

Mrs Vijaya Ram - Programme Officer
Building 4, Planning
1st Floor,
North London Business Park (NLBP)
Oakleigh Road South
London
N11 1NP

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Our Ref: C - 0155022 - 02

Dear Vijaya

The Broadwalk Centre, Edgware Comments on the Barnet Development Management Policies DPD on Behalf of Bride Hall

On behalf of our client, Bride Hall Holdings Ltd, we are writing to make representations to the Further Proposed Changes to the Development Management Policies DPD, which is out for public consultation until 8 March 2012.

Bride Hall Holdings, in conjunction with The Carlyle Group, acquired the Broadwalk Shopping Centre in 2008 with the aim of securing the long-term future for this shopping centre as a principal component of Edgware Town Centre. It is on this basis that Bride Hall now makes these representations focusing on the aspects of the further proposed changes that relate specifically to the future of Edgware Town Centre and in particular, the Broadwalk Shopping Centre.

Development Management Policies DPD

Bride Hall previously submitted representation to the Development Management DPD Pre-Submission Amendments in June 2011.

Comments were submitted in relation to the following policies:

- DM04: Environmental Considerations;
- DM05: Tall Buildings;
- DM08: Ensuring a variety of sizes of new homes to meet housing need;
- DM10: Affordable Housing Contributions;
- DM11: Development Principles in the Town Centres; and,
- DM17: Travel Impact and Parking Standards.

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We have reviewed the proposed amendments to the above policies and provide further comments.

DM04: Environmental Considerations

Bride Hall previously objected to part b) of Policy DM04 on the basis that is ineffective as currently worded and therefore unsound.

It was noted that whilst the aims of this policy are generally supported in its objective to ensure that new development has a high level of energy efficiency and utilises available opportunities for the use / generation of lower carbon energy sources including Decentralised Energy, the policy wording is not very well defined. It is understood that incorporating systems to connect to district power / heating systems or decentralised energy sometime in the future will require a substantial investment in itself. In order for new development to incorporate future connections, developers and investors within Barnet will need to have greater certainty that any such system will be operational within a reasonable time frame and as such greater certainty is required to ensure that any investment into infrastructure is worthwhile and will be tailored to integrate with any proposed Decentralised Energy System. For these reasons the following amendments were suggested to part b) of the policy:

“Where Decentralised Energy (DE) is not already planned major developments may be required to provide either:

- *A suitable connection; or*
- *The ability to connect in the future.*

Where Decentralised Energy is not already planned major developments may be required to provide either:

- *A feasibility study; or*
- *A financial contribution to a proposed feasibility study.”*

Bride Hall acknowledges there have been no changes to the wording of this policy. Bride Hall, therefore, maintain their original objections. Edgware is not identified within the London Heat Map Study for Barnet (2010) as one of five focus areas that provide the potential for heat network development in the borough. Bride Hall, therefore, requests the insertion of viability measures to ensure that development is not overburdened.

DM05: Tall Buildings

Bride Hall previously supported this policy which provided ‘in principle’ support for tall buildings within Edgware town centre as a “strategic location” as identified in the Core Strategy.

Bride Hall also supported the four criteria listed within the policy which we viewed as important matters to be considered and achieved where practical, within any proposals for tall buildings.

Bride Hall notes that part iv of Policy DM05 has been amended from:

“no adverse impact on the setting of heritage assets”

to:

“not cause harm to heritage assets and their setting”.

Bride Hall object to this policy revision. PPS5 Policy HE 9.4 states that

“Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases planning authorities should:

- i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long term conservation) against the harm”.*

Bride Hall therefore object that this policy is ineffectively worded and therefore unsound. The policy should address PPS5 Policy HE 9.4 and state that the level of harm to the heritage asset will be weighed against the benefits of the proposal.

DM08: Ensuring a variety of sizes of new homes to meet housing need

Bride Hall previously submitted representations to this policy on the basis that it is ineffective as currently worded and therefore unsound.

Bride Hall acknowledged the need to provide an appropriate mix of dwelling types and sizes in order to meet local housing needs. However, as housing needs and priorities will change over time we do not consider that it is appropriate to include information on the current dwelling type/size priorities within the policy itself. Rather, we consider that this text (i.e. the second paragraph of the policy) should form part of the supporting text where it could also be explained that as housing needs change over time, applicants should seek advice from the Council at the time of bringing forward proposals on current housing priorities.

There have been no changes to this policy. We therefore maintain our original objections that this policy is ineffectively worded and therefore unsound.

DM10: Affordable Housing Contributions

Bride Hall is supportive of the revised wording of paragraph 11.1.3 of the explanatory text which has been reworded as:

“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”.

We do, however, object to the rewording in Policy DM10. The Policy has been re-worded to say:

“Having regard to the borough-wide target that 40% 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 gross or covering an area of 0.4 hectares or more”.

This revision is considered to be poorly worded. It proposed that it is reworded to provide clarity and emphasise that the amount of amount of affordable housing required on site is subject to viability. We

consider that it is vital that the policy allows for variation on the grounds of viability for all residential schemes regardless of the number of units provided.

DM11: Development Principles in the Town Centres

In our previous representations we stated that in order to ensure Policy DM11 was effective (and therefore sound), we requested that the following changes were made to the wording of DM11iv:

*“iv Any significant new retail development will be expected to provide a mix of unit sizes, and where **practical** avoid an inward looking layout, maintain the street frontage and provide suitable and convenient linkages for shoppers to access other town centre uses.”*

These changes have not been made. We therefore maintain our original objections that this policy is ineffectively worded and therefore unsound.

In our previous representations we also stated that Section 3 of Policy DM11 runs contrary to the spirit of PPS4 when it effectively introduces a bar to the location of community, leisure and cultural uses in town centres unless they can provide active frontages. The implication of this is that there are some circumstances where a PPS4 recognised town centre use would not be supported in a town centre location. There are likely to be instances where a significant new leisure or cultural use is proposed as part of a town centre development scheme, but where it is not feasible or practical to create a fully active frontage (such as a cinema).

These changes have not been made. Bride Hall therefore maintain our original objections that this policy is ineffectively worded and therefore unsound.

We do, however, note that parts (a) i and biii of Policy DM11 have been worded to say:

“a. Town Centre uses

*i. “ Significant new retail and other appropriate town centre uses outside the town centres or any expansion of existing out of centre sites will be **strongly resisted** ~~refused~~ unless they can meet the sequential approach and tests set out in Planning Policy Statement 4 or are identified in an adopted Area Action Area. Edge of centre proposals will not normally be appropriate and therefore should demonstrate why they are not locating in a town centre site”.*

*b. iii “Change from a retail use (Class A1) will be **strongly resisted** ~~refused~~ unless it can be demonstrated that there is no viable demand for continued Class A1 use.....”*

Bride Hall object to this revision. It is considered that this change in wording is not justified and provides weaker guidance to out-of-centre development and the conversion of A1 retail units. We, therefore, recommend that the previous wording be re-instated.

DM17: Travel Impact and Parking Standards

Bride Hall previously objected to part g2) of Policy DM17 on the basis that it is ineffective as currently worded and therefore unsound.

Part g2) refers to parking for residential uses where limited or no parking is proposed. We consider that the range of circumstances when this may be acceptable should be expanded to include the following circumstances:

“iii. There is sufficient public transport provision to justify a lower parking provision and that it can be demonstrated that any lower provision will not have a significant adverse impact on the local area. “

This is because there may be circumstances where a development site is located in close proximity to public transport facilities and there will therefore be less need for residents to own a car. In such cases it may be appropriate to have reduced parking provision and the policy should provide flexibility to achieve this.

These changes have not been made. Bride Hall therefore maintain our original objections that this policy is ineffectively worded and therefore unsound.

We trust that these comments will be given due consideration.

Yours sincerely



Caroline McDade
for Deloitte LLP (trading as Drivers Jonas Deloitte)