

# Barnet Local Plan EIP – Note on Affordable and Market Housing

## Reason for producing this note

Day 3 (Thursday 22<sup>nd</sup> September) at the hearing session's, consideration of Matter 3 – Housing, Inspector Wildgoose requested provision of a note on affordable housing and market housing.

The Note should consider:

- MM25 and any further changes that may be required in those respects
- MM120 and any further changes that may be required in those respects
- Policy HOU01 - Cross-reference to London Plan. Including explanation of why Policy HOU01 may emphasise certain elements of London Plan Policies H4 and H5 over others
- Note in relation to approach intended in terms of habitable rooms and habitable floorspace with respect to Policy HOU01
- Clarification concerning First Homes, including potential modification to supporting text concerning the future approach to First Homes if not specifically addressed within policies of the Plan
- Build to rent, major development, MM17 and any further changes that may be required in those respects
- Reflecting on wording of Policy HOU01 and whether the policy approach should focus on compliance with the SHMA and the set-out criteria for exemptions to housing mix after it, including moving away from “innovative housing criteria” by being more specific on development where flexibility would be permissible
- Table / explanation providing guidance on what is meant by “basis of calculations for the affordable housing requirement” (Policy HOU01 current text) - focus to be on what Council will do with information provided (para 5.4.11)
- Modification concerning definition of affordable rent not being intermediate housing
- Inclusion of definition of “threshold” (Policy HOU01(c))
- Supporting text on Build to Rent – including consideration (with potential redraft) of approach to build to rent clarifying whether qualified and if so how
- Policy HOU02 – addition of criteria (g) (subject to other amendments)
- Policy HOU03 – clarification and / or explanation for 400m distance and the associated changes to PTAL
- Maps to be provided: 400m and 800m buffer zones, PTAL: when submitted and projections based on policy on position at end of Plan period

- Policy HOU03 – further explanation as to why “Original building” is appropriate rather than the building that exists at the time of an application (including any PD rights context).
- Policy HOU03 – Interaction between bedroom sizes, justification for use of “larger homes” terminology
- Policy HOU04 – specialist housing, Table 8, reflecting on approach to care homes (see 4.13.6 London Plan)
- Policy HOU04 – relationship with Policy CDH02 and M4(2) and M4(3) standards
- HMO, defining what concentrations may be harmful and how planning applications would be determined
- Student accommodation– drawing together progress on Hendon Hub and how feeds into delivery and identified needs together with clarification any other education projects elsewhere that may generate need for student accommodation in Barnet
- Student - viability study requirements – is there an unintentional omission in the Plan ?
- Policy HOU03 Part 4 – explain whether requirements set out in the supporting text relating to character and amenities and management plans justified and if so, why are they not included in the policy wording?
- Policy HOU04 – monitoring in terms of specialist older peoples housing. Can the Council clarify its approach in that respect and what action would be taken if the annual benchmark of units per annum were not achieved?
- Policy HOU05 – 1(a), (b) closed list. How will applications demonstrate compliance?
- Policy HOU05 – modification for supporting text suggested in Barnet hearing note (meanwhile uses)
- Policy HOU06 – policy correct in terms of Policy H11. Clarification on whether it has a purpose in that context or may need to be repurposed to assist re-structure of Policy HOU02.
- Self-build – further detail on need and provision of narrative in relation to self-build list. Clarification on what Barnet is trying to achieve.
- Check references to London Plan policies are accurate throughout

## **Background**

The Council has adopted a positive approach to addressing housing needs and delivering the right homes in the right places at the right time. This is expressed in a suite of seven policies that focus on delivering homes in the Borough. Policy HOU07 – Gypsies, Travellers and Travelling Showpeople is addressed in a separate note.

In producing these policies, as well as making further modifications to them, the Council has worked to ensure broad consistency with strategic policies within the London Plan.

In delivering affordable new homes for Barnet the Council has endeavoured to produce policy that sits within the parameters of London Plan policies H4, H5 and H6. The Council wants to ensure that Barnet's affordable housing policy helps deliver the right affordable housing products and maximises the number of affordable homes in schemes.

The Council have set out a preferred housing mix, a mix that is intended to avoid the Borough getting the wrong homes in the wrong locations at the wrong time. Aligned with this approach is a policy that seeks to more effectively manage the existing stock, with particular regard to family houses.

The Council also recognises in the Local Plan the needs for more specialist accommodation for people who have social care and health support needs, students, people who cannot access affordable self-contained housing and those who choose to live in purpose built shared living accommodation. It's important to ensure that such accommodation meets needs and that it is delivered in the right locations.

The Council also wants to ensure that the housing stock is managed well and used efficiently, that homes are not left empty for longer than is necessary when there is such a great demand for housing and that opportunities for meanwhile uses are realised in empty buildings or on land awaiting development over the longer term. As part of its management of the housing stock the Council sets out the circumstances when loss of residential accommodation may be acceptable.

The Council considers that in order to build the new homes that are needed across the Borough the range of options needs to be widened and the Local Plan needs to demonstrate its support for this diversification of supply. This also includes Build to Rent and opportunities for Self-Build and Custom Housebuilding.

Following submission of the Barnet Local Plan in November 2021 the Council in June 2022 produced a table of proposed modifications (EXAM 4). This document was produced after consideration of the Reg 19 soundness representations received, together with subsequent discussions with parties on the drafting of Statements of Common Ground. EXAM 4 includes proposed modifications to policies and supporting text pertaining to retail and other main town centre uses. These proposed modifications were considered during the examination hearing session where Matter 3 was discussed. However, in the light of that discussion and the requests made by Inspector Wildgoose for further clarification, explanation and justification of the matters detailed in this note, the Council now proposes a series of additional further modifications as set out below.

The following format has been used in this Note to denote further proposed modifications to the submission version of plan as revised by the proposed modifications listed in EXAM 4.

~~Strikethrough text~~ to indicate text proposed for removal.

Underlined text to indicate additional text.

## Consideration

### Point 1 - MM25 – Growth and Spatial Strategy (para 4.4.5)

The Council has reconsidered this Proposed Modification to para 4.4.5 with regards to making a clearer connection with meeting the Borough's objectively assessed housing need which is set out in Table 4

~~4.4.5~~ Barnet therefore proposes to meet and then exceed the London Plan target of 35,460 new homes over the Plan Period up to 2036, while providing a supply of sites to meet the Borough's objectively assessed need for up to 44,000 new homes with a strategic target that 50% of these new homes are affordable. ~~In meeting this targets and delivering the right homes in the right places, the Council will seek support to boost delivery from the Government and Homes England, as well as the Greater London Authority, through funding streams such as the Home Building Fund and Good Growth Fund.~~

### Pont 2 - MM120 – Policy HOU01 – Affordable Housing

The Council acknowledges the benefits of having a clear, concise and unambiguous policy on affordable housing, one that is consistent with the detailed policies on affordable housing within the London Plan. Accordingly it has reviewed other recently adopted local plans in London and their policies on delivering affordable housing.

Within these parameters the Council therefore considers that MM120 should be withdrawn and that Policy HOU01 is rewritten as follows

#### HOU01

~~Within the context of a strategic London Plan target of 50% of all new homes to be affordable the Council will seek a minimum of 35% affordable housing from all developments of 10 or more dwellings.~~

The Council will seek to maximise delivery of affordable housing in accordance with the London Plan.

The strategic target is for 50% of all new homes delivered across the Borough to be genuinely affordable. This is in accordance with London Plan Policy H4 – Delivering Affordable Housing and the specific measures set out in Policy H4A to achieve this aim.

In Barnet the strategic affordable housing target that will apply is 50% of new homes in the period to 2036. The Council will apply the Threshold Approach to Applications set out in Policy H5 of the London Plan.

~~For all schemes, the basis of calculations for the affordable housing requirement will relate to the number of habitab~~

~~le rooms or the habitable floorspace of the residential development.~~

In accordance with pPolicy H6 of the London Plan, Barnet's affordable housing tenure split, ~~will expect~~ to be applied to major developments:

- a) ~~60%~~ per cent Low-Cost Rented homes, as either Social Rent or London Affordable Rent, allocated according to need and for Londoners on low incomes and;
- b) ~~40%~~ per cent Intermediate products which meet the definition of genuinely affordable housing, including London Living Rent, affordable rent and London Shared Ownership.

The Council will expect Build to Rent developments to provide affordable housing in accordance with London Plan Policy H11.

The Council will:

- c) ~~Assess the capacity of sites under the threshold to ensure development is optimised at an optimum capacity;~~
- d) ~~Expect affordable housing to be delivered on the application site. Off-site provision or a cash in lieu contribution will only be accepted in exceptional circumstances;~~
- e) ~~Require an appropriate housing mix in accordance with Policy HOU02. Innovative housing products that meet the requirements of this Policy will be supported, including approaches that set aside a proportion of homes for critical key workers (as defined by Government<sup>10</sup>) on land owned by Government departments and agencies.~~

On Housing Estates (Policy GSS10) the Council will generally seek to replace existing affordable housing ~~whilst considering~~ subject to the specific circumstances of each site. The Council will facilitate the right of return for existing social rent tenants from estates into new social rent accommodation. Otherwise the Council will provide the new affordable accommodation as Affordable Rent

~~With regards to applications for Vacant Building Credit the Council will expect all of the following criteria to be met:~~

- ~~• the building is not in use at the time the application is submitted;~~
- ~~• the building is not covered by an extant or recently expired permission;~~
- ~~• the site is not protected for alternative land use; and~~
  - ~~• the building has not been made vacant for the sole purpose of redevelopment.~~

and any further changes that may be required in those respects

#### **Other changes to HOU01 and supporting text**

- **HOU01(c)** – wording improved to ensure development is optimised
- **Innovative Housing Products** – The Council acknowledges that, in the absence of a local definition of what an Innovative Housing Product is, this section should be deleted. The Plan supports housing products where they are compatible with optimising the use of land and facilitate the delivery of housing to meet needs in each tenure.

- Para 5.2.1 With Barnet's population continuing to grow, housing demand remains high. This is within a challenging financial environment for a Borough where regeneration and growth need to be delivered in a responsible and sustainable way. To support safe, strong and cohesive communities and improve the quality of housing in Barnet, the Council needs to ensure that a range of choices is available, with a variety of sizes and types of accommodation to meet the aspirations of residents and increase access to affordable, good quality homes. This includes building new homes and supporting new products where they are optimising the use of land and helping to deliver housing to meet needs in each tenure. It also means, ~~as well as~~ protecting the existing dwelling stock for those whose needs are changing, such as families seeking larger dwellings, or homes for smaller households including older people who want to downsize and move to housing that can help meet care and support needs. Barnet's demographic profile shows an increasing proportion of younger and older residents, this Plan therefore seeks to understand their needs and ensure that this is reflected in policy.
- MM116 helps to emphasise delivery of homes for essential local workers.
- **Vacant Building Credit** – References to how the Council will assess Vacant Building Credit were added to the Local Plan to reflect the Draft London Plan (Policy H9 – Vacant Building Credit). The London Plan Examination in Public: Panel Report October 2019 recommended (para 236) that this policy be deleted as it was inconsistent with national policy on Vacant Building Credit and that departure from national policy was not justified with sufficient evidence. The Council has no local evidence to justify departure from national policy on Vacant Building Credit and therefore proposes to delete para 5.4.12 and reference to Vacant Building Credit within HOU01.
- MM117 (para 5.4.10) – additional clarification provided on the 50% requirement on publicly owned land – new text in bold  
5.4.10 Barnet's strategic affordable housing target of 50% of all new homes to be affordable, with a minimum requirement of 35% (or 50% on publicly owned land unless there is a portfolio agreement with the Mayor of London) is consistent with the London Plan. In particular London Plan Policy H5 which requires that applications must meet all the following criteria: 1) meet or exceed the relevant threshold level of affordable housing on site without public subsidy; 2) be consistent with the relevant tenure split (London Plan Policy H6 Affordable Housing Tenure); 3) meet other relevant policy requirements and obligations to the satisfaction of the Borough and the Mayor where relevant; and 4) demonstrate that they have taken account of the strategic 50% target in London Plan Policy H4 Delivering Affordable Housing and have sought grant to increase the level of affordable housing. Including the Mayor's 50% target for publicly owned land (unless a portfolio approach has been agreed with the Mayor), any deviation from the minimum 35% provision that is not consistent with the required tenure mix will need to be fully justified through a policy compliant viability assessment.

### **Point 3 - Policy HOU01 - Cross-reference to London Plan. Including explanation of why HOU01 may emphasise certain elements of London Plan Policies H4 and H5 over others**

The Council has revised Policy HOU01 to emphasise that it will seek to maximise delivery of affordable housing in accordance with London Plan policy. The Council considers that with this more concise policy specific references to London Plan policies H4 – Delivering Affordable Housing and H5 Threshold Approach to Applications are particularly merited.

### **Point 4 - Note in relation to approach intended in terms of habitable rooms and habitable floorspace with respect to Policy HOU01**

Reference has been removed from Policy HOU01 as the London Plan states at para 4.5.3 that - *The percentage of affordable housing on a scheme should be measured in habitable rooms to ensure that a range of sizes of affordable homes can be delivered, including family-sized homes. Habitable rooms in affordable and market elements of the scheme should be of comparable size when averaged across the whole development. If this is not the case, it may be more appropriate to measure the provision of affordable housing using habitable floorspace. Applicants should present affordable housing figures as a percentage of total residential provision in habitable rooms, units and floorspace to enable comparison.*

Supporting text to Policy HOU01 at para 5.4.11 revised to make cross-reference to London Plan para 4.5.3.

~~5.4.11 For all schemes to ensure that a range of affordable homes can be delivered, the basis of calculations for the affordable housing requirement will relate to the number of habitable rooms or the habitable floorspace of the residential development. In schemes where the affordable housing categories involve dwellings with more habitable rooms per dwelling than market provision, or different sizes of habitable rooms within different tenures, it is more appropriate for the calculation of the affordable housing proportion to be in terms of habitable floorspace. Applicants should therefore present affordable housing figures as a percentage of total residential provision in habitable rooms, units and floorspace to enable comparison. The Council expects that the percentage of affordable housing on a scheme should be measured in habitable rooms to ensure that a range of sizes of affordable homes can be delivered, including family-sized homes. Habitable rooms in affordable and market elements of the scheme should be of comparable size when averaged across the whole development. If this is not the case, it may be more appropriate to measure the provision of affordable housing using habitable floorspace. Applicants should present affordable housing figures as a percentage of total residential provision in habitable rooms, units and floorspace to enable comparison. This requirement is consistent with London Plan (para 4.5.3).~~

5.4.11A The Council supports housing products where they are compatible with optimising the use of land and facilitate the delivery of housing to meet needs in each tenure. Minimum residential space standard requirements based on the minimum gross internal floor area (GIA) relative to the number of occupants apply to all new residential development. The Council expects these standards to drive

innovation in the design of new homes that respond to housing needs in the Borough.

**Point 5 - Clarification concerning First Homes, including potential modification to supporting text concerning the future approach to First Homes if not specifically addressed within policies of the Plan**

The Council refers to the GLA Practice Note on First Homes [first homes planning practice note .pdf \(london.gov.uk\)](https://www.london.gov.uk/infrastructure/planning/practice-note/first-homes) . It therefore does not propose to reference First Homes within HOU01, however it proposes a new bullet point in supporting text at para 5.4.3 –

5.4.3 First Homes – these are a type of discounted market sale (DMS) housing introduced by national planning policy as a product that meets the definition for affordable housing set out in Annex 2 of the NPPF. As a DMS product First Homes falls within the category of intermediate housing where it meets national and Mayoral affordability and eligibility criteria. The Council supports the approach set out in the London Plan. London Plan Policy H6 does not preclude the delivery of DMS homes as part of the intermediate affordable housing component, however it does not contain a specific requirement for First Homes or DMS products and does not allow for the prioritisation of First Homes above the tenures set out in Policy H6.

**Point 6 - Build to rent, major development, MM117 and any further changes that may be required in those respects**

The Council refers to the changes at HOU01 with regards to Build to Rent and cross reference to London Plan Policy H11. Reference is made to major development rather than '10 units or more'. An addition has been made to MM117 with regards to portfolio agreements.

**Point 7 - Reflecting on wording of Policy HOU01 and whether the policy approach should focus on compliance with the SHMA and the set-out criteria for exemptions to housing mix after it, including moving away from “innovative housing criteria” by being more specific on development where flexibility would be permissible.**

The Council has incorporated a reference to Build to Rent as a specific form of housing and has removed reference to Innovative Housing Products from HOU01. The reasons for moving away from undefined 'innovative housing products' are set out at Point 2. Policy retains requirement for 'an appropriate housing mix in accordance with Policy HOU02. The revisions to Policy HOU02 establish how the objectively assessed need identified by the SHMA sets the basis for identifying an appropriate housing mix.

**Point 8 - Table / explanation providing guidance on what is meant by “basis of calculations for the affordable housing requirement” (Policy HOU01 current text) - focus to be on what Council will do with information provided (para 5.4.11)**

The Council has removed this section from HOU01 as it is covered in detail in the London Plan. A cross reference at para 5.4.11 will be added as set out above.



### **Point 9 - Modification concerning definition of affordable rent not being intermediate housing**

Policy HOU01 has been revised to show 'affordable rent' as an intermediate form of housing

### **Point 10 - Inclusion of definition of "threshold" (Policy HOU01(c))**

Revision to Policy HOU01 makes cross reference to London Plan Policy H5 Threshold Approach to Applications which applies to major development proposals. Major development is defined in the NPPF.

### **Point 11 - Supporting text on Build to Rent – including consideration (with potential redraft) of approach to build to rent clarifying whether qualified and if so how**

Revision to Policy HOU01 makes cross reference to London Plan Policy H11 – Build to Rent. The Council refers to Point 27 with regards to proposed modifications on Build to Rent.

### **Point 12 - Policy HOU02 – Housing Mix - addition of criteria (g) (subject to other amendments)**

The Council acknowledges the benefits of having a clear, concise and unambiguous policy on housing mix. In reflecting on HOU02 the Council has reviewed other recently adopted local plans in London and considered their policies on delivering an appropriate housing mix. The Council seeks to make more effective use of Table 6 in clearly showing dwelling size priorities.

#### **HOU02**

~~In order to deliver safe, strong and cohesive mixed and inclusive neighbourhoods the Council will support proposals development should which provide a mix of dwelling types and sizes to help meet current and future housing needs. in order to create sufficient choice for a growing and diverse population across all households in the Borough.~~

~~In protecting existing housing stock across Barnet the Council will manage the conversion of residential dwellings through Policy HOU03.~~

~~The Council's Barnet dwelling size priorities are set out in Table 6: All housing schemes are expected to include a proportion of family sized homes and reflect these dwelling size priorities unless it can be robustly demonstrated that a variation to the preferred mix is justified~~

~~a) For market homes for sale and rent – 3 bedroom (4 to 6 bedspaces) properties are the highest priority, homes with 2 (3 to 4 bedspaces) or 4 bedrooms (5 to 8 bedspaces) are a medium priority.~~

~~b) For Affordable Homes (see Policy HOU01 and supporting text):~~

~~i. the smallest 2 bedroom property in this tenure is required to provide a minimum of 4 bed spaces in accordance with the residential space standards in Table 9~~

~~ii. 2 and 3 bedroom properties are the highest priority for homes at Low Cost Rent.~~

~~iii. 3 bedroom properties are the highest priority for homes at a London Living Rent.~~

~~iv. 2 bedroom properties are the highest priority for homes at an Affordable Rent / Low Cost Home Ownership.~~

~~These dwelling size priorities will be subject to periodic review and update when new assessments of housing need are commissioned.~~

~~Through the Authorities 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.~~

In applying the preferred housing mix the Council will consider the following criteria:

~~e) a) Site size, surrounding context (including town centre location), PTAL and character;~~

~~e) b) Mix of uses;~~

~~e) c) Range of tenures;~~

~~d) provision of Build to Rent and~~

~~f) d) Potential for custom-build and community led schemes.~~

~~The Council acknowledges that for Specialist Housing schemes supported by Policy HOU04 there may be a need for greater flexibility~~

~~Innovative housing products that meet the requirements of this Policy will be supported.~~

- Other resulting amendments from HOU02
- Revise para 5.5.4 to reflect deletion of reference to innovative housing products from HOU02. As highlighted above in the absence of a local definition of what an Innovative Housing Product is, this section should be deleted. Sentence added to reflect consideration of specialist housing.

5.5.4 With high levels of planned housing growth and a changing population a key concern for the Council is that residents are able to secure access to the right accommodation in the right place. It is important that the size and mix of the new homes delivered will reflect the changing demographic and economic make-up of Barnet providing opportunities to increase as well as down-size. In getting it right the Council will consider a range of issues including site size, surrounding context (including town centre location), as well as PTAL and character. Other factors to consider are the proposed mix of uses, the range of housing tenures and any potential for custom-build and community led schemes. ~~Innovative housing products that are in line with Policy HOU02 will normally be supported.~~ Specialist Housing schemes supported by Policy HOU04 will need to be given greater flexibility with regards to the application of the dwelling mix.

Add new para 5.5.4A clearly stating how proposals for Build to Rent schemes will be considered

5.5.4A The Council in supporting Build to Rent expects such developments to provide real housing choice as a successful tenure. It acknowledges that the distinct economics of Build to Rent can be impacted by increases in the number of large units within a scheme. In applying HOU02 to Build to Rent proposals the Council will consider the demand for new rental stock in

accessible locations where Build to Rent is particularly well suited. This demand is typically much greater for one and two beds than in other tenures.

Revise para 5.5.5 to emphasise that the number of bedspaces (in accordance with Table 9) will be a consideration of the dwelling mix. Also a minor clarification in last sentence.

5.5.5 According to the Authorities Monitoring Report (AMR) one and two bedroom homes remain the dominant type of accommodation delivered in Barnet, accounting for 78% of new homes overall and 86% of flats. In the past a family property would traditionally consist of three bedrooms or more. Many families now live in two bedroom accommodation. Table 9 sets out minimum space requirements including bedrooms, bedspaces and built in storage space for all new self-contained accommodation. Well-designed two bedroom properties of between 70m<sup>2</sup> and 79m<sup>2</sup> gross internal floor area can now be considered as family homes as they are capable of accommodating 4 bedspaces. In assessing the size of new homes the AMR will reflect the number of bedspaces as well as bedrooms ~~homes~~.

- Delete para 5.5.9. This para refers to the Article 4 Directions to better manage permitted development from commercial to residential. It also referred to the Council considering further Article 4 Directions because of concerns about substandard residential accommodation arising from permitted development rights. As the Article 4 Directions expired on 31<sup>st</sup> July 2022 the Council proposes to delete this para.
- Revise para 5.5.10 to reflect deletion of references to periodic review of dwelling size priorities in HOU02

The Mayor's Strategic Housing Market Assessment (SHMA) 2017 highlights that one bedroomed units are the largest requirement for market as well as social rented housing in London. This contrasts with the findings of Barnet's SHMA published in 2018. On the basis of evidence on recent household formation, in-migration, out-migration and projected household dissolution the Barnet SHMA has identified housing mix requirements by dwelling size and tenure type ~~over the next five years for the Borough~~. The dwelling size priorities will guide the mix of housing sought across Barnet and provide a basis for determining the mix of homes on individual sites. ~~These priorities will be subject to periodic review and update when new assessments of housing need are commissioned.~~

- Revise para 5.5.11 to reflect deletion of HOU02(a) and HOU02(b) . The Council has highlighted the merits of having a clear, concise and unambiguous policy on housing mix and seeks to make more effective use of Table 6 (which is based on Figure 35 in Barnet's SHMA) in clearly showing dwelling size priorities. It considers that the proposed modifications to HOU02 and the removal of a range of dwelling size priorities for different affordable

homes products will strengthen the policy on dwelling mix, helping to provide a focus on priorities across all tenures. Priorities for getting the right size of affordable homes remain a material consideration and are now reflected in supporting text at para 5.5.11. As a consequence of the proposed modifications to HOU02 the Council proposes to delete the further tenure breakdown for affordable housing tenures provided by Table 7 (which is based on Figure 36 in Barnet's SHMA).

Table 6 shows a particular need for 2-, 3- and 4-bedroom properties across all tenures. There is a significant need for family sized housing to be provided as part of any market housing mix. Barnet's SHMA highlighted that for low cost rent and intermediate affordable housing products the greatest needs (in terms of dwelling size) was for 2 and 3 bedroom properties. Around 70 per cent of the need for affordable homes in Barnet is for 2 and 3 bedroom properties. This is slightly more than for same sized market homes. Barnet's SHMA highlighted that the smallest element of need across market and affordable housing was for houses with 5 bedrooms or more. ~~Table 7 provides a further tenure breakdown by size. This covers low cost rent (households who cannot afford London Living Rent) and intermediate housing (London Living Rent and Affordable Rent) as components of affordable housing. Households that can afford Affordable Rent are also more able to access Low Cost Home Ownership products such as shared ownership.~~

**Point 13 - Policy HOU03 – clarification and / or explanation for 400m distance and the associated changes to PTAL with maps of 400m and 800m buffer zones, PTAL: when submitted and projections based on policy on position at end of Plan period**

The Council acknowledges that HOU03(a) and MM122 are not consistent with London Plan Policy H1 – Increasing Housing Supply which seeks, amongst other things, to optimise capacity on 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 considers that justification for the 400 metre distance and the high PTAL of 5 or more within the Residential Conversions Study (EB\_H\_09) was not sufficiently robust. In the light of the inspectors' comments, the Council has carefully considered if HOU03 (in particular criteria a)) is sufficiently clear to be effective. As part of this reconsideration the Council has revisited 400 and 800 metre boundaries (see Appendix A of this Note) around town centres together with Borough maps of existing and future PTAL (Appendix B).

The Council has also assessed borough Local Plans adopted since March 2021 when the London Plan was published. These Local Plans are: LB Brent (Feb 2022); LB Havering (November 2021); Lambeth (Sept. 2021) and Southwark (Feb 2022). The Council notes that none of these local plans make reference to the 800 metre distance and nor do they propose an alternative more locally specific distance.

The Council also acknowledges that HOU03(a) is unclear as to where the walking distance should be measured from (it should be the town centre boundary). Also it is realised that measuring a walking distance from the boundary of the town centre is

more problematic than simply assessing the PTAL score for a site. The Council therefore proposes to delete criterion (a) of policy HOU03, and amend the policy to refer to areas with a PTAL of 3+ in accordance with policy H1 of the London Plan.

#### **Policy HOU03(a)**

To manage effectively housing growth and ensure that residential conversions do not have a detrimental impact on the character and amenity of local areas, the Council, in locations that have a PTAL of 3 or more, will allow permit conversion of larger homes into smaller self-contained residential units (C3) where all of the following apply in the following circumstances :

~~a) a) It is located within 400 metres walking distance of a major or district town centre (in accordance with Policy TOW01) or it is located in an area with a PTAL of 5 or more~~

#### **Point 14 - Policy HOU03 – further explanation as to why “Original building” is appropriate rather than the building that exists at the time of an application (including any PD rights context).**

The Council considers that there are merits in further explaining the footnote MM124 what the original Gross Internal Floor Area is.

The original gross internal floor area is the size of a property that exists on a site at the time of an application as it was first built, i.e. without any extensions or alterations.”

The Council considers that ‘original building’ has been accepted in recently adopted local plans :

at LB Havering - Policy 9 Conversions and subdivisions which states :

Proposals for conversion to residential use and subdivision of existing residential properties to self contained homes in Havering will be supported where it can be demonstrated that:

There is no conflict with surrounding uses;

The existing house being subdivided has no less than 120 sq m of **original floor space**, including internal circulation, and the subdivision would provide a minimum of one family unit of 3 or more bedrooms;

at LB Lambeth - Policy H6: Residential conversions which states :

A. To ensure mixed and balanced communities with a choice of family-sized housing and to manage the cumulative effects of residential conversions on environmental quality and local amenity, the council will protect dwellings suitable for occupation by families of less than 130m<sup>2</sup> **(as originally constructed)** from conversion into flats.

B. Where a dwelling has a floor area **(as originally constructed)** of at least 130m<sup>2</sup>, conversion of the property into self-contained units may be acceptable provided:

#### **Point 15 - Policy HOU03 – Interaction between bedroom sizes, justification for use of “larger homes” terminology**

The Council has stated at para 5.5.5 that well designed 2 bedroom properties of between 70m<sup>2</sup> and 79m<sup>2</sup> can now be considered as family homes as they are capable of accommodating 4 bedspaces. The Council, on reflection, considers removal of a specific reference to floorspace is merited and that reference should be made to bedspaces rather than bedrooms. Reference to 'larger homes' is also deleted. This helps to ensure consistency with para 5.5.5 and make HOU03 more effective to implement. This policy will apply to existing dwellings (with an original GIA of 130m<sup>2</sup> or more) such as houses, purpose-built maisonettes or ground floor flats. The Council has reviewed recently adopted local plans at LB Brent (BH11- Conversion of Family Sized Dwellings) and LB Lambeth (Policy H6: Residential conversions) and has reconsidered access to a garden. Supporting text for policies in these boroughs on conversions have highlighted that unconverted dwellings will have ground-floor access to a rear garden. On that basis access to a rear garden has been reinserted and reference to 'appropriate amenity space' removed. This means that MM123 is withdrawn.

### **HOU03(b)**

b) The conversion provides at least one ~~one larger~~ family sized home of ~~74 m<sup>2</sup> or more (gross internal floor area)~~ and capable of providing ~~3 bedrooms~~ 4 bedspaces, with direct access to ~~appropriate amenity space~~ a rear garden

- **Other Resulting Amendments from HOU03**

Revise para 5.6.6 to reflect changes to HOU03

Para 5.6.6 Areas around Barnet's Town Centres and places with a PTAL score of 5 or more are the preferred locations where conversions are considered appropriate.

### **Point 16 - Policy HOU04 – specialist housing, Table 8, reflecting on approach to care homes (see para 4.13.6 London Plan)**

The Council considers that HOU04 reflects its corporate priorities of providing specialist housing with particular regard to housing choices for older people, vulnerable people and people with disabilities. The corporate approach to residential care provision remains as set out in Section 5.11. Figures on care home provision in para 5.11.3 will be updated.

The Council acknowledges that the reliance of HOU04 on Table 8 – Additional modelled demand for Older Persons Housing up to 2036 is inconsistent with London Plan Policy H13 – Specialist Older Persons Housing which does not apply to residential care homes as clarified by para 4.13.4 of the London Plan. states that boroughs should take account of local housing needs information including data on the local type and tenure of demand. The Council therefore proposes to delete Table 8 and para 5.10.6.

The Council also acknowledges that Policy HOU04 could be better set out and together with proposed changes set out above suggests the following minor revisions:

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

The Council will support proposals for people with social care and health support needs which should:

- (a) ~~In~~ meeting an identified need and help people to live independently;
- (b) ~~d~~Deliver specialist older persons housing as guided by the ~~as~~ defined by London Plan Policy H13, and meet the indicative benchmark of 275 new specialist older persons homes per annum and the tenure priorities set out in Table 8;
- (c) ~~d~~Demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area;
- (d) ~~Be~~ are within 400m walking distance of local shops and easily accessible by public transport;
- (e) ~~P~~provide adequate communal facilities including accommodation for essential staff on site;
- (f) ~~d~~Deliver affordable and accessible accommodation in accordance with London Plan policies H4, H5 and D7;
- (g) ~~s~~Support the remodelling of residential care homes to other forms of special accommodation in order to widen housing choice, support healthy and independent lives and to reduce over supply; and
- ~~(g)~~ (h) ensure that vulnerable residents benefit from housing choice; and
- (i) ensure that additional residential care home provision is only supported when evidence of local need can be demonstrated

### **Point 17 - Policy HOU04 – relationship with Policy CDH02 and M4(2) and M4(3) standards**

The Council has added a final sentence to HOU04 to emphasise the importance of meeting the requirements of Policy to CDH02

All specialist housing proposals will be expected to meet the requirements of Policy CDH02 – Sustainable and Inclusive Design with regards to accessible and adaptable buildings as well as wheelchair user dwellings.

### **Point 18 - HMO, defining what concentrations may be harmful and how planning applications would be determined**

The Council has had regard to measures in other recently adopted local plans to help define a concentration of HMOs. The Council considers the measure set out by LB Lambeth (para 5.76) in its recently adopted local plan (Sept 2021) to be concise and effective. It will add the following text as 2<sup>nd</sup> sentence of para 5.12.6.

#### Para 5.12.6 – new 2<sup>nd</sup> sentence

To avoid harmful over-concentration, new uses of this nature should generally be located at least 150 metres away from similar premises (measured by walking distance at street level).

### **Point 19 - Student accommodation– drawing together progress on Hendon Hub and how feeds into delivery and identified needs together with clarification any other education projects elsewhere that may generate need for student accommodation in Barnet**

The Council refers to the Strategic Sites Delivery Technical Paper (EXAM 9) and the Note arising from Matter 10 – Site Allocations for progress on the Hendon Hub. This amounts to 565 student units from 21/4709/FUL and 21/4722/FUL. Middlesex University accounts for local needs for student accommodation in Barnet. New student accommodation (662 student units) is being provided as part of residential development at Brent Cross Town. This is by an independent provider.

The overall strategic requirement for Purpose Built Student Accommodation (PBSA) in London has been established through the work of the Mayor's Academic Forum (EB\_H\_16), and a requirement for 3,500 PBSA bed spaces to be provided annually over the London Plan period has been identified (see para 4.15.2 of the London Plan). New accommodation at Brent Cross Town would serve local as well as strategic needs for student accommodation.

**Point 20 - Student - viability study requirements – is there an unintentional omission in the Plan?**

The Council consider that the issue of student accommodation viability has been addressed by the Viability Study. The Council refers to Table 4.16.1 that makes reference to BCIS build costs for student accommodation. Appendix 6 of the Study covers site details and appraisal inputs for all Local Plan proposals in Annex 1 including proposal sites 35 (Ravensfield House – Middlesex University) and 39 (Ushers Hall – Middlesex University). These are both student housing schemes and incorporate affordable housing (and other emerging plan policies). Viability varies, depending on the Benchmark Land Value (BLV) which the schemes are tested against. When tested with BLV 3 and 4, up to 50% affordable housing would be viable.

**Point 21 - Policy HOU04(4) – explain whether requirements set out in the supporting text relating to character and amenities and management plans justified and if so, why are they not included in the policy wording?**

The Council will consider proposals for Purpose Built Shared Living Accommodation in accordance with London Plan Policy H16 Large-scale purpose-built shared living. Although this detailed strategic policy covers management plans it does not address the Council's specific requirements in terms of [appropriately mitigating potential harm to residential amenity](#). The Council therefore proposes the following

**HOU04 (4) Purpose Built Shared Living Accommodation**

~~Any p~~Proposals for large-scale purpose-built shared living accommodation will be expected to demonstrate how they are meeting an identified housing need and contribute to safe, strong and cohesive neighbourhoods. Proposals will be expected to meet all criteria in London Plan Policy H16 H18 Large-scale purpose-built shared living and the following Barnet specific requirements demonstrate how they are meeting an identified housing need and provide a management plan that, to the satisfaction of the Council, will appropriately mitigate potential harm to residential amenity.

On the basis that HOU04(4) is revised the Council proposes that para 5.14.2 is changed as follows :



Para 5.14.2 Proposals for large-scale purpose-built shared living developments are more likely to come forward as an alternative to sharing a flat or house. Such developments in planning terms are Sui Generis ~~non self-contained market housing~~. The Council will ~~only~~ support such proposals only when it is demonstrated that they meet an identified housing need and ~~it~~ they contributes to a ~~safe, strong and cohesive~~ mixed and inclusive neighbourhood, with the management plan demonstrating no harmful impact on the character and amenities how any harm to the residential amenity of the surrounding area is appropriately mitigated.

Delete para 5.14.3 as this is already covered in the London Plan.

**Point 24 - Policy HOU04 – monitoring in terms of specialist older peoples housing. Can the Council clarify its approach in that respect and what action would be taken if the annual benchmark of units per annum were not achieved?**

The Council will revise Table 24 – row 7 specifically to reference the annual target of 275 specialist older persons homes. This is an indicative benchmark in the London Plan. Provision will be monitored against the benchmark. If such accommodation is under delivered the Council will seek to investigate further the reasons for under delivery and assess such performance against identified need. It will also seek through design guidance focused SPD to support inclusion of older people’s housing in creating mixed and balanced communities. The Housing Learning and Improvement Network (Housing LIN) provides a good source of information on high quality and innovative housing solutions for an aging population.

**Point 25 - Policy HOU05 – 1(a), (b) closed list. How will applications demonstrate compliance?**

The Council has reconsidered the wording of HOU05 and acknowledges that improvements are required to make it more effective. The changes also reflect that although Growth Areas, Town Centres and Local Centres are preferred locations for community infrastructure there will be instances where a more residential area might be suitable. This will be reflected in the Note on CHW01. Reference is also now made to physical infrastructure. This could be where a significant transport improvement may cause an unavoidable loss of homes. The Council proposes the following:

The Council will ensure the efficient use of Barnet’s housing stock in addressing identified housing needs.

1. ~~Development resulting in the net loss of residential accommodation will not be permitted unless:~~ be supported only in exceptional circumstances, where:
2. (a) the proposed use is for the provision of social, physical or green infrastructure
  - a) ~~The proposed use is for a local community facility (children’s nursery, educational or health use)~~
  - b) a local need for that social / physical / green infrastructure can be clearly demonstrated; and demand for the local community facility use cannot be met within the Council’s preferred locations for such uses (see Policy CHW01)

~~c) the proposed use is not detrimental to residential amenity; or  
b) The location is no longer viable for residential use; or  
c) The location involves Estate Renewal and Infill with demolition of housing and estates (see Policy GSS10) which provides for the net replacement of the total residential units; or  
d) The location is within a Growth Area, Town Centre or Local Centre which provides for the net replacement of the total residential units.~~

On the basis that HOU05(1) is revised the Council proposes that para 5.15.2 is changed as follows :

Para 5.15.2 It is recognised that there may be ~~specific limited~~ exceptional circumstances where the loss of residential uses may be acceptable subject to consideration of how it will be replaced. Proposals will be required ~~Changes of use may be permitted where a clear local need can be~~ to demonstrated an identified need to provide social infrastructure such as health facilities, a children's nursery or educational use. The Council strongly supports the provision of community uses within Barnet's town centres. ~~This is reflected throughout this Local Plan, particularly within Policies CHW01, TOW01 and TOW02.~~ Any proposal that involves the replacement of residential units with community uses should be of a small scale and will be considered on its merits having regard to the impact on the amenity of residents, car parking and traffic. In considering such proposals the Council will seek opportunities through appropriate design solutions to re-provide or increase on-site residential floorspace. The Council also recognises that there may be circumstances where physical infrastructure such as a significant transport improvement, and green infrastructure such as improving accessibility to an open space necessitates the loss of homes.

#### **Point 26 - Policy HOU05 – modification for supporting text suggested in Barnet hearing note (meanwhile uses)**

The Council acknowledges the merits of transferring the 4<sup>th</sup> sentence of para 5.15.5 to Policy HOU05(4) as follows :

4. Opportunities for the temporary (meanwhile) use of vacant buildings or land awaiting longer term development for a socially beneficial purpose, are encouraged. Such temporary accommodation should not have an unacceptable impact on residential amenity or prevent sites from being redeveloped in a timely fashion.

#### **Point 27 - Policy HOU06 – policy correct in terms of Policy H11. Clarification on whether it has a purpose in that context or may need to be repurposed to assist re-structure of Policy HOU02.**

The Council considers that the purpose of Policy HOU06 in terms of support for Build to Rent and self-build and custom housebuilding could be better expressed within Policy GSS01. The Council therefore proposes to delete HOU06 and Sections 5.16, 5.17 and 5.18.

The Council's support for London Plan Policy H11 Build to Rent and expectation that proposals come forward in accordance with Policy H11 can be better expressed in Policy GSS01 and supporting text at paras 5.17.1 and 5.17.2 revised, amalgamated and transferred to supporting GSS01.

### **Add new para to GSS01**

The Council supports Build to Rent developments that meet the definition in the London Plan and expects such proposals to follow the approach set out in London Plan policy H11 – Build to Rent

Add new para 4.8.4A (transfer of para 5.17.1 and 5.17.2)

Opportunities for Build to Rent are expected to come forward across the Borough over the lifetime of the Local Plan. Build to Rent can be particularly suited to higher density development within or on the edge of town centres or near transport nodes. The Local Plan takes a positive approach to Build to Rent as a product that helps to widen housing choice in Barnet and also contributes to faster build out rates. In considering this form of housing the Council's approach will reflect Barnet's distinctive economic position based on rent rather than sales. Build to Rent schemes tend to require a minimum amount of dwellings (of over 50 units) to be attractive to institutional investors. As part of the Council's plans for the Brent Cross Growth Area delivery of a Build to Rent scheme development is supported (see Policy GSS02). Build to Rent has been highlighted as an appropriate use in its contribution to faster build out rates as well as widening housing choice. The Council will require contributions from Build to Rent proposals to affordable housing in accordance with London Plan Policy H11. This should be in the form of Discounted Market Rent units delivered at a genuinely affordable rent level. Such provision of affordable housing should be in perpetuity.

### **Point 29 - Self-build – further detail on need and provision of narrative in relation to self-build list. Clarification on what Barnet is trying to achieve.**

The Council continues to take a pragmatic approach that with the requirement to optimise there will be fewer opportunities for self and custom builders to deliver required residential densities. This approach is reflected in other recently adopted local plans in London. The Council proposes the following modifications and the transfer of sections on Build to Rent together with Self-Build and Custom Housebuilding to Policy GSS01 with paras 5.18.1 and 5.18.2.

### **Add new para to GSS01 (transfer of HOU06(c))**

e-The Council will support proposals for Self -Build and Custom Housebuilding where it can be demonstrated that the residential density of the site has been optimised and other local plan policy requirements met. Neighbourhood Plans will be encouraged to identify opportunities for Self -Build and Custom Housebuilding.

### **Add new para 4.8.4B (transfer of para 5.18.1)**

The Self-build and Custom Housebuilding Act 2015 requires the Council to have regard to demand for Self Build when undertaking planning functions. Entrants on

the Register of persons seeking to acquire land to build a home represent an exceptionally small proportion of Barnet's objectively assessed housing need. ~~The Council has therefore not allocated any specific sites in the Schedule of Proposals for self-build and custom housebuilding. The Council will keep this under review.~~ The Council will support proposals for Self -Build and Custom Housebuilding where it can be demonstrated that the residential density of the site has been optimised and other local plan policy requirements met. The Council will also support Neighbourhood Plans that consider identifying appropriate sites for self-build or custom-build.

### **Point 30 - Check references to London Plan policies are accurate throughout**

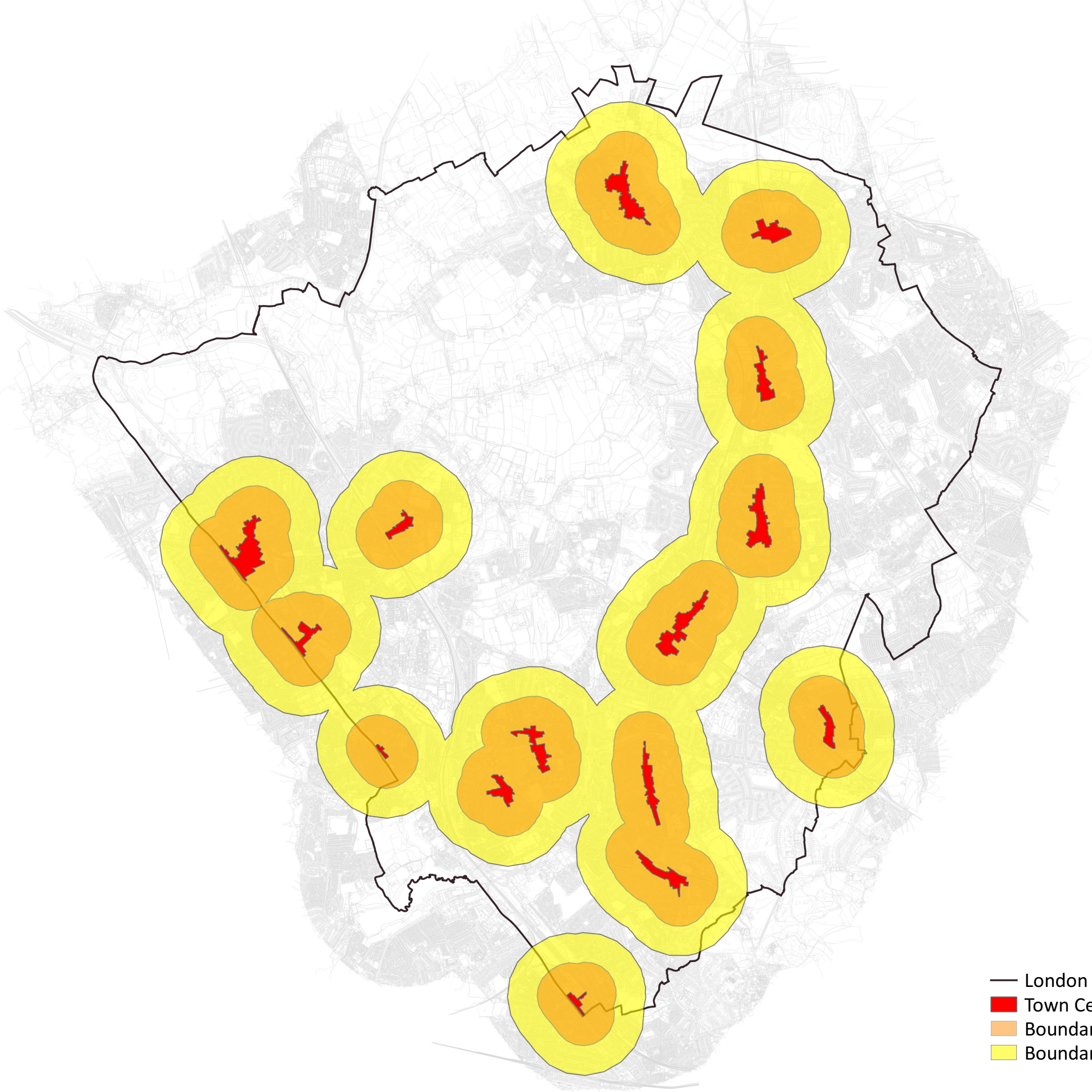
The Council are in the process of ensuring accurate cross-referencing to London Plan policies as part of the Main Modifications. In producing this Note the Council has checked the accuracy of all references to the London Plan in the housing policies and supporting text and considers that all references are accurate.

## **Conclusion**

The Council invites the Inspectors to consider and recommend that the Council makes the additional further modifications set out in this paper recognising that those considered to be Main Modifications will need to be formally consulted upon following the examination hearing sessions.

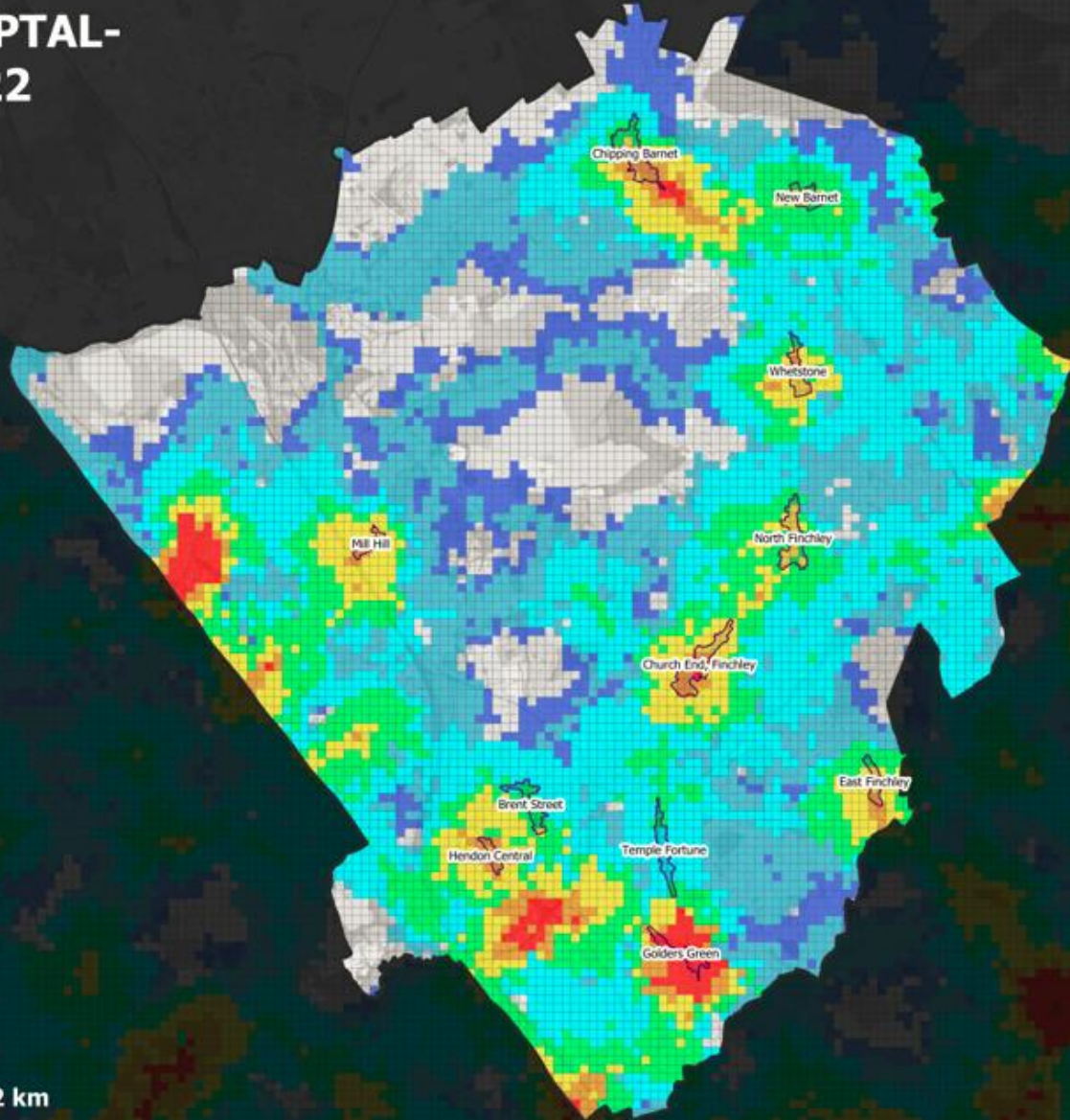
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<sup>i</sup> Publication of decision notices is presently pending following resolution to grant consent



- London Borough of Barnet boundary
- Town Centres
- Boundary at 400m from the boundary of the Town Centre
- Boundary at 800m from the boundary of the Town Centre

# Barnet PTAL-2022



**Legend**

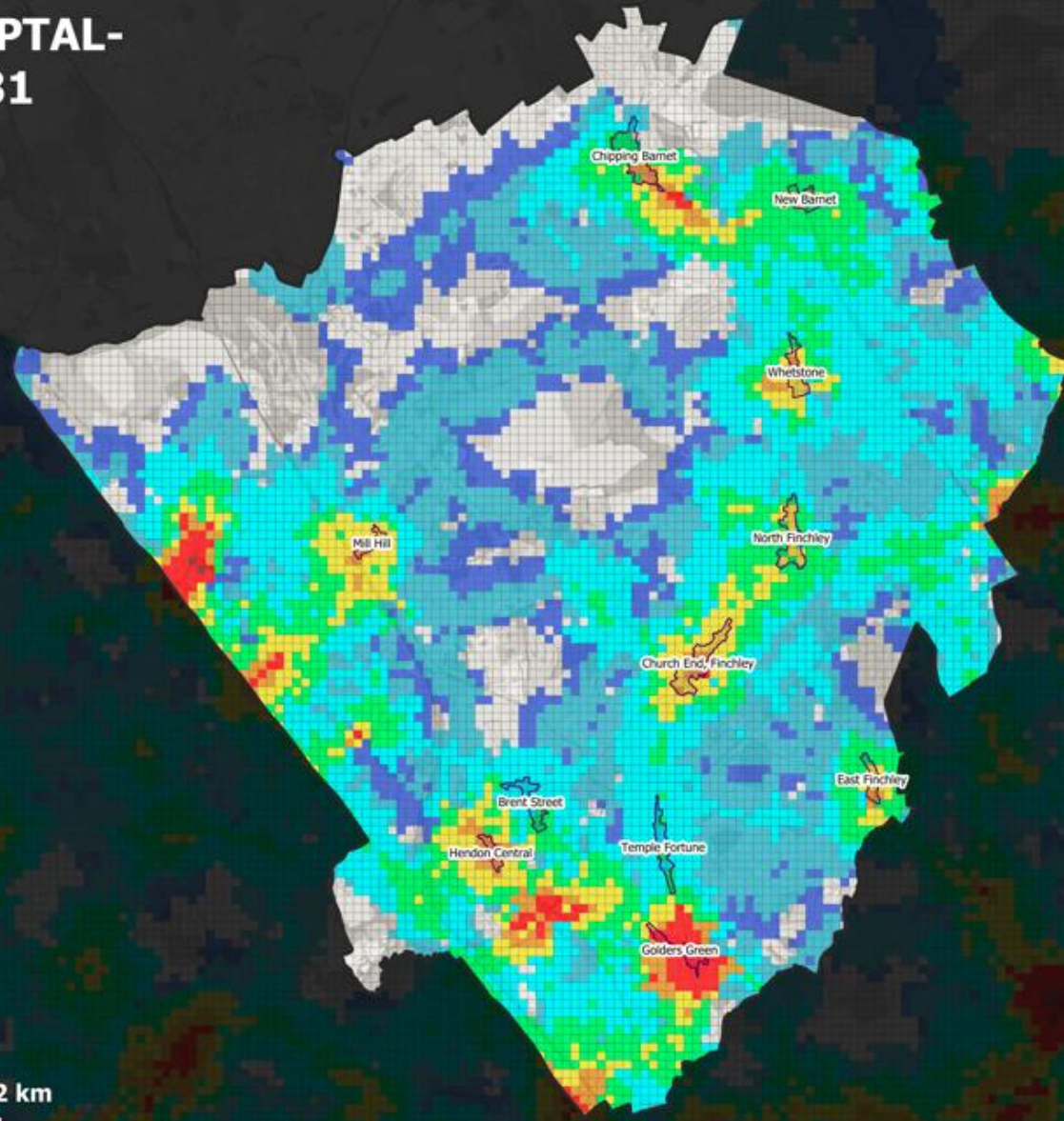
Town Centres

**PTAL Scores**

- 0
- 1a
- 1b
- 2
- 3
- 4
- 5
- 6a
- 6b



# Barnet PTAL-2031



**Legend**

Town Centres

**PTAL Scores**

- 0
- 1a
- 1b
- 2
- 3
- 4
- 5
- 6a
- 6b

