

LONDON BOROUGH OF BARNET
LDF CORE STRATEGY AND DEVELOPMENT MANAGEMENT POLICIES DPDs
CONSULTATION ON THE DPDs CONFORMITY WITH THE NATIONAL PLANNING
POLICY FRAMEWORK (APRIL 2012)

FINCHLEY SOCIETY REPRESENTATIONS
Submitted by Peter Pickering

Further proposed changes to Barnet's Core Strategy DPD Schedule 1. April 2012
(Pre Submission Amendments, Pre Examination Amendments, Examination
changes and National Planning Policy Framework changes).

Reference: NPPF CS E8

Finchley Society Representation:

1.1 Proposed Policy CS NPPF should be deleted and references to it in Reference NPPF DMP E3 and elsewhere in the documents should be removed.

1.2 If the proposed policy CS NPPF were to be retained, then it should be amended to include a second paragraph that reads:

We will always consult with those affected by development proposals and planning applications in accordance with the Council's Statement of Community Involvement, other locally determined consultation policy and practice, statutory requirements, the provisions of the Localism Act 2011 and good practice in general. We will take account of responses received and have regard to them when considering development proposals and planning applications.

Reasons:

2.1 It seems unnecessary and inappropriate to reiterate national planning policy. Whilst Planning Policy Statement 12 has been cancelled, the Council's Core Strategy and Development Management Policies DPDs have been drafted, inter alia, in accordance with its paragraphs 4.30 to 4.32 and it is understood that these are still considered to constitute good practice that should be adopted by Local Planning Authorities preparing Local Plans. In contrast, by way of example, replication is appropriate in the case of the London Plan 2011 Table 3.3 'residential space standards' because these are only advisory for Boroughs; replication of this in the Development Management Policies DPD is necessary to ensure that the Policy is applicable to all development in Barnet and has the full planning weight afforded by the DPD rather than the lesser force provided by a Supplementary Planning Document.

2.2 In any event, the proposed Policy CS NPPF is deficient in that it does not recognise the important role of local residents and the wider community in the English planning system but gives the false impression that planning decisions are for the Council and applicants alone. The NPPF recognises this - see for instance the reference to consultation in paragraph 189- and if CS NPPF is retained, contrary to our submission, it should itself include such a recognition. The amendment in paragraph 1.2 above is an attempt to provide this, but we are not wedded to the precise wording.

Further Proposed Changes to Barnet's Development Management Policies DPD Schedule 1. April 2012 (Pre Submission Amendments, Pre Examination Amendments, Examination changes and National Planning Policy Framework changes).

Reference: DMP E4 and DMP E5 Residential Conversions

1. Finchley Society Representation (previously submitted to Vijaya Ram by e-mail on 8th March 2012):

The Council has produced no evidence to show that the fundamental change it is proposing at the very last stage in the procedure is sound, as it was duty bound to do. In the document 'Further Proposed Changes to Barnet's Development Management Policies' the Council offers no justification beyond the jejune "Revision following EIP hearing session Infrastructure, Implementation and Monitoring." The original text has been in the DMPD since it first appeared eighteen months ago, and has been generally accepted by the community, and thus satisfies paragraph 2.8 of the Planning Inspectorate's soundness guide, (which says that there must be evidence of participation of the local community). We invite the Inspector therefore to recommend against this new wording.

On the other hand, in our view the existing wording of paragraph 2.81 is justified, effective and consistent with current National Planning Policy and is therefore sound. The proposed changes are however neither justified, nor effective in delivering the locally determined "Three Strands Approach" policy that underpins the Core Strategy, nor do they make any difference regarding the implementation of national planning policy. They are not therefore sound.

From a purely drafting perspective, the replacement of the last two sentences of 2.8.1 by the proposed paragraph 2.8.1a is an improvement as it brings more clarity to the wording and provides links to the other relevant policies.

Paragraphs 2.8.1 and 2.8.1a would then read:-

"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 but can harm the character of areas by changing the nature of a neighbourhood through more activity. This intensification of use can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries.

"Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to flatted 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 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 in the Residential Design Guidance SPD."

2. Reasons:

The Council's "Three Strands Approach" policy was approved by Cabinet in November 2004 and has been taken forward through the Local Development Framework.

The Core Strategy Paragraph 2.2.1 states that the "Three Strands Approach" policy provides the spatial vision that underpins the Core Strategy and Local Development Framework and that Strand 2 is "Enhancement and protection of Barnet's suburbs town centres and historic areas".

The Adopted UDP saved Policy H23 and paragraphs 8.3.3.20 and 8.3.3.21 recognise that conversions would not normally be appropriate in roads characterised by houses in single family occupation and that the cumulative effect of conversions in these roads is that they can damage the quality of the environment and be detrimental to the character of established residential areas. Character is more than just the physical character of a road, as has been recognised in a very recent appeal decision (paragraphs 4 and 5 of Appeal Decision APP/N5090/A/11/2162026, attached)

Policy H23 has been carried forward into the Development Management Policies DPD and enhanced in accordance with the locally determined "Three Strands Approach" policy. We believe that DMP paragraphs 2.8.1 and 2.8.1a as set out above correctly address the need to retain family houses as identified by DMP Policy DM08 and contribute to the enhancement and protection of the borough's suburbs within the Three Strands Approach, which is consistent with the localism agenda and the wishes of local residents. It should be noted that significant portions

of suburban Barnet, made up of roads characterised by houses in single family occupation, are located immediately adjacent to town centres and other areas that would be considered "highly accessible", yet the 'Three Strands Approach' policy safeguards these. There are, of course, in the borough of Barnet roads characterised by houses that have undergone significant conversions or redevelopment to flatted accommodation. There the principle of further conversions would be acceptable as they would not detract from Strand 2 of the policy. Often these roads contain the "very large houses" and the unoccupied ones both referred to in Councillor Tierney's evidence and in the Labour Party's submissions in advance of the EiP Hearing Sessions (Day 1 Matter 2). Conversions of houses in these roads and of the "very large houses" can be accommodated within the existing policy wording without the need for the proposed further changes. Some roads contain distinct character areas with part comprising houses in single family occupation and part "very large houses" some of which have been converted into flats or replaced by more modern flatted development (an example is Woodside Park Road in North Finchley running from the High Road down to Woodside Park Station where further applications to convert houses into flats would not be objectionable on character grounds alone); the existing policy wording can accommodate these.

Further Proposed Changes to Barnet's Development Management Policies DPD Schedule 1. April 2012 (Pre Submission Amendments, Pre Examination Amendments, Examination changes and National Planning Policy Framework changes).

Reference: DMP E23 and DMP E24 Travel Impact and Parking Standards

1. Finchley Society Representation (previously submitted to Vijaya Ram by e-mail on 8th March 2012):

We consider that the wording of Policy DM17g as proposed in DMP E23 and DMP E24 is not sound because it is not justified and not effective in responding to current National Planning Policy and the London Plan 2011.

We consider that it would be sound if the wording of Policy DM17g2 were to read:

"Development may be acceptable with limited or no parking provision, subject to the applicant entering into a legal agreement to restrict future occupiers from obtaining on street parking permits in existing Controlled Parking Zones and in Controlled Parking Zones that may be introduced in the future."

(Incidentally, to achieve coherent sense, a semi-colon would be required between the words "CPZ" and "where" in line 1 of the Council's latest wording of Policy DM17g2ii.)

2. Reasons:

The proposed further change of Policy DM17g1 by the addition of the word "maximum" and the latest version of the wording of Policy DM17g2 would intensify the displacement of parking provision away from off-street/on-site parking provision in developments to on-street public highway parking.

The Transport for London representatives at the Examination in Public confirmed that the London Plan Policy 6.1 and Table 6.2 parking standards for residential development increased the pressures on on-street parking space and the amount of on-street parking. The addition of the word "maximum" in the proposed change to Policy DM17g1 will exacerbate the situation in the Borough of Barnet, which has lower Public Transport Accessibility levels (PTALs) and, according to the London Mayor's Transport Strategy, is more reliant on car use than many other London Boroughs.

The proposed changes to the wording of Policy DM17g2 clarify that its application is dependent on filling up available on-street parking capacity before controls would be imposed and then only in Controlled Parking Zones (CPZs). The assessment of the need for any controls would be dependent on surveys whose reliability can often be questioned.

A policy of allowing overspill parking from developments to fill up available on-street parking before any development management/control is exercised, would be detrimental to highway and pedestrian safety and the free flow of traffic apart from the effect on the street scene and the amenity of existing residents. Such a policy does not appear to support Paragraph 34 of Planning Policy Statement 1 that states:

"Design which is inappropriate in its context, or which fails to take opportunities available to for improving the character and quality of an area and the way it functions should not be accepted".

Further, this policy would be likely to increase the pressure for more or extended Controlled Parking Zones (which may reduce the available on street parking spaces by as much as a third), and so produce further parking displacement.

Within existing CPZs, in many roads there are already more parking permits issued than spaces available, let alone additional potential take up from existing residents and the ability for residents on the edge of the zone to use their permits to park close to shopping and other amenities.

The policy seems likely lead to an increase in "parking space rage" and complaints to Councillors if residents find that they have to keep driving round the block to find an available parking space. If the response were to ration the supply of parking permits by increasing their cost, that would be to the detriment of less well off residents and particularly those living in streets where there is no off street parking.

To put the parking pressures into context, we refer to the following statistics:

Existing Housing Stock = 133,000 (Core Strategy Submission Stage paragraph 4.7.3)

80% of residents live in households with a motor vehicle (Core Strategy Submission Stage para 14.2.3)

73% of households have access to a car (Core Strategy Submission Stage para 4.9.1)

28,000+ new homes proposed in Core Strategy Table 2 as revised – a 21% increase on 133,000.

3. Conclusion:

The further proposed changes under reference DMP E23 and DMP E24 are not sound and should not be adopted. We urge the Inspector to amend Policy DM17g2 by the substitution of the wording suggested in Section 1 above, which would make the policy sound.

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Reference: NPPF CS E55

CORE STRATEGY DPD. Appendix D – Local Plan Glossary. Correction of typing error in definition of "Habitable Room".

1. Finchley Society Representation:

In Appendix D under the heading "Habitable Room", delete the word "with" in the first line of the definition and replace with the word "within" so that the definition reads as follows:

A room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m² (including fittings), or the dining space if it is divided from the working area by a moveable partition. Rooms exceeding 20m² will be counted as two.

2. Reason:

It is believed that there is a typing error. The first line should replicate that in the definition of "Habitable Room" given in the Glossary of Terms and Abbreviations at page 218 of the London Borough of Barnet Unitary Development Plan (Adopted May 2006).