

9 August 2021



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Dear Sir / Madam

## **BARNET DRAFT LOCAL PLAN (REGULATION 19) PUBLIC CONSULTATION**

### **REPRESENTATIONS SUBMITTED ON BEHALF OF HILL RESIDENTIAL LTD AND TRUSTEES OF THE GWYNETH WILL TRUST AND TRUSTEES OF THE GWYNETH COWING 1968 SETTLEMENT**

We are instructed by Hill Residential Ltd (Hill) and Trustees of the Gwyneth Cowing Will Trust and Trustees of the Gwyneth Cowing 1968 Settlement (“Hill and Trustees”) to submit representations to the Barnet Draft Local Plan (Regulation 19) 2021 to 2036 dated June 2021 (“the Publication Local Plan”) in the context of their landownership at, Land Adjoining The Whalebones, Barnet, London, EN5 4DA (“the site”), in the London Borough of Barnet (LBB / the Council).

The site, as submitted for planning, is outlined in red in the attached Site Plan (Drawing No. 122\_PL001) – but excludes the public highways land. The blue lines indicates additional land within the Trustees ownership.

These representations primarily relate to the site which forms Proposed Site Allocation ‘**Site No. 45 Land at Whalebones**’ (“the Proposed Site Allocation”) for residential led development with local open space and community facilities. These representations also relate to the wider policies of the Publication Local Plan.

The site has significant development potential and we strongly support the principle of the draft Site Allocation and the principle of delivering a residential led development, with local open space and community facilities. We have set out our detailed comments in this letter.

### **Background**

Hill is a recognised industry leading housebuilder, providing award-winning quality, distinctive new homes across London and the South East. Hill has an option with the site owners, The Trustees of the Gwyneth Cowing Will Trust and Trustees of the Gwyneth Cowing 1968 Settlement.

By way of background, on 17 July 2019 a Full Planning Application (Ref.19/3949/FUL) was submitted by Savills (UK) Ltd on behalf of Hill and Trustees for the residential redevelopment of the site, including affordable housing, an artists’ and beekeepers studio, public open space and associated works on the site.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

Savills (UK) Limited. Chartered Surveyors. Regulated by RICS.

A subsidiary of Savills plc. Registered in England No. 2605138. Registered office: 33 Margaret Street, London, W1G 0JD



The application was recommended for approval by officers. However it was overturned by Members at Barnet's 2 November 2020 Strategic Planning Committee and a formal decision notice was issued on 9 March 2021. A Planning Appeal (Ref. APP/N5090/W/21/3273189) was lodged against the decision. The inquiry is due to be held from 31 August 2021. We wish to emphasise that Hill and Trustees remain committed to redeveloping the site to provide new homes, new public open space, a new community facility which will deliver a range of substantial public benefits for the community. On 20<sup>th</sup> July the Council informed the Planning Inspectorate that it would not be defending Reason for Refusal 1 relating to impact on heritage and visual amenity.

### **Site and Surroundings**

The site (as indicated by the red line in the attached Site Plan) comprises 4.286 hectares (rounded to 4.3 hectares) and is located in the northern part of LBB and lies just over 1.6 kilometres west of High Barnet underground station. The site itself is private land and has no public right of access. The site is divided into two land parcels, between which lies *The Whalebones* (a Grade II listed building) used as a single dwelling house and its associated private vehicle driveway which is accessed from Wood Street. For the avoidance of any doubt, *The Whalebones* does not form part of the site and is in separate ownership.

The site parcels are bound by Wood Street (A411) to the north and Wellhouse Lane to the south. To the east of the site is a dwelling house (2 Wellhouse Lane) and its associated garden. Further to the south of the site lies the Barnet Hospital and associated hospital parking, as well as a public bus interchange. The site contains a building currently used as a studio by the Barnet Guild of Artists. The adjoining stable block is used by the Barnet Beekeepers' Association. There are also a series of outbuildings used in association with the smallholding use of the site. None of these have any heritage designation or value.

The entire site is located within the Wood Street Conservation Area, which is situated in High Barnet within LBB. There are nearby listed building/curtilage structures, including *The Whalebones*. LBB maintains a Schedule of Buildings of Local Architectural or Historic Interest (2016). There are no structures within or adjacent to the site included on this list. However, the Heritage Statement (submitted with planning application ref 19/3949/FUL) notes that the cottage at 2 Wellhouse Lane (adjacent to the site) is considered by the Conservation Officer as having merit.

The site is not identified on LBB's Policies Map to have any specific land use designations. However, the site is within an Area of Deficiency in Access to Public Open Space as illustrated in Map 10: Public open space deficiency of the current adopted Local Plan (Core Strategy) 2012. (We should note that the Landscape Design and Access Statement submitted with planning application ref 19/3949/FUL provides a more analysis of this public open space deficiency). The site has a Public Transport Accessibility Level of 2. The Environment Agency's Flood Map for Planning indicates that the site is situated within Flood Zone 1.

### **National Planning Policy Context**

The NPPF (National Planning Policy Framework) was updated on 20 July 2021. Paragraph 35 states that Local Plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are sound. Plans are 'sound' if they are:

- a) ***Positively prepared*** – *providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

These tests of soundness should also be applied to non-strategic policies in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies of the area.

### **Barnet Draft Local Plan (Regulation 19) 2021 to 2036 – dated June 2021**

We note that the Plan period runs until 2036. The NPPF is clear that plans need to provide a 15 year time horizon on adoption. Given that the plan is unlikely to be adopted until 2022 to the earliest, the plan period needs to extend until 2037 at least. Given the length of time local plans are currently taking in general, we consider 2038 would be a lower risk option.

As noted above, Hill and Trustees are fully supportive of the principles of the Proposed Site Allocation to deliver a residential-led development, with local open space and community facilities.

We note that in the draft Local Plan the site is subject to the following:

- Proposed Site Allocation 45 Land at Whalebones (on pages 353 to 354); and
- Is within an Area of Deficiency in Access to Public Open Space – as illustrated in Map 7 “Public open space deficiency”.

The Publication Local Plan provides the following site description for the Proposed Site Allocation:

*“The site forms part of Wood Street Conservation area and comprises a largely green and undeveloped area, consisting in the west and north of open fields with some tree cover, and in the east of a more heavily-treed field. Whalebones House itself and the extensive surrounding garden are in private ownership and are not part of the site. The surrounding area consists of large suburban houses. To the west there has been recent residential development at Elmbank of 114 units. Barnet Hospital lies to the south. There is access to bus routes serving Barnet Hospital and Wood Street”*

The Publication Local Plan notes the following for the draft Site Allocation:

- Proposed uses / allocation (as a proportion of floorspace): 90% residential with 10% local open space and community; and
- Indicative residential capacity: 152.

The Publication Local Plan provides the following justification for the Proposed Site Allocation:

*“The site presents an area of undeveloped land that is close to the services and transport links of Chipping Barnet Town Centre. The site is not currently accessible by the public and development provides an opportunity to deliver public open space”.*

Having regards to national planning context in preparing Local Plans, we have commented on the draft Local Plan in detail, as set out below.

### **Site Allocation 45**

Fundamentally, Hill and Trustees fully support the principle of redevelopment of the Proposed Site Allocation for a residential-led development, community facilities as well as publically accessible open space.

The Proposed Site Allocation should be renamed to *“Land adjoining The Whalebones”* as this would accurately describe the site. This is because *The Whalebones* itself does not form part of the site and is in separate ownership. As currently drafted, the name of the Proposed Site Allocation could mislead and is likely to result in confusion. We also note that the site size detailed on page 353 of the draft Local Plan states 2.20 hectares. However, this should be updated to read 4.3 hectares which would reflect the red line boundary of the attached Site Plan. We propose that the site allocation boundary be amended to correspond to that for which the planning application was submitted (but excluding the public highway land). These changes would ensure that the redevelopment potential of the Proposed Site Allocation is accurate and the Publication Local Plan would therefore be **positively prepared** to deliver the aspirations of the Proposed Site Allocation.

Whilst Hill and Trustees support the indicative residential capacity of 152 units it should be made explicit that the figure is not a maximum requirement. It is noted that in Table 4 *‘List of Sites – Summary Table’* on page 290 of the Publication Local Plan states 149 in the “Indicative Units” column. This should be updated to state 152 units so that it is consistent with page 354 on the Publication Local Plan. It should also be made explicit that the figure is not a maximum. This would ensure that the Publication Local Plan is **positively prepared** and **effective** in its delivery of new homes, as well as affordable homes.

With regard to the proposed uses / allocation as a proportion of floorspace detailed on page 354 of the draft Local Plan, Hill and Trustees are fully supportive of the proportion of floorspace for 90% residential and 10% local open space and community facilities. Hill and Trustees fully support the aspiration of delivering public open space on site which is a significant public benefit as the site is currently private and not, and has never had any right of public access. The site is also within an Area of Deficiency in Access to Public Open Space, therefore the delivery of new public open space as part of the wider redevelopment of the site would be a substantial public benefit and is fully supported and considered to be **justified** and **consistent with national policy**.

### **Housing**

As noted above, Hill and Trustees are fully supportive of the Proposed Site Allocation in providing new homes. We also note that new homes is a key priority for the Mayor of London and the Secretary of State. As such, Table 4.1 of the London Plan sets out a minimum 10 year housing target for 23,250 net housing completions (2019/20-2028/29) which equates to 2,364 per annum. We note this is reflected in paragraph 3.3 *‘Delivering a strategy to meeting Barnet’s challenges’* and sets out that the Council will ensure that the London Plan minimum ten-year housing target is met and exceeded. Whilst Hill and Trustees strongly support the delivery of new

homes in Barnet, we note that the Standard Methodology Housing Need (published 16 December 2020 by MHCLG) outlines a considerably higher local housing need in Barnet of 5,361 new homes per annum. It must also be recognised that the London Plan does not meet London's needs as set out by the Secretary of State in his letter to the Mayor of 29<sup>th</sup> January 2021. The Proposed Site Allocation is an opportunity for a sensitive, high quality, residential-led development on the site which would significantly contribute to the significant housing need. As noted above it must be made clear that the indicative residential capacity of 152 units of the Proposed Site Allocation should not be considered as a maximum requirement. This would ensure that the Proposed Local Plan is **positively prepared** and **effective** in its delivery of new homes, as well as affordable homes.

### ***Policy HOU02 (Housing Mix)***

We note that Publication Local Plan Policy HOU02 (Housing Mix) seeks to provide a mix of unit sizes and housing choices and provides Barnet's dwelling size priorities. We also note that proposed Policy HOU02 states that dwelling size priorities will be subject to periodic review and updates when new assessments of housing are commissioned. Hill and Trustees are supportive of the need to deliver a range of new housing types. To ensure flexibility, we consider that the following text should be added to proposed Policy HOU02 (the additions are shown underlined):

*A flexible and end-user driven approach to housing mix should be taken when considering comprehensive redevelopment proposals.*

Making this change would provide flexibility and it will ensure that the Publication Local Plan and Proposed Site Allocation can be **effective** in its delivery.

### ***Policy GSS01 (Delivering sustainable growth)***

With regard to draft Policy GSS01 (Delivering sustainable growth), Hill and Trustees are supportive of a design-led approach to optimising a site's capacity. However, we would suggest that when considering comprehensive proposals for site allocations, more flexibility should be afforded with regard to density, particularly given that the London Plan 2021 has deleted the density matrix that was previously in the London Plan 2016. As such, we request the following text is added to draft Policy GSS01 (the additions are shown underlined):

*A flexible approach to density should be taken when considering comprehensive redevelopment proposals, with the optimum density of a development resulting from a design-led approach.*

Making this change would provide flexibility and it will ensure that the draft Local Plan is **effective** in its delivery and **consistent** with National policy.

## **Affordable Housing**

### ***Policy HOU01 (Affordable housing)***

Hill and Trustees also supportive the delivery of new affordable homes within Barnet, subject to viability. The Council's threshold approach to viability in accordance with the London Plan Policy H5 and the principle of affordable housing, and for new homes to be genuinely affordable, subject to viability.

We note that Policy HOU01 (Affordable housing) sets out thresholds and criteria in the provision of affordable homes. Hill and Trustees support the draft policy's approach that the provision of affordable homes is subject to viability.

In terms of the affordable housing tenure mix, it is essential to ensure that a flexible approach is taken, subject to the site specific circumstances. Therefore would consider a flexible approach should be taken, and that the following additions (shown underlined) should be added to Policy HOU01:

*A flexible and end-user driven approach to housing mix should be taken when considering comprehensive redevelopment proposals.*

### **Open space**

#### ***Policy ECC04 (Barnet's Parks and Open Spaces)***

Supporting paragraph 10.19.1 of proposed Policy ECC04 states that *"The Schedule of Proposals in Annex 1 highlights new Local Open Space at Whalebones Park which will be designated in accordance with Paragraph 99 of the NPPF [now paragraph 101 of the NPPF updated 20 July 2021]"*. While Hill and Trustees are fully supportive of the delivery of new publically accessible open space, the site in its current form has no right of public access. Therefore, it goes to follow that the future public open space would only be designated subject to planning permission being granted and following an approved development being built out – this is a key point that the Publication Local Plan should better clarify. On page 290, the reference to "local green space" should be amended to "local open space" to be consistent with other references in the Publication Local Plan.

With regard to point a) of proposed Policy ECC04, Hill and Trustees are fully supportive the need to optimise the benefits that open spaces can deliver, ensuring that as well as being family friendly, they consider all users and create a greener Barnet.

With regard to point b) ii of proposed Policy ECC04, Hill and Trustees strongly support the Council's position on improving access to open spaces, particularly in areas of public open space deficiency identified by Map 7, which as noted above, includes the site. To provide emphasis on this position we request that the following text be added to point b) ii of proposed Policy EC04 (the additions are shown underlined):

*The Council will seek to work proactively with developers to provide development which enables the provision of new public open space.*

It is considered that the above changes would ensure that draft local plan is **positively prepared** and **justified**.

Hill and Trustees remain committed to delivering public open space which would be a significant public benefit for the local community. As the site is currently inaccessible to the public, it is considered the site has significant redevelopment potential which will enable the provision of new public open space and to contribute towards improving Barnet's deficiencies of public open space.

### **Community**

#### ***Policy CHW01 (Community Infrastructure)***

Hill and Trustees are fully supportive of the Publication Local Plan of ensuring that community facilities are provided for Barnet's communities. Therefore, as noted above it goes to follow that Hill and Trustees are also fully supportive of the aspirations of the Proposed Site Allocation 45 to provide/re-provide community facilities.

## Design

### ***Policy CDH01 (Promoting High Quality Design)***

Hill and Trustees are supportive of the principle of a design-led approach to deliver optimum density on sites. However emphasis on the flexibility of design-led approach should be emphasised on a site by site basis. We request that the following text be added to paragraph a) of proposed Policy CDH01 (the additions are shown underlined):

*Flexibility should be afforded to the design-led approach to determine capacity should deliver an optimum density.*

This above change would ensure that the proposed policy conforms with London Plan Policy D3 (Optimising site capacity through the design-led approach) which seeks to maximise the capacity of sites through a flexible design-led approach. These changes would ensure that the draft Local Plan **positively prepared** and **consistent with national policy**.

### ***Policy CDH02 (Sustainable and Inclusive Design)***

Hill and Trustees are full supportive of providing sustainable and inclusive developments which are accessible to those with disabilities. However, we consider that point g) of proposed Policy CDH02 should make clear that the M4(3) requirement should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling as set out in the Planning Practice Guidance at Paragraph: 009 Reference ID: 56-009-2015032. This would ensure that the Publication Local Plan is **consistent with national policy**.

## Heritage

### ***Policy CDH08 Barnet's Heritage***

Hill and Trustees are supportive the overall thrust of proposed Policy CDH08 which is reflective of the relevant statute and NPPF and PPG. This includes including NPPF paragraph 202 where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

## Transport and Parking

### ***Policy TRC01 (Sustainable and Active Travel) & Policy TRC03 – Parking Management***

Hill and Trustees are supportive the overall thrust of proposed Policy TRC01 which promotes sustainable transportation.

Proposed Policy TRC03 reverts to the London Plan standards, except in the case for residential development which it expects parking in accordance with Table 23 which sets out residential car parking standards. We consider that a flexible approach should be applied to residential parking and should be balanced out with regards to the site specific circumstances, having regards to Table 23 and the London Plan standards. To

provide emphasis on this position we request that the following text be added to proposed Policy TRC03 (the additions are shown underlined):

As it relates to residential car parking, regard should be given to the specific site and location constraints (and any other relevant matters including the proposed design), Table 23 (Residential Car Parking Standards) and the London Plan.

This above change would ensure that the proposed policy conforms with London Plan Policy D3 (Optimising site capacity through the design-led approach) which seeks to maximise the capacity of sites through a flexible design-led approach. These changes would ensure that the Publication Local Plan **positively prepared** and **consistent with national policy**.

### Other

#### **Policy ECC01 (Mitigating Climate Change)**

Hill and Trustees are supportive of the Council's position to minimise contributions to climate change. However, we note that in some instances due to site constraints such as the historic environment it may not be possible to achieve emission targets on site. Careful consideration needs to be given to particular technologies and their potential for impacts on matters such as the historic environment. A flexible approach is required as to the most appropriate technologies in any particular circumstances or whether a carbon offset payment would be preferable. While it is acknowledged that the objective of developments should be to achieve net zero carbon, policy should not be prescriptive with regard to how net-zero may be achieved. We request that the following point be added to proposed Policy ECC01 (the additions are shown underlined):

Flexibility should be afforded to developments which may be constrained by the historic environment, where net-zero cannot be achieved on site, a carbon offset payment would be supported.

These changes would ensure that the Publication Local Plan is **effective** and **positively prepared** in its delivery.

### Public Examination

On behalf of our Client we consider it is necessary to attend the oral part of the Examination in Public (EiP). Hill and Trustees are in a very unique position to provide the background of the site and the current application and its redevelopment opportunity. Furthermore, Hill is a recognised industry leading housebuilder who has strong experience of delivering high quality green infrastructure alongside new homes on a variety of sites throughout London and is active in Barnet. We would be grateful if you could keep us updated when the EiP will take place.

### Conclusion

In summary, Hill and Trustees support the principle of the Proposed Site Allocation for the development of the site which would provide significant planning and public benefits, including new housing, community facility and public open space. With the suggested amendments we consider there is the potential that Publication Local Plan could be found sound.

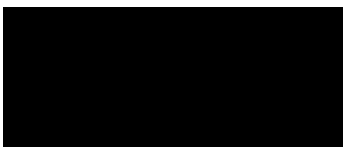




However, some of the items noted above in their current form would constrain potential development options and would therefore, **not be effective** in their **delivery** and would **not be consistent** with national policy. Therefore, it is considered that the draft Local Plan is not currently sound.

Please do not hesitate to contact me or my colleague [REDACTED] to arrange a meeting and/or you have any further queries. In any event, we would be grateful if you could keep us updated of the progress with the new Barnet Local Plan.

Yours faithfully

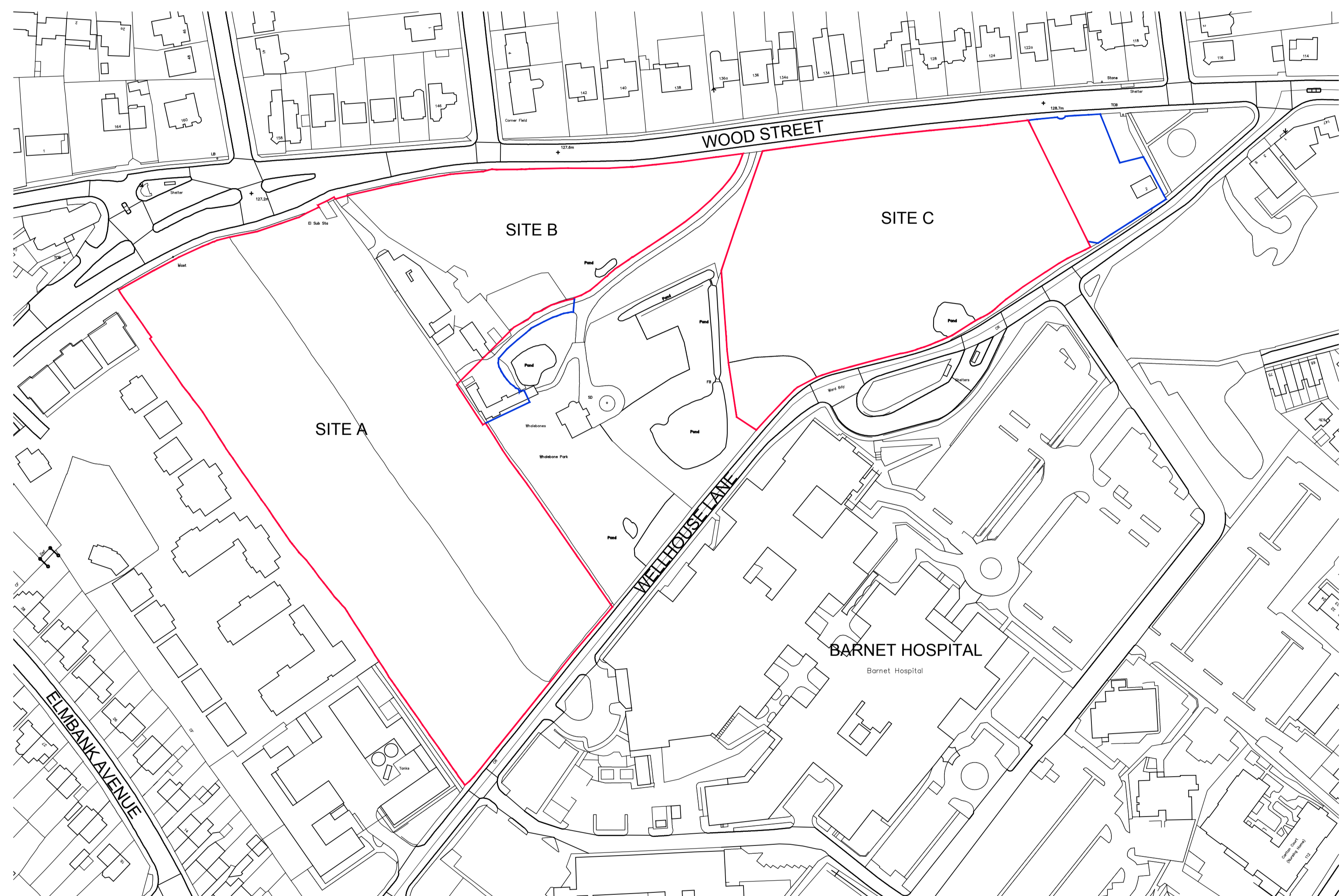
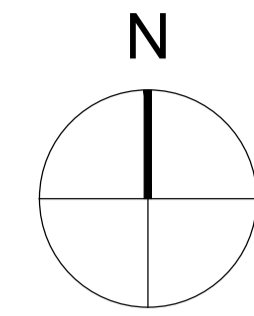
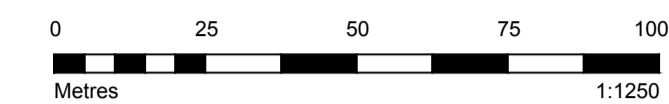


**Mia Scaggiante**  
**Associate Director**

**CC** – Hill Residential Ltd and Trustees of the Gwyneth Cowing Will Trust and Trustees of the Gwyneth Cowing 1968 Settlement

**Encl** – Site Plan (Drawing No. 122\_PL001)

GENERAL NOTES  
 This drawing is © 2018 PTE architects  
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 All dimensions are in millimetres unless noted otherwise  
 All levels are in metres above ordnance datum unless noted otherwise  
 This drawing must be read in conjunction with all other relevant drawings and specifications from the Architect and other consultants  
 If in doubt, ask

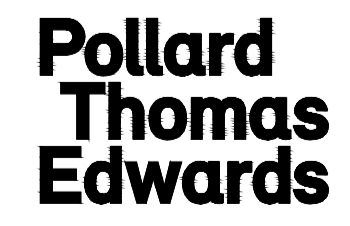


**Key**  
 Indicates extent of proposed Planning boundary line ————  
 Indicates Additional Land within Applicant's Ownership ————

rev.	date	description	drawn	checked
-	29.03.19	Issued for Planning	DF	DPD

**PLANNING**

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project	job no.	drawn	checked	scale	date
Land adjoining the Whalebones, Barnet	16-122	DF	DPD	1:1250@A1	Mar'19

Site Location Plan 122\_PL\_001