



Barnet Draft Local Plan
Publication Stage Representations Form

Ref: (For official use only)

PART B - Your representation

Please complete a separate Part B for each representation and return along with a single completed Part A.

Question 1: To which part of the Local Plan does your representation relate?

Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.

Policy _GSS01_ Paragraph Figure/Table

Policies Map designation

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|--|------------------------------|--|
| a) Legally compliant | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| b) Sound | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.

Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan, or its compliance with the duty to co-operate, please also use this box to set out your comments.

<p>GSS01 is a strategic policy aimed at delivering sustainable growth through inter alia directing new homes to the most sustainable locations. These are set out in parts a) – f) of the policy. Part c) refers to existing and major new public transport infrastructure and recognises the potential for the WLO to support further intensification around stations at Cricklewood, Hendon and Brent Cross West. A combined figure of 950 homes is allocated across these areas.</p> <p>However no specific sites have been identified to deliver these 950 homes. Both Cricklewood and Brent Cross West stations are also located in designated Growth Areas which are referred to under part a) of the Policy. On the basis that there must be no double counting to achieve the BSS01 target, this implies that all 950 homes are to be delivered in proximity to Hendon station.</p> <p>Annex 1 of the draft BLP (Reg 19) identifies the proposed allocation at Sainsbury’s The Hyde (i.e. the Silk Park site) as a ‘Major Thoroughfare’ site. The only other proposed allocation in the vicinity of Hendon railway station is Philex House (again under the ‘Major Thoroughfares’ category) which is allocated for 48 homes.</p> <p>Continued...</p>

Continue on a separate sheet if necessary

Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Policy GSS01 should allocate the Garrick Industrial Centre as an LSIS with potential for co-location with residential and other uses (in accordance with London Plan Policies E6 and E7) and should be clearly defined as such on the Proposals Map.

Continue on a separate sheet if necessary

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Date 07/08/2021

Continued...

Of otherwise unallocated land 'in proximity' to Hendon station, the Garrick Road Industrial Centre LSIS uniquely provides a substantial development opportunity which can (and so should) be allocated to provide a significant number of new homes as part of a co-location scheme.

NLP Policy E7 requires Development Plans to be 'proactive' in considering the potential for LSIS intensification and consolidation and the 'areas affected clearly defined in Development Plan policies maps' (our emphasis). This is important in this context because there needs to be certainty for landowners to invest in exploring opportunities for the Site. An element of risk is unlikely to provide the basis for bringing sites forward for co-location and this therefore undermines the ability of NLP Policy E7 to deliver enhanced employment opportunities alongside residential uses.

In overlooking the potential for a co-location on the Garrick Industrial Centre LSIS, the Policy is inconsistent with the NLP and is therefore unsound.



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PART B - Your representation

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Question 1: To which part of the Local Plan does your representation relate?

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Policy _GSS09_ Paragraph Figure/Table

Policies Map designation

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|--|------------------------------|--|
| a) Legally compliant | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
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GSS09 recognises the potential for major transport infrastructure upgrades to unlock opportunities for growth and allowing higher density developments to be achieved. The Policy states that *'proposals on sites in proximity to these public transport improvements will be expected to deliver a density and quantum of residential units which optimise their potential'*.

The Policy identifies potential for 950 new homes in proximity to the WLO stations. However no specific sites have been identified to deliver these 950 homes and there is no evidence to demonstrate that this is an appropriate figure which optimises site potential.

It is our Client's position that the Garrick Industrial Estate lies adjacent to the WLO station at Hendon which alone has the potential to accommodate a significant number of new homes as part of a co-location scheme.

NLP Policy E7 requires Development Plans to be *'proactive'* in considering the potential for LSIS intensification and consolidation and the *'areas affected clearly defined in Development Plan policies maps'* (our emphasis). This is important in this context because there needs to be certainty for landowners to invest in exploring opportunities for the Site.

Continued...

Continue on a separate sheet if necessary

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Policy GSS09 should allocate the Garrick Industrial Centre as an LSIS with potential for co-location with residential and other uses (in accordance with NLP Policies E6 and E7) and should be clearly defined as such on the Proposals Map.

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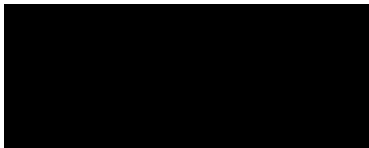
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Continued...

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Policy _ CDH04 _____ Paragraph _____ Figure/Table _____

Policies Map designation _____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|--|------------------------------|--|
| a) Legally compliant | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
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The locations identified in Policy CDH04 include the majority but not all of the areas where development is to be directed as per the first four chapters of the BLP (Reg 19). It does not refer to the enhanced opportunities provided at areas in proximity to the West London Orbital (WLO) stations.

The specific effect of this is that Policy CDH04 does not currently provide in principle support for development for taller buildings around Hendon station (development around Cricklewood and Brent Cross West stations being embraced by other criteria). This is despite in principle support for taller buildings along the Edgware Road Major Thoroughfare which is located in close proximity and indeed there have been a significant number of recent permissions with very tall buildings in the immediate vicinity (the tallest of which are actually set back away from Edgware Road towards the boundary of the Garrick Road Industrial Estate which itself is located adjacent to Hendon Station) which implies that the area is an appropriate location for tall buildings.

The criteria set out in Policy CDH04 make no reference to access to public transport. This appears to be an oversight given that paragraph 6.18.2 of the BLP (Reg 19) states that '*tall buildings can form part of a strategic approach to optimising the capacity of sites through comprehensive redevelopment. Such sites must be well-connected by public transport and have good access to services and amenities*'. **Continued...**

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Policy CDH04 should make provision for the potential for development for taller buildings around Hendon station to coincide with the opportunities presented by the major infrastructure works proposed by the WLO. This is consistent with the evidence base and paragraph 6.18.2 and NLP Policies H1, D9 and paragraph 3.9.1.

'a. Tall buildings (8 to 14 storeys (26 to 46 metres above above ground level)) may be appropriate in the following strategic locations:

- *Brent Cross Growth (Opportunity) Area (Policy GSS02);*
- *Brent Cross West Growth (Opportunity) Area (Policy GSS03);*
- *Colindale Growth (Opportunity) Area including Grahame Park Estate (Policy GSS06);*
- *Cricklewood Growth (Opportunity) Area (Policy GSS04);*
- *Edgware Growth Area (Policy GSS05);*
- ***Hendon Station (Policy GSS09);***
- *West Hendon Estate (Policy GSS10);*
- *New Southgate Opportunity Area27 (Policy GSS09);*
- *Major Thoroughfares - Edgware Road (A5) and Great North Road (A1000) (Policy GSS11); and the*
- *Town Centres of Finchley Central and North Finchley (Policy GSS08)'*

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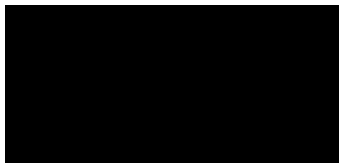
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Continued...

In addition, paragraph 3.9.1 of the NLP states:

*‘tall buildings can form part of a plan-led approach to facilitating regeneration opportunities and managing future growth, contributing to new homes and economic growth, particularly in order to **make optimal use of the capacity of sites which are well-connected by public transport** and have good access to services and amenities. Tall buildings can help people navigate through the city by providing reference points and emphasising the hierarchy of a place such as its main centres of activity, and important street junctions and **transport interchanges**’ (our emphasis).*

The ‘Barnet Tall Buildings Update’ evidence base document also refers throughout to public transport accessibility levels (PTAL), noting that *‘any proposals for tall buildings should be considered in the light of their likely PTAL level’*.

Finally, the NLP Policy H1 requires Boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites, especially *‘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’*.

Given its proximity to Hendon Station, the Garrick Industrial Centre Site not only offers a significant opportunity to accommodate additional growth in a sustainable location, but it also presents an opportunity to significantly enhance connectivity between Hendon Station and other development sites to the south, along the Edgware Road Major Throughfare.

Policy CDH04 overlooks the potential of sites around Hendon Station to accommodate tall buildings despite the planned infrastructure improvements (WLO) and the emergence of (and policy support for), tall buildings within the wider vicinity. The Policy is not consistent with the NLP is unsound on this basis.



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Policy ECY01 Paragraph _____ Figure/Table _____

Policies Map designation _____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|--|------------------------------|--|
| a) Legally compliant | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
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Policy ECY01 part g) places a requirement on co-location schemes within LSIS to be 'employment-led'. This is defined by footnote 38 as:

'An employment led development is one where the employment generating (as defined by ECY01) floorspace is greater in proportion to the other uses proposed on the site'.

Whilst the objective must always be to prioritise employment uses within LSIS, this policy is overly rigid and does not allow for circumstances whereby an LSIS site can accommodate enhanced employment provision (either through quality improvements and/or increased floorspace) but also presents an opportunity to maximise other uses (i.e. residential use in proximity to major transport infrastructure) and in doing so the latter might be proportionally greater overall. There should be a provision within the policy to allow for such an eventuality, in order to maximise the potential of sites with co-location potential, and to not unduly restrict opportunities.

The policy is also inconsistent with NPL Policy E7 which does not require co-location schemes to be 'employment led'. Paragraph 6.7.1 of the NLP is clear that co-location proposals are encouraged to explore the potential to intensify industrial activities, this is not the same as 'employment led'. Accordingly, Policy ECY01 is not sound.

Continue on a separate sheet if necessary

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Policy ECY01 part g) should be amended as follows:

*g) Where co-location of residential uses is proposed in an LSIS the development should be employment-led ~~explore the potential to intensify or consolidate employment uses. and~~ The Agent of Change principle **should be used in favour of existing ~~and proposed~~ employment uses (including the potential to expand or modify over time)**. The introduction of residential uses into an LSIS should not prejudice ~~the LSIS its~~ ability to function as an employment area.*

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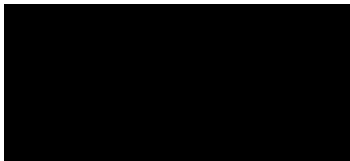
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Policy _____ Paragraph 9.7.6 _____ Figure/Table _____

Policies Map designation _____

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<p>Paragraph 9.7.6 is not sound because:</p> <ul style="list-style-type: none">a) It misunderstands the Agent of Change principle which is directed towards new residential development in proximity to nuisance-generating uses (to be retained), whereas co-location provides the ability to redevelop sites in a manner where uses can co-exist and be designed on that basis. The Agent of Change is not therefore a reason why any application for co-location in an LSIS must be employment led.b) NLP Policy E7 and its supporting text does not require co-location schemes to be 'employment led'. Paragraph 6.7.1 of the NLP is clear that co-location proposals are encouraged to explore the potential to intensify industrial activities, this is not the same as 'employment led'. <p>Accordingly, paragraph 9.7.6 is not sound as it is not justified or in accordance with the NLP.</p>
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Paragraph 9.7.6 should be amended as follows:

*Co-location of residential uses in a LSIS ~~can~~ **could** prove problematic for both the existing businesses and new residents in regards to impacts of noise, dust, operating hours as well as traffic vehicles manoeuvres and overall quality of amenity **if not designed appropriately**. The Agent of Change principle set out in the London Plan Policy D13 aims to protect the existing uses and prevent impacts on business operations in planning terms, however, this may not prevent the new residents from making complaints to Council and placing pressure on businesses to close or relocate. For these reasons any applications for co-location in an LSIS should be employment led²⁸ and **All co-location proposals in LSIS should therefore be masterplanned to ensure the employment and related activities are not compromised in terms of their continued efficient function, and the potential for the intensification of employment activities are fully explored**. The masterplan approach should demonstrate how a development will enable the continued functioning of the LSIS while delivering high quality residential accommodation that meets high quality design standards such as; triple glazed windows, careful consideration of siting of opening windows and balconies, the inclusion of air filtering mechanisms and high standards of sound insulation.*

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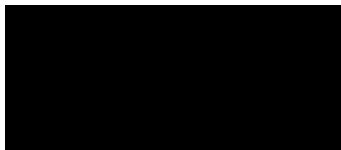
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Signature



Date 07/08/2021



Barnet Draft Local Plan
Publication Stage Representations Form

Ref: (For official use only)
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PART B - Your representation

Please complete a separate Part B for each representation and return along with a single completed Part A.

Question 1: To which part of the Local Plan does your representation relate?

Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.

Policy _____ Paragraph Glossary – Agent of Change Figure/Table _____

Policies Map designation _____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|--|------------------------------|--|
| a) Legally compliant | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| b) Sound | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.

Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan, or its compliance with the duty to co-operate, please also use this box to set out your comments.

The current definition for the Agent of Change lacks a crucial nuance. NLP Policy D13 states inter alia that 'B. Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them'. NLP Policy D13 is therefore clear that the Agent of Change principle addresses both the future as well as the current operation of sites such as the Garrick Industrial Centre (i.e. as it may evolve, with or without need for planning permission).

The definition set out in the BLP (Reg 19) Glossary is inconsistent with the NLP and is therefore unsound.

Continue on a separate sheet if necessary

Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Suggested modification:

*Agent of Change: Principle which places the responsibility of mitigating the impact of nuisances (including noise) from existing nuisance generating uses on proposed new development close by, thereby ensuring that residents and users of the new development are protected from nuisances, and existing uses are protected from nuisance complaints. **Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them. Similarly, any new nuisance-generating development, for example a music venue, will need to put in place measures to mitigate noise impacts on existing development close by.***

The text shown as struck through does not relate to the 'Agent of Change Principle'.

Continue on a separate sheet if necessary

Please note:

In your representation you should summarise succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

Question 5: If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing sessions?

Yes, I wish to participate in hearing session(s)

No, I do not wish to participate in hearing session(s) /
I am not seeking modification to the Plan

Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.

Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

To ensure our Client's position may be fully explained and understood.

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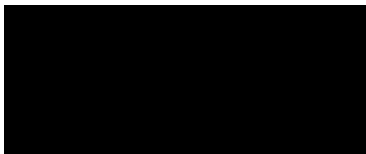
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Barnet Draft Local Plan
Publication Stage Representations Form

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PART B - Your representation

Please complete a separate Part B for each representation and return along with a single completed Part A.

Question 1: To which part of the Local Plan does your representation relate?

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Policy _____ Paragraph _____ Figure/Table _____

Policies Map designation _Map 40 – Garrick Industrial Estate_____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|--|------------------------------|--|
| a) Legally compliant | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| b) Sound | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.

Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan, or its compliance with the duty to co-operate, please also use this box to set out your comments.

Map 40 as shown on the Changes to the Policies Map (Reg 19) 2021, does not relate to the Garrick Industrial Centre. What is shown appears to relate to Granard Business Centre and is a duplicate of Map 42.

Map 40 therefore does not fulfil its legal requirements in showing the boundaries of the Garrick Industrial Centre LSIS and the Plan is therefore unsound on this basis.

Continue on a separate sheet if necessary

Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The error on Map 40 should be corrected to show the Garrick Industrial Centre LSIS boundary (as existing) and the proposed area of LSIS to be added.

Continue on a separate sheet if necessary

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