

[REDACTED]

Date: 30th July 2021

Barnet Council Policy Team,

Re: Objection to draft Local Plan policies

[REDACTED]

My formal objections to the Draft Local Plan as set out below.

Policy HOU01 Affordable housing

The policy does not confirm/clarify that a lesser provision would be appropriate if a viability appraisal demonstrates a proposal would not be viable if affordable housing was provided to meet policy requirement.

Policy HOU02 Housing Mix

Table 6 on page 91 is not based on need or demand.

The small percentage of 2-bedroom units (24%) does not take into account that 2-bedroom units provide family sized housing.

A high percentage of 3–5-bedroom dwellings (70%) is not justified. 3–5-bedroom dwellings are out of the price range for the majority of people. Therefore, having a policy requiring a high percentage of large units would only increase significant competition for smaller units and lead to more affordability issues – this has not been thought through properly.

A high percentage of 3–5-bedroom dwellings (70%) would lead to many potential developments being unviable therefore leading to less housing provision and less affordable housing provision.

The proposed mix does not take into account the projection in the increase in the number of single person households.

The significant reduction in the number of 1-bedrom units would force people to live in HMO accommodation which is not a good standard of accommodation - there needs to be a surplus

in supply in 1-bedroom units to ensure people have the opportunity to step from HMO accommodation into secure self-contained housing.

The policy does not give flexibility to provide smaller units in town centre locations where large family sized dwellings would not be appropriate.

The policy does not give flexibility to provide smaller units where the provision of amenity space is challenging – amenity space is more important for family sized dwellings.

Policy HOU03 Residential Conversions and Re-development of Larger Homes

The conversion and redevelopment policy is wholly unreasonable.

This policy conflicts with the policies in the NPPF and the London Plan 2021, because it would be a barrier to the efficient use of land and providing higher density development, in the majority of the borough.

The policy mainly seeks to protect the character and amenity of local areas, but character and amenity are protected by other policies. Therefore, to introduce a raft of criteria which does not allow common sense or meaningful assessment to be carried out should be rejected.

The first criteria of only allowing redevelopment and conversions of houses within 400 metres walking distance of a major or district town centre (in accordance with Policy TOW01) or is located in an area with a PTAL of 5 or more, would mean that over 90% (estimated) of the borough could not be converted or redevelopment. This would have huge consequences for housing delivery, in particular meeting Government and London Plan policies to deliver housing. Why is this a requirement when many successful conversions and redevelopment sites are outside 400 metres of local shops and public transport.

The requirement to provide a 3-bedroom unit at ground floor level in a conversion is often not practical. There is no justification to only allow a family sized dwelling in a conversion at ground floor level. So long as the provision of a 3-bedroom unit on upper floors includes access to sufficient amenity space then this should be supported.

Criteria d) would prohibit the conversion of large houses, including those close to town centres. Most large houses are an inefficient use of floorspace and are only affordable to the very affluent (in Barnet). Large houses in the right locations should be seen as an opportunity to convert or redevelop in order provide much needed dwellings. Large houses can only be afforded by the very rich so protecting these types of houses would restrict the majority of people having access to decent housing – the policy as it is currently worded is discriminatory against all those except the very affluent.

A definition of larger homes should be provided to ensure only efficient 3–5-bedroom houses are protected and not oversized inefficient houses which could provide much needed housing if converted or redeveloped.

Policy HOU04: Specialist Housing – Housing choice for people with social care and health support needs, Houses in Multiple Occupation, Student Accommodation and Purpose-Built Shared Living Accommodation

Criteria 1 (D) is unreasonable (be within 400m walking distance of local shops and easily accessible by public transport) – why is this a requirement when many successful homes are outside 400 metres of local shops and public transport. Many homes provide care for people who cannot travel so the criteria would be pointless for these types of homes. There is no justification for the criteria.

Part (b) of the HMO policy – This needs an explanation in the preamble what evidence the Council would expect to demonstrate an identified need. What does *“a harmful concentration of such a use in the local area”* mean – this is too subjective.

Part (d) of the HMO part of the policy requires HMO’s to; *“Be easily accessible by public transport, cycling and walking.”* This needs to be defined.

Paragraph 5.14.2 – The council need to define what they mean by *“non self-contained market housing”* – does this mean kitchen facilities can be provided in each room so long as there are significant communal areas?

Policy HOU05 Efficient Use of Barnet’s Housing Stock

The policy is contradicted by the council’s policy to stop conversions and redevelopment in most of the borough.

Part of the policy states: *“3. The Council will protect housing from permanent conversion to short-stay accommodation.”*

Providing short term temporary accommodation for vulnerable groups for example is very important. This part of the policy seeks to try and stop such provision of much needed short term temporary accommodation. If the policy seeks to prohibit the conversion of permanent residential accommodation into temporary accommodation, then the Council need a policy outlining where they would support the provision of temporary accommodation – it is a concern that the Local Plan seems to be trying to exclude the provision of short-term accommodation.

Part 2 of the Policy states: *“2. The Council will utilise it’s regulatory powers to reduce the number of vacant dwellings and bring them back into use.”* – this is not a policy but a statement of intent which is not related to planning.

Policy HOU06 Meeting Other Housing Needs

Are build to rent schemes exempt from providing a mix of dwellings?

Policy CHW04 – Protecting Public Houses

Part c states: *“Where it is demonstrated that there is no demand for the public house the Council will support proposals for other community uses in accordance with Policy CHW01.”* The policy is silent on providing much needed housing where it is demonstrated a public house is no longer in demand. The policy should be amended to encourage housing in such circumstances.

Policy ECY01: A Vibrant Local Economy

The policy does not support mix use development providing housing where there is no net loss of employment floorspace and the residential use is compatible with surrounding uses. This policy therefore, would be in conflict with the NPPF and the London Plan which promotes mix use development as part of the solution to provide much needed housing.

There is no justification not to allow a mix use development that still protects the integrity of an employment area.

Policy ECY03: Local Jobs, Skills and Training

The policy requires compliance with the Council’s Delivering Skills, Employment, Enterprise and Training (SEET) from Development SPD (2014) or any subsequent SPDs. This in effect would make the SPD a policy. This is unreasonable because the SPD has not gone through the same challenge process as adopted policies. The SPD is also fundamentally flawed for many reasons and is nonsensical in many respects – previous objections and concerns raised about the SPD before adoption were ignored. The requirements of the SPD are massively onerous and monetary calculations are outrageously high with no proper justification. This document needs to be reviewed thoroughly as part of the new Local Plan requirements.

Policy ECC02: Environmental Considerations

“c) Development should provide Air Quality Assessments and Noise Impact Assessments in accordance with Tables 15 and 16 together with Barnet’s suite of design guidance SPDs” – the wrong tables are referred to.

Table 18 requires: *“To help consider noise at a site at an early stage an initial noise risk assessment should assess the Noise Risk Category of the site to help provide an indication of the likely suitability of the site for new residential development from a noise perspective.”*

This requirement includes all minor development (including conversion and the provision of one dwelling) which is unreasonable. The Policy needs to be amended to ensure this requirement is not applicable to all residential development.

Policy ECC02A Water Management Policy

The LPA consider that a sequential test is required where any part of a site (including land not to be developed) falls outside a flood zone 1 area – this is challenged as being wholly unreasonable because it would restrict opportunities to build dwellings on areas inside flood zone 1, where amenity space may be within a flood zone.

The Council justify their position with reference to; “The West London Strategic Flood Risk Assessment” which states in Paragraph 4.2.1, titled 'Application of the Sequential and Exception Test: *“Proposed development sites within multiple flood risk zones are classed under the highest Flood Zone present on site. For example, a site that partly falls under Flood Zone 1 and Flood Zone 2 is formally classified as a site in Flood Zone 2. The Flood Zone that each proposed site falls under helps inform the approach needed for the site and the information required for the planning application. The Sequential Test will need to be applied to steer the entire proposed site to the areas with the lowest risk of flooding.”*

The advice contained within “The West London Strategic Flood Risk Assessment” has minimal if not no legal planning status because it is neither plan policy nor adopted local plan guidance. As such the council should not be relying on this advice but the advice contained within the National Planning Policy Framework (NPPF) document and the London Plan 2021.

Paragraph 158 of the NPPF states that “new development” (not application sites) should be steered to areas with the lowest risk of flooding.

Paragraph 159 repeats the requirement “for development to be located in zones with a lower risk of flooding”

Paragraph 163 of the NPPF states that development is not required to provide a sequential and exception tests where it can be demonstrated that: “a) within the site, the most vulnerable development is located in areas of lowest flood risk...” This part of the NPPF is contradicted by The West London Strategic Flood Risk Assessment advice which requires a sequential test even where the development is located in areas of lowest flood risk, if part of the application site is outside Flood Zone 1.

The NPPF is clear with its reference to steering development to areas within Flood Zone 1. There is no reference to ensuring the whole of an application site for new development to be wholly within Flood Zone 1.

London Plan Policy 5.12 states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF.

Policy ECC02A Water Management Policy

“h). Proposals for minor and householder development incorporate SuDS where applicable...”

What does this mean? What does “where applicable” mean?

“i) Development proposals incorporating SuDS will need to include management and maintenance plans for the proposed SuDS, with appropriate contributions made to the Council where necessary...” What does *“appropriate contributions made to the Council where necessary...”* mean?

Policy TRC03 – Parking Management

“b) Where development is proposed, and it is deemed a CPZ is necessary then it should be in place within the surrounding area of the development before occupation. A developer contribution towards the implementation and monitoring of the CPZ will be agreed as part of the planning permission”

But local residents / councillors can currently block a CPZ – have the rules changed?

“c) Residential parking permits will only be available to Blue Badge holders in car free developments. Disabled Persons parking should be provided in accordance with London Plan Policies T6.1 and T6.5.”

This is wholly unreasonable, and the policy does not give any justification for these restrictions.

The policy does not comply with London Plan Policy T6 (Car parking). This policy only seeks to restrict car parking *“in line with levels of existing and future public transport accessibility and connectivity.”*

There are many parts of Barnet which have CPZ’s but don’t have a high PTAL rating. This policy at best should only be applicable to PTAL 5-6 areas.

Many parts of the borough have poor public transport options going in northerly, easterly and westerly directions, especially northerly. In some areas public transport in a northerly direction is either very poor or close to non-existent.

Developments in areas which do not have a very good PTAL rating could become unviable because of the devastating impact on sale values resultant of not having the ability to have a car in area which is not highly accessible.

This policy would deter families from buying or renting family sized dwellings in areas which are not highly accessible.

The policy does not deter off street car provision for developments but seeks to punish developments that provide car free development in areas where there is sufficient on street car parking provision. This cannot be right.

The policy could be interpreted as allowing access for car parking permits for developments which provide some off street car parking (no matter how small the provision).

“d) Where development proposals involve a reduction of existing off-street car parking spaces, the developer must demonstrate that sufficient parking will remain in the area to serve local needs.”

This is massively onerous for small developments including the loss of one car parking space, unless the council agree to use common sense and allow photos to be provided to demonstrate sufficient on street car parking rather than a full car parking survey (which costs more than £1,000).

“g) Spaces should be available for car club vehicle parking along with car club membership for future residents of the development within the agreed car parking provision.”

The current wording makes this part of the policy a requirement for all development. This should not be applicable for minor schemes.

Yours sincerely

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