

Chapter 8: Housing

Policy GH1 (Housing provision)

Deposit Draft Objections

GH1 / 217 / 1371	New Barnet Community Association	
GH1 / 187 / 1611	Government Office for London	
GH1 / 263 / 1612	The Finchley Society	
GH1 / 263 / 1243	The Finchley Society	8.1.10
GH1 / 200 / 1285	Adrian Salt and Pang Ltd	
GH1 / 281 / 1596	Church End Local Agenda 21 Partnership	8.1.7
GH1 / 281 / 1598	Church End Local Agenda 21 Partnership	
GH1 / 281 / 1597	Church End Local Agenda 21 Partnership	8.1.11
GH1 / 287 / 1927	Barnet Regeneration	8.1.11
GH1 / 213 / 614	McLean Homes North London Ltd	
GH1 / 15 / 834	North Finchley Agenda 21 Partnership	8.2

Support for Policy

GH1 / 257 / 922	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.1.6
GH1 / 257 / 921	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.1.1
GH1 / 93 / 574	GLA constituency member for Barnet (Cllr. Coleman)	

Revised Deposit Draft Objections

GH1 / 98 / 5572R	McCarthy & Stone (Developments) Ltd	8.1.10
GH1 / 98 / 5573R	McCarthy & Stone (Developments) Ltd	8.1.10
GH1 / 263 / 6801R	The Finchley Society	8.1.9
GH1 / 66 / 5825R	The Empty Homes Agency	
GH1 / 281 / 5799R	Church End Local Agenda 21 Partnership	8.1.9
GH1 / 281 / 5798R	Church End Local Agenda 21 Partnership	
GH1 / 281 / 5794R	Church End Local Agenda 21 Partnership	8.1.5a
GH1 / 317 / 5635R	Beechwood Homes Ltd	
GH1 / 15 / 5511R	North Finchley Agenda 21 Partnership	

Support for Policy Changes

GH1 / 257 / 5734R	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.1.10
GH1 / 257 / 5733R	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.1.9

Pre-Inquiry Change Objections

GH1 / 212 / 6867P	Fairview Homes Plc	8.1.9b
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Support for Pre-Inquiry Changes

GH1 / 257 / 6895P	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.1.9b
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Issues

- The number of additional dwellings and its justification;
- The sources of the additional dwellings;
- The siting of the additional dwellings;
- The operation of the sequential approach to site selection;
- The appropriateness of paragraph 8.1.10 only referring to working with housing associations.

Inspector's Reasoning and Conclusions

- 8.1 Policy GH1 sets out the number of additional homes to be built in Barnet during the period 1997-2016. This figure of a minimum of 17,780 incorporates 3,000 'non-self contained dwellings' added at the Revised

Deposit stage. Derived in part from a GLA housing capacity study, the figure corresponds with the target for Barnet contained in table 3A.1 of the London Plan. It must now be seen as a commitment.

- 8.2 As was announced by the Council's opening speech to the Inquiry, it is anticipated that this target figure will be substantially exceeded. This will come about mainly through a number of major developments, in particular that at Brent Cross/Cricklewood which itself is expected to deliver over 5,000 new dwellings. There is to be a fresh housing capacity study this year and this should establish the likely scale of the increase within Barnet. The Council will have the opportunity to update its housing figures at the Modifications stage.
- 8.3 For a number of objectors the present GH1 figure is already too high. They cite increasing traffic congestion and possible mismatches with employment leading to an ever greater dependence on commuting. I agree that, as elsewhere, traffic congestion is a major issue for Barnet. Through its Movement policies in Chapter 7 and through its land use policies, for example its emphasis on mixed use developments, the Council is seeking to reduce traffic growth. On employment, the new housing should not generally be at the expense of jobs. At Brent Cross/Cricklewood, for example, the UDP provides for upwards of 5,000 new jobs, possibly many more.
- 8.4 The new housing will come from a variety of sources, as listed in the policy. New paragraph 8.1.9a indicates the expected contribution from large windfall sites, large identified sites and a range of other sources. The policy itself specifies six categories which include the conversion of space above shops and offices. Reference to space above shops was added at the Revised Deposit stage and responds to an objection from the Finchley Society. NBCA is concerned about the conversion of family dwellings into flats. This issue is covered by Policy H23 of the UDP.
- 8.5 Regarding the location of new build homes, PPG3 sets out a search sequence starting with the re-use of previously developed land and buildings. There is every indication that Barnet's growth needs can be met within its existing built up area. Arising from that, and in response to the objection from Adrian Salt and Pang Ltd, I see no case to allocate existing Green Belt land at Barnet Gate Lane as an urban extension.
- 8.6 CELA would like the sequential approach to be applied differently, with priority being given to the development of contaminated land ahead of the redevelopment of properties that could be re-used or converted. The latter is seen as environmentally unsupportable. As the Council say, however, PPG3 does not make such a distinction. While I agree that properties that are genuinely sound should be re-used wherever practicable, each proposal will need to be treated on its merits through the development control process.
- 8.7 Turning to paragraph 8.1.10, I do not consider that the reference in line 11 means that the Council will only work with housing associations to provide affordable housing. I think the sentence has to be read in context. It is talking about implementing the Housing Strategy and no doubt a key player in that will be housing associations. Nevertheless, I prefer a form of wording that draws from the Housing Strategy itself. That states the Council will continue to develop their partnerships with all housing providers. I recommend below a change to paragraph 8.1.10 which reflects that wording.
- 8.8 I have dealt with the issue of whether the affordable housing target is

realistic and based upon a robust assessment of housing need under Policy H5. With regard to the 70:30 split (social rented to intermediate housing) in PIC paragraph 8.1.9b, this matter is also addressed under Policy H5. My recommendation appears under Policy GH3. I address the objections made by McLean Homes North London Ltd and Beechwood Homes under Policy H1 and H2 respectively.

RECOMMENDATION

8.9 I recommend that:

- (i) Policy GH1 be modified as set out in the Revised Deposit UDP and in a PIC;
- (ii) Paragraph 8.1.9a be adopted as set out in the Revised Deposit UDP;
- (iii) The fourth sentence of paragraph 8.1.10 be modified to read: 'This will involve the Council continuing to develop their partnerships with all housing providers and delivering housing to meet the diverse needs of Barnet's population'; and
- (iv) Other modifications be made to the introductory text to this chapter as set out elsewhere in this report and that the text be generally updated, in particular to take account of the London Plan.

Policy GH3 (Affordable housing provision)

Deposit Draft Objections

GH3 / 98 / 525	McCarthy & Stone (Developments) Ltd
GH3 / 154 / 739	Martin Grants Homes (UK) Ltd
GH3 / 287 / 1918	Barnet Regeneration

Revised Deposit Draft Objections

GH3 / 26 / 6768R	The House Builders Federation
GH3 / 98 / 5574R	McCarthy & Stone (Developments) Ltd
GH3 / 223 / 5676R	Rialto Homes Plc
GH3 / 126 / 5455R	NHS Executive
GH3 / 317 / 5620R	Beechwood Homes Ltd
GH3 / 290 / 5426R	Linden Homes Chiltern Ltd

Support for Policy Changes

GH3 / 257 / 5735R	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite
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Pre-Inquiry Change Objections

GH3 / 188 / 7359P	Greater London Authority	8.1.10 - 8.1.10
GH3 / 188 / 7361P	Greater London Authority	8.1.9b - 8.1.9b

Issues

- The appropriateness of the overall affordable housing target;
- The definition of affordable housing;
- The applicability to Barnet of the London Plan's 70:30 split between social and intermediate housing;
- Whether the 50% target should encompass vacant properties brought back into use and non-self contained accommodation that will be affordable housing.

Inspector's Reasoning and Conclusions

- 8.10 I have addressed the first two issues under Policy H5. I conclude there that the overall affordable housing target in the Revised Deposit UDP is appropriate, provided that it is rounded down from the present figure of about 51% to the 50% London Plan figure. Therefore, Policy GH3 and paragraph 8.1.10 only need to be changed to reflect that rounding down. As to the definition of affordable housing, I recommend that the UDP be amended to accord with the definition provided in the adopted London Plan. That definition encompasses low cost market housing and key worker housing, both under the umbrella of 'intermediate housing'. I do not see that there is any tension between that definition and the reference in Policy GH3 to meeting the needs of residents unable to buy or rent on the open market.
- 8.11 I also deal with the issue of a target split between social housing and intermediate provision under Policy H5 (see my text on the 'Definition of Affordable Housing'). I conclude that the question of an appropriate split for the Borough should be covered in SPG and that the UDP should explain this. A recommendation follows.
- 8.12 Arising from that recommendation, the last sentence of paragraph 8.1.10 should be deleted. Instead it should be replaced with text stating that half of all the planned additional homes are to be affordable and that this will include affordable housing from all sources and not just that secured through planning obligations. It should essentially draw from paragraph 3.37 of the London Plan. Such a change would suitably address the final issue about including vacant properties and non-self contained accommodation.

RECOMMENDATION

- 8.13 I recommend that:
- (i) A new paragraph (8.1.9b) be inserted in the UDP which details the Mayor's objectives in terms of affordable housing and the split between social and intermediate housing;
 - (ii) The last sentence of paragraph 8.1.10 be deleted and replaced with references to:
 - (a) the 50% target on affordable housing to be adopted by the Council;
 - (b) the fact that this target includes affordable housing from all sources and not just that secured through planning obligations, i.e. it includes 100% affordable schemes by housing associations, intermediate housing, non-self contained accommodation, gains from conversions and from bringing long-term vacant properties back into use, as well as new housing;
 - (c) future SPG which will address the split between social housing and intermediate housing as related to Barnet; and
 - (iii) Policy GH3 be modified as follows:

The Council will seek to ensure that half of the 17,780 additional dwellings to be built between 1997 and 2016 are affordable homes meeting the needs of residents unable to buy or rent housing on the open market.
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Policy H0 (Housing and affordable housing provision 1997-2006)

Deposit Draft Objections

H0 / 187 / 1326	Government Office for London	
H0 / 223 / 1034	Rialto Homes Plc	8.3.1
H0 / 121 / 733	St. Joseph's College	8.3.1
H0 / 126 / 1691	NHS Executive	8.3.16
H0 / 287 / 1920	Barnet Regeneration	
H0 / 41 / 552	Mr Charles Wicksteed	8.3.2

Revised Deposit Draft Objections

H0 / 26 / 5842R	The House Builders Federation	
H0 / 187 / 5404R	Government Office for London	
H0 / 98 / 5576R	McCarthy & Stone (Developments) Ltd	8.3.3
H0 / 98 / 5575R	McCarthy & Stone (Developments) Ltd	
H0 / 223 / 5672R	Rialto Homes Plc	
H0 / 263 / 6802R	The Finchley Society	8.3.2
H0 / 121 / 6837R	St. Joseph's College	8.3.1
H0 / 95 / 5364R	Defence Estates (South East & Germany)	
H0 / 281 / 5802R	Church End Local Agenda 21 Partnership	
H0 / 281 / 5821R	Church End Local Agenda 21 Partnership	8.3.3a
H0 / 317 / 5625R	Beechwood Homes Ltd	
H0 / 290 / 5432R	Linden Homes Chiltern Ltd	8.3.3
H0 / 290 / 5422R	Linden Homes Chiltern Ltd	
H0 / 15 / 5504R	North Finchley Agenda 21 Partnership	8.3.2

Support for Policy Changes

H0 / 257 / 5715R	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite
H0 / 26 / 5508R	The House Builders Federation

Pre-Inquiry Change Objections

H0 / 26 / 6874P	The House Builders Federation
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Issues

- The number of houses to be built;
- The timescale for Part II policies;
- The level of detail on housing provision;
- The appropriateness of the overall affordable housing target;
- The approach to affordable housing targets for sites;
- The site threshold for seeking affordable housing;
- The definition of affordable housing.

Inspector's Reasoning and Conclusions

- 8.14 Policy H0 was introduced at Revised Deposit stage in response to an objection from GOL. The intention was to complement the 15 year plus strategic requirement with a detailed ten year target, thereby following the advice of PPG12, paragraphs 6.7 and 6.8. However, given the time that has elapsed, this now makes little sense. The advice of PPG12 is that the ten year period for detailed policies should run from the plan's forecast adoption date. That date will now be 2005 at the earliest, with the ten year period then running to 2014. This needs to be seen alongside the span of Policy GH1 which covers the period to 2016 from a base date of 1997.
- 8.15 Moreover, as now worded, Policy H0 covers the period 1997 to 2006 which means that it would probably have just one year to run at the likely adoption date. The alternative would be to follow the PPG12 advice to cover the period to 2014 but there would be little point in that either given

the 2016 end date for Policy GH1. The sensible step would be to delete Policy H0 and to rely upon GH1 for housing supply.

- 8.16 At the same time, the opportunity should be taken to revise and update the section on housing supply. This should include more up to date figures on annual completions. As far as possible, the section should complement paragraph 8.1.9a, possibly by providing more detail. It should also take into account the planned 2004 housing capacity study.
- 8.17 I deal elsewhere with objections to the number of homes to be built (under Policy GH3) and with affordable housing matters (Policies GH3 and H5).

RECOMMENDATION

- 8.18 I recommend that:
- (i) Policy H0 be deleted; and
 - (ii) The supporting paragraphs to Policy H0 be revised and updated on the lines put forward in my report.

Policy H1 (Allocated sites for housing)

Deposit Draft Objections

H1 / 188 / 1141	Greater London Authority	8.3.4
H1 / 258 / 961	Three Valleys Water Plc	8.3.4
H1 / 213 / 617	McLean Homes North London Ltd	

Revised Deposit Draft Objections

H1 / 188 / 5369R	Greater London Authority	8.3.4
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Issues

- The need to follow the sequential approach to site selection;
- The listing of specific sites, for example the Boosey and Hawkes factory;
- The monitoring of housing provision.

Inspector's Reasoning and Conclusions

- 8.19 Policy H1 commits the Council to safeguarding identified housing sites. These are listed in the Schedule of Proposals and a revision to paragraph 8.3.4 confirms that the Council has followed the sequential approach in their selection. The GLA calls for monitoring and the Council responds that this will be developed in conjunction with the GLA. I see no need to make any further changes to the text.
- 8.20 The Boosey and Hawkes factory site has been included within the Schedule of Proposals. I note that this land is now being developed. At the Modifications stage, the Council will need to assess whether it remains a proposal.

RECOMMENDATION

8.21 I recommend that paragraph 8.3.4 be modified as set out in the Revised Deposit UDP.

Policy H2 (Other housing sites)

Deposit Draft Objections

H2 / 217 / 1372	New Barnet Community Association	
H2 / 26 / 549	The House Builders Federation	8.3.7
H2 / 162 / 719	MAFF	8.3.7
H2 / 260 / 1117	Yvonne Naylor	8.3.6
H2 / 281 / 1600	Church End Local Agenda 21 Partnership	8.3.6
H2 / 281 / 1599	Church End Local Agenda 21 Partnership	8.3.5
H2 / 213 / 416	McLean Homes North London Ltd	
H2 / 178 / 746	Mrs N. Yozin-Smith	
H2 / 178 / 1937	Mrs N. Yozin-Smith	
H2 / 178 / 748	Mrs N. Yozin-Smith	8.3.7

Support for Policy

H2 / 217 / 1373	New Barnet Community Association
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Revised Deposit Draft Objections

H2 / 281 / 5801R	Church End Local Agenda 21 Partnership	8.3.5
H2 / 281 / 5800R	Church End Local Agenda 21 Partnership	8.3.6
H2 / 317 / 5626R	Beechwood Homes Ltd	8.3.6
H2 / 178 / 5854R	Mrs N. Yozin-Smith	8.3.7
H2 / 178 / 5853R	Mrs N. Yozin-Smith	

Issues

- The application of the sequential test;
- Redevelopment of employment land and lower density housing areas;
- The importance of back garden land;
- The implications of the policy for existing sound property;
- The development of greenfield sites.

Inspector's Reasoning and Conclusions

8.22 Policy H2 addresses the development of 'windfall sites' i.e. land that is not specifically identified in the Schedule of Proposals. It applies the sequential approach whereby previously developed land (or buildings for re-use or conversion) should, in principle, be developed ahead of greenfield sites. A Revised Deposit change to paragraph 8.3.6 lists several categories of previously developed land. In general these reflect the advice of PPG3.

8.23 In my view, these categories cover the possible redevelopment of existing lower density housing areas. As paragraph 8.3.7 says, such proposals will need to take into account the nature conservation value of back garden land. In response to one objector it is clear enough that such land will usually relate to private dwellings and there is no need for the text to specify this. The categories also cover redundant, non-residential land and buildings. Policies Emp2 and Emp7 address the stringent criteria that would need to be met before sites in industrial or office use could be re-used for other purposes.

8.24 CELA is concerned, in particular, about the likely losses of sound buildings

through redevelopment. In the main, the Council does not have control over demolition although in some schemes it may be possible to secure the retention of certain buildings through negotiation. However, higher densities are an inherent feature of Government policy and they are integral too to the London Plan. More people need to be accommodated in London and in the wider South East and, if greenfield land is to be safeguarded, this will mean more intensive development within urban areas.

- 8.25 Paragraph 8.3.7 discusses greenfield sites in Barnet but states that they will only be considered after all other opportunities have been explored. A Revised Deposit change inserts a reference to agricultural land quality as one of the factors that would have to be taken into account.
- 8.26 As a general comment, the London Plan contains a useful section on the approach to guiding change in suburban areas (Policy 2A.6 and paragraphs 2.17-2.24). It refers to good practice guidance and a 'sustainable suburbs toolkit' that is to be prepared in collaboration with the boroughs. Depending on the timescale, it would be worthwhile to draw upon the conclusions of this work at the Modifications stage.
- 8.27 A PIC to Policy H2 clarifies that the sites being considered are not those allocated for housing under Policy H1. I support this change and also a Revised Deposit change to paragraph 8.3.5. This refers to windfall developments and clarifies the text.

RECOMMENDATION

8.28 I recommend that:

- (i) Paragraphs 8.3.5 to 8.3.7 be modified as set out in the Revised Deposit UDP;
- (ii) Policy H2 be modified through the PIC; and
- (iii) At the Modifications stage, and subject to the progress on this, reference be made to the good practice guidance for London's suburbs mentioned in the London Plan.

Policy H3 (Changes of use from housing to other uses)

Deposit Draft Objections

H3 / 15 / 1546	North Finchley Agenda 21 Partnership	8.3
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Revised Deposit Draft Objections

H3 / 26 / 5840R	The House Builders Federation	8.3.17
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Pre-Inquiry Change Objections

H3 / 257 / 6894P	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.10
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Issues

- The strength of the protection afforded;
- The needs of RSLs;
- Public consultation.

Inspector's Reasoning and Conclusions

- 8.29 Policy H3 seeks to avoid the loss of residential uses. PICs made in response to a now withdrawn objection from the GLA strengthen it considerably. Given the demand for housing in Barnet, I have no objection to these changes. The RSLs are concerned that they may have less flexibility to develop or convert their properties but, following the objectives of housing policy generally, I cannot see that such work would be ruled out were it to meet housing need.
- 8.30 Two other objectors call for the policy to provide for consultation with the local community. However, this should happen, as a matter of course, when planning applications are received.

RECOMMENDATION

- 8.31 I recommend that Policy H3 and its supporting text be modified as set out in the Revised Deposit UDP and in the PICs.

Policy H4 (Dwelling mix)

Deposit Draft Objections

H4 / 217 / 1367	New Barnet Community Association	8.3.15
H4 / 257 / 926	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.15
H4 / 98 / 536	McCarthy & Stone (Developments) Ltd	
H4 / 223 / 1036	Rialto Homes Plc	8.3.15
H4 / 180 / 727	Cricklewood Redevelopment Ltd	
H4 / 52 / 533	Steve Ricketts (Cunnane Town Planning)	

Issues

- The justification for this policy;
- Whether ten dwellings or more is a desirable threshold;
- Space standards for one person households.

Inspector's Reasoning and Conclusions

- 8.32 In principle, the provision of different types and sizes of housing, including affordable housing, helps to create a more mixed and balanced community. Therefore it is desirable to have a policy on housing mix. But the policy provides no particular justification for the threshold of 'ten dwellings or more'. I assume that it was intended to complement the threshold on affordable housing which in the first two versions of the UDP also stood at ten dwellings.
- 8.33 It is desirable to have a threshold given that the smaller a site is the less flexibility it will offer to developers. But at what level should it be set? I consider that the only logical basis is to tie it to the policy on affordable housing. My recommendation there is that it should apply to 15 dwellings or more which is in line with the Council's PIC. Applied to dwelling mix, this should suffice to ensure that there is a sufficiently mixed 'portfolio' of dwelling sizes within new development as a whole.
- 8.34 NBCA call for a recognition that the growth in single person households does not necessarily imply that occupants will be satisfied with smaller

dwellings. They will want space for visitors and possibly space for working from home. I support the Council's change that refers to the preference of such occupants for units with more than one bedroom.

RECOMMENDATION

8.35 I recommend that:

- (i) Policy H4 be modified through the deletion of **ten** in line one and its substitution by **fifteen**; and
- (ii) Paragraph 8.3.15 be modified as set out in the Revised Deposit UDP.

Policy H5 (Affordable housing)

Deposit Draft Objections

H5 / 183 / 987	Barnet Community Health Care NHS Trust	
H5 / 183 / 986	Barnet Community Health Care NHS Trust	8.3.22
H5 / 257 / 940	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.24
H5 / 257 / 937	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.23
H5 / 257 / 936	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.22
H5 / 26 / 548	The House Builders Federation	8.3.18
H5 / 26 / 546	The House Builders Federation	
H5 / 187 / 1327	Government Office for London	8.3.17
H5 / 187 / 1328	Government Office for London	
H5 / 199 / 1002	Cala Homes (South) Ltd	
H5 / 67 / 1886	Welcome Break	
H5 / 168 / 952	Sainsbury's Supermarkets Ltd	
H5 / 93 / 573	GLA constituency member for Barnet (Cllr.Coleman)	
H5 / 98 / 526	McCarthy & Stone (Developments) Ltd	
H5 / 212 / 610	Fairview Homes Plc	
H5 / 112 / 530	St James Homes	8.3.21
H5 / 223 / 1038	Rialto Homes Plc	8.3.17
H5 / 39 / 1745	Taywood Homes	8.3.24
H5 / 39 / 1746	Taywood Homes	
H5 / 39 / 935	Taywood Homes	8.3.18
H5 / 39 / 532	Taywood Homes	8.3.17
H5 / 263 / 417	The Finchley Society	8.3.17
H5 / 95 / 636	Defence Estates (South East & Germany)	
H5 / 202 / 586	British Telecommunications Ltd	
H5 / 201 / 1008	CPL Resort PTE Ltd	
H5 / 71 / 517	Conservative Group - Barnet	8.3.21
H5 / 154 / 737	Martin Grants Homes (UK) Ltd	
H5 / 287 / 1926	Barnet Regeneration	
H5 / 287 / 1928	Barnet Regeneration	8.3.16
H5 / 52 / 438	Try Homes Ltd	
H5 / 184 / 999	BG Property	
H5 / 267 / 1347	Mill Hill Residents Association	8.3.21
H5 / 70 / 905	London Diocesan Fund	8.3.21
H5 / 214 / 757	Banner Homes Ltd, Bellway Homes Ltd	
H5 / 41 / 513	Mr Charles Wicksteed	8.3.21
H5 / 15 / 835	North Finchley Agenda 21 Partnership	

Support for Policy

H5 / 217 / 1368	New Barnet Community Association	8.3.16
H5 / 217 / 1374	New Barnet Community Association	
H5 / 257 / 932	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.19

Revised Deposit Draft Objections

H5 / 26 / 5509R	The House Builders Federation	8.3.17
H5 / 187 / 5405R	Government Office for London	8.3.17

H5 / 187 / 5425R	Government Office for London	
H5 / 187 / 5435R	Government Office for London	8.3.18
H5 / 168 / 5409R	Sainsbury's Supermarkets Ltd	8.3.17
H5 / 98 / 5577R	McCarthy & Stone (Developments) Ltd	8.3.17
H5 / 98 / 5583R	McCarthy & Stone (Developments) Ltd	
H5 / 342 / 5418R	Level Properties	
H5 / 188 / 6826R	Greater London Authority	8.3.21
H5 / 95 / 5366R	Defence Estates (South East & Germany)	
H5 / 95 / 6813R	Defence Estates (South East & Germany)	
H5 / 258 / 5637R	Three Valleys Water Plc	8.3.21
H5 / 326 / 5482R	Pegasus Retirement Homes Ltd	
H5 / 202 / 5469R	British Telecommunications Ltd	
H5 / 317 / 5627R	Beechwood Homes Ltd	
H5 / 287 / 5875R	Barnet Regeneration	8.3.18
H5 / 290 / 5429R	Linden Homes Chiltern Ltd	8.1.10

Pre-Inquiry Change Objections

H5 / 257 / 6892P	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.17 - 8.3.17
H5 / 257 / 6896P	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.22 - 8.3.23
H5 / 257 / 6898P	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	
H5 / 257 / 6899P	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	
H5 / 257 / 6900P	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	
H5 / 257 / 6901P	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	
H5 / 257 / 6913P	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	
H5 / 214 / 6871P	Banner Homes Ltd, Bellway Homes Ltd	8.3.21
H5 / 214 / 6873P	Banner Homes Ltd, Bellway Homes Ltd	8.3.17a
H5 / 214 / 6879P	Banner Homes Ltd, Bellway Homes Ltd	8.3.24
H5 / 202 / 6858P	British Telecommunications Ltd	8.3.21 - 8.3.21
H5 / 202 / 6860P	British Telecommunications Ltd	8.3.17 - 8.3.17
H5 / 342 / 7234P	Level Properties	
H5 / 212 / 6864P	Fairview Homes Plc	
H5 / 212 / 6865P	Fairview Homes Plc	
H5 / 946 / 7350P	Otto Schiff Housing Association	
H5 / 188 / 7362P	Greater London Authority	8.3.21 - 8.3.21

Support for Pre-Inquiry Changes

H5 / 257 / 6893P	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.17 - 8.3.17
H5 / 257 / 6897P	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.24 - 8.3.24
H5 / 257 / 6902P	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	

Issues

- Whether the Plan's affordable housing policies are based upon a thorough and up to date Housing Needs Assessment;
- The appropriateness of:
 - o the overall affordable housing target;
 - o the affordable housing target for sites;
 - o the proposed site threshold for seeking affordable housing;
 - o the definition of affordable housing; and
- Monitoring the delivery of affordable housing.

Inspector's Reasoning and Conclusions

- 8.36 My conclusions address the matters raised by those objectors who contributed to the Affordable Housing Round Table Session (RTS) as well as those contained in the written representations.

Housing Needs Assessment

- 8.37 At the First Deposit stage concerns were expressed that, contrary to the advice in Circular 6/98, the affordable housing policies in the Plan were not based on a clear and up to date assessment of the local need for affordable housing.
- 8.38 A Housing Needs Survey was subsequently published in June 2000 and an Update in August 2001. The June 2000 document identified an affordable housing need of 8,600 dwellings from 2000 to 2005, (1,720 per annum). The later document identified a much larger need of 22,750 dwellings over the same period (4,550 per annum). The Council explained that this considerable increase was due to changes in the methodology used. Those changes had sought to bring the survey into line with Government Guidance on Housing Needs Assessments published in July 2000, after the initial survey was completed.
- 8.39 I concur with the HBF's view that the 2001 Update closely follows the Government's good practice guidance. This survey indicates a worsening situation. Notably, new building in the affordable housing sector has not kept pace with losses from 'Right to buy'. There has also been an increase in the number of households on the Housing Register, which must stem in part, at least, from recent house price rises. If anything, the 2001 survey is more likely to represent an underestimate rather than overestimate of the level of need in existence at 2004.
- 8.40 I conclude that the Council's affordable housing policies are based on a sufficiently up to date and thorough Housing Needs Survey. I support the PIC to paragraph 8.3.18 which amends the Plan to reflect the findings of the 2001 Survey Update, and adds two new paragraphs.
- 8.41 The Council describe the level of need as severe. Indeed, for the period 2000-2005, that need is five times the annual strategic housing target (890 units per annum). The Council acknowledges that the present adopted UDP contains no policy requiring affordable housing provision in private residential schemes. This is to be rectified under the new UDP. This action will be allied to Barnet's Housing Strategy 2003-2010, under which the Council plans a comprehensive approach to tackling housing need.

The overall affordable housing target

- 8.42 At the Revised Deposit stage it was envisaged that of the 17,780 additional homes required between 1997 and 2016, 9,092 would be affordable, (approximately 51%). However, under a PIC, the Council propose to reduce this to 7,295 units, (approximately 41%).
- 8.43 Concerns were expressed, predominantly by developers, that these targets were too prescriptive, excessive and unrealistic. They feared it would put landowners off releasing their sites for development and pressed for the target to be reduced. By contrast, a consortium of Registered Social Landlords, (RSLs) considered that reducing the target was unjustified given the level of need in the Borough, and the Mayor's strategic target for London which is that 50% of provision should be affordable.
- 8.44 That figure is contained in Policy 3A.7 of the London Plan. The policy also

says that, together with assessments of housing need, it should inform the targets set at borough level in UDPs. Paragraph 3.37 of the London Plan clarifies that the strategic target includes affordable housing from all sources and not just that secured through planning obligations. At the RTS, doubt was expressed as to whether Barnet's target similarly did this.

- 8.45 Paragraph 8.1.10 of the UDP specifies the level of affordable housing expected from direct provision by RSLs. This indicates, therefore, that the UDP target does include affordable housing from all sources. However, I consider this should be more explicit and I have made such a recommendation under Policy GH3. This clarification should allay some of the concerns of developers. The targets do not imply that 50% affordable housing provision is expected from every private scheme.
- 8.46 It seems to me that this 50% figure should be the target for Barnet. It is the overall aim for London and I see no convincing reason why this borough should depart from it. Indeed the evidence on the extent of housing need supports such a target; to reduce it to 41% or lower would be to ignore the findings of the Council's Housing Needs Survey. As stated earlier, the Revised Deposit figure for the number of affordable houses equates to about 51% of total dwelling provision. For clarity, and as the London figure is a target, it should be rounded down to 50% or half the dwelling output.
- 8.47 The 50% target is not an absolute requirement for every individual site. The amount of affordable housing that emerges will vary according to the particular characteristics of the site. Among other things, it will depend on existing use value and the availability of public subsidy. It should be a matter for negotiation and I do not think that the existence of the target should inhibit landowners from releasing their sites.

Site targets

- 8.48 In respect of individual sites, Policy H5 seeks to ensure that a minimum of between 30% and 50% of units are affordable. Through a PIC the Council propose to expand Policy H5 to refer to the tests of Circular 6/98.
- 8.49 The RSLs, Rialto Homes and Fairview New Homes object to the minimum range approach in the policy. The RSLs consider that it does not provide a firm starting point for negotiations to begin while the housebuilders are concerned that it would create uncertainty. Other objectors point to the advice of paragraph 9 b) of DETR Circular 6/98 which states that LPAs should set indicative targets for specific suitable sites (expressed either as numbers of homes or a percentage of the homes on the site). Instead, Policy H5 proposes a blanket target for the Borough and not for specific sites as required by the Circular. Moreover, to them, that target is far too high and several objectors suggest reducing it to 25% so as to accord with LPAC's Strategic Advice which is referred to in paragraph 8.3.20 of the draft UDP.
- 8.50 By contrast, Policy 3A.8 of the London Plan puts forward an entirely different approach to site targets. It suggests that boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed use schemes, having regard to the overall target adopted in their plan area.
- 8.51 With regard to this tension between the London Plan and Circular 6/98, I pay closer regard to the London Plan. The London Plan is the more up to date document and the UDP needs to be in general conformity with it.
- 8.52 I share the concerns about the Council's minimum range approach. I feel

it would naturally lead to the starting point for negotiation gravitating towards 30%. In my view, the London Plan puts forward a more pragmatic solution that better reflects the level of need identified in the Borough. In addition, it cannot be criticised for being a blanket formulation because it essentially deals with each site on its merits. I recommend below revised wording for Policy H5 which takes on board the London Plan's approach.

- 8.53 With regard to the PIC to Policy H5, the cited tests are necessary clarification; they serve to indicate how the policy will be applied. However, this clarification should form part of the supporting text rather than the policy itself. This is suitably taken care of by one of the PICs to paragraph 8.3.19 (page 44 of the schedule of PICs dated January 2003).
- 8.54 The RSLs expressed concerns about the reference in paragraph 8.3.19 to the 'viability of the scheme'. However, considering site suitability and the economics of provision as Circular 6/98 suggests, inevitably leads to questions about viability. The HBF suggested that reference should be made to the availability of public subsidy as this will be a crucial factor in determining where affordable housing can be provided. I note that amongst other things, Policy 3A.8 of the London Plan similarly refers to this. However, I think this is taken care of by the reference to viability.
- 8.55 One objector was concerned about Policy H5 seeking to provide affordable housing in perpetuity. However, this is fundamental to the policy and meeting the long-term need for affordable housing.
- 8.56 The RSLs suggest that affordable housing should be seen as the priority community benefit and that the approach taken in paragraph 8.3.22 of the Plan is wrong. However, the paragraph reflects Circular 6/98 which indicates that one factor to be taken into account in seeking the provision of affordable housing is whether it would prejudice the realisation of other planning objectives that need to be given priority in the development of a site. Therefore, I do not support the PICs that would delete paragraph 8.3.22 and insert 'as a priority' in the first sentence of paragraph 8.3.19. The importance that the Council attaches to the provision of affordable housing is suitably reflected in their overall target.

Site thresholds

- 8.57 In the Revised Deposit UDP, the threshold for affordable housing applied to sites of 10 or more units gross or of 0.4 hectares or more. However, through a PIC the Council propose to amend this to 15 units or 0.5 hectares or more.
- 8.58 Numerous objectors, mainly developers and landowners emphasise that Barnet is not an 'Inner London' borough where, in accordance with Circular 6/98, a threshold of 15 units or more, or sites of 0.5 hectares or more should apply. They call for the Borough to adopt the higher Circular 6/98 threshold of 25 units or more, or sites of 1 hectare or more.
- 8.59 By contrast, the RSLs, together with the GLA, suggest that given the extent of the need, the Council's lower 10 unit threshold is justified because it would increase the potential supply of affordable housing. I note that Mr Wicksteed suggests lowering the threshold even further to 8 units or 0.3ha.
- 8.60 With the adoption of the London Plan there is now a new planning framework against which the threshold should be set. Under that framework, boroughs are to set this at no greater than 15 units, and they are encouraged to seek a lower one through the UDP process where this

can be justified. In this respect the London Plan supersedes Circular 6/98 and the 25 unit threshold of that circular is no longer applicable.

- 8.61 The remaining question, therefore, is whether the threshold should be set at 15 units, as in the PIC, or at a lower level. The Proposed Change to PPG3 sets out some of the considerations for adopting a lower figure. One is whether this would result in an increased supply of affordable housing. Another is whether or not it would have an adverse effect on the overall supply and pace of housing development.
- 8.62 The figures put forward by the Council at the RTS indicate that, based on past development, lowering the threshold to 10 units would increase the supply of affordable housing by just over 9%. Given the level of need in the Borough, this may be seen as a significant amount. However, this would have to be balanced against any effect on the delivery of housing.
- 8.63 Like the HBF, I am concerned about the availability of public subsidy for small sites if the threshold were lowered to 10 units. Two statements in the London Plan are of particular relevance. First, paragraph 3.42 states that, in most cases, some level of subsidy will be necessary to achieve the maximum outturn. Secondly, the preceding paragraph says that boroughs should take into account the most effective use of private and public investment.
- 8.64 Given that both the Housing Corporation and the Council seek best value in deploying their funds, I am not persuaded that directing funds to smaller schemes would represent the most effective use of investment. Moreover, attempting to do so could undermine the potential output from larger sites. In the case of Barnet, I consider that these value for money factors would outweigh the likely limited gains cited in the previous paragraph. I conclude that the Council should instead concentrate upon negotiating as high a level as possible of affordable housing on sites of 15 units or more.

Definition of Affordable Housing

- 8.65 The Initial Deposit UDP provided a definition of affordable housing at paragraph 8.3.17. At the Revised Deposit stage, additional text was inserted regarding 'key worker' housing; this was to be provided in addition, and not as a substitute for housing for those in even more need. Low cost housing was also mentioned. Through PICs the Council propose to change the definition to include 'housing for those on intermediate incomes'. A further definition is provided of what is meant by intermediate housing in Barnet. This encompasses provision for key workers and may take the form of low cost home ownership. The PICs also deleted the requirement that key worker housing should be in addition to affordable housing.
- 8.66 From the above background it is clear the Council have sought to keep pace with the work on affordable housing undertaken at the strategic level, in particular the concept of 'intermediate housing'. However, while the Council's definition is broadly in conformity with that in the London Plan, for the sake of consistency, it would be beneficial if the UDP were to be entirely in accord with the London Plan.
- 8.67 Such an amendment would remove the confusion about whether 'low cost home ownership' as cited in the PIC is the same as 'low cost market housing' as referred to in Circular 6/98. The London Plan's definition includes low-cost market housing where its price is equivalent to other forms of intermediate housing. It would also ensure consistency with the

London Plan in terms of the income levels related to intermediate housing; those levels are to be reviewed annually. Whether they should be more reflective of local circumstances, as the RSLs suggested, is something I would hope will be clarified in the strategic SPG to be published by the GLA.

- 8.68 As discussed at the RTS, intermediate housing includes key worker housing, a category that a number of First Deposit objectors felt that the UDP should single out. However, it is difficult to classify who qualifies as a key worker. The intermediate housing approach more logically focuses on income levels and whether housing is affordable. In the context of the UDP, key worker housing essentially becomes a sub-component of intermediate housing.
- 8.69 Policy 3A.7 of the London Plan states that, in setting targets, boroughs should take account of the Londonwide objective that 70 per cent of all affordable housing provision should be social housing and 30 per cent intermediate provision. Under the PICs, this split is mentioned in new paragraph 8.1.9b. However, as the HBF noted, it has been left unclear as to whether the Council actually intends to apply it.
- 8.70 The HBF and Fairview New Homes consider that any split would be contrary to Government guidance because Circular 6/98 specifically states that planning policy should not be expressed in favour of any particular form of tenure. However, this has to be read in conjunction with paragraph 15 of the Circular which states that decisions about what affordable housing types to build should reflect local housing need. In any event, the London Plan carries greater weight.
- 8.71 How should this be applied to Barnet? At the RTS, the Council stated that an updated Housing Needs Survey and the new Urban Capacity Study would inform an appropriate split for Barnet. This would be covered in new SPG. As the background information to support a specific split is not presently available, this is a sensible way to proceed. The UDP needs to clarify that the necessary detailed guidance is to be provided by way of SPG. I have already made such a recommendation under Policy GH3.

Monitoring

- 8.72 Effective monitoring is critical to the effectiveness of the Council's affordable housing policies. In particular, there is a need to evaluate the working both of the overall targets and the Borough's site thresholds. Such monitoring would fall within the ambit of Policy GMon.
- 8.73 The monitoring indicators suggested by the RSLs represent the minimum level of information that I would expect the Council to record. However, the Council is drawing up a series of indicators in conjunction with the GLA and for the sake of consistency, this is a sensible course to follow.

RECOMMENDATION

- 8.74 I recommend that:
- (i) Paragraph 8.3.17 and the glossary be modified to include a definition of affordable housing which fully accords with that given in the London Plan;
 - (ii) Paragraph 8.3.18 be modified in accordance with the PICs;

- (iii) Paragraph 8.3.19 be modified as set out on page 44 of the Council's schedule of PICs, (thereby adding text after 'consideration will be given to the viability of the scheme');
- (iv) The last sentence of paragraph 8.3.20 be modified and updated to refer to the Mayor's strategic target that 50% per cent of housing provision should be affordable, and otherwise to reflect the content of Policy 3A.7 of the London Plan;
- (v) Paragraph 8.3.21 be modified:
 - (a) to explain why the Mayor's strategic target will be adopted in Barnet;
 - (b) to state that, having regard to the overall 50% target, the Council will seek to negotiate the maximum reasonable amount of affordable housing on sites of 15 or more units gross or 0.5 hectares or more;
 - (c) through the deletion of the last sentence; and
- (vi) Policy H5 be modified to read:

Having regard to the Council's target that half the housing provision over the Plan period should be affordable, the Council will seek to negotiate the maximum reasonable amount of affordable housing on sites of 15 or more units gross or 0.5 hectares or more, and to ensure that these units will continue to be affordable for successive occupiers.

Policy H6 (Development of employment or other non-residential sites for housing)

Deposit Draft Objections

H6 / 257 / 938	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	
H6 / 26 / 545	The House Builders Federation	
H6 / 67 / 1885	Welcome Break	
H6 / 98 / 527	McCarthy & Stone (Developments) Ltd	
H6 / 112 / 531	St James Homes	8.3.23
H6 / 223 / 1039	Rialto Homes Plc	8.3.23
H6 / 95 / 637	Defence Estates (South East & Germany)	
H6 / 214 / 758	Banner Homes Ltd, Bellway Homes Ltd	

Revised Deposit Draft Objections

H6 / 98 / 5584R	McCarthy & Stone (Developments) Ltd	
H6 / 342 / 5416R	Level Properties	
H6 / 112 / 5505R	St James Homes	8.3.23
H6 / 95 / 6814R	Defence Estates (South East & Germany)	
H6 / 258 / 5638R	Three Valleys Water Plc	
H6 / 326 / 5483R	Pegasus Retirement Homes Ltd	
H6 / 317 / 5629R	Beechwood Homes Ltd	

Pre-Inquiry Change Objections

H6 / 342 / 7224P	Level Properties
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Issues

- The compliance of the policy with the advice of PPG3 that the re-use of

- previously developed land for housing should be maximised;
- The effect of the policy on overall housing provision;
- The appropriateness of expecting a significantly higher proportion of affordable housing from sites that are the subject of the policy;
- Whether the policy should be expanded so that affordable housing will be the priority use.

Inspector's Reasoning and Conclusions

- 8.75 The Council is concerned that, because residential land values are higher than those of employment land, the latter is potentially vulnerable to development. This could undermine the Borough's employment base. The employment policies of the UDP seek to protect such land and only allow its re-use for other purposes in exceptional circumstances. The essential test is that there should be no realistic prospect of re-use purely for employment purposes. According to Policy H6, where housing is thought to be acceptable on such sites, the Council will 'expect a higher than usual proportion of affordable housing to be provided'.
- 8.76 The RSLs may be correct in saying that such an approach has delivered a considerable amount of affordable housing in another borough. From the evidence put to this UDP, however, it is likely that for most developers and landowners it would be viewed as a significant deterrent to bringing their sites forward. This leads me to conclude that the policy could do more harm than good. Indeed, it could jeopardise meeting the overall housing provision, going against the advice of PPG3 that the re-use of previously developed land for housing should be maximised.
- 8.77 I therefore conclude that Policy H6 and supporting paragraph 8.3.23 should be deleted. In terms of affordable housing provision, I concur with those objectors who suggested that proposals for such sites should be treated like any other, and assessed against Policy H5.
- 8.78 As I conclude the Policy should be deleted, I do not go on to consider whether affordable housing should be the priority use. In Chapter 10, I recommend related changes to Policies GEMP4 and EMP2.

RECOMMENDATION

- 8.79 I recommend that Policy H6 and paragraph 8.3.23 be deleted.

Policy H7 (Affordable housing and planning briefs)

Deposit Draft Objections

H7 / 257 / 939	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	
H7 / 26 / 543	The House Builders Federation	
H7 / 187 / 1329	Government Office for London	
H7 / 98 / 528	McCarthy & Stone (Developments) Ltd	
H7 / 188 / 1138	Greater London Authority	
H7 / 126 / 1670	NHS Executive	8.3.17
H7 / 180 / 728	Cricklewood Redevelopment Ltd	

Revised Deposit Draft Objections

H7 / 257 / 5722R	Circle 33, Metropolitan & Notting Hill Housing,
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	Paddington Churches and Servite	8.3.17
H7 / 187 / 5427R	Government Office for London	
H7 / 98 / 5848R	McCarthy & Stone (Developments) Ltd	8.3.17
H7 / 98 / 5578R	McCarthy & Stone (Developments) Ltd	8.3.18
H7 / 98 / 5579R	McCarthy & Stone (Developments) Ltd	8.3.19
H7 / 98 / 5580R	McCarthy & Stone (Developments) Ltd	8.3.20
H7 / 98 / 5581R	McCarthy & Stone (Developments) Ltd	8.3.21
H7 / 98 / 5582R	McCarthy & Stone (Developments) Ltd	8.3.23
H7 / 98 / 5585R	McCarthy & Stone (Developments) Ltd	
H7 / 188 / 6827R	Greater London Authority	
H7 / 126 / 5456R	NHS Executive	8.3.17
H7 / 258 / 5639R	Three Valleys Water Plc	8.3.16

Support for Policy Changes

H7 / 257 / 5738R	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.18
H7 / 257 / 5732R	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.18
H7 / 257 / 5740R	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.18
H7 / 257 / 5742R	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.21
H7 / 257 / 5736R	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.18
H7 / 257 / 5745R	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.17

Pre-Inquiry Change Objections

H7 / 257 / 6903P	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite
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Issues

- The appropriateness of including targets for affordable housing in planning briefs;
- Whether the Plan's affordable housing policies are based upon a thorough and up to date Housing Needs Assessment;
- The appropriateness of the targets and threshold for affordable housing;
- The definition of affordable housing.

Inspector's Reasoning and Conclusions

- 8.80 With regard to the first issue, the Council confirmed at the RTS that the 30-50% target in Policy H5 would be used on a borough wide basis and apply to windfall sites. For planning brief sites they may want to take a slightly different approach and agree targets through close co-operation with developers.
- 8.81 Following my recommendation that Policy H5 should be modified to state that the Council will seek to negotiate the maximum reasonable amount of affordable housing on sites of 15 or more units gross or 0.5 hectares or more, Policy H7 and paragraph 8.3.24 become superfluous. Therefore, they should be deleted.
- 8.82 I have already dealt with the remaining issues under Policy H5.

RECOMMENDATION

- 8.83 I recommend that Policy H7 and paragraph 8.3.24 be deleted.
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Policy H8 (Commuted payments and affordable housing)

Deposit Draft Objections

H8 / 217 / 1375	New Barnet Community Association	
H8 / 26 / 542	The House Builders Federation	
H8 / 187 / 1330	Government Office for London	8.3.25
H8 / 98 / 529	McCarthy & Stone (Developments) Ltd	
H8 / 223 / 1040	Rialto Homes Plc	
H8 / 39 / 1747	Taywood Homes	
H8 / 71 / 518	Conservative Group - Barnet	8.3.26
H8 / 287 / 1925	Barnet Regeneration	

Support for Policy

H8 / 257 / 942	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.26
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Revised Deposit Draft Objections

H8 / 257 / 5720R	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	8.3.27
H8 / 187 / 5408R	Government Office for London	8.3.25
H8 / 98 / 5586R	McCarthy & Stone (Developments) Ltd	8.3.25
H8 / 98 / 5587R	McCarthy & Stone (Developments) Ltd	8.3.27
H8 / 98 / 5588R	McCarthy & Stone (Developments) Ltd	8.3.28
H8 / 223 / 5673R	Rialto Homes Plc	
H8 / 258 / 5640R	Three Valleys Water Plc	8.3.25
H8 / 258 / 5641R	Three Valleys Water Plc	8.3.28
H8 / 290 / 5727R	Linden Homes Chiltern Ltd	8.3.27
H8 / 281 / 6990P	Church End Local Agenda 21 Partnership	8.3.19

Support for Pre-Inquiry Changes

H8 / 257 / 6904P	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite	
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Issues

- The principle of off site provision/commuted payments;
- Under what circumstances are such payments appropriate;
- The basis for calculating commuted sums.

Inspector's Reasoning and Conclusions

- 8.84 With regard to the first issue, the principle of off site provision/commuted payment is firmly embedded in Government guidance through paragraph 22 of Circular 6/98. It is also acknowledged by the London Plan. Examples of appropriate circumstances are given.
- 8.85 On the second issue, the HBF considered the way the policy treated off site provision or commuted payments as an exceptional situation did not accord with the guidance in the Circular. However, it does accord with the London Plan; according to paragraph 3.47 the approach should only be applied in 'certain exceptional cases'. Moreover, paragraph 17 of PPG3 makes it clear there is a presumption that affordable housing should be provided as part of the proposed development of a site.
- 8.86 Consequently, there is support for the Council to consider that such provision should be exceptional. In that context, I consider that paragraph 8.3.25 should be modified in accordance with the PIC so as to make reference to paragraph 17 of PPG3.
- 8.87 The other main concern raised about the policy is whether it fully accords with the guidance in the last sentence of paragraph 22 in the Circular. This states that such arrangements should not apply to sites which are inherently unsuitable for the provision of an element of affordable

housing. Whilst I consider the policy does essentially accord with the Circular, like the RSLs, I do not find that its wording is particularly clear. I recommend a more succinct policy as well as changes to the last two sentences of paragraph 8.3.25 which amplify the intentions of the policy.

- 8.88 On the third issue, concerns were expressed about paragraph 8.3.27 stating commuted payments should be based on the funding shortfall to the registered social landlord if it was to provide the affordable housing on site, normally provided by a social housing grant. Paragraph 8.3.28 goes on to state that further guidance on the formula for calculating commuted payment is given in draft SPG. However, at the RTS the Council confirmed they were not taking forward their Draft SPG and were in the process of completely reviewing it. It would be helpful if the supporting text explained this.
- 8.89 The text should also refer to an important point made by the Council at the RTS, namely, that the underlying premise is that there should not be any financial difference to a developer whether they make provision on site, off site, or through a commuted sum.

RECOMMENDATION

8.90 I recommend that:

- (i) The second sentence of paragraph 8.2.35 be modified in accordance with the PIC;
- (ii) The final two sentences of paragraph 8.3.25 be modified to read: 'This resource should provide, as with on site provision, additional units that would not otherwise have been provided in the borough (see Circular 6/98 paragraph 22). Such arrangements will only apply to those sites where through the application of Policy H5, the provision of an element of affordable housing is deemed to be suitable';
- (iii) The first sentence of paragraph 8.3.27 be deleted and replaced with: 'The underlying premise is that there should not be any financial difference to a developer whether they make provision on site, off site, or through a commuted sum. Further guidance on the formula for calculating commuted payments will be given in future Supplementary Planning Guidance on Affordable Housing';
- (iv) Paragraph 8.3.28 be deleted; and
- (v) Policy H8 be modified to read:

On sites which are suitable for the provision of an element of affordable housing, the Council may exceptionally accept provision off-site, or a commuted payment instead of such provision.

Policy H11 (Temporary homeless accommodation for Barnet's needs)

Deposit Draft Objections

H11 / 263 / 1258

The Finchley Society

H11 / 15 / 1547

North Finchley Agenda 21 Partnership

8.3.34

Support for Policy

H11 / 257 / 949

Circle 33, Metropolitan & Notting Hill Housing,

Paddington Churches and Servite

Revised Deposit Draft Objections

H11 / 263 / 5563R The Finchley Society

Issues

- Whether 'seek to enter into a planning obligation' should be replaced by 'will insist on entering into a planning obligation';
- Whether it should be made clear that planning permission will not be granted unless an obligation is entered into.

Inspector's Reasoning and Conclusions

- 8.91 On the first issue, the Council rightly respond that planning obligations have to be entered into voluntarily, therefore they cannot insist on them.
- 8.92 In the second issue, I disagree that the policy should specify planning permission will not be granted unless an obligation is entered into. The Council note that some flexibility in the application of the policy may be necessary. For example, to enable other households to be referred to sites in Barnet if they come with the relevant Housing Corporation funding and Barnet's funds have been exhausted.
- 8.93 The Finchley Society refer to the Planning and Compulsory Purchase Act 2004 and to the system of planning contributions that this introduces. It is understood, however, that this planned replacement for planning obligations will not itself come into operation until 2006 at the earliest.

RECOMMENDATION

- 8.94 I recommend that no modifications be made to the Plan.

Policy H12 (Special needs housing)**Deposit Draft Objections**

H12 / 257 / 950 Circle 33, Metropolitan & Notting Hill Housing,
 Paddington Churches and Servite

H12 / 98 / 524 McCarthy & Stone (Developments) Ltd

Revised Deposit Draft Objections

H12 / 257 / 6905P Circle 33, Metropolitan & Notting Hill Housing,
 Paddington Churches and Servite

Issues

- The need for the policy to refer to sheltered housing for the elderly;
- The need for the policy to refer to all groups requiring sheltered housing.

Inspector's Reasoning and Conclusions

- 8.95 On the first issue, the Council reason that it would be inappropriate to include a reference to sheltered housing because it does not accord with

the definition of special needs housing. Essentially, special needs housing necessitates a level of care on a daily basis. I note that the London Plan's Policy on special needs housing (Policy 3A.10) includes a reference to 'sheltered housing with care support'. Such a reference appears logical and could be utilised in Policy H12 of Barnet's Plan. However, I consider this is unnecessary because it is already covered by the reference to 'other accommodation where an element of care is provided'.

- 8.96 Turning to the second issue, I agree with the Council that it is unnecessary to expand the policy to refer to all groups requiring supported housing. The policy appropriately concentrates on the form of development required by these groups. The issue of special needs housing is dealt with in more detail through the Council's 'Supporting People Strategy' and 'Housing Strategy'.

RECOMMENDATION

- 8.97 I recommend that no modifications be made to the Plan.

Policy H13 (Disabled access in new homes)

Deposit Draft Objections

H13 / 26 / 541	The House Builders Federation	
H13 / 187 / 1299	Government Office for London	
H13 / 67 / 1887	Welcolm Break	
H13 / 98 / 523	McCarthy & Stone (Developments) Ltd	
H13 / 223 / 1041	Rialto Homes Plc	8.3.38

Support for Policy

H13 / 257 / 951	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite
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Revised Deposit Draft Objections

H13 / 342 / 5437R	Level Properties
H13 / 317 / 5630R	Beechwood Homes Ltd

Pre-Inquiry Change Objections

H13 / 342 / 7225P	Level Properties
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Issues

- The need for the policy in the light of revisions to Part M of the Building Regulations;
- The appropriateness of seeking compliance with standards and policy guidance outside the Plan.

Inspector's Reasoning and Conclusions

- 8.98 Policy 3A.4 of the London Plan states that UDP policies should seek to ensure that all new housing is built to 'Lifetime Homes' standards. As the UDP should be in general conformity with the London Plan, not only is such a policy appropriate, but there is a case for it to relate to all new housing development, as opposed to 20% in schemes over 10 units. This would create a growing stock of dwellings having the flexibility to cater for people's changing needs throughout their lives. I note the Council's

statement that 'Lifetime Homes' should not cost any more to construct than ordinary housing. I make such a recommendation below.

- 8.99 On the first issue, the requirements for Lifetime Homes go beyond the remit of the Building Regulations. On the second, I do not consider that the Council's approach is contrary to the advice of paragraph 3.17 of PPG12. The important point is that the text provides an idea of what the standards/SPG broadly entail, and where the necessary information can be obtained. This is suitably done in paragraphs 8.3.38 and 8.3.39 respectively.

RECOMMENDATION

8.100 I recommend that:

- (i) Policy H13 be modified to read:
- When considering new housing development and conversion proposals, the Council will seek to ensure that it is built to 'Lifetime Homes' standards, providing homes which are accessible and capable of easy adaptation to meet the needs of people with disabilities;** and
- (ii) Paragraph 8.3.39 be modified accordingly so as to correspond with the above policy.

Policy H14 (Wheelchair accessibility)

Deposit Draft Objections

H14 / 26 / 540 The House Builders Federation

Support for Policy

H14 / 257 / 953 Circle 33, Metropolitan & Notting Hill Housing,
Paddington Churches and Servite

Pre-Inquiry Change Objections

H14 / 342 / 7226 Level Properties

Issues

- Whether the Policy is too prescriptive.

Inspector's Reasoning and Conclusions

- 8.101 Policy 3A.4 of the London Plan states that UDP policies should seek to ensure that ten per cent of new housing is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Therefore, I do not consider that Policy H14 is too prescriptive. In terms of percentage provision, it conforms with the London Plan.
- 8.102 The changes I recommend to Policy H13 mean that paragraph 8.3.42 is superfluous.

RECOMMENDATION

- 8.103 I recommend that paragraph 8.3.42 be deleted.

Policy H15 (Gypsy sites)

Deposit Draft Objections

H15 / 97 / 554	Acert (Carol Bartlett)	8.3.43
H15 / 263 / 1255	The Finchley Society	8.3.44
H15 / 18 / 414	The Showmen's Guild of Great Britain (Brimble Lea)	8.3.43

Support for Policy

H15 / 284 / 1584	The Barnet Society	8.3.43
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Issues

- The need for a separate policy concerning the needs of travelling showpeople;
- The effect upon local amenity;
- Educational needs;
- Unauthorised gypsy encampments and public expenditure;
- The definition of `gypsies` ;
- Compliance with Circular 1/94.

Inspector's Reasoning and Conclusions

- 8.104 I do not consider that a separate policy concerning travelling showpeople is necessary. As the Council highlight, Policy H15 applies to the needs of all travelling people. However, I note that in the Revised Deposit UDP a new paragraph 8.3.45 specifically relates to travelling showpeople. Therefore, their needs have not gone unnoticed.
- 8.105 As to whether a site should be allocated for use by travelling showpeople, I have been provided with no substantial evidence that there is such a need. However, Policy H15 provides suitable criteria against which to assess any proposal which may come forward.
- 8.106 On the second issue, the Revised Deposit UDP adds an eighth criterion to the policy which states that `there are conditions and/or planning obligations in place to ensure that it has an acceptable impact on local amenity'. Such a criterion is inappropriate because conditions are attached to the grant of planning permission, not beforehand as is implied here. The condition should be replaced by one that refers to `demonstrably harmful impact', so as to accord with the wording of other policies in this chapter. The initial suggestion about `agreements' has been satisfactorily addressed by the sentence added to the end of paragraph 8.3.46.
- 8.107 Turning to the other issues, the Revised Deposit UDP responds to Acert's objection by inserting `education' after `health' in paragraph 8.3.44. The revision also inserts a definition for gypsies in new paragraph 8.3.43a.
- 8.108 On unauthorised encampments, the Council says that its statistics confirm that these have occurred. Inevitably, these result in public expenditure; hopefully, the policy would reduce these incidents.

- 8.109 Regarding the location of sites, while the first sentence of paragraph 8.3.46 does not follow paragraph 13 in Circular 1/94 word for word, it reasonably accords with it.

RECOMMENDATION

- 8.110 I recommend that the Policy and its supporting text be modified as set out in the Revised Deposit UDP subject to the replacement of criterion (viii) of the policy by 'has no demonstrably harmful impact upon local amenity'.

Policy H16 (Character of residential developments)

Deposit Draft Objections

H16 / 217 / 1369	New Barnet Community Association	8.3.47
H16 / 223 / 1043	Rialto Homes Plc	8.3.47
H16 / 263 / 1259	The Finchley Society	
H16 / 284 / 1585	The Barnet Society	
H16 / 281 / 1601	Church End Local Agenda 21 Partnership	8.3.47
H16 / 321 / 1891	London Transport Property	
H16 / 178 / 744	Mrs N. Yozin-Smith	

Revised Deposit Draft Objections

H16 / 178 / 5852R	Mrs N. Yozin-Smith	
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Support for Policy Changes

H16 / 263 / 7205R	The Finchley Society	8.3.48
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Issues

- The need for good design;
- Does the policy militate against higher densities?
- Provision for community facilities;
- Parking provision and its effects;
- Preserving residential amenity.

Inspector's Reasoning and Conclusions

- 8.111 Policy H16 addresses the need for good design as an important aspect of residential amenity. As with later policies there are links to Chapter 4 on the Built Environment. This section puts out a strong message about the need for new developments to harmonise with and respect the character of the area in which they are located. What is said accords with national policy and with the London Plan. In response to the objection from Rialto Homes, it does not preclude developments of a higher density than what is there at the moment. But, fundamentally, the successful accommodation of higher density, and any other development, will be dependent on good design. In my response to the objections to Policy D1, I cite two important CABE publications, both of which give good examples of how this can be achieved.
- 8.112 In terms of community facilities, paragraph 8.3.48 as revised refers, amongst other things, to the possible need for educational contributions; this responds to the objection from the Finchley Society. However, councils can only seek such contributions and potential obligations have to meet all the other tests of Circular 1/97. The proposed new sentence

should be deleted.

8.113 The Barnet Society is concerned about front garden parking and the impact that this can have on the residential amenity of neighbours. I agree that this is an important issue for communities. It is addressed in paragraph 4.3.18a of the Revised Deposit text to which a suitable cross reference should be made.

8.114 Mrs Yozin-Smith calls for an addition to Policy H16 so that it refers more directly to the protection of residential amenity. I consider that this is already adequately covered within the criteria to the policy.

RECOMMENDATION

8.115 I recommend that:

- (i) Paragraphs 8.3.47 and 8.3.48 (lines 6,7) be modified as set out in the Revised Deposit UDP;
- (ii) The last sentence of paragraph 8.3.48 of the Revised Deposit UDP (starting 'New residential development...') be deleted; and
- (iii) A cross reference be made to paragraph 4.3.18a on the subject of front garden parking.

Policy H17 (Privacy standards)

Deposit Draft Objections

H17 / 183 / 988	Barnet Community Health Care NHS Trust	
H17 / 98 / 522	McCarthy & Stone (Developments) Ltd	
H17 / 223 / 1044	Rialto Homes Plc	8.3.49
H17 / 263 / 1260	The Finchley Society	
H17 / 180 / 729	Cricklewood Redevelopment Ltd	
H17 / 154 / 738	Martin Grants Homes (UK) Ltd	
H17 / 287 / 1921	Barnet Regeneration	
H17 / 15 / 1548	North Finchley Agenda 21 Partnership	

Revised Deposit Draft Objections

H17 / 342 / 7000R	Level Properties	
H17 / 66 / 5830R	The Empty Homes Agency	
H17 / 281 / 5809R	Church End Local Agenda 21 Partnership	8.3.49
H17 / 290 / 5434R	Linden Homes Chiltern Ltd	8.3.49
H17 / 290 / 6840R	Linden Homes Chiltern Ltd	
H17 / 15 / 5532R	North Finchley Agenda 21 Partnership	
H17 / 178 / 5462R	Mrs N. Yozin-Smith	8.3.49
H17 / 178 / 5460R	Mrs N. Yozin-Smith	

Pre-Inquiry Change Objections

H17 / 342 / 7216P	Level Properties	
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Support for Pre-Inquiry Changes

H17 / 286 / 7200P	Barnet Friends of the Earth	8.3.49 – 8.3.50
H17 / 281 / 6994P	Church End Local Agenda 21 Partnership	8.3.49

Issues

- The need for this policy;
- The strength and flexibility of the policy;
- Distances to neighbouring gardens;
- The role of design in providing for privacy.

Inspector's Reasoning and Conclusions

- 8.116 PPG12 paragraph 3.14 indicates that development plan policies should concentrate on those matters that are likely to provide the basis for considering planning applications, or for determining conditions. Excessive detail is to be avoided and authorities should consider placing detailed guidance within SPG.
- 8.117 That advice is pertinent to Policy H17 which describes distances between facing windows and distances to neighbouring gardens. It falls between two stools. It cites the 21m rule of thumb distance but it fails to cover this important question in sufficient detail to be helpful to developers and other parties. Neither should it. There is a wide range of possible building relationships but it is unrealistic for a UDP to cover them all. Moreover, while the text mentions innovative design solutions, the general tone is inflexible.
- 8.118 Policies H17 (and H19) should be deleted. Policy H16 already requires new development to 'maintain privacy and to prevent overlooking'. New SPG should be produced to address the detail. It should seek to protect privacy but this should rely on more than just distance. Design will be equally important. CABE's document *By Design - Better Places to Live* provides useful guidance on designing for privacy. The UDP itself will need to contain new text, providing a link between Policy 16 and its fourth criterion and the detail of the SPG.

RECOMMENDATION

8.119 I recommend that:

- (i) Policy H17 and Policy H19 be deleted;
- (ii) SPG be prepared and published to deal with privacy and overlooking matters; and
- (iii) The supporting text to Policy H16 be expanded to cover privacy matters in general terms and to refer to the SPG.

Policy H18 (Amenity space areas)

Deposit Draft Objections

H18 / 183 / 1754	Barnet Community Health Care NHS Trust	
H18 / 26 / 537	The House Builders Federation	
H18 / 223 / 1046	Rialto Homes Plc	8.3.51
H18 / 95 / 639	Defence Estates (South East & Germany)	
H18 / 281 / 1602	Church End Local Agenda 21 Partnership	8.3.52
H18 / 180 / 730	Cricklewood Redevelopment Ltd	
H18 / 178 / 747	Mrs N. Yozin-Smith	8.3.51

Revised Deposit Draft Objections

H18 / 66 / 5831R	The Empty Homes Agency	
H18 / 95 / 5365R	Defence Estates (South East & Germany)	
H18 / 281 / 5807R	Church End Local Agenda 21 Partnership	8.3.52
H18 / 178 / 5457R	Mrs N. Yozin-Smith	

Issues

- The need for this policy;
- The adequacy of the policy.

Inspector's Reasoning and Conclusions

8.120 Policy H18 addresses the size of private garden/amenity space for new dwellings. I take the same line as for H17. While this is an important matter it is a matter of detail best covered by SPG. It can be covered in the UDP by adding a fifth criterion to Policy H16 and explanatory text to precede the policy.

RECOMMENDATION

8.121 I recommend that:

- (i) Policy H18 be deleted;
- (ii) SPG be prepared and published addressing garden and amenity space considerations;
- (iii) A fifth criterion be added to Policy H16:
(v) provide adequate levels of private garden or amenity space; and
- (iv) The supporting text to Policy H16 be extended to cover amenity space issues and to refer to the SPG.

Policy H19 (Garden depth for houses)

Deposit Draft Objections

H19 / 223 / 1047 Rialto Homes Plc
H19 / 178 / 742 Mrs N. Yozin-Smith

Revised Deposit Draft Objections

H19 / 281 / 5806R Church End Local Agenda 21 Partnership
H19 / 178 / 5459R Mrs N. Yozin-Smith

Issues

- The need for this policy

Inspector's Reasoning and Conclusions

8.122 This policy relates closely to H17 and like that policy should be deleted. This would be on the basis that the subject matter would be better covered by SPG.

RECOMMENDATION

8.123 I recommend that Policy H19 be deleted.

Policy H20 (Public recreational developments)

Deposit Draft Objections

H20 / 26 / 1511	The House Builders Federation	8.3.53
H20 / 151 / 585	National Playing Fields Association	8.3.53
H20 / 287 / 1923	Barnet Regeneration	8.3.53

Revised Deposit Draft Objections

H20 / 26 / 5510R	The House Builders Federation	
H20 / 187 / 5442R	Government Office for London	8.3.53
H20 / 151 / 5282R	National Playing Fields Association	8.3.53
H20 / 98 / 5589R	McCarthy & Stone (Developments) Ltd	
H20 / 95 / 6810R	Defence Estates (South East & Germany)	
H20 / 281 / 5808R	Church End Local Agenda 21 Partnership	8.3.53
H20 / 290 / 5724R	Linden Homes Chiltern Ltd	8.3.53
H20 / 290 / 5433R	Linden Homes Chiltern Ltd	

Support for Policy Changes

H20 / 263 / 6804R	The Finchley Society	8.5.53
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Pre-Inquiry Change Objections

H20 / 281 / 7097P	Church End Local Agenda 21 Partnership	8.3.53
H20 / 263 / 6935P	The Finchley Society	

Issues

- Does the policy cater for all recreational needs?
- The clarity of the policy;
- Should the policy recognise exceptional circumstances?
- What provision is appropriate in areas of recreational deficiency?
- The appropriate thresholds for recreational provision;
- The proposed system of financial contributions.

Inspector's Reasoning and Conclusions

8.124 This policy and its text have already been substantially modified, taking into account, in particular, the comments of NPFA. In its latest form, modified by the Revised Deposit changes and the PICs, it:

- Inserts a reference at paragraph 8.1.5a to PPG17;
- Retitles the main section 'Public recreational space in residential developments';
- Provides a definition of what is meant by public open space and clarifies the requirement for outdoor playing space (paragraph 8.3.53);
- Recognises that on small sites (of less than 0.5ha, a change from the earlier threshold of ten dwellings) the provision will always be in the form of a financial contribution;
- Amends the policy itself by providing for commensurate improvements in provision where there is a deficiency in open space as shown on Map 6.2.

8.125 However, this section will need to be further changed to reflect the guidance of PPG17 (2002). As I conclude in Chapter 6, the Council have not carried out the required local needs assessment or the audit of existing open space, sports and recreation facilities. That would be the prelude to an effective strategy, including local open space standards. This is needed as a matter of urgency. Paragraphs 8.1.5a and 8.3.53 should be amended to reflect PPG17 (2002) and its requirements. As I recommend in connection with Policy L17, the Council should apply the NPFA standards only in the interim.

8.126 Paragraph 8.3.53, refers to areas of recreational deficiency. I see the policy as helping to make good those deficiencies, bearing in mind the additional needs of the development itself. 'Commensurate improvements' are called for.

- 8.127 This raises the question of developer contributions. Circular 1/97 emphasises that councils should not seek benefits through its policies that are not directly related to a particular development proposal (paragraph B17). Once the strategy called for by PPG17 is in place there will be a firmer basis on which to seek contributions. But those contributions must be sought - they cannot be required - and the tests of the Circular must be met. For the interim period, the NPFA standards provide the only basis for seeking obligations.
- 8.128 McCarthy and Stone raise the question of whether a sheltered housing development would be required to contribute towards open space provision. The response must be that any obligation should be directly related to a proposed development, necessary to make the proposal acceptable in land use planning terms and compliant with the other relevant tests of Circular 1/97.
- 8.129 Regarding thresholds, certain developments will clearly be too small to require the physical provision of recreational space. I support the change from 10 dwellings to 0.5ha as 10 dwellings could be on a very confined site with limited scope for open space.
- 8.130 On maintenance, the advice of paragraph B14 of the Circular is that 'payments should be time limited and not be required in perpetuity by planning obligations'. However, commuted maintenance sums may be appropriate for (among other things) recreational facilities where the provision is principally of benefit to the development itself.

RECOMMENDATION

8.131 I recommend that:

- (i) Policy H20 and paragraph 8.3.53 be modified as set out in the Revised Deposit UDP and the subsequent PIC;
- (ii) The text be further modified:
 - (a) To refer to the guidance of PPG17, and the fact that the NPFA standards are to be taken as interim standards only;
 - (b) To incorporate the requirements of Circular 1/97 on the seeking of planning obligations; and
- (iii) Paragraph 8.1.5a be updated to refer to the latest version of PPG17;

Policy H21 (Density of residential development)

Policy H22 (Higher residential densities)

Deposit Draft Objections

H21 / 98 / 520	McCarthy & Stone (Developments) Ltd	
H21 / 223 / 1048	Rialto Homes Plc	8.3.54
H21 / 121 / 735	St. Joseph's College	8.3.58
H21 / 95 / 635	Defence Estates (South East & Germany)	
H21 / 281 / 1603	Church End Local Agenda 21 Partnership	8.3.56
H21 / 287 / 1935	Barnet Regeneration	
H21 / 267 / 1348	Mill Hill Residents Association	8.3.58
H22 / 223 / 1050	Rialto Homes Plc	
H22 / 281 / 1606	Church End Local Agenda 21 Partnership	

Support for Policy

H21 / 217 / 1370	New Barnet Community Association	8.3.54
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Revised Deposit Draft Objections

H21 / 223 / 5675R	Rialto Homes Plc	
H21 / 263 / 6805R	The Finchley Society	
H21 / 293 / 5443R	Railtrack	
H21 / 121 / 6838R	St. Joseph's	8.3.58
H21 / 95 / 5358R	Defence Estates (South East & Germany)	
H21 / 281 / 5803R	Church End Local Agenda 21 Partnership	8.3.54-8.3.59
H21 / 290 / 5725R	Linden Homes Chiltern Ltd	8.3.58
H21 / 15 / 5534R	North Finchley Agenda 21 Partnership	
H21 / 15 / 5528R	North Finchley Agenda 21 Partnership	8.3.58
H21 / 15 / 5525R	North Finchley Agenda 21 Partnership	8.3.58

Pre-Inquiry Change Objections

H21 / 281 / 6993P	Church End Local Agenda 21 Partnership	8.3.54 – 8.3.59
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Support for Pre-Inquiry Changes

H21 / 257 / 6906P	Circle 33, Metropolitan & Notting Hill Housing, Paddington Churches and Servite
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Issues

- Does the proposed density range reflect the advice of PPG3 and the London Plan?
- Whether the density range is appropriate to Barnet;
- Are the six identified centres appropriate for higher densities and should more be identified?
- The effect of higher densities on residential amenity;
- The size of the catchment areas;
- The accommodation of sheltered housing.

Inspector's Reasoning and Conclusions

8.132 The important section on housing densities has been rewritten and the Revised Deposit UDP version more fully reflects PPG3 and the London Plan as adopted. Thus the section reflects the demands upon Barnet to accommodate more dwellings and, with that in mind, the need for a tandem approach of increasing densities while requiring high quality design. With the right approach to design, insisting on better standards than has been the case in the past, there is, indeed, no reason why new development in a particular area cannot be at a higher density than what is there at the moment.

8.133 The Council have proposed three minimum density levels. The norm for Barnet as a whole is above 150 habitable rooms per hectare (HRH) which is equivalent to the PPG3 minimum of 30 dwellings per ha. At the upper end of the scale, six town centres have been identified around which development should not be below 250 HRH. They comprise Burnt Oak, Chipping Barnet, East Finchley, Edgware, Golders Green and West Hendon; these are regarded as the most accessible centres. As I outline below, I consider that this list could and should be extended. Finally, there are 'intermediate' areas - for example, those along certain bus routes - where the density should be a minimum of 200HRH.

8.134 However, while this is a useful framework it is one that could be developed further. The London Plan's density location and parking matrix provides for a wider range of situations spanning: house types from detached dwellings to terraced houses and flats; urban and suburban settings; and areas with varying accessibility (based on PTAL scores). Moreover, instead of just a minimum density, the matrix gives a range for each

situation.

- 8.135 A framework on these lines would provide a more sophisticated basis for determining an appropriate density for any site. The aim of the density matrix is 'to reflect and enhance existing local character by relating the accessibility of an area to appropriate development and the number of car parking spaces that should be provided' (the London Plan, paragraph 4.45). In my view, its use would help maximise the supply of new homes in Barnet, but in a way that would be broadly right for the particular area.
- 8.136 In the Movement chapter, I raise the question of which accessibility model should be used, the current Barnet model which is based on that developed in Hammersmith and Fulham, or the PTAL approach which is used in the London Plan. It seems to me that the link to the density matrix gives the latter an obvious advantage. I propose that the Council consider adopting the matrix/PTAL model as a basis for decision making.
- 8.137 On the other issues, the catchment chosen by the Council represents a ten minute walking time. This is the same as that used in the London Plan matrix and I consider it to be a reasonable one. On the protection of residential amenity, this will be a question of good, sensitive design. CABE's publications to which I refer in Chapter 4 (Policy D1) give many useful examples of good practice. On sheltered housing, I see no reason why an approach based on different bands of density would prejudice the accommodation of such dwellings within town centre areas.
- 8.138 For completeness, it should be noted that a considerable proportion of the new development that Barnet plans to accommodate over the next decade or so will be at a significantly higher density than is reflected in Barnet's proposed 'density bands'. According to the West Hendon Regeneration Masterplan Statement, that development will be at 170 units per hectare. The housing within the planned new town centre is likely to involve comparable densities. My understanding is that Barnet's density framework is intended to apply largely outside the Regeneration Area.

Conclusions

- 8.139 My recommendations are of two types. I have already proposed that the Council should consider adopting the London Plan's density, location and parking matrix approach. That would cover the entire Borough and it would help decision making generally - would 'intermediate densities' between the 150 HRH 'norm' and town centre densities be appropriate along certain bus routes, for example.
- 8.140 However, my first recommendation concerns Barnet's town centres. It could be implemented, perhaps, more speedily. It would embrace the six town centres on the Council's list but also, North Finchley and the other district town centres. In my view, these centres are all relatively accessible by public transport and they are attractive places in their own right because of the range of services they offer. These centres and their hinterlands can be made even more attractive through good design, hence the reference to Policy D1.
- 8.141 Allied to these two recommendations, the supporting text should be updated to take the relevant policies of the London Plan into account (notably, Policy 4B.3 and its supporting text). The text would need to cite relevant densities and I would recommend that the Council adopt ranges for both houses and flats. Those ranges need not be static and could be changed following the implementation of transport schemes.

RECOMMENDATION

8.142 I recommend that:

- (i) Policy H21 be deleted and replaced with the following:
The Council will favourably consider proposals for higher density residential development within and adjoining Barnet's major and district town centres, together with West Hendon local centre, provided such proposals comply with Policy D1 and relate satisfactorily to their surroundings;
- (ii) The supporting text be redrafted and updated to reflect the policies of the London Plan on residential density and design and to cite density ranges for both houses and flats; and
- (iii) The Council give consideration to the adoption of the density location and parking matrix approach to determining residential densities, as used in the London Plan.

Policy H23 (Conversion of single family dwellings to flats)

Deposit Draft Objections

H23 / 66 / 1610	The Empty Homes Agency	
H23 / 281 / 1605	Church End Local Agenda 21 Partnership	8.3.59
H23 / 15 / 1549	North Finchley Agenda 21 Partnership	
H23 / 178 / 741	Mrs N. Yozin-Smith	8.3.61

Revised Deposit Draft Objections

H23 / 66 / 5828R	The Empty Homes Agency	8.3.62
H23 / 66 / 5826R	The Empty Homes Agency	
H23 / 281 / 5804R	Church End Local Agenda 21 Partnership	

Issues

- The effect of conversions on the street scene and on residential amenity;
- Density considerations;
- Suitable locations for conversions.

Inspector's Reasoning and Conclusions

- 8.143 Policy H23 deals with conversions of existing dwellings into small units which can make an important contribution to Barnet's housing needs. On the other hand, this can have adverse effects upon the street scene and on residential amenity. The policy seeks therefore to site conversions in appropriate locations; roads that are characterised by single family accommodation would not normally be regarded as appropriate. Instead there are more suitable properties, typically within or close to town centres and along major routes where there is good public transport.
- 8.144 I consider that the Council has achieved a reasonable balance between the need for this type of accommodation and the avoidance of potentially harmful effects. One of these would be the loss of family accommodation. On the details, the change to the policy requires the conversion to have 'an acceptable impact' in place of 'no adverse impact'. I believe that the latter is too onerous. The replacement recognises that there is likely to be

some impact but the test is whether that impact would be acceptable.

8.145 In response to one objection, I do not think it is reasonable to extend automatic protection to streets of family housing which back on to those where there is property that is otherwise suitable for conversions. This would adversely affect the scope for conversions. Other objectors cite density concerns and car parking impacts. Such effects would need to be assessed against the relevant policies of this plan and as part of normal development control.

RECOMMENDATION

8.146 I recommend that Policy H23 and paragraphs 8.3.59 - 8.3.61 be modified as set out in the Revised Deposit UDP.

Policy H24 (Conversions from non-residential uses to residential uses)

Deposit Draft Objections

H24 / 66 / 1916 The Empty Homes Agency

Revised Deposit Draft Objections

H24 / 66 / 5827R The Empty Homes Agency

Issues

- The need for the Policy to refer to proposals complying with other policies in the plan.

Inspector's Reasoning and Conclusions

8.147 As with H23, this policy is also aimed at increasing the supply of housing in the Borough. The buildings in question include those in office, business and industrial use where the Council would need to be satisfied that that use was no longer viable or needed. That test is apparent from the supporting paragraph and it is unnecessary to refer to such compliance in the policy itself.

RECOMMENDATION

8.148 I recommend that the third criterion to Policy H24 be deleted.

Policy H25 (Pre-requisites for conversions of houses to flats)

Deposit Draft Objections

H25 / 68 / 514 Hertsmere Borough Council

Revised Deposit Draft Objections

H25 / 66 / 5829R The Empty Homes Agency

H25 / 281 / 5805R Church End Local Agenda 21 Partnership

8.3.63

Issues

- The need for the policy.

Inspector's Reasoning and Conclusions

8.149 Policy H25 was deleted by the Council at Revised Deposit stage. It resists the conversion of smaller dwellings and proposals that would involve large extensions or unsuitable roof alterations. Under the change, the latter becomes a criterion under Policy H26. Policies H23 and H26 together provide a considerable degree of control over conversions making H25 superfluous.

RECOMMENDATION

8.150 I recommend that Policy H25 and its supporting paragraph 8.3.63 be deleted.

Policy H26 (Design of conversions of houses to flats)

Deposit Draft Objections

H26 / 281 / 1607 Church End Local Agenda 21 Partnership

Issues

- The loss of front garden space to parking.

Inspector's Reasoning and Conclusions

8.151 The Council has accepted CELA's concern about the loss of front garden space that can result from conversion proposals. Criterion (iv) as modified seeks to provide adequate and properly located car parking while retaining as much front garden as is practicable. This is a worthwhile amendment.

RECOMMENDATION

8.152 I recommend that Policy H26 be modified as set out in the Revised Deposit UDP.

Proposed new policies

Deposit Draft Objections

NewPol / 66 / 1609 The Empty Homes Agency
NewPol / 267 / 1354 Mill Hill Residents Association
NewPol / 286 / 1842 Barnet Friends of the Earth

Issues

- The case for new policies on:
 - Encouraging the re-use/conversion of empty homes;
 - Backland and back garden development;
 - The appropriate use of housing amenity space

Inspector's Reasoning and Conclusions

8.153 Regarding these three suggested policies, I consider that encouraging the re-use/conversion of empty homes is more a matter for the Council's Housing Strategy than, directly, this UDP. On the second policy, potential backland development can be a concern in some areas. In individual cases, it will be a question of balancing the strategic need for new homes against local amenity considerations. In my view, there are already sufficient policies in the UDP against which backland proposals could be judged. Finally, the matters contained in the third suggested policy would be best discussed on a case by case basis with the Council.

RECOMMENDATION

8.154 I recommend that the proposed new policies be not adopted.