill Hill Conservation Area, approximately 850 metres to the north. The site does not house any listed buildings, nor does it lie within the vicinity of any listed buildings.

8 The A1 (Watford Way) is part of the Transport for London Road Network (TLRN), which rises on the west of the site, onto a bridge structure that over sails Bunns Lane and is a local authority highway road. Access between Bunns Lane and Watford Way is by separate stairs for the north and southbound carriageways and bus stops. There is a bus stop on the north bound carriage way of the A1, with ramped access from Bunns Lane. The area east of the A1 is TfL operational land, which will continue to be used for highway maintenance. The site is served by two bus routes; 113 and 221. The nearest station is Mill Hill Broadway, which is 880 metres to the north and lies on the Thameslink line. The site is remote from any station on the Underground network. The Public Transport Accessibility Level

(PTAL) of the site ranges from a 1a to 1b, which is poor. The part of the site nearest to Bunns Lane could achieve a moderate PTAL of 3 if the proposed direct pedestrian access to Bunns Lane was provided.

Details of the proposal

9 Planning permission is sought for the demolition of all existing buildings and the construction of 717 Build to Rent units, 985 sqm of Class A1 retail use, 558 sq.m of Class A3 and A4 retail uses and 152 sq.m of community use. New pedestrian access from Bunns Lane, open space, landscaping and car parking are also proposed.

Table 1: Existing and proposed land uses

	Existing sq.m (GIA)	Proposed sq.m (GIA)
Residential – Class C3	-	84,505
Retail – Class A1	9,053	985
Retail – Class A3	664	558
Retail – Class A4	-	
Community use – Class D1	-	152
Total	9,717	86,200

Case history

10 The site has a substantial case history. Pre-application meetings were held with GLA officers on 7 October 2015, 17 March 2016, 2 August 2016 and 14 September 2016 for the redevelopment of the site.

11 A previous planning application for the residential-led mixed-use redevelopment of the site was considered by the Mayor on 5 December 2016. GLA officers were broadly supportive of the scheme, subject to addressing concerns relating to design and impact upon townscape views. The application was withdrawn on 3 January 2018 (LPA ref: 16/6420/FUL and GLA ref: 3756). The withdrawn scheme was similar in nature to the present proposals, comprising: 695 Build to Rent units, of which 35% were affordable (discount market rent); 846 sq.m of Class A1 retail; 570 sq.m of Class A3/A4 retail; and 289 sqm of Class D1 community space.

12 Planning permission was originally granted in 1988 for the site for non-food warehousing, restaurant, garden centre and petrol station (LPA ref: W00408A). Subsequently, several conditions were amended; however, Barnet Council failed to reattach conditions onto the decision notice, limiting the type of goods on the site. Therefore, in 2008, an inspector granted a Lawful Development Certificate for the site, confirming that the retail park has a lawful unrestricted Class A1 use.

Strategic planning issues and relevant policies and guidance

13 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area consists of the Barnet Core Strategy (2012), Development Management Policies DPD (2012), Saved Policies of the Unitary Development Plan (2006) and the 2016 London Plan (Consolidated with Alterations since 2011).

14 The following are relevant material considerations:

- The National Planning Policy Framework and draft revised National Planning Policy Framework;
- National Planning Practice Guidance; and
- Draft London Plan (consultation draft, December 2017).

15 The relevant strategic issues and corresponding policies are as follows:

- Housing *London Plan; Draft London Plan (2017); Housing SPG; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG.*
- Affordable housing *London Plan; Draft London Plan (2017); Housing SPG; Housing Strategy; Affordable Housing and Viability SPG.*
- Retail *London Plan.*
- Urban design *London Plan; Draft London Plan (2017); Shaping Neighbourhoods: Character and Context SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG.*
- Inclusive design *London Plan; Draft London Plan (2017); Accessible London: achieving an inclusive environment SPG.*
- Sustainable development *London Plan; Draft London Plan (2017); Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy.*
- Air quality *London Plan; Draft London Plan (2017); the Mayor's Air Quality Strategy.*
- Transport *London Plan; Draft London Plan (2017); the Mayor's Transport Strategy; Land for Industry and Transport SPG.*

Principle of development

Housing

16 London Plan Policy 3.3 and draft London Plan Policy H1 seek to increase the supply of housing in the capital. The proposed scheme would provide 717 homes, which equates to 22.8% of Barnet's annual monitoring target of 3,134, as set out in the draft London Plan. The increase in the housing targets identified in the draft London Plan evidences the continued need for housing in the borough. The residential-led redevelopment of the site is supported in principle, subject to diversifying the Discount Market Rate (DMR) rent levels and ensuring the site has suitable access.

Retail

17 Both London Plan Policy 2.15 and draft London Plan Policy SD6 recognise that town centres should be the foci for commercial development beyond the CAZ. Paragraph 2.8.3 of the draft London Plan states that existing out-of-centre and edge-of-centre retail parks are often low density and car dependent, poorly integrated into the surrounding area, and suffer from an environment that

creates barriers to cycling and walking. It goes on to state that the redevelopment of retail and leisure parks to deliver housing intensification is encouraged; this should not generally include an uplift of retail or leisure floorspace.

18 The site entirely fits the description of out-of-centre retail parks, as set out in paragraph 2.8.3 of the draft London Plan. Further, the loss of 9,717 sqm of out-of-centre retail floorspace and its replacement with 717 residential units and 1,543 sqm of retail floorspace, would accord with the town centre first approach, as set out in London Plan Policy 2.15 and Policy SD6 and supporting paragraph 2.8.3 of the draft London Plan. The proposed retail floorspace is complimentary to the residential use and is proportionate to the number of residential units on the site; however, to ensure it can be used by non-residents, the applicant should review the scheme and locate the retail around the central entrance square, as discussed in the design commentary below, and enhance access to the site to ensure these serve both the resident community and the area more widely.

Community uses

19 London Plan Policy 3.19 and draft London Plan Policy S1 state that new social infrastructure will be supported where it meets a local need and be easily accessible by all members of the community by public transport, cycling and walking.

20 In addition to the ground floor retail, it is proposed to create a 152 sq.m unit of Class D1 floorspace on the site. It is understood that this unit is likely to be a nursery. The site does not benefit from good accessibility and is constrained on either side by major roads. Whilst, the site's positioning is likely to preclude it from being a suitable site for large scale social infrastructure uses, the applicant should consider adding further small-scale social infrastructure uses to the site to enhance its community offer. The Environmental Statement states that the 3 surrounding surgeries are operating slightly below their expected capacity and concludes that the impact of the development is negligible, as capacity exists at local surgeries to accommodate the development. The ES does not, however, consider the cumulative impact of other proposed developments in the vicinity on the local GP surgeries capacity, nor the catchment areas for the existing facilities. Further discussion will be expected on this point in order to establish any contributions required from this scheme towards social infrastructure.

Housing

Built to Rent affordable housing

21 London Plan Policies 3.11 and 3.12 and draft London Plan Policy H5 and Policy H6 seek to maximise the delivery of affordable housing, setting a strategic target of 50% across London. The Mayor's Affordable Housing and Viability Supplementary Planning Guidance seeks to increase the provision of affordable housing in London and embed affordable housing into land prices. The SPG introduced a threshold approach to viability, which is now incorporated within draft London Plan Policy H6; schemes that provide 35% affordable housing on site, without public subsidy, and meet the specified tenure mix are not required to submit viability information nor be subject to a late stage review. At a local level, Barnet Council's Core Strategy sets a borough-wide strategic target of 40% affordable housing.

22 The Mayor's Affordable Housing and Viability SPG and draft London Plan Policy H13 provide specific guidance on Build to Rent (BTR) schemes. To qualify as BTR, a scheme must meet the criteria within draft London Plan Policy H13, including the following: be comprised of over 50 units; held in a covenant for at least 15 years; be subject to a clawback mechanism, in the event of the covenant being broken; under a unified management; and tenancies of three or more years must be made available. Draft London Plan Policy H13 and the Mayor's Affordable Housing and Viability SPG states that BTR schemes can provide an entirely DMR affordable offer, where the rents proposed are

at a genuinely affordable level. The Mayor does not consider that 80% market rent is genuinely affordable in London, as set out in paragraph 4.7.4 of the draft London Plan. The preferred rent level for DMR homes is London Living Rent, which is set at two thirds of median local market rent, i.e. approximately 66%.

23 The applicant is proposing 253 affordable homes, equating to 35% by unit and 35% by habitable room, all of which are proposed to be discount market rent (DMR), which is an intermediate product. All of the DMR units are proposed to be let at 80% of market rent; this fails to accord with the Mayor’s Affordable Housing and Viability SPG and paragraph 4.7.4 of the draft London Plan. Table 2 shows the comparison between the proposed market rent levels, proposed affordable rents and the London Living Rent levels for the Mill Hill ward. The applicant should revise the DMR rent levels, in accordance with draft London Plan Policy H13 and the Mayor’s Affordable Housing and Viability SPG.

Table 2 – Proposed market rent, DMR rent and London Living Rent levels

Unit size	Weekly Rents		
	Proposed market rent levels	Proposed DMR rent levels	London Living Rent – Mill Hill ward*
1 bedroom	£300	£240	£211.38
2 bedrooms	£370	£295	£234.92
3 bedrooms	£450	£360	£258.46

*LLR quoted in monthly rents; therefore, to enable comparison, weekly figures have been calculated through multiplying monthly figure by 12 (months) and dividing by 52 (weeks).

24 The proposals do not qualify for the Fast Track route for BTR schemes, as the rent levels does not meet the requirements set out in paragraph 4.13.6 of the draft London Plan. The applicant has provided a Financial Viability Assessment, which will be robustly interrogated by GLA officers, in discussion with Barnet Council, to ensure that the maximum level of affordable housing is secured, and the findings will be reported at Stage 2.

25 In accordance with draft London Plan Policy H13, the BTR and DMR units must be held in a covenant for at least 15 years; this must be secured within the S106. A clawback mechanism must also be included within the S106. In addition, the applicant must confirm that Meadow Residential will retain and manage all units within the scheme, the length of tenancies offered and that no up-front fees, other than rent-in-advance and deposit, will be charged. A management plan must be appropriately secured.

26 As set out in the Mayor’s SPG and draft London Plan Policy H6, an early implementation review must be secured to ensure the timely delivery of housing. As the application does not meet the threshold requirements to qualify for the Fast Track route, a near end review mechanism must also be secured.

27 The Council must publish the financial viability assessment in accordance with the Mayor's Affordable Housing and Viability SPG and draft London Plan Policy H6. GLA officers will ensure that the assessment is made available, to ensure transparency of information.

Housing mix

28 London Plan Policy 3.8 and draft London Plan Policy H12 encourage a full range of housing choice. Draft London Plan Policy H12 recognises that central or urban sites may be most appropriate for schemes with a significant number of one and two beds, whilst new London Plan Policy H12 recognises that the number of family sized affordable homes provided should be driven by local and strategic need and should recognise that some families live in units smaller than three bedrooms. With specific regard to the BTR sector, the Mayor's Affordable Housing and Viability SPG notes that demand for one and two bed properties is higher in this sector than in the owner occupied/social rented sector; as such, the SPG states that borough policies on housing size mix can be applied flexibly.

Table 3: Proposed housing mix

	Unit sizes			
	1 bed	2 bed	3 bed	Total
Market	205	203	56	464
Affordable – DMR	112	111	30	253
Total	317	314	86	717
% of total	44.2	43.8	12	

29 As noted, the scheme proposes 717 units in total, comprising 253 DMR units and 464 market units. Of the market units, 15% (39 units) are designated as key worker housing to be marketed to those who live or work in the borough. Whilst the provision of key worker homes is welcomed in principle, officers question whether market rent homes for key workers, often health and education professionals, is a suitable means of addressing local need, given that key workers are often on incomes that preclude them from accessing social housing but are also unable to purchase on the open market. The applicant should explore converting the key worker units to DMR units, in addition to the 253 proposed DMR units, to ensure that they will meet local key worker need.

30 Of the total development, 85.5% of units are one or two bedrooms. Given the site's constrained location, accessible only by car or through a convoluted pedestrian route to Mill Hill, it is not considered appropriate for a significant number of family-sized units. Furthermore, as noted above, one and two-bedroom units are considered most appropriate for BTR schemes. As such, a predominately one and two-bedroom scheme is acceptable, subject to the amendment of the proposed rent levels, exploring opportunities to include key worker housing in the affordable offer and addressing access concerns, outlined below.

Children's playspace

31 London Plan Policy 3.6 and draft London Plan Policy S4 require development proposals to make provisions for play and informal recreation based on the expected child population generated by the scheme. The Mayor's Play and Recreation SPG and draft London Plan Policy S4 expect a minimum of 10 sq.m per child to be provided in new developments.

32 The scheme proposes 630 sq.m of playspace located throughout the development within the podium level amenity space. The scheme will yield 64 children and therefore generates a requirement for 635 sq.m of playspace, as calculated using the Mayor's Playspace Calculator, which accompanies

the Play and Informal Recreation SPG. To ensure compliance with London Plan Policy 3.6, draft London Plan Policy S4 and the Mayor’s SPG, the applicant must provide further details of these playspaces to ensure that they are suitably buffered from the internal road and look to increase provision to be policy compliant. Once the playspace details have been confirmed, it must be secured by condition and retained in perpetuity.

Urban design

33 Good design is central to all objectives of the London Plan and the draft London Plan. The applicant has engaged positively in the pre-application process; however, there are a number of outstanding concerns which must be addressed in order for the application to be considered acceptable.

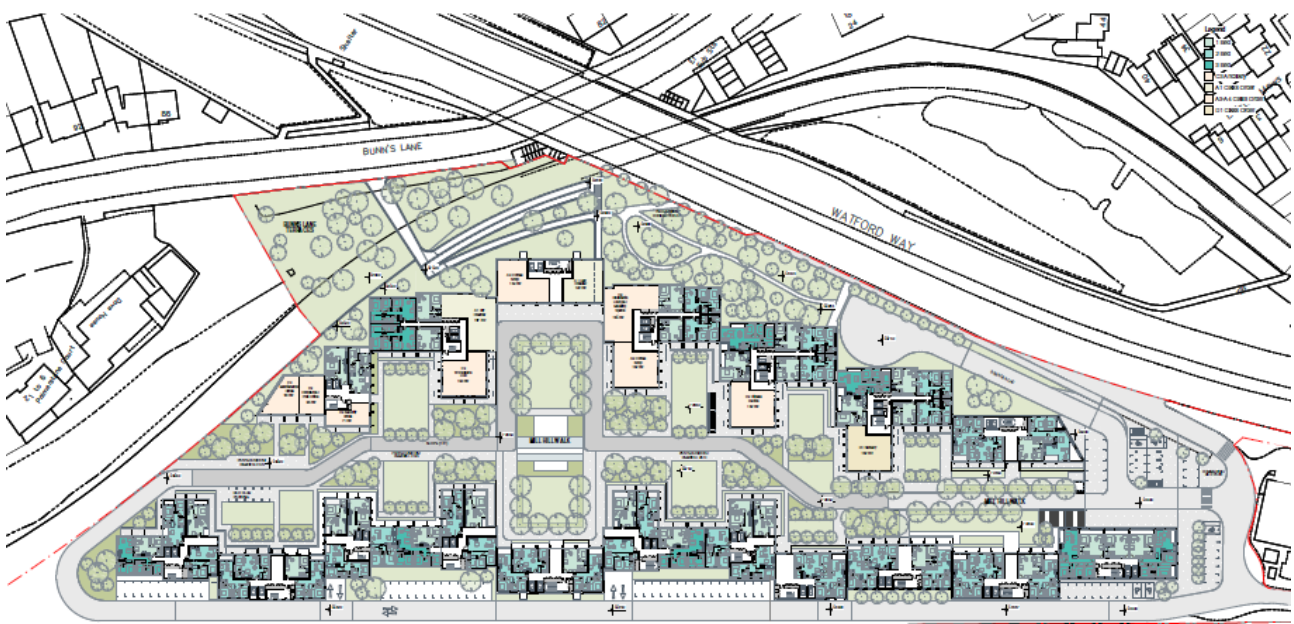
Layout

34 The broad layout principles of positioning the blocks around the periphery of the site, with a central landscaped area, is supported; this approach addresses the edges of the site and provides enclosure from the M1/A1. The form and massing strategy significantly improves upon the previous scheme and has addressed concern that were raised at the time about the building’s massing and impact on wider views. All balconies would be located on the inside of the building and the residential and commercial entrances would be primarily accessed via the central sequence of greenspace, on the inside of the buildings. Figure 1 illustrates the proposed block plan.

35 The applicant should consider locating the majority of the retail and community uses around the edge of the central square to create a sense of place and a destination at the heart of the scheme, particularly as the primary pedestrian entrance to the site is from the rear of block K, just to the north of the central square.

36 The use of the site’s level change to create car parking areas within a part-podium level is welcomed and allows the extent of residential and commercial ground floor frontage to be maximised. The podium frontage along the M1 edge results in a continuous expanse of inactive servicing frontage and servicing road along this edge should be closed off from pedestrian/public access to ensure residents’ security. As well as providing vehicle/servicing access, the service road should also be landscaped to provide a soft, landscaped buffer to the M1 in tandem with the proposed acoustic fencing, to optimise the quality of outlook and amenity for lower level units

Figure 1 – Proposed ground floor plan



Access

37 The site is constrained by roads on all sides. Vehicular access is from the south, via the slip road from the A1. There is pedestrian access in the south west, across to Grahame Park, and in the north east, via the pavement on the A1, to Bunns Lane and Mill Hill beyond.

38 It is understood that a primary means of pedestrian access will be to the north east of the site, via Bunns Lane, providing access from Mill Hill Broadway Station and the wider Mill Hill area; due to land ownership and level changes across the site, this route involves a series of switchback ramped paths to address the significant level change into the site or stepped access via the A1 footpath. The pedestrian route then enters the site to the rear of block K. Officers have significant concern with this route, including: whether there will be sufficient space to accommodate the number of pedestrians and cyclists moving to and from the site, particularly in the context of the high density proposed; the route's legibility; and the real and perceived safety of this pedestrian route as there is no passive surveillance onto this space. Notwithstanding the broad support for the layout, the applicant must undertake further work to explore alternative options for genuinely accessible routes into the site, which are configured to address level changes as far as feasible, whilst also designed to accommodate the projected footfall.

39 Furthermore, the pedestrian route from the north east enters the development to the rear of block K; this entrance is hidden to the rear of block K and is not differentiated architecturally, which limits legibility within the site and will not encourage sustainable transport. The entry sequence into the site towards block K must also be reconsidered to ensure that there are clear sightlines into the main public square at the heart of the scheme; this can be achieved by pulling back the eastern edge of block K to form a legible and welcoming route into the square from Bunns Lane. Without a clear and legible entrance sequence into the site, the current arrangement risks creating a 'gated community', which fails to link with the surrounding street network.

40 It is understood that there is potential to enhance access along the perimeter road, on the A1 edge of the site. As presently designed, blocks turn away from the A1 to maximise residential quality; however, a resultant factor is that the zone of green space between the backs of the blocks and the A1 is at risk of being under-utilised, which could create security issues for residents, particularly along the pedestrian route to Bunns Lane, as discussed above. Introducing direct access to cores and individual front doors to ground floor units would help to activate this edge and provide residents of these blocks with more convenient access from Bunns Lane.

41 The entrance into the site from the A1 slip road at the south east of the site is currently dominated by surface car parking and large areas of hard standing; this design of this area should be revised to extend the 'Mill Hill Walk' route to meet the pedestrian access route. These changes will help to prioritise pedestrian movement and form a more legible entry sequence into the site, from both the north and the east. Further, a reduction in the amount of surface car parking in this portion of the site would also allow the opportunity to introduce an 'entry square' at the base of block A, providing a more pedestrian-friendly threshold space. Given the substantial concerns on this aspect, GLA Officers will engage with the applicant and the Council to resolve these outstanding issues.

Residential quality

42 There are a high number of residential cores and this creates a sequence of mansion blocks with efficient core to unit ratios. The orientation of the site means the majority of units will have east/west aspects, which is welcomed. Notwithstanding the general support, the legibility of each block is questioned as they are tucked away and unlikely to be visible for pedestrians approaching the site. The applicant should reconsider the location of residential entrances and ensure that they are fully aligned with desire lines running into and across the site; as discussed above, creating access into the building from the north would help achieve this.

43 The creation of green open spaces along the length of 'Mill Hill Walk' is welcomed; however, given the scale of these spaces and the site's limited accessibility, there is a risk that the full extent of open space across the site will not be fully utilised by residents or the public. The applicant should confirm the rationale behind the sizing of public realm and consider pulling blocks further into the site and further away from the A1/M1 edges, to enhance residential quality. In addition, as discussed, improving the entrance route into the site, in terms of design, accessibility and legibility, would significantly enhance the residential quality. Notwithstanding the above, officers have serious concerns that the site's limited accessibility will impact quality of life for residents.

Density

44 London Plan Policy 3.4 and draft London Plan Policy D6 seek to optimise the potential of sites, having regard to local context, design principles, public transport accessibility and capacity of existing and future transport services. Draft London Plan Policy D6 expands upon the previous policy, requiring management plans for schemes that exceed specified density thresholds and requiring the submission of several measures of density alongside a planning application to assess, monitor and compare development proposals across London.

45 The site is 3.64 hectares and has a PTAL rating of 1a – 3, where most of the site has a rating of 1b, which indicated poor accessibility. The proposed density is approximately 200 units per hectare or 724 habitable rooms per hectare, which exceeds guidance within the London Plan and the threshold for increased scrutiny of design quality, as set out in draft London Plan Policy D6. The development will therefore yield a significant number of residents even based on a single person occupancy per bedroom, which is a conservative estimate: it is expected there would be over 1,200 residents, a large number of which are likely to use Mill Hill tube station. Addressing the issues with the site's access arrangements is therefore crucial to its success; at present, due to the level changes, routes and legibility concerns discussed above, the proposed density has not been sufficiently justified.

46 Notwithstanding the above and in accordance with draft London Plan Policy D6, a management plan must be provided, detailing the management strategy for the development, the day-to-day servicing and the longer-term maintenance plan.

Inclusive design

47 London Plan Policy 7.2 and draft London Policy D3 require that all new development is accessible and inclusive for all. London Plan Policy 3.8 and draft London Plan D5 require that at least 10% of units within new build schemes are wheelchair accessible and the remaining 90% are wheelchair adaptable.

48 The scheme provides 80 wheelchair accessible dwellings, which is approximately 11% of the total number of dwellings proposed. In line with the Housing SPG and paragraph 3.5.3 of the draft London Plan, the wheelchair units are a variety of sizes and are distributed throughout the building to generate choice for tenants; this is supported and should be secured by condition.

Fire safety

49 In accordance with Policy D11 of the draft London Plan, the Council should secure an Informative requiring the submission of a fire statement, produced by a third party suitable qualified assessor, to be submitted to and agreed with the London Fire Brigade.

Energy

50 The applicant has broadly followed the energy hierarchy; however, further information is required before the proposals can be considered compliant with London Plan Policy 5.9 and draft London Plan Policy S12. In terms of 'be lean', the applicant should provide: legible BRUKL sheets; the area weighted average for actual and notional cooling demands for each non-domestic building; and further overheating analysis. For the 'be clean' element, the applicant must provide legible BRUKL sheets and a drawing showing the route of the heat network linking all buildings on the site, including confirmation that all apartments and non-domestic units will be connected. The applicant has provided sufficient information to assess the 'be green' part of the hierarchy.

51 The domestic elements reduce carbon emissions by 48%; residential buildings are required to meet the zero-carbon target, as set out in draft Policy S12, and therefore the applicant must investigate whether further reductions can be achieved. The non-domestic elements reduce carbon emissions by 36%; this exceeds the target set out in current Policy 5.2 but it should be noted that draft London Plan Policy S12 will require non-domestic buildings to be zero carbon by 2019. Following the resolution of the outstanding energy issues, any shortfall in carbon savings should be offset through financial contributions to the Council's carbon offset funds. The detailed technical comments have been sent to the applicant and the Council.

Noise

52 Given the proximity of the A1 and the M1, a number of design mitigation measures have been included to protect the amenity of residents, including external building fabric materials that seek to limit noise intrusion. Full details of noise migration measures, including materials that are chosen to mitigate against noise transfer, must be secured by condition.

Air quality

53 The applicant's Environmental Statement states that the existing baseline conditions for the site indicate that only the centre of the site experiences NO₂ within regulatory levels. The proposed scheme's layout, in the form of perimeter blocks, is expected to improve air quality within the central series of courtyards. It is noted, however, that the development of perimeter blocks will result in localised worsening of air quality on the outside of the site, adjacent to the M1 and A1, as the air cannot dissipate as it does presently. It is acknowledged that majority of the amenity space is located on the inside of the site; however, the primary pedestrian access route towards Mill Hill is on the outside of the site, via the A1. When exploring alternate pedestrian access arrangements, as discussed above, the applicant must also have regard to limiting exposure to poor levels of air quality. Appropriate air quality mitigation will be required and must be secured by condition.

Transport

54 A key concern with the scheme, as detailed above, relates to access to and from Mill Hill, via Bunns Lane. The pedestrian route is convoluted and does not benefit from passive surveillance or legibility. Further information is required on the pedestrian and cycle access into the site, including connectivity, quality of routes and pedestrian and cycle routes more widely. The applicant must explore opportunities to enhance the access routes into the site from Bunns Lane.

55 The residential cycle parking provision accords with both London Plan Policy 6.9 and draft London Plan Policy T5; however, for the retail and commercial uses, an additional 7 spaces for staff and 42 spaces for visitors must be provided, alongside lockers and showers. Whilst the number of spaces is supported, the applicant must confirm that these are appropriately distributed throughout

the development's cores and must provide details on access to the long stay spaces. The cycle parking provision must be secured within the S106.

56 The proposed development contains 500 residential car parking spaces, of which 77 are designated as Blue Badge spaces; the result ratio of 0.69 per residential unit complies with London Plan Policy 6.13 and draft London Plan Policy T6. Notwithstanding this, in order to support sustainable development and to limit the numbers of cars using the internal road, the applicant should explore opportunities to reduce the car parking spaces.

57 A Delivery and Servicing Plan, a Construction Logistics Plan and a Construction Traffic Management Plan must be secured by condition. The Travel Plan must include at least a 2% modal shift target; a full Travel Plan must be secured condition.

58 The proposed development would generate approximately one full bus load of passengers during the peak hours, which route 221 would not be able to accommodate; as such, a financial contribution of £95k per annum for 5 years (a total of £475k) to add a return journey on this route. The financial contribution must be secured within the S106 agreement.

59 In accordance with London Plan Policy 8.3 and draft London Plan Policy DF2, a contribution to Mayoral CIL must be secured; the level required should be confirmed by the applicant and Council once the components of the development have been finalised. The full transport comments have been sent to the applicant and the Council.

Local planning authority's position

60 Barnet Council Planning Officers are reviewing the scheme and have not yet identified a committee date.

Legal considerations

61 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, direct the Council under Article 6 of the Order to refuse the application or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application.. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Conclusion

62 London Plan and draft London Plan policies on housing, affordable housing, town centres, retail, community uses, design, energy and transport are relevant to this application. The proposals do not comply with the London Plan and draft London Plan. The following changes, however, might lead to the application becoming compliant:

- **Principle of development:** The principle of the residential-led redevelopment of the site is supported, subject to addressing access issues and concerns about the DMR rent levels.
- **Build to Rent Housing:** The scheme provides 35% affordable housing by habitable rooms, all of which are DMR, an intermediate tenure, which accords with draft London Plan Policy H13. The DMR is proposed to be 80% of the market rent; this is unacceptable. Paragraph

4.7.4 of the draft London Plan is clear that 80% of market rent is not 'genuinely affordable' in London; the proposed rent levels must be revised to provide a range of affordable rents below 80%, including London Living Rent. All BTR and DMR homes must be held in a 15-year covenant, with an appropriate clawback mechanism; this must be secured within any S106.

- **Design:** The site is isolated by the roads that enclose it, the M1 to the immediate west and the A1 to the immediate east. The success of the scheme is dependent on its pedestrian links to its surroundings; the applicant must consider alternate pedestrian route configurations and create a clear, legible entrance into the site for pedestrians.
- **Energy:** Legible 'BRUKL' sheets must be provided for assessment. The applicant must provide a plan to illustrate the heat network connections, including confirming that all domestic and non-domestic uses will be connected.
- **Noise:** Noise mitigation must be secured by condition.
- **Air quality:** Air quality mitigation measures must be secured by condition.
- **Transport:** Further pedestrian and cycle access details must be provided. Financial contributions towards a bus route, a Travel Plan, a Delivery and Servicing Plan, a Construction Logistics Plan and a Construction Traffic Management Plan must be secured.

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