

# Barnet Local Plan EIP – Note on Policy CDH01 - Promoting High Quality Design

## Reason for producing this note

On Day 9 (Wednesday 2<sup>nd</sup> November) at the hearing sessions, during consideration of Matter 8 – Design, Tall Buildings and Heritage, Inspector Philpott raised a number of issues relating to CDH01 (Promoting High Quality Design). This note, including any resultant proposed modifications should cover the following:

- Council to check consistency between Tables 9 and 10 and supporting text and London Plan requirements – in particular minimum ceiling heights, habitable rooms 13sqm figure, noise requirements. Check all requirements in Tables 9 and 10 against London Plan. Any Barnet requirements require justification.
- Check CDH01(v) and Tables 9 and 10 against London Plan requirements and clarify that only compliance with tables will be required. Avoid any issue with National Space Standards being updated.
- Check compliance of CDH01(a) with NPPF and Policy D3 of London Plan which apply to all forms of development, not just residential schemes. Check compliance with London Plan requirement to optimise capacity. Reflect on wording in terms of how it relates to NPPF and London Plan, and set out any justification for the different wording. Consider modifications and review the rest of CDH01 and the supporting text for any consequential modifications, particularly the reference to residential.
- Set out any justification for highlighting the detailed matters in the last sentence of part (a) in context of London Plan policy D3. Wording would benefit from a more inclusive sentence (“including” rather than “should consider”).
- Consider if final sentence of CDH01(b) is necessary or more appropriate in supporting text. Is it appropriate to state that design codes and SPDs will ensure that resulting homes are of a high standard. Proposed modification to provide clarity on SPDs. Should it say something like, “promote standards” rather than “ensure that” etc..
- Consider wording of CDH01 needing to reflect that SPD and Design Code has not yet been adopted.
- Check final sentence at CDH01(vii) – should it be labelled part (c)? e.g. (“the Council will expect proposals to...”).
- Promoting vibrant streets where appropriate – consider in supporting text examples of where vibrant streets will be appropriate
- Check at CDH01(vi) that acceptability threshold is consistent with other policies in the Plan? Eg HOU03 refers to “good standards of amenity”, ECC02 refers to “unacceptable noise levels”. “Adequate”, “good standards” and “unacceptable” are all potentially slightly different.
- Clarify amenity considerations applying to occupiers of a site. Instead should it seek to protect amenity beyond adjoining occupiers. Impacts on loss of daylight in case of tall buildings might be wider than immediately adjoining occupiers, for example.

- CDH01(vii) should this refer to CDH07 not CDH05. CDH07 does not expressly refer to accessible outdoor space. Should word accessible be removed?
- CDH01 (viii) why is noise singled out in particular, and not other pollution impacts (e.g. those addressed by ECC02). Provide cross ref to ECC02 in supporting text or elsewhere.
- Para 6.5.1 - infill development, presumably not all small sites will involve infilling. Is a modification needed to account for that?
- Para 6.7.3 impact on heritage value weighed against benefit from sustainable design and construction requirements. Consider that this be reflected in a policy, and should this cross reference with policy ECC01 and CDH08, instead of heritage requirements being introduced to CDH01?
- Para 6.9.2 sets out standards in respect of general internal storage and claims these are in the London Plan. Council needs to identify source for these standards and provide justification if retained.
- Para 6.10.2 details impacts of artificial lighting. Consider if this should be reflected in CDH01 in terms of residential amenity or through cross-reference to ECC02 and environmental considerations and management specifically.
- MM137 should relate to CDH01B(iv) rather than (v). Consider if para 6.6.1 requires further amendment to make clear that conditions relating to “secured by design” might not be part of every planning consent. A key factor will be the local environment as to whether the police need to be brought in to discuss safety.
- MM138 is inclusion of Building Safety Act within CDH01 necessary for soundness? Consider what is meant by clear lines of responsibility. Might be more appropriate to reference in CDH04.

## Background

Following submission of the Barnet Local Plan in November 2021 the Council in June 2022 produced a table of proposed modifications (EXAM 4). This document was produced after consideration of the Reg 19 soundness representations received, together with subsequent discussions with parties on the drafting of Statements of Common Ground. EXAM 4 includes proposed modifications to policies and supporting text pertaining to high quality design.

During the examination hearing session where Matter 8 was discussed, proposed modifications were considered, together with aspects of wording of policy and supporting text in the submission Plan. In light of that discussion, the Inspector has requested further clarification, explanation and justification of the matters detailed in this note; the Council now proposes a series of additional further modifications as set out below.

The following format has been used in this Note to denote further proposed modifications to the submission version of plan as revised by the proposed modifications listed in EXAM 4.

~~Strikethrough text~~ to indicate text proposed for removal.

Underlined text to indicate additional text.

## Considerations

- 1) Council to check consistency between Tables 9 and 10 and supporting text and London Plan requirements – in particular minimum ceiling heights, habitable rooms 13sqm figure, noise requirements. Check all requirements in Tables 9 and 10 against London Plan. Any Barnet requirements require justification.**

The Council have reviewed tables 9 and 10 against the London Plan. Table 9 Minimum residential space standard requirements and table 10 Internal layout and design requirements are deemed to be in general compliance with table 3.1 Minimum Internal Space Standards for new dwellings of the London Plan. The exception being the definition of habitable room in table 10. The Council will amend the definition to match with that of the London Plan. Following the amendment all Barnet requirements are the same as the London Plan requirements.

*A habitable room is a room within a dwelling – the primary purpose for which is for living, sleeping or dining, Enclosed spaces such as bath or toilet facilities, corridors, hallways, utility rooms or similar should not be considered habitable rooms. –including kitchens where total area is more than 13m<sup>2</sup> (including fittings), or the dining space if it is divided from the working area by a moveable partition. Rooms exceeding 20m<sup>2</sup> will be counted as two.*

Additionally, the following amendment to ceiling heights is as follows:

*A minimum floor to ceiling height of 2.5m for at least 75% of the dwelling area. Habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height.*

For consistency with the London Plan, paragraph 6.9.1 should also be amended:

A minimum ceiling height of 2.5m for at least 75% of the gross internal dwelling area is required so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. Dual aspect...

- 2) Check CDH01(v) and Tables 9 and 10 against London Plan requirements and clarify that only compliance with tables will be required. Avoid any issue with National Space Standards being updated.**

As outlined above, the Council have reviewed tables 9 and 10 against the London Plan. Following the amendments all Barnet requirements are the same as the London Plan requirements. In order to ensure there is no issue with the NSS being updated Policy CDH01 should be amended as follows:

*“v. Apply the requirements set out in Tables 9 and 10 for the internal layout and design of new homes, in accordance with current and future national residential space standards and the London Plan.”*

- 3) Compliance of CDH01(a) with NPPF and Policy D3 of London Plan which apply to all forms of development, not just residential schemes and the London Plan requirement to optimise capacity. Wording of how it relates to NPPF and London Plan, and justification for the different wording. Modifications to supporting text for any consequential modifications, particularly the reference to residential.**

The NPPF and London Plan consider the need for policies to consider appropriate density and efficient use of land. NPPF paragraph 125 specifically refers to existing or anticipated shortage of land for meeting identified housing needs, ensuring that developments make

optimal use of the potential of each site. The London Plan notes the importance of directing growth towards the most accessible and well-connected places to make the best use of land. A design-led approach is also advocated in Policy D3 to ensure that all development makes the best use of land to optimise the capacity of the site.

Policy CDH01 specifically refers to residential development, however to ensure compliance with the London Plan the specific reference is removed as all development should optimise the capacity of the site. On reflection, the Policy could be clearer in terms of the use of a design-led approach to consider the optimum use of land and capacity for growth, with reference to London Plan policy D3 support for higher density development in locations with capacity for expansion. Policy D3 also notes that where appropriate, locations with existing high density buildings should be positively considered by Local Authorities.

The Council therefore proposes the following modification

*a) In order to make the most efficient use of land ~~residential~~ proposals must be developed at an optimum density. A design-led approach to ~~determine~~ optimise capacity should deliver the most appropriate form and land use for the site an optimum density. This approach should consider local context and capacity for growth, accessibility by walking and cycling, and existing and planned public transport as well as the capacity of and infrastructure, in order to support higher density development in the most sustainable and well-connected locations with existing high density development*

As the policy now seeks to widen the description beyond 'residential proposals' the supporting text should also be updated accordingly

#### **6.11 Sustainable Residential Density**

6.11.1 Policy GSS01 sets out the Council's strategic approach to development highlighting the locations where growth will be supported. The Council will seek to optimise rather than simply maximise housing density. This enables full consideration of the local context, relating appropriate density ranges to existing building form and massing as well as the location (central, urban, suburban), design-led beautiful buildings addressing national and local design codes, public transport accessibility and the provision of social infrastructure.

- 4) Set out any justification for highlighting the detailed matters in the last sentence of part (a) in context of London Plan policy D3. Wording would benefit from a more inclusive sentence ("including" rather than "should consider").**

The Council included the detailed matters in the last sentence of part (a) as a part of Policy CDH01 to ensure the Local Plan is in conformity with, and implements the design-related policies of the London Plan, as well as helping to improve the quality of development proposals. The Council have reviewed the Inspectors' comment and have proposed to amend the policy as follows.

*'This approach should include ~~consider~~ local context, accessibility by walking and cycling and existing and planned public transport as well as the capacity of infrastructure.'*

- 5) Consider if final sentence of CDH01(b) is necessary or more appropriate in supporting text. Is it appropriate to state that design codes and SPDs will ensure that resulting homes are of a high standard. Proposed modification to provide**

**clarity on SPDs. Could it say something like, “promote standards” rather than “ensure that” etc..**

The Council have reviewed CDH01(b). The Council are satisfied that CDH01(b) should remain in the policy as is it is important for developments to be in line with corresponding SPDs and design codes, which may be updated in line with emerging government guidance; however, the policy has been amended as follows.

*b) All new development should be of a high architectural and urban design quality and have regard to any National Model Design Code, Barnet’s Sustainable Design Guidance SPD and Design Code for Small Sites. This will promote higher standards of ensure the resulting homes and local environment, that will also consider the incorporation of ~~are of a high standard and biodiversity, water management and sustainable drainage measures. are incorporated.~~*

**6) Wording of CDH01 needs to reflect that SPD and Design Code has not yet been adopted.**

To note that the SPD and Design Code have not been adopted, further proposed modifications to part b) of the Policy are as follows (applying the changes suggested above):

*b) All new development should be of a high architectural and urban design quality and have regard to any National Model Design Code, Barnet’s Sustainable Design Guidance SPD and Design Code for Small Sites, once adopted. This will promote higher standards of homes and local environment, that will also consider the incorporation biodiversity, water management and sustainable drainage measures.*

**7) Final sentence at CDH01(vii) should be labelled part c).**

The listed items i. to vii should be included as an additional part to the policy, rather than sitting under part b).

*c) The Council will expect proposals to:*

Main modification MM138 added a part c), which will now be part d) of the policy.

**8) Promoting vibrant streets where appropriate – consider in supporting text examples of where vibrant streets will be appropriate**

The Council recognise that Policy CDH01 refers to vibrant streets within part b)iii of the policy; however, there is no specific reference in supporting text. The council suggest the following amendments.

*Para 6.4.4 Good design should promote healthy lifestyles, cohesive neighbourhoods and vibrant streets and create buildings that have minimal negative impact on the environment*

**9) CDH01(vi) updated to that acceptability threshold is consistent with other policies in the Plan? Eg HOU03 refers to “good standards of amenity”, ECC02 refers to “unacceptable noise levels”. “Adequate”, “good standards” and “unacceptable” are all potentially slightly different.**

Noting that HOU03 e) states that a good standard of living conditions and amenity for future occupiers in terms of privacy, daylight and outlook is provided to ensure that residential conversions do not have detrimental impact on amenity, whilst ECC02 b) expects proposals

to avoid generation of unacceptable noise levels; it is important to ensure consistency throughout the Plan. Paragraphs 6.10.1 and 6.10.2 refer to significant impact on amenity (lighting, privacy and noise).

The Policy had used the term 'adequate' to reflect the BREAAAM measurement on Health and Wellbeing (Paragraph 6.12.2); however, the Council propose the following modifications to ensure consistency with other policies in the Plan and also to avoid ambiguity.

*vi. Provide a good standard of amenity that will ~~A-allow for adequate~~ acceptable levels of daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.*

This also aligns the policy requirements with parts d) and f) of Policy CDH05 Extensions, to 'maintain an acceptable outlook and adequate spacing between any surrounding buildings' and 'avoid adverse impacts on sunlight and daylight'.

**10) Additionally, amenity considerations applying to occupiers of a site should seek to protect amenity beyond adjoining occupiers. Impacts on loss of daylight in case of tall buildings might be wider than immediately adjoining occupiers, for example.**

In promoting high quality design it is important to consider the wider impacts of development, which for tall buildings or specific types of use may have effect on a wider scale. The Council considers the following additional modification to the policy.

*vi. Provide a good standard of amenity that will ~~A-allow for adequate~~ acceptable levels of daylight, sunlight, privacy and outlook for ~~adjoining~~ and potential occupants ~~occupiers~~ and nearby users impacted by the development.*

**11) Should CDH01(vii) refer to CDH07 not CDH05. CDH07 does not expressly refer to accessible outdoor space. Should word accessible be removed?**

The Council has considered the Inspector's comment and suggest the following amendment.

*'vii. Provide ~~accessible~~ outdoor amenity space to comply with Policy CDH075.'*

**12) CDH01 (viii) why is noise singled out in particular, and not other pollution impacts (e.g. those addressed by ECC02). Provide cross ref to ECC02 in supporting text or elsewhere.**

The Council agree that the impacts of development should extend beyond noise and suggest amendment to the policy as follows.

*'viii. Mitigate ~~noise~~ adverse impact on the surrounding environment and amenity through design, layout, and insulation in accordance with the Agent of Change principle introduced through London Plan Policy D13.*

Paragraph 6.10.3 refers to Policy ECC02, however, the text should be updated to ensure consistency with the updated policy.

*Policy ECC02 sets out further details with regards to environmental considerations of development including air quality and noise, in addition to London Plan Policy D13*

*which considers the impacts of noise and other nuisance-generating activities on a wider scale.*

**13) Paragraph 6.5.1 wording to address current emphasis on infill development of small sites, presuming not all small sites will involve infilling.**

As noted in paragraph 6.5.2, small site development is typified by infill development on vacant or underused brownfield sites in existing residential areas. Although this is the typical form of small site development, it is not exclusively so therefore the introduction to paragraph 6.5.1 should be updated accordingly to reflect that.

*Small sites of infill development (normally below 0.25 hectares) have a significant role in Barnet's housing delivery - ensuring we get the right homes in the right places, typically providing an opportunity to use brownfield infill sites.*

**14) Para 6.7.3 impact on heritage value weighed against benefit from sustainable design and construction requirements. Consider that this be reflected in a policy, and should this cross reference with policy ECC01 and CDH08, instead of heritage requirements being introduced to CDH01?**

The Council considers that the balance between heritage value and sustainable design and construction is already considered through MM238 which introduced new supporting text for Policy ECC01 at para 10.6.3A together with a modification to ECC01H. This is reflected a Statement of Common Ground with Historic England. The Council therefore proposes to delete para 6.7.3 as follows:

~~Conversion of heritage buildings may present particular challenges for minimum space standards. In line with Policy CDH07, any impact on the heritage value will be weighed against the benefit brought from meeting the sustainable design and construction requirements.~~

**15) Para 6.9.2 sets out standards in respect of general internal storage and claims these are in the London Plan. Council needs to identify source for these standards and provide justification if retained.**

The latest minimum internal space standards for new dwellings is outlined in Table 3.1 of the London Plan, which includes built-in storage. This is reflected in Table 9 of the Local Plan. It is assumed that the figures included on 'dirty storage space' were included from earlier versions of the London Plan; however, as there is no reference in the adopted Plan this paragraph will be removed.

~~In addition to general internal storage there should be 'dirty' storage space for items such as bicycles and buggies, which could be provided as a communal facility for flats. The level of provision as set out in the London Plan is:~~

- ~~• 1m<sup>2</sup> for flats without private gardens.~~
- ~~• 2.5m<sup>2</sup> for houses, bungalows and flats with private gardens for up to four people.~~
- ~~• 3.0m<sup>2</sup> for houses, bungalows and flats with private gardens for five or more people.~~
- ~~• Any changes to the standards set out in the London Plan will be applied to development in Barnet.~~

**16) Para 6.10.2 details impacts of artificial lighting. This should be reflected in CDH01 in terms of residential amenity.**

The potential impacts of artificial lighting on amenity have been outlined at paragraph 6.10.2, which can be minimised through good quality design. Although amenity loss is considered in Policy CDH01, there is no specific reference to lighting, therefore an additional criterion should be added.

*vii. Building design should consider solutions to minimise light pollution and avoid intrusive lighting infrastructure, whilst addressing security and safety issues.*

**17) MM137 should relate to CDH01B(iv) rather than (v). Consider if para 6.6.1 requires further amendment to make clear that conditions relating to “secured by design” might not be part of every planning consent. A key factor will be the local environment as to whether the police need to be brought in to discuss safety.**

The Council have reviewed MM137 and propose the following amendments to para 6.6.1.

*‘Measures to design out crime should be integral to large scale development proposals, adopting Secured by Design. The Council will ensure through conditions on planning consents that Secured by Design is applied as appropriate on large scale applications’*

**18) MM138 is inclusion of Building Safety Act within CDH01 necessary for soundness? Consider what is meant by clear lines of responsibility. Might be more appropriate to reference in CDH04.**

The Building Safety Act was granted Royal Assent on 28<sup>th</sup> April 2022 to create lasting change and make clear how residential buildings should be constructed, maintained and made safe. This means owners will manage their buildings better and the home building industry has a clear, proportionate framework to deliver high quality homes. The Act defines the ‘accountable person’, which is referred to in Policy CDH01 as ‘clear lines of responsibility’. The Council consider that the Building Safety Act is applicable for all buildings, despite the emphasis on tall buildings to instigate these regulations. Referring to the legislation, there is reference to higher-risk buildings so the text should be modified to reflect that, rather than ‘high rise’ buildings. It is therefore considered more appropriate to include this requirement within policy CDH01 on design rather than CDH04 on tall buildings.

The following modification (to MM138) is proposed.

*d) All new Tall and Very Tall Buildings must meet the requirements of the Building Safety Act 2022 with clear lines of responsibility falling on the accountable person, as defined within legislation, for safety during design, construction, completion and occupation of higher-risk ~~high-rise~~ buildings.*

## Conclusion

The Council invites the Inspectors to consider and recommend that the Council makes the additional further modifications set out in this paper recognising that those considered to be Main Modifications will need to be formally consulted upon following the examination hearing sessions.