

MAYOR OF LONDON

Andrew Dillon

Principal Planning Officer
Major Developments Team
London Borough of Barnet
Barnet House
1255 High Road
London N20 0EJ

Department: Planning

Your reference: 17/8102/FUL
Our reference: GLA/3756a/VH02
Date: 5 November 2018

Dear Mr Dillon

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008 Direction under Section 2A of the 1990 Act

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

I refer to your letter of 24 October 2018 informing me that Barnet Council is minded to refuse planning permission for the above planning application. I refer you also to the notice, dated 24 October 2018, under the provisions of article 5(1)(b)(i) of the above Order.

Having now considered a report on this case, reference GLA/3756a/VH02 (copy enclosed), I hereby direct (under the powers conferred by Section 2A of the 1990 Act) that I will act as the local planning authority for the purposes of determining the above planning application.

My reasons are as follows:

- (i) the development or any issues it raises is of such a nature or scale that it would have a significant impact on the implementation of the London Plan - as set out within the above-mentioned report; and
- (ii) there are sound planning reasons for my intervention - as set out within the above-mentioned report.

In making this decision, I must also have regard to targets identified in development plans. As set out in the attached report, I recognise that Barnet Council has taken a positive approach to approving new homes in the borough during the last three years, and is currently performing well in securing planning approvals for additional housing relative to its annual targets. Notwithstanding this, I note that the proportion of affordable housing secured

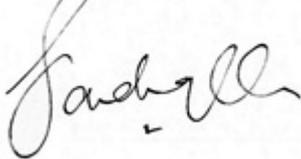
relative to overall housing consented during this period is significantly below the Barnet's Local Plan target of 40% and represents a significant undersupply of affordable housing in the pipeline.

In my view the proposed development has potential to make an important contribution to housing and affordable housing supply in response to London Plan policies 3.3 and 3.11. Having regard to the above, and noting the potential contribution of the proposed development, I wish to fully consider this case as the local planning authority.

The application represents EIA development for the purposes of the applicable Town and Country Planning (Environmental Impact Assessment) Regulations. I have taken the environmental information made available to date into consideration in formulating my decision.

I would be grateful if you could provide me, as soon as reasonably practicable, any information relevant to the application that has not already been provided. In due course I will notify you of the date of the Representation Hearing, and I will consult you on any draft planning obligation and planning conditions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sadiq Khan', written over a light grey rectangular background.

Sadiq Khan
Mayor of London

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, W1G 0DE

planning report GLA/3756a/VH02

5 November 2018

Pentavia Retail Park

in the London Borough of Barnet

planning application nos. 17/8102/FUL

Strategic planning application stage II 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

Redevelopment of site including the demolition of all existing buildings and construction of 724 new Build to Rent residential units (Use Class C3) along with 949 sqm of ancillary residential facilities, 987 sqm of non-residential floorspace (Use Class A1, A3 and D1) within buildings ranging from 5 to 15 storeys, a new pedestrian access off Bunns Lane, open space, landscaping, car parking, acoustic mitigation and highway / pedestrian improvements.

The applicant

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

Key dates

Pre-application meetings: 7 October 2015, 16 February 2017

Stage 1 representations issued: 19 March 2018.

Barnet Council committee: 25 July 2018.

Strategic issues summary

Barnet Council has resolved to refuse permission for this application. The Mayor needs to consider whether he should issue a Direction pursuant to Article 7 of the Mayor of London Order 2008 ("the 2008 Order") that he should be the local planning authority and determine the application or whether he wishes Barnet Council's decision to proceed unchanged.

Having regard to the details of the application and other relevant matters, it is considered that the development is of a nature or scale that it would **have a significant impact on the implementation of the London Plan policies on housing and affordable housing**, and it is considered that there are **sound planning reasons for the Mayor to** issue a direction under Article 7 of the Order 2008.

The Council's decision

Barnet Council has resolved to refuse permission for this application.

Recommendation

That a direction is made under Article 7 of the 2008 Order that Barnet Council be advised that the Mayor will act as the local planning authority for the purposes of determining this application.

GREATER LONDON AUTHORITY

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.

2 The application was referred under Category 1A and 1C 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 (other than development which only comprises the provision of houses, flats or houses and flats) which comprises or includes the erection of a building outside of Central London and with a total floorspace of more than 15,000 square metres.
- Category 1C: Development which comprises or includes the erection of a building more than 30 metres high and is outside the City of London.

3 On 19 March 2018 the Mayor considered planning report D&P/3756a/01, and subsequently advised Barnet Council that the application was not compliant with the London Plan and draft London Plan, but could become compliant with the London Plan and draft London Plan if the matters set out in paragraph 62 of that report were resolved.

4 A copy of the above-mentioned report is attached. The relevant details of the proposed development, the application site, the case and planning history, the strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

5 On 25 July 2018, Barnet Council resolved to refuse planning permission for the application and on, 24 October 2018, it advised the Mayor of this decision.

6 Under the provisions of Article 7 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. A Direction may only be issued where the criteria in Article 7(1) (a) to (c) of the 2008 Order are all satisfied. In deciding whether to issue such a Direction the Mayor must take account of the extent to which Barnet Council is achieving, and has achieved, the applicable development plan targets for new housing, including affordable housing. The Mayor must also take into account the extent to which Barnet Council is achieving, and has achieved, any other targets set out in the development plan which are relevant to the subject matter of the application. If the Mayor determines to issue a Direction there is a requirement that the reasons for doing so specify how these matters have affected his decision. The Mayor has until 7 November 2018 to notify the Council of his decision and to issue any direction.

7 The draft decision notice cites the following reasons for refusal:

1. *The proposed development, by virtue of its excessive height and scale would represent an over development of the site resulting in a discordant and visually obtrusive form of development that would fail to respect its local context and the pattern of development within the surrounding area, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore be contrary to policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012),*

policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (July 2011, October 2013 and January 2014) and the adopted Pentavia Retail Park Planning Brief.

2. *In the absence of a Section 106 Agreement, the application does not include a formal undertaking to secure the planning obligations which are necessary to make the application acceptable. The application is therefore contrary to London Plan policies 3.12, 3.13, 4.3, 4.12, 6.3, 6.9, 6.10, 8.2, Policies DM10, DM14, DM17, CS4, CS15, CS8, CS9 of the Barnet Local Plan Core Strategy and Development Management Policies Document (adopted September 2012), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Document, the Barnet Supplementary Planning Document on Delivering Skills, Employment and Enterprise Training (SEET) (adopted October 2014) and the Mayor's Supplementary Planning Guidance on Affordable Housing and Viability (2007).*
3. *The proposed development would fail to provide adequate levels of affordable housing, contrary to Policy CS4 of the Barnet Core Strategy (2012), Policy DM10 of the Barnet Development Management Policies Document (2012) and Policies 3.11, 3.12 and 3.13 of the London Plan (2016)*

8 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case. The Mayor's decision on this case, and the reasons for it, will be made available on the GLA's website www.london.gov.uk.

Article 7: Direction that the Mayor is to be the local planning authority

9 In order to exercise the power to direct that he is to be the local planning authority and to determine a PSI application (within categories 1 and 2 of the schedule to the Order 2008), the Mayor must be satisfied that certain statutory tests set out in article 7 of that Order are met. These tests relate to a decision as to who the decision maker in respect of the application should be, and not whether planning permission should ultimately be granted or refused.

10 The relevant statutory tests comprise the following three parts, all of which (subject to paragraph 14 below) must be met in order for the Mayor to take over the application:

- a) the development or any of the issues it raises must be of such a nature or scale that it would have a significant impact on the implementation of the London Plan;
- b) the development or any of the issues it raises must have significant effects that are likely to affect more than one London Borough; and
- c) there must be sound planning reasons for issuing a direction.

11 Parts (a) and (b) of the test concern the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the overall planning reasons for the Mayor's intervention. These tests are intended to ensure that the Mayor's powers of intervention are exercised only in respect of the most significant of applications which are referred to him.

12 As set out above, the application is for up to 724 Build to Rent residential units. Article 7(4) of the Order sets out that where a development falls within Category 1A of the Schedule, namely that over 150 residential units will be delivered, part (b) does not apply. As such, only parts (a) and (c) of the statutory tests are engaged in respect of the present application.

13 Moreover, article 7(3) of the 2008 Order requires the Mayor, when considering whether to exercise his power to become local planning authority in respect of a PSI application, to take account of certain matters. Where the proposed development falls within Category 1A of the Schedule to the 2008 Order, the Mayor is required to take account of the extent to which the relevant Council, has achieved their targets for new housing including affordable housing, and in respect of all categories of PSI application, the Mayor is required to take account of whether the Council has achieved any other relevant development plan targets.

14 This report considers the extent to which the statutory tests under Article 7(1) are met and whether, having regard to the matters to which the Mayor is required to take account pursuant to article 7(3), the Mayor should direct that he is to be the local planning authority. This report does not consider the merits of the application, although consideration has been given to the key planning issues in so far as is necessary in applying the statutory tests in Article 7(1) as set out below.

Statutory test 7(1)(a): Significant impact on the implementation of the London Plan

15 The proposed development would have significant impacts on the implementation of the London Plan, as set out in the following paragraphs. It should be noted that the relevant test under Article 7(1)(a) relates to significant impacts on the implementation of the “spatial development strategy”, namely the current adopted London Plan and this is therefore the focus to the consideration of article 7(1)(a) set out below and the conclusion of compliance with it.

London Plan policy context – housing and affordable housing

16 London Plan Policy 3.3 (Increasing Housing Supply) recognises the pressing need for new homes in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. Part B of this policy states that the Mayor will seek to ensure that the housing need identified in paragraphs 3.16a and 3.16b of the London Plan is met through the provision of at least an annual average of 42,000 net additional homes across London. Moreover, London Plan Policy 3.11 seeks provision of at least 17,000 net affordable homes per year in London. Local Authorities are expected to incorporate the Mayor’s housing and affordable housing targets into local policy; as such, there are no other relevant housing targets to consider.

Recent delivery – London-wide

17 Table 1 below sets out the London-wide delivery against the current London Plan targets between 2013–2017, the most recent years for data is available.

Total supply	FY2014-2015	FY2015-2016	FY2016-2017	Total	Delivery
<i>Homes target</i>	32,210	42,388	42,388	116,986	101% of target
Homes delivered	32,806	40,956	44,847	118,609	
<i>Affordable homes target</i>	13,200	17,000	17,000	47,200	43% of target
Affordable homes delivered	6,253	7,004	6,918	20,175	

Table 1: Delivery against pan-London housing and affordable housing targets (source: London Development Database).

18 Based on table 1, it is evident that the delivery of new affordable housing on a London-wide basis is significantly below the London Plan target.

Recent delivery – Barnet Council

19 At a borough level, the London Plan sets Barnet a target of 23,489 homes between 2015 and 2025. To monitor delivery against these targets, Barnet has been assigned an annual target of a minimum of 2,349 net additional homes per year (for ease of reference, this target was 2,255 net additional homes per year under the 2011 London Plan).

20 Barnet’s Local Plan at Core Strategy Policy CS4 sets a local borough-wide target of 40% affordable housing, equating to a numerical target of 940 affordable homes per year based on the London Plan housing target and 902 affordable homes per year under the 2011 London Plan.

21 Table 2 below set out delivery against Barnet’s borough level targets during the financial years 2013-2017.

Total supply	FY2014 - 2015	FY2015- 2016	FY2016- 2017	Total	Delivery
<i>Homes target</i>	2,255	2,349	2,349	6,953	76% of target
Homes delivered	1,282	1,785	2,251	5,318	
<i>Affordable homes target</i>	1,128	1,175	1,175	3,478	29% of target
Affordable homes delivered	344	205	470	1,019	

Table 2: LB Barnet’s delivery against London Plan housing target and Local Plan affordable housing target (source: London Development Database).

22 From table 2 it is evident that the Council has not met the aggregated London Plan and Local Plan annual monitoring target for new homes and affordable homes over the tabulated three years. It should also be noted that all targets are expressed as minimums, with a clear expectation in the London Plan and Local Plans that delivery of housing should be maximised.

Potential contribution of this scheme to London Plan objectives – housing and affordable housing

23 As presently proposed, the development would deliver 724 Build to Rent residential units, including 35% affordable units. This would equate to 31% of Barnet Council’s overall annual housing target and 3% of the borough’s 10-year London Plan target. In the context of the Council’s underperformance, and London’s overall housing need, the proposed development would significantly contribute towards the London Plan targets.

24 With regard to affordable housing, the scheme would contribute towards both the Mayor’s strategic target of 17,000 affordable home per year, as well as the Council’s strategic target of 40% of homes to be provided as affordable. The scheme would be equivalent to 1.5% of London’s total annual affordable housing need, which, when considered in context, is significant on a singular site. At a local scale, the proposed development’s affordable housing offer would equate to 11% of Barnet’s annual affordable housing target.

25 It is noted that the proposed housing product is ‘Built to Rent’. Paragraph 3.54 of the London Plan states that the Private Rented Sector is the only housing sector to have shown relative growth in recent years (noting that the London Plan was published in 2016) and that it will play an increasingly important role in meeting Londoners’ diverse housing requirements. The paragraph goes on to states that the planning system must take a more positive approach in enabling this sector to contribute to the achievement of housing targets. In this regard, the proposed development could contribute towards meeting the evidenced demand for this type of product, including intermediate affordable rented homes.

26 As such, it is considered that the nature and scale of the proposal's contribution to the delivery of housing at a borough and London-wide level, and including affordable housing, are such that it is considered to be a development which would have an important and significant impact on the implementation of the London Plan in terms of provision of new homes, subject to the details of the proposal being acceptable. The extent of delivery of affordable housing will contribute significantly to both London-wide as well as the Borough's annual affordable housing delivery targets.

Test 7(1)(a) Conclusion

27 As noted, the Council's recent delivery of housing and affordable housing is below the minimum targets, and the proposed development has the potential to make a substantial and positive contribution to strategic housing and affordable housing targets of the London Plan through optimising the use of an underutilised site.

28 Having regard to the above, and the London-wide shortfall against the minimum strategic affordable housing targets more generally, the development proposed has the potential to make an important and significant contribution to housing and affordable housing supply: specifically the scheme is equivalent to 31% of Barnet's annual target and 3% of the 10-year target, as set out in London Plan Policies 3.3 and 3.11. This is an underutilised, brownfield site and is therefore of strategic importance for housing delivery.

29 Accordingly, it is considered that the scale and nature of the proposed development, in terms of its potential to contribute to delivery of market and affordable housing are such that it would have an important and a significant impact on the implementation of the adopted London Plan (in line with the test set out in Article 7(1)(a) of the Order 2008). As such, it is considered that the test set out within article 7(1)(a) of the 2008 Order is fulfilled.

Statutory test 7(1)(c): Sound planning reasons for intervening

30 Paragraph (c) of the statutory test within Article 7(1) of the 2008 Order concerns whether the Mayor considers there to be sound planning reasons to exercise his power to become local planning authority in respect of determining the application. As discussed above, this site, and the development proposed, is considered to be of strategic as well as of Borough importance in terms of housing delivery. The redevelopment proposed has the potential to make a significant contribution to strategic housing and affordable housing targets. This report concludes under Test 7(1)(a), at paragraphs 27-29, that the proposed development, through the nature and scale of housing delivery to transform this brownfield site, would have significant impacts on the implementation of the London Plan.

Test 7(1)(c) Conclusion

31 The current and recent performance of the Council against development plan targets for the delivery of affordable housing has been considered above. Given the development's contribution to the London Plan targets, as well as the aims of the draft London Plan with regard to increasing the delivery of housing and affordable housing as well as the Build to Rent market, it is considered that there are sound planning reasons for the Mayor to intervene and decide that he becomes local planning authority in respect of the application, so as to provide the opportunity for him to give further consideration to the application and to determine it himself.

Draft London Plan

32 Whilst the assessment for Test 7(1)(a) above is based on the spatial development strategy for London (given the requirements of the Order 2008), which is the adopted London Plan, it is clear that were delivery to continue in line with the past record discussed above, there would be a further shortfall against draft London Plan targets for affordable housing. As such, the draft London Plan provides useful context for considering the scale of delivery expected. However, it has to be remembered that the draft London Plan has not been adopted, is to be the subject of examination from January 2019 and that its policies relating to housing requirements and supply are the subject of significant numbers of objections. The following paragraphs have to be read with these points in mind.

Draft London Plan – housing and affordable housing targets

33 Draft London Plan Policy H1 (Increasing Housing Supply) sets ten-year targets for net housing completions, which boroughs should plan for. Part B2 of the Policy requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites. The Strategic Housing Market Assessment (SHMA) that supports the draft London Plan identifies a need for 66,000 net additional homes per year. The draft London Plan proposes to increase Barnet's ten-year target to 31,340. In terms of annual monitoring, this target is set at 3,134 homes per year.

34 With regard to affordable housing, draft London Plan Policy H5 sets a strategic target for 50% of all new homes delivered across London to be affordable, although the SHMA recognises that the actual need is higher, at circa 43,500 affordable homes per year. At a local level, using the Mayor's 50% strategic target and the targets set out within the draft London Plan, Barnet is expected to provide 15,670 affordable homes over the 10-year plan period, or 1,254 affordable homes per annum; the proposed development would contribute to 20% of the annual target.

Draft London Plan – Build to Rent

35 In addition, the draft London Plan introduces a policy on Build to Rent at Policy H13, which recognises the product's unique position, building upon the text at paragraph 3.54 of the adopted London Plan. Draft policy H13 recognises that Build to Rent: can accelerate housing delivery through attracting investment into London's housing market; is less susceptible to housing market cycles and price downturns; will offer longer term tenancies and certainty for tenants; will ensure place-making through single ownership; and will provide better management standards. The proposed development would contribute to meeting the London-wide demand for rented properties, as well as contributing to the borough's housing targets.

36 The present affordable housing offer reflects this product: 70% of the affordable units will be let at 80% of market rent, in accordance with draft London Plan Policy H13; and 30% will be let at London Living Rent.

Matters which the Mayor must take into account

37 The Mayor must take account of the Council's current and past performance against development plan targets for new housing and affordable housing. The Mayor must also take account of any other targets set out in the development plan which are relevant to the subject matter of the application.

Housing and affordable housing

38 In this case, the relevant development plan targets relate principally to supply of net additional homes and net additional affordable homes; the relevant targets are set out above.

Whilst the information presented above sets out the position in terms of recent delivery against the Council’s development plan targets (i.e. in terms of new build completions), table 3 below sets out the Council’s performance in terms of planning approvals for housing and affordable housing in the borough.

Net approvals	FY2014 - 2015	FY2015 -2016	FY2016 -2017	Total	Performance against target
<i>Homes target</i>	2,255	2,349	2,349	6,953	173% of target (+5,051 units)
Homes consented	2,445	6,188	3,371	12,004	
<i>Affordable homes target</i>	1,128	1,175	1,175	3,478	32% of target (-2,364 units)
Affordable homes consented	93	711	310	1,114	

Table 3: LB Barnet’s performance against London Plan housing target and Local Plan affordable housing target in terms of planning approvals (source: London Development Database).

Table 3 demonstrates that, whilst the Council is currently performing well in terms of granting planning permission for additional housing, at a rate almost double the target, the Council is significantly under-performing in terms of granting planning permission for affordable homes. It is noted that just 9% of homes consented over the 2014 – 2017 period were affordable. As such, these figures indicate that planning approvals for affordable housing falls short of Barnet’s local target of 40% and the draft London Plan strategic target of 50% and represent a significant undersupply of affordable housing in the pipeline.

Issues raised at consultation stage

39 Notwithstanding the above, when considering whether to take over the application it is also relevant for the Mayor to have regard to the following planning issues which were raised at consultation stage. In this context, it should be noted that at this stage the Mayor is only considering whether to intervene by becoming the local planning authority. The Mayor is not at this stage required or being invited to reach any decision on the overall merits of the proposal and whether or not to grant planning permission. The planning issues identified at consultation stage (set out at paragraph 69 of the Stage I report) were identified as follows:

- **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.

Affordable housing

40 At consultation stage, the applicant was advised that whilst Build to Rent schemes can provide an entirely Discount Market Rent affordable offer, in order to qualify for the Fast Track route, schemes must provide at least 30% of units at London Living Rent and the remainder at a range of discounts below market level to be agreed with the borough. Furthermore, the applicant was advised that for the scheme to be considered Build to Rent it must meet the specific criteria set out 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. The consultation stage response advised the applicant that the proposed offer of rents at 80% of market rent would not qualify for the Fast Track route.

41 Since consultation stage and following discussions with GLA officers and Barnet Council, the applicant has amended their affordable housing offer to the following: 30% at London Living Rent; and 70% at Discount Market Rent (DMR) at 80% of market rent. In addition, it was confirmed that all affordable homes would be prioritised for local Key Workers. Based on the revisions to the proposal, the scheme could be considered to qualify for the Fast Track route, subject to securing all the above-mentioned criteria of Build to Rent housing.

42 Should the Mayor issue a direction to take over determination of the application, discussions on the affordable housing offer would continue with the applicant, noting that the Mayor will seek to maximise housing and affordable housing. In this regard, the Mayor will also have regard to the local target of 40%. Further discussions will also be required on the affordability of homes to ensure that the scheme provides genuinely affordable homes for Londoners and to ensure that review mechanisms are secured in line with the Mayor's Affordable Housing & Viability SPG.

Urban design

43 As set out within the Mayor's initial consultation response, whilst the applicant engaged positively in the pre-application process, there were a number of outstanding concerns, namely: the layout; access; residential quality; density; and inclusive design. Since consultation stage, the applicant has continued to engage positively with GLA officers to address several outstanding concerns and, should the Mayor opt to take the application over, these conversations should continue to ensure the best possible design.

44 The broad layout principles were supported at consultation stage, as it was recognised that they would address the edges of the site and provide enclosure from the M1 and A1, and the form and massing was supported. Since consultation stage, and as recommended by GLA officers, the applicant has centred the commercial and community uses around the middle of the site, creating an entrance square and a destination at the heart of the scheme. Should the Mayor choose to take over the application, further discussions on the layout of the residential units,

including access into the residential blocks, should be required to remove any north facing units and maximise dual aspect units.

45 The applicant has significantly improved the access into the site through acquiring the land to the immediate northeast of the site, fronting Bunn's Lane; this enables a more generous pedestrian entrance to be created. Discussions regarding pedestrian access into the site should continue should the Mayor become the Local Planning Authority, to ensure that the scheme is as integrated into the surrounding urban form as possible.

46 It is noted that Barnet Council's substantive refusal reason refers to the height and scale of the development. Should the Mayor issue a direction to take over determination of the application, the scheme's impact on the character and appearance of the area, as referred to in the reason for refusal, will be fully considered.

Climate change

47 At consultation stage, the applicant was asked to provide further information on the cooling for each non-domestic building as well as details on the heat network linking all buildings on the site. Should the Mayor take over the determination of the application, GLA officers will work with the applicant to address any outstanding matters, to ensure compliance with London Plan Policies 5.2 and 5.13 and draft London Plan Policies SI2 and SI13.

Noise

48 Should the Mayor take over the application, full details of noise mitigation measures, including materials that are chosen to mitigate against noise transfer, must be secured by condition.

Air quality

49 As noted in the Stage I report, GLA officers will seek to ensure that the proposed development will enhance localised air quality and ensure that the residential units all benefit from acceptable levels of air quality. An independent review of the Air Quality Assessment, undertaken on behalf of the GLA since the consultation response was issued, states that the air quality on the site can be made acceptable; however, further work and modelling will be required to justify the assumptions which have been adopted in the AQA, as well as to assess the nature of any necessary mitigation.

Transport

50 At consultation stage, a number of concerns were raised about the application proposals and the wider transport context. It was noted at consultation stage that the site's existing PTAL rating could be increased through improving the permeability of the site through the creation of new pedestrian and cycle access onto Bunn's Lane.

51 For this scheme to be successful, there must be specific improvements to local public transport infrastructure, including bus service enhancements and off-site measures to improve pedestrian and cycle links to Mill Hill Broadway, Grahame Park and bus stops along the A1 (and may require off-site bus priority). Should the Mayor take over the application, further discussion on this, as well as transport issues more broadly, must continue, noting that the applicant will be expected to feed into and respond to technical modelling to ensure that all transport issues are suitably addressed.

Response to consultation

Response to neighbourhood consultation

52 Barnet Council publicised the application by sending notifications to 3,455 addresses as well as issuing site and a press notice on 11 January 2018. A total of 664 objections and 3 letters of support were received.

53 The grounds for objection included the following:

- Scale, quantum, massing and height, as well as resultant impact on local views and local character;
- Impact on local services and traffic;
- Impact on the nearby UCL Observatory;
- Accessibility concerns;
- Substandard accommodation due to positioning of roads;
- Overshadowing of nearby residential dwellings; and
- Contrary to the adopted Planning Brief.

54 Following the receipt of amendments in June 2018, the Council carried out an additional full consultation, with 3,455 letters issued. As a result of this second consultation, an additional 79 letters of objection were received from local residents; the substantive points raised within these objections echo the above.

55 An objection was also received from Matthew Offord, the Member of Parliament for Hendon, which can be summarised as follows:

- Development constitutes overdevelopment;
- Inadequate access;
- Poor accessibility and concern about overspill parking on surrounding roads;
- Detrimental on the character of the area; and
- Unreasonable pressure on local services.

56 In addition, an objection was received from Andrew Dismore, Assembly Member for Barnet and Camden, which can be summarised as follows:

- Fails to comply with the site's Planning Brief;
- Loss of restaurant units will lead to a reduction in local amenities;
- Concerns regarding affordability;
- Build-to-Rent is an inappropriate product given the local demand for family-sized units;
- Excessive scale, limited play facilities and impact on light pollution;
- Impact on local services; and
- Poor accessibility.

Statutory and other consultee responses

57 The following statutory consultees have also commented:

- **Historic England:** Development should be considered in line with national and local policy guidance, and on the basis of the specialist conservation advice of the Council.
- **Historic England (archaeology):** No objection.
- **Natural England:** No objection, though advised to follow Natural England’s standing advice;
- **Thames Water:** No objection, subject to pre-commencement conditions that require the impact on existing water supply to be considered as well as the magnitude of additional capacity required. In addition, Thames Water were unable to assess the waste water infrastructure required and, therefore, suggested a Grampian condition limiting commencement until a drainage strategy had been submitted.
- **Sport England:** Sport facilities are not listed on the Barnet CIL list and therefore Sport England expressed concern that the sporting demand of the proposed development would not be addressed through CIL payments; as such, they stated that contributions should be made to sports facilities in any s106. Sport England also noted that they would register an objection should the scheme not commit to the requisite contributions.
- **Mill Hill Neighbourhood Forum:** Objected to the application on the following grounds: the application does not comply with local planning policies; height is excessive; outside of the Collindale Area Action Plan; disregards principles and requirements of the site’s Planning Brief; local infrastructure cannot cope with additional residents; concerns regarding air quality; concerns regarding light pollution and the impact on the UCL observatory; inadequate car parking spaces; affordability concerns; too dense; loss of restaurant use on the site; and design should, and does not, echo a garden suburb.
- **Mill Hill Preservation Society:** Objected to the application on the following grounds: scale and mass is excessive; detrimental impact on local views; height and bulk would cause significant overshadowing; poor quality housing and an over-dense development; no increase in community infrastructure; poor public transport accessibility; and concerns about the impact of light pollution on the UCL observatory.
- **London Cycling Campaign:** Objected to the application on the following grounds: fails to meet the wider aims of Barnet Council or the Mayor of London; concerns with the adequacy of the Transport Assessment; and lack of compliance with the Mayor’s Transport Strategy.

Representations to the Mayor

58 The Mayor directly received 6 letters of objection to the scheme, including: two letters from Andrew Dismore, Assembly Member for Barnet and Camden; letters from the Mill Hill Neighbourhood Forum, the Mill Hill Preservation Society and the London Cycling Campaign; and a letter from a local resident. All representations, both from individuals and from organisations, repeated the comments listed above, with the exception of the following:

- **Mill Hill Residents Association:** Objected to the application on the following grounds: height of buildings; density of the housing; parking levels proposed; air quality and noise; and the lack of local infrastructure to support the development.

Response to consultation – conclusion

59 Should the Mayor take over the application for his own determination, the consultation responses, and the issues raised within them, will be fully considered as part of GLA officer’s assessment of the application.

Legal considerations

60 The Mayor has the power to issue a direction under Article 7 of the Town and Country Planning (Mayor of London) Order 2008 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In order to issue a Direction and to act as the local planning authority the Mayor must be satisfied that the criteria set out in Article 7(1) of the 2008 Order are all fulfilled. In determining whether these criteria are fulfilled the Mayor is required to have regard to the matters set out in Article 7(3). He is also required to provide reasons for his decision. Those reasons must specify how the matters set out in Article 7(3) have affected his decision.

Financial considerations

61 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any approval of details applications (unless the Council agrees to do so).

Conclusion

62 Having regard to the details of the application and the development proposed, to the matters set out in Article 7(3) of the Order 2008, to the relevant planning issues, the Council's committee report and their reasons for refusal, it is concluded that the nature and scale of the proposed development and the issues raised give rise to a significant impact on the implementation of the London Plan with respect to housing and affordable housing supply. As set out above, there are sound planning reasons for the Mayor to intervene and issue a direction under Article 7 of the Order 2008.

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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.

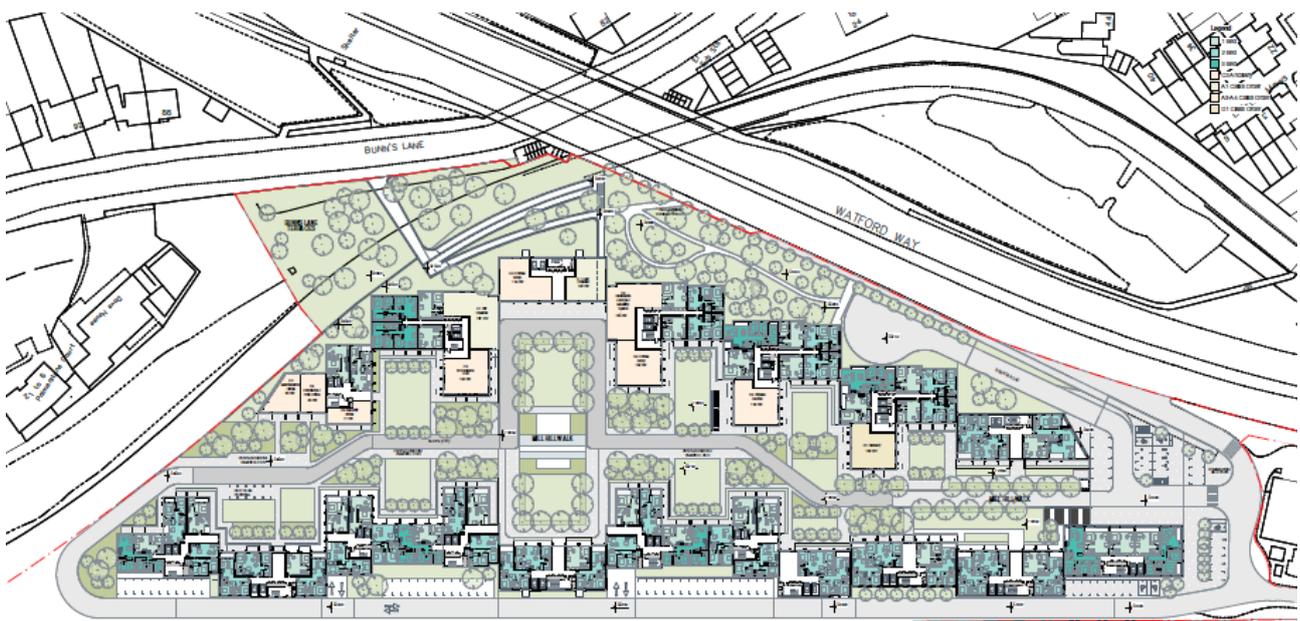
Layout

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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