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Dear Madam/Sir

## **London Borough of Barnet Draft Local Plan Regulation 19 Consultation Representations on behalf of Hammerson UK Properties plc and Aberdeen Standard Investments**

### **Introduction**

I write on behalf of Hammerson UK Properties plc and Aberdeen Standard Investments (“H/ASI”) to submit representations to the London Borough of Barnet draft Local Plan Regulation 19 consultation.

As the Council will be aware H/ASI are the long leaseholders of Brent Cross Shopping Centre, and have been working with the Council over the last 2 decades to facilitate its revitalisation as part of the wider Brent Cross Cricklewood Opportunity Area.

H/ASI successfully secured outline planning permission in 2010, a Section 73 permission in 2014, reserved matters approval for the detailed design of Phases 1A North and 1B North, and the local authority promoted compulsory purchase order to enable delivery of these initial phases of the project.

Since that point the retail sector has experienced a significant and unprecedented structural change. As a result of the economic uncertainties in the retail market, H/ASI took the decision to delay the delivery of development north of the A406. It was originally hoped that this delay would be temporary whilst the market stabilised, however, the changes that have occurred to the retail sector are so significant, partially due to the implications of the COVID 19 pandemic, that it calls into question the appropriateness of a retail led development north of the A406.

H/ASI remain committed to enhancing the existing Shopping Centre and redeveloping the surrounding land as part of a new Metropolitan Town Centre, and are evaluating the conceptual changes to the retail market and the role of town centres in the context of Brent Cross. H/ASI would welcome the opportunity to take this work forward in collaboration with the Council.

H/ASI’s representations to the draft Local Plan are made in this context and are set out below.





### **Brent Cross Spatial Definition**

Paragraph 1.3.3 of the draft Local Plan confirms that Brent Cross Cricklewood continues to be identified as an Opportunity Area. The draft Local Plan sub-divides the Opportunity Area into three Growth Areas, namely:

- Brent Cross;
- Brent Cross West/Staples Corner; and
- Cricklewood Town Centre.

H/ASI are supportive of the proposed sub-divisions which enable the differences that occur across each area to be recognised in policy terms.

Paragraph 4.10.3 explains that the Brent Cross Growth Area is itself split into a further three sub areas:

- Brent Cross North;
- Brent Cross Town; and
- Brent Cross West (Thameslink).

H/ASI are concerned that this naming creates an unhelpful confusion between a) Brent Cross West/Staples Corner Growth Area, and b) the Brent Cross West (Thameslink) part of Brent Cross Growth Area.

The matter is not helped by the plans at Map 3 and 3A – neither of which show the Brent Cross West (Thameslink) area.

Paragraph 16 of the National Planning Policy Framework is clear that Plans should be clearly written and unambiguous. H/ASI request improved clarity in Policies GSS01, GSS02 and GSS03, and their supporting text and plans, to ensure an effective plan and consistency with national policy.

### **Policy BSS01**

The retail sector is undergoing substantial change. This is recognised throughout the Local Plan including in paragraph 4.14.12 which states that the UK retail market has been experiencing significant structural and conceptual changes, with the closure and consolidation of major national stores and brands and the continuing competition from on-line retail.

Furthermore, paragraph 4.5.5 acknowledges the need for town centres to diversify in terms of other uses such as food and drink, becoming social and community hubs as well as economic centres supported by new housing development. The Local Plan also notes that the COVID19 pandemic has accelerated movement away from traditional retail formats and further changed the way society shops and interacts with town centres as the focus of local commercial activity.



As a result, the Local Plan explains that the Council is working as part of the West London Alliance on a new study to establish how much additional retail provision may be needed over the period to 2036.

Whilst the results of this study are presently unavailable, it is inevitable that the scale of comparison retail growth is likely to be less than previously forecast. However, Policy BSS01 sets out a spatial strategy for the Borough which is predicated on delivering a specific scale of retail floorspace at Brent Cross consistent with that forecast prior to the recent changes to the retail sector. It is acknowledged that this figure forms part of the planning permission granted for the regeneration of the Brent Cross Growth Area, but given the announcement by H/ASI to delay delivery and the nationwide evidence showing a declining demand for retail space in town centres, H/ASI do not consider the inclusion of the floorspace figure in the policy to be 'justified' or appropriate.

We would suggest the specific retail figure is deleted from criteria aii of Policy BSS01 and replaced with wording which supports the creation of a vibrant and sustainable retail, leisure and mixed use Metropolitan Town Centre at Brent Cross North.

### **Policy GSS02 (Brent Cross North)**

As explained above, the structural changes to the retail sector have called into question the appropriateness of a retail-led redevelopment at Brent Cross North. This issue is not unique to Brent Cross and is being experienced in town centres across the UK. H/ASI continue to investigate options, but it is highly likely that an alternative approach will involve revitalising the existing Shopping Centre and introducing a broader mix of main town centre uses, along with residential accommodation, to complement the wider Brent Cross Growth Area and facilitate creation of a Metropolitan Town Centre.

This is not fully recognised in draft Policy GSS02 and its supporting text which continues to focus, despite clear evidence to the contrary, on retail led growth. As a result we would suggest that the specific Brent Cross North paragraph within Policy GSS02 be altered as follows:

*Brent Cross Shopping Centre will be enhanced and integrated as part of the new Metropolitan Town Centre and will deliver a range of leisure, and other main town centre uses (including those contributing to the night-time economy) and a mix of residential homes to ensure that it acts as a regional destination and contributes to a vibrant and viable night-time economy. The shopping centre Brent Cross North will be connected to a new high street to the south via enhanced connections new pedestrian and vehicular bridges over the North Circular. Development at Brent Cross North Shopping Centre is required to deliver measures to increase access to the town centre by means other than the private car. This should be reflective of up to date mode targets.*



## Policy GSS02 (Infrastructure)

Section 4.15 of the draft Local Plan recognises that the redevelopment of the Brent Cross Growth Area will be delivered over a long period of time – in excess of 20 years. The text acknowledges that over this time there will be a need to respond to changing economic, market and technological conditions. Whilst it is noted that the extant planning permissions benefit from some flexibility, it is anticipated that further planning applications may be required.

As a result, the draft Local Plan explains that the Council intends to create a flexible planning policy framework that is capable of responding to future changes and enable the delivery of a successful scheme.

However, whilst enabling flexibility, the Local Plan correctly emphasises the need for coordination in the delivery of strategic parts of identified Growth Areas. In particular the supporting text explains that planning applications for new or revised developments within the Brent Cross Growth Area will be expected to contribute to the funding and delivery of infrastructure through Section 106 agreements and CIL. This is translated into draft Policy GSS02 which sets out a specific list of transport improvements.

The draft policy then states that the Council ‘will secure’ contributions from developers towards the retrospective costs of infrastructure delivered in earlier phases of the development.

The National Planning Practice Guidance explains that planning obligations are to be used to assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

These are set out as statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework.

H/ASI fully support the Council’s intent that new or revised applications contribute to the funding or/and delivery of infrastructure needed to mitigate its impacts. However, each application needs to be assessed individually, having regard to any cumulative impacts, to determine the appropriate mitigation requirements in light of the tests of Regulation 122. As drafted this aspect of Policy GSS02 is unsound as it is not consistent with national policy. The wording should be updated to remove the positive presumption that new/revised applications will be required to contribute towards to



retrospective costs, and should instead refer to the relevant package of mitigation measures being determined on a case by case basis having regard to the tests of Regulation 122.

## Other Matters

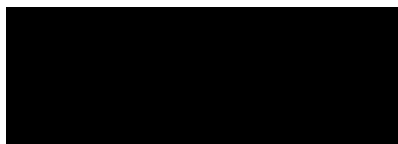
In addition to the specific Brent Cross North policy matters raised above, H/ASI would also like to make the following further points:

- Policy TOW01 deals with vibrant town centres and in respect of Brent Cross refers to Policy GSS02 but also states “*Brent Cross [is] to provide a strong retail offer as well as a wider mix of uses including leisure, office and other commercial, community and cultural uses to create a new Metropolitan Town Centre for North London.*” As described above and consistent with the National Planning Policy Framework, the wording should expressly refer to residential accommodation forming part of the mix of uses provided;
- Policy TRC01 deals with sustainable and active travel. Criteria bii states that the Council will “*Refuse proposals that have a negative impact on highway safety or on the road network that cannot be appropriately mitigated*”. This wording is not consistent with paragraph 111 of the National Planning Policy Framework which recognises that some impacts may be acceptable and only where impacts are ‘unacceptable’ or ‘severe’ should that result in refusal on highway grounds. The policy should be updated accordingly;
- Similarly criteria ci of Policy TRC01 states that for all major development the Council will require “*A Transport Assessment setting out how the proposal mitigates any negative impact on the existing transport network and incorporates sustainable transport initiatives for cycling, walking, car clubs and electric vehicle charging*”. Paragraph 111 of the National Planning Policy Framework is clear that only where highway impacts are ‘unacceptable’ or ‘severe’ should permission be withheld. Indeed the National Planning Policy Framework anticipates that there may be instances where there will be highway impacts but they may be considered to be acceptable when assessing the benefits of a development. As a result it is not necessarily appropriate for a Transport Assessment to mitigate ‘any negative impact’ and the wording should be amended accordingly; and
- Policy GSS02 refers to the Brent Cross Growth Area delivering a new waste management facility to replace the existing Hendon Waste Transfer station. The replacement facility is actually located in Brent Cross West Growth Area and therefore should be referenced in Policy GSS03, not GSS02.

Overall, H/ASI remain supportive of the Council’s general approach to development within the Brent Cross Growth Area, however, for the reasons expressed above at present the Local Plan is considered to be technically unsound. H/ASI would welcome the opportunity to discuss these matters in more detail including the selective amendments required to address the soundness tests.



Yours faithfully



Philip Murphy  
Board Director