

## Chapter 11: Town Centres & Retailing

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### **Policy GTCR1 (Retailing and town centres)**

#### **Deposit Draft Objections**

GTCR1 / 87 / 869	Legal & General Property Ltd	
GTCR1 / 87 / 866	Legal & General Property Ltd	11.1.2
GTCR1 / 168 / 933	Sainsbury's Supermarkets Ltd	Table 11.1
GTCR1 / 263 / 1263	The Finchley Society	11.1.5
GTCR1 / 131 / 788	Hammerson UK Properties Plc & Standard Life	11.1.10
GTCR1 / 131 / 785	Hammerson UK Properties Plc & Standard Life	11.1
GTCR1 / 153 / 651	Tesco Stores Limited	
GTCR1 / 262 / 1073	Granada Plc, Little Chef & Travelodge	
GTCR1 / 134 / 1408	Dixons Stores Plc	
GTCR1 / 102 / 684	London Borough of Brent	11.1.10
GTCR1 / 71 / 858	Conservative Group - Barnet Council	
GTCR1 / 281 / 1773	Church End Local Agenda 21 Partnership	
GTCR1 / 224 / 1053	Hermes Property Asset Management Ltd	11.2.2
GTCR1 / 15 / 1554	North Finchley Agenda 21 Partnership	
263 / 1264	The Finchley Society	

#### **Support for Policy**

GTCR1 / 281 / 1772	Church End Local Agenda 21 Partnership	
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#### **Revised Deposit Draft Objections**

GTCR1 / 187 / 5428R	Government Office for London	11.1.8
GTCR1 / 87 / 5451R	Legal & General Property Ltd	11.2.1
GTCR1 / 101 / 5710R	Dr & Mrs J.H. Gorvin	11.2.2
GTCR1 / 101 / 5709R	Dr & Mrs J.H. Gorvin	11.2.1
GTCR1 / 16 / 5529R	London Borough of Enfield	11.1.10
GTCR1 / 131 / 5501R	Hammerson UK Properties Plc & Standard Life	11.1.11
GTCR1 / 134 / 5340R	Dixons Stores Plc	11.1.5
GTCR1 / 134 / 5326R	Dixons Stores Plc	
GTCR1 / 102 / 5484R	London Borough of Brent	11.1.10
GTCR1 / 224 / 5569R	Hermes Property Asset Management Ltd	

#### **Support for Policy Changes**

GTCR1 / 286 / 5667R	Barnet Friends of the Earth	11.1.12
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#### **Pre-Inquiry Change Objections**

GTCR1 / 286 / 7162P	Barnet Friends of the Earth	11.2.1
GTCR1 / 263 / 6927P	The Finchley Society	11.2.2
GTCR1 / 263 / 6932P	The Finchley Society	
GTCR1 / 286 / 7191P	Barnet Friends of the Earth	
GTCR1 / 188 / 7364P	Greater London Authority	
GTCR1 / 188 / 7365P	Greater London Authority	11.2.1 - 11.2.1

#### **Support for Pre-Inquiry Changes**

GTCR1 / 87 / 7238P	Legal & General Property Ltd	11.2.2
GTCR1 / 263 / 6916	The Finchley Society	11.2.1

#### **Issues**

- The Council's objectives for town centres and retailing;
- The wording of Policy GTCR1;
- The retail hierarchy for Barnet;
- The status of Brent Cross;
- The status of Friern Bridge Retail Park.

## Inspector's Reasoning and Conclusions

### The Council's Objectives

- 11.1 L&G contend that the Council's objectives as set out in paragraph 11.2.1 of the Revised Deposit UDP (final sentence) are expressed too narrowly. I agree but do not consider that the proposed change (adopted by the Council as a PIC) goes far enough. That change concentrates on retail development but this chapter is about town centres and retailing. Revised objectives should be drawn up that better reflect the mixture of uses that planning policy generally is seeking to achieve.
- 11.2 In their objection to the PIC, the GLA suggest the addition of a reference to 'a strong emphasis on sustainable modes of transport that are non-car'. This issue is fundamental to London's town centre policies and I agree that such a reference should form part of the revised objectives. Regarding the drafting of those objectives, suitable guidance is to be found in the London Plan, notably in Policies 2A.5 and 3D.1. Paragraph 11.2.1 should be updated generally to reflect the new plan and other changes.

### Policy GTCR1

- 11.3 This policy addresses the location of new retail and other major trip generating development and relates this to the vitality and viability of the Borough's town centres. Under a PIC, the aim would be to ensure that such development would not cause 'significant material harm to' that vitality and viability. This would replace the 'sustain and enhance' of the Revised Deposit UDP. I agree with the GLA that the change would be undesirable. Instead, the positive wording of the Revised Deposit UDP would reflect the Guiding Principles of the UDP, for example that of 'ensuring that new development improves the quality of life for all Barnet's residents'. Moreover, it corresponds with one of the Government's objectives for town centres (PPG6 *Town Centres and Retail Development*, para.1.1), while the same test appears in Policy 2A.5 of the London Plan.
- 11.4 In response to the objection of Granada plc, Little Chef and Travelodge, I see no need to qualify the policy by giving a definition of 'major' (para.11.2.2). Whether a development should be accommodated in a particular town centre is in part a question of need, following the requirements of PPG6. It is also a matter of detailed planning and design, taking into account the likely traffic generation and its effects.

### The Retail Hierarchy

- 11.5 The London Borough of Enfield and other objectors refer to the retail hierarchy set out in Table 11.1. Enfield objects to the changes made at Revised Deposit stage that place the table out of line with the London-wide Town Centre Classification set out in RPG3. I agree that there should be a consistency of approach, accepting that the changes of fortune of centres may mean that they move up or down the hierarchy with time.
- 11.6 The most recent London-wide categorisation is that set out in the London Plan. Comparing the documents, there are significant discrepancies between Tables A1.1 and 11.1 of the London Plan and the UDP respectively. For example, the former lists Edgware as a 'Major Town Centre', whereas the UDP also places Chipping Barnet and North Finchley in that category.
- 11.7 I note that the 'Borough Wide Retail Study' published in February 2000 examined the hierarchy in Barnet, taking into account the RPG3 definition for major centres. It placed Edgware into the major category and defined

Chipping Barnet as the strongest of the District Centres. The issue for North Finchley was whether it was sufficiently large to meet the RPG3 definition. The then proposed development at Tally Ho Corner would have some bearing on this.

- 11.8 This is a dynamic situation. As far as possible, the table should reflect the position at the time of adoption of the UDP. I recommend discussions between Barnet and the GLA, with a view to any necessary changes being brought forward at the Modifications stage.

#### The Status of Brent Cross

- 11.9 A number of the objections concern the status of Brent Cross. However, they have been overtaken by events and there is now official agreement on this. Brent Cross is a regional shopping centre but it is proposed that it should become a town centre, guided by a planning framework and an independent assessment of the need for and impact of further retail development. The future of Brent Cross, coupled with that of Cricklewood and West Hendon is addressed in an additional chapter to this UDP and in Chapter 13 of my report.

#### Friern Bridge Retail Park

- 11.10 Objectors would like to see this retail park included on Map 11.1 and Table 11.1, shown on the Proposals Map and mentioned in the text. However, Map 11.1 refers to town centres and this area is not one of these. Moreover, Table 11.1 is about the retail hierarchy and it refers to established town and neighbourhood centres. Brent Cross regional shopping centre is also included but that complex is to become a town centre. Again, the retail park does not fit into these categories. I note that the Council's approach is consistent with that of the London Plan.
- 11.11 Instead, and for completeness, I favour a mention of Friern Bridge Retail Park in the introductory text to the chapter.

#### Other matters

- 11.12 Dr Gorvin is concerned about the possibility of high rise buildings at Golders Green or other shopping areas. I address policies on high buildings in Chapter 5 of this report and I discuss Golders Green specifically in Chapter 14.
- 11.13 In conjunction with a development of the railway station there, Sainsbury's would like to see the status of New Southgate upgraded from a Local Neighbourhood Centre to either a Local or a District Centre. I address this matter further in Chapter 14 of my report.
- 11.14 The Conservative Group call for the deletion of references to 'other than by car' which they regard as being unrealistic. However, these reflect long-established Government policy and the general aims both of this UDP and the London Plan.

### **RECOMMENDATION**

- 11.15 I recommend that:
- (i) At paragraph 11.2.1, revised objectives for town centres be drafted to reflect better the mixed use nature of town centres;
  - (ii) Paragraph 11.2.1 should be updated generally to reflect the London Plan and other changes to the policy background;
  - (iii) No change be made to the wording of Policy GTCR1 as set out in the Revised Deposit UDP;

- (iv) Discussions be held with the GLA with a view to reconciling apparent differences regarding the retail hierarchy in Barnet and bringing forward any necessary changes to paragraph 11.1.12 and Table 11.1 at the Modifications stage; and
- (v) In respect of Friern Bridge Retail Park, no change be made either to Map 11.1, or to Table 11.1 but that a suitable mention be made of this development within the introductory text to the chapter.

## **Policy GTCR2 (Range of retail services)**

### **Deposit Draft Objections**

GTCR2 / 87 / 865      Legal & General Property Ltd

### **Issues**

- The application of the sequential approach.

### **Inspector's Reasoning and Conclusions**

11.16 This objection raises matters that are more the province of Policy TCR1. This is covered below. No change is required to Policy GTCR2.

### **RECOMMENDATION**

11.17 I recommend that no change be made.

## **Policy TCR1 (Sequential approach)**

### **Deposit Draft Objections**

TCR1 / 135 / 1420	Sainsbury's Supermarkets Ltd	
TCR1 / 187 / 1340	Government Office for London	
TCR1 / 187 / 1336	Government Office for London	11.3.3
TCR1 / 187 / 1338	Government Office for London	11.3.4
TCR1 / 272 / 1509	Carter Commercial Developments	11.3.3
TCR1 / 87 / 1037	Legal & General Property Ltd	
TCR1 / 87 / 871	Legal & General Property Ltd	
TCR1 / 87 / 868	Legal & General Property Ltd	11.3.3
TCR1 / 87 / 867	Legal & General Property Ltd	11.3.1
TCR1 / 168 / 941	Sainsbury's Supermarkets Ltd	11.3.1
TCR1 / 188 / 1130	Greater London Authority	11.3.3
TCR1 / 131 / 786	Hammerson UK Properties Plc & Standard Life	
TCR1 / 153 / 1389	Tesco Stores Limited	
TCR1 / 153 / 1388	Tesco Stores Limited	11.3.3
TCR1 / 100 / 1332	London Borough of Harrow	
TCR1 / 134 / 1410	Dixons Stores Plc	11.3.3
TCR1 / 134 / 1402	Dixons Stores Plc	
TCR1 / 134 / 1411	Dixons Stores Plc	11.3.4
TCR1 / 284 / 1589	The Barnet Society	11.3.2
TCR1 / 284 / 1588	The Barnet Society	Table 11.2
TCR1 / 102 / 685	London Borough of Brent	11.3.2
TCR1 / 102 / 687	London Borough of Brent	
TCR1 / 180 / 796	Cricklewood Redevelopment Ltd	11.3.3
TCR1 / 224 / 1054	Hermes Property Asset Management Ltd	11.3.3
TCR1 / 287 / 1922	Barnet Regeneration	11.3.6
TCR1 / 287 / 1924	Barnet Regeneration	11.3.3
TCR1 / 86 / 705	Barnet Green Party	

TCR1 / 15 / 900 North Finchley Agenda 21 Partnership

### Revised Deposit Draft Objections

TCR1 / 187 / 5430R	Government Office for London	11.3.4
TCR1 / 187 / 5410R	Government Office for London	
TCR1 / 87 / 5468R	Legal & General Property Ltd	11.3.3
TCR1 / 87 / 5470R	Legal & General Property Ltd	11.3.5a
TCR1 / 87 / 5454R	Legal & General Property Ltd	11.3.2a
TCR1 / 168 / 5387R	Sainsbury's Supermarkets Ltd	
TCR1 / 263 / 5566R	The Finchley Society	11.3.2
TCR1 / 322 / 5476R	WM Morrison Supermarkets Plc	11.3.2a
TCR1 / 153 / 5521R	Tesco Stores Limited	
TCR1 / 153 / 5522R	Tesco Stores Limited	11.3.3
TCR1 / 293 / 5445R	Railtrack	
TCR1 / 134 / 5327R	Dixons Stores Plc	
TCR1 / 102 / 5486R	London Borough of Brent	11.3.4
TCR1 / 102 / 5489R	London Borough of Brent	11.3.4
TCR1 / 224 / 5571R	Hermes Property Asset Management Ltd	11.3.3

### Pre-Inquiry Change Objections

TCR1 / 322 / 7214P	WM Morrison Supermarkets Plc	
TCR1 / 263 / 6926P	The Finchley Society	11.3.2a
TCR1 / 188 / 7366P	Greater London Authority	

### Support for Pre-Inquiry Changes

TCR1 / 87 / 7236P	Legal & General Property Ltd	11.3.3
TCR1 / 322 / 7215P	WM Morrison Supermarkets Plc	11.3.2a

### Issues

- The status of Brent Cross and the case for expansion;
- The retail capacity study and its adequacy;
- The selection of preferred sites for development;
- The need for new retail development 'to make a positive contribution';
- The format of new shopping and the accommodation of bulky goods;
- The sequential approach and compliance with Government policy;
- Planning policy for warehouse clubs.

### Inspector's Reasoning and Conclusions

#### Brent Cross

11.18 A considerable number of the objections to Policy TCR1 and its supporting text concern Brent Cross and its status - whether it qualifies as a town centre, whether there is a need for retail expansion, and whether it can be considered as a preferred retail development location. The situation has changed considerably since the time of the Initial Deposit Plan and now Brent Cross is seen as part of a future town centre, subject to certain requirements being met. These matters are fully discussed in my separate chapter on the Cricklewood, West Hendon and Brent Cross Regeneration Area.

11.19 As far as the UDP text is concerned, the Council's PIC provides a necessary cross reference. It also deletes Policy TCR4 and its supporting text. That text is now superfluous and I support the change.

#### The Retail Capacity Study

11.20 Paragraph 1.10 of PPG6 indicates that planning authorities should consider the need for new retail development when they draw up their development plans. Barnet Council has carried out such an assessment; this is the Borough Wide Retail Study, published in 2000. Based on its

findings, a list of potential development sites has been drawn up.

- 11.21 L&G criticise the study for its failure to assess the need for different types of retail development during the plan period. Neither did it assess the capacity of the town centres to accommodate all those needs. However, it seems to me that the study did present a reasonably thorough analysis of retail need. Also, it looked at the capacity of each individual shopping centre in some detail and that included their scope to accommodate additional durable or convenience goods shopping floorspace. While this may not have been a fully comprehensive study it has provided an adequate analysis of what is needed at the local level.
- 11.22 Moreover, at a more strategic scale, the Borough Wide Retail Study has now been supplemented by the North West London Retail Study which has examined the case for additional retail floorspace at Brent Cross. In respect of the objection, I do not support the proposed amendment to the text.

#### Potential/Preferred sites for development

- 11.23 In paragraph 11.3.2a, the Council lists four sites that are said to have potential for development. It also cites six other sites where planning briefs have been prepared; these are 'the preferred sites for development during the planning period' and are said to have been selected in accordance with the sequential approach. The terminology is confusing. It would be better if all the sites listed were to be described as proposed, or all as potential. Their status needs to be made clear.
- 11.24 The sites are all said to have been selected in accordance with the sequential approach. Most appear to be town centre sites, but others are not. For example, and as I discuss further in Chapter 14, New Barnet Gas Works has more the characteristics of an edge of town centre site. Such sites need to be specifically identified in the Council's lists and fuller justification given as to why they are needed in addition to town centre sites.
- 11.25 I feel that it would be very difficult to justify the Convent of the Good Shepherd as 'a preferred site for development', certainly for retail or 'other major trip generating uses'. This is an out of centre site and I recommend that it be disregarded as a development site for those purposes. I discuss it further in Chapter 14.
- 11.26 There is a need for considerable further editing work within this part of the chapter. As a suggestion, Table 11.2 might be extended to include a section for edge of town centre proposals. The proposals should then all be numbered to relate them to the Proposals Map and the Schedule of Proposals. For completeness, a reference should be added to the intended development at Brent Cross/Cricklewood. Were this step to be taken, it would be possible to dispense with paragraph 11.3.2a as currently worded. However, the extended table would need to be supported by a fuller justification.
- 11.27 The Barnet Society raise matters relating to land to the rear of 98/140 High Street, Chipping Barnet. I deal with this in my Chapter 14.

#### Tests for new retail development

- 11.28 L&G and Hermes object to the requirement for new development to make a positive contribution to the vitality and viability of town centres (para.11.3.3). This is broadly equivalent to the first of the Government's objectives for town centres as set out in PPG6, paragraph 1.1. However, the actual test there is to sustain and enhance. Given, also, my

recommendation on GTCR1, it would be better to use that wording.

### Format

- 11.29 On the question of format, objection has been raised to the statement in paragraph 11.3.3 that it is possible to sell bulky goods from 'a number of small stores within or on the edge of a centre'. However, the Government's approach to this was clarified by Tony McNulty MP on 10 April 2003.
- 11.30 The Government's starting point is that applicants must demonstrate flexibility and realism in their developments, tailoring these to fit local circumstances. Thus, where a class of goods is capable of being sold from a town centre location, that is the preferred location for a development. As regards bulky goods retailing, it rests with developers and retailers to demonstrate that a majority of their goods cannot be sold from town centre stores; such developments are not exempt from the policy tests in PPG6 and subsequent clarifications. I propose a modification to paragraph 11.3.3 along these lines.

### The Sequential approach

- 11.31 Regarding the sequential approach, I agree with Tesco and other objectors that the four tiers within Policy TCR1 do not reflect the guidance of PPG6. Thus I support the PIC which deletes criterion (iv). I also support a second PIC that responds to a BFoE objection. This adds a reference to public transport, walking or cycling and it is in line with the broader aims of the UDP.
- 11.32 There are objections and counter objections about the place of district and local centres in the sequence. The London Plan seeks to categorise these centres into broad groups as has Barnet in its UDP. While there are some differences, as I discuss under GTCR1, the common thread is that down to district centres at least, all are defined as town centres. And in the UDP, the next tier down, the local centre is still termed a town centre.
- 11.33 In a PIC affecting Policy TCR1, district and local town centres are moved from category (i) to category (ii) alongside edge of major town centre sites. Thus, category (i) applies just to major town centres (one according to the London Plan, three, according to the Revised Deposit UDP) and to Brent Cross Regional Shopping Centre (primarily for comparison goods).
- 11.34 I am not sure that this gives the right balance and I do not support that PIC. All of Barnet's town centres are important in their own right. They cover the span from local town centres to the intended future town centre at Brent Cross/Cricklewood. Compared to peripheral locations, most of these centres will have relatively good accessibility by public transport and they will serve a considerable local catchment. As Policy 3D.2 of the London Plan indicates, they are part of a network. Under the sequential test, all should be in category (i). It is only if there are no suitable sites in town centres in the network that category (ii) and, failing that, category (iii) sites should be selected.
- 11.35 The final sentence of Policy TCR1 can be deleted. The matter raised is covered by Policy TCR5 (and TCR7 in connection with out of centre sites).

### Other Matters

- 11.36 Warehouse Clubs share the characteristics of both warehousing and retailing. According to the Council, this has been reflected in the uses considered suitable in an industrial area, if the warehouse club shares more of the characteristics of a warehouse than a retail outlet. I agree

with the Council that, as with 'conventional' retail outlets, they should be subject to retail impact and sequential test assessments. I support the related PIC to paragraph 11.3.3 that requires this.

11.37 Two objections concern the status of Friern Bridge Retail Park. I address this issue under Policy GTCR1.

## RECOMMENDATION

11.38 I recommend that:

- (i) Policy TCR4 and paragraphs 11.3.10 and 11.3.11 be deleted;
- (ii) Table 11.2 be revised to include all the 'town centre' development sites proposed by the Council, with edge of town centre sites and Brent Cross/Cricklewood to be included in separate sections;
- (iii) Paragraph 11.3.2a be deleted but replaced with new text providing fuller explanation of the Council's sequential approach to site selection and, specifically, the reasons for selecting edge of centre sites;
- (iv) In the first sentence of paragraph 11.3.3, 'make a positive contribution to' be deleted and replaced with 'sustain and enhance';
- (v) In respect of warehouse clubs, paragraph 11.3.3 be modified as set out in the Council's PIC (page 59 of the Council's schedule of PICs dated January 2003);
- (vi) In paragraph 11.3.3, the sentence 'It is recognised that...' and the following three sentences be deleted and the following be inserted: 'Retailers and developers should demonstrate flexibility and realism in terms of the format, scale and design of their development, tailoring this to fit local circumstances, and taking into account the possibility of re-using existing buildings. Where a class of goods is capable of being sold from a town centre location, then that is the preferred location for the development. With regards to bulky goods retailing, it rests with retailers and developers to demonstrate that a majority of their goods cannot be sold from a town centre location. The Council will apply this sequential approach to applications to renew existing planning permissions'; and
- (vii) Policy TCR1 be modified as set out in the Revised Deposit UDP, but subject to:
  - (a) The deletion of criterion (iv);
  - (b) The further modification of criterion (iii) as set out in the Council's PIC; and
  - (c) The deletion of the final sentence.

## **Policy TCR2 (Town centre development sites)**

### **Deposit Draft Objections**

TCR2 / 187 / 1339	Government Office for London	Table11.2
TCR2 / 272 / 1508	Carter Commercial Developments	11.3.7
TCR2 / 168 / 931	Sainsbury's Supermarkets Ltd	
TCR2 / 71 / 859	Conservative Group - Barnet Council	



TCR2 / 184 / 994      BG Property      Table 11.2

### Deposit Draft Objections

TCR2 / 202 / 584      British Telecommunications Ltd

### Revised Deposit Draft Objections

TCR2 / 187 / 5411R      Government Office for London

TCR2 / 134 / 5330R      Dixons Stores Plc

TCR2 / 134 / 5348R      Dixons Stores Plc

### Pre-Inquiry Change Objections

TCR2 / 87 / 7239P      Legal & General Property Ltd      11.3.2a

### Issues

- The status and content of Table 11.2;
- New Barnet Gas Works and its status.

### Inspector's Reasoning and Conclusions

11.39 I deal with most of the issues raised here in my treatment of Policy TCR1. I propose significant editorial changes. If my suggested changes to Table 11.2 are carried out, these would supersede the measures proposed in the Council's PIC.

11.40 I propose revised wording for paragraph 11.3.5a; this is for clarity. I address the shopping centre status of New Southgate and potential development at the railway station there in Chapter 14 of my report.

### RECOMMENDATION

11.41 I recommend that:

- (i) Policy TCR2 be modified to include the word **Major** as set out in the Revised Deposit UDP, but left unchanged in respect of it continuing to refer to Table 11.2; and
- (ii) Paragraph 11.3.5a be amended through the deletion of 'can meet' and the insertion of 'contribute towards meeting'.

### **Policy TCR3 (New town centre sites)**

#### Deposit Draft Objections

TCR3 / 217 / 1376      New Barnet Community Association

TCR3 / 87 / 870      Legal & General Property Ltd      11.3.9

#### Revised Deposit Draft Objections

TCR3 / 87 / 5475R      Legal & General Property Ltd      11.3.9

TCR3 / 134 / 5331R      Dixons Stores Plc

### Issues

- The need to bring other sites forward;
- The need to couple town centre improvement with overall regeneration.

### Inspector's Reasoning and Conclusions

11.42 Policy TCR3 complements TCR2 and provides for the identification of

further development sites where these are shown to be needed. Given the thrust of its strategic and other policies, the Council is entirely right to concentrate these efforts on its town centres. The changes made at Revised Deposit stage respond adequately to the Initial Deposit objections.

## RECOMMENDATION

11.43 I recommend that no further changes be made to Policy TCR3 or to its supporting text.

## **Policy TCR4 (Brent Cross)**

### **Deposit Draft Objections**

TCR4 / 187 / 1337	Government Office for London	
TCR4 / 272 / 1507	Carter Commercial Developments	11.3.10
TCR4 / 263 / 1265	The Finchley Society	11.3.10
TCR4 / 131 / 787	Hammerson UK Properties Plc & Standard Life	
TCR4 / 100 / 873	London Borough of Harrow	
TCR4 / 134 / 1403	Dixons Stores Plc	
TCR4 / 102 / 688	London Borough of Brent	
TCR4 / 180 / 797	Cricklewood Redevelopment Ltd	11.3.10
TCR4 / 157 / 696	Marks & Spencer Plc	11.3.10
TCR4 / 86 / 706	Barnet Green Party	
TCR4 / 15 / 1104	North Finchley Agenda 21 Partnership	

### **Support for Policy**

TCR4 / 93 / 575	GLA constituency member for Barnet (Cllr. Coleman)	
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### **Revised Deposit Draft Objections**

TCR4 / 187 / 5431R	Government Office for London	11.1.11
TCR4 / 131 / 5815R	Hammerson UK Properties Plc & Standard Life	
TCR4 / 131 / 5899R	Hammerson UK Properties Plc & Standard Life	1.15

## **Issues**

- The status and future of Brent Cross.

## **Inspector's Reasoning and Conclusions**

11.44 A PIC deletes this policy and makes appropriate cross references to the new Chapter 12 on Cricklewood, Brent Cross and West Hendon. I support the change. I address the issues raised in connection with Policy TCR4 in my Chapter 13.

## RECOMMENDATION

11.45 I recommend that Policy TCR4 and paragraphs 11.3.10 and 11.3.11 be deleted.

## **Policy TCR5 (Edge of town centre sites)**

### **Deposit Draft Objections**

TCR5 / 187 / 1342	Government Office for London	
TCR5 / 272 / 1506	Carter Commercial Developments	11.3.12
TCR5 / 134 / 1412	Dixons Stores Plc	11.3.12

TCR5 / 134 / 1404 Dixons Stores Plc  
 TCR5 / 133 / 1416 B & Q Plc  
 TCR5 / 102 / 690 London Borough of Brent

### Revised Deposit Draft Objections

TCR5 / 187 / 5414R Government Office for London 11.3.2a  
 TCR5 / 134 / 5332R Dixons Stores Plc

### Issues

- Identified edge of town centre sites - their location;
- Extensions to edge of town developments.

### Inspector's Reasoning and Conclusions

11.46 Policy TCR5 cites 'edge of town centre sites, including those identified on the Proposals Map'. However, as objectors point out, their identity isn't clear. My proposed change to Table 11.2, reported under Policy TCR1, would address this.

11.47 The supporting text to the policy needs to cover extensions to bring it into line with Policy TCR7. Policy TCR6 is clearly superfluous and I support its deletion.

### RECOMMENDATION

11.48 I recommend that:

- (i) In the supporting text to Policy TCR5, appropriate reference be made to applications for extensions; and
- (ii) Policy TCR6 be deleted.

### Policy TCR7 (Out of town centre sites)

#### Deposit Draft Objections

TCR7 / 272 / 1505 Carter Commercial Developments  
 TCR7 / 87 / 872 Legal & General Property Ltd 11.3.16  
 TCR7 / 153 / 1390 Tesco Stores Limited  
 TCR7 / 134 / 1405 Dixons Stores Plc  
 TCR7 / 133 / 1417 B & Q Plc  
 TCR7 / 102 / 691 London Borough of Brent  
 TCR7 / 224 / 1056 Hermes Property Asset Management Ltd 11.3.15  
 TCR7 / 15 / 1106 North Finchley Agenda 21 Partnership

#### Revised Deposit Draft Objections

TCR7 / 168 / 5385R Sainsbury's Supermarkets Ltd  
 TCR7 / 263 / 6808R The Finchley Society  
 TCR7 / 322 / 5480R WM Morrison Supermarkets Plc  
 TCR7 / 153 / 5523R Tesco Stores Limited  
 TCR7 / 293 / 5450R Railtrack  
 TCR7 / 134 / 5333R Dixons Stores Plc  
 TCR7 / 102 / 5492R London Borough of Brent TCR1  
 TCR7 / 224 / 5570R Hermes Property Asset Management Ltd  
 TCR7 / 15 / 5544R North Finchley Agenda 21 Partnership 11.3.16  
 TCR7 / 15 / 5545R North Finchley Agenda 21 Partnership 11.3.18

#### Deposit Draft Objections Changes

TCR7 / 224 / 6847R Hermes Property Asset Management Ltd 11.3.16

#### Pre-Inquiry Change Objections

TCR7 / 286 / 7133P Barnet Friends of the Earth

## Issues

- The application of the policy and the tests to be applied.

## Inspector's Reasoning and Conclusions

- 11.49 In the Initial Deposit UDP, out of town centre locations were covered by three policies, TCR7, 8 and 9. In the light of the objections received these were combined into a single TCR7 with six criteria. A subsequent PIC corrects an unfortunate error and makes some other, relatively small, changes. The result is a policy that accords generally with the advice of PPG6 and is clear.
- 11.50 In response to the PIC objection, I support the change in criterion (i) from 'acknowledged' to 'demonstrable'; the onus will be on a developer to show, i.e. demonstrate, need. There is no need for the policy itself to refer to extensions and changes of use. The latter can be dealt with instead in paragraph 11.3.15 which already covers extensions.
- 11.51 Two objections address criterion (iv), the 'not demonstrably harm' test. However, this is not unreasonable given the Government's objective of sustaining and enhancing the vitality and viability of town centres. Criterion (vi) deals with linked trips. It is a reasonable test given the potential to make some savings on mileages driven.
- 11.52 Paragraph 11.3.16 of the Revised Deposit UDP contains a reference to the 2,500 square metre threshold for a retail impact assessment. This is taken from PPG6, paragraph 4.13. However, further to NFLA's objection, the guidance also provides for assessments occasionally being necessary for smaller developments. For Barnet, this might be the case, for example, where it is foreseen that a development could have a large impact upon a nearby neighbourhood centre. However, the justification for such an assessment would need to be made on a case by case basis. I propose an addition to the paragraph.

## RECOMMENDATION

11.53 I recommend that:

- (i) Policy TCR7 be amended as set out in the PIC, subject to the reference to changes of use and extensions being deleted;
- (ii) Paragraph 11.3.15 be amended to refer to applications for change of use as well as extensions; and
- (iii) Paragraph 11.3.16 be amended to add a reference to the possible need for a retail impact assessment for developments of below the 2,500 square metre threshold, this to be determined on a case by case basis.

## **Policy TCR8 (Impact of out of town centre developments)**

### **Deposit Draft Objections**

TCR8 / 188 / 1127	Greater London Authority	11.3.18
TCR8 / 153 / 1392	Tesco Stores Limited	
TCR8 / 134 / 1406	Dixons Stores Plc	
TCR8 / 133 / 1418	B & Q Plc	
TCR8 / 15 / 1107	North Finchley Agenda 21 Partnership	

**Revised Deposit Draft Objections**

TCR8 / 188 / 5877R	Greater London Authority	11.3.18
TCR8 / 188 / 5878R	Greater London Authority	11.3.18
TCR8 / 153 / 5524R	Tesco Stores Limited	

**Issues**

- Out of town shopping centre developments.

**Inspector's Reasoning and Conclusions**

11.54 In the Revised Deposit UDP this policy is proposed for deletion. Policy TCR7 adequately covers out of town centre sites and I support this step.

**RECOMMENDATION**

11.55 I recommend that Policy TCR8 be deleted.

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**Policy TCR9 (Transport and out of town centre developments)****Deposit Draft Objections**

TCR9 / 153 / 1393	Tesco Stores Limited
TCR9 / 134 / 1407	Dixons Stores Plc
TCR9 / 133 / 1419	B & Q Plc
TCR9 / 15 / 1108	North Finchley Agenda 21 Partnership

**Issues**

- Out of town centre developments and transport provision/implications.

**Inspector's Reasoning and Conclusions**

11.56 In the Revised Deposit UDP this policy is proposed for deletion. The subject matter is partly covered by Policy TCR7, but also by several policies in the Movement chapter. I support this step.

**RECOMMENDATION**

11.57 I recommend that Policy TCR9 be deleted.

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**Policy TCR10 (Protection of retail (A1) uses in primary retail frontages)****Deposit Draft Objections**

TCR10 / 187 / 1287	Government Office for London	11.4.4
TCR10 / 71 / 860	Conservative Group - Barnet Council	
TCR10 / 15 / 1110	North Finchley Agenda 21 Partnership	11.4.2
TCR11 / 102 / 686	London Borough of Brent	Table 11.3

**Support for Policy**

TCR10 / 241 / 1075	The Whetstone Society
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**Revised Deposit Draft Objections**

TCR10 / 187 / 5415R	Government Office for London	11.4.4
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TCR10 / 342 / 5438R Level Properties  
 TCR10 / 263 / 5567R The Finchley Society

## Issues

- The justification for including vacant units within the same category as units in Use Class A1;
- Consistency of terminology;
- The uses permitted in primary retail frontages;
- Retail frontage designations in Cricklewood and Colindale.

## Inspector's Reasoning and Conclusions

- 11.58 Policy TCR10 addresses development within defined primary retail frontages where it seeks to maintain a predominance of shops as opposed to other uses. The Council's change to paragraph 11.4.2 at the Revised Deposit stage responds to the objection from NFLA and adequately justifies the reason for considering vacant uses alongside Class A1 uses in criterion (i) of the policy. The objection from GOL concerns terminology and I agree with them that this needs to be made consistent. I suggest that the term 'primary (or secondary, as appropriate) retail frontage' should be used throughout the UDP, including on the Proposals Map.
- 11.59 Level Properties seek to broaden the scope for Class A2 and A3 uses within shopping frontages and would like the acceptable uses to include Class D2 (Assembly and Leisure). As far as primary frontages are concerned Policy TCR10 makes no provision for uses other than A1, A2 or A3 at ground floor level. Within secondary retail frontages and main shopping areas, however, Policy TCR11 provides scope for a wider range of uses; under criterion (iv) it cites after A2 and A3, 'or other use appropriate to the town centre location'. Thus there is some flexibility, providing the various tests can be met. I do not propose any change.
- 11.60 The objection from the Conservative Group concerns the evening economy. This is addressed in the section on 'Diversity of Use' and in Policy TCR12.
- 11.61 The London Borough of Brent would like to see primary shopping frontages defined within both Colindale and Cricklewood, and thereby brought into line with their own designations. This is a sensible step that I support.

## RECOMMENDATION

11.62 I recommend that:

- (i) Paragraphs 11.4.1 to 11.4.4 be modified as set out in the Revised Deposit UDP;
- (ii) Paragraph 11.4.3 be modified through the PIC;
- (iii) Consideration be given to the definition of primary retail frontages in both Colindale and Cricklewood, any such designations to be co-ordinated with action already taken by the London Borough of Brent; and
- (iv) The terminology for shopping frontages be standardised as proposed above.

## **Policy TCR11 (Protection of retail (A1) uses in secondary and main shopping frontages)**

### **Deposit Draft Objections**

TCR11 / 263 / 1268	The Finchley Society	
TCR11 / 66 / 1761	The Empty Homes Agency	
TCR11 / 134 / 1409	Dixons Stores Plc	
TCR11 / 241 / 1424	The Whetstone Society	
TCR11 / 102 / 686	London Borough of Brent	Table 11.3
TCR11 / 15 / 1555	North Finchley Agenda 21 Partnership	

### **Revised Deposit Draft Objections**

TCR11 / 66 / 5833R	The Empty Homes Agency	11.4.3
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### **Issues**

- Policy towards vacant units;
- The range of uses that would be appropriate within a frontage.

### **Inspector's Reasoning and Conclusions**

- 11.63 Policy TCR11 applies to both secondary retail frontages and main shopping areas where there is no division into primary and secondary frontages. Both the Finchley Society and NFLA object to the provision in criterion (i) that would enable the threshold for Class A1/vacant units to fall to 55% in situations where there is considerable vacancy within the frontage. The Society fear that this may create some perverse incentive to keep units empty. On the other hand, I can understand the view of the Council that if there is, unavoidably, significant vacancy it is better to allow a non A1 use than to have no use at all.
- 11.64 Without detailed research, it is impossible to say which view is right. In its absence, I consider that criterion (i) should stay for the present but that the effectiveness of this whole policy should be reviewed in the future, perhaps as part of the LDF process. It appears over-restrictive in places (more so than Policy TCR10) and some of its criteria require fuller justification if they are to stay.
- 11.65 As far as the Empty Homes Agency's objections are concerned, there is no bar, in principle, to residential uses being accommodated at first floor level within both primary and secondary retail frontages. I support the Council's PIC that responds to the objection from the Finchley Society; my recommendation appears under TCR10.
- 11.66 The Whetstone Society would like to see Whetstone included in Table 11.3 as a centre with a primary shopping frontage. Having viewed the area, I feel this might be difficult to define. However, it is a matter that could be considered as part of the review that I am proposing. In respect of the objection from Dixon's, Brent Cross is a unique type of shopping centre within Barnet and I see no need to categorise it within the terms of policies TCR10/11.

### **RECOMMENDATION**

- 11.67 I recommend that no further changes be made at this stage but that the effectiveness of Policy TCR11 be reviewed as part of the LDF process.

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## **Policy TCR12 (Evening uses in town centres)**

### **Deposit Draft Objections**

TCR12 / 147 / 1421	Transport for London	
TCR12 / 263 / 1269	The Finchley Society	
TCR12 / 290 / 1888	Linden Homes Chiltern Ltd	
TCR12 / 15 / 1556	North Finchley Agenda 21 Partnership	5
TCR12 / 126 / 1386	NHS Executive	11.4.6

### **Revised Deposit Draft Objections**

TCR12 / 342 / 5448R Level Properties

### **Support for Policy Changes**

TCR12 / 126 / 5466R NHS Executive

### **Pre-Inquiry Change Objections**

TCR12 / 342 / 7244P Level Properties

### **Issues**

- The impact of leisure uses upon the amenities of local residents;
- Accessibility by public transport;
- The types of town centre that can best accommodate leisure uses.

### **Inspector's Reasoning and Conclusions**

11.68 The changes made at Revised Deposit stage incorporate the wording proposed by TfL and NHS Executive in their objections. They clarify the text and I support them. The objections of the Finchley Society and NFLA concern the amenity of residents. This is a critical matter and I propose revised, simplified wording for criterion (vi). I do not think the policy needs to be worded so as to provide specific protection for commercial premises but the needs of those living 'above the shop' would have to be taken into account in any planning decisions.

11.69 The policy applies to Barnet's larger town centres. I agree with the Council that such centres will most readily accommodate 'evening uses'. Moreover, they tend to have the best public transport access. Thus I do not support the objection which calls for the replacement of 'larger town centres' by 'appropriate urban areas'.

### **RECOMMENDATION**

11.70 I recommend that:

- (i) Policy TCR12 and paragraph 11.4.8 be modified as set out in the Revised Deposit UDP; and
  - (ii) Additionally, criterion (vi) to Policy TCR12 be modified as follows: **will not adversely affect the living conditions of nearby residents.**
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**Policy TCR13 (Housing in town centres)****Deposit Draft Objections**

TCR13 / 217 / 1377	New Barnet Community Association	11.4.9
TCR13 / 66 / 851	The Empty Homes Agency	

**Revised Deposit Draft Objections**

TCR13 / 66 / 5834R	The Empty Homes Agency	11.4.9
TCR13 / 15 / 5547R	North Finchley Agenda 21 Partnership	
TCR13 / 15 / 5546R	North Finchley Agenda 21 Partnership	11.4.9

**Support for Policy Changes**

TCR13 / 66 / 5836R	The Empty Homes Agency	11.4.9
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**Support for Pre-Inquiry Changes**

TCR13 / 263 / 6933P	The Finchley Society	
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**Issues**

- The need for mixed uses to go beyond housing;
- The need for flexibility in applying standards.

**Inspector's Reasoning and Conclusions**

11.71 It is long-standing national policy to attract more residential accommodation, and mixed use development generally, to town centres. Also, the London Plan puts great emphasis on this. Policy TCR13 and the supporting text, both as reworded in the Revised Deposit UDP, accord with this important aim. The PIC attempts to embrace mixed uses but it makes matters less clear and I do not think that it is needed. The supporting text provides sufficient encouragement to mixed use developments.

11.72 Viewing the UDP as a whole, it is clear that other non-retail uses are not excluded from town centres. Thus, Policy EMP6 provides for new office development (including re-use) within town centres, while EMP7 safeguards existing office space. Also, Policy TCR12 provides for both A2 and B1 offices in larger town centres. Taken together with Policy TCR13 they provide for a reasonable balance between homes and jobs.

11.73 The Revised Deposit changes indicate that the Council will apply its planning standards for car parking and amenity space flexibly in town centre areas.

**RECOMMENDATION**

11.74 I recommend that Policy TCR13 and its supporting text be modified as set out in the Revised Deposit UDP.

**Policy TCR14 (Mini-cab offices)****Deposit Draft Objections**

TCR14 / 295 / 1917	Neighbourhood Watch	11.4.10
TCR14 / 287 / 2340	Barnet Regeneration	

**Revised Deposit Draft Objections**

TCR14 / 295 / 5839R	Neighbourhood Watch	11.4.10
TCR14 / 287 / 5882R	Barnet Regeneration	11.4.10

**Issues**

- Mini-cab firms and licensing.

**Inspector's Reasoning and Conclusions**

11.75 The Council's PIC reflects TfL's statutory requirement that mini-cab firms be licensed. I support these detailed changes.

**RECOMMENDATION**

11.76 I recommend that Policy TCR14 together with its supporting text be modified as set out in the PIC.

**Policy TCR17 (Special policy area - North Finchley)****Deposit Draft Objections**

TCR17 / 147 / 1422	Transport for London	
TCR17 / 71 / 861	Conservative Group - Barnet Council	11.4.13
TCR17 / 12 / 1889	Equal Opportunities Commission	
TCR17 / 15 / 1111	North Finchley Agenda 21 Partnership	11.4.13

**Revised Deposit Draft Objections**

TCR17 / 342 / 5449R	Level Properties
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**Issues**

- The need for this policy;
- Flexibility in terms of Use Classes;
- The needs of the bus operators.

**Inspector's Reasoning and Conclusions**

11.77 The 'bright lights' development envisaged by this policy has been carried out and several, at least, of the objections are no longer relevant. In response to the objection of Level Properties, the development includes Class D2 uses.

**RECOMMENDATION**

11.78 I recommend that no change be made to Policy TCR17 or to its supporting text.

**Policy TCR18 (Large mixed use developments)****Revised Deposit Draft Objections**

TCR18 / 286 / 5619R	Barnet Friends of the Earth	11.4.15
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**Support for Policy Changes**

TCR18 / 257 / 5744R	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	11.4.15
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**Issues**

- The need to include affordable housing in town centre developments.

**Inspector's Reasoning and Conclusions**

11.79 As amended, with the addition of references to affordable housing, this policy fully accords with the thrust of national guidance on sustainable development and with the objectives of the London Plan. Further to the BFoE objection, I see no need to repeat any reference from PPG13.

**RECOMMENDATION**

11.80 I recommend that no change be made to Policy TCR18 or to its supporting text.

**Policy TCR19 (Neighbourhood centres and isolated shops)****Deposit Draft Objections**

TCR19 / 66 / 852 The Empty Homes Agency

**Revised Deposit Draft Objections**

TCR19 / 66 / 5835R The Empty Homes Agency

**Issues**

- Suitable alternative uses within local shopping areas.

**Inspector's Reasoning and Conclusions**

11.81 Policies TCR19 and TCR20 have been combined and changes made to the supporting text in response to a now withdrawn objection from the GLA. The result is a well balanced policy that gives high priority to the maintenance of very local shopping but also recognises that if there is no demand there are other valuable uses that otherwise vacant shops could fulfil. To that end, a PIC adds 'or other development' after retail development in the last sentence to TCR19. Under another PIC, housing is acknowledged to be an acceptable use but only if an 18 month period of marketing were to show that there was no interest in a retail or other use. Both PICs add usefully to the text and I support them.

**RECOMMENDATION**

11.82 I recommend that:

- Policy TCR19 be as modified, and Policy TCR20 be deleted, as set out in the Revised Deposit UDP;
- Policy TCR19 be further modified through a PIC;
- Paragraph 11.4.16 be modified as set out in the Revised Deposit UDP; and
- A new paragraph be added after paragraph 11.4.16, based on the PIC.

## **Policy TCR21 (Town centre environmental quality)**

### **Deposit Draft Objections**

TCR21 / 263 / 1270 The Finchley Society

### **Support for Policy**

TCR21 / 263 / 1425 The Finchley Society

### **Issues**

- Protection against vandalism and graffiti.

### **Inspector's Reasoning and Conclusions**

11.83 Following the objection, Policy TCR21 has been amended to include a reference to 'schemes designed to reduce opportunities for crime'. This is a worthwhile addition that I support.

### **RECOMMENDATION**

11.84 I recommend that Policy TCR21 be modified as set out in the Revised Deposit UDP.

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## **Policy TCR22 (Design of new retail development)**

### **Deposit Draft Objections**

TCR22 / 263 / 1271 The Finchley Society

### **Issues**

- Street frontage lines and the Tally Ho development.

### **Inspector's Reasoning and Conclusions**

11.85 The objection concerns a specific development. The policy is a general one and it would be wrong here to single out individual schemes.

### **RECOMMENDATION**

11.86 I recommend that no change be made to Policy TCR22 or to its supporting text.

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## **Proposed New Policies**

### **Deposit Draft Objections**

NewPol / 162 / 718 MAFF  
NewPol / 281 / 1466 Church End Local Agenda 21 Partnership  
NewPol / 284 / 1587 The Barnet Society

## Issues

- The need for policies on:
  - o farm shops;
  - o ailing or dying town/retail centres;
  - o the curbing of shopping centre development so as to reduce traffic congestion, minimise energy consumption and reduce air pollution.

## Inspector's Reasoning and Conclusions

- 11.87 The first of these proposed policies would appear to relate to village situations rather than towns. While development plans do sometimes contain policies on farm shops, I do not consider that this is required here.
- 11.88 Regarding ailing town centres, responsibility here is a corporate one and it goes beyond the scope of land use planning, although planning may have a role. I see no need for any new policy.
- 11.89 On the third matter, new development such as that at Brent Cross will inevitably lead to more travel and more energy consumption. The challenge is to minimise resource consumption, pollution and congestion through maximising the use of public transport, pursuing mixed use development and creating buildings that are as energy efficient as possible.

## RECOMMENDATION

- 11.90 I recommend that these proposed policies be not adopted.
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