

Our Ref: 02C400866

Nick Lynch
Planning Policy,
London Borough of Barnet,
2 Bristol Avenue,
Colindale,
NW9 4EW

18th June 2024

By email only:

forward.planning@barnet.gov.uk

Dear Nick,

**REPRESENTATIONS ON MAIN MODIFICATIONS TO THE BARNET LOCAL PLAN (2021 to 2036)
(MAY 2024)**

We write on behalf of our client, Barratt London and Places for London, as part of their West London Partnership, regarding the proposed Main Modifications to the draft London Borough of Barnet Local Plan (2021 to 2036), published for consultation ending on Tuesday 18th June 2024 following the Examination in Public and Inspector's letter (EXAM 143) and appendix (EXAM 143A) dated 17 August 2023 setting out their main findings and the modifications that are required for the Plan to be made capable of Adoption.

In particular, we write primarily with regard to the proposed main modifications to the site allocation which relates to the redevelopment of land associated with High Barnet Station, High Barnet (Site Allocation 44), alongside other key policies relevant to the emerging proposals. It sets out our position on whether the modifications can be considered to be sound on the basis set out in National Planning Policy Framework (NPPF) paragraph 35, in that they are positively prepared, justified, effective and consistent with national policy.

As you may be aware, Barratt London and Places for London are currently in the early stages of progressing pre-application discussions with officers on the redevelopment of land associated with High Barnet station, including its car park and yards, with the intention to submit a planning application later this year. This will look to include the development of circa 300 residential units and associated commercial floorspace, as well as accessible and TfL operational car parking, public realm improvements, landscaping, and other associated works.

About Barratt London and Places for London

Barratt London is one of the leading residential developers in the capital with over 30 years' experience, with a diverse portfolio. Together with Places for London, TfL's new property company, they are looking to bring forward a new mixed-use community at High Barnet station, creating a high-quality development.

Site Allocation 44 **Main Modification 124**

Proposed modifications	Response by Barratt London
<p>Changes to the development timeframe to 6-10 years to reflect a more realistic prospect of when housing will be delivered on site.</p>	<p>Barratt London and Places for London are now working together to progress bringing the Site forward for development, with pre-application discussions underway and a planning application to be submitted in early 2025. As such, it is considered that the timeline for development will be brought forward.</p> <p>Therefore, the following further modification is suggested:</p> <p><i>Development timeframe: <u>0-5</u> 6-10 years</i></p>
<p>Sets out that the indicative residential capacity is 292 dwellings.</p>	<p>The indicative residential capacity appears to have been based upon a former scheme, which was in informal pre-application discussions only and withdrawn in 2021, proposed by Taylor Wimpey and Transport for London.</p> <p>While Barratt London understand the reasoning behind the use of this scheme as a figure, they consider that the approach to calculating this site allocation delivery is not sound. This is due to the premise of a withdrawn and outdated scheme which is no longer being progressed, and which only presents one option for the redevelopment for the site. Instead, the site allocation should ideally be based upon the use of a design-led approach to then determine the optimum density for the Site. As such, it is considered that the use of this figure is not justified, in line with the definition as set out in Paragraph 35 b) of the NPPF. It is the intent of Barratt London and Places for London to pursue an entirely new planning application for the redevelopment of the Site.</p>

As such, it is considered that it is not appropriate for an indicative residential capacity to potentially limit on the basis of former and undetermined planning applications. We therefore accept the approach by officers and the Inspectors with regard to other site allocations within the draft Plan, in that the indicative site capacity is therefore a minimum amount on the basis that London Borough of Barnets's housing delivery trajectory and ability to demonstrate a five year housing land supply in future is based on achieving at least this amount of development on the site.

We suggest that in a similar fashion, this is amended to:

Indicative minimum residential capacity: 292 dwellings

In doing so, this would ensure consistency with the London Plan, and enable the delivery of an appropriate density of development to come forward, through the design-led optimisation of what is a highly well-connected and sustainable site.

The 'Proposed Uses/Allocation' description and its amendment to 'Residential led mixed use development with commercial uses...'

Barratt London and Places for London are supportive of the amended description of proposed uses and allocation, the removal of fixed percentages of uses, and that only accessible 'Blue Badge' car parking should be re-provided. Barratt, together with Places for London, look forward to bringing forward a residential-led development on the Site, with limited commercial space (as per comments regard Poliuicy Ecy01 below) providing active frontages while not offering a quantum of floorspace that competes with the borough's main town centre areas.

The section 'Site requirements and development guidelines' includes the statement that 'this is not in a Tall Buildings Location - 8 storeys or more would not be appropriate'.

It is considered that in the context of the Main Modifications to Policy CDH04 – Tall Buildings, as discussed below, this statement requires amendment in order to be justified. MM46 to Policy CDH04 clarifies that sites outside of the locations identified within Part A of Policy CDH04 are not unacceptable in principle, and will be determined in line with the development management considerations set out in parts B and C as modified. In doing so, the site allocation wording at present directly contradicts these amendments and does

not allow for a design-led approach to the development of the Site. It is considered that a site not being identified as appropriate for tall buildings only means it has not been identified as appropriate at the plan-making stage, and not that it is not appropriate at all.

As such, the following additional modification to the wording is suggested:

This site is not in a location specified as potentially appropriate for tall buildings. Tall Buildings Location – 8 storeys or more would not be appropriate. Buildings of 8 storeys or higher will be assessed against Policy CDH04, London Plan policy D9 and development management criteria.

It is considered that the inclusion of a pedestrian bridge and the additional pedestrian footpath as part of the allocation of the site is not positively prepared or justified as it is undeliverable, and not adequately evidenced considering the feasibility and viability in delivering a residential-led development on what is a complex and constrained site.

Additional wording with the section 'Site requirements and development guidelines' to include: 'Proposals for development should seek to provide a pedestrian bridge over the railway line to Potters Lane if possible, or otherwise provision of a footway down the east side of Barnet Hill south of the station slip road will be necessary.'

Barratt London and Places for London understand the existing context at High Barnet are keen to significantly improve connectivity, both to the station and through and around the Site. It is considered that this is best achieved through improvements towards Chipping Barnet, southwards towards Underhill and between the station and bus stops on Barnet Hill.

The provision of a pedestrian bridge across the active Northern Line to Potters Lane would reduce the land available for redevelopment into public realm and homes, and such a bridge would not be required in order to make the development acceptable in planning terms. In turn, such a complex intervention would harm viability and therefore the prospects for delivery of a housing-led, mixed use scheme, and potentially have implications for the operation of the Northern Line, at

times and in part, during construction. In doing so, it is considered that this contravenes how plans should be prepared to support delivery, in line with Paragraph 16 of the NPPF.

While the provision of pedestrian access north-south between High Barnet Station and the south-east of the Site would be beneficial, it should be noted that both the narrow width of the railway bridge located to the east of Fairfield Way, and the presence of the large retaining wall along the site's south-western extent, may mean that this is unfeasible.

Barratt London are keen to provide improved north-south connectivity as part of the redevelopment of the Site, and as such the wording of this element should be amended to ensure a design-led solution can be reached which does not require a fixed route without proper consideration for feasibility.

As such, it is suggested that the following modification is made to this wording:

Proposals for development should seek to improve pedestrian and cyclist connectivity from the site and station south along Barnet Hill ~~provide a pedestrian bridge over the railway line to Potters Lane if possible, or otherwise provision of a footway down the east side of Barnet Hill south of the station slip road~~ will be necessary.

Barratt London and Places for London consider that the Site Allocation, with further modifications as suggested, would comply with the National Planning Policy Framework and supporting guidance, the London Plan (2021) and its supporting documents, the Mayor's Transport Strategy, and the rest of the draft Local Plan, and would be legally compliant, sound and deliverable.

In addition to the site allocation, Barratt London and Places for London offer the following representations to a limited number of key modified policies.

Policy CDH04 Tall Buildings **Main Modification 46**

MM46 makes a number of revisions to Policy CDH04 – Tall Buildings, including the removal of upper storey parameters and reference to 'very tall' buildings, the locations identified and the

inclusion of reference to and conformity with the London Plan (2021) and Policy D9. In addition, the policy as modified now clarifies that proposals for tall building development outside the locations identified are not unacceptable in principle, and will be considered against the development management considerations contained in parts B and C of the policy as modified.

Barratt London and Places for London are currently in pre-application discussions with the LPA which potentially include a scale and density of development which would be considered 'tall' within the defined parameters, and considering the options for the site through a design-led approach. In line with the modifications set out in the table above, the inclusion of such consideration and allowance for design-led justification of greater density of development is welcomed.

Policy GSS11 Major Thoroughfares Main Modification 29

MM29 removes reference to tall buildings and in doing so, removes sites alongside major thoroughfares such as High Barnet station as an appropriate location for such development, while maintaining support for the optimisation of sites on major thoroughfares. Barratt London and Places for London will bring forward a development at High Barnet Station in line with these principles of design requirements as set out in the modified Policy GSS11, and consider that the Site has strong potential for densification to optimise its capacity, including the provision of tall buildings.

Policy GSS12 Redevelopment of Car Parks Main Modification 30

We welcome the modifications made to Policy GSS12 in that it clarifies support for the redevelopment of publically accessible, surface level car parks for residential and main town centre uses, and the prioritisation of PTAL methodology in the optimisation of housing numbers according to public transport accessibility, together with active modes of travel.

Policy HOU02 Housing Mix Main Modification 34

We note that Paragraph 5.5.11 has been modified to include *'to reflect on change within housing needs in Barnet the size priorities for affordable properties will be informed by an annual assessment of the Housing Needs Register'*. It is considered that an annualised update on affordable housing mix would create uncertainty in the design, feasibility and viability of a scheme in its progression through planning, and we would welcome more specific wording on how this would apply to developments in practise.

Policy CHW01 Community Infrastructure Main Modification 57

We note that the Part A, d) has been modified to *'require large scale development to provide community facilities or land for facilities preferably on-site as an integral part of their development, to meet need generated by their development and wider identified demand if necessary'*. This requirement places additional pressure on the viability of developing publicly owned land sites such as High Barnet Station, in line with the complexities of the site as set out previously. It is considered that the definition of 'large scale development' is not clear. In addition, while Barratt

London and Places for London support the provision of the services, facilities and infrastructure to support the local community as well as visitors are provided in suitable locations to meet likely and potentially increasing demand, it is not clearly evidenced that community facilities are required on the High Barnet Station site and that this ambiguity could lead to uncertainty at decision-making stage. As such, it is considered that this element of the policy is not justified or effective, in line with the definition as set out in Paragraph 35 b) and c) of the NPPF.

Policy ECY01 A Vibrant Local Economy Main Modification 61

We note that the site allocation for High Barnet Station requires the provision of commercial uses, but that this does not necessitate the re-provision of existing commercial uses on the site. While we note that modifications have been made to provide certainty to the locations defined within Policy ECY02, the policy does not consider the redevelopment of non-designated industrial sites as defined within London Plan Policy E7. As such, in line with Paragraph 16 d) of the NPPF, we suggest that the site allocation is clarified so that reference to commercial uses does not mean the re-provision of industrial uses.

Policy ECC04 Barnet's Parks and Open Spaces Main Modification 68

We note that Policy ECC04 includes several standards for public open space provision, which have been carried over from the existing Local Plan Policy DM15, which uses similar wording and is based on the Parks and Open Spaces Assessment (2016) and Open Space, Sports and Recreational Facilities Assessment (2009).

We consider that the main modifications made with respect to open space provision risk causing confusion as these set out a requirement to "make provision for open spaces" in accordance with the standards set out in the Main Modifications. We are concerned that this can be read as developments are required to provide such open spaces. As currently written the policy suggests that significant provision of open space could be expected on site – for example, a 400 home development that could accommodate 1,000 residents could be required to provide 1.63 hectares of parks and 2.05 hectares of natural green spaces, which is likely to exceed the area of the site itself. This is not the apparent intent of the Council, with the reason for the modification set out as being to "clarify where developers will be expected to make provision for new and/or improvements to the quality and accessibility of parks and open spaces", implying that this is intended to improve parks and open spaces with the aim of meeting such standards at a borough-wide level.

We would also argue that the evidence base for such amendments is out of date, and applies a blanket standard which does not account for areas in which there is no open space deficiency, where there is no demonstrated need for the scale of such provision. As such, it is considered that this element of the policy is not justified or effective, in line with the definition as set out in Paragraph 35 b) and c) of the NPPF.

We would therefore suggest that this is resolved through the amended wording below to remove this ambiguity:

"development proposals should make provision for open spaces, including parks and playing fields, where additional demand is created and new or improved open space is necessary, with the aim to increase the provision of open space across the borough to meet the following strategic targets:"

On behalf of Baratt London and Places for London, we would like to thank you for this opportunity to respond to this consultation.

We would appreciate confirmation that our client's representations will be factored into the consideration of, and incorporated into, the Main Modifications to the Local Plan, and can be forwarded onto the Secretary of State in making a decision on the Local Plan in due course.

If you have any further queries, please do not hesitate to get in touch with myself, [REDACTED]

Yours faithfully

Reece Harris
Associate Director

For and on behalf of Avison Young (UK) Limited