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| Meeting | Cabinet |
| Date | 17 July 2012 |
| Subject | Barnet's Local Plan – Core Strategy and Development Management Policies – Adoption |
| Report of Summary | <p>Cabinet Member for Planning</p> <p>The Local Plan is one of the most important statutory plans that must be produced for Barnet. The Core Strategy sits at the heart of the Local Plan and sets out where, when and how change will take place up to 2026. All other planning documents need to accord with its strategic direction and planning policies.</p> <p>The Development Management Policies (DMP) document sits beneath the Core Strategy. It sets out the borough-wide planning policies for implementing development. It forms the basis for decision making by planning committees and the planning service.</p> <p>The Core Strategy and DMP documents have, following an Examination in Public (EIP), been found sound, legally compliant and capable of adoption by an Inspector appointed by the Secretary of State. The Inspector's Report is binding upon the Council and therefore no further material changes can be made. Upon adoption these documents will replace 170 policies in the Unitary Development Plan (UDP) as the planning framework for Barnet.</p> |
| Officer Contributors | Director of Environment, Planning and Regeneration Assistant Director, Strategic Planning & Regeneration |
| Status (public or exempt) | Public |
| Wards affected | All |
| Enclosures | Appendix A: Inspector's Report for Core Strategy and |

Development Management Policies

Appendix B: Core Strategy – version for adoption

Appendix C Development Management Policies - version for adoption

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|--------------------------------------------------------------|-----------|
| For decision by | Cabinet |
| Function of | Executive |
| Reason for urgency / exemption from call-in (if appropriate) | N/A |

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1. RECOMMENDATIONS

- 1.1 That Cabinet approve the Local Plan Core Strategy Development Plan Document (Appendix B) and Development Management Policies Development Plan Document (Appendix C) for reference to the meeting of Council on September 11 2012 for formal adoption.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 On 7 September 2011 (decision 1388) the Interim Director of Environment, Planning and Regeneration in consultation with the Cabinet Member for Planning approved Pre Submission Amendments to the Development Management Policies document before submission to the Secretary of State.
- 2.2 On 10 August 2011 (decision 1387) the Interim Director of Environment, Planning and Regeneration in consultation with the Cabinet Member for Planning approved Further Pre Submission Amendments to the Core Strategy before submission to the Secretary of State.
- 2.3 On 12 April 2011 Council (Decision item 5.1.1) approved the Core Strategy and Development Management Policies documents for submission to the Secretary of State.
- 2.4 On 29 March 2011 Cabinet (Decision items 6a and 6b) approved the Core Strategy Pre-Submission Amendments and the Development Management Policies submission draft for public consultation and recommended that Council formally approve the documents for submission to the Secretary of State. It also delegated authority to agree any consequent changes to the two documents for consideration at the Examination in Public.
- 2.5 On 6 September 2010 Cabinet (Decision items 6 and 7) approved the Core Strategy – Publication Stage and Development Management Policies – Preferred Approach
- 2.6 On 21 October 2009 Cabinet (Decision Item 9) approved the Core Strategy – Direction of Travel.
- 2.7 On 22 April 2009 Cabinet (Decision Item 6) approved a request to the Secretary of State to issue a direction saving all the policies of the UDP other than those listed in the Appendix.
- 2.8 On 18 June 2008 Cabinet (Decision Item 7) approved Core Strategy Issues and Options.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 All three Corporate Plan 2012-13 priorities are embedded within the Core Strategy and DMP documents.

In providing better services with less money the two documents address need to: -

- make more efficient use of our community assets in order to improve service delivery. Further integration of services such as libraries and children's centres in 'hubs' is highlighted as the way forward
- establish the Community Infrastructure Levy (CIL) as replacement for S106 funding and set out evidence on infrastructure requirements in the Infrastructure Delivery Plan which will form basis for a CIL charging schedule

In sharing opportunities and sharing responsibilities the two documents address need to: -

- provide increased housing choice in mixed communities including extra care housing and the need for lifetime homes in order to promote independence and to support vulnerable adults;
- enable children and young people to develop skills and acquire knowledge to lead successful adult lives through our programme for improvements to the schools estate, provision of children's centres and commissioning of youth services;
- improve delivery of clinical care as well as targeting unhealthy lifestyles and tackling health inequalities;

In enabling Barnet to continue to be a successful London Suburb the two documents address need to: -

- protect and enhance our natural environment through provision of new improved, multi-functional and accessible green spaces.
- protect and enhance our suburban environment by ensuring development respects local context and distinctive local character.
- ensure economic prosperity and enterprise through a mix of compatible uses including retail, housing and affordable and flexible workspace for business is provided in vibrant town centres to create local employment opportunities;
- make Barnet a safer place and through our programme of town centre frameworks enhance our suburban town centres as places which engender civic pride and activity;
- develop a better understanding of how new and growing communities in the regeneration areas integrate cohesively and transform prospects to become thriving diverse neighbourhoods
- support GPs and the plans of NHS Barnet or successor body to deliver modern primary care
- protect Barnet's heritage through designation and management of conservation areas, and protection of listed buildings, locally listed buildings and areas of archaeological interest.

3.2 In March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF sets out the Government planning policies for England and how these are expected to be applied. The NPPF replaced 44 planning documents, primarily Planning Policy Statements (PPS) and

Planning Policy Guidance (PPG), which previously formed Government policy towards planning. The Core Strategy and DMP documents have been revised to reflect the NPPF. Revisions include renaming Local Development Frameworks as Local Plans and a new policy CS NPPF to support the new presumption in favour of sustainable development.

- 3.3 A new tier of neighbourhood planning has been introduced with the Localism Act which will empower communities to help shape their areas. The 34 policies in the Local Plan Core Strategy and DMP provide the boroughwide planning framework for managing change in Barnet. This is the starting point for neighbourhood planning. Any Neighbourhood Plans that come forward in Barnet should reflect these policies and neighbourhoods should plan positively to support the Local Plan.
- 3.4 The Sustainable Community Strategy 2010 - 2020 is the 'umbrella strategy' for the plans and strategies of key partners in Barnet. The Core Strategy reflects the vision for a successful London suburb with success founded on the borough's residents.
- 3.5 The Three Strands Approach sets out our approach to planning, development and regeneration over the next 15 years and is the Core Strategy priority spatial policy. The approach of protection of Green Belt and open spaces; enhancement of high quality suburbs, the historic environment and vibrant town centres; and management of targeted and consolidated housing growth in the pipeline in areas undergoing significant regeneration and strategic development provides the foundation for 'place shaping' Barnet.
- 3.6 The Core Strategy also reflects the spatial dimensions of the Children and Young People's Plan, Older People's Commissioning Strategy, Housing Strategy, Health and Well-being Commissioning Framework, Regeneration Strategy and the Safer Communities Strategy.

4. RISK MANAGEMENT ISSUES

- 4.1 As the UDP has become less relevant and ultimately outdated in the absence of a Local Plan replacement the Council's ability to justify and defend planning decisions including at appeal is weakened. Failure to adopt an up-to-date Local Plan which is consistent with the NPPF will hinder delivery of sustainable growth, proper planning of infrastructure and protection and enhancement of what makes Barnet distinctive as a place.
- 4.2 To minimise risk of High Court challenges on points of procedure the Council has demonstrated procedural compliance through assessment toolkits produced by the Planning Advisory Service.
- 4.3 Monitoring mechanisms make the Core Strategy and DMP living documents that are capable of being changed in part or in full. As part of an Annual Monitoring Report the performance of policies will be assessed and need for review identified against a background of any changing trends or assumptions behind our approach.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Core Strategy provides a high-level framework to help improve opportunities and quality of life. It ensures the delivery of community benefits including educational and healthcare facilities; a range and mix of housing including affordable housing; highways improvements; and open space provision for future and existing residents from all of Barnet's diverse communities. Any new buildings and public spaces within future development will be required to be compliant with disability legislation.
- 5.2 Both documents have been subject to an Equalities Impact Assessment which addresses the six questions for assessing equalities in the Corporate Plan and will ensure that policies developed and implemented through the Local Plan process contribute to improving the lives of local communities.
- 5.3 In order to understand the needs, aspirations and views of all of Barnet's diverse communities in producing the Core Strategy and Development Management Policies we ensured that consultation was as far reaching as possible. The Council produced a Consultation Statement when the documents were submitted to the Secretary of State setting out stages of engagement on the two documents. In an extensive three year period of consultation this included meetings of Barnet Civic Network, Citizens Panel, the Area Forums, the Federation of Residents Associations in Barnet and Barnet 55+ Forum.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 The cost of producing the Local Plan is included in the Environment, Planning and Regeneration Directorate's approved budget in 2012/13. The cost of ongoing monitoring of the implementation of the Core Strategy and DMP documents will be met from the same budget.
- 6.2 To support the EIP hearings in December 2011 an extensive document library was made available on the Council's website providing access to evidence underpinning the two documents. This is now being transferred to the new website so that planning customers can continue to utilise the information.
- 6.3 The Core Strategy has been subject to a Sustainability Appraisal (SA) to identify and minimise any potential harmful impacts of the policies and to maximise the beneficial impacts. The Inspector has endorsed the SA.

7. LEGAL ISSUES

- 7.1 To be sound Development Plan Documents (DPDs) should be positively prepared, justified, effective and consistent with national policy. At the EIP the Council proposed several modifications to address issues of soundness. On basis of these changes the Inspector considers both documents to be legally compliant with the requirements of Section 20(5) of the Planning &

Compulsory Purchase Act 2004 (as amended), the Town and Country Planning (Local Development) (England) Regulations 2012 and to meet NPPF criteria for soundness.

- 7.2 Following adoption of both documents by the Council an adoption statement is published making it possible for any aggrieved party to lodge an appeal to the High Court within 6 weeks of the date of adoption by virtue of section 113 of the Planning and Compulsory Purchase Act 2004. This statement is also sent to the Secretary of State who has the power under Section 21 (9) to direct changes to the Core Strategy and Development Management Policies
- 7.3 Upon adoption the Local Plan Core Strategy and Development Management Policies documents become statutory DPDs that provide part of Barnet's legal planning policy framework.

8. CONSTITUTIONAL POWERS

- 8.1 Submission and adoption of DPDs is the responsibility of Council as set out in the Constitution, Part 3 (Responsibility for Functions) Section 3 (Responsibilities of the Executive).

9 BACKGROUND INFORMATION

- 9.1 The Local Plan Core Strategy comprises the long-term spatial vision and strategic place-shaping objectives for Barnet. It sets out a spatial strategy, core policies, and a monitoring and implementation framework with clear objectives for delivery. It is intended that the Core Strategy will be kept under review and maintain a 15 year time-horizon. Barnet's Core Strategy has a baseline of 2011 and therefore looks ahead to 2026.
- 9.2 The Local Plan Development Management Policies document sets out the boroughwide planning policies that will implement the Core Strategy and will be used for day to day decision making by the Planning Service and for determinations by the planning committees. The document sets out the policy basis for delivering the Core Strategy. The policies will be kept under review in line with the monitoring framework also set out in the Core Strategy.
- 9.3 Barnet's planning strategy is to manage growth so that it meets needs for homes, jobs and services in a way that conserves and enhances the character of the borough. The Three Strands Approach of protection, enhancement and consolidated growth ensures that in consolidating planned and pipeline growth we can provide stronger protection for the suburbs, gardens and Green Belt and enhance our quality residential neighbourhoods and town centres. This is Barnet's place making strategy and is central to our thinking on sustainable development.
- 9.4 Through the Core Strategy we will concentrate and consolidate housing and economic growth in regeneration and development areas such as Brent Cross –Cricklewood, Colindale and Mill Hill East, providing opportunities for

development that help create a quality environment that will have positive economic impacts on surrounding neighbourhoods.

- 9.5 Through the Core Strategy we can also enhance our quality residential neighbourhoods and town centres in particular the priority ones of Chipping Barnet, Edgware, Finchley Church End and North Finchley where opportunities are being identified for private investment.
- 9.6 Barnet will grow in the next 15 years. The Core Strategy reflects known development opportunities as well as the need to address housing need at a local and Londonwide level. By 2026 Barnet's economic and housing growth is expected to consist of :
- 28,000 new homes,
 - Nearly 75,000 m2 (net) of new retail space across Barnet (including 55,000m2 in a new town centre at Brent Cross Cricklewood),
 - 370,000m2 of new office floorspace in a new office quarter at Brent Cross Cricklewood
- 9.7 With a housing target of 28,000 new homes by 2026 the Core Strategy considers that beyond 2021 the opportunities for housing development will diminish reflecting that Barnet's capacity is finite. Continued and unconsolidated growth will impact on the qualities of Barnet which we are seeking to protect and enhance.
- 9.8 The Examination in Public Hearings, which commenced on 6 December 2011 and lasted for five days provided the opportunity through round table discussions led by the Inspector to address particular subjects, such as planning for Barnet's town centres. At the EIP Hearings the Inspector highlighted a number of deficiencies (five main issues of soundness and one of legality as set out below at paras 9.9 to) in the submitted versions of both documents. These deficiencies were addressed by the Council in order to make the documents sound and legally compliant.

9.9 Brent Cross Cricklewood (BXC)

The spatial vision for BXC has developed over time. This includes the 2005 Area Planning Framework Supplementary Planning Guidance (SPG) prepared jointly with the Mayor of London, the 2006 UDP policies affirming the approach to managing development in BXC, the 2008 hybrid planning application accompanied by an Environmental Impact Assessment and the October 2010 planning permission with legal agreement which provides clear timescales for the discharge of its many conditions. A lawfulness challenge was made which questioned the reliance in the Core Strategy on retention of 13 saved UDP policies and the 2005 SPG as the planning framework for the BXC regeneration area. The soundness challenges to Barnet's approach on BXC advocated review of the planning framework to reflect current market conditions. The progress of the 2010 planning permission was also raised given the need to secure a compulsory purchase order (CPO) as was the error on the UDP Proposals Map with regard to land at Geron Way.

- **Barnet's EIP Modification** – The Council's modifications confirm that the framework for development in BXC will be reviewed if, at the end of 2014, the Phase 1 CPO for BXC regeneration proposals has not been made and submitted for confirmation. The effect of these modifications is to make more precise the date after which existing UDP policies covering the area are likely to be reviewed.
- **Inspector's Report** – The Inspector considered that the link to UDP policies in the Core Strategy together with the 2014 time limit clarified which policies will be used to determine planning applications that affect BXC regeneration in the short to medium term. He considers the BXC planning permission to represent a commitment to comprehensive development over a 20 year period. Therefore a major review of BXC at this stage has the potential to create uncertainty for this long term activity. The Inspector considered Barnet's approach to be a pragmatic response and stated that the North London Waste Plan (NLWP) is the document to allocate sites for waste management purposes.

9.10 Provision for Gypsies, Travellers and Travelling Showpeople

The Inspector considered at the EIP that Barnet's approach was not in line with national guidance and the London Plan which requires local authorities to make provision for potential need. He was also concerned that there needs to be a clearer policy to ensure the Council is able to effectively deal with an application for a gypsy or traveller site if it were to receive one

- **Barnet's EIP Modification** – Amendments have been made to the Core Strategy to conform with national guidance and the London Plan. This now provides a much clearer and more evidence based policy framework for assessing any future application were one to be submitted.
- **Inspector's Report** – The Inspector considers that Barnet's approach provides a framework that plans for unexpected demand and sets a target for provision of pitches and plots informed by the Londonwide Gypsy and Traveller Accommodation Needs Assessment. He supports sub-regional working to revise this target.

9.11 Provision of Affordable Housing

The Inspector questioned Barnet's interpretation of its evidence on affordable housing, the Affordable Housing Viability Study (AHVS), and considered that our approach (ie a 30% boroughwide target) is not in line with the London Plan which requires boroughs to seek to maximise their provision of affordable housing to help to meet London's housing needs. He also had concerns about the flexible approach to schemes between 10 and 15 units.

- **Barnet's EIP Modification** - Amendments have been made to the Core Strategy to reflect evidence on viability and requirements to address wider housing needs. This supports a move from a 30% affordable housing target to one of 40% on new housing development. However, the revised policy highlights that application of the 40%

target will be subject to financial viability. In order to reflect the London Plan and send out a clearer more realistic message on our affordable requirements the flexible approach to schemes between 10 and 15 units has been dropped.

- **Inspector's Report** – He concludes that, on the basis of new development being clearly required to deliver the maximum reasonable amount of affordable housing, together with the evidence base before him, a target of 40% appears soundly based. The AHVS recognises the difficulty in pursuing a higher target but advises that such challenges are not unique to Barnet especially in current economic conditions. The DMP satisfactorily sets out circumstances when a reduction in levels of contribution or in lieu contributions might be acceptable. The current Affordable Housing SPD further clarifies that where viability is an issue of contention, the Council seek to have negotiations including a review of exceptional costs and an 'open book' assessment of profitability.

9.12 Residential Conversions

The Inspector was concerned that our approach on restricting conversions from houses to flats is not in line with national guidance in terms of ensuring efficient use of land.

- **Barnet's EIP Modification** – In supporting text to DMP policy DM01 on Protecting Barnet's Character and Amenity we have clarified that conversions may be acceptable in more accessible locations provided that any external alterations seek to minimise their impact on the external appearance of the building and on local character.
- **Inspector's Report** – He considered that Barnet's desire to protect suburban residential character from conversions needs to be balanced as much of the housing stock is within 800m of a town or local centre and principal public transport corridors. Sites enjoying good access to services and a range of public transport options should generally be considered for more efficient and effective use reflecting the London Plan density matrix which acknowledges such sites as more likely to be urban rather than suburban in character with an expectation of higher dwelling density ranges. The Inspector endorsed Barnet's modifications as they state more positively the situations when flat conversions might be supported while at the same time retaining measures to protect residential quality consistent with the Three Strands Approach. Such alterations provide a level of flexibility in the application of DMP Policy DM01 which will assist in making more effective use of sites close to town centres. He highlighted that modifications do not remove the need for decision makers to have regard to character when assessing proposals and indeed would allow the Council or another decision maker to withhold permission if a flat conversion were considered to adversely affect character.

9.13 Residential Car Parking Standards

The Inspector was concerned that Barnet's approach to the provision of parking for one and two bedroom homes is not in line with London Plan parking standards and as a result the Mayor considers the DMP document not to be in general conformity.

- **Barnet's EIP Modification** - We have not amended DMP Policy DM17 on Travel Impact and Parking Standards but have reiterated that Barnet has particular needs for parking which differ from other London boroughs and have clarified that our standards are maximums
- **Inspector's Report** – He considers that London Plan Policy 6.13 indicates that parking standards **should** rather than **must** be applied locally. The Inspector recognised Barnet's substantial empirical evidence showing car parking demand in new developments and the consequences of providing inadequate parking. He further recognised the broad settlement pattern of Barnet and its separation by a swathe of Metropolitan Open Land / Green Belt. This pattern makes cross-borough movements difficult by public transport in contrast with other boroughs closer to central London. Difficulties of connectivity provide some justification for loosening of London Plan standards. He also highlighted that by contrast parking standards stricter than those in the London Plan will continue to be applied in BXC. Barnet's approach was considered to be both more restrictive in parts and marginally less restrictive elsewhere when assessed against the London Plan. He concluded that on balance, this approach is broadly consistent with the thrust of the London Plan which seeks to balance promoting new development against excessive subsequent car parking provision. He found the Council's localist approach in general conformity with the London Plan and, furthermore, one that is supported by the NPPF (para 39).

9.14 In conclusion the Inspector considered Barnet's approach to be pragmatic without being overly prescriptive or being read as giving the 'green light' to inappropriate development. He considered that it reflects the necessary balancing act that long term plans of this nature should adopt, including the need to build in an element of flexibility as well as the Council's obligations to determine planning applications in accordance with the development plan and other material considerations.

10. LIST OF BACKGROUND PAPERS

10.1 Core Strategy and Development Management Policies Examination Library

10.2 Anyone wanting to inspect these papers should contact Nick Lynch on 0208 359 4211.