

MAYOR OF LONDON

Andrew Dillon
Barnet Council
Barnet House
1255 High Road
Whetstone
LONDON N20 0EJ

Our ref: D&P/0543g/MKC/02
Your ref: 17/2840/OUT
Date: 18 December 2017

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
Grahame Park Estate: Plots 10,11 and 12
Local planning authority reference: 17/2840/OUT

I refer to your letter of 5 December 2017 informing me that Barnet Council is minded to grant planning permission for the above application. I refer you also to the notice that was issued on 5 December 2017 under the provisions of article 5(1)(b)(i) of the above Order.

Having now considered a report on this case, reference D&P/0543g/02 (copy enclosed), I conclude that the loss of 257 social rented homes is wholly unacceptable, given London's chronic need for affordable housing, and the importance of estate regeneration schemes providing replacement homes; the application is therefore contrary to the policies of my draft London Plan, my Affordable Housing and Viability SPG, my draft Good Practice Guide to Estate Regeneration, as well as the London Plan. Furthermore, the failure to secure an appropriate transport contribution results in a negative impact on the ability of existing and future residents to use local bus services, which is also unacceptable.

I therefore direct you to refuse planning permission, under the powers conferred on me by Article 6 of the above Order. My reasons are as follows:

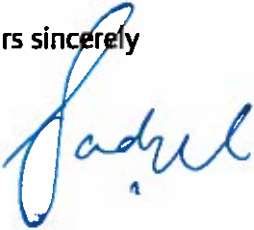
- **Affordable housing provision:** The application demonstrably fails to replace the existing affordable housing on either a unit, floorspace or habitable room basis, and results in the loss of 257 existing social rented units. The proposals are therefore contrary to London Plan Policy 3.14, draft London Plan Policy H10, the Mayor's Affordable Housing and Viability SPG and the Mayor's draft Good Practice Guide to Estate Regeneration.

- **Transport:** In the absence of a planning obligation that provides a minimum of £840,000 to deliver additional bus capacity, the impact of additional peak hour trips on the bus network in this area remain unmitigated and are therefore likely to have unacceptable impact on the public transport network, as well as failing to ensure that alternatives to the private car are accessible and appealing, contrary to London Plan policies 6.3 and 8.2 and draft London Plan policies T3 and DF1.

The current application represents an opportunity missed, and I am of the firm belief that it is possible to secure amendments to this proposal that will deliver replacement social rented housing, and secure the necessary transport mitigation. I would therefore be minded to withdraw this direction if the applicant were to submit revisions that would: propose a scheme which better optimises the site, providing a denser, high-quality housing development with no net loss of affordable housing on a like for like basis and; is able to fully mitigate its impact on the transport network.

I therefore urge the Council to hold this direction in abeyance and engage with my planning officers, TfL, and the applicant, together with relevant stakeholders, including the local community, and expedite an amended scheme which ensures the comprehensive, high-quality, redevelopment of the Grahame Park estate, and delivers the genuinely affordable homes that residents of Barnet desperately need.

Yours sincerely



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
Sue Rowlands, Tibbalds Planning and Urban Design, 19 Maltings Place, 169 Tower Bridge Road, London, SE1 3BJ

18 December 2017

Grahame Park Estate: Plots 10, 11 and 12

in the London Borough of Barnet

planning application no. 17/2840/OUT

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

Hybrid application seeking outline permission for the demolition of 630 existing residential units, GP practice, community hall, library and retail units and the construction in three phases (plots 10, 11 and 12) of: 1,083 residential units; a community hub (comprising a community hall and workshop rooms, a daycare nursery, a GP health centre, community health facilities and ancillary office accommodation) along with cafe; retail space; a flexible ground floor space within Block 10B; a new energy centre to provide district heating; and associated car parking, open space, landscaping and access arrangements. Full details are submitted for access, layout, scale, appearance and landscaping of plots 10, 11 (with the exception of Plot 11B) and 12. Full details of Plot 11B are submitted for layout and scale, with access, appearance and landscaping to be dealt with as reserved matters.

The applicant

The applicant is **Genesis Housing**, and the architect is **Tibbalds/Mae Architects**.

Key dates

- **GLA pre-application meeting:** 1 February 2017
- **Stage 1 representations issued:** 11 September 2017
- **Barnet Council committee meeting:** 23 November 2017

Strategic issues summary

Comments with respect to urban design and climate change have been appropriately addressed. The proposals result in a net loss of 257 social rented accommodation contrary to Policy 3.14 of the London Plan, Policy H10 of the draft London Plan, the Mayor's Affordable Housing and Viability SPG and the Mayor's draft Good Practice Guide to Estate Regeneration. Barnet Council has failed to secure the necessary planning obligations to make the development acceptable in transport planning terms. The application is therefore contrary to London Plan Policy 6.3 and draft London Plan Policy T4.

The Council's decision

In this instance Barnet Council has resolved to approve permission.

Recommendation

That Barnet Council is directed to refuse planning permission under Article 6 of the Mayor of London Order 2008, for the reasons set out in this report.

Context

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

2 On 31 May 2017, 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 Categories 1A and 1C of the Schedule to the 2008 Order:

- 1A *“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.”*
- 1C *“Development which comprises or includes the erection of a building of one or more of the following descriptions—
(c) the building is more than 30 metres high and is outside the City of London.”*

3 On 11 September 2017, the Mayor considered planning report D&P/0543g/01, and subsequently advised Barnet Council that that the application does not comply with the London Plan, for the reasons set out in paragraph 73 of the report; but that the possible remedies set out in that paragraph could address these deficiencies.

4 A copy of the above-mentioned report is attached. 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. On 23 November 2017, Barnet Council (the Council) resolved to approve planning permission subject to signing of a Section 106 agreement, in line with Council officer's recommendation, and on 5 December 2017 advised the Mayor of this decision. 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 planning permission or issue a direction under Section 2A of the Town and Country Planning Act 1990 in accordance with Article 7 of the 2008 Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor has until 18 December 2017 to notify the Council of his decision and to issue any direction.

5 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.

6 The Mayor's decision on this case, and the reasons, will be made available on the GLA's website www.london.gov.uk. Outstanding issues.

7 At the consultation stage, Barnet Council was advised that, while the application accorded with the development plan in many respects, the principle of development was not supported as it was not in accordance with the London Plan, the Mayor's Affordable Housing and Viability SPG, and the Mayor's draft Good Practice Guide to Estate Regeneration. The applicant was required to address the following issues below:

- **Principle of development- housing:** The loss of social rented units is wholly unacceptable. GLA officers will work with the applicant and the Council to ensure that the application accords fully with the London Plan, Mayor's Affordable Housing and Viability SPG, and draft Good Practice Guide to Estate Regeneration.

- **Urban design.** The overall strategy and levels of residential quality are supported, although further work is required to address blank frontages and details are required in relation to the design of Plot 11 and Block 10A.
- **Climate change:** The application is broadly compliant with London Plan policy on climate change mitigation, subject to securing an appropriate carbon offset payment and the provision of information verifying this compliance.
- **Transport:** Car parking should be reduced and cycle parking provision increased in line with London Plan policy. Trip rate should be reassessed and provide details of bus trips. The applicant should also clarify arrangements for ambulance parking and provide further information in relation to bus priority measures and the cycling strategy.

Strategic planning policy and guidance update

8 On 1 December 2017, the Mayor published his draft London Plan for public consultation.

Outstanding issues

Principle of development - housing

Background

9 This application is part of a four-phase housing estate renewal programme. The London Plan, draft London Plan, the Mayor's Affordable Housing and Viability SPG, and the Mayor's draft Good Practice Guide to Estate Regeneration, support the principle of housing estate renewal, and recognise the potential strategic and local benefits of a well-designed approach, which seeks to optimise densities and deliver qualitative and quantitative improvements to London's affordable housing stock. The benefits of this application in development plan policy terms are acknowledged and addressed within the Mayor's consultation report, but include:

- Up to 1,083 new homes set in generally high quality public realm, replacing 630 homes of poorer quality;
- redevelopment of 'The Concourse' and delivery of infrastructure essential to the delivery of later phases;
- delivery of a Community Hub of approximately 3,952 sq.m, which exceeds the indicative floorspace requirements set out in Grahame Park SPD;
- multi-purpose hall along with community workshop rooms providing flexible space;
- outdoor terrace for community use;
- cafe;
- day care nursery and secure outdoor space;
- GP surgery to serve 15,000 patients (increasing from the 7,500 currently served by the Everglade Medical Practice), and
- accommodation for Children's Services and Community Health.

10 Nevertheless, notwithstanding the benefits to be delivered by this application, London Plan Policy 3.14 and draft London Plan Policy H10 resist the loss of affordable housing, unless it is replaced at existing or higher densities with at least equivalent floorspace. Draft London Plan Policy H10 and the Mayor's Affordable Housing and Viability SPG make clear that, with applications relating to housing estate renewal, existing affordable housing should be replaced on a like-for-like basis, and there should be no net loss of existing affordable housing tenures, including social rented accommodation; it is the general expectation that, where social rented floorspace is lost, it should be replaced by general needs rented accommodation with rents at levels based on that which has been lost. London Plan Policy 3.12 'Negotiating Affordable Housing' and draft London Plan Policy H10 seek to secure the maximum amount of affordable housing and draft London Plan Policy H6 sets out the viability tested route that should be used when making this assessment.

11 At Stage I information submitted by the applicant and Barnet Council demonstrated that the 557 existing social rented units within the application boundary were to be replaced by a mixture of 39 social rent, 153 London Affordable Rent, 166 London Living Rent and 294 intermediate shared ownership units. As such, there would be a net loss of 518 social rented homes, contrary to London Plan Policy 3.14, draft London Plan Policy H10, the Mayor's Affordable Housing and Viability SPG and draft Good Practice Guide to Estate Regeneration. Given the level of loss and the scope of development envisaged within the two remaining stages of the Grahame Park renewal programme, it is essential that this be addressed within the scope of the current application. This is fundamental to optimising the output of affordable housing, on public land and within an opportunity area, across the whole of the Grahame Park Estate renewal programme.

Viability

12 It was the applicant's contention that the provision of more social rented units would make the scheme unviable. A financial viability assessment (FVA) was submitted in support of the application, however, this had not been independently assessed by Barnet Council at the initial consultation stage.

13 At Stage I, GLA officers had carried out an initial assessment of the FVA and identified that the scheme could be undervalued by up to £17 million, which indicated that the application as proposed may viably be able to provide a mix that included more social rented housing. A full review of viability, and detailed discussion with the applicant and the Council, was therefore required.

14 Following the Stage 1 report, the applicant has submitted further information relating to viability and GLA officers have undertaken a robust and rigorous assessment of the applicant's viability appraisal and supporting information, in full accordance with Policy H6 of the draft London Plan and the Mayor's Affordable Housing and Viability SPG. This demonstrated that the provision of more affordable housing would be unviable within the current scheme.

Loss of social rented units

15 Table 2 of the Stage I report aggregated information provided by the applicant and Barnet Council and projected the change in housing numbers and tenure over the whole of the regeneration programme. By necessity, this relied on a number of assumptions in the absence of all relevant information. Since the consultation stage, the applicant has provided additional information that has allowed GLA officers to produce a more accurate breakdown of the estate and its historic and proposed redevelopment. As well as providing better context with regards to other phases, the new information also allows for a more accurate assessment of the current scheme.

16 Barnet Council and the applicant have now confirmed the number of original social rented units to be retained within Stages A and B1, as well as how many will remain within the plots designated for later stages upon completion of the current application. The applicant also contends that, in addition to the 235 social rented units already delivered in Stage A, an additional 116 social rented units have also been delivered in development that is part of the wider Grahame Park Estate regeneration programme and therefore should be considered within a revised calculation. These developments are summarised as follows:

- South Adastral Village: The applicant contends that this was developed by Notting Hill Housing Trust to re-house Grahame Park tenants. Planning permission was obtained in July 2001 (Barnet Council ref: W02260DQ/01) to replace 102 existing residential units with 318 new dwellings. The applicant contends that the tenure split included 100 social rented units and 59 units for general needs shared ownership.
- Withersmead: The applicant contends that 16 social rented units were delivered on a disused car park within Plot 13 of the Grahame Park Estate.

17 The applicant has also provided an account of 8 units that have been acquired on the open market by the applicant and let out at social rents, as well as 38 units acquired by tenants under the 'Right to buy' scheme since 2004.

Grahame Park Estate Regeneration Programme- Social Rented homes reprovided and retained.		
Social Rented (SR) homes on original estate (2004)		1,365
SR units retained in Stages A and B1	220	
SR units remain within areas designated for Stages B2 and B3	415	
Right to buys Since 2004	38	
Therefore SR units required for full reprovion by the end of Stage B1		692
SR units that would be delivered by end of Stage B1 (current application)		
Current application SR	39	
Current application LAR	153	
Right to Buy units purchased by applicant and let out as SR	8	
SR units delivered in Stage A	235	
Adastral Village	100	
Withersmead	16	
Social rented units delivered by applicant by the end of Stage B1		435
Including Withersmead and Adastral		551
Net loss of SR units at end of Stage B1		257
Including Withersmead and Adastral		141

Table 1: Calculating the net loss of social rented accommodation by unit.

18 In addition to 39 homes being proposed at social rents within the current application, the applicant is also proposing 153 units at levels based on social rents (London Affordable Rents). For the purpose of London Plan Policy 3.14, and in line with draft London Plan Policy H10, it is agreed that these units constitute replacement on an equivalent basis. GLA officers have subsequently recalculated the net loss of social rented units. Table 1 sets this out, tracking the loss through the Grahame Park Estate regeneration programme.

19 Whilst the programme approach can be appropriate for the purpose of comprehensively assessing re-provision of affordable housing on estate regeneration schemes in accordance with Policy H10 of the draft London Plan, the Mayor's Affordable Housing and Viability SPG, and the Mayor's Good Practice Guide to Estate Regeneration, the applicant has not provided evidence sufficient to allow consideration of the units delivered in the Adastral Village and Withersmead developments. Unless evidence can be provided to demonstrate otherwise, it must be assumed at this stage that these developments were assessed against planning policy at the time of determination and the level of affordable housing provided in each case was assessed in isolation and considered appropriate on that basis. To do otherwise, without confirmatory information, risks double counting. It must be stressed, however, that the residual overall net loss of social rented accommodation would be wholly unacceptable in any case. The assessment above includes a scenario whereby these units are counted as additional social rented units delivered in the estate wider programme, should additional information be submitted as part of a revised application, or should the application be considered at appeal. Nevertheless, the 'best case scenario' would still involve a net loss of 141 social rented units.

20 Using all of the information available at the time, the Stage I report assessed that the current application would result in a net loss of 518 social rented units, requiring the later Stages of the wider programme to deliver 1,091 social rented units in order to avoid an overall net loss. Taking account of the new information provided by the applicant and Barnet Council, it has been demonstrated that the current application would result in a net loss of 257 social rented units, which would require the later stages to deliver 672 social rented units (either new build, refurbished or a hybrid) to avoid an overall net loss.

21 At Stage I, whilst floorspace figures were provided demonstrating that the existing 557 social rented units consisted of 46,447 sq.m., full comparative floorspace figures of the breakdown of units set out in Table 1 has not been provided. In the absence of information allowing for a robust assessment of floorspace, GLA officers have made a series of assumptions in order to estimate an equivalent floorspace calculation. Using an average of 83.39 sq.m. per unit, it has been estimated that the 692 social rented units required for full re-provision (as identified in Table 1) would equate to 57,704 sq.m. It has also been estimated that the 243 social rented units either delivered in Stage A or purchased under 'Right to buy' equate to 20,264 sq.m. In addition the current application proposes 3,578 sq.m. of social rented floorspace, and 15,319 sq.m. of floorspace at London Affordable Rent. In floorspace terms, using the information made available to GLA officers, it is estimated that the current application would deliver a net loss of 18,543 sq.m. of social rented floorspace. This is set out in Table 2.

22 The calculation in Table 2 shows that a significant net loss of social rented accommodation by both units and floorspace is proposed. As assessed at stage I, and given the level of loss proposed within the current application, it would be unrealistic to assume that this shortfall could be deferred and addressed within the two remaining stages, which envisage a total of approximately 1,100 units. Successfully addressing this issue within the current application is therefore fundamental to optimising the output of affordable housing, on public land and within an opportunity area, across the whole of the Grahame Park Estate renewal programme. As such the proposals are contrary to London Plan Policy 3.14, draft London Plan Policy H10, the Mayor's Affordable Housing and Viability SPG and the Mayor's draft Good Practice Guide to Estate Regeneration.

Tenure	Existing units	Floorspace sq.m. (GIA)	Proposed/ delivered units	Floorspace (GIA)
Social rent	692	57,704	39	3,578
London affordable Rent			153	15,319
Purchased under 'Right to buy'			8	667
Delivered in Stage A			235	19,597
Total	692	57,704	435	39,161
Loss (existing less proposed/ delivered)	257 units		18,543 sq.m.	

Table 2: Calculating the net loss of social rented accommodation by floorspace.

Urban design

23 At the consultation stage the overall strategy and high levels of residential quality were supported, although further discussion was required with regards to potential blank frontages and the detailed design of Plot 11 and Block 10A.

24 Further detail has since been submitted illustrating how ground floor units have been incorporated to wrap active frontages around the south-east corners of Block 10, and as a result active ground floor makes up approximately 75% of the frontage onto Woodland Walk. This is welcomed.

25 The applicant has also explained the rationale for the design of Block 10B, with the intention being to provide a secure access from street level to which only residents have access. The applicant contends that this approach provides a balance between providing security as well as a visually open and attractive access to the podium. This is accepted.

26 At Stage I further detail was requested with regards to Plot 11D. It is now understood that Plot 11D is submitted in outline only, and the parameter plans submitted establish layout and scale only for this plot. It is therefore accepted that no further detail is yet available for Plot 11D. The additional information provided following consultation stage appropriately addresses comments raised, and consequently the application is consistent with the design policies of the London Plan and draft London Plan.

Climate change

27 The proposals include the delivery of core infrastructure enabling the provision of the wider district heating network. At the consultation stage this was strongly supported and the applicant was advised that the scheme was broadly compliant with London Plan policy on climate change mitigation, subject to securing an appropriate carbon offset payment and the provision of information verifying this compliance.

28 Draft London Plan Policy S12 states that where the zero carbon target cannot be achieved, any offset can be addressed through providing a cash in lieu contribution to the Council's offset fund. The information provided by the applicant demonstrates that the proposal falls short of the zero carbon target by 563 tonnes of carbon dioxide. As such a carbon dioxide offset contribution of £1,013,400 is required, which has been secured by section 106 legal agreement. The application now complies with London Plan Policy 5.2 and Policy S12 of the draft London Plan.

Transport

29 At consultation stage, the applicant was required to review its trip rate assessment, as rates appeared too low and did not provide details of bus trips. This has not been undertaken, though TfL's own estimate is that the development will generate 250 bus trips during the peak hour. There are ongoing changes planned to bus services in Colindale as a result of growth in the area, including Grahame Park. An increase in frequency on either route 125 or 303 is therefore being considered. Recognising the viability constraints, the minimum contribution requested was £840,000 which delivered a 3 year frequency increase on the 303. This reduced contribution is a significant compromise given the full cost of providing the typical increase on route 125 would have required £2,500,000. Whilst Barnet Council has agreed to the principle of securing a contribution, no sum has been specified and therefore there is no guarantee that the impact on the bus network will be appropriately mitigated. This is a serious omission, contrary to London Plan Policy 6.3 and draft London Plan Policy T4.

30 At the consultation stage, the applicant was also required to reduce the level of parking proposed for the community centre, increase the level of cycle parking provision, and required to clarify the provision of parking for ambulances. The width of the carriageway of the primary route was queried and further work was also required in relation to detailed matters, including mitigating the impact on the transport network.

31 There have since been several discussions between GLA and TfL officers and the applicant, and updated information has been submitted. The applicant has confirmed that parking for ambulances would be provided in a bay to the north of the community hub, adjacent to the secondary entrance. The applicant also confirmed that the quantum of cycle parking complies with London Plan standards.

32 The level of car parking associated with the community centre has not been reduced. The applicant contends that there is no specific car parking standard for community uses and therefore the current level proposed can be accepted. Whilst a reduction in car parking would have been welcome, it is acknowledged that the 57 spaces would be unlikely to generate a large number of peak hour journeys and therefore will have a relatively limited impact on the local road network. Furthermore, the spaces could be used for events at the community hub and improve the long term viability of the facility. As such the level of car parking is reasonable.

33 The applicant has agreed to amend the design of the primary highway route through the site in line with TfL guidance. The road would now be narrower to discourage overtaking and improve safety for cyclists and pedestrians. Conditions have been proposed to ensure that the design of the primary highway route will be determined in consultation with TfL to ensure that the layout will be safe and be suitable for bus operations.

Response to consultation

34 The Council notified local residents by letter, as well as site notices and a notice published in the local press on 6 June 2017. Residents were reconsulted on 26 June 2017, to correct errors in the original consultation letter. The Council received 3 objections from residents, and a written objection from St. Margarets Church. The grounds of objection can be summarised as follows:

- Transport: Insufficient car parking proposed.
- Housing: New units too expensive for existing residents, existing leaseholders being made homeless.

35 The Council received 7 expressions of support, these can be summarised as follows:

- Transport: Support, however, underground capacity should be increased, more car parking should be provided and clarification sought regarding proposed changes to the road network.
- Design: Original estate architecture is poor and the proposals represent a welcome improvement. Support for landscaping proposals overall, but questions raised concerning detailed landscaping proposals adjacent to St. Augustines Church.
- Regeneration: The proposals will help ongoing regeneration of Colindale area.
- Community facilities: Support, however, concern raised with regards to future function of the Colindale Communities Trust, the One Stop Shop and Community Hub and Cafe facilities.

Statutory consultees

- Historic England: No objection.
- Thames Water: Consider that the existing waste water infrastructure is incapable of accommodating the proposed development. As such, a Grampian condition should be imposed requiring necessary drainage works to be submitted, approved and delivered prior to any discharge from the development into the local sewerage network. This has been secured.
- Environment Agency: No objection subject to appropriate conditions and informatives. These have been secured.
- National grid: No objection subject to a condition requiring the contractor to contact Plant Protection before any works are carried out, to ensure that National Grid apparatus is not affected by any of the proposed works. This has been secured.
- Metropolitan Police Crime Prevention Design Advisor: No objection. Advice offered with regards to various aspects of design.
- Natural England: No objection

36 The objections raised have been considered in the Council's Committee Report of 23 November 2017 and where they affect strategic policies have been considered in this report and the Mayor's Stage One report. Minor amendments have been made to address comments made in relation to the landscaping proposals around St. Augustine's Church, although these do not raise any strategic concerns.

Draft section 106 legal agreement

37 The draft section 106 agreement includes the following provisions:

- Early and late stage review of viability.
- Delivery of the Community Hub to the satisfaction of the Council, including a contribution of £7.6 million towards delivery.
- A contribution to fund improvements to bus services on commencement of construction of Plot 11 or 12 but the detail of the amount has not been secured..
- A s106 monitoring contribution.
- A contribution towards planting new trees off site, to achieve a 2:1 replacement planting ratio in the wider area.
- A carbon off-set payment of £1,013,400.
- The provision of a sustainable transport strategy and travel plans.
- The provision of improvements to publicly accessible open space in Heybourne Park.

Legal considerations

38 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. The Mayor may direct refusal if he considers that to grant permission would be

(a) contrary to the London Plan or prejudicial to its implementation; or

(b) otherwise 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.

39 The Mayor also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. 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.

40 The Mayor may also leave the decision to the local authority.

Officer recommendation – Article 6: Direction that the Mayor refuse planning permission

41 Section 38(6) of the Planning and Compensation Act 2004 requires the decision to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

42 As set out above, the Mayor may direct refusal if he considers that either of the two tests detailed above apply. Further to the consideration of the strategic issues within this report, the likely environmental impacts of the development and the proposed mitigation as well as the Mayor's consultation report and Barnet's planning committee report dated 23 November 2017, GLA officers have concluded that while the application accords with many of the policies of the development plan, the outstanding issues raised at consultation stage regarding the wholly unacceptable provision of affordable housing as well as the lack of appropriate transport mitigation are so fundamental for the reasons detailed within this report that the grant of planning permission would be contrary to the London Plan, draft London Plan, the Mayor's Affordable Housing and Viability SPG, and the Mayor's draft Good Practice Guide to Estate Regeneration and prejudicial to their implementation.

43 Despite several meetings with GLA officers aimed at resolving these issues, the applicant has not addressed these concerns and the Mayor is therefore recommended to direct refusal under Article 6 of the Order for the reasons set out below:

- **Affordable housing provision:** The application demonstrably fails to replace the existing affordable housing on either a unit, floorspace or habitable room basis, and results in the loss of 257 existing social rented units. The proposals are therefore contrary to London Plan Policy 3.14, draft London Plan Policy H10, the Mayor's Affordable Housing and Viability SPG and the Mayor's draft Good Practice Guide to Estate Regeneration.
- **Transport:** In the absence of a planning obligation that provides a minimum of £840,000 to deliver additional bus capacity, the impact of additional peak hour trips on the bus network in this area remain unmitigated and are likely to have an unacceptable impact on the public transport network, as well as failing to ensure that alternatives to the private car are accessible and appealing, contrary to London Plan policies 6.3 and 8.2 and draft London Plan policies T3 and DF1.

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

44 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance, for the reasons detailed above, GLA officers are recommending that the Mayor directs that Barnet Council refuse the application.

Financial considerations

45 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

46 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.

47 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).

Conclusion.

48 The Mayor is therefore recommended to direct refusal under Article 6 of the Order for the reasons set out above.

for further information, contact GLA Planning Unit (Development & Projects Team):

Juliemma McLoughlin, Assistant Director – Planning

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Sarah Considine, Senior Manager – Planning Decisions

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Matt Christie, Case Officer

020 7983 4409 email matt.christie@london.gov.uk

GREATER LONDON AUTHORITY

planning report D&P/0543g/01

11 September 2017

Grahame Park Estate: Plots 10, 11 and 12

in the London Borough of Barnet

planning application no. 17/2840/OUT

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

Hybrid application seeking outline permission for the demolition of 630 existing residential units, GP practice, community hall, library and retail units and the construction in three phases (plots 10, 11 and 12) of: 1083 residential units; a Community Hub (comprising a community hall and workshop rooms, a daycare nursery, a GP Health centre, community health facilities and ancillary office accommodation) along with cafe; retail space; a flexible ground floor space within Block 10B; a new energy centre to provide district heating; and associated car parking, open space, landscaping and access arrangements. Full details are submitted for access, layout, scale, appearance and landscaping of plots 10, 11 (with the exception of Plot 11B) and 12. Full details of Plot 11B are submitted for layout and scale, with access, appearance and landscaping to be dealt with as reserved matters.

The applicant

The applicant is **Genesis Housing**, and the architect is **Tibbalds/Mae Architects**.

Strategic issues

Housing: The loss of social rented units is wholly unacceptable. The initial viability assessment demonstrates that more social rented units could be provided. GLA officers will work with the applicant and the Council to ensure that the application accords fully with the Mayor's Estate regeneration BPG, Affordable Housing and Viability SPG, and the London Plan (paragraphs 22-36 and 42-48).

Urban design. The overall strategy and levels of residential quality are supported, although further work is required to address blank frontages and details are required in relation to the design of Plot 11 and Block 10A. (paragraphs 51-58).

Climate change: The application is broadly compliant with London Plan policy on climate change mitigation, subject to securing an appropriate carbon offset payment and the provision of information verifying this compliance. (paragraphs 59-62).

Transport: Car parking should be reduced and cycle parking provision increased in line with London Plan policy. The applicant should also clarify arrangements for ambulance parking and provide further information in relation to bus priority measures and the cycling strategy. (paragraphs 63-67).

Recommendation

That Barnet Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph of this report; but that the possible remedies set out in paragraph 73 of this report could address these deficiencies.

Context

1 On 31 May 2017 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 has until 12 July 2017 to 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 consultation period has been extended to 11 September 2017 with the agreement of Barnet Council. 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 the following Categories of the Schedule to the Order 2008:

- 1A *"Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats."*
- 1C *"Development which comprises or includes the erection of a building (c) 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 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.

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

Site description

6 The Grahame Park estate is the largest housing estate in the London Borough of Barnet, with 1,777 homes and is situated within the Colindale/ Burnt Oak Opportunity Area, as identified by the London Plan. Built in the 1970s on the site of the former Hendon Aerodrome, it is bounded by Lanacre Avenue to the west, Grahame Park Way to the south and east, and Filed Mead to the north.

7 The application site relates to the part of the estate around what is known as 'the Concourse' and is bound by Lanacre Avenue to the west and the rest of the Grahame Park Estate to the north, east and south. In the 2016 Grahame Park estate SPD this site is Plots 10,11 and 12 within Stage B.

8 Quakers Close bus stop is within the site boundary and serves the 186, 204, 303 and N5 routes and the 632 and 642 can be accessed from Corner Mead to the north east. The nearest underground station is Colindale on the Edgware branch of the Northern Line, 800 metres to the west. National Rail services can also be accessed from Mill Hill Broadway, 2 kilometres to the north. As a result the Public Transport Accessibility Level varies between 2 and 3 across the site, on a scale of 1 to 6b, indicating a poor level of public transport accessibility.

Details of the proposal

9 The Grahame Park estate SPD splits the estate regeneration into Stages A and B. Stage A has now mostly been delivered and Stage B is broken into three phases. The development proposals cover Phase 1, which includes “the Concourse”, containing much of the retail floorspace used by the residents of the estate, and a small part of Phase 3, currently occupied by the existing energy centre. Figure 1 shows the application boundary and how this relates to the SPD phases.



Figure 1: Application site boundary, Grahame Park estate SPD Phases and plots 10, 11 and 12.
Note: The site encompasses all of Phase 1 and part of Phase 3.

10 There are currently 630 residential units within the application boundary. The applicant proposes demolition of these units and associated retail floorspace and replacement with:

- 1,083 new residential units.
- A community hub. This comprises an entrance and reception area, a 250 sq.m. multi-purpose hall, a community workshop providing flexible space, a day care nursery for 75 children with secure outdoor space, a cafe, a GP surgery sized to serve 15,000 patients, accommodation for childrens services and community health facilities and ancillary office accommodation.

Estate Regeneration Best Practice

22 The Mayor has identified affordable housing as one of his key priorities, and is committed to ensuring the successful regeneration of London's housing estates. In line with the Mayor's draft Best Practice Guidance on Estate Regeneration, applicants are expected to set out:

- Details of a full and transparent consultation and engagement between the applicant and existing residents.
- Details of how the proposals offer full rights to return for displaced tenants and a fair deal for leaseholders.
- How demolition will only be allowed where it does not result in a net loss of social housing, or where all other options have been exhausted.

23 The applicant has provided a statement of community involvement and a statement of consultation setting out the details of the consultation process relating to the Grahame Park SPD, and how representations have been addressed. At Stage II Barnet Council will be expected to provide further information setting out the consultation arrangements relating to the current planning application.

24 Of the existing residents, 47 are on social rented secure tenancies. It is proposed that 39 of these would be reprovided within the proposed affordable housing in order to re-house the existing social rent tenants, with the remaining eight tenants being housed elsewhere either through choice or because of a need (such as sheltered accommodation). The specific financial arrangements relating to the freeholders and leaseholders have not been set out. The applicant should provide this information before the Mayor sees this application again.

Reprovision of social rented accommodation

25 London Plan Policy 3.14 resists the loss of housing, including affordable housing, unless it is replaced at existing or higher densities with at least equivalent floorspace. The Mayor's Affordable Housing and Viability SPG makes it clear that, with applications relating to housing estate renewal, such cases schemes are required to ensure that existing affordable housing is replaced on a like-for-like basis with better quality accommodation, providing at least the equivalent floor space of affordable housing. There should be no net loss of existing affordable housing tenures (including social rented accommodation).

26 At the pre-application stage the applicant was advised that the application could be supported in principle in a scenario whereby more than 50% affordable housing was achieved, as long as it could also be demonstrated that the affordable tenures were replaced on a like-for-like basis. Information provided by the applicant and Barnet Council officers has since enabled a more holistic assessment of this application and the wider Grahame Park estate renewal programme against this expectation.

27 The application broadly covers the second phase of what is envisaged to be a four phase renewal of the Grahame Park Estate. In order to contextualise the proposals Table 2 sets out how the current application fits within the overall programme in terms of overall housing numbers and tenure split.

Stage/ Phase	Private (includes purchased under 'right to buy')	Affordable tenures			Units demolished	New units	Original units
		Social rent	Affordable rent	Intermediate			
Original estate	412	1,365	0	0			1,777
A	331	235	38	80	284	684	
B:1	431	39	319	294	630	1,083	
End of B:1	762	274	357	374	914	1,767	863
B:2	300 (Estimated)					300	
B:3	800 (Estimated)					800	
End of programme	1,091 social rented units would have to be provided in B:2 and B:3 to avoid net loss				1,777	2,867	0

Table 2: Projected change in housing numbers and tenure split over estate regeneration programme

28 Having started with 1,777 residential units, 1,365 of which were social rented units, the estate is projected to have approximately 2,867 units at the end of the delivery programme. The full details for Stage B Phases 2 and 3 are yet to be determined, and the tenure splits unknown. It can be seen, however, that these phases would need to provide 1,091 social rented units in order to avoid an overall loss of social rented accommodation. Given that these phases only envisage delivery of around 1,100 units between them, this is an unrealistic expectation. The current delivery programme is therefore likely to deliver a significant loss of social rented accommodation.

29 Cumulatively, at the end of Stage B Phase 1 (as envisaged by this application) there would be a total of 1,767 new units on the estate, and 863 of the original units remaining. Of the new units, 274 would be social rent, 357 affordable rent and 374 intermediate shared ownership units.

30 Table 3 relates purely to the current application and sets out existing and proposed units and floorspace by tenure. Of the 1,083 new units, 652 will be affordable housing tenures. This represents an uplift of 95 affordable housing units, or 15,948 sq.m. of affordable housing floorspace.

31 The proposals would provide an uplift in housing units and residential floorspace and the current affordable housing offer represents 62% by habitable room. There would also be an increase in the overall level of affordable housing by both units and floorspace, but not on a like for like basis. The applicant proposes that the 557 existing social rented units be replaced by a mixture of 39 Social Rent, 153 London Affordable Rent, 166 London Living Rent and 294 Intermediate Shared Ownership units. This represents a net loss of 518 social rented homes within the current application, which is wholly unacceptable.

Housing

Housing delivery

42 London Plan Policy 3.3 confirms the pressing need for more 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. London Plan Table 3.1 sets a target for Barnet Council to deliver a minimum of 2,349 new residential units a year until 2025. There are currently 630 units on the site and the proposed development would provide 1,083, an uplift of 453. This would equate to 19% of Barnet's annual housing target and would therefore be supported.

Density

43 London Plan Policy 3.4 seeks to optimise housing output taking into account local context and character, the design principles in chapter 7 and public transport capacity. Given the urban location and PTAL 2-3 the London Plan provides an indicative density range of between 45-170 units, or 200-450 habitable rooms per hectare.

44 The proposed development would provide 1,083 units for Phase 1 and have a residential density of 356 habitable rooms per hectare, which is in line with the London Plan density matrix. Furthermore the design responds well to local context, provides open space and play space, and provides generally high levels of residential quality. As such the proposed density is supported.

Unit size mix

45 London Plan Policy 3.8 requires new developments to offer a range of housing choices, in terms of sizes and types. London Plan Policy 3.9 seeks to promote a more balanced mix of tenures, particularly in areas where social renting predominates and there are concentrations of deprivation. London Plan Policy 3.11 gives priority to family sized affordable housing, as does policy DM09 of Barnet Council's Development Management Policies DPD. The Grahame Park SPD sets out an aspirational mix of unit sizes for each identified Character Area.

46 Table 3 shows a breakdown of the proposed housing by tenure and unit size.

Unit type	Affordable		Private		Total	
	Unit	%	Unit	%	Unit	%
1 Bed	208	32%	157	36%	365	34%
2 Bed	239	37%	190	44%	429	40%
3 Bed	169	26%	84	20%	253	23%
4 Bed	36	5%	0	0	36	3%
Total	652	100%	431	100%	1,083	100%

Table 4: Proposed unit size split by tenure

47 The Grahame Park SPD sets out the aspiration for between 30%- 50% family sized units in the area covering Plot 12 and 40-65% in the area covering Plots 10 and 11.

48 As set out in the Principle of development section of this report, the affordable housing offer cannot be accepted given the loss of social rented units. The unit size mix for the

replacement units should be the starting point for the proposed mix, and seek to address the needs of existing residents. If this is prioritised, and noting the priority for estate renewals to deliver quality re-provision in the first instance, then a more flexible approach can be adopted for the remaining units, with the overall mix having regard for the mix set out in the Grahame Park SPD.

Children's playspace

49 London Plan Policy 3.6 seeks to ensure that proposals include suitable provision for play and recreation. Further detail provided in the Mayor's Shaping neighbourhoods: Play and informal recreation SPG. Using the methodology set out in the SPG, the proposals would be expected to accommodate 501 children, of which 223 would be under five years old. This equates to a minimum playspace provision of 5,064 sq.m., of which 2,256 sq.m. should be doorstep play for under-fives.

50 The proposals include provision of 7,544 sq.m. of doorstep playspace for children under five years old, and 3,135 sq.m. of doorstep space for children under 11. The Woodland Walk as a whole has been designed to be playable, including incidental landscape features and also focused equipped areas of play. The proposals exceed the minimum requirements and are welcomed. Play equipment proposed by the applicant should be conditioned.

Urban design

Plot 12

51 The principle of using simple perimeter podium blocks is supported, as it provides a clear separation of public street facing edges and private courtyard amenity space.

52 The 'woodland walk' has potential to create a high quality, tree-lined pedestrian route towards the community hub from Colindale station, as well as providing a green buffer zone between the differing scale of proposed blocks and that of the existing housing blocks along its eastern boundary. As discussed at pre-application, the extent of active residential frontage, including individual front door entrances to ground floor duplex units should be maximised along the woodland walk, to encourage activity, access to shared amenity space and promote passive surveillance. The applicant should explore options for wrapping the currently exposed podium car park edges with additional duplex units to help achieve this.

53 The simple arrangement of blocks, including mews type east/west links between them has potential to secure a varied residential character, contrasting with the primary north/south routes. This is welcomed.

Plot 11

54 The broad layout principles of this plot are supported, however, further clarity is needed on the form and layout of the four point blocks along the eastern edge, ensuring legible connections with the existing street network to the east and avoiding any instances of blocks turning their backs onto the public realm. A simple configuration of podium bases to link the blocks together in pairs should be explored.

55 As with Plot 12, the mews zones have potential to create more intimate zones at the heart of the scheme.

56 As discussed at pre-application, the south-eastern block creates a potential pinch-point with the neighbouring church land. The applicant should provide further detail in order to

demonstrate how a clear and consistent route can be continued to the full extent of the masterplan area.

Plot 10

57 The layout is supported and includes a connection with the existing route between retained blocks to the north and a defined communal hub space, flanked by commercial frontages. This is welcomed. The stepped access to the podium courtyard of block 10B could compromise the security/privacy of the courtyard for residents and should be closed off, with through access to the courtyard maintained via residential cores.

Residential quality

58 Replacement affordable housing should provide a better quality of accommodation than existing. The proportion of dual aspect overall is strongly supported and the residential quality across the scheme is generally high, with good layouts, well proportioned units and good access to amenity space. This should be secured by Design Code and confirmed by Barnet Council officers at Stage II.

Climate change mitigation

59 The applicant has identified a proposed district heating network within the vicinity of the development. It is proposed that, as well as its own site-wide heat network, this scheme will deliver the core infrastructure, or 'backbone', of the identified district heat network. The applicant has provided a commitment to ensuring that the development is designed to allow future connection and the main infrastructure will be sized so that additional load can be added when required.

60 The schemes site-wide heat network would be supplied from a single energy centre supplying Plots 10, 11 and 12 (of this application) as well as approximately 300 dwellings of Plots 13 to 16 (not part of this application). The energy centre will be 300 sq.m. in size and located within block 10B. The applicant is also proposing to install 3,708 sq.m of photovoltaic (PV) panels.

61 An on-site reduction of 35% of carbon dioxide per year is expected for the non-domestic buildings, which would exceed the target set in London Plan Policy 5.2. An on-site reduction of 58% per year is expected for the domestic buildings, which falls short of the zero carbon target. The applicant should therefore ensure that the remaining regulated carbon dioxide emissions, equivalent to 563 tonnes per annum, is met through a contribution to Barnet's offset fund.

62 The proposals include the delivery of core infrastructure enabling the wider district heating network, and this is strongly supported. The application is broadly compliant with London Plan policy on climate change mitigation, subject to securing an appropriate carbon offset payment and the provision of information verifying this compliance. An explanation of the additional detail required has been forwarded separately to the applicant and Council.

Transport

63 The applicant proposes 810 car parking at a ratio of 0.74 per unit, as well as 87 Blue Badge spaces and 105 active and passive Electric Vehicle Charging Points. This is welcome and should be secured by condition.

64 The introduction of a Controlled Parking Zone (CPZ) is supported and a permit free agreement should be secured. The applicant should clarify how uncontrolled parking on private roads will be prevented. The 57 parking spaces (including 6 Blue Badge spaces) proposed for the

community centre is too high and should be reduced in line with London Plan standards. The applicant should clarify the provision of parking for ambulances.

65 The applicant proposes 1,659 cycle spaces across the site. This is below London Plan standards for the residential element and should be increased to a minimum of 1,801 spaces.

66 The carriageway of the primary route is 7.3 metres wide and increases the risk of collisions with overtaking vehicles. As such the applicant should widen this to 8 metres.

67 Further work is required regarding detailed transport matters. Details of this have been forwarded to the applicant under separate cover.

Community Infrastructure Levy

68 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL will be paid on commencement of new development and will contribute towards the funding of Crossrail.

69 The Mayor has arranged boroughs into three charging bands. The rate for Barnet is £35/sq.m. The required CIL should be confirmed by the applicant and Council once the components of the development or phase thereof have themselves been finalised.

Local planning authority's position

70 Barnet Council planning officers are supportive of the application and intend to take this before the local committee in October/ November 2017.

Legal considerations

71 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, or 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 and any connected 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.

Financial considerations

72 There are no financial considerations at this stage.

Conclusion

73 London Plan policies on estate regeneration, urban design, climate change and transport are relevant to this application. The principle of development is not currently supported in line with the London Plan and the Mayor's Affordable Housing and Viability SPG, and the application does not comply with the London Plan. Further discussion is required regarding the following issues:

- **Housing:** The loss of social rented units is wholly unacceptable. The initial viability assessment demonstrates that more social rented units could be provided. GLA officers will work with the applicant and the Council to ensure that the application accords fully with the Mayor's Estate regeneration BPG, Affordable Housing and Viability SPG, and the London Plan (paragraphs 22-36 and 42-48).
- **Urban design.** The overall strategy and levels of residential quality are supported, although further work is required to address blank frontages and details are required in relation to the design of Plot 11 and Block 10A. (paragraphs 51-58).
- **Climate change:** The application is broadly compliant with London Plan policy on climate change mitigation, subject to securing an appropriate carbon offset payment and the provision of information verifying this compliance. (paragraphs 59-62).
- **Transport:** Car parking should be reduced and cycle parking provision increased in line with London Plan policy. The applicant should also clarify arrangements for ambulance parking and provide further information in relation to bus priority measures and the cycling strategy. (paragraphs 63-67).

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