

Barnet Local Plan Examination

Matter 3: Meeting the Borough's Housing Needs

Issue 1

1) What is the overall quantity of new homes that are to be planned for in the Borough up to 2036 and are the Council's proposed modifications regarding this matter, necessary for soundness?

Following the publication of the Main Modifications it is our understanding that the plan period is 2021/22 to 2035/2036. Over this period the Council aims to deliver at least 35,460 homes out of a total potential capacity for 44,000 homes.

2) Taking account of any response to Question 3 under Matter 2, relating to the Plan period, should the housing requirement be modified to cover the period up to 2038?

This would be sensible as the Plan is unlikely to be adopted until 2023.

3) Having regard to the London Plan housing requirement of 2,364 homes per year for the ten-year period covering 2019/20 to 2028/29:

a) What is the basis for the Plan identifying the housing requirement for the remaining years to the end of the Plan period and would it be in general conformity with the London Plan?

The London Plan sets housing requirements for the London boroughs for a ten-year period only. Depending on when a new local plan commences, we think it is acceptable to commence the delivery of those London Plan requirements from the start date of the borough local plan.

The London Plan does not set a housing requirement beyond the initial ten years. This is because the supply of land for housing is more uncertain. The London Plan does state that the small sites target could be rolled-forward for periods beyond the first ten years.

It had been the intention of the Mayor to have reviewed and adopted a new London Plan before the current one expires. This seems more uncertain now, and there is no news about work starting on a new London Plan, despite the requirement of Government (and the examining panel) that the Mayor should embark upon an immediate review owing to the serious shortfall in housing land supply compared to need.

We consider it appropriate for Barnet to roll forward the London Plan requirement of 2,364 homes a year, especially if it has the capacity to do so. It is important that the London boroughs endeavour to plan for more homes than the Council is strictly required to supply by the London Plan targets in view of the gap between need and supply across the Greater London area. The London Plan identified a need for 66,000 homes a year but was able to identify capacity for only 52,000 homes, resulting in a strategic scale undersupply of 14,000 homes a year.

b) Is there any justification for departing from the London Plan housing requirements?

No. The Mayor is the strategic plan-maker for London and London is treated as a single housing market area so an oversupply in one borough will contribute to meeting the needs of London overall. Housing provided in Barnet could help meet the needs of households in

Bexley, Croydon or any of the other London boroughs. Conversely, providing fewer homes in Barnet, would add to the undersupply of homes across London as a whole.

The London Plan considers London's housing needs in aggregate and then sets housing requirements for the boroughs based on judgements about capacity in each borough. While not without its problems, HBF considers this a relatively effective and efficient way to plan for London's housing needs.

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

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

It is right that the Council should plan for at least 2,364 homes a year owing to: a) the strategic scale of the undersupply across Greater London as a whole, referred to above; and b) because Barnet's own local assessment of need, which will provide a more granular assessment of issues such as affordable housing need, points to a figure that is greater than the London Plan requirement. This is illustrated by the Barnet SHMA 2018 which indicates an objectively assessed need for 3,060 homes per year or, alternately, applying the Government's Standard Method – a formula that will factor-in an adjustment to address poor housing affordability - a need for 5,361 homes a year. The GLA's assessment, derived from the Greater London SHMA 2017, did not follow the Standard Method and therefore it did not include an adjustment for affordability. This resulted in a lower figure for London overall of 66,000dpa compared to the Standard Method at the time that indicated a need for some 95,000dpa. The range of figures is illustrated in MM24.

4) Is the housing requirement/target identified correctly on the Housing Trajectory in Figure 3 (as informed by Tables 5 and 5a) and if so, why does it include a base year of 2020/21?

The base year of the Plan should be 2021/21. The end year 2035/36.

It would be helpful if the Council could include this plan period on its front cover. This remains unclear. Main Modification 24 does not provide clarity.

5) Detailed questions on housing supply are to be addressed separately under Matter 11. However, in overall terms, is the Plan approach positively prepared insofar as it seeks to meet the identified housing requirement, particularly as the five-year supply must be made up of "specific, deliverable sites", with "specific, developable sites" also being a component of the supply over the rest of the Plan period?

We are unable to comment.

6) Policy H2 of the London Plan, amongst other things, sets out that boroughs should identify and allocate appropriate small sites (defined as below 0.25 hectares in size) for residential development. Would the proportion of housing anticipated to come

forward on small sites in the Borough provide a genuinely plan-led approach to meeting the requirements of the London Plan?

We appreciate the efforts of the Council to plan positively for housing, exemplified by its decision to aim to supply 44,000 homes in total (MM36 – Table 5) if feasible.

The revised table 5A indicates that a figure of 1,700 homes for each five-year period will be factored-into the land supply calculation, or an average of 340dpa

The London Plan Table 4.2 requires Barnet Council to provide 4,340 homes in total over ten years, or 434dpa. This falls-short of the London Plan requirement by 94dpa.

Moreover, the supply of small sites in the Barnet Local Plan is theoretical supply only – it is a windfall figure, even though both national policy and the London Plan expect local authorities to do more to identify and allocate small sites. This is to avoid uncertainty about the principle of development.

The NPPF, at paragraph 69 requires plan-makers to identify land to accommodate 10% of the housing requirement on sites of 1ha or less. The London Plan provides a variation on the national policy, adjusted to reflect the particular circumstances of London, by lowering the site size to 0.25 ha or less. Either way, the Local Plan appears to be deficient in the allocation of small sites.

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

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

It is unclear how many small sites have been identified and allocated to support housing delivery in Barnet. Table 5A in MM37 includes totals in housing supply for the various Growth Areas and District Centres and other categories. It is possible that there are small site allocations within these figures that will close the gap between the windfall assumption of 340dpa and the London Plan requirement of 434dpa.

7) Is the Plan sufficiently clear as to the respective amount of housing that is to be delivered on small and medium sized sites (no larger than one hectare) in accordance with the Framework?

No. Table 5 (see MM36) provides a breakdown of housing supply in various locations. It includes a windfall allowance for small sites that is equivalent to 340dpa. The division provided in Table 5 is between large sites and small site windfall. As such, it is difficult to establish how many homes will be provided on identified and allocated small sites.

Issue 2

3) Is the approach in Policy HOU02 in terms of housing mix; positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan? Responses should address the following:

- a) Whether the preferred housing mix is based on up-to-date evidence?***

b) If the Plan is sufficiently clear as to how the housing size requirements set out in Table 6 and Table 7 have informed the policy approach?

We refer to our representations, but in summary we consider the policy approach is unsound because it is:

a) contrary to the indications provided by the London Plan of the housing mix projected to be needed across London (and London is treated as a single housing market area); and

b) it is uncertain how an applicant should respond to a policy that says:

“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...”

Etc.

This is too vague. Local plan policies need to be precise to provide a clear guide to applicants and decision-takers. If a scheme was submitted that provided a different mix to that preferred in Policy HOU02 would that provide grounds for refusal?

Further, the policy says that the Council could change the dwelling mix requirements annually based on the latest AMR. This would be contrary to national policy. Policies pertaining to requirements for development must be set out in Local Plans. Decisions are made in accordance with the published development plan.

c) If the approach which references ‘innovative housing products’ is consistent with the options available for affordable housing delivery set out in Annex 2 of the Framework and the First Homes Written Ministerial Statement (of 28 June 2021)?

We consider that the reference to innovative housing products is too vague. This sentence should be deleted.

d) Whether the overall approach provides an appropriate and effective level of flexibility to enable an efficient and effective use of land, whilst ensuring that identified housing needs would be met?

No further comment.

4) Is the approach of Policy HOU03 relating to residential conversions and re-development of larger homes; positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan? Responses should address:

a) Policy H1 of the London Plan, amongst other things, encourages development within existing or planned PTALs 3 to 6 or which are located within 800m distance of a station or town centre boundary. Why does Policy HOU3 part a), including as proposed to be modified, take a different and more localised approach to residential conversions and re-development of larger homes and is it justified, effective and consistent with national policy in that context?

We refer to our representations and our response to Matter 2. The Council's approach – applying a 400m rather than an 800m radius - is contrary to the London Plan and artificially restricts the scope for small site housing delivery.

London Plan policy H1, aims to improve housing supply, by seeking to:

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

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

The Council should amend the Local Plan to conform to the London Plan to create the conditions to optimise small site housing delivery.

b) Are the policy requirements, otherwise effective and consistent with national policy insofar as how a decision maker should react to development proposals?

See our response to question 3b) above.

c) Would any further changes to the policy or supporting text, including the proposed modifications suggested by the Council, be needed to achieve soundness?

We hope that the Council will amend the plan to reflect the distances in the London Plan. This is necessary to improve conditions to encourage the delivery of a greater number of homes on small sites.

5) Is the approach in Policy HOU04 to specialist housing; positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan? In particular:

a) In terms of the delivery of the benchmark provision for housing for older persons falling within Class C2 of the Use Classes Order as identified in Table 4.3 of the London Plan, is the policy approach in general conformity and if not, is there justification for departing from the London Plan?

First, the benchmark figures contained in Table 4.3 of the London Plan cover C3 as well as C2 accommodation. It would be incorrect to infer that this is solely C2 use class accommodation.

Second, the Council's approach conflicts with the London Plan. We welcome the reference to the benchmark figure of 275 units of older persons housing a year in Policy HOU04 1 (b) and in paragraph 5.10.7 - which is the figure specified in Table 4.3 supporting Policy H13 of the London Plan. The London Plan requires the boroughs to plan proactively meet these benchmark figures. However, the Local Plan needs to be clear that the figure of 275 older persons homes a year is the aim, not 100 in Table 8. As with the assessment of housing need, the Mayor, through the London Plan assesses the need for older persons housing. It is unnecessary for local authorities to undertake their own assessments.

Third, the Council confuses the situation by referring to types of accommodation that the London Plan policy H13 is not designed to support such as care home accommodation.

The Barnet Local Plan indicates that the types of older persons housing supported by Policy HOU04 are those set out in Table 8. Providing these types of accommodation is important, but this is not the focus of the London Plan Policy H13. Some of the types listed are care home accommodation and therefore precluded from the aim of London Plan Policy H13 and the associated table 4.3.

London Plan Policy H13 is about supporting the supply of specialist older persons housing not, as set-out in paragraph 4.13.4 of the London Plan, accommodation that provides extra-care – i.e., care home accommodation.

The Council should amend policy HOU04 by deleting the reference to Table 8. The policy should cross-reference to the criteria in the London Plan for the types of accommodation that the benchmark target is intended to cover.

The Council should set a separate policy requirement for the provision of residential care homes.

James Stevens
Director for Cities