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Dear Sir / Madam

Barnet Local Plan – Regulation 19

Thank you for consulting the Home Builders Federation (HBF) on the new Draft Barnet Local Plan. James Stevens, the HBF's Director for Cities, has prepared this response and he is the lead contact for all things in relation to the Barnet Local Plan.

The HBF is the principal representative body of the house building industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational plc's, through regional developers to small, local builders. Our members account for over 80% of all new housing built in England and Wales in any one year. Recent research by the Government has estimated that housebuilders have made a significant contribution to the nation's infrastructure, providing some £21 billion towards infrastructure of all types including affordable housing since 2005.

The HBF would like to submit the following representations on the Draft Barnet Local Plan Regulation 19 version. **We would also like to participate in the subsequent examination-in-public.**

Para.3.3.2:

In delivering a significant number of new homes a key objective for the Council will be to increase the supply of affordable ownership and rental options.

POLICY BSS01 Spatial Strategy for Barnet

Part a) i. is unsound because it is ineffective.

The draft policy Part a) i) states that the local plan will seek to deliver between 2021 and 2036:

- i. A minimum of 35,460 new homes, including the provision of affordable housing to meet Policy HOU01.

We note paragraph 3.3.1 of the Local Plan. This observes that over the Plan period to 2036, the Council will seek to create the conditions in the Borough that will deliver a minimum of 35,460 new homes equal to 2,364 new homes per annum over 15 years.



HBF supports this Local Plan objective as it accords with the new London Plan. The new London Plan sets an annual housing requirement for ten years 2019/20 to 2028/29 of 23,640 net additional homes (see London Plan Policy H1). This equates to an annual average of 2,364 homes. As Barnet's Local Plan will commence in 2021 this ten-year target should cover the period 2021-2031.

The London Plan assesses in aggregate the housing need across all of London and then sets a housing target for each of the boroughs based upon a judgement about capacity. The Mayor has only been able to set housing requirements for ten years because housing land capacity after 2028/29 is subject to great uncertainty. The Mayor intends to produce a revised London Plan before the termination date of the new London Plan with revised targets and housing requirements.

The Barnet Local Plan is doing the correct thing by projecting forward the capacity-constrained figure of 2,364 net additional homes a year to support a 15-year plan, in line with the requirement of the NPPF. The Local Plan should be amended to explain why it is doing this. Barnet will be mindful of the fact that it will need to update its local plan, in line with a new London Plan, to reflect any changes in evidence, and especially evidence relating to the capacity of the borough.

We agree that the figure of 2,364 net additional homes a year should be regarded as the minimum number of homes required each year. This is because London as a whole (and London is treated as a single housing market area for planning) is able only to accommodate 52,000 homes a year out of a total need for 66,000. There is, consequently, a shortfall annually of 14,000 homes.

Part c) is unsound because the Plan's approach to housing supply does not accord with national and London Plan policy.

Part C states:

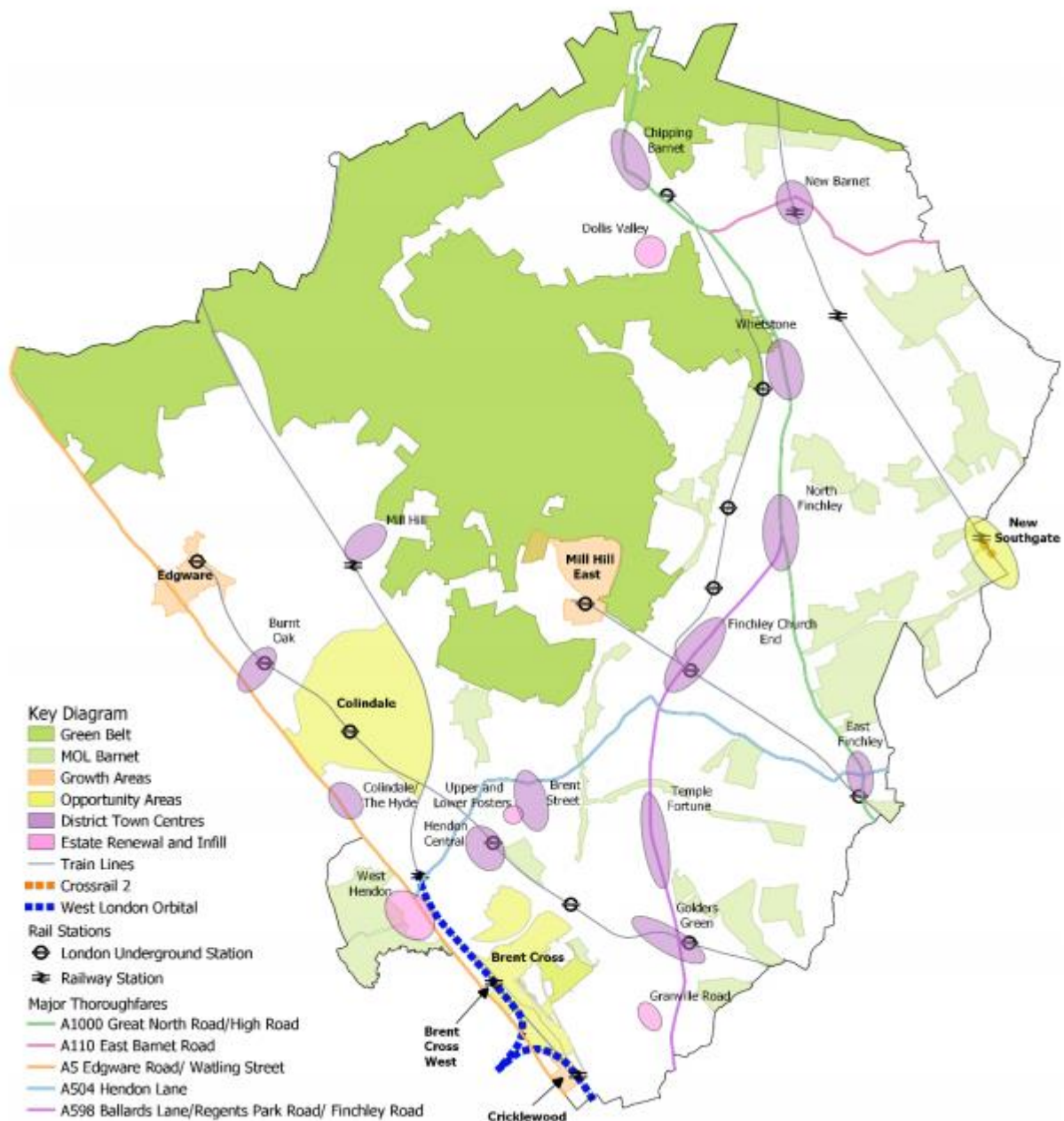
c) In order to better manage the impacts of development on the climate, growth will be concentrated in accordance with the Local Plan's suite of strategic policies GSS01 to GSS13 in the Opportunity Areas of Brent Cross Cricklewood, Colindale and New Southgate, together with Barnet's Growth Areas and District Town Centres. These are the most sustainable locations with good public transport connections and active travel provision. Outside of these locations, growth will be supported in places where there is recognised capacity and where the historic environment and local character can be conserved or enhanced as a result.

We appreciate what the Council is attempting to achieve here, but the aim of concentrating development chiefly within the Opportunity Areas and Growth Areas identified may inhibit opportunities for small sites development. With the emphasis in national and London Plan policy to increase supply of housing on small sites (sites of 0.25ha in size in the context of London – see London Plan policy H2) and on increasing active forms of travel). The spatial strategy is unjustified. The Local Plan policy needs to be worded more a bit positively to encourage a greater number of small-scale developments in locations outside of these primary development zones. We welcome the Council's overall stance so that proposals that have careful regard to the historic environment and character will be supported, but we are unsure how the words 'recognised capacity' may be interpreted in planning. It is unclear if this would be the Council's view or the applicants. It is highly likely that both sides will hold very different views on this question.

To achieve a more positive prepared local plan, it would be better if the Council identified a number of additional locations outside of the growth locations where smaller-scale developments would be supported, and ideally allocate these, as national and London Plan policy encourages. We note from the Key Diagram that there are very large parts of the borough that are not served by any development zones. This is true of the quadrant bordered by the tube stations Golders Green, East

Finchley, Hendon Central, and Mill Hill East. Also, the area west of New Southgate to North Finchley.

We cannot believe that there are not any housing development opportunities, especially smaller infill sites, within this large area that could not be identified and allocated by the Plan. The Opportunity and Growth areas also seem very tightly drawn when it is feasible for town centres and key transport hubs to be reached through walking and cycling, as London Plan policy and Policy TRC01 – Sustainable and Active Travel of the Barnet local plan encourages. Barnet has many underground stations which people, especially the more able-bodied, could access from outside of the Opportunity and Growth areas through walking and cycling.



Furthermore, some areas with underground stations are not identified as Opportunity or Growth areas for housing at all. This is despite London Plan policy H1 seeking the following to improve housing supply:

2) optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity:

a) sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary.

Increasing the supply of housing from small sites is a key objective of the new London Plan. We note that Barnet needs to provide 434 homes a year on small sites. We will discuss this in more detail below, but in terms of the spatial strategy and the locations for delivery, the London Plan expects London boroughs to increase the supply of housing on small sites, by, among other things:

increasing housing provision in accessible parts of outer London to help address the substantial housing need in these areas and deliver market homes in more affordable price brackets

(London Plan, paragraph 4.2.2).

Moreover, the GLA SHLAA that provided the supporting evidence for the housing requirements in the new London Plan, assessed the potential for the supply of housing through small sites by looking at factors such as accessibility, capacity and constraints. As the London Plan summarises at paragraph 4.2.3:

The targets are based on trends in housing completions on sites of this size and the estimated capacity for net additional housing supply from intensification in existing residential areas, taking into account PTAL, proximity to stations and town centres, and heritage constraints.

The areas around the town centres and underground stations are clearly highly accessible locations suitable for more allocations. Figure 4.3 of the London Plan is a diagram that shows areas in proximity to town centres and stations. The Barnet area shows that the Mayor considers that there is much greater potential in Barnet around the town centres and stations than is reflected in the Barnet Local Plan. To exclude many of them is unjustified.

The Plan will need to give stronger support for housing in the town centres and near transport hubs. It will need to allocate more housing sites, if possible, in those town centres and near stations. The Plan should also be amended to read:

Outside of these locations, a presumption in favour of residential development will operate where:

- a) the development is within 800m distance of an underground or rail station; and*
- b) the development is within 800m distance of a district, major town centre, or Opportunity or Growth area.*

When considering such applications the applicant will need to have regard to protecting and enhancing the historic environment and local character.

Barnet's Growth Requirements

Housing (section 4.4)

HBF agrees that the Council should plan for 2,364 new homes per annum as a minimum. This is the requirement figure for Barnet established through the examination of the new London Plan. The Mayor is the strategic plan-maker for all London. London is treated as a single housing market area.

As the GLA SHMA 2017 (the report that informed the new London Plan) observes at paragraph 1.11:

London boroughs have in the past carried out their own assessments of housing need either locally or in sub-regional partnerships. However, because London can be considered as single housing market area and the London Plan sets capacity-based housing targets at the local level, the draft new London Plan states that boroughs are not required to carry out their own needs assessments. This is consistent with the view of the inspector who examined the FALP, whose report stated that it was the role of the London Plan to determine the housing need for London as a whole and to guide the distribution of housing to meet that need. It is also consistent with the proposals in DCLG's recent consultation on 'Planning for the right homes in the right places'.

Consequently, the Mayor assesses the housing need for London in aggregate and then apportions this among the 33 London boroughs and the two development corporations based on evidence of capacity (mainly large strategic sites) and a judgement made about potential capacity over the plan period. This potential capacity is based mainly on windfall supply in recent years plus a judgement made about small sites supply as a consequence of the policy intervention in Policy H2 of the London Plan. See paragraph 4.1.8 of the London Plan. There are pros and cons with this approach, but the HBF considers this to be an efficient and effective way to plan for the housing needs of this very large planning area. It avoids debate, uncertainty and inconsistency in methods used at the level of the local plan.

We agree with the Council that the figure of 2,364 net new homes a year (or 35,460 over the plan period) must be considered the minimum required, because: a) there is a strategic housing shortfall across London of 14,000 homes a year. This is the difference between the objective need of 66,000 homes a year and the realistic capacity to provide 52,000 homes a year; and b) the evidence from the Council's own local assessment of need which indicates potentially higher levels of need. The Council has summarised this in the Plan at table 4:

New Homes for Barnet	MHCLG Standard Methodology 9Dec 2020)	London Plan (March 2021)	Draft London Plan (Dec 2017)	Barnet SHMA (Oct 2018)
Per annum	5,361	2,364	3,134	3,060
Total 2021 - 2036	80,415	35,460	47,000	46,000

Of all these figures, the figure from the Draft London Plan of a need for 3,134 homes a year is possibly the one that is most useful as a reference point, as this derives from the overall assessment for London of 66,000 homes a year, with 3,134dpa being Barnet's original share of that total (based on a judgement about land capacity) before the examining Panel concluded that the Mayor's original estimate of yields from small sites was unrealistic.

Delivering Sustainable Growth (section 4.8)

The Local Plan is unsound in its approach towards facilitating small site delivery. It conflicts with national and London Plan policy.

This section of the Local Plan describes the Council's approach to supporting the delivery of housing. Paragraph 4.8.2 describes how housing delivery will focus chiefly on the Opportunity and Growth Areas, and the borough's town centres. According to Table 5 these two categories of land will account for 28,700 homes (23,300 in the growth and opportunity areas and 5,400 in the town centres). There are five other categories of supply, but the last one – small sites delivery – is supposed to account for 5,100 homes over the plan period. According to the London Plan and its

Table 4.2, Barnet is required to provide 4,340 homes on small sites over ten years, or 434 homes a year. Over a 15-year plan period this would require a total of 6,510 homes.

We acknowledge, on the basis of Table 5 of the Local Plan and without delving down into the detail about the deliverability of individual sites, that the Council is in a relatively strong position in that it has been able to identify theoretical capacity for 46,000 homes compared to a local plan requirement for 35,460. However, it must be acknowledged that the allocation for small sites is only theoretical supply – it is a windfall figure. This is contrary to the thrust of national and London Plan policy, which requires local authorities to adopt more active measures to identify and allocate small sites of 0.25ha in size or less. The NPPF, at paragraph 69 requires plan-makers to (among other things):

“Identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved.”

Similarly, the London Plan recognises that increasing the supply of homes from small sites is a strategic priority. As it observes at paragraph 4.2.1:

For London to deliver more of the housing it needs, small sites (below 0.25 hectares in size) must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority. Achieving this objective will require positive and proactive planning by boroughs both in terms of planning decisions and plan-making.

London Plan Policy H2, part B, requires London boroughs, among other things, to:

- 3) identify and allocate appropriate small sites for residential development
- 4) identify and allocate appropriate small sites for residential development
- 5) grant permission in principle on specific sites or prepare local development orders.

The reason for these policies is to help support and consolidated the work of SME housebuilders who have declined significantly since the advent of the plan-led system in 1990, owing chiefly, to the reluctance of local authorities to identify and allocate small sites. The paucity of allocations means that smaller developers fail to benefit from the statutory principle for applications to be determined in accordance with the development plan, unless material considerations indicate otherwise (as stated in paragraph 2 of the NPPF). Without a land-use allocation the acceptability of development is doubtful and it is costly, time-consuming and very risky to promote a site and secure a planning permission. For this reason, the Government has intervened with certain measures to try and create a planning environment that will support better the establishment and growth of a strong SME sector. Increasing the number of small site allocations should have a number of benefits, not least, improving rates of delivery, improving supply overall, and introducing greater competition. See also the London Plan’s observations on the benefits of small sites and small developers at paragraph 4.2.2.

The small sites target for London set by the London Plan, including the 4,340 required over ten years in Barnet, is the minimum number required. We consider that the Council will need to do more to identify and allocate more small sites in the Local Plan to support small site delivery, making this into a more reliable supply rather than a hope.

We have considered Annex 1 – Schedule of Site Proposals – in order to understand better if small sites are being allocated to help deliver the small sites requirement. The list of sites in Annex 1 is very helpful. This list - by our calculations - includes 17 individual sites of 0.25ha in size or less. We have also included a few on the cusp of that threshold – those below 0.30ha in size. The list includes three student schemes and the Council has made the conversion to the equivalent number of standard self-contained homes (use class 3C dwellings) following the PPG.

The small sites are:

Site no	Site size (hectares)	Estimated residential capacity
1	0.13	12
18	0.16	12
19	0.25	43
20	0.21	25
25	0.19	29
26	0.20	20
31	0.27	46
32	0.08	7
34	0.06	9
35	0.09	23 (69 student bedrooms)
36	0.26	60 (180 student bedrooms)
39	0.13	21
41	0.23	16 (48 student bedrooms)
48	0.17	19
52	0.26	61
59	0.15	48
63	0.28	48
65	0.25	20
Total		519

The number of homes on small sites allocated of 0.30 ha in size or less amounts to 519. This falls far short of the 4,340 homes on small sites over ten years required by the London Plan, and is just over the target for one year's supply (434dpa).

The three schemes providing student housing should be discounted as they will not be providing general needs housing, and the market for student accommodation is already established, vigorous and competitive. This is not the case for SME housebuilders trying to provide general needs housing. The purpose of national and London Plan policy is to help support small housebuilders to establish themselves in London not to assist institutional investors already providing student accommodation. Once these three schemes are discounted, the number of homes for general needs provided on allocated small sites falls to 420 homes – a figure that falls short of the requirement for just one year.

We appreciate the difficulties that local planning authorities face with identifying and allocating small sites, and we welcome the efforts made so far by Barnet Council to at least allocate some, but the number allocated falls far short of the requirements of national and London Plan policy. National policy (NPPF, paragraph 69) requires that 10/% of the requirement is provided on allocated sites – equivalent to 3,546 in the case of Barnet's mew plan. We are still far short of this. Windfall is welcome, but it cannot be relied upon to the same extent as actual allocations.

Five-year housing land supply and housing trajectory

The Plan is unsound because it is contrary to national policy and negatively prepared. The information provided indicates that the Council may not be able to show a five-year housing land supply.

The Council will need to provide a statement of what it considers its housing land supply to be for the next five years. Table 5 indicates that land for housing could be available for 14,250 homes

(2021/22-2025/26) but Table 5A indicates that only 4,600 of these are on sites identified. The requirement is for an average of 2,364 net new homes a year. This would require a minimum 11,820 homes over the next five years, plus an allowance made for the appropriate buffer. The Local Plan has not provided a statement of what the buffer will be. We believe it ought to do so, even though we recognise that this is an evolving figure.

We understand from Barnet Council's Housing Delivery Action Plan 2020 that it has delivered less than 95% of its requirement for the last three years, and consequently has to produce the action plan to demonstrate how it will correct the situation (NPPF, paragraph 76). It will also need to apply a 10% buffer to the five-year land supply calculation. This indicates a need for 13,640 homes in the first five years on deliverable sites.

Table 5 indicates that land for 14,250 homes may be available but Table 5A indicates that only 4,600 homes are on land that has been identified. This could be a weakness for the Local Plan. It will also need to assess whether these 4,600 homes are deliverable.

POLICY GSS01 Delivering Sustainable Growth

Aspects of the policy are unsound because they are contrary to the London Plan.

Town Centres

We note in Annex 1 that this category is defined in paragraph 16.6.1 in the following way:

Boundaries of Town Centres were established in 2012 and have not been changed. Town centre sites are included as those that are within 400 metres of a Town Centre boundary

This seems contrary to the London Plan which wishes to encourage more housing supply, especially of small sites, where these are within 800m of the town centre boundary. London Plan policy H1, in seeking to improve housing supply, wishes to:

'optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity:

a) sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary.'

The Council is drawing the net too tightly around its town centres, thereby limiting the potential capacity for new homes, or making it more difficult for an applicant to secure a planning permission on infill sites. Unless we have misunderstood the Council's approach, the Council should set the parameters more widely, reflecting the London Plan recommendation of 800m around transport nodes.

Major Public Transport Infrastructure

We note in Annex 1 that this category is defined in paragraph 16.10.1 as:

"Major Public Transport Infrastructure sites are identified as within 400 metres of an existing or new public transport hub and which have not otherwise been identified as within Growth Areas, Town Centres or Major Thoroughfares."

We note, however, that the London Plan policy H1, in seeking to improve housing supply, wishes to: *'optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity:*

a) sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary.'

The Council is drawing the net too tightly around important public transport hubs, thereby limiting potential residential capacity, or making it more difficult to secure a planning permission on infill sites. Unless we have misunderstood the Council's approach, the Council should set the parameters more widely, reflecting the London Plan recommendation of 800m around transport nodes.

Chapter 5 – Housing

Paragraph 5.5.10

The Council's approach to the housing mix in the borough is questionable and contrary to the London Plan.

The London Plan identifies that the greatest need in the type of homes between 2018-2041 is for one-bedroom homes – 55% of the overall supply (market and affordable). This is set out in the GLA SHMA 2017 that informed the new London Plan. See table 1 on page 6. The Council prefers instead the conclusions from its own local SHMA 2018 which considers the greatest need is for three-four bed homes in both the market and affordable houses elements. In contrast to the London Plan, the Council considers that the need for one-bedroom homes is just 6% in the market and 13% of affordable housing supply (see table 6 of the Local Plan).

As we have previously argued, London is a single housing market area. This means that supply in Barnet will contribute to meeting wider-London needs. The assessment conducted by the GLA also uses consistent judgements and precludes the need for local assessments. The Council, therefore, needs to be careful about making prescriptive policy about the size mix of homes.

Policy HOU02 Housing Mix

The policy is unsound because it conflicts with national policy.

It is unclear how the Council intends this policy to operate. It states that its priorities are for three-bedroom homes, with two and four-bedroom homes being a medium priority. Is this a requirement? If so, it should make this clear in the policy. If this is to be a matter for negotiation, then the policy should be re-worded to make this clear. Local plan policies need to be clear and unambiguous (NPPF, paragraph 16 d)). We would, however, advise against prescription to allow developers to respond flexibly to needs and local conditions.

The policy states that the dwelling size priorities will be subject to periodic review and update. This is unsound. The Council cannot change the policy until it undertakes a review of the Local Plan (in five years time or earlier). It cannot impose new policy requirements on applicants outside of the local plan. These words should be deleted.

The policy states:

Through the Authorities (SIC) Monitoring Report (AMR) the Council will set out progress on delivering these priorities and building the right homes for the next generation. The AMR will inform the Council's consideration of dwelling mix on a site by site basis.

The Council cannot require a different dwelling-mix on an application-by-application basis. It can lawfully require what is in its local plan policy, but it cannot make new policy 'on the hoof'. This should be deleted.

The Council states that:

Innovative housing products that meet the requirements of this Policy will be supported.
We suggest this is deleted because it is unclear what would be judged 'innovative'.

Meeting Other Housing Needs

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

1: Housing Choice for People with social care and health support needs

Part of the policy is unsound in relation to the supply of housing for older people because it is contrary to national and London Plan policy.

We support the reference in 1 (b) of the policy to the aim to deliver more housing for older people in line with the London Plan indicative benchmark. The London Plan requires Barnet to provide 275 units of older persons housing, as set out in Table 4.3 of the London Plan. We are pleased to see this reflected in the Barnet local plan. The Council is facing an increase in the number of older people living in the borough, as paragraph 8.13.1 acknowledges.

Part A of London Plan policy H13 states:

Boroughs should work positively and collaboratively with providers to identify sites which may be suitable for specialist older persons housing taking account of:

- 1) local housing needs information including data on the local type and tenure of demand, and the indicative benchmarks set out in Table 4.3*
- 2) the need for sites to be well-connected in terms of contributing to an inclusive neighbourhood, having access to relevant facilities, social infrastructure and health care, and being well served by public transport*
- 3) the increasing need for accommodation suitable for people with dementia.*

The London Plan observes that the number of older people in the city-region will increase substantially. As paragraph 4.13.2 observes:

*By 2029 the number of older person households (aged 65 and over) will have increased by 37 per cent, with households aged 75 and over (who are most likely to move into specialist older persons housing) increasing by 42 per cent. **Appropriate accommodation is needed to meet the needs of older Londoners.***

However, it is unclear from the Barnet Local Plan whether the Council will support the supply of the full range of types of older persons housing that is needed and encouraged by the London Plan. From the discussion in the section titled *Housing choice for vulnerable people* (page 97), it appears that the Council only supports:

Extra care housing.
Sheltered plus housing.
Residential care homes

This is set out in paragraph 5.10.2. The types of accommodation specified, while important, does not cover all the types of older persons housing that London Plan policy H13 has been devised to support. The type of older persons accommodation that the Barnet Plan supports, would fall without the ambit of the London Plan policy. Paragraph 4.13.4 of the London Plan states the following:

This policy contains requirements for 'specialist older person housing'. It does not apply to accommodation that has the following attributes, which is considered 'care home accommodation':

- personal care and accommodation are provided together as a package with no clear separation between the two*
- the person using the service cannot choose to receive personal care from another provider*
- people using the service do not hold occupancy agreements such as tenancy agreements, licensing agreements, licences to occupy premises, or leasehold agreements or a freehold*
- likely CQC-regulated activity⁷² will be 'accommodation for persons who require nursing or personal care'*

Paragraph 4.13.5 then goes on to state:

Specialist older persons housing that does not provide an element of care but is specifically designed and managed for older people (minimum age of 55 years) is covered by the requirements of this policy.

Paragraph 4.13.6 of the London Plan then goes on to clarify:

In addition to this, the requirements of this policy also cover specialist older persons housing that has the following attributes:

- i. where care is provided or available; a. there are separate contracts/agreements in place for the personal care and accommodation elements, and/or*
- b. residents have a choice as to who provides their personal care*
- ii. housing is occupied under a long lease or freehold, or a tenancy agreement, licensing agreement, license to occupy premises or a leasehold agreement*
- iii. housing provided is specifically designed and managed for older people (minimum age of 55 years)*
- iv. likely CQC-regulated activity⁷³ will be 'personal care'*

It would appear that the Council has misunderstood the intention behind London Plan policy H13, which is to increase the supply of a wider type of older persons housing, including retirement housing, not just accommodation providing an element of care. Indeed, London Plan policy H13 is clear, that 'extra-care' and 'residential-care' housing, that typically falls under use class C2, is not the type of housing that the policy is aiming to support.

The Barnet Local Plan should be revised to reflect the intention of the London Plan. Part 1 b) of Policy HOU04: Specialist Housing is misleading, implying that the tenure breakdown provided in Table 8 of the Local Plan is relevant to the supply of the indicative benchmark of 275 older persons homes a year, even though this target relates primarily to the supply of older persons housing in the C3 category. The Local plan policy should be amended to read:

Deliver older persons housing as guided by the London Plan indicative benchmark of 275 new specialist older persons homes per annum ~~and the tenure priorities set out in Table 8~~; This would include the full range of tenures referenced in paragraphs 4.13.5 and 4.13.6 of the London Plan.

The London Plan requires local authorities to plan proactively to meet the indicative benchmarks – see London Plan paragraph 4.13.9. To help improve the likelihood that the indicative benchmark target of 275 units of older persons housing is provided each year, the policy should be amended to read:

'In the event that the annual benchmark is not achieved in a year, the Council will operate a presumption in favour of proposals for older persons housing in the subsequent year. This presumption will continue to operate until the benchmark has been achieved.'

Chapter 6 - Character, Design and Heritage

Policy CDH02 Sustainable and Inclusive Design Sustainable Design and Construction

Part C of the policy is unsound because it is contrary to national policy.

The Council requires compliance with a BREEAM 'Very Good' rating. We recommend that the Council deletes this reference and adheres to the Building Regulations instead as the standard measure for building performance. The Government's ambitions relating to the Future Homes Standard will be measured through the changes it will make to the Building Regulations, including the planned increase in energy efficiency through Part M, that will be required from July 2022. The Council would assist the development industry if it adhered to the Building Regulations as the single, authoritative, set of standards.

Policy TOW02 Development Principles in Barnet's Town Centres, Local Centres and Parades

The permitted development right for Class E allows a change of use from any operation, or mix of operations, within the commercial, business and service use class (Class E) to residential use (C3).

Part (h) of the policy is unsound because it conflicts with national policy and regulations.

The new PDR applies to buildings which have been vacant for at least three continuous months immediately prior to the date of the application for prior approval. This requirement was introduced to protect existing business in the premises. It does not, however, require a building to be empty for at least 12 months, as the Council's policy specifies. The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021, Part 6, Development Not Permitted, MA.1 (a).

It is unlawful for the Council to require this. If the Council is going to refer to a vacancy period it should be the period of three months in the regulations, although this is not strictly necessary, as this is a matter of law rather than policy.

Nor is there any requirement in national policy for evidence of continuous marketing over a 12-month period. This also should be deleted.

The cumulative effect of these criteria for prior approval would limit the potential effectiveness of the changes to permitted development rights to encourage new sources of housing supply. Moreover, given the shortages in housing supply in London compared to need, these restrictions are doubly unjustified.

Policy ECC01 – Mitigating Climate Change

The policy is unsound because it is ineffective and contrary to the direction of national regulation.

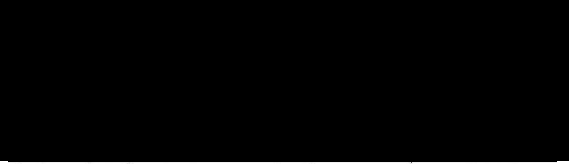
HBf advises strongly against local plan policies on matters relating to the construction and performance of residential buildings. This is an area that is subject to great change over the next few years as the Government, working with housebuilders and suppliers, devise a feasible pathway to zero carbon homes. Consequently, there is the risk that local plan policies in this area will become out-of-date swiftly. Local plan policies from the past on matters relating to the environmental performance on new dwellings have fallen short, such as the enthusiasm for district heating systems with residents bound-into expensive contracts from which they are unable to escape, and problems with over-heating (hence the new emphasis on ventilation in the revised Building Regulations – Part F). We advise a strongly against the Council making policy in this area.

Policy TRC03 – Parking Management

We note the requirement for compliance with the London Plan's requirements for electrical vehicle charging points.

The Council should clarify how use of use of energy from electrical vehicle car-parking points will be paid and apportioned among residents in apartment schemes and how this will be apportioned among the flats. Residents who do not own electrical vehicles, should not be required to pay for the energy consumed by those who do. Presumably, this will be paid for by card. It would be helpful if the Council could clarify its expectations in this area.

Yours faithfully



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