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Nick Lynch  
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London Borough of Barnet  
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By email:  
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Dear Nick,

**Main Modifications to the draft London Borough of Barnet Local Plan  
Response on behalf of Regal GNLP Ltd for Great North Leisure Park**

I write on behalf of Regal GNLP Ltd to respond to the ongoing consultation on the proposed Main Modifications to the London Borough of Barnet's draft Local Plan.

As you will be aware, Regal GNLP Ltd is progressing pre-application discussions with officers on the development of the Great North Leisure Park site, with the intention to submit a planning application later this year. The planning application will propose c. 1,500 residential units, 2,000 sqm of Use Class E, F1 and F2 floorspace, a replacement leisure centre (Use Class E/F2), as well as car parking, public realm improvements, landscaping, highways works and other ancillary works.

This response, set out in **Appendix 1** below, sets out Regal GNLP Ltd's response to the Main Modifications consultation. It sets out Regal GNLP Ltd's position on whether the modifications can be considered to be sound on the basis set out in NPPF paragraph 35, in that they are positively prepared, justified, effective and consistent with national policy. It principally encompasses site allocation 67 which relates to the majority of the Great North Leisure Park site, the major thoroughfares and tall buildings policies. It also covers other key policies of relevance to the emerging proposals.

This letter follows previous representations on the draft Local Plan Examination in Public, dated 6<sup>th</sup> September 2022, 17<sup>th</sup> November 2022 and 25<sup>th</sup> April 2023.

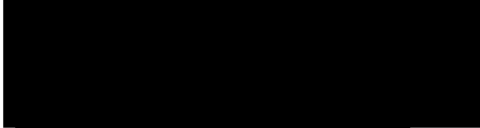
On behalf of Regal GNLP Ltd, I would like to thank you for this opportunity to respond to this consultation. We trust that our proposed amendments can be incorporated within the Main Modifications to the Local Plan and look forward to seeing its adoption later on this year.

Should you have any queries please feel free to contact me or my colleague Nicholas Alston (nick.alston@avisonyoung.com, 07903 988091) at this office.





Yours sincerely



**Reece Harris**  
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**For and on behalf of Avison Young (UK) Limited**

## Appendix 1 – Response to Main Modifications

Proposed modifications	Regal GNLP Ltd response
<p>Confirm that the indicative residential capacity of 352 dwellings is a minimum figure expected and that significant uplifts may be supported where acceptability is demonstrated via a design-led approach in accordance with Policy D3 of the London Plan to optimise the use of land and provide flexibility for any residential-led development that may come forward in the site.</p>	<p><b>MM145 - Site Allocation No. 67</b></p> <p><b>As set out in previous representations, we consider that the figure of 352 dwellings is based on a flawed assessment of site capacity which is not adequately justified, and so is not sound.</b></p> <p>We remain concerned that the number of homes set out on the site has been identified through reliance on the Density Matrix in the previous iteration of the London Plan (2016), which has been superseded by the design-led approach to optimising site capacity set out in London Plan (2021) Policy D3. EXAM 36 sets out the Council's view that the principles of the Density Matrix are carried across into the design-led approach (for example on PTAL and context). However, the Mayor of London at the Examination in Public on the London Plan (2021) set out that “density is seen as an output of, and not an input into, the process of determining the optimum amount of development” (see M39). The intent of the policy is therefore to allow boroughs to use the design-led approach to then determine the optimum density for individual strategic sites. This is clearly expressed within the Design-led Optimisation LPG, which refers to site analysis, design vision and parameters as informing the testing of site capacity for the allocation of strategic sites, and therefore density, on these sites.</p> <p>Therefore, calculating the capacity of sites on the basis of a particular density range set out in the Density Matrix, where density is effectively the input, is fundamentally different to optimising site</p>

capacity through a thorough assessment of the best use of land within the surrounding character and context, where the optimal density for the site is the output.

Notwithstanding the above comments, we note that the site capacity has not been adjusted to account for the fact that percentages for each use on the site are no longer specified, thereby meaning that additional residential capacity can be delivered on the site (if the Density Matrix led methodology is followed).

As we have set out during the pre-application process (which is ongoing), the emerging proposals for Great North Leisure Park have been predicated on a design-led approach to optimising the capacity of the site. The development proposes the most appropriate form that responds to the site's attributes, character and context, and capacity for growth, and land use for the site. The emerging proposals are compliant with London Plan design policies (D2-D9), respecting the surrounding character and context, delivering a high quality living environment and is demonstrably capable of accommodating tall buildings, such that the development is capable of viably delivering affordable housing and a new leisure centre. This has been embedded within a clear masterplan-led approach informed by strong design scrutiny. We note that site capacities for other sites have been based on pre-application proposals.

As such, it remains our view that in order for the proposed Site Allocation No. 67 to be considered sound, and the number of homes identified for the site to be justified and consistent with the

London Plan approach to optimisation through the design-led approach, the indicative site capacity should be adjusted to align with the c. 1,500 homes set out in the pre-application proposals.

The delivery of c. 1,500 homes is based on a design-led approach that seeks to ensure the re-provision of the leisure centre on the site in line with London Plan Policy S5, whilst also ensuring the delivery of affordable housing on the site. The height and massing are based on an iterative design process with the Council, and it is clear that the scale of the site, its separation from lower-rise residential and its utilitarian appearance mean that the site can accommodate a character that transitions between the existing context at the edges to a new, taller character at the centre of the site. It reflects the most appropriate land use for the site, respects the local character and context through lower-rise development at the edges, responds to the capacity for growth demonstrated by strong connections to jobs and services and delivers a high-quality living environment, and so is capable of accommodating tall buildings to deliver an appropriate quantum of development and associated public benefits. This has been embedded within a clear masterplan-led approach informed by strong design scrutiny. As such, a design-led approach that demonstrably complies with London Plan Policies D2-D9 has been undertaken on site to arrive at the conclusion that the site can appropriately accommodate c. 1,500 homes.

Notwithstanding this, we accept that such an approach would require the wholesale revision of the site allocations, and that officers and the Inspectors have sought to find a middle ground to allow the draft Local Plan to proceed. We therefore agree with the suggestion made by officers and

**Proposed modifications**

**Regal GNLP Ltd response**

Inspectors, and reflected in the Main Modifications, that 352 homes represents a minimum that can be exceeded subject to a design-led approach.

Remove the percentages for land uses on the site previously identified as relevant in the Plan as submitted. When planning permission is sought for development proposals, compliance will be assessed in terms of any relevant policies of the Plan and its accordance with the development plan as whole.

**We welcome the removal of specific percentages for each use on the site**, as this was overly prescriptive and placed a significant constraint on design and so was not justified.

Specify an approach to car parking that meets the requirements of TRC03 and have regard to Policy GSS12.

We are supportive of clearer references within the site allocation to policies within the draft Local Plan that support a reduction in car parking on the site.

Earlier proposed modifications that would have allowed for buildings of between 8 and 14 storeys on the site have been removed entirely. The site allocation now no longer refers to tall buildings, with no cross-reference to Policy CDH04.

**We consider the site is an appropriate location for tall buildings and a Main Modification to provide express support for tall buildings is required. We consider that this change to remove the site as an appropriate location is not sound, as it is not justified or positively prepared. Where a tall building falls outside of a location identified as appropriate for tall buildings it may be assessed against the requirements of Part C of Policy D9, and so found acceptable in the planning balance.**

London Plan Policy D9 sets out at paragraph 3.9.2 how boroughs should identify locations where tall buildings may be an appropriate form of development. This should be based on the “areas identified for growth as part of Policy D1 London’s form, character and capacity for growth”, with a sieving exercise then undertaken by assessing potential visual and cumulative impacts. The GLA’s

Characterisation and Growth Strategy LPG provides further detail on the approach to identifying which parts of each borough can best support growth. As part of this, a clear element is consideration of the Strategic Housing Land Availability Assessment (SHLAA), existing and emerging Development Plan designations and existing land uses.

Although some reference is made to existing guidance, the Tall Buildings Study Update (2019) does not account for these fundamentally important considerations in determining the growth strategy, and therefore the most appropriate location for tall buildings within the borough. In particular, it does not assess potential site allocations or future housing sites, which should have been considered alongside a design-led optimisation exercise for these strategic sites. Whilst we appreciate the Tall Buildings Study Update (2019) was prepared before the London Plan and LPG were adopted, the draft London Plan included similar provisions, and this does not detract from the fact that the Study Update is now out-of-date and inherently flawed in the current policy context. It therefore, without appropriate evidence, dismisses the site as an appropriate location for tall buildings, which is not a sound approach.

We further note that the EXAM 143A, which sets out the detail of the Inspectors' required modifications, does not propose the removal of Site Allocation No. 67 as an appropriate location for tall buildings, only that such an approach should be consistent with Policy CDH04. We therefore consider this adds further weight to the case that the decision to remove the site as an appropriate location for tall buildings is not sound.



By contrast, through the pre-application process we have carried out an extensive character study of the surrounding area in line with the design-led approach set out in London Plan Policy D3, that delivers a high quality of design in line with London Plan Policies D2 to D9, and draft Local Plan design policies. As part of this, we have demonstrated that tall buildings are capable of being appropriate on the Site in line with Policy D9, and indeed are necessary as a design response to optimising the capacity of the site whilst achieving the best use of land.

The GLA, in its pre-application advice (set out at **Appendix 1**) has set out its support for tall buildings on the Site, subject to addressing the impacts raised in Part C of Policy D9. In addition, as part of pre-application discussions with London Borough of Barnet officers, it has been accepted that a degree of height and massing is acceptable on the site, subject to visual, functional, environmental and cumulative considerations. We would argue that appropriate consideration should be given to this pre-application evidence that closely aligns with the London Plan approach, than to the outdated Tall Buildings Study Update.

The Main Modifications therefore do not prevent the provision of tall buildings on the site as part of a design-led approach to the optimisation of site capacity. This is recognised in Policy CDH04, which sets out that tall buildings must address all of the criteria in London Plan Policy D9 Part C. In line with the *Master Brewer* judgment, where a tall building falls outside of a location identified as appropriate for tall buildings it may be assessed against the requirements of Part C of Policy D9,



and so found acceptable in the planning balance. The future application will clearly demonstrate how the visual, functional, environmental and cumulative impacts of the tall buildings on the site are acceptable, and so combined with the design-led approach and high quality design that meets policy requirements, tall buildings are a wholly appropriate design response at Great North Leisure Park.

Therefore, in order to be considered as positively prepared, as a minimum the site allocation should set out that tall buildings will be considered against London Plan Policy D9 and Policy CDH04, to ensure alignment between the design-led optimisation approach set out in the site allocation wording and the pre-application proposals for the site.

**MM29 – Policy GSS11 – Major Thoroughfares**

References to wall-like corridors of medium rise buildings have been replaced with a criterion to require development to result in a sense of separation between town centres.

We consider that the Main Modifications to Policy GSS11 are sound. It is noted that the intent of the Inspectors with respect to tall buildings was for them to be covered by a single policy (Policy CDH04). We are supportive of this in making the Local Plan clearer to interpret.

Removed as an appropriate location for tall buildings.  
Cross-reference to Policy CDH04 deleted as approaches to tall buildings are dealt with comprehensively under that policy.

We are also supportive of the revisions to clarify support for residential development along Major Thoroughfares, through a design-led approach that results in a sense of separation between town centres. The proposed development at Great North Leisure Park is consistent with the design requirements of this policy, with its location providing a clear separation of varying typologies between the site and nearby town centres, particularly the closest town centre at North Finchley.

Clarification of support for residential development, and mixed-use development that accords with the Plan's policies on town centres and economy.

**MM46 – Policy CDH04 – Tall Buildings**

Definition of a tall building revised so there is no upper storey or metre height limit.

Former parts b) and c): both parts deleted as there is no substantive evidence as to where very tall buildings may be appropriate, and the criteria for determining whether to permit proposals for very tall buildings was not clear.

The major thoroughfare and town centre locations identified do not fully align with the Tall Buildings Study Update; new criterion added that makes clear that the locations specified on Map 4 may be appropriate for tall buildings.

**We welcome the removal of the definition of a Very Tall Building**, as we agree with the Inspectors that there was no evidence to support the distinction between tall and very tall buildings. This better enables proposals for tall buildings to be considered on their own merits against the requirements of draft Local Plan Policy CDH04 and London Plan Policy D9.

As we have set out in the response on Site Allocation No. 67 above, the Tall Buildings Study Update (2019) is in our view out-of-date and based on limited information that does not accord with the growth strategy and design-led optimisation approach to tall buildings set out in London Plan Policies D1, D3 and D9, and associated London Plan Guidance. We note that the Inspectors have reached the view, on the basis of the above Study Update that tall buildings may not be appropriate along the full length of the Major Thoroughfares. However, there are clearly sites along Major Thoroughfares that may be suitable for tall buildings that have not been identified in the Study Update, including site allocations like Great North Leisure Park.

Whilst we consider that the Site should be identified as an appropriate location for tall buildings, it is welcomed that the text at paragraph 6.18.3 sets out that applications for tall buildings on sites outside of locations identified as appropriate for tall buildings will be assessed against relevant development management criteria, including London Plan Policy D9.

When taking a design-led approach to optimising site capacity, we consider that tall buildings are demonstrably appropriate in this character area and context, and are essential to deliver the best use of land and meet planning requirements on the site. Tall buildings are wholly capable of addressing their impacts on this site. It is our strong view that had the evidence base been predicated on the approach set out in the London Plan and London Plan Guidance that tall buildings would have been identified as an appropriate on the site, as demonstrated by the pre-application proposals.

Former part e) (now Part B) replaced with reference to Policy D9(C) of the London Plan, and clarification added (now in Part C) clearly stating that the locally important views identified on Map 4 and on Policies Map are a relevant consideration for applications.

Explain that proposals for tall building development outside the locations identified in Part A will be considered against

We welcome the recognition in the policy that tall buildings must address all of the criteria in London Plan Policy D9 Part C. In line with the *Master Brewer* judgment, where a tall building falls outside of a location identified as appropriate for tall buildings may be assessed against the requirements of Part C of Policy D9, and so found acceptable in the planning balance. The future application for the Great North Leisure Park site will clearly demonstrate how the visual, functional, environmental and cumulative impacts of the tall buildings on the site are acceptable, and so combined with the design-led approach and high quality design that meets policy requirements, tall buildings are a wholly appropriate design response to optimising site capacity at Great North Leisure Park.

the development management considerations contained in parts B and C as modified.

Refers to a new Designing for Density Supplementary Planning Document, which will provide guidance on how the appropriateness of Tall Building proposals will be assessed relative to the impacts detailed in London Plan Policy D9C.

We would question the need for a new Designing for Density SPD when there is already the Mayor's Design-led Optimisation LPG which sets out the approach to ensuring a design-led optimisation of sites, which may lead to a need to provide tall buildings. Additional guidance should only be prepared where it is necessary and does not duplicate existing guidance, and we note that the Inspectors did not request such guidance be prepared in EXAM 143A. We would welcome further engagement from the Council on the preparation of any new guidance on design-led optimization of site capacity.

**MM34 – Policy HOU02 - Housing Mix**

Revisions to ensure an effective approach by adding site optimisation (taking account of London Plan Policies H1, H4, H5 and H10) and provision of Build to Rent and viability (in alignment with London Plan Policy DF1), as further material considerations relevant to the application of variations to the preferred housing mix.

We welcome the revisions to the wording of this policy to set out further material considerations in considering variations to the preferred housing mix. This will provide welcome clarity on the key factors to take into account in officer decision making.

Clarification that flexibility for Specialist Housing schemes supported by Policy HOU04 will be applied.

To account for changes in housing needs in Barnet the size priorities for affordable properties will be informed by an annual assessment of the Housing Needs Register.

**MM41 – CDH01 Promoting High Quality Design**

Now reflects London Plan Policy D3 expressly within the wording of part A of the policy on optimising the capacity of sites through a design-led approach.

Addition of supporting text: *"The NPPF states that "development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design"."*

We are supportive of the revision that states that all new development must optimise site capacity through a design-led approach.

**MM53 – TOW01 Vibrant Town Centres**

Main Modifications set out Council's support for the relocation and expansion of leisure uses from lower PTAL (0 to 2) car dependent locations to town centres locations providing good public transport and where opportunities of a suitable scale arise.

We consider that these revisions are sound on the basis that they confirm of the approach set out in national and strategic policy that such leisure uses should be directed to town centres, and aligns with London Plan Policy H1 which seeks the redevelopment of existing car-dependent leisure parks for residential use.

However, **to ensure that the draft Local Plan is consistent with the NPPF and the London Plan, reference should be made to London Plan policies regarding the protection and replacement**

**of sports facilities.** There is an existing sports facility on the site at present, the Finchley Lido Leisure Centre, and therefore the wording of part D of the policy is in conflict with NPPF paragraph 97, London Plan Policy S5 and draft Local Plan Policy CHW01, which resist the loss of sports facilities.

To address this and ensure the policy is sound, we consider that part D of Policy TOW01 should be amended to make it clear that a sequential test and impact assessment are not required where existing sports facilities are being replaced in accordance with the requirements of the NPPF and the London Plan.

**MM67 – Policy ECC04 – Barnet’s Parks and Open Spaces**

Former part e deleted to reconcile with Council’s strategy to address deficiencies in and improve access to parks and open spaces, and to reflect that the evidence does not justify a policy approach that permits release of existing open space for development.

**We are not supportive of the removal of the policy support for the limited redevelopment of low quality open space, as it is not justified.** It is not clear that the Inspectors were seeking this modification, and it will make it more challenging to bring forward defunct or poor quality open spaces for alternative development. The policy as it is now worded is overly rigid in terms of its protection of all open spaces, which is not justified as an approach and is therefore not sound.

For example, there may be instances where the loss of existing open space as part of comprehensive redevelopment where this is appropriately re-provided or otherwise mitigated would give rise to better planning outcomes. In the context of Great North Leisure Park, it is proposed to bring forward development on open space at the Pavilion site and at the former Bowls Green, which would enable the better use of these spaces and the provision of alternative much higher quality and better integrated open spaces throughout the proposed development



Development is now required to make provision for open spaces. This is particularly in areas of deficiency, although the policy allows the Council to apply the requirements elsewhere. Where additional demand is created and new or improved open space is necessary, in accordance with the following standards:

- Parks: 1.63ha per 1000 residents
- Natural Green Spaces: 2.05ha per 1000 residents
- Playing pitches: 0.75ha per 1000 residents.
- Play and informal recreation: as set out by London Plan Policy S4

Sets out that contributions to improvements to existing open spaces will be secured by planning obligations where necessary. However, it does not specify how such contributions would be calculated.

Part B of Policy ECC04 should therefore be amended to set out that the loss of existing open space would only be acceptable where such open space is re-provided or otherwise mitigated as part of redevelopment proposals.

**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 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:”*

We would also question whether there is evidence that this requirement should apply to developments that are not in an area of Open Space Deficiency, and the policy should be amended to be clear that this does not apply to such developments.

**MM68 – ECC05 Green Belt and Metropolitan Open Land**

Clarification that there is no evidence that development outside the Green Belt affects its openness in the terms of its definition in the NPPF, and it conflicts with the Framework’s approaches to assessing openness.

We are supportive of this change. The Great North Leisure Park site is immediately adjacent to the Glebelands Metropolitan Open Land (MOL) and will need to respond to and respect this landscape feature. However, as with many such spaces across London the space is already bounded by development and built form is visible in a variety of views from within the MOL. As such, whilst an essential characteristic of the MOL itself is its openness, we agree with the Inspectors that this does not extend to development outside of the MOL.

We will be carrying out a separate assessment of the landscape and townscape impacts of the proposed development, including the relationship with the MOL as part of the forthcoming planning application.

Proposed modifications	Regal GNLP Ltd response
<b>MM50 – CDH07 Amenity and Landscaping</b>	
<p>Table 11 (now 10) has been amended to remove minimum outdoor amenity standards for houses, which now must follow the same standards as other self-contained residential units.</p>	<p>We are supportive of these changes on the grounds of consistency with the London Plan.</p>
<b>MM72 – TRC03 Parking Management</b>	
<p>Deletion of requirement for CPZs to be in place prior to the occupation of development, as the delivery of CPZs is outside control of applicants.</p> <p>Where sites are redeveloped, parking provision should reflect the standards in Table 20 for residential development and the London Plan standards for non-residential development, and not be re-provided at previous levels where this exceeds the standards.</p>	<p>We welcome the recognition that it is not within an applicant’s control for CPZs to be in place prior to the occupation of development, and as such support the deletion of this requirement. However, this is not reflected in the supporting text at paragraph 11.12.6, which states that “the Council may seek to ensure that new or updated CPZs become effective prior to the occupation of a development proposal where unacceptable impacts on local highway conditions would otherwise result”. This appears to contradict the position set out in the policy text and the intent of the Inspectors in proposing modifications to remove this requirement. This should be clarified to align with the Inspectors’ comments to ensure the policy is sound.</p> <p>We are also supportive of the position that car parking should not be re-provided at previous levels where sites are redeveloped if this exceeds the standards in Table 20.</p>