

North London Business Park

Local Planning Authority: Barnet

Local Planning Authority reference 21/4433/OUT

Strategic planning application stage 2 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

Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential-led mixed use development comprising 2,428 homes, a 5-form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities, 7,148 sq.m. of flexible commercial floorspace, together with improvements to open space, site access and transport infrastructure, landscaping and car parking, with building heights ranging from three to 12-storeys.

The applicant

The applicant is **Comer Group** and the architect is **Plus Architecture**

Key dates

GLA pre-application meeting: August 2021 and October 2021

GLA stage 1 report: 21 March 2022

LPA Planning Committee decision: 15 December 2022 and 18 January 2023

Strategic issues summary

Barnet Council has resolved to refuse permission for this application. The Mayor must consider whether the application warrants a direction to take over determination of the application under Article 7 of the Mayor of London Order 2008. In this case, the test set out in Article 7(1)(a) is met as the application would have a significant impact on the implementation of the London Plan. Whilst the application is acceptable in strategic planning terms and there are no particular outstanding strategic planning issues, taking into account the specific circumstances of the application and, in particular the relatively low level of affordable housing provision that is proposed, GLA officers consider that **there are no sound reasons to intervene in this particular application** so Article 7 (c) is not met. There is therefore no basis to issue a direction under Article 7 of the Order 2008.

The Council's decision

In this instance Barnet Council has resolved to refuse permission.

Recommendation

That Barnet Council be advised that the Mayor is content for the Council to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal, or direct that he is to be the local planning authority.

Context

1. On 07 March 2023 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. This was referred to the Mayor under the following categories 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 1C: Development which comprises or includes the erection of a building more than thirty metres high and outside the City of London*
 - *Category 3B: Development which occupies more than 4 hectares of land which is used for Use Class B1 purposes and is likely to prejudice the use of that land for that use*

2. On 21 March 2022 the Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority, considered planning report 2021/0987/S1 (link to report [here](#)) and subsequently advised Barnet Council that the application does not comply with the London Plan for the following reasons:
 - **Land use principles:** The proposed optimisation of this consented residential-led masterplan to deliver an uplift of up to 1,078 new homes over the extant consent at a site which is locally designated for residential led mixed use redevelopment is supported.
 - **Housing:** The application proposes 10% affordable housing (67/33 London Affordable Rent / shared ownership). In the absence of a verified viability position, and noting the significant uplift in quantum proposed, this level of affordable housing is wholly unacceptable. The GLA Viability Team is rigorously scrutinising the submitted FVA to advance viability discussions and ensure that the maximum level of affordable housing is secured over the lifetime of the development. Review mechanisms are required and affordability levels must be secured via S.106.
 - **Urban design:** The proposed height and massing would have relatively significant visual prominence in this suburban context and would also impact upon the setting of the Metropolitan Open Land to the south and east. The applicant must provide additional views from within the Metropolitan Open Land to allow a full assessment of any harm to be undertaken. The applicant must also address issues in respect of housing quality, architecture, and height and massing.
 - **Transport:** The applicant must provide additional information in respect to; the transport assessment, public transport impacts, public transport improvements, the proposed shuttle service and vehicle and cycle parking. Noting the proposed uplift in quantum, the Council must appropriately secure; a contribution towards public transport improvements, vehicle and cycle parking, construction logistics, delivery and servicing and a travel plan.

- **Sustainable development:** Further information and clarification is required on the sustainable development strategies before compliance with the London Plan can be confirmed.
3. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.
 4. On 15 December 2022 Barnet Council decided that it was minded to refuse planning permission for the application. This was against the recommendation of its officers as set out in the Planning Committee Report. The reasons for refusal were confirmed and agreed at the following planning Committee meeting of 18 January 2023 and are as follows:
 - 1 *The proposed development, by virtue of its excessive height, scale, and massing result in a discordant and visually obtrusive form of development that would demonstrably fail to respect the local context and established pattern of development when viewed from the west of the site on Fernwood Crescent, Denham Crescent, Oakleigh Crescent and Oakleigh Road North as well as New Southgate Cemetery to the East, to the detriment of the character and appearance of the area, and the visual amenity of adjoining residential occupiers. The proposal would therefore not create a high-quality development, not constitute a sustainable form of development and would be contrary to the provisions of the NPPF, Policies D3, D4 and D9 of the London Plan 2021 and policies CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies 2012.*
 - 2 *The proposed development does not include a formal undertaking to secure the provision of affordable housing, community and health care floorspace, affordable workspace, off site nature conservation and play space provision, carbon off-setting, highways mitigation, non-financial and financial skills and employment, enterprise and training obligations. The proposal would therefore not address the impacts of the development, contrary to Policies CS5, CS9 and CS11 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04, DM10 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013), Paragraph 8 of the NPPF, Policy S2 of the London Plan 2021.*
 5. The application was referred to the Mayor on 07 March 2023. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged; direct Barnet Council under Article 6 to refuse the application; or, issue a direction to Barnet Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 20 March 2023 to notify the Council of his decision and to issue any direction.
 6. The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.
 7. The decision on this case, and the reasons, will be made available on the City Hall website: www.london.gov.uk

Application update

8. Following the initial consultation and assessment of the application, there have been amendments to the scheme. A summary of the changes are as follows:

August 2022

- Increase in community floorspace from 960 sqm to 1908 sqm within Block 3a. This involves a corresponding decrease of 474 sqm of retail space and 474 sqm of office space within Block 3a.
- Reduction in number of single aspect units within Blocks 1C, 1D and F and improvements in daylight to proposed units, with some minor alterations to the proposed unit size mix.
- As a result of the changes the number of units within the full (detailed) part of the proposals has reduced from 454 to 445 units.

October 2022 Changes

- Amendments to proposed Brunswick Park Road junction providing for a signal controlled junction to replace the existing crossroads arrangements and widening the eastern side of Brunswick Park Road, requiring an alteration to the Goldrill Drive part of the junction along with additional junction widening of the site access.

Response to neighbourhood consultation

9. Barnet Council publicised the application by sending 3,206 notifications to local addresses and by issuing site and press notices. The relevant statutory bodies were also consulted. Neighbouring residents were re-consulted on 21 October 2022 following the receipt of amended plans involving alterations to the junction arrangements including the installation of a signalised junction on Brunswick Park Road. Copies of all responses to public consultation, and any other representations made on the case, have been made available to the GLA.
10. Following the neighbourhood consultation process Barnet Council received a total of 879 responses, including 773 objections, 102 letters of support and 4 neutral responses. The reasons for objection and support raised as part of the neighbourhood consultation process are collectively summarised below.

Neighbourhood objections

- Original scheme should never have been approved and this adds to it.
- Proposal would increase density of the site by 80% over the previous appeal scheme.
- Ridiculous to add height to proposals which were already too high (on the previously approved scheme)
- Insufficient green space
- Proposal over large for surrounding area
- Insufficient car parking which will put pressure on surrounding roads.

- Insufficient infrastructure to support proposed housing including doctors, primary schools and surrounding roads and public transport.
- Local Primary schools over subscribed, and long waits at local doctor's surgeries
- Brunswick Park Road unable to cope with volume of traffic and additional bus services will not be able to get through.
- Proposals will add to local congestion and pollution.
- Proposed heights of up to 13 storeys out of keeping with surrounding area.
- Surrounding area is all low rise housing.
- Out of keeping with suburban character of the area
- Leverage of school proposals should be ignored in considered residential proposals.
- Too many properties proposed for the area.
- Proposals contradict local plan policies.
- Site is not within an identified tall building area and proposals are contrary to this point.
- Proposal would exceed site capacity of the draft Reg 22 local plan
- Proposal would destroy character of the area.
- Object to Weirdale Avenue link, as will encourage parking and movement through these roads which are already too narrow and full of parking.
- Proposals would cause mental and physical distress to neighbouring residents.
- Increasing population densities bad for health, environment and the economy.
- Lack of demand for flats post Grenfell and preference for houses with gardens post covid means properties could be unsold.
- High rise development could result in high crime rates and is building the slums of the future.
- Insufficient employment space left on site and surrounding area as a result of the development.
- Proposal would cause overlooking and loss of light to neighbouring properties, particular Brunswick Crescent and Meadsway
- Recent removal of trees has removed screening of development
- Disturbance caused by development which has commencement, traffic, vibration
- Damage which has been done to ecology on site, through removal of trees, draining of pond and activities on the top of the site.

Neighbourhood support

- Support provision of new school.
- Pupils have been in temporary accommodation too long, need permanent school building.

Responses from statutory bodies and other organisations

Teressa Villers MP

11. Objection on the following grounds:

- The previous application for 1,350 homes already amounted to an overdevelopment of the site. To add over a thousand new homes and raise building heights to 12 storeys is a very considerable increase in density and is unacceptable.
- Plans are wholly out of keeping with the character of the surrounding area which is made up of homes of one or two storeys. The height of the proposed tower blocks will make them visible on the skyline for miles around. Their position on high land will make them especially conspicuous and overbearing for surrounding streets.
- Scheme contravenes Barnet Local Plan policies on tall buildings. The site is not identified as suitable for tall buildings.
- The height, bulk, massing and density of the proposals is entirely inappropriate.
- The proposals conflict with and would severely damage the local character which the Barnet Local Plan aims to protect.
- Visible urbanisation of what is currently a suburban area.
- Scheme fails to deliver good quality design, being regimental and uniform in character and lacking variety. Use of repetitive building typologies and blocky massing.
- Proximity to the East Coast Mainline means that west facing flats will require active cooling contrary to the London Plan.
- Noise assessments show that readings along the railway are very high.
- Inward facing flats in the blocks have very poor sunlight and courtyards will be very dim in the winter.
- Impact of additional population on local GP services and NHS services.
- Lack of parking provision (just 367 spaces / 0.08 parking ratio) would result in significant parking pressure on the surrounding streets which would not be resolved by controlled parking because local residents do not support such schemes.
- The site has a poor PTAL rating with limited public transport options.
- It would be far better to separate the planning application for the new school building from the residential development proposed. The controversial nature of the housing is delaying the delivery of the school. These are two distinct proposals and there is no justification to link them in this way. Whilst I support the proposals for the new school buildings, I strongly oppose the residential component of the application.

Natural England

12. No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Historic England Archaeology

13. No objection, subject to conditions to ensure archaeological assessment and evaluation.

Highways Agency

14. No objection. We are satisfied that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network (SRN) (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111).

Sport England

15. Objection on the following grounds:

- It is not clear if the proposal meets the NPPF. It is not clear if the loss of playing field has been mitigated, whether there is a need for all the proposed facilities and whether the proposed sports facilities would be fit for purpose.
- As the playing field has not been used for at least five years, the consultation with Sport England is *not* a statutory requirement. Notwithstanding the non-statutory nature of the consultation, Sport England has considered the application in light of the NPPF and against its own playing fields policy and its own wider planning policy.
- Please note that Sport England applies its policy to any land in use as playing field or last used as playing field and which remains undeveloped, irrespective of whether that use ceased more than five years ago. Lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs.
- The proposed redevelopment would result in the loss of the disused playing field. The proposed development is a revision of the scheme approved in 2017 which Sport England had concerns so submitted an objection. The current application raises similar issues to the previous scheme therefore these comments are attached for reference purposes.
- Sport England has concerns with the Design detail of the proposed sports facilities. The dimensions for the proposed AGP does not appear to align with FA guidance.
- Community use should be secured in a Community Use Agreement (CUA) so that the community are able to access the facilities in the long-term.
- Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site via either CIL or a S106 financial contribution. The level and nature of any provision should be informed by a robust evidence base

such as the Council's Playing Pitch Strategy, Built Facility Strategy or another relevant robust and up-to-date needs assessment.

Network Rail

16. No objection. Following assessment of the details provided to support the above application, Network Rail has **no objection in principle to the development**, but below are some requirements which must be met, especially with the proximity of the development to high voltage overhead line equipment and a railway tunnel

CWC and NHS Primary Health Care Centre NLBP

17. Support for the following reasons:

- We have been in discussions with the applicant to occupy 1,900 sqm within Block 3A of the application scheme.
- We are an independent charity which delivers purpose designed and built CWC LiveWell & NHS Primary Health Care Centres in Greater London. CWC owns and manages each LiveWell Centre and delivers local community focused healthy living programmes, social prescribing support and social prescribing programmes from Centres co-located with NHS primary health care. CWC and the local churches are working together to design a joint use of the CWC accommodation.
- CWC's proposal would be to relocate both Oakleigh Road Clinic and Brunswick Park Health Centre into the new NLBP regeneration area and at the same time provide a co – located CWC LiveWell Centre.
- There is a clear need for the NHS to relocate both practices, which currently occupy out-dated and non-compliant premises, into new purpose designed and built primary health care accommodation and this would help us put both nearby facilities into a single centre.
- The relocation of Brunswick Park Health Centre away from its current site could also provide benefits to the Council.
- The relocation of both Brunswick Park Health Centre and Osidge Library into a purpose designed new community facility would be a significant local benefit.
- Request that if the Council is minded to grant planning permission, measures are secured by planning obligation: shell and core, in community use, peppercorn rent.

LB Enfield

18. Raised the following comments relating to transport impact:

- More information is therefore required to properly assess whether the development will have an impact on the surrounding road network. Based on the PTAL calculator, the site is considered to have poor access to public transport. As part of the extant 2020 permission, a financial contribution was

secured as part of the S106 to provide an additional bus service on the 382 bus route. Given that it is not be feasible to divert any existing TfL bus services through the site, it is proposed that the financial contribution sum is increased to reflect the uplift in residential development. This is positive, however, it is unclear from the TA what impact the proposed development will have on bus capacity, clearly there will be an increase in trips, but it is not known what impact the development will have on this mode of travel and whether existing users will be negatively affected.

- A low level of car parking is proposed for the development (0.08 spaces per dwelling) and therefore it is concluded that car travel will subsequently be lower at the development. In addition to this, a number of measures such as a financial contribution towards improved local bus services, the provision of on-site car club bays, and cycle maintenance/repair kits available and an accompanying Travel Plan document are proposed for the development to encourage sustainable travel.
- We have concerns about the developments impact on the surrounding road network. Junction capacity assessments had not been undertaken at the time of preparing the TA. Without this information we cannot determine what the proposals impact will be on LB Enfield's road network and whether mitigation is required.

Thames Water

19. No objection, subject to conditions relating to waste water network upgrades, infrastructure phasing plan and confirmation that capacity exists to serve the development.

Metropolitan Policy Crime Prevention Design Advisor

20. No objection, subject to condition requiring Secure by Design accreditation on each phase prior to occupation.

Herts and Middlesex Wildlife Trust

21. This ecological report does not provide a measurable assessment of biodiversity net gain. Submission of a preliminary survey is not appropriate to support a full or outline planning application. No such definitive mitigation or compensation measures are contained in the preliminary ecological report. The application cannot be approved without this information and it cannot be left to condition as stated in the preliminary report.

Representations to the Mayor

22. The Mayor has not received written representations on the application.

Response to public consultation - conclusion

23. Having considered the local responses to public consultation and having noted the Council's Planning Committee Report, GLA officers are satisfied that the statutory and non-statutory responses to the public consultation process do not raise any

material planning issues of strategic importance that have not already been considered in this report, or in consultation Stage 1 report.

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

24. The initial statutory test regarding the Mayor's power to take over and determine applications referred under categories 1 and 2 of the schedule to the Mayor of London Order 2008 is a decision about who should have jurisdiction over the application rather than whether planning permission should ultimately be granted or refused.
25. The test consists of the following three parts, all of which must be met in order for the Mayor to take over the application:
 - (a) significant impact on the implementation of the London Plan;
 - (b) significant effects on more than one borough; and
 - (c) sound planning reasons for his intervention.
26. Parts (a) and (b) of the test identify the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the 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.
27. Article 7(4) of the Order 2008 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.
28. This report considers the extent to which the statutory tests under Article 7(1) apply in this case and whether, therefore, the Mayor should direct that he is to be the local planning authority and apply the tests set out under Article 7(3) of the Order 2008. 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.

Matters which the Mayor must take into account

29. In deciding whether to give a direction under Article 7, 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.

London Plan policy context – housing and affordable housing

30. London Plan Policy H1 seeks to ensure the delivery of 522,870 net additional homes between 2019/20 and 2028/29, which equates to circa 52,287 homes annually. In terms of affordable housing, London Plan Policy H4 sets a strategic target for 50% of all new homes delivered across London to be genuinely affordable. The 2017 London Strategic Housing Market Assessment (SHMA) shows that there is a need for approximately 43,500 affordable homes a year.

Recent delivery – London-wide housing completions

31. Table 1 below sets out London-wide housing delivery against the London Plan targets, within the past five years (2017/18 to 2021/22), including the most recent available annual dataset from the GLA's London Datastore. The tables show that overall housing and affordable housing completions have fallen below the applicable pan-London housing targets during this period.

Table 1 – London-wide housing supply in terms of net housing completions and affordable housing supply (2019/20 to 2022/23)

	2019/20	2020/21	2021/22	Total	Delivery (% of target)
Housing Target	42,388	42,388	52,287	137,063	77%
Net housing completions	32,621	34,008	38,734	105,363	
Affordable Homes Target	17,000	17,000	26,144	60,144	35%
Net affordable completions	7,301	5,680	8,300	21,281	

Source: Planning London Datahub (GLA London Datastore), Residential completions dashboard <https://data.london.gov.uk/dataset/residential-completions-dashboard>

Recent housing delivery – Barnet Council

32. Table 2 sets out Barnet Council housing delivery against the London Plan targets, within the past three years of monitoring (2019/20 to 2022/23) including the most recent available dataset. As shown below, overall housing completions in Barnet during this period has not met the minimum London Plan housing target. Affordable housing delivery in Barnet has also fallen significantly short of meeting the required completion figures.

Table 2 – Barnet Council housing supply in terms of net housing completions and affordable housing supply (2019/20 to 2021/22)

	2019/20	2020/21	2021/22	Total	Delivery (% of target)
Housing Target	2,364	2,364	2,364	7,092	67%
Net housing completions	1,490	1,101	2,165	4756	
Affordable Homes Target (50%)	1,182	1,182	1,182	3,546	1%
Net affordable completions	343	-410	103	36	

Source: Planning London Datahub (GLA London Datastore), Residential completions dashboard <https://data.london.gov.uk/dataset/residential-completions-dashboard>

33. It is noted that the Council's approval figures for both overall and affordable housing during this period do show that higher levels of overall and affordable housing have been permitted. The net housing permitted in Barnet during this three-year time period exceeds the London Plan housing completions target as shown below. 17% affordable housing has been achieved on the net additional homes permitted during this period.

Net housing permitted in Barnet Council (2019/20 to 2021/22)

	2019/20	2020/21	2021/22	Total
Affordable	461	1,219	283	1,963
Market	4,393	2,925	2,118	9,436
Total	4,854	4,144	2,401	11,399
Percentage Affordable	9%	29%	12%	17%

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

34. The application proposes the mixed use redevelopment of the site to provide the following:
- 2,428 homes, of which, 246 homes would be London Affordable Rent and 266 would be intermediate shared ownership (21% affordable housing)
 - a 5-form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities, together with improvements to open space
 - up to 7,148 sq.m. of flexible commercial use
 - site access and transport infrastructure, landscaping and car parking
 - building heights ranging from three to 12-storeys.
35. The development is therefore considered to be of a scale that could have a significant impact on the implementation of London Plan, noting that the scheme would make a substantial contribution towards meeting the minimum housing targets in the London Plan and in terms of social and education infrastructure provision. As such, it is considered that the test set out in Article 7(1)(a) of the Order 2008 is met.

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

36. 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. The application is acceptable in strategic planning terms and there are no particular outstanding strategic planning issues, as set out in more detail below. However, taking into account the specific circumstances of this application, GLA officers consider that there are no sound reasons to intervene in this case. In reaching this conclusion, GLA officers have taken into account the relatively low level of affordable housing being proposed (21% comprised of 246 low cost rent homes and 266 intermediate shared ownership homes). Whilst the affordable housing level has increased since Stage 1 which is welcomed, the overall quantum of

affordable homes is below the level expected for a large scale residential scheme such as this (2,428 homes in total). This therefore fails to meet one of the key objectives set out in the Mayor's London Plan. As such, Article 7 (c) is not met.

Article 7 tests conclusion

37. For the Mayor to issue a direction that he is to be the local planning authority, all relevant statutory tests must be met. The application would have a significant impact on the implementation of the London Plan so the test set out in Article 7(1)(a) is met. However, whilst the application is acceptable in strategic planning terms and there are no particular outstanding strategic planning issues, taking into account the specific circumstances of the application, GLA officers do not consider that there are sound reasons to intervene in this particular application, so Article 7 (c) is not met. There is therefore no basis to issue a direction under Article 7 of the Order 2008.

Relevant policies and guidance

38. Since consultation stage, the following are now material considerations:

- London Plan Guidance: Air Quality Neutral LPG; Air Quality Positive LPG; Circular Economy Statements LPG; Be Seen Energy Monitoring LPG; Whole Life Carbon LPG; Urban Greening Factor LPG; Walking and Cycling LPG; Fire Safety draft LPG; Public London Charter LPG;
- In November 2021, Barnet Council submitted their Draft Local Plan (Reg 19) June 2021 for Examination in Public. The draft Local Plan includes the North London Business Park site as a allocation with an indicative capacity for 1,350 residential units alongside a school, multi-use sports pitch, employment and associated car parking.

Land use principles

39. The proposed further optimisation of this consented residential-led masterplan to deliver an uplift of up to 1,078 new homes over the extant planning permission was supported at Stage 1. The uplift in flexible commercial floorspace was also supported.

40. GLA officers note that the Council's recommended draft conditions and S106 Heads of Terms would have secured the delivery of the proposed public open space, the proposed secondary school, indoor gymnasium / sports hall and outdoor multi-use all weather sports pitch and MUGAs. A Community Use Agreement was also proposed which would enable community use of the facilities outside of school hours. This is supported. The approach to social infrastructure provision and flexible commercial and employment uses is supported. As such, the application complies with the land use objectives set out in the London Plan and would accord with London Plan Policy H1, S1, S2, S3, S4, S5 and E2.

Housing

Affordable housing and viability

41. At Stage 1, the application was proposing 10% affordable housing, with a 67/33 tenure mix between London Affordable Rent and intermediate shared ownership. This was considered to be wholly unacceptable in the absence of an agreed and verified viability position.
42. In line with the Viability Tested Route, the GLA's in-house viability team has rigorously scrutinised the applicant's Financial Viability Appraisal to ensure that the scheme that the maximum viable level of affordable housing is secured over the lifetime of the development. As a result of these discussions, the applicant subsequently agreed to increase the overall percentage of affordable housing on the entire scheme to 21% by both unit and habitable room. The tenure split between low cost rent and intermediate housing is 48/52 by unit and 53/47 by habitable room. It is the opinion of GLA officers that this represents the maximum viable level of affordable housing that the scheme can provide at this time.
43. As a comparison, the extant hybrid planning permission on the site which was granted by the Secretary of State in January 2020 (LPA ref 15/07932/OUT) provided 1,971 homes on the site, of which, 135 homes would be affordable (10%).
44. The Mayor's Stage 1 report also stated that review mechanisms were required and affordability levels must be secured via the S106 agreement. These were included in the draft S106 Heads of Terms included in Barnet Council's Planning Committee Report.
45. The Council's recommended draft Heads of Terms contains no specific details regarding housing affordability by tenure. To comply with the London Plan, the following affordability levels would need to be secured:
 - Low-cost rent products should be secured at social rent or London Affordable Rent (LAR) levels, in line with the published LAR benchmarks. These are significantly less than the NPPF definition for affordable rent, which is not considered affordable as a low cost rent product in London.
 - London Shared Ownership units should be affordable to households on incomes up to a maximum of £90,000 a year and a range of affordability levels should be provided below the maximum £90,000 household income cap. Generally, shared ownership is not considered to be affordable where unrestricted market values of a home exceed £600,000 and, where this is the case, other intermediate products should be considered.
 - Any intermediate rent products, such as Discount Market Rent (DMR) or London Living Rent (LLR) should be subject to a maximum income cap of £60,000.
 - Furthermore, all intermediate tenure households should not be required to spend more than 40% of their net income on overall housing costs, including service charges.
46. Should the application be considered at appeal, compliance with these requirements should be secured using the GLA's recommended S106 standard wording in terms of definitions and clauses for affordable housing tenures.

47. In addition, given the size and multi-phased nature of the proposed development, appropriate phasing obligations should be secured to ensure the timely provision of affordable housing by tenure linked to the occupation of market housing within each residential phase of the scheme.
48. 10% of the homes proposed would be M4(3) compliant wheelchair accessible, in line with London Plan Policy D7.
49. Should the application be considered at appeal, these planning obligations being secured, in line with the London Plan.

Play space and open space provision

50. The masterplan has three main public parks with an overall size of 22,680 sqm, as shown below. This is a significant public benefit associated with the proposed scheme. Two central parks are proposed referred to as New Brunswick Park South and New Brunswick Park North which would be connected by the parkway green route. Phase 1 which would comprise a 400 sq.m. playground adjacent to the remodelled lakeside park. Play space provision would also be located along the existing green way route into the site from the south via Oakleigh Avenue.
51. In total, the scheme proposes 2,517 sq.m. of neighbourhood play space within the public realm which would be available to all tenures and the wider community. This would be supplemented by a further 2,532 sq.m. of doorstep play space provision located within the residential courtyards within perimeter blocks.



2.1 New Public Parks

52. The GLA's play space calculator has been used to assess play space requirements for the site. The landscape strategy proposes that the overall play space requirements for children aged between 0 to 5 and 5 and 11 years would be met on-site, with off-site provision for children aged 12 to 16. This is acceptable, noting

that large areas of the site are taken up by the secondary school and 3G pitch and multi-use games area. It is also noted that the draft S106 agreement Heads of Terms sought to ensure that these facilities would be made available to the public via a community use agreement, which is welcomed. However, to ensure compliance with the London Plan and Play and Informal Recreation SPG, the shortfall in place space provision on site should be mitigated by a financial contribution towards improved play space provision in the wider area.

Heritage

53. There are no conservation areas close to the site. As noted at Stage 1, the nearest statutory listed building/ structure is the Grade II listed Memorial to German First World War Internees in New Southgate Cemetery. This is located within a generous grass verge and embankment adjacent to the main access route into the cemetery from the gate at Brunswick Park.
54. The significance of this heritage assets is derived from its historic significance and meaning, given the memorial's role in commemorating the German civilians who were interred at Alexandra Palace in a prison camp, including the 51 internees who died during their internship and were buried in New Southgate cemetery. The memorial is not of any particular architectural or aesthetic interest and its setting does make a significant contribution to its overall significance.
55. The immediate setting of the memorial within the cemetery would be unchanged. The proposed blocks would be visible in the wider context in this view behind the existing tree line, which would increase the extent of built form visible in the backdrop of this view compared to the existing situation where the employment buildings are visible through the tree line (TVIA view 7). However, GLA officers consider that the change to the wider existing urban backdrop in this particular view would not harm to the significance of the Grade II listed First World War Internees memorial. The application therefore complies with London Plan Policy HC1.

Urban design

56. The urban design and landscape approach in terms of movement and overall perimeter block layout follows the key principles embedded in the extant planning permission which are supported and responds appropriately to the site opportunities and constraints.
57. The architectural approach proposes a series of rectilinear blocks of flats and terraced streets which would have a simple grid like appearance, predominantly clad in brick with appropriate levels of detailing and depth incorporated in the elevations to provide interest. This is supported.
58. The residential quality of the detailed element of the scheme is acceptable. Residential homes would all be provided with private outdoor amenity space in the form of balconies, winter gardens, terraces or rear gardens. Nearly half of the proposed homes would be either dual or triple aspect and there are no north facing single aspect homes proposed. The issues associated with noise generated by the adjacent railway has been appropriately considered and mitigation measures would have been secured by condition, in line with the London Plan.

Height, massing and tall buildings

59. In terms of the height and massing, the scheme proposes tall buildings in a location which is not identified as suitable for tall buildings, as summarised in paragraphs 35 to 38 of the Mayor's initial Stage 1 consultation response. The application is therefore contrary to the plan-led and locational principle set out in London Plan Policy D9, Part B.
60. The Council's first reason for refusal relates to the height, scale, and massing which is considered excessive and detrimental to the local context and character when viewed from the west of the site on Fernwood Crescent, Denham Crescent, Oakleigh Crescent and Oakleigh Road North as well as New Southgate Cemetery to the East. This relates to views 16, 18, 19 and 7 of the TVIA as noted above. GLA officers recognise that the proposed development would have an adverse townscape impact on these views. However, this is considered to be acceptable, on balance, noting the overall public benefits set out in paragraph 96 and noting that no heritage assets would be harmed in any of the views.
61. The scheme would not harm any local or strategic views. Overall, taking into account the findings of the applicant's TVIA, GLA officers consider that the proposed height and massing could be accommodated on this large site without causing a significant adverse impact on the surrounding townscape or local character.
62. There is limited visibility of the proposed development in the medium and long-distance views tested from streets and open spaces to the east, south and north of the site. This is due to the overall site size and sloping topography of both the site and surrounding area. The proposed layout of the site is also important in this respect which places the secondary school and playground adjacent to Brunswick Park Road and sites the taller blocks within the centre of the site, with predominantly terraced housing to the north.
63. Where the scheme would be visible in immediate views from around the site, the impacts are broadly comparable with the previous application which was permitted and are not considered to cause any townscape harm.
64. The proposed development would have a more noticeably greater visual impact in views from the west, for example view 16 (Fernwood Crescent) and views 18 and 19 (Oakleigh Road). The development would be prominent in these views, altering the background context in the suburban street scene and representing a step change in height and massing within what is a suburban area. However, GLA officers do not consider that the proposed development would cause a significant detrimental harm to the townscape character, given the clear separation from the suburban context due to railway line and topography and due to the fact that the proposed scheme would be viewed as a more distant contemporary development at a higher density within in the suburban context.
65. TVIA view 7 shows that there would be a noticeable visual impact on New Southgate Cemetery close to the Grade II listed First World War Memorial, compared to the existing baseline position in which the existing employment buildings can be seen through the gaps in the trees during winter time. The proposed buildings would significantly increase the quantum of built form in view in the backdrop of this view from within the cemetery. However, as set out above,

GLA officers have assessed this view and have concluded that the visual impact of blocks would not harm the significance of the Grade II listed First World War Internees memorial. New Southgate Cemetery is not a conservation area of Grade Listed Park or Garden. Therefore, the harm to the caused to the overall visual character of the cemetery is considered to be, on balance, acceptable.

66. In terms of environmental impact in terms of wind, daylight, sunlight overshadowing is considered to be acceptable and would not cause any unacceptable impacts. The architectural quality of the proposed tall buildings in the detailed element is acceptable. Furthermore, the proposals would accord with the design-led approach to optimising the housing capacity of the site, in line with the London Plan.

Conclusion – tall buildings

67. The application is contrary to the plan-led and locational principle set out in London Plan Policy D9, Part B. However, GLA officers therefore consider that the height and massing of the scheme could comply with the qualitative assessment criteria set out in Part C of London Plan Policy D9. The visual, functional, environmental and cumulative impact of the proposed scheme is acceptable. As such, notwithstanding the conflict with the plan-led and locational principle set out in Part B of London Plan Policy D9, GLA officers consider that in this instance, the tall buildings are, on balance, acceptable, taking into account the compliance with the qualitative criteria and overall planning balance as set out in that section below.

Fire safety

68. A fire statement has been prepared by a third party suitably qualified assessor demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. A condition was included within the Council's draft decision notice to ensure that the proposed fire strategy was secured.
69. The detailed phase of the scheme includes blocks ranging in height from 3 to 10-storeys. The applicant's fire statement confirms the heights of blocks measured from the lowermost external ground level to the topmost floor level. This confirms that none of the blocks in the detailed phase would exceed the 30 metre threshold and therefore would not require additional staircases to comply with the proposed changes to Building Regulations.
70. It is noted that the outline phase includes blocks rising to 12-storeys which would require second staircases to be provided, given that these would exceed the 30-metre height threshold. The additional staircases should be added as part of Reserved Matters Applications and this should be required as part of the associated planning condition. On this basis, it is considered that the proposal is in line with the key principles set out in London Plan Policy D12.

Transport

Transport Assessment

71. TfL requested a cumulative assessment of the impact on public transport and road network in the area. The applicant has provided further technical information on

this aspect, and this has informed our comments below, and this is general in accord with advice TfL has provided to the applicant team, and we can confirm the impact on Arnos Grove London Underground station is considered appropriately. TfL has provided some detail comments on aspects of the technical assessment that still need to be addressed.

Active Travel Zone

72. At the consultation stage TfL welcomed the Active Travel Zone (ATZ) assessment. The proposed offsite measures should be agreed and secured by section 106 or 278 agreement as appropriate as set out in the committee report. Bus shelters renewal is supported subject to sufficient available footway space, based on TfL Bus Stop Accessibility Guidance. For works to TfL assets, further discussion with TfL will be required, and approvals.

Public Transport

73. At the consultation stage, TfL welcomed improved bus access to the site, which was in the form of better pedestrian links to offsite bus stops and works to improve existing bus stops. These include providing a new pedestrian link to Russell Lane and the bus stops serving Route 125, as well as a contribution to increase frequency on route 382 to the east.
74. TfL requests that the previously agreed contribution to mitigate additional bus trips; £825,0000 is secured with indexation and uplifted in line with the increase in development quantum. The proposal for the committee report was a Bus Services Contribution of up to £1,525,000. This would be acceptable to TfL if secured in s106 agreement.
75. At the consultation stage TfL expressed concern about the applicant proposed new traffic signals on Brunswick Park Road. TfL is responsible for signals across London, and to introduce new signals for this site, we need the local highway authority to be supportive, plus formal justification of signals and supporting modelling, Road Safety Audits and Healthy Streets Designer's Check in accord with TfL guidance. The emerging design prepared by the consultants needs further technical work before TfL can agree the design is acceptable, however, we believe on balance the proposal bring safety and active travel benefits for those accessing the site.

Shuttle bus

76. TfL expressed concerns about this aspect at the consultation stage. The committee report refers to obligation on this matter, TfL request safeguards are included in s106 to protect TfL services from any detrimental impact, particularly in relation to pick-up and drop off arrangements. TfL concern would be prolonged dwell times may impact TfL operations and passengers.

Cycle parking

77. TfL requested further detail of cycling parking to ensure its in accord with London Cycle Design Standards, this should be secured by conditions and reassurance provided that conditions meet the design standards.

Car parking

78. London Plan Policy T1 sets mode shift targets for London as part of the strategic approach to target. The approach to car parking though more restrained than the extant permission, does not support mode shift set out in the London Plan, would require car parking restraint from the outset and level of car parking proposed for phase 1 does not represent sufficient restraint to support mode shift. TfL would indicate that a parking ratio of 0.5 or lower would be welcome.
79. TfL stated the approach to Blue Badge accessible and Electric Vehicle charging seems to be in accord with policy. These should be secured through a site wide car parking management plan.

Travel demand

80. The Travel Plan, Car Park Management Plan, Delivery and Servicing Plan, and Construction Logistics Plan should be secured by planning condition or within the planning agreement.

Climate change and environmental issues

Energy

81. The energy strategy comprises a site wide Air Source Heat Pump-led strategy, alongside energy efficiency measures and solar panels. Overall, this would ensure a 52% CO₂ reduction over and above Building Regulations compliant development, of which 41% would be achieved via the ASHP network and solar panels and the remaining 12% via energy efficiency measures.
82. This complies with the minimum on-site requirements for CO₂ reductions in the London Plan. However, the scheme falls short of achieving the zero carbon target. As such, a carbon offset payment is required which is estimated at £4,196,877. The scheme should also be future proofed to enable connection to a district heat network in the future. Monitoring of the actual energy performance of the built scheme should also be secured in line with the Be Seen criteria set out in the London Plan.
83. Circular Economy Statement and Whole Life Cycle Carbon Assessments were submitted, in line with the London Plan. Conditions were recommended by the Council in its Committee Report to secure further details of these assessments.

Urban greening, trees and biodiversity

84. A range of urban greening methods are proposed as part of the scheme, including large green open spaces, green roofs and landscaped courtyards and front and back gardens, street trees and rain gardens and green verges within the public realm. GLA officers consider that the opportunities for urban greening have been maximised as part of the landscape strategy.

85. The applicant has calculated that the scheme would achieve an Urban Greening Factor score of 0.42 across the completed masterplan. This exceeds the benchmark London Plan target of 0.4. This is considered acceptable and complies with London Plan Policy G5.
86. A number of trees would be removed to facilitate the proposals, including 19 Category B trees and 51 Category C trees. This has been appropriately justified and compensated in line with London Plan Policy G7. The loss of trees would be mitigated by planting 189 new trees in phase 1 and circa 470 trees new trees across the site. This is acceptable, on balance, given the site constraints, proposed mitigation and noting the overall benefits associated with the comprehensive redevelopment of the site. The proposal would result in a biodiversity net gain.

Noise

87. The noise issues associated with the proximity of certain blocks to the railway line to the west and the adjacent roads has been assessed and modelled, with appropriate acoustic design and noise mitigation measures proposed which would ensure compliance with the recommended World Health Organisation and British Standards in terms of noise levels. Conditions were recommended in the Council's Committee Report to secure these details. This complies with London Plan Policy 14.

Air quality

88. The air quality in this location is below the UK objective levels in terms of impacts on human health and there is therefore no need for any specific mitigation to be provided on the proposed buildings. Impacts on air quality would be minimised as a result of the relatively low car parking ratio proposed for Phase 1 (0.08 spaces per home), the renewable energy based energy strategy comprising an Air Source Heat Pump-led system, together with the site wide landscape and urban greening proposals and measures to enhance local walking and cycling routes and bus capacity. The applicant's ES concludes that the proposals would comply with the Air Quality Neutral standard in the London Plan.

Conclusion – climate change and environmental matters

89. On this basis, the application is in line with the environment and climate change policies in the London Plan.

Draft S106 Heads of Terms

90. As noted above, the Barnet's Planning Committee Report dated 15 December 2022 recommended the approval of the application. The Committee Report included the following draft Heads of Terms which Barnet Council officers recommended should be secured via Section 106 planning obligations:

Affordable housing

- 21% affordable housing by units across the whole development (2,428 units in total) on the basis of the following tenure split.

- Affordable Rent (246 units) comprised of 20 x 1 bed; 136 x 2 bed; and 90 x 3 bed units.
- Shared Ownership (266 units) comprised of 92 x 2 bed and 174 x 2 bed units.
- Early, Mid and Late Stage Viability Review Mechanisms to be agreed in liaison with the GLA.

Social infrastructure

- School plot – land transfer to the Education Funding Agency on a levelled, decontaminated and serviced plot.
- Community Use Agreement
- Details of new community and healthcare space and its delivery within Block 3A via a long lease at a peppercorn rent provided to CWC (or alternative provider to be agreed in writing with the Local Planning Authority).

Public Open Space

- Provision of Public Open Space which shall remain open and accessible to the general public.

Employment use

- Details of delivery of Small and Medium Enterprise Business Space including start up units, tenancy details and rental costs

Transport

- Provision of Minibus Services in perpetuity, details of number of vehicles, frequency of movement and mechanism of funding to be specified.
- Bus Services Contribution of up to £1,525,000
- Betstyle Circus Feasibility Study
- Off-site highway works and transport measures via Section 278 Works
- Funding for measures identified in the ATZ.
- Funding for local junction improvements including the main access (Brunswick Park Road) upgrade and signalisation.
- Funding to improve Cycling /walking experience as identified in the TAA, including a new link to Ashbourne Avenue & associated works.
- Provision of wayfinding signage.
- Funding to upgrade and widen the footways on Brunswick Park Road (to the south and north bound bus stops) to provide 3m wide footways to each of the respective bus stops.
- Contribution towards a review of the signalised junctions (J1, J3 and J8) will be undertaken with the TfL signals team to determine if any appropriate and proportionate mitigation can be delivered at these locations. Contribution towards implementation of the findings.

- CPZ monitoring contribution & provision for permit restriction in any future schemes
- Travel Plan measures and monitoring

Climate change and biodiversity

- Carbon Offset Payment (Currently estimated at £4,196,877)
- Reptile Receptor Site Protection, Management and Monitoring

Other

- Local Employment Agreement

Legal considerations

91. Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. Mayor also has the power under Article 7 to direct that he will become the local planning authority for the purposes of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

92. Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.
93. Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.
94. 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 reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Overall planning balance

95. The application is considered to be acceptable on balance. The proposals comply with London Plan policies relating to social infrastructure, health and social care facilities, education and childcare facilities, sport and recreation facilities, housing, play and recreation, housing, heritage, transport, urban greening and climate change.
96. In terms of tall buildings, the application is not compliant with the plan-led and locational principle set out in London Plan Policy D9 Part B. However, GLA officers therefore consider that the height and massing of the scheme could comply with the qualitative assessment criteria set out in Part C of London Plan Policy D9. The visual, functional, environmental and cumulative impact of the proposed scheme is acceptable. As such, notwithstanding the conflict with the plan-led and locational principle set out in Part B of London Plan Policy D9, GLA officers consider that in this instance, the tall buildings are, on balance, acceptable, taking into account the compliance with the qualitative criteria in Part C of London Plan and noting the overall public benefits which are set out below.
97. There are a number of public benefits associated with the application including:
- 2,428 homes, of which, 21% would be affordable comprised of 246 London Affordable Rent and 266 Intermediate Shared Ownership homes.
 - a 5-form entry secondary school which would help meet the need for secondary school places in this part of north London, together with the ancillary sport facilities within the school, including a gymnasium, a multi-use sports pitch and associated changing facilities which would be subject to a Community Use Agreement to allow for public access out of school opening hours and at weekends.
 - three main public parks with an overall size of 22,680 sq.m.;
 - small scale health care facilities;
 - flexible commercial units for Small and Medium Sized Enterprises;
 - site access and transport infrastructure improvements, including new pedestrian and cycle linkages through the site via the proposed landscape public open spaces and greenway route.
98. These public benefits are considered to significantly outweigh the conflict with Part B of London Plan Policy D9.

Conclusion

99. The application would have a significant impact on the implementation of the London Plan so the test set out in Article 7(1)(a) is met. However, whilst the application is acceptable in strategic planning terms and there are no particular outstanding strategic planning issues, taking into account the specific circumstances of the application and, in particular, the relatively low level of affordable housing provision that is proposed on such a large site, GLA officers consider that **there are no sound reasons to intervene in this particular application**, so Article 7 (c) is not met. There is therefore no basis to issue a direction under Article 7 of the Order 2008.

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We are committed to being anti-racist, planning for a diverse and inclusive London and engaging