

Ropemaker Properties Ltd

Barnet Local Plan Examination

Matter 1: Legal Compliance  
and the Duty to Cooperate

Prepared on behalf of Ropemaker Properties Ltd

August 2022

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## **1.0 INTRODUCTION**

- 1.1 We act on behalf of Ropemaker Properties Ltd ("Ropemaker"). Ropemaker is the freehold owner of the Garrick Road Industrial Estate (GRIE), which is located to east of new tall building developments along Edgware Road and north west of Hendon Station.
- 1.2 Ropemaker have monitored and engaged with the Local Plan Process, having made representations in respect of both the Regulation 18 and 19 consultations. It has longer term aspirations to redevelop the site to provide a co-location scheme.
- 1.3 This Statement relates to **Matter 1: Legal Compliance and the Duty to Co-operate.**

## 2.0 BACKGROUND

- 2.1 Ropemaker Properties is the freehold owner of the Garrick Road Industrial Estate (GRIE) as defined in the Site Location Plan provided at **Appendix 1**. The Site forms the sole focus of our observations and comments made in respect of the Local Plan Review.
- 2.2 The GRIE occupies 2.3 hectares of land located to the west of the Midland Main Line railway and less than 200 m from Hendon railway station. Garrick Road connects directly to the A5 along Edgware Road.
- 2.3 The GRIE is located close to a series of committed and potential development sites where new homes and new floorspace can or will be delivered to help achieve the draft BLP's key policy objectives.
- 2.4 The key potential development site close to the GRIE is the 'Silk Park' proposals at the Sainsbury's foodstore site. Here the Council's Planning Committee resolved to grant planning permission for 1,309 homes and a new Sainsbury's foodstore across buildings measuring up to 28 storeys (Barnet ref: 19/4661/FUL).
- 2.5 The Silk Park proposals include an allowance made for a 'landing point' for a bridge which would cross Silk Stream into the GRIE. In agreeing this with the applicant, the Council was self-evidently considering a scenario in which the GRIE comes forward for a form of comprehensive redevelopment. In no other scenario would a bridge be necessary to make a development at GRIE acceptable in planning terms.

### Summary

- 2.6 Against this background, it is Ropemaker's intention to work proactively with the Council through both the Development Plan and Development Management process to optimise the use of the GRIE through a comprehensive mixed-use development which we believe could maintain the supply of employment land in this location and make a substantial and valuable contribution to the supply of new homes within the Borough.

### 3.0 EXAMINATION ISSUES

3.1 Our case in relation to this Matter is consistent with the submissions made on behalf of Ropemaker to date, but also takes into account the Council's updated position as set out in the recently published topic papers. It relates only to the conformity of the draft BLP with the London Plan as follows:

***23) In overall terms, is the Plan in general conformity with the spatial development strategy for London (i.e. the London Plan)?***

3.2 We do not consider the Plan to be in general conformity with the London Plan and provide three examples of non-conformity:

- 1) Policy H1(B) of the London Plan requires Development Plans to optimise the potential for housing delivery on all suitable and available brownfield sites, especially 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 spatial strategy contained at Policies GSS01 and GSS09 of the draft BLP aim to deliver 950 new homes within the West London Orbital (WLO) area but fails to provide any definition in geographical terms as to where such development should be located. (Annex 1 does not name sites capable of meeting this requirement).

Without understanding where this development will/can be accommodated, the BLP cannot be described as optimising the potential for housing delivery on all suitable and available brownfield sites. It is dependent on ad hoc proposals coming forward. The Council's modifications to Table 5 do not resolve this issue.

- 2) Policy E7 of the London Plan requires Development Plans to be proactive and encourage the intensification of business uses in Use Classes B1c, B2 and B8 and (through Part B) consider whether certain SIL or LSIS sites could be intensified to provide additional industrial capacity as well as support the delivery of residential and other uses.

This is important to Ropemaker as Policy E7 states that co-location of residential and business uses on sites should only be considered as part of a plan-led process and the areas affected clearly defined in Development Plan policies maps; and not through ad hoc planning applications (Part B).

Policy ECY01 of the BLP however fails to proactively identify and promote the intensification of existing LSIS sites to deliver the London Plan support for co-location of employment and residential use. It instead includes part (g) that acknowledges co-location proposals could come forward subject to certain criteria. This is impossible however under Policy E7 of the

London Plan as schemes can't subsequently come forward as ad hoc proposals. Policy ECY01 therefore prejudices the delivery of London Plan Policy E7.

Secondly, Policy ECY01 part (g) places a requirement on co-location schemes within LSIS to be 'employment-led'. This is defined by footnote 38 as:

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

Whilst the objective must always be to prioritise employment uses within LSIS, the 'employment-led' definition does not allow for circumstances whereby an LSIS site can accommodate enhanced employment provision (either through quality improvements and/or increased floorspace) as well as maximising other uses (i.e. residential use in proximity to major transport infrastructure) and in doing so, the residential element might be proportionally greater overall.

Policy ECY01 is therefore also inconsistent with London Plan Policy E7 as Policy E7 does not require co-location schemes to be 'employment led'. Paragraph 6.7.1 of the London Plan is clear that co-location proposals are encouraged to explore the potential to intensify industrial activities, but this is not the same as 'employment led' and would not prevent other uses on LSIS sites from being proportionally greater overall where intensification of employment use occurred.

- 3) Similar to example 2, the Council's application of the Agent of Change principle is inconsistent with the London Plan. Paragraph 9.7.6 of the BLP misunderstands the principle of Agent of Change and concludes that London Plan D13 requires applications for co-location in a LSIS must be employment led. This is incorrect and not consistent with the London Plan as a result.

## **APPENDIX 1 – GRIE SITE LOCATION PLAN**



# Site Location Plan

- Garrick Road Industrial Estate
- LSIS
- Silk Park development
- Telephone Exchange development
- Rushgrove development
- West Hendon Estate development
- Other sites identified for potential development

