



The Planning  
Inspectorate

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# Report to the London Borough of Barnet

by **Vincent Maher MA (Cantab) MCD MSc MBA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 22nd June 2012

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO BARNET'S CORE STRATEGY AND DEVELOPMENT  
MANAGEMENT POLICIES DEVELOPMENT PLAN DOCUMENTS

Core Strategy DPD submitted for examination on 16 August 2011

Development Management Policies DPD submitted on 8 September 2011

Examination hearings held between 6 and 14 December 2011

File Ref: PINS/N5090/429/6

## **Abbreviations Used in this Report**

AA	Appropriate Assessment
AHVS	Affordable Housing Viability Study
BL	Business Location
BXC	the Brent Cross Cricklewood area
CPO	Compulsory Purchase Order
CS	the Core Strategy
DPD	Development Plan Document
DMP	Development Management Policies
ELR	Employment Land Review
EUV	Existing Use Value
FPC	Further Proposed Change
GB	Green Belt
GLA	Greater London Authority
HMA	Housing Market Area
LDS	Local Development Scheme
LP2011	the London Plan 2011
LSIS	Locally Significant Industrial Sites
MM	Main Modification
MOL	Metropolitan Open Land
NLWP	North London Waste Plan
NPPF	National Planning Policy Framework
OAPF	Opportunity Area Planning Framework
PC	Proposed Change
PSA	Pre-Submission Amendments
PTAL	Public Transport Accessibility Level
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document

SPG                    Supplementary Planning Guidance  
TfL                    Transport for London  
UDP                    Unitary Development Plan

## **Non-Technical Summary**

**This report concludes that Barnet's Core Strategy or (CS) and Development Management Policies (DMP) Development Plan Documents (DPDs) which form part of the Barnet Local Plan provide an appropriate basis for the planning of the borough over the next 15 years providing a number of modifications are made to the plans. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt these DPDs. All of the modifications were proposed by the LPA, and I have recommended their inclusion after full consideration of the representations from other parties on these issues.**

**The modifications can be summarised as follows:**

- Introducing a new Policy CS NPPF that asserts the presumption in favour of sustainable development;**
- Clarifying when it would be appropriate to launch a review of policy in the Brent Cross Cricklewood area, and confirming which policies will apply to development proposals that do not prejudice the major redevelopment of the area;**
- Increasing the proportion of affordable housing to be sought, and removing imprecise references to the application of policy as it affects developments of between 10 and 15 homes;**
- Indicating the range of homes anticipated on the North London Business Park site;**
- Clarifying criteria relating to the assessment of housing for gypsies, travellers and travelling showpeople;**
- Clarifying situations where tall buildings and flat conversions might be appropriate; and**
- Clarifying that parking standards for residential development are maximum standards.**

## Introduction

1. This report contains my assessment of Barnet's Core Strategy (or CS) and Development Management Policies Development Plan Documents (DPDs) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (the Act). It considers whether the DPDs are compliant in legal terms and whether they are sound. The National Planning Policy Framework (the NPPF) states that plans should be consistent with this framework, including the presumption in favour of sustainable development. The NPPF makes clear that to be sound, DPDs should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be sound DPDs. The Council prepared two submission versions of the two DPDs in May 2011 (reference CD001 and DM01). It made a number of pre-submission modifications (these were referred to as proposed changes or PCs and referenced CD002 and DM02 respectively) that incorporate modifications agreed following consultation on both DPDs and a range of corrections. The Council submitted these PC documents with the submission documents for examination.
3. Over the length of the examination, the Council made additional modifications to both DPDs (which were called further proposed changes or FPCs). Many of these changes comprise minor textual corrections or changes in phrasing that serve generally to improve the DPDs. The modifications incorporated other changes negotiated in accordance with three statements of common ground prepared before the examination hearings. A glossary has been added which improves the plan in that it defines terms. The FPCs effectively rewrite the monitoring indicators for both DPDs. To avoid doubt, I am considering the FPC to CS Policy CS2 that was the subject of a public consultation between January and March 2012 and not the revision that was tabled during the hearings.
4. The Council also proposed two more significant changes to CS Policy CS4 that alter the proportion of affordable housing sought and make provision for unexpected demand for gypsy, traveller and travelling showpeople housing. These represent more significant changes to a policy compared to the other FPCs and were subject of a fresh consultation following an advertisement under Regulation 27 of the Town and Country Planning (Local Development) (England) Regulations 2004, consistent with the Council's Statement of Community Involvement (SCI).
5. Further modifications to both documents were proposed following the release of the NPPF and *Planning Policy for Traveller Sites* in March 2012 that were the subject of a further round of public consultation. The changes proposed reflect the need to substitute previous Planning Policy Guidance and Statement references (PPG or PPS) but the Council also proposes a new Policy CS NPPF which commits it to supporting the new presumption in favour of sustainable development. For the avoidance of doubt, my report is based on the policy position set out in the submission DPDs in combination with the April 2012 iteration of combined PC and FPC documents (refer FPC006, FPC014 and FPC015).

6. In my opinion, the various FPCs - particularly the proposed amendments to CS Policy CS4 and introduction of a new Policy CS NPPF - do not materially alter the substance of the two DPDs or their policies, nor do they undermine the sustainability appraisal and participatory processes undertaken.
7. Notwithstanding the fact that the term FPCs was used to identify various changes throughout the examination, my report deals with the main modifications that are needed to make the DPD sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the amended Act the Council asked that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. The main modifications are set out in Appendix A. The main modifications proposed by the Council that go to soundness and all FPCs have been subject to public consultation and I have taken the consultation responses into account in writing this report.
8. Some parties have invited me to recommend further main modifications that have the effect of correcting obvious typographical errors that remain in both documents. I agree, by way of example, that the term 'habitable room' in the Local Plan Glossary (reference NPPF CS E55) would be clearer if the word 'within' were used instead of 'with'. I implicitly recommend that the Council make such changes but note that these are minor textual changes that do not go to the soundness of the DPDs.
9. The Council prepared a Documents Library to support its evidence base and placed this on its website for the duration of the examination. I have largely used the relevant reference number supplied to identify documents for the sake of brevity. I observed that at least one of the Internet references did not provide the correct link to a document<sup>1</sup>. In referring to the North London SHMA, I have therefore used the reference number on the website that provided a direct link to the document (DM070).

## Assessment of Soundness

### Preamble

10. The London Plan 2011 (LP2011) was published on 22 July 2011 shortly before the submission of the DPDs for examination. The emerging, revised London Plan had clearly been tracked during the preparation of both DPDs and the Council believed that their DPDs were in general conformity with the adopted Plan albeit the Mayor of London did not consider the DMP DPD was in conformity with regard to car parking standards for new housing. I address this matter later in my report.

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<sup>1</sup> The electronic library has been temporarily removed from the Internet at the time of writing this report.

## Main issues

11. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings and in subsequent written representations, I have identified eight main issues upon which the soundness of the DPDs depend.

### **Issue 1 – Do the two DPDs contain a clear and sustainable place shaping strategy with precise objectives and priorities over a definite timescale capable of being delivered? Is it clear how the Development Management Policies DPD will implement Barnet's Core Strategy ?**

12. The DPDs for this large outer London borough have been strongly influenced by the Three Strands Approach (CD073), a local initiative that seeks to promote a successful and attractive city suburb by: protecting the 'green lungs' of the borough including its extensive areas of Green Belt (GB) and Metropolitan Open Land (MOL); enhancing the quality of its suburbs and town centres; and promoting growth in other parts of the borough to pursue regeneration goals such as in the Brent Cross Cricklewood area (BXC) and to accommodate much of the planned future growth of the borough's population.
13. These strands are reflected throughout both DPDs. There are clear policies for protecting the borough's natural assets, a range of CS and DMP policies that serve to control and support limited new development in residential areas and many parts of the borough. More intensive development is anticipated in BXC, a number of priority public housing estates and a limited number of priority town centres, development sites and employment areas. The policies in both DPDs are supported by appropriate quantitative and qualitative targets to monitor their delivery, consistent with a detailed and well-researched evidence base.
14. A sizeable proportion of future growth in the borough is focused towards the west of the borough which will serve to strengthen the North West London to Luton co-ordination corridor and take advantage of the borough's rail and tube links. Area Action Plans (AAPs) for Mill Hill East and Colindale adopted prior to this examination indicate they are likely, together, to deliver 36% of the borough's new housing over the lifetime of the CS and that progress on delivering new development in these areas is underway. This is an initial indication that some of the Council's timescales and targets are likely to be delivered.
15. There are some differences between the AAPs and the DMP DPD (for example, on proportions of affordable housing sought). However, the CS and DMP DPDs will apply to AAP areas and the application of AAP policies will need to be interpreted in the context of these later DPDs as well as other material considerations. It is not critical to the soundness of either of the DPDs to direct the Council to initiate a review of either AAP now. The timing for any review is more appropriately addressed in a future iteration of the Local Plan.
16. The Council's approach to spatial planning in the borough is consistent with its Sustainable Community Strategy (SCS) and the development of policies has been underpinned by a lengthy consultation programme audited in CD05. The Council has demonstrated in other places how its approach to

reviewing specific local matters such as the role of New Barnet were informed by more focussed local consultation<sup>2</sup>.

17. The two DPDs are interconnected with the DMP DPD setting out how the CS will be implemented. For example, to support the vision for the borough's town centres in CS Policy CS6, the DMP shows how this vision will be delivered in areas such as changes of use (DMP Policy DM11) or a preference for new education and community facilities to be directed to such locations (DMP Policy DM13). Inevitably, there is some duplication between the plans evidenced for example in the repetition of some monitoring indicators in both DPDs. This does not present a fundamental challenge to the soundness of either DPD.

### ***Overview of planning policies to support the spatial strategy***

18. Many policies echo national guidance but either have a sufficiently local twist or clarify in supporting text the local applicability of and justification for the policy such that they do not repeat national policy. For example, FPC DMP E9 strengthens the link between DMP Policy DM05 and how it would be applied in the borough. It generally improves this DPD.
19. The Council proposes a new policy (CS Policy NPPF) that asserts the presumption in favour of sustainable development set out in the NPPF. A number of submissions provide conflicting views on the appropriateness of this new policy. Opponents of the new policy are concerned it will allow inappropriate development across the borough or have suggested the insertion of this policy is unnecessary as it reiterates national policy. The effect of the new policy is to remove doubt about the Council's support for recently-announced national policy and the specific presumption in favour of sustainable development does not appear elsewhere in either DPD. For these reasons, the CS would be unsound without such a reference and, as such, I endorse **MM NPPF**.
20. It is not necessary to amend CS Policy NPPF to state specifically that the Council will consult the public and take their comments on board. These are statutory functions the Council has to carry out and the way in which they are carried out is covered elsewhere, for example, its Statement of Community Involvement which is referred to in the introduction to the CS. It is not necessary to amend other CS or DMP policies to emphasise the commitment to approve development without delay that accords with CS Policy NPPF. This is implicit in MM NPPF and does not need to be repeated.
21. A significant amount of the discussion at the hearings focussed on whether the approach to land use planning should be balanced more heavily in favour of protection, including changing words throughout both DPDs such as 'should' to 'must', 'strongly resist' to 'refuse'. The examination also considered whether the plans should more explicitly commit organisations such as the Council to 'do' rather than 'seek to do' things.

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<sup>2</sup> Refer Council statement for Matter 3 (pages 4 to 6)



22. Overall, the Council's approach is pragmatic without being overly prescriptive or being read as giving the 'green light' to inappropriate development. It reflects the necessary balancing act that long term plans of this nature should adopt, including the need to build in an element of flexibility as well as the Council's obligations to determine planning applications in accordance with the development plan and other material considerations. Terms such as 'seek to' should be used where a policy specifically looks to direct or encourage others (for example, Transport for London (TfL)) to do things that support the delivery of the DPDs and on whose actions the Council does not have direct control or where funding for a project has not yet been identified (for example, measures to retain and enhance the creation of local biodiversity in DMP Policy DM16).
23. The Council's commitment to protecting GB and MOL is consistent with the NPPF and LP2011 which requires MOL to receive the same level of protection as GB land. I recognise the Council's resolution as a democratically elected body to adopt the Three Strands Approach with its commitment to 'absolute protection' of GB land from inappropriate development in its adopted and final draft. The Three Strands commitment to 'absolute protection' also appears in paragraph 2.2.1 of the CS. However, removing a reference to the very special circumstances in DMP Policy DM15 where development inappropriate for the GB might be allowed would make the policy inconsistent with national policy and therefore unsound. Further, the term 'very special circumstances' has a distinct meaning which has been clarified in the courts. By their nature, very special circumstances are exceptional. It is not therefore necessary for the DPDs to provide their own definition of how this term might be applied in Barnet.
24. For the same reason, it is not necessary for Barnet's policy to identify situations where new buildings in the GB should not be regarded as inappropriate as the NPPF provides clear guidance on this point. While the Council has identified types of uses that would be appropriate on GB land, it is not necessary for reasons of soundness to use the exact same terminology and land uses as those referred to in the NPPF.

**Issue 2 – Do the DPDs provide an appropriate framework for guiding development in the Brent Cross Cricklewood area (BXC)?**

25. The spatial vision for BXC has developed over time and its evolution can be traced through a number of milestones. In 2005 the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework, also known as the Opportunity Area Planning Framework (OAPF), for the area was prepared jointly by the Council and the Mayor of London and adopted as Supplementary Planning Guidance (BXC SPG) (CD050)<sup>3</sup>. UDP policies affirming the approach to managing development in the area were adopted in 2006. Page 35 of the CS provides evidence of the partnership working which led to the establishment of the BXC development consortium. The London Plan Consolidated with Alterations since 2004 adopted in 2008 (CD

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<sup>3</sup> Refer section 1.4 of the CS.

071) confirmed again the BXC's importance as an Opportunity Area.

Substantial information was provided with the hybrid planning application covering a swathe of land in BXC submitted by the consortium in 2008 (C/17559/08). The documentation included an Environmental Impact Assessment. The legal agreement pursuant to the 2010 planning permission gives clear timescales for the discharge of its many conditions.

26. LP2011 continues to acknowledge BXC as an Opportunity Area (refer Policy 2.13 and Annex 1) with significant economic development potential capable of providing strategic office, retail and housing which capitalises on improvements to the Thameslink and the Northern Line. Table A1.1 of LP2011 re-affirms the area's importance within London. Unlike other OAPFs in LP2011, the BXC OAPF is not identified by the Mayor of London as under review.
27. A number of CS policies acknowledge the role that BXC is expected to play. In addition to commitments in CS Policy CS2, BXC's contribution to accommodating a substantial amount of the borough's new development including housing, office and comparison retail development are set out in Policies CS3, CS6, CS7 and CS8. Significant investment in public transport is anticipated in Policy CS9.
28. Policy CS14 states that a rail linked waste handling and recycling facility is proposed on a site adjoining Edgware Road. This reference is a matter of fact because it forms part of the 2010 planning permission. The reference is not a site allocation. The final location of a waste facility should be left to the North London Waste Plan (NLWP) (CD 063). I cannot give substantial weight to the NLWP in its current form as the public examination associated with it has not yet been completed. Further, it is not appropriate to comment on the size of site that might be required to accommodate the borough's waste or, indeed, if it is necessary to relocate the existing Hendon site.
29. A number of challenges to the spatial planning vision for BXC were raised, covering the lawfulness of CS policy and, in particular, Policy CS2, as well as its soundness. I address the lawfulness challenge first and then consider the submissions relating to this DPD's soundness.

#### *Lawfulness challenge*

30. The lawfulness challenge questions Policy CS2's reliance on links to saved policies in the Barnet Unitary Development Plan 2006 (the UDP) for development management purposes along with the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework SPG prepared with the Mayor of London. It was suggested that it is neither appropriate to rely indefinitely on the transitional arrangements under Schedule 8 of the Act to carry forward UDP policies into the CS, nor can the Council lawfully incorporate these policies within the CS by way of a cross-reference.
31. The challenge to CS Policy CS2 must be reviewed in the context of the Council's FPCs offered at the end of the hearings. FPC CS E3, E13 and E14 confirm the framework for development in BXC will be reviewed if, at the end of 2014, the Phase 1 compulsory purchase order on land that forms part of the BXC regeneration proposals has not been made and submitted for

confirmation. The effect of these FPCs is to make more precise the date after which existing UDP policies covering the area are likely to be reviewed.

32. The Act is the starting point for considering the lawfulness of the CS. The Council is obliged to maintain a Local Development Scheme (LDS) in accordance with Section 15(1) of the Act. The latest version of Barnet's LDS (CD 008) was adopted in July 2011 following its submission to the Secretary of State and the Mayor of London. At paragraph 2.17 of the LDS, the Council makes clear that the LDF will have replaced most of the 'saved' policies in the Unitary Development Plan in 2012 with the exception of the suite of 'saved' policies specific to BXC listed in Appendix 6. The distinct status of the 'saved' UDP policies is clearly set out in the LDS. Their retention is also authorised by reason of the Secretary of State's direction made in accordance with the provisions of Schedule 8 to the Act.
33. Section 19(1) of the Act requires DPDs to be prepared in accordance with the LDS. CS Policy CS2 and supporting text in CS Policy CS1 state that the UDP policies will continue to be used to assess applications pertinent to the regeneration of BXC. This approach is wholly consistent with the Council's LDS. I do not read the references to UDP policies in CS Policy CS2 as specifically 'incorporating' UDP policies into the CS either but rather interpret the references as serving only to clarify which policies will be used to determine planning applications that affect the regeneration of the BXC in the short to medium term. As these FPCs have the effect of setting a time limit for assessing if and when a review of the saved UDP policies should take place, it cannot therefore be concluded that the Council intends indefinitely to rely on the provisions of Schedule 8 of the Act.

#### *Soundness challenges*

34. There are three potential challenges to the soundness of CS Policy CS2 and its reliance on the UDP policies and BXC SPG. The first is that the UDP and BXC SPG should be or should have been reviewed before the CS was prepared to reflect current market conditions. The second is that the future planning of the area is reliant on the 2010 planning permission being progressed. There are some uncertainties in this including the need to secure a CPO on land at Geron Way currently opposed by an affected landowner. The CS should therefore show that work on a 'Plan B' is being started in case the hybrid application is not progressed. Thirdly, the adopted UDP Proposals Map in error fails to include a reference to land at Geron Way and is therefore inconsistent with the findings of the Inspector who examined the UDP. I address each of these challenges below.
35. First, it is critical to appreciate the importance of the extant planning permission covering BXC. It represents a commitment to achieve a comprehensive development worked up by private and public sector partners with a range of local and sub-regional benefits that are scheduled to be delivered over a 20 year period. A major review of the area at this stage has the potential to create uncertainty for this long term activity. More practically, if a review of the planning of the area were to result in an alternative mix of uses being identified, this would not have any effect on the 2010 planning permission. It is most improbable that the Council would seek to revoke it. Moreover, a review of policy that led to a different range of suitable land uses might not be in conformity with the recently adopted

LP2011 which continues to affirm the role the area should play within the metropolitan context.

36. Secondly, there is a risk of uncertainty and a potential policy vacuum around the future of BXC should the planning permission not be progressed. To address this, **MM 1, 3 and 4** establish a time deadline after which the planning of the area might be reviewed. I accept this as a pragmatic response and endorse these MMs as they confirm if and when the plan for the area should be reviewed. Notwithstanding this, LP2011 policies would still apply and could be used in an interim way to assess major planning applications if the planning permission were not progressed.
37. Turning to the third potential challenge, while noting the error that occurred during the adoption of the UDP Proposals Map as it relates to Geron Way, the updated CS does not specifically allocate Geron Way for waste use. As I have indicated above, the NLWP is the correct DPD for considering the most appropriate site for a waste facility in the borough. The Council confirmed the Proposals Map will be updated to take account of the findings of the NLWP examination and the Site Allocations DPD.
38. The Council clarified that the application of UDP policies identified in Policy CS2 is only pertinent to major proposals directly related to the comprehensive redevelopment of BXC. I therefore endorse **MM 15** which makes clear that the DMP DPD policies will apply to minor proposals that can reasonably be expected to be lodged before the hybrid planning permission is implemented or before CS Policy CS2 is reviewed.
39. I conclude the framework for considering development in BXC is both lawful and sound subject to the aforementioned MMs.

**Issue 3 – Are the two plans based on sound evidence of demand and supply of housing? Does the plan make sound provision for future new housing, in terms of the overall number of dwellings, geographical locations, housing mix and tenures?**

***Housing supply/ mix and delivery of associated infrastructure***

40. The Council's housing target has been largely informed by the London wide SHLAA 2009 (REG 021) and further amended during the examination process to reflect the progress on individual regeneration areas and to correct errors in the renumbered Table 3<sup>4</sup> to the CS and supporting text. The SHLAA identifies potential housing sites on previously developed land and specifically excludes private residential gardens. Such an approach is consistent with the NPPF. I conclude that the SHLAA is an appropriate tool for assessing the housing capacity of a suburban borough like Barnet.

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<sup>4</sup> This appears as Table 2 in the submission version of the CS but the numbering of this and other tables was changed as part of a suite of editing changes shortly after its submission to the Secretary of State. The latest version of the table is listed as FPC CS E7 in the combined document showing all Further Proposed Changes to the Core Strategy – Schedule 1 (FPC014).

41. The SHLAA identifies a potential minimum figure of 23,305 new homes and the LP2011 a minimum target of 22,500 homes in the period from 2011 to 2021. The CS figure of 21,720 homes shown in the renumbered Table 3 for this period (as indicated by FPC CS E7) reflects the likely timescale for the delivery of a number of major projects which are already in the pipeline or for which planning permission has been granted. On this basis, it is apparent that the Council has more than a five year landbank of deliverable sites. The table also gives a clear indication of where new development might take place including in town centres and the provision of windfall schemes.
42. The delivery of sites between Years 5 and 10 of the CS will continue to be 'lumpy' and will depend on other factors. I do not find it necessary to review or challenge the 10 year target adopted in the CS but am more concerned that the CS reflect the thrust of LP2011 which outlines the critical importance of delivering new housing and optimising densities on sites over the lifetime of the plan. The renumbered Table 3 anticipates 28,390 new homes over 15 years. A number of PCs collectively confirm this target exceeds 28,000 homes. Policy CS4 states that the Council will monitor the delivery of new housing and seek to meet or exceed this target.
43. The North London Business Park is identified in Table 3 as contributing to the Council's 15 year target. I endorse **MM 5 and 6** which indicates that the yield would be 'in the range of 400 homes' as the original figure of 400 homes is based on an adopted 2006 planning brief covering 10 ha of land on this site and adjacent land<sup>5</sup>. I have reviewed a submission indicating that the yield on this site could be considerably higher but this was based, in part, on a larger area being developed. It is possible that the final yield may differ from that implied by the 2006 planning brief on submission of a planning application as this application would have to take account of the adopted LP2011 density matrix and other housing related matters such as minimum floorspace this plan now imposes. As such, the term 'in the range of 400 homes' makes clear this is an estimate of the site's potential yield. I have not been presented with any compelling evidence that the area where development might be encouraged should be amended especially given that the site has been identified in LP2011 as an Industrial Business Park<sup>6</sup>.
44. It is not necessary to make specific references in the renumbered Table 3 to other sites such as the cleared Parcelforce site on Edgware Road as this site has been incorporated within the overall BXC target.

### ***Housing priorities***

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<sup>5</sup> The planning brief also incorporates adjacent land.

<sup>6</sup> Paragraph 2.79 of LP2011 identifies such sites as suitable for 'activities that need better quality surroundings including research and development, light industrial and higher value general industrial, some waste management, utility and transport functions, wholesale markets and small scale distribution'.

45. The North London SHMA (DM 070), a more detailed local analysis derived from the SHMA (CD 046) and a boroughwide Housing Need Survey (EVD 009) have informed the plan's preferred housing priorities identified in DMP Policy DM08. The priorities for different tenures in the borough reflect this evidence base and must be seen within a housing policy context that seeks to promote a mix of dwelling types. The supporting text at paragraphs 9.1.6 and 9.1.7 make clear that this policy can be applied flexibly and that larger family houses may not be appropriate in town centres and local centres.
46. Moreover, the application of the LP2011 density matrix with its emphasis on higher densities in urban locations such as town centres will further ensure that homes for smaller households including housing for older people and flats are more likely to be sited in such areas. It is not necessary to alter the policy.

### ***Affordable housing***

47. DMP Policy DM10 relies on two triggers for the application of affordable housing policy. The first is for all developments of 10 or more units, consistent with Policy 3.13 of LP2011. The 60:40 mix between social rent and intermediate tenure also accords with the strategic target set out in Policy 3.11 of LP2011 which seeks to establish a more diverse intermediate housing sector.
48. The Council also seeks to apply affordable housing contributions on sites larger than 0.4 ha. This figure is informed by the fact that this outer London borough has some development sites characterised by extremely large houses on correspondingly large plots where house prices are in the top fifth percentile across a subregion that includes the City of Westminster<sup>7</sup>. Proposals for large homes in these areas<sup>8</sup> might reasonably be expected as a direct response of the requirements in DMP Policy DM01 and local neighbourhood characteristics identified in the Council's Characterisation Study (DM 036). This might result in housing yields on individual sites below the affordable housing number threshold as a means of avoiding the delivery of affordable housing. The use of a site area trigger is therefore locally justified and consistent with strategic policy set out in paragraph 3.78 of LP2011.
49. Towards the end of the hearings, the Council revised upwards its target for the percentage of affordable housing as well as its approach to handling schemes of between 10 and 15 units. I consider both changes below.

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<sup>7</sup> Referenced in the North London SHMA (DM070) where pages 152 to 157 analyse the role of luxury housing in the subregion.

<sup>8</sup> The Barnet Characterisation Study (DM036) identifies Linear Rural and Suburban Periphery typologies in the north of the borough originally constructed at a density of between 2 to 15 dwellings per hectare. The Council also identified in oral evidence areas in the south of the borough characterised by very large plots such as The Bishops Avenue in the Garden Suburb Ward.

50. The Council raised the target for affordable housing in eligible schemes during the examination from 30% to 40% after reviewing LP 2011 Policies 3.11 and 3.12. Both strategic policies direct Councils to seek the maximum reasonable amount of affordable housing to help meet or exceed a London wide affordable housing target.
51. More locally, the Barnet Affordable Housing Viability Study (AHVS) (CD 039) suggests that securing 40% to 50% affordable housing is financially viable with grant funding on sites with low existing use values (EUVs) and viable in a more limited range of circumstances without grant funding but only in areas where sales values are towards the top range in the borough<sup>9</sup>. The AHVS tests a range of scenarios predicated on different EUVs and build costs to come to its view. However, it has only modelled outcomes based on a 70:30 split of affordable housing tenure between social rent and intermediate housing whereas LP2011 seeks a 60:40 split. This different tenure split might affect the sensitivity of the scenarios presented and therefore the AHVS' findings.
52. The AHVS also makes an assumption that sites with low EUVs including employment land and land previously in community use could be used for affordable housing. This is in conflict with other parts of both DPDs that seek to retain such activity in their current forms. In the case of employment land, CS Policy CS8 seeks to increase the amount of new employment floorspace and Policy DM14 affirms the stance of limited release of land in a B Use Class consistent with the Mayor of London's SPG on Industrial Capacity (REG016) and other local research. Employment land is not likely to make a significant contribution to the borough's supply of new housing.
53. The foregoing assessment of the AHVS has revealed some conflicting findings when subjected to scrutiny. However, on the basis of the evidence base before me and other submissions provided by the Council during the hearings to demonstrate how 40% would meet the borough's contribution of affordable housing within the North London context<sup>10</sup>, I conclude that a target of 40% appears soundly based. It is important to note, further, that Policy DM10 maintains, as a result of FPC DMP E16, that the new development will be required to deliver the maximum reasonable amount of affordable housing. I therefore endorse **MM7, 8, 12, 18, 19, 20** and **22**.
54. It has been put to me that delivering this higher target of affordable housing proposed on specific sites may be a challenge. The AHVS recognises the difficulty in pursuing a higher target but advises that such challenges are not unique to Barnet especially in current economic conditions. Paragraph 11.1.7 of the DMP, as amended by PC DMP PSA 119, satisfactorily sets out circumstances when a reduction in levels of contribution or in lieu contributions might be acceptable. The current Affordable Housing SPD (CD

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<sup>9</sup> Referenced in summary at page 3 and in more detail in section 7

<sup>10</sup> Refer Council's final statement on affordable housing presented on 14 December 2011.(HIA027)

040) further clarifies that where viability is an issue of contention, the Council would seek to have negotiations including a review of exceptional costs and an 'open book' assessment of profitability.

55. The Council removed original references to a 'flexible and realistic' approach to securing affordable housing on sites of between 10 and 15 homes. I endorse the Council's final position expressed in **MM9** and **MM21** as necessary to remove an imprecise and unclear application of the policy which could potentially reduce the opportunities for securing the maximum amount of affordable housing required in LP2011.

### ***Housing for gypsies, travellers and travelling showpeople***

56. The Council also revised Policy CS4 to make it consistent with national policy relating to this distinct housing group. The revised policy provides a framework that plans more positively for unexpected demand and broadens the remit of the policy to cover the needs of travelling showpeople too. Furthermore, it sets a target for the provision of housing for gypsies and travellers informed by the London Boroughs' Gypsy and Traveller Accommodation Needs Assessment (REG 035). Accordingly, I endorse **MM 10, 11** and **13** as they are necessary to address the defects identified in the submitted version of the CS.

### **Issue 4 –Are the policies and proposals for business, industrial and warehousing land consistent with national guidance and supported by a comprehensive evidence base? Should the plans demonstrate greater flexibility in the use of employment land, including live-work opportunities?**

57. Prior to the hearings, the Council submitted a number of PC changes to the supporting text to DMP Policy DM14 and Appendix 5 that correct obvious numbering and graphical errors about site classification and clarify which sites fall within the principal employment land categories in the CS. To avoid doubt, I have considered the various submissions about employment land on this basis.
58. The Employment Land Review<sup>11</sup> (ELR) (CD 058), LP2011 Policy 4.4 and the Mayor of London's SPG on Industrial Capacity (REG016) is the principal evidence and regional policy basis underpinning the logic for managing land use policy within the B Use Classes in Barnet. The ELR directly informs CS and DMP policies to create additional business space across the borough and which seek only a limited transfer of designated employment sites to other uses. The assumptions about the suitability of or need for Locally Significant Industrial Sites (LSISs) for general industrial and storage/warehouse activity (Use Classes B2 and B8) and the Industrial Business Park<sup>12</sup> and Business Locations (BLs) for business use (Use Class B1) appear reasonable in

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<sup>11</sup> The DMP DPD refers to an Employment Land Survey. This is the same document as the ELR.

<sup>12</sup> PC DMP PSA 166 removes the erroneous term 'Industrial Business Location'.



principle and the retention of these sites clearly underpinned by strong economic evidence.

59. I have not seen any convincing evidence to show that the sites designated have no reasonable prospect of being used for employment. I am therefore not persuaded of the need to dilute the commitment to retain a significant proportion of the borough's employment stock. It will be clearly incumbent on the Council to revise land allocations in future iterations of the Barnet Local Plan. By contrast, Policy DM14 sets out criteria to support the loss of land in a B Use Class that is not designated as an LSIS, BL or IBP.

### ***North London Business Park***

60. The LP2011 designates the North London Business Park as an Industrial Business Park. It is the only economic development area in Barnet included within the LP2011 hierarchy of Significant Industrial Locations. The aforementioned PC changes on land designation clarify the extent of the North London Business Park designation. De-designating some or all of this site from employment use would render the CS inconsistent with the LP2011.
61. The loss of this site for the purposes set out in the CS cannot be justified by reference to the NPPF either as paragraph 51 makes clear that the loss of land to housing, even if there is an identified need for it including market research to show developer interest in it, would be inappropriate given the strong economic evidence offered for its retention as B Use Class land.

### ***Loss of B Use Class land for other uses***

62. The examination considered the criteria for promoting changes of use on designated employment locations. Warehouse clubs are identified in the NPPF as main town centre uses and Barnet's approach to protecting Locally Significant Industrial Sites (LSIS), Business Locations (BL) and Industrial Business Parks (IBP) from such uses is in principle soundly justified. A number of submissions invite me to support new housing on employment land. It is appropriate to protect employment land from being lost to housing given the regional evidence base referred to above which seeks only a limited release of employment land locally and the fact that the Council has identified a number of major sites that are likely to accommodate a large proportion of the borough's future housing need.
63. Other submissions argue for a more flexible use of employment space for activities such as employment training facilities that might directly support employment on B Use Class land or for the Metropolitan Police Authority estate to plan for non-public facing facilities, some of which fall outside a B Use Class<sup>13</sup>.

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<sup>13</sup> Page 6 of the MPA submission to the examination identifies a broad range of facilities. Some evidently fall within the B1 Use Class but others would appear to be sui generis uses.

64. The provision of police infrastructure might directly support the themes of crime reduction and managing disorder referred to in the NPPF. However, the police's estate management needs represent a specialised one-off, important local public service. I have no firm information of future Police estate needs locally and whether they represent a strategic issue that should influence industrial land policy in Barnet. The Council stated at the examination that the most appropriate opportunity to accommodate the future needs of the police including its non-public facing facilities is its Sites Allocation DPD. I concur with this view on the basis of the limited evidence before me.
65. Live-work accommodation can promote sustainable development by reducing the need for car-borne journeys to work. However, the provision of such accommodation does not appear to be a strategic issue for the borough either. I therefore do not consider it necessary for the Council to set out a policy relating to the provision of such accommodation in either DPD. More critically, such a policy could potentially prejudice the future use of much of the borough's employment land supply and conflict with the advice in the ELR and LP2011 which indicate that there should only be limited release of such land.
66. The IBSA/Watchtower group's commitment to providing 'dual residential/employment environments' for staff working on its publications is not only an integral part of that organisation's ethos but a distinctive need pertinent to that group. The group's commitment to house its staff differs from the provision of dedicated specialist homes for key workers such as nurses and police officers who provide an essential and local public service and need to be located close to the communities they directly serve. I do not consider it necessary for the Council to adjust its stated position. Any future planning application for on site accommodation would have to be determined on its own merits and in the light of any material considerations raised by this particular group.

**Issue 5 – Do the plans provide an appropriate vision for the borough's 20 town centres and, in particular, New Barnet along with appropriate development management policies to help shape a sustainable future?**

67. The Council's town centre policies are informed by qualitative and quantitative research that has taken account of the recent performance of each centre following the recent economic downturn (CD 074 and CD075) has been drafted in the light of the former PPS4 (NAT 038) and are consistent with the more relevant NPPF. The proposed hierarchy appears broadly appropriate as is the allocation of additional comparison and convenience shopping. This split rightly acknowledges that Brent Cross will, over the lifetime of the CS, acquire the metropolitan role within the London retail hierarchy anticipated in LP2011. The identification of a range of priority town centres outside of Brent Cross is an appropriate and targeted approach to guiding where change should take place and where it is appropriate for the Council to prioritise investment.
68. The commitment for a mix of retail unit sizes in significant developments expressed in DMP Policy DM11 is soundly based and has the effect of promoting consumer choice in town centres, consistent with the NPPF. The supporting text to this policy defines the term 'significant' as that exceeding

500 square metres or a net addition of this amount to an existing unit. No further changes are needed to clarify how this policy will be applied.

69. There are conflicting views about whether New Barnet should be reinstated as a priority town centre following its removal from the list of priority centres between earlier drafts of the CS and the publication version. This centre performs relatively poorly in the borough context. On the other hand, it has some existing high rise development and other land with development potential on the edge of the existing boundaries of this centre, such as the Asda holdings north of Victoria Road. However, the development potential of this site is clearly constrained due to its proximity to an HSE notifiable installation. The centre has access to public transport but the area as a whole does not score as highly as other parts of the borough that would be more suited to higher density housing to address the LP2011 density matrix.
70. The Council has also demonstrated in its oral and written evidence that the removal of priority town centre status reflects the views of local residents who responded to two consultation exercises and represents an example of localism in practice. On balance, I find that it is not critical to the soundness of the plan to identify New Barnet as a priority town centre.

**Issue 6 – Do the two DPDs appropriately address the future infrastructure needs of the borough, including the siting of new community and social provision and the arts? Has adequate provision been made for the protection and promotion of public open space and other space, including recreational facilities?**

*Community and social provision including the arts*

71. The Council has demonstrated a considerable level of contact with public sector providers in health and education as well as CommUNITY Barnet, an umbrella group for the voluntary sector<sup>14</sup>. Both plans give examples of how the voluntary sector is delivering services including in areas such as education. The Infrastructure Delivery Plan (the IDP) (CD059a) clarifies plans for new investment by some major public bodies. The CS and IDP indicate how more intensive use of existing Council buildings and other community assets such as schools could address community needs including the arts<sup>15</sup> too. It is not necessary to state more explicitly that the voluntary and private sector will deliver some of the borough's community services.
72. It is appropriate in the context of increasing population in a part of London with high land prices to resist the loss of community or educational uses except in the exceptional circumstances set out in Policy DM13a. It is not necessary to replace the word 'use' with the phrase 'services and facilities' that appears in the NPPF as the supporting text to the DMP DPD makes clear that it is setting out land use policy including the development of building

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<sup>14</sup> There are references in both documents as well as evidence from minutes of meetings recorded in the Council's Consultation Statement (CD006)

<sup>15</sup> IDP Paragraph 3.18.2

and land. Nor is it necessary for reasons of soundness to make more explicit a desire to promote shared use of facilities following the release of the NPPF. This is made clear in CS Policy CS10 as well as much of the supporting text of the two DPDs, the Mill Hill AAP and specific initiatives such as the One Barnet Partnership Board as well as commitments to provide local hubs and broaden the remit of the borough's public libraries.

73. There is also an inherent logic in preferring new community and educational uses to locate in town and local centres as these generally have better access to public transport. However, restricting new uses to such centres alone has the potential to limit the choice of sites that some community groups - and particularly fledgling groups - may be able to afford to occupy. For this reason, I endorse **MM23** as it broadens the choice of preferred sites for such groups while ensuring that such development protects the living conditions of nearby residents.

*Public open space and the management of open space*

74. The 2009 open space assessment (CD 048) provides a detailed basis for assessing the borough's strategic need to plan for and manage sports and recreational land. Its methodology and conclusions are broadly consistent with the guidance to the former PPG17<sup>16</sup> (NAT032a). The survey has focussed on all 'open spaces, outdoor sports and recreational facilities for which there is legitimate public access'<sup>17</sup>. This excludes private sports clubs and recreational facilities not open to the public. By itself, this does not make the assessment defective since the thrust of Council policy - principally set out in CS Policy CS7 but also in the supporting text to DMP Policy DM15 - is to defend open space and to provide additional space to accommodate new residents in parts of the borough anticipated to grow in population.
75. The assessment did not specifically take into account the land to the rear of Briarfield and Rosemary Avenue, London N3. This site has been the subject of two dismissed planning appeals for housing development. An application to make the site a village green was also dismissed. This site was identified on an earlier draft of CS Map 11 showing Barnet's Green Spaces and Play Areas. The submitted version of the CS has been renamed to show Public Open Spaces only<sup>18</sup> and the site removed from the map.
76. Based on my observations on site and having reviewed the comments of fellow inspectors<sup>19</sup>, the site clearly has the characteristics of open space but is not of such strategic importance to the borough that it would be necessary to make specific reference to it either in the text of the CS or CS Map 11. The merits of any alternative use on the site are more appropriately addressed in a Sites Allocations DPD that would take account of other

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<sup>16</sup> This guidance note has not been replaced following the issue of the NPPF.

<sup>17</sup> CD 048, p 11

<sup>18</sup> CS PC PSA 104 also confirms this map is to be renumbered as Map 12.

<sup>19</sup> Most notably, APP/N5090/A/07/2046984, APP/N5090/A/10/2131311 and the Village Green appeal

initiatives including the Council's Leisure Review. Other nearby projects may go some way to addressing local open space deficiency such as the new park at the Finchley Memorial Hospital site<sup>20</sup>.

**Issue 7 – Do the two plans provide an appropriate framework for managing transport in the borough, including promoting a range of transport options? Are the Council's proposed parking standards for residential development locally justified and sustainable?**

77. The Council has responded to most London wide transport challenges as is reflected in a number of PC changes made to address TfL concerns. The FPCs to the CS show greater alignment between the Council's draft Local Implementation Plan (EVD031) to set targets to increase cycling as a proportion of all travel movements. DMP Policy DM17 provides an appropriate way of ensuring that major development embraces alternative forms of transport to the car through the provision of transport assessments and travel planning. While the DPDs in combination seek to improve road safety, it is not necessary to make the plan sound to be specific about the use of specific measures such as 20mph zones to achieve it.
78. The Council has largely followed the London Plan's parking standards with the exception of one and two bedroom homes. For the avoidance of doubt, **MM24** clarifies the standards are to be interpreted as maximum standards and is necessary to be consistent with LP2011. I therefore endorse this main modification. The only area of difference between the two plans relates to one and two bedroom developments where there is a marginal departure from LP2011 Table 6.2. The Mayor of London states that, as such, this policy is not in general conformity with LP2011.
79. Having reviewed LP2011 Policy 6.13, it is clear that LP2011 indicates that the parking standards **should** rather than **must** be applied locally. LP2011 states at paragraph 6.42 that 'London is a diverse city that requires a flexible approach to identifying appropriate levels of car parking provision across boundaries. This means ensuring a level of accessibility by private car consistent with the overall balance of the transport system at the local level'. This wording is critical to understanding how LP2011 policy should be interpreted locally.
80. The Council has provided substantial empirical evidence including surveys of recently completed development to show car parking demand in new developments and the consequences of providing inadequate parking. Barnet is a large outer London borough broadly characterised by two linear settlements along each of the two branches of the Northern Line and separated by a substantial swathe of MOL/GB. This settlement pattern makes cross-borough movements difficult by public transport as was demonstrated at the examination by reference to a trip from Edgware to Chipping Barnet by public transport in contrast with cross borough

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<sup>20</sup> IDP, page 27 of 34 of Appendix table

movements in other local authorities closer to central London. Difficulties of connectivity would appear to provide some justification for a loosening of LP2011 Table 6.2 standards. By contrast, it should be noted that maximum parking standards stricter than those in LP2011 will continue to be applied in BXC.

81. The Council's approach can therefore be shown to be both more restrictive in parts and marginally less restrictive elsewhere when assessed against LP2011. On balance, the Council's approach is broadly consistent with the thrust of LP2011 Policy 6.13 which seeks to balance promoting new development against excessive subsequent car parking provision. As such, I find the Council's localist approach in general conformity with LP2011 and, furthermore, one that is supported by paragraph 39 of the NPPF. It therefore complies with section 24 of the Act.

**Issue 8 – Do the two plans provide a basis for facilitating the population growth anticipated while, at the same time, promoting good urban design which protects the distinct characteristics of the borough's neighbourhoods and supports sustainable development?**

82. CS Policy CS5 provides the principal policy basis for promoting good design and is supported by DM Policy DM01. Suburban residential development comprising two storey dwellings is the predominant urban character in the borough, much of which has a high quality of amenity as is evidenced by the Characterisation Study of Barnet<sup>21</sup>. The protection of this suburban form is an integral part of the Three Strands Approach. The Council's articulation of its approach to design management clearly reflects local circumstances and national policy. It is not necessary to weave additional clarifying text from the NPPF into the Council's design policies.

*Tall buildings and housing density*

83. The Tall Buildings Study (CD 069) is the principal basis for supporting the local plan-led response required by LP2011 Policy 7.7 for the preferred siting of tall buildings within the borough. LP2011 does not define the height of a 'tall building' but I concur with the study's findings that buildings of eight or more stories take on the attributes of a tall building in the context of a suburban borough such as Barnet. This study acknowledges the existing clusters of development in strategic locations where it is more appropriate in principle to consolidate new development. These locations include public housing estates and a number of priority town centres such as Finchley Church End and North Finchley with potential development sites where the Council is preparing town centre frameworks (CD 061 d and e).
84. The logic for prioritising tall buildings into these centres appears appropriate and locally justified reflecting other regeneration activity and other development opportunities. It would be inappropriate to remove these centres from the list of strategic locations. DMP Policy DM01 and DM05
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<sup>21</sup> DM036, pp 70 to 77

together establish a number of criteria against which tall building proposals will be assessed. Most critically, the need for new development to demonstrate its successful integration into the existing urban fabric serves as a way of ensuring such development would have to provide appropriate interfaces with nearby development of a lower height.

85. I have considered the merit of including New Barnet as a further strategic location. Notwithstanding its proximity to a railway station and other tall buildings, the area does not enjoy a high PTAL score in comparison with other parts of the Borough and does not therefore present an obvious location for prioritising additional tall buildings. For the reasons given above, there are sound reasons why New Barnet should not be given priority town centre status. However, this should not automatically rule out a positive consideration of further tall building development in this centre. In this respect, I endorse **MM 2 and 14** as they do not rule out consideration of applications for tall buildings in other locations.

#### *Flat conversions*

86. More intensive use of a predominantly suburban housing stock through flat conversions can have a cumulatively detrimental impact on the character of an area. This can result in increased pressure for hardstanding for vehicles and additional bin stores, the loss of family size housing and on street parking stress in a borough which does not have extensive Controlled Parking Zone coverage. Some of these concerns are identified in the Characterisation Study of Barnet<sup>22</sup>. Other representations at the examination make the assertion that flat conversions can change the profile of a neighbourhood too, making them less stable.
87. The Council's desire to protect the character of its established suburban residential neighbourhoods from this form of development needs to be balanced by the fact that much of its housing stock is located within 800m of a town or local centre and the borough's principal public transport corridors. Sites enjoying good access to services and a range of public transport options should generally be considered for more efficient and effective use reflecting the LP2011 density matrix which acknowledges such sites as more likely to be urban rather than suburban in character with an expectation of higher dwelling density ranges.
88. I endorse **MM 16 and 17** as they state more positively the situations when flat conversions might be supported while at the same time retaining measures to protect residential quality consistent with the Three Strands Approach. Such alterations provide a level of flexibility in the application of DMP Policy DM01 (h) and (i) which will assist in making more effective use of sites close to town centres at appropriate locations in support of LP2011. I have been asked to review the Council's FPCs by reference to a fellow Inspector's recent decision on flat conversions. MM16 and MM17 do not

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<sup>22</sup> Reference DM036 p 133 focusses on off street car parking in suburban streets.

remove the need for decision makers to have regard to the character of an area when assessing proposals and indeed would allow the Council or another decision maker to withhold permission if a flat conversion were considered to have an adverse effect on the character of an area.

*Vehicular crossovers and other forms of development in Barnet's suburbs*

89. The Council's town planning powers to restrict vehicular crossovers and hardstandings in most residential areas are severely constrained. It is not appropriate for the Council therefore to develop a specific land use planning policy to cover a matter that is largely exempt from planning control over and above the general principles for good development set out in DMP Policy. I pass no observation on whether the Council could separately make use of highway legislation to control crossovers as this falls outside of my obligation when testing these DPDs for soundness. I pass no observation on the viability or merit of an Article 4 direction either.

**Issue 9 – Do the DPDs make sufficient provision for the planning of infrastructure necessary for the borough? Are the implementation mechanisms identified sufficient and suitable to achieve their objectives? Is the monitoring proposed throughout the two plans sufficiently comprehensive and informative to help measure achievement against its objectives?**

90. The IDP (CD 059a) brings together the Council's aspiration for investment in the borough's physical, social and 'green' infrastructure. It is a living document that is updated as projects are delivered and in response to changing circumstances. While it will be used to inform the Council's five year programme, it also considers the need to plan for infrastructure provided by others. It was clear in the examination that there is some uncertainty in funding especially for future school provision although the IDP makes clear that it is not easy to plan beyond a five year period due to difficulties in forecasting migration levels beyond the medium term. The Council identified other projects where there is a funding gap. Barnet is not unique in expressing some uncertainty about investment in the current context of constrained public spending. In all likelihood, some of the projects in the IDP are more likely to be 'desirable' rather than 'necessary' or 'critical'. Nonetheless, I am not aware of any obvious infrastructure 'show stoppers' that would stop the spatial strategy from being delivered.
91. The DPDs contain a number of policies - most notably CS Policy CS15 and DMP Policy DM17 - that put mechanisms in place to pay for the infrastructure to meet the needs generated by new housing development. The Council has also indicated that it will establish its own Community Infrastructure Levy that will provide a further safeguard to ensure sufficient infrastructure is in place before new development is delivered. On this basis, I am satisfied the Council has mechanisms to fund and deliver the infrastructure needed to support the growth of the borough's population anticipated over the lifetime of the DPDs.
92. The Mill Hill substation forms part of the 275kV electricity transmission network serving London and the wider area. Changes in electricity generation across the country and increased demand in London and the South East may result in the need for an expansion of the substation



buildings on the National Grid's land during the lifetime of the CS. At the same time, the land is designated as a Site of Metropolitan Importance for Nature Conservation. Accordingly, any proposals that are not permitted development will need to be considered against LP2011 given its London wide importance as well as to Barnet. The Council's approach in DMP Policy DM16 is in broad compliance with LP2011 policy and is therefore soundly based. I have seen no evidence to justify departure from LP2011 policy or that the application of DMP Policy DM16 would prevent the effective supply of electricity to the borough or the rest of London.

93. The Council substantially rewrote its monitoring indicators for both DPDs during and after the hearings (refer FPC 006). Many revisions represent adjustments to baseline indicators where none previously existed or establish new baseline positions and targets that will help monitor the success of each policy. Other changes correct errors or are necessary to make the relevant indicator consistent with other PCs and FPCs in the DPDs and generally improve the DPDs.

## Assessment of Legal Compliance

94. My examination of the compliance of the DPDs with the legal requirements is summarised in the table below. I conclude that both DPDs meet them all.

LEGAL REQUIREMENTS		
Local Development Scheme (LDS)		The CS and DMP DPDs are identified within the approved LDS dated July 2011 as having an expected adoption date of December 2011. The content of these DPDs broadly complies with the LDS. The delay in adoption is not critical.
Statement of Community Involvement (SCI) and relevant regulations		The SCI was adopted in 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM).
Sustainability Appraisal (SA)		SA has been carried out and is adequate.
Appropriate Assessment (AA)		The Council's Habitats Directive Assessments Screening Report (September 2010) sets out why AA is not necessary.
National Policy		The DPDs complies with the NPPF and other national planning policies except where indicated and changes are recommended.
Spatial Development Strategy (RS)		The DPDs are in general conformity with LP2011 for the reasons set out in paragraphs 79 to 81.
Sustainable Community Strategy (SCS)		Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)		The DPDs comply with the Act and the Regulations.

## Overall Conclusion and Recommendation

95. The submitted DPDs had a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of them as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.
96. The Council has requested that I recommend main modifications to make the DPDs sound, legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in Appendix A, the two DPDs satisfy the requirements of Section 20(5) of the Act and meet the criteria for soundness in the National Planning Policy Framework.

*Vincent Maher*

INSPECTOR

This report is accompanied by:

Appendix A (separate document) - main modifications to DPDs that go to soundness

<b>Appendix Table 1 Main Modifications to Core Strategy DPD necessary for reasons of soundness</b>			
<b>Inspector reference</b>	<b>Local Authority examination reference</b>	<b>Policy/ paragraph in plan</b>	<b>Change necessary for reasons of soundness</b> (additions in <b>bold</b> and text deleted as <del>striketrough</del> )
MM NPPF	NPPF CS E8	New Policy to be inserted at page 5	<p><b>Policy CS NPPF - National Planning Policy Framework - Presumption in Favour of Sustainable Development</b></p> <p><b>When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).</b></p> <p><b>We will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in Barnet.</b></p> <p><b>Planning applications that accord with policies in Barnet’s Local Plan (and, where relevant, with polices in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</b></p> <p><b>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise – taking into account whether:</b></p> <ul style="list-style-type: none"> <li><b>• Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or</b></li> <li><b>• Specific policies in that NPPF indicate that development should be restricted.</b></li> </ul>

<b>Appendix Table 1 Main Modifications to Core Strategy DPD necessary for reasons of soundness</b>			
MM1	CS E3	New Para 1.4.5a	Monitoring indicators for the Brent Cross – Cricklewood policy set out in Appendix B will have regard to the progress made in the implementation and delivery of regeneration. <b>The key milestone for the regeneration of Brent Cross – Cricklewood is likely to be the Phase 1 Compulsory Purchase Order. If by the end of 2014 any CPO that is required to deliver Phase 1 and commence the development has not been made and submitted for confirmation we will instigate a review of the policy framework for Brent Cross – Cricklewood.</b> <del>These indicators will provide the basis for the review of the Core Strategy and</del> <b>The form of the review will be set out in a revision to the Local Development Scheme</b> and may, if necessary or appropriate, lead to introduction of new DPD or SPD to further guide and control the comprehensive regeneration of Brent Cross – Cricklewood.
MM2	CS E11	Policy CS 1 – Barnet's Place Shaping Strategy	We will only <del>consider</del> <b>support proposals for</b> tall buildings....
MM3	CS E13	7.5.2	In view of the substantial progress that has been made towards the implementation of the relevant UDP saved policies on Brent Cross – Cricklewood we consider that it is inappropriate at this time to replace the suite of policies listed in Appendix A. In order to provide a detailed policy framework to secure the future comprehensive redevelopment of Brent Cross Cricklewood these 'saved' policies will continue to operate unless and until it is considered appropriate to replace them. Specific monitoring indicators for Brent Cross – Cricklewood are set out in Appendix B. These indicators are closely aligned with the progress to be made under the planning permission in securing the implementation and delivery of regeneration before 2015/16 including in particular key infrastructure as identified in the Infrastructure Delivery Plan and providing new housing. <del>These indicators will provide the basis for the review of the Core Strategy</del> <b>The key milestone for the regeneration of Brent Cross-Cricklewood is likely to be the Phase 1 Compulsory Purchase Order (CPO). If by the end of 2014 any CPO that is required to deliver Phase 1 and commence the development has not been made and submitted for confirmation we will instigate a review of the policy framework for Brent Cross – Cricklewood. The form of the review will be set out in a revision to the Local Development Scheme. This may involve the</b>

<b>Appendix Table 1 Main Modifications to Core Strategy DPD necessary for reasons of soundness</b>			
			<b>review of the Core Strategy</b> and may if necessary or appropriate lead to introduction of new DPD or SPD to further guide and control the comprehensive regeneration of the Brent Cross – Cricklewood area.
MM4	CS E14	Policy CS 2 – Brent Cross – Cricklewood	<b>The key milestone for the regeneration of Brent Cross-Cricklewood is likely to be the Phase 1 Compulsory Purchase Order (CPO). If by the end of 2014 any CPO that is required to deliver Phase 1 and commence the development has not been made and submitted for confirmation we will instigate a review of the policy framework for Brent Cross – Cricklewood. The form of the review will be set out in a revision to the Local Development Scheme. This may involve the review of the Core Strategy and may if necessary or appropriate lead to introduction of new DPD or SPD to further guide and control the comprehensive regeneration of the Brent Cross – Cricklewood area.</b>
MM5	CS E15	8.1.5	The North London Business Park and Oakleigh Road South is identified as a smaller development area in the east of the borough. It is estimated that <b>in the range of 400</b> new homes will be delivered as part of a mixed use development in accordance with the adopted planning brief of June 2006.
MM6	CS E16	Policy CS 3 – Distribution of growth in Meeting Housing Aspirations	We will also promote the development area of the North London Business Park and Oakleigh Road South in order to develop <b>in the range of 400</b> new homes by 2020/21 as part of a mixed use development in accordance with the adopted Planning Brief of June 2006.
MM7	CS E18	9.6.6	Barnet has the fourth highest housing target in London as the borough has the capacity to deliver more housing than is needed locally and is capable of making a significant contribution to London's overall growth as a Successful London Suburb and Opportunity Borough. In order to make such a contribution and to accord with the London Plan (Policy 3.11 – Affordable Housing Targets) we will seek to deliver <del>30</del> <b>40</b> % of new homes as being affordable. This equates to a <del>30</del> <b>40</b> % boroughwide affordable housing target.
MM8	CS E19	9.6.7	Barnet's Affordable Housing Viability Study ( <b>2010</b> ) has tested the ability of a range of sites throughout Barnet to provide varying levels of affordable housing, with and without grant and with various tenure mixes, on a range of sites in various existing uses. For the purposes of establishing an affordable housing target, if a residential scheme with a given level of affordable housing and other planning obligations has a higher value than

<b>Appendix Table 1 Main Modifications to Core Strategy DPD necessary for reasons of soundness</b>			
			the existing use value plus a margin to incentivise the owner to release the site for development, the scheme can be judged to be viable. The <del>2010 Study supports a 30% affordable boroughwide housing target as being financially viable.</del> <b>indicates that 40% to 50% affordable housing could be financially viable particularly on sites with lower existing use value such as industrial and community uses. Barnet is not a prime industrial location. As set out in Section 13.5 only 3% of employment land in Barnet is worthy of release. We also seek through DM 14 – New and Existing Employment Space to retain viable employment locations in Barnet. We also seek to retain community and education uses as set out in DM 13 – Community and Education Uses as such infrastructure supports the Borough as it grows. There are therefore limited opportunities for redevelopment of industrial and community uses to support a boroughwide target of 50% affordable housing. We consider that, as demonstrated by the 2010 Study, a 40% boroughwide target is financially viable and appropriate in helping to address our priorities for delivering family homes.</b>
MM9	CS E21	9.6.13 Supersedes Adden 69	<del>Since the introduction of a 50% affordable housing target at 10 units or more in 2006 there has been a reduction in affordable housing delivery in Barnet because of a decrease in proposals for small to medium-sized residential sites. Prior to the economic downturn the viability of these sites appears to have been impacted by inflexible top-down targets and a low trigger threshold which caused developers to either submit residential developments of up to 9 units or landowners chose not to develop a site. DM10 Affordable Housing Contributions sets out details on the mechanisms for providing affordable housing and for determining applications.</del>
MM10	CS E22	9.7	<b>Gypsies and Travellers and Travelling Showpeople</b>
MM11	NPPF CS E22 (incorporating changes in CS E23)	9.7.1	<del>Circulars 01/2006 and 04/2007 states that Core Strategies should</del> <b>In March 2012 the Government published Planning Policy for Traveller Sites. Government policy requires Local Plans to set out criteria for the location of gypsy and traveller pitches sites and plots for travelling showpeople. in order This will help to guide the allocation of any sites / plots and to meet manage unexpected demand. To meet the long term needs of Gypsies and Travellers and Travelling Showpeople we will seek to identify appropriate sites for Gypsies and Travellers through the Site</b>

<b>Appendix Table 1 Main Modifications to Core Strategy DPD necessary for reasons of soundness</b>			
			Allocations DPD. <b>The pan London Gypsies and Travellers Accommodation and Needs Assessment 2008 (GTANA) sets out a range of minimum to maximum pitch requirements for Barnet up to 2017 from zero to 15 pitches for Gypsies and Travellers and up to 2 plots for Travelling Showpeople. The council will work with sub-regional partners to ensure that the evidence base is reviewed. This may change the range of maximum to minimum targets set out above.</b>
MM12	CS E24	Policy CS 4 Providing quality homes and housing choice in Barnet	<ul style="list-style-type: none"> <li>delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of <del>30%</del> <b>40%</b> affordable homes on sites capable of accommodating ten or more dwellings</li> </ul>
MM13	CS E25	Policy CS 4 Providing quality homes and housing choice in Barnet	<p><del>Within the Site Allocations DPD we will seek to identify land to meet the long term needs of Gypsies and Travellers.</del></p> <p><b>Proposals for sites for Gypsies and Travellers and Travelling Showpeople must have regard to the following criteria:</b></p> <ul style="list-style-type: none"> <li><b>close proximity to a main road and safe access to the site with adequate space on site to allow for the manoeuvring of vehicles</b></li> <li><b>reasonable access to local shops and other community facilities in particular schools and health care</b></li> <li><del>potential of the site for good management</del></li> <li><b>the scale of the site is in keeping with local context and character</b></li> <li><b>provision of appropriate landscaping and planting to address impact on local environment, character and amenity and enable integration of the site with the surrounding environment</b></li> <li><b>any use on the site does not have any unacceptable adverse impacts on neighbouring residents</b></li> <li><del>provision of appropriate facilities must be provided on-site access to essential services including water and waste disposal.</del></li> </ul>

<b>Appendix Table 1 Main Modifications to Core Strategy DPD necessary for reasons of soundness</b>			
			<b>Within the Site Allocations DPD we will seek to identify land to meet the long term needs of Gypsies and Travellers and Travelling Showpeople based on an evidence base of the range of pitches / plots required in Barnet</b>
MM14	CS E28	Policy CS5 Protecting and Enhancing Character	Tall buildings (8 storeys( or 26 metres) or more) <del>will only be considered</del> <b>may be appropriate</b> in the following strategic locations.....



<b>Appendix Table 2 Main Modifications to Development Management DPD necessary for reasons of soundness</b>			
<b>Inspector reference</b>	<b>Local Authority examination reference</b>	<b>Policy/ paragraph in plan</b>	Change necessary for reasons of soundness (additions in <b>bold</b> and text deleted as <del>strikethrough</del> )
MM15	DMP E2	1.4.3	New sentence at end of para <b>Any other planning applications not directly related to the comprehensive redevelopment of Brent Cross Cricklewood Regeneration area will be considered against relevant policies in this DPD and any other material planning considerations.</b>
MM16	DMP E4	2.8.1 (supersedes PSA 23)	The conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street <del>but</del> <b>particularly where they are highly accessible. However even in such locations they</b> can harm the character <del>of areas</del> by changing <b>external appearance</b> <del>the nature of a neighbourhood and increasing</del> activity. <b>Such activity</b> <del>this intensification of use can often involve more people movements, increased car movements</del> <b>and parking stress</b> , more rubbish to be collected and more deliveries. <del>Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to flattened accommodation. Conversions in roads characterised by unconverted houses will not normally be appropriate. Where conversions are acceptable any external alterations should seek to minimise their impact on the external appearance of the house and local character. Further guidance on conversions will be set out in the Residential Design Guidance SPD.</del>
MM17	DMP E5	New para 2.8.1a	<b>Where conversions are acceptable any external alterations should seek to minimise their impact on the external appearance of the property and local character. Conversions must also be able to satisfactorily address all other relevant policies in the DPD including the need to consider the dwelling size priorities set out in DM08 and the approach to parking management set out in DM17. Further guidance on conversions will be set out in the Residential</b>

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<b>Inspector reference</b>	<b>Local Authority examination reference</b>	<b>Policy/ paragraph in plan</b>	Change necessary for reasons of soundness (additions in <b>bold</b> and text deleted as <del>strikethrough</del> )
			<b>Design Guidance SPD.</b>
MM18	DMP E11	11.1.1	...the borough-wide target for <del>30%–40%</del> of all new homes to be affordable...
MM19	DMP E12	11.1.2	<del>Since the introduction of a 50% affordable housing target at 10 units or more in 2006 there has been a reduction in affordable housing delivery in Barnet because of a decrease in proposals for small to medium-sized residential sites. Prior to the economic downturn the viability of these sites appears to have been impacted by inflexible top-down targets and a low trigger threshold which caused developers to either submit residential developments of up to 9 units or landowners chose not to bring forward their site for development thereby reducing overall supply.</del>
MM20	DMP E13	11.1.3 (supersedes DMP PEA 2/II & PSA 117)	<del>Whilst retaining a threshold of 10 units</del> <b>The threshold for requiring affordable housing is 10 or more housing units. The maximum reasonable amount of affordable housing that will be required on site will be considered on a site by site basis and subject to viability.</b> <del> considers that for schemes of 15 units or more it is reasonable to aim to implement on site, subject to viability, the borough-wide target of 30% of all new homes to be affordable. Delivery of more than 340% affordable housing will be sought where viable. However the Council recognises that viability is a key consideration for smaller sites and will take a more flexible approach for sites capable of reaching 10 to 15 units.</del> <b>The affordable housing threshold will also be triggered by redevelopment on sites larger than 0.4 hectares (including conversions). Affordable housing calculations should be made in terms of habitable rooms or floorspace. Calculations should be made in relation to gross development based on the total number of units in the final development.</b>
MM21	DMP E15	11.1.6	<del>11.1.6 When assessing whether a flexible approach is appropriate for sites capable of reaching 10 to 15 units the following will be considered:</del> <ul style="list-style-type: none"> <li><del>• financial viability,</del></li> <li><del>• site size,</del></li> </ul>

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			<ul style="list-style-type: none"> <li>• <del>suitability for affordable housing,</del></li> <li>• <del>the intended management of the affordable housing.</del></li> </ul>
MM22	DMP E16	Policy DM10: Affordable Housing Contributions (supersedes DMP PEA 2/mm & PSA 120)	Having regard to the borough-wide target that <del>30%-40%</del> of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.
MM23	DMP E18	14.1.5	Community and education uses should be easily accessible to users. <b>We will encourage</b> new uses <del>should seek to locate in town centres and local centres first before</del> <b>as these</b> other locations <del>which</del> are well served by public transport. Where local facilities are being provided which serve a local catchment, proximity to the bus network will be considered over and above the tube and train network.
MM24	DMP E23	Policy DM17: Travel Impact and Parking Standards	<p>1. The Council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the <b>maximum</b> standards will be:</p> <ul style="list-style-type: none"> <li>i 2 to 1.5 spaces per unit for detached and semi detached houses <b>and flats</b> (4 or more bed)</li> <li>ii 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bed); and</li> <li>iii 1 to less than 1 space per unit for development consisting mainly of flats (1 bed)</li> </ul>