

London Borough of Barnet

Proof of Evidence on behalf of Local Planning Authority

Dominic Duffin BSc MSc MRTPI

Appeal By: Citystyle Fairview VQ LLP

Proposed Development: Redevelopment of the site to provide 539 residential units (Use Class C3) within 13 buildings ranging from 4 to 7 storeys, with 267.1sqm of retail/commercial space and 112.7sqm of community space (Use Class E and F) at ground floor, new public realm with communal landscaped amenity areas, alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes, 334 car parking spaces (including car club and accessible provision) with basement and surface level provision, secure cycle parking, servicing and other associated development

Appeal Site: Land Formerly Known as British Gas Works, Albert Road, New Barnet, Barnet, EN4 9SH

Appeal Reference: APP/N5090/W/22/3294689

LPA Reference: 21/3676/FUL

Public Inquiry: 19 July 2022

Appeal under Section 78 of the Town and Country Planning Act (As Amended) 1990

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1.0 INTRODUCTION

- 1.1 I am Dominic Duffin, Principal Planner for Regional Enterprise ('Re') which is a joint venture between Capita and the London Borough of Barnet. I therefore act as a Principal Planner for the London Borough of Barnet. I have a BSc in Environmental Planning and a MSc in Spatial Regeneration from Queens University Belfast. I am a full member of the Royal Town Planning Institute and have nearly fourteen years' post qualification experience as a planner.
- 1.2 I have worked in my current role since September 2017 which involves the assessment of development proposals and pre-application schemes across the Borough. Prior to my current role, I worked at Epping Forest District Council from 2008-2015, as a Senior Planning Officer. From 2015- 2017 I worked at Mid-Ulster Council and Armagh/Banbridge/Craigavon District Council (ABC) within the Northern Ireland Planning System.
- 1.3 I confirm that the opinions expressed in my evidence are my true and professional opinions and are given in accordance with the guidance of my professional institution.
- 1.4 I was not an officer involved in the pre application or the application process for this site.

2.0 SCOPE OF EVIDENCE

- 2.1 I have provided evidence focused on the reasons for refusal, the relevant planning policy framework and planning matters that apply to the proposed development, including the planning balance.
- 2.2 Details of the application site and its surrounds and a summary of the proposed development are set out in Sections 3 and 4 of this proof. In Section 7, I summarise the key planning policies and guidance applicable from the relevant planning framework before considering the main planning issues having regards to the Development Plan and other material considerations in Section 8.
- 2.3 The overall planning balance is considered in Section 9. I conclude that planning permission should be refused for the proposed development as it would be contrary to the Development Plan overall, and this is not outweighed by other material considerations.

3.0 APPLICATION SITE AND SURROUNDING CONTEXT

- 3.1 The application site is located to the north of Victoria Road comprising of land formerly part of the British Gas Works site. The site is 3.03ha and currently vacant with the former buildings, structures and hard surfacing removed. The site has also been decontaminated and the basement car park dug out in accordance with the extant Planning Permission ref: B/04834/14, which is one of three permissions granted for the site.
- 3.2 The site is located on the edge of New Barnet town centre which is to the immediate south along East Barnet Road. Adjoining the site to the east is Victoria Park (aka Victoria Recreation Ground) with the New Barnet Leisure Centre located on the eastern side of the park. The Albert Road Gas Works is located to the north with a right of access provided from Albert Road running through the site. The wooded embankment to the railway line runs along much of the western boundary, with the railway line raised 10m above the site. In the south west corner are a number of two storey buildings including the Builders Arms and The Railway Bell PH. A range of two, and occasionally, three storey semi-detached and terrace houses are located to the south east of the site.
- 3.3 Between the cleared application site and the Gas Works site to the north is an elevated, caged pedestrian walkway (approx 3-4m above ground level) which crosses the site from east to west and provides a pedestrian route via a tunnel beneath the network rail track between Victoria Park (to the east) and Cromer Road (to the west). This is a public right of way.
- 3.4 The site is accessed via Albert Road which in turn is accessed off East Barnet Road/Victoria Road. The present access arrangements require that vehicles entering the site use the eastern arm of Albert Road whilst those exiting may use either arm.
- 3.5 The site is located approximately 200m to the north east of New Barnet Station with Great Northern and Thameslink providing regular services to Kings Cross and Luton Airport. There are a range of bus services from nearby bus stops located on

East Barnet Road with services to various transport hubs. Further, and circa 1.6km to the east, is Cockfosters Station on the Piccadilly Line and 1.4km to the west is High Barnet on the Northern Line. The majority of the site has a Public Transport Accessibility Level (PTAL) score of 3 however this drops to 1b for a section at the northern end of the site.

- 3.6 Within the town centre on East Barnet Road, building heights generally range from 2 to 4 storeys. Beyond the railway embankment is a mixture of office, retail and residential buildings varying in height from 2 to 8 storeys around the district centre. To the west of the railway bridge on Station Road the height and massing increases with a number of large blocks extending up to 11/12 storeys in height. Residential development, on the roads outside the town centre, and surrounding the site, generally consists of traditional residential houses and flats, 2-3 storeys in height.
- 3.7 The site is not within a conservation area and there are no statutory or locally listed buildings on site. The application site is located within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding).

4.0 APPEAL PROPOSAL

4.1 The original planning application was registered on 2nd July 2021, the description of the development as determined at Planning Committee was as follows:

"Redevelopment of the site to provide 539 residential units (Use Class C3) within 13 buildings ranging from 4 to 7 storeys, with 267.1sqm of retail/commercial space and 112.7sqm of community space (Use Class E and F) at ground floor, new public realm with communal landscaped amenity areas, alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes, 334 car parking spaces (including car club and accessible provision) with basement and surface level provision, secure cycle parking, servicing and other associated development

4.2 The site boundary, layout, and proposed buildings for this application are illustrated below:



4.3 The proposal would provide a total of 539 units with 35% as affordable housing by habitable room equating to 149 units of both London Affordable Rented and Shared Ownership.

4.4 The site has been laid out in a series of blocks arranged with regard to the locational characteristics and constraints including the network rail line and embankment land, Victoria Park, the National Grid depot including its right of access, culverted watercourse and surrounding trees and topography. A central spine road serves the site and National Grid depot, connecting to the existing Albert Road East and West alignment. The 13 blocks would vary in height and are set out below:

Building	Maximum Height (Storeys)
Block A	7
Block B1	7
Block B2	6
Block C1	7
Block C2	7
Block D1	7
Block D2	7
Block E	7
Block F1-3	6
Block F4	7
Block G	5
Block H	4
Block J	5

4.5 The proposed development has a range of main character areas: High Street, The Gateway Garden; The Park Plaza and Approach, Courtyard Gardens and Blocks, Mansion Blocks and Spine Road and Park Edge. The Gateway buildings (Blocks H & J) along Victoria Road would connect the Town Centre to the new development with new active frontage provided at ground floor level. A wide variety of landscaping is proposed across the site. The main vehicular route would have widened landscape space to provide a green defensive space and a residential active frontage. Public amenity space will be provided between the blocks, with natural surveillance provided by the surrounding residential units.

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- 4.6 The scheme provides a total of 1,713 sqm of public open space on site and 5,158 sqm of communal amenity space as well as 5,583 private space in the form of terraces and balconies. The open space is provided in three areas around Block A/B1/B2 and between B1/B2, C1/C2 and D1/D2. Additionally, 1,857 sqm of play space is proposed to be provided for children ages 0-4 and 5-11 across the site in accordance with the GLA calculations. For children 12+ the appellant will provide a financial contribution for the upgrade of existing facilities at Victoria recreation ground.
- 4.7 The scheme would provide a total of 334 car parking spaces at a ratio of 0.6 per dwelling, with the majority within the basement along with some surface level parking. There would also be 994 secure cycle parking spaces.
- 4.8 As with the extant planning permissions, connectivity improvement is proposed by removing the elevated caged pedestrian link and re-providing at surface level with a new staircase up to the network rail foot tunnel.

Revisions and additional information

- 4.9 In the course of the application assessment, additional details and clarification were provided in respect of various detailed aspects of the scheme e.g. boundary treatments, drainage, energy, green spaces, park pathway realigned, and additional tree planting along the eastern boundary adjoining the park. In addition amendments have been submitted for Albert Road West to provide enhanced facilities for pedestrians and cyclists. At the CMC the Inspector asked for a list of agreed plans for the appellant to provide and this have been provided.

5.0 PLANNING HISTORY

5.1 The majority of the planning history comprises of historic applications relating to the use of the site by National Grid, which are of little relevance to this current application. However there a number of planning applications which have been granted which are relevant to this appeal. These are detailed below.

Adjoining sites:

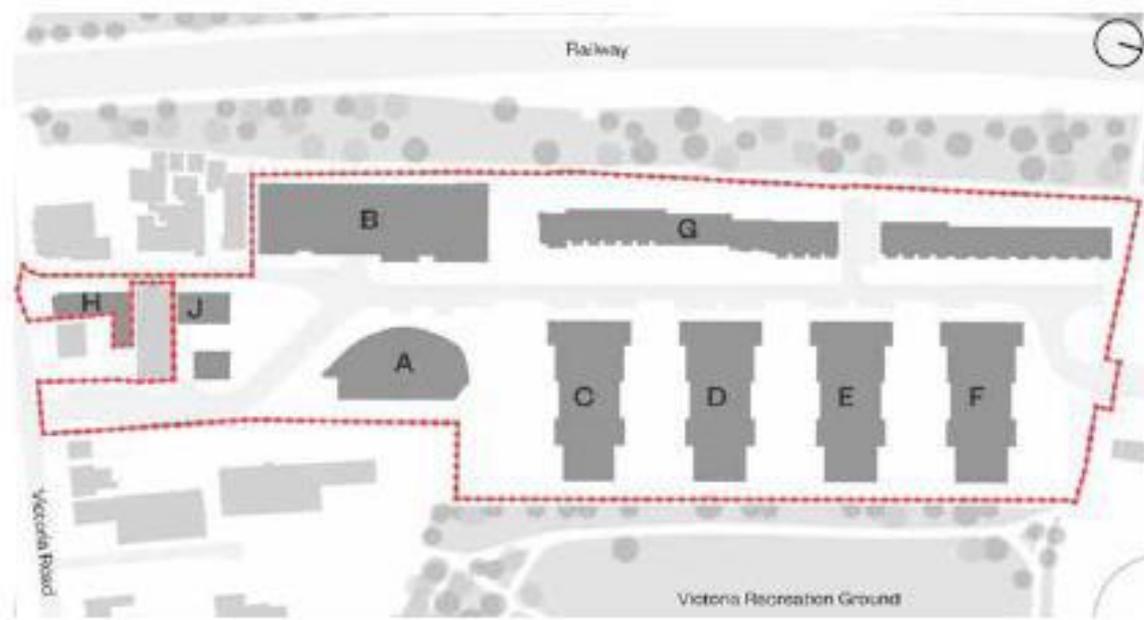
5.2 Application Ref: 17/6422/FUL, 9 Albert Road - Redevelopment of the site to provide a five storey building comprising 9no. self-contained flats with associated basement parking, refuse and recycling store, amenity space, cycle storage. Refused 5th December 2017, reason for refusal – insufficient evidence provided to indicate that the existing employment site has been effectively marketed for at least 12 months. Allowed at Appeal, dated 20th March 2019.

5.3 Prior approval (20/5638/PND) was granted for the demolition of redundant gasholder and associated structures at the British Gas Works site on the 17th December 2020. The site is located to the north of the application site

Application site:

5.4 Application Ref: B/04834/14 - The first permission was granted in May 2015 (following completion of the legal agreement) for 305 residential units, comprising eleven buildings ranging from two to six stories in height, including 15% affordable, 674sqm mixed use commercial space. This included creation of new public open space; alteration and additions to the existing highways arrangements, the removal of the existing elevated footbridge and creation of new pedestrian routes together with associated works including landscaping, provision of basement and surface car parking, servicing and plant area. The committee report for the application is included at: **(CD: 12.2)**

The site boundary for this application is provided below:



5.5 The permission has been implemented and the following conditions relating to the site clearance, demolition and remediation discharged:

Condition 4 – Water Course (17/1476/CON)

Condition 5 – Hazardous Substance Revocation (16/2195/CON)

Condition 7 – Construction and Management (17/7160/CON)

Condition 27 – Site Waste Management plan (16/4311/CON)

Condition 38 – Drainage (16/3626/CON & 17/3583/CON)

Condition 40 – Demolition & Construction Method Statement (16/4336/CON)

Condition 41 – Remediation and Verification Strategy (16/2785/CON,
17/1476/CON & 18/3278/CON)

Condition 57 – Air Quality Assessment (16/4887/CON)

Condition 59 – Tree Protection (16/3459/CON & 17/2053/CON)

Condition 60 – Tree Method Statement (16/3459/CON)

Condition 61 – Tree Excavations (16/3459/CON, 17/2053/CON & 17/7160/CON)

Condition 62 – Ecology Mitigation Measures (16/2193/CON)

Condition 63 – Site Clearance Works (16/2193/CON)

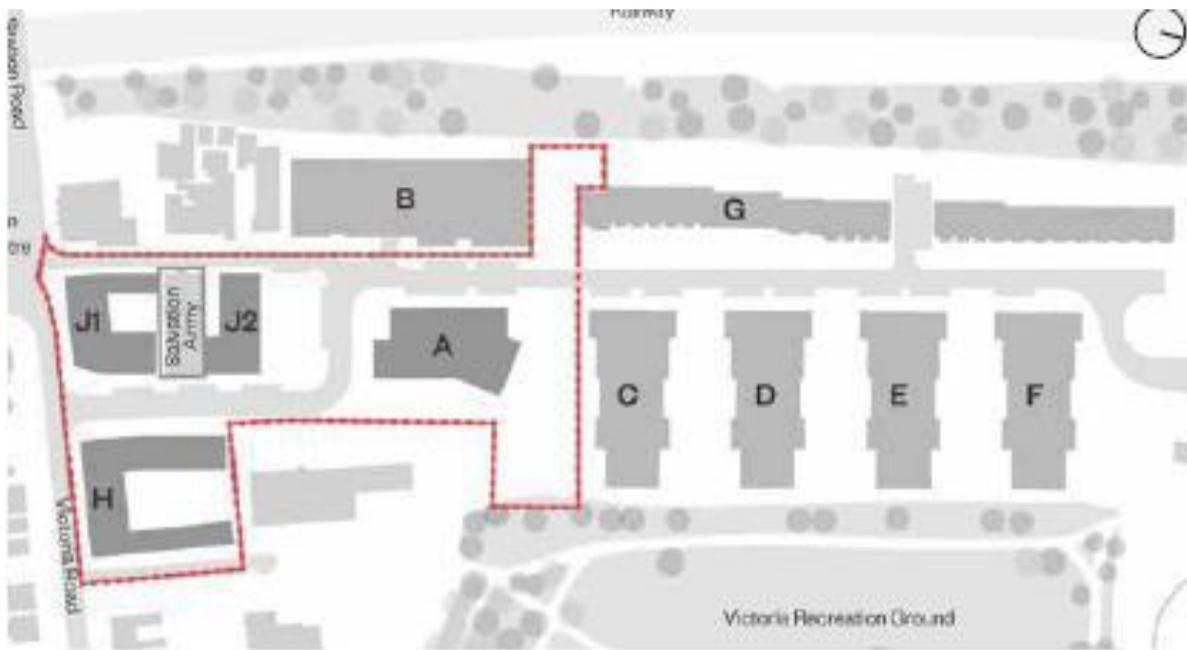
Condition 69 – Bat Boxes (16/3565/CON)

Condition 74 – Excavations and Earthworks (16/3894/CON)

Associated works including demolition, site remediation, sewer diversion, drainage and excavation of the basement areas for the proposed car park having commenced.

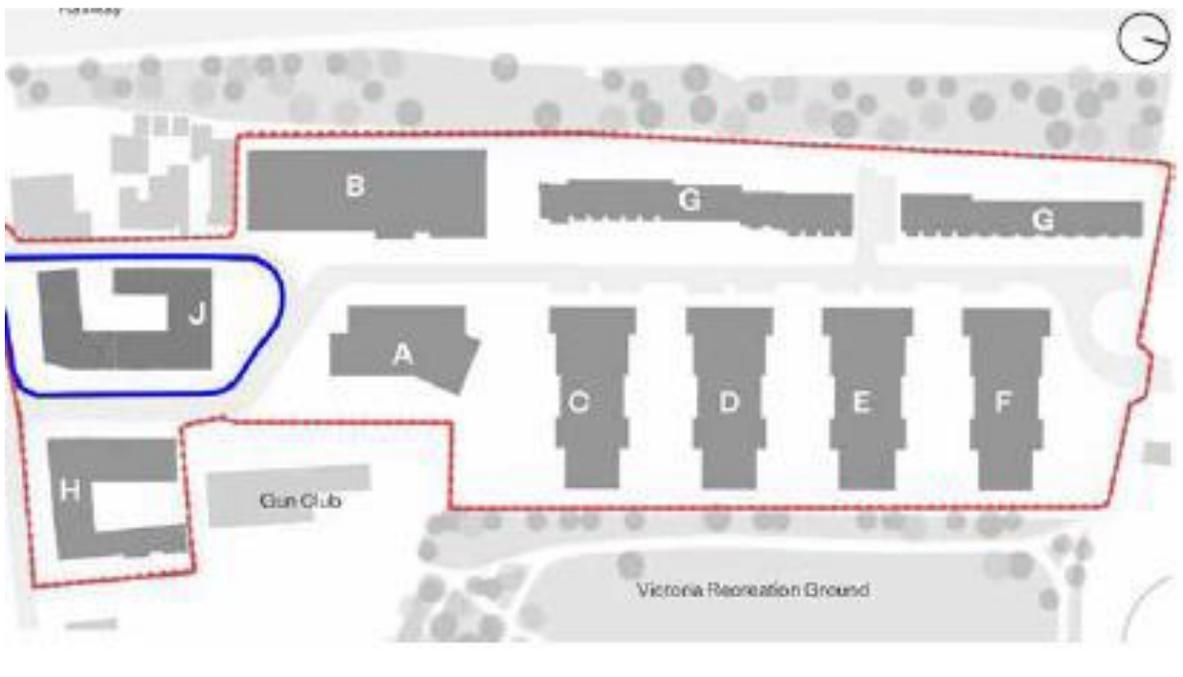
5.6 Application Ref 16/7601/FUL: Second permission was granted in July 2020 (following completion of legal agreement) to cover an additional piece of land to the front of the site as well as part of the existing site (southern part of the site). This was for an additional 104 residential units (net increase of 52 units), consisting of four buildings with heights ranging from five to eight stories, 623sqm of mix use commercial floorspace (A1/B1/D1/D2), the creation of new publicly accessible open spaces, pedestrian routes and car parking, cycle parking and landscaping. The committee report for the application is included at: **(CD:12.3)**

5.7 The layout and site boundary for this application is illustrated below:



5.8 Application Ref 17/5522/FUL: The third application was granted in July 2020 (following completion of legal agreement) relates to the southern area (front part – Block J) of the site to construct 39 residential units, to a height of five stories, and 265sqm of commercial/retail/office floorspace (Use Class A1 – A4/B1/D1/D2), the creation of new publicly accessible open spaces and pedestrian routes together with associated access, servicing, car parking, cycle parking and landscaping. The committee report for the application is included at: **(CD: 12.4)**

5.9 The layout and site boundary for this application is shown in blue below:



5.10 The extant planning permissions result in a combined scheme which provides a total of 371 units; 18% affordable by habitable rooms; 618m² of mix use commercial floorspace; and 396 car parking spaces along with the other improvements to the surrounding area secured via legal agreement. The schemes would provide ten blocks ranging in height from 4-8 stories.

5.11 In 2020, Planning Application Ref 20/1719/FUL was submitted for 652 units and 423 sq m commercial space on the application site, a scheme which would have superseded the 371 composite applications. The committee report for the application is included as: **(CD:12.5)**. The scheme was refused on the 16th December 2020, with the following reasons for refusal:

1 The proposed development, by virtue of its excessive height, scale, massing and density would represent an over development of the site resulting in a visually obtrusive form of development that would fail to respect its local context and the pattern of development in the area, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore not constitute a sustainable form of development and would be contrary to the provisions of the NPPF; Policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (2016);

Policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (2012).

2 *The proposed development by reason of its density, design and layout, would provide an unsatisfactory standard of residential accommodation due to the poor layout of some of the proposed flats, inadequate separation distances, poor outlook, limited natural light and poor quality courtyard amenity spaces. The proposal would therefore represent a poor form of development to the detriment of the amenity and living conditions of future occupiers. Therefore the proposal is contrary to the provisions of the NPPF; Policies 3.5, 7.4 and 7.6 of the London Plan (2016); Policy CS5 of the Local Plan Core Strategy (2012); Policy DM01 and DM02 of the Development Management Policies (2012); the Council's Residential Design Guidance SPD (2016); and Sustainable Design and Construction SPD (2016).*

3 *The proposed development, by virtue of the unit mix being predominantly one and two bedroom units and with no provision of four bed family units, fails to provide a genuine choice for a growing and diverse population and thus fails to meet the identified housing need in Barnet, contrary to the requirements of the NPPF; Policy 3.8 of the London Plan (2016); and Policies CS4 and DM08 of the Barnet Local Plan Core Strategy (2012) and Development Management Policies (2012).*

4 *In the absence of a Section 106 Agreement, the application does not include a formal undertaking to enable an amendment to the Traffic Regulations Order and to secure the planning obligations which are necessary to make the application acceptable. The application is therefore contrary to the NPPF; London Plan Policies 3.6, 3.12, 3.13, 4.3, 4.12, 5.2, 6.3, 6.9, 6.10, 7.19, 7.21, 8.2; Policies DM02, DM04, DM10, DM14, DM16, DM17; and Policies CS4, CS7, CS8, CS9, CS15 of the Development Management Policies (2012); Barnet Local Plan Core Strategy (2012); the Barnet Planning Obligations (adopted April 2013); Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Document; the Barnet Supplementary Planning Document on Delivering Skills, Employment*

and Enterprise Training (SEET) (adopted October 2014); and the Mayor's Supplementary Planning Guidance on Affordable Housing and Viability (2017).

6.0 COMMITTEE REASONS FOR REFUSAL

6.1 The application the subject of this appeal was heard before the council's Strategic Planning Committee at a meeting held on 22nd February 2022. The application had been recommended for approval by officers, subject to conditions and s106 contributions. The recommendation was not endorsed by members, and the scheme was refused for the following reasons;

- 1. The proposed development, by virtue of its scale, massing and density would represent an over development of the site resulting in a visually obtrusive form of development that would fail to respect its local context and the pattern of development in the area, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore not constitute a sustainable form of development and would be contrary to the provisions of the NPPF; Policies D3 & D4 of the London Plan (2021); Policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (2012).*
- 2. The proposed development by reason of its density, design and layout, would provide an unsatisfactory standard of residential accommodation due to the poor layout of some of the proposed flats, poor outlook and limited natural light. The proposal would therefore represent a poor form of development to the detriment of the amenity and living conditions of future occupiers. Therefore the proposal is contrary to the provisions of the NPPF; Policies D4 & D6 of the London Plan (2021); Policy CS5 of the Local Plan Core Strategy (2012); Policy DM01 and DM02 of the Development Management Policies (2012); the Council's Residential Design Guidance SPD (2016); and Sustainable Design and Construction SPD (2016).*
- 3. In the absence of a Section 106 Agreement, the application does not include a formal undertaking to enable an amendment to the Traffic Regulations Order and to secure the planning obligations which are necessary to make*

the application acceptable. The application is therefore contrary to the NPPF; London Plan Policies S4, H4, H5, E11, SI2, T2, T3, T4, T5, T6, G6, G7 & DF1, Policies DM02, DM04, DM10, DM14, DM16, DM17; and Policies CS4, CS7, CS8, CS9, CS15 of the Development Management Policies (2012); Barnet Local Plan Core Strategy (2012); the Barnet Planning Obligations (adopted April 2013); Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Document; the Barnet Supplementary Planning Document on Delivering Skills, Employment and Enterprise Training (SEET) (adopted October 2014); and the Mayor's Supplementary Planning Guidance on Affordable Housing and Viability (2017).

- 6.2 The applicant appealed against non-determination before any formal decision was issued. As such the above reasons for refusal were as recorded in the minutes of the meeting **(CD: 3.4)**.
- 6.3 On the 16th June 2022, the members formally authorised officers to withdraw RfR2, and accordingly officers wrote to the appellant and the Rule 6 party on the 17th June to indicate they would not be defending this reason. It was not possible for members to authorise this earlier than the 16th June because, since the previous committee meeting in March, the committee had effectively been disbanded and reconstituted as a result of local elections. The 16th June was the first committee meeting since March. Accordingly, my Proof of Evidence focuses on RfR1 and RfR3.

7.0 PLANNING FRAMEWORK

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. There is therefore a statutory presumption in favour of the development plan.
- 7.2 In this case, the Development Plan comprises The London Plan 2021, Barnet Local Plan Core Strategy and Barnet Local Plan Development Management Policies, adopted in 2012.
- 7.3 Relevant policies of the Development Plan are included as Core Documents and listed in the Statement of Common Ground and the Council's Statement of Case. A summary of the most relevant policies and guidance, in relation to the reasons for refusal are given below.

Barnet Local Plan (2012)

Barnet's Local Plan – Core Strategy (September 2012) (CD:6.1)

- 7.4 The purpose of the Core Strategy is to guide the growth identified in the borough to ensure that the qualities that make Barnet an attractive place to live are maintained and enhanced. Three Strands Approach provides the spatial vision that underpins the Core Strategy and the Local Plan. The three strands are: Protection, Enhancement and Consolidated Growth. (Paragraph 2.2.1)
- 7.5 The Core Strategy sets out the major areas across the borough where development and regeneration are expected, and the policies developed for them. In regards to the appeal the following policies are relevant.
- 7.6 Core Strategy National Planning Policy Framework (CS NPPF)

Policy CS NPPF stipulates that planning applications that accord with policies in Barnet's Local Plan and where relevant, policies in neighbourhood plans, will be approved without delay, unless material considerations indicate otherwise, as is the case in this instance. On the basis of the reasons for refusal outlined in the Council's determination of the proposal, dated 5th March 2021, the appeal proposal is unable to be supported under Policy CS NPPF.

7.7 Policy CS5

Policy CS5 seeks to protect and enhance Barnet's character to create high quality places with the aim to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Within the supporting text, para 10.1.4 states that ;

....."The borough is predominantly suburban in character and is mainly made up from detached, semi-detached and terraced housing".....

Para 10.1.6 states,

"For Barnet to grow successfully it is imperative that safeguards are in place to protect and enhance the suburban quality of the borough. There is a need to identify the physical elements within the built environment that give Barnet its character and highlight those areas of the borough that may require further protection from development."

Para 10.5.12 continues;

..."High quality design also takes account of its surroundings and what is distinctive and valued about the local area..... We will therefore expect the design of new buildings and places to respond to the local area and its defining characteristics and reinforce or create local distinctiveness".....

Barnet's Local Plan – Development Management Policies (September 2012) (CD: 6.2)

7.8 DM05 – Tall Buildings

As detailed in the council Statement of Case, Policy DM05, although cited in the reason for refusal, this policy is not considered relevant as it is a tall building policy, and the scheme as amended, was below the local tall building threshold of 8 storeys.

7.9 DM01 – Protecting Barnet's Character and Amenity

DM01 is a policy to protect Barnet character and amenity. For the purposes of RfR1, I particularly rely on DM01(b) which states:

“Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets”.

7.10 The supporting text at para 2.2.1 states;

“The council will not accept designs for new development that are inappropriate to their context or do not take opportunities to improve the character and quality of an area. High quality design solutions help to make new places in the borough which can add to and complement the existing suburban character. Contemporary design may be appropriate provided it has regard to the local context”.

7.11 Para 2.3.9 continues;

“Whilst the policy intention is to protect local character, it should not be used to restrict well designed and sympathetic development which meets other objectives in the Core Strategy, Development Management Policies DPD, the council’s suite of Design Guidance Notes and Supplementary Planning Documents. The Characterisation Study should be referred to for a more detailed description of the typologies and used as a tool to help judge the effect of a development on character. The Supplementary Planning Document (SPD) on Residential Design Guidance will provide more specific requirements on development that is suitable for Barnet’s distinctive suburban character”.

7.12 DM02 – Development Standards

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM02 requires new development to be in compliance with London Plan standards and is supported by the guidance set out in the council’s suite of Supplementary Planning Documents.

Emerging Policy

7.13 Barnet's Draft Local Plan, on 26th November 2021, was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

7.14 The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be

determined in accordance with the 2012 Local Plan, while noting that account has been taken of the policies and site proposals in the draft Local Plan limited weight can be given to the draft Local Plan in the determination of this application. The Regulation 22 Local Plan is located at: **(CD:6.10)**

Relevant Emerging policies include:

Policy CDH01 Promoting High Quality Design

Policy CDH03 Public Realm

7.15 No date has been set for examination.

Other Local Plan Policies

7.16 Barnet's Local Plan contain numerous other policies considered in the assessment of this proposal, detailed within the officer's report and included in the Core Documents and in the Statement of Case and Statement of Common Ground, (the most relevant to the appeal reasons for refusal are highlighted below). These policies provide support and direction for the provision and location of new housing, and requirements for transport and consideration of environmental effects and conditions. How the development conforms to these policies is part of the overall assessment and ultimately conclusions about balance of planning issues. These are the policies relevant to reason for refusal 3:

CS4 (Providing quality homes and housing choice in Barnet)

CS7 (Enhancing and protecting Barnet's open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM02 (Development standards)

DM04 (Environmental standards for development)

DM10 (Affordable housing contributions)

DM14 (New and existing employment space)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

London Plan (CD:5.1)

7.17 The new London Plan was published on the 3rd March 2021 and sets out the Mayor's overarching strategic planning framework. This London Plan period runs from 2019 to 2041 and now supersedes the previous Plan (2016).

7.18 The relevant policies principally relating to the main reasons for refusal, No.1 and No.3 are detailed below. As detailed in the council's Statement of Case policy D4, cited in the first and second reasons for refusal is not considered to be relevant.

7.19 **Policy D3** - *Optimising site capacity through the design-led approach*

This policy states at part A;

"All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part D".

7.20 With regards to D3, I highlight parts 1 and 11 with regards to reason for refusal 1.

Part 1 in "Form and Layout" outlines that development proposals should;

1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Part 11 "Quality and Character" states that proposed schemes should;

11) respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

7.21 In terms of density, the new London Plan 2021 takes a less prescriptive approach than the previous version, with Policy D3 stating inter alia, that the density of a development should result from a design-led approach to determine the capacity of the site. This should consider site context, its connectivity and accessibility by walking and cycling, existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure.

7.22 London Plan policies relevant to the third reason for refusal are;

Policy S4 Play and informal recreation

Policy H4 Delivering affordable housing

Policy H5 Threshold approach to applications

Policy E11 Skills and opportunities for all

Policy SI 2 Minimising greenhouse gas emissions

Policy T2 Healthy Streets

Policy T3 Transport capacity, connectivity and safeguarding

Policy T4 Assessing and mitigating transport impacts

Policy T5 Cycling

Policy T6 Car parking

Policy GG6 Increasing efficiency and resilience

Policy G7 Trees and woodlands

Policy DF1 Delivery of the Plan and Planning Obligations

National Planning Policy Framework (NPPF) (2021) (CD:4.1)

- 7.23 The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced and for decision making. It states the purpose of the planning system is to contribute to the achievement of sustainable development, which is comprised of three overarching objectives: economic, social and environmental. The relevant sections of the NPPF have been highlighted in the council's statement of case and are also listed within the Statement of Common Ground.
- 7.24 Paragraph 11 says there is a presumption in favour of sustainable development, with development that accords with an up-to date development plan to be approved without delay.
- 7.25 It is noted at Paragraph 60, that in order to support the Government's objective to significantly boost the supply of housing, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing needs are addressed, and that land with permission is developed without unnecessary delay.
- 7.26 Paragraph 74 states local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.
- 7.27 Section 11 Making effective use of land confirms at Paragraph 119, planning policies and decisions should promote an effective use of previously developed land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living condition.

7.28 Para 120 at C states planning policies and decisions should;

“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”

D outlines that planning policies and decisions

“promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)”

7.29 In Achieving appropriate densities, Paragraph 124 states that Planning policies and decisions should support development that makes efficient use of land, taking into account a number of factors including the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change.

7.30 Para 125 advises that “area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places”.

7.31 In regard to section 12 “Achieving well-designed places” the NPPF states at Paragraph 126 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.32 Paragraph 127, although a plan making policy, states that “Design policies should be developed with local communities so they reflect local aspirations and are

grounded in an understanding and evaluation of each area's defining characteristics.

7.33 Paragraph 130 (a and c) outlines that Planning policies and decisions should ensure that developments;

"will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development";

"are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)".

7.34 Para 134 outlines that;

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.35 With regards to RfR3 para 57 is of relevance and states the following;

Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Other Material Considerations

7.36 In addition to the Development Plan, and the NPPF, there are other documents which are material considerations relevant to the proposals. The most pertinent documents are referenced below.

New Barnet Town Centre Framework (November 2010) (CD:6.3)

7.37 This document provides area wide planning guidance on land uses, built form/urban design, transport/movement and sustainability principles. This is supported by more detailed site-specific guidance for key opportunity sites including the appeal site, which is identified as Opportunity Site 1 (page 29). The Framework identifies the site as an appropriate development site, suggesting that a scale of 4/5 storeys along the railway line (to act as a buffer) with appropriate heights elsewhere to reflect the low level suburban nature of the surrounding area. New residential development to front the park is envisaged, to create a new open edge, and bring activity to the park. Although this document is not an adopted document, it formed part of the evidence base for the Local Plan, and the council consider should receive significant weight as a material consideration.

7.38 The document outlines its vision at paras 1.4- 1.6;

....."1.4 This document sets out a planning framework for New Barnet, which responds to this opportunity through an approach which reflects the aspirations of the local community and delivery of the wider localism agenda.

1.5 The Framework brings together existing spatial and other strategies and establishes further planning guidance to proactively direct future development towards a realisable vision in a well planned and coordinated manner, and bring about wider enhancements to the town centre as a whole to ensure positive change. It will assist economic prosperity and protect and enhance the centre's future vitality and viability to ensure that it continues to meet the needs of the

local community and make a contribution to Barnet as a successful London-suburb.

1.6 The Framework will guide developers in drawing up development proposals which will enable the vision for the town centre to be realised, and will assist the Council in the determination of future planning applications”.....

- 7.39 The scope of the Framework (set out at para. 1.10) is to provide area-wide planning guidance on land uses, built form/urban design, transport/movement, and sustainability principles. This is supported by more detailed site-specific guidance for key opportunity sites and proposals for delivery/implementation.
- 7.40 With regards to the appeal site “Victoria Quarter” (para. 3.6), the area is promoted as a new residential-led mixed use quarter for New Barnet, with a focus on new family sized homes. A “coherent approach to public realm treatments (to the High Street character area) is encouraged in order to ‘stitch’ this redevelopment area into the existing suburban fabric. Strong visual and physical connections between East Barnet Road and Victoria Recreation Ground should be created through this area in order to enhance linkages between the recreation ground and the East Barnet Road. New development on the former gas works site should consider opportunities to bring life and activity to Victoria Recreation Ground – potentially through new sports or leisure development”.
- 7.41 With regards to the Victoria Recreation Ground, at 4.11, the document outlines that it is poorly connected to the town centre and is an underused asset. The Framework aims to strengthen connections between the town centre and the park in order to realise its full potential as a recreational resource for the local community, and also to encourage new development on the former East Barnet Gas Works site which will bring new life and activity to the park.

Characterisation Study of London Borough of Barnet (2010) (CD:6.8)

7.42 The Study provides an assessment and understanding of the characteristics of the Boroughs built environment. It identifies the different architectural typologies and character areas in the borough. The Study provided the evidence base to support the Local Plan objectives and helps to identify areas that require greater protection, in addition to those that have the potential to accommodate new development. The Study although not adopted forms part of the evidence base upon which the Local Plan Policies are based and did go through public and local stakeholder consultation. The document also forms part of the evidence base for the emerging plan, and is therefore a current evidence base document. Under a recent appeal within the borough at "Homebase" (see appendix A) the Inspector noted at para.10 that "Barnet's Characterisation Study of 2010 is of some age but is a helpful guide to urban character and local distinctiveness". Accordingly, significant weight is given to this document.

7.43 At page 6 the study states:

"Barnet is predominately suburban in character, and is mainly made up from detached, semi detached and terraced housing. Barnet also has 20 town centres that provide a range of commercial, retail and leisure facilities. Many of the town centres have evolved from historic villages, and form an integral part of the Barnet's distinct character."

7.44 The methodology outlines at page 8 outlines that certain areas are excluded from the study; protected areas including green belt and conservation areas. The special character of these areas is already articulated by planning policy and as such they do not require further analysis. Areas identified for growth are also not included. These sites have been subject to detailed analysis and are recognised as having strategic development potential, and benefit from specific planning guidance and masterplanning exercises. The urban character within these areas is due to evolve significantly, and any analysis of the physical environment will quickly become outdated. The remaining urban area of Barnet is then divided and categorised in order to be effectively analysed. The criteria used to assess the urban environment are scale and grain, land use and network characteristics – arrangement of roads and footpaths and their relationship with surrounding

buildings. Using these three criteria has then enabled the identification of broad categories of types of streets, or “primary typologies”:

- *Box development* – typically large single buildings/retail units such as supermarkets, or industrial development. Large urban scale and coarse grain typically organised around series of car park and are more functional than design led;
- *Campus Development* – range of uses across the Borough, including colleges, hospitals, civic buildings and business parks. Large buildings/urban scale and coarse grain;
- *Cores and Town Centres* – often located along major vehicular routes traffic has had a significant impact upon their historic character. Originated from historic centres and typically contain some of the oldest parts. Medium to large buildings arranged along streets forming strong terraces and coherent forms;
- *Residential Estates* – different to Residential Streets by the way the buildings are organised and how they relate to streets and open spaces. Postwar housing estates were designed around complicated layouts which separated pedestrian and vehicular movement creating an illegible environment with lack of active frontages. Variable building scales, set in landscape and/or parking; and
- *Residential Streets* - predominant form of development in Barnet and most often associated with interwar housing. Characterised by a simple loose grid of streets forming a permeable network, with regular plots small to medium buildings fronting directly on the street.

7.45 Residential streets are then broken down into secondary typologies and categorised using the following criteria:

- density;
- building types and units;

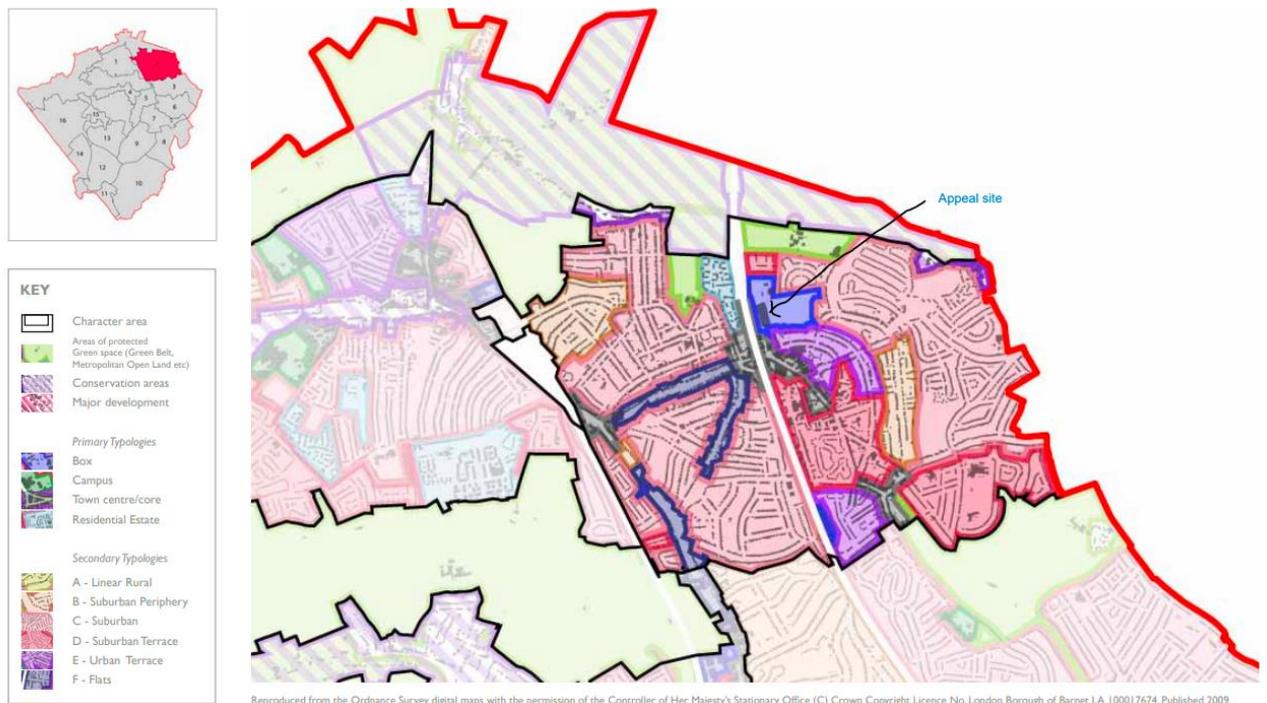
- enclosure, street width, setbacks and building height;
- Architectural style and period; and
- Landscape character and streetscape

7.46 The application of these five criteria identified six secondary typologies which include:

- *Type A - Linear rural: product of sporadic, piecemeal growth along country lanes or tracks. No consistent house type or period and materials and styles equally diverse. Public space along linear rural routes remains primarily enclosed by mature vegetation, including trees and hedgerows.*
- *Type B - Suburban periphery: large plot sizes, and sense of enclosure provided by on street vegetation. Most areas have been identified in the north of the Borough, with the largest single area identified east of Totteridge. Houses are typically the product of the early twentieth century, and in particular the interwar years. Similar to the above with a mixture of different house types however there are in some cases where houses are built to common template and dimensions, usually from the interwar period.*
- *Type C - Suburban: majority of the houses built during the interwar period with strong sense of architectural consistency and coherence. Contain both detached and semi detached houses with building heights predominantly two storeys and occasionally three storey.*
- *Type D - Suburban terrace: buildings from a range of architectural styles and periods from the interwar period and dating back to the Edwardian and Victorian periods. Despite this variation, individual streets retain strong sense of architectural cohesion and consistency.*
- *Type E - Urban terrace: predominately characterised by the architectural dominance of Victorian and Edwardian housing mostly located in the south and east of the Borough. Normally have a strong, coherent character due to the consistent and rhythmic architectural style and consistent street profile.*

- *Type F – Flats: most common blocks are the postwar period however there is a mixture of Victorian, Edwardian, interwar and modern buildings. Thus lack of uniformity in this built form.*

7.47 The study then goes on to define 14 character areas which relate closely with the typologies defined above. They are organised around clearly identifiable centres which are typically the historic settlements (see the New Barnet map below, with appeal site pointed out, map taken from page 97 of the study).



7.48 Although the appeal site is now cleared of development; it is referred to as “Box Development” because it previously included industrial development on site. It is bordered by the primary typology of residential streets, located within the New Barnet character area. The most predominant form of residential street type is secondary typology C (suburban). The map at page 97 of the Study for the New Barnet area shows the site is within mainly a suburban typology. The character area also includes pockets of secondary typologies B, D, E and F.

7.49 The key findings for the Study in regards to scale and massing concludes at Page 129 that,

"A key feature of the many Victorian, Edwardian and interwar streets that make up the borough is the cohesive character created through consistent architectural scale and rhythm. There is a clear and positive hierarchy of scale between the lower residential areas and the town centre areas and key routes. These typically feature three and sometimes four storey development, creating well defined urban spaces."

7.50 The findings continue (at page 129);

.... "The emergence of flatted development in established residential streets has eroded Barnet's cohesive suburban character in some locations. In such streets, flatted development of a significantly different scale to the existing houses can break with the existing plot structure and building massing and have a detrimental effect on the street. In the western part of the borough, modern development of has typically taken the form of larger blocks, with both increased height and bulk. Whilst the more successful examples follow a conventional perimeter block model, this still creates a substantially different massing to the low rise, low density suburbs which prevail in most of the area".....

..... "The challenge with regard to scale and massing is to maintain the existing sense of small scale and fine grain development in the wide suburban areas of the borough. Larger planned development schemes and concentrated areas of infill and redevelopment with conversion to flats will defined their own typologies and scale, but there is a risk that this will gradually leech into the adjoining suburbs. This prevailing scale and massing should be protected in areas where there is consistent character. At the same time, it may be possible to identify areas which would be more able to tolerate change so that new development can be concentrated in a strategic manner to relate to areas which benefit from good transport links and services as well as those which have already been denuded of much of their original character through previous development".....

Sustainable Design and Construction SPD (2016) (CD:6.6)

7.51 This provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet. Its main purpose is to provide clarification on Barnet's local interpretation of sustainable development in light of national and regional policy. The SPD has been revised to focus on the design standards required for different scales of development as well as the performance standards of buildings (page 1). The document should attract significant weight, given the support it provides in the interpretation of adopted policy. This document is relevant to RfR3.

Residential Design Guidance SPD (2016) (CD: 6.7)

7.52 Part 2 of the SPD sets out the general guidelines for new residential development. Again, given the support in the interpretation of local policy, I consider this document should receive significant weight.

7.53 With regards to Local Character the document outlines that;

... "6.1 An area's character may be derived from a range of attributes, including built form, architectural style, pattern, layout, space around buildings, landscaping, trees, streetscape, materials and uses/activity. The design and layout of new development should respect the character of the area in which it is situated and respond to the positive features of that character. In instances where the surrounding area lacks an identifiable character with positive attributes, or the proposal site is severed from its surroundings (i.e. by railway lines, major roads or industrial areas), the design of new development may establish a distinctive new local identity.

6.2 New residential development provides the opportunity to reinforce the character of an area by contributing and adding to the positive aspects of the built and natural environment. The council want new residential development to respect and enhance the positive features of Barnet's character and local distinctiveness. Respecting local character does not necessarily mean replicating

it; however, great care should be taken when incorporating contemporary design into the existing urban fabric. New and old buildings can co-exist without negatively influencing the character of the area, but new development should always sit comfortably with its neighbours”.....

7.54 With regards to pattern of development the Residential Design Guidance continues;

....."6.5 The pattern of development plays a vital role in:

- defining the character of the street;*
- influencing the perception of spaciousness and landscape capacity establishing daylight, outlook and privacy relationships between dwellings;*
- influencing the perception of safety on the street and the accommodation of parking, storage and service requirements.*

6.6 The design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas, or at the interface of larger development sites and existing housing”.....

7.55 The document addresses scale, massing and height thus;

....."6.12 Scale, massing and height refer to the arrangement, volume, shape, size and bulk of a building or a group of buildings in relation to other buildings and spaces; and their combined visual impact. It is these aspects of the built form which are fundamental to a proposals impact on its local character and also determine views, vistas and skylines. Proposals for new residential development should respond to the distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context.

6.13 New development should recognise the scale, massing and roof form of surrounding buildings and reflect these where they are a positive attribute of the

area's character. Consideration should be given to the grouping of buildings, roof pitches, the detailing of eaves and gables, chimney stacks and the size/siting of any dormer windows. New development should reflect the existing building lines and rhythm of the street. Where uniform building heights form a distinctive character, major variations will not normally be appropriate, in particular in the middle of a row of buildings".....

National Guidance

National Planning Practice Guidance (NPPG) (CD: 4.3)

7.56 The National Planning Practice Guidance provides more detailed guidance on how to apply the policies contained within the NPPF. The NPPG states that good design is set out in the National Design Guide under the following 10 characteristics (Paragraph: 001 Reference ID: 26-001-20191001):

- context
- identity
- built form
- movement
- nature
- public spaces
- uses
- homes and buildings
- resources
- lifespan

National Design Guide (NDG) (CD:4.2)

7.57 The National Design Guide sets out the above ten characteristics of well-designed places which contribute towards the themes for good design set out in the NPPF.

7.58 Relevant paragraphs I wish to highlight include;

Context

38 Context is the location of the development and the attributes of its immediate, local and regional surroundings.

39 An understanding of the context, history and the cultural characteristics of a site, neighbourhood and region influences the location, siting and design of new developments. It means they are well grounded in their locality and more likely to be acceptable to existing communities. Creating a positive sense of place helps to foster a sense of belonging and contributes to well-being, inclusion and community cohesion.

40 Well-designed places are:

- *based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;*
- *integrated into their surroundings so they relate well to them;*
- *influenced by and influence their context positively; and*
- *responsive to local history, culture and heritage.*

41 Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Some features are physical, including:

- *the existing built development, including layout, form, scale, appearance, details, and materials;*
- *local heritage – see below – and local character – see Identity ;*
- *landform, topography, geography and ground conditions;*
- *landscape character, waterways, drainage and flood risk, biodiversity and ecology;*

- *access, movement and accessibility;*
- *environment – including landscape and visual impact, microclimate, orientation, flood risk, noise, air and water quality;*
- *views inwards and outwards;*
- *the pattern of uses and activities, including community facilities and local services; and*
- *how it functions. Others are non-physical, such as:*
 - *social characteristics, including demographics;*
 - *economic factors; and*
 - *the aspirations, concerns and perceptions of local communities.*

43 Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

- *the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;*
- *patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, grain, form and scale – see Built form ;*
- *the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development – see Identity .*
- *uses and facilities, including identifying local needs and demands that well-located new facilities may satisfy; and*
- *public spaces, including their characteristic landscape design and details, both hard and soft.*

7.59 Identity

51 Well-designed places, buildings and spaces:

- *have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion;*
- *have a character that suits the context, its history, how we live today and how we are likely to live in the future; and*
- *are visually attractive, to delight their occupants and other users.*

53 Well-designed new development is influenced by:

- *an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;*
- *the characteristics of the existing built form – see Built form ;*
- *the elements of a place or local places that make it distinctive; and*
- *other features of the context that are particular to the area – see Context .*

This includes considering:

- *the composition of street scenes, individual buildings and their elements;*
- *the height, scale, massing and relationships between buildings;*
- *views, vistas and landmarks;*
- *legibility - how easy it is for people to find their way around;*
- *roofscapes;*
- *the scale and proportions of buildings;*
- *façade design, such as the degree of symmetry, variety, the pattern and proportions of windows and doors, and their details;*
- *the scale and proportions of streets and spaces;*

- *hard landscape and street furniture;*
- *soft landscape, landscape setting and backdrop;*
- *nature and wildlife, including water;*
- *light, shade, sunshine and shadows; and*
- *colours, textures, shapes and patterns*

Other Documents

7.60 Other documents considered relevant with regards to RfR3 include

London SPG

Affordable Housing & Viability SPG (2017) **(CD:5.3)**

Local Plan SPD

Planning Obligations (2013) **(CD: 6.4)**

Affordable Housing SPD (2007) **(CD: 6.9)**

Delivering Skills, Employment, Enterprise and Training from Development through S106 (2014) **(CD: 6.5)**

8.0 MAIN PLANNING ISSUES

- 8.1 As detailed within both the Council's Statement of Case and the Statement of Common Ground, the Council does not object to the principle of the development of this site, or to the residential redevelopment of the site. The site already benefits from extant consents for redevelopment.
- 8.2 It is acknowledged that the proposal would deliver both market and affordable housing. With the affordable housing provision at 35% (by habitable room) in accordance with the Mayor's Fast Track criteria set out in the London Plan; and with the appropriate tenure split in accordance with Policy CS4 of Barnet's Core Strategy.
- 8.3 It is understood that the five-year housing land supply is not currently in dispute, with the appellant reserving the right to revisit this issue following the outcome of a separate, recent appeal at Barnet House, 1255 High Road, Whetstone, N20 0EJ (APP/N5090/W/21/3289161).
- 8.4 Other aspects of the proposals relating to matters such as the dwelling mix, tenure and the effects on the local environment, the transport network, and environmental constraints, including sustainable drainage, were found to be acceptable during assessment of the application, or have subsequently been satisfactorily resolved, with any outstanding matters able to be addressed by the recommended planning conditions and or planning obligations. For these matters, please refer to the officer's Committee Report and Statement of Common Ground.
- 8.5 Therefore I consider that the main issues for this appeal from the council's perspective (I acknowledge the Rule 6 party make their own case), having regard to the Development Plan and other material considerations are:
- (i) The impact on the character and appearance of the local area.

- ii) Planning obligations that are necessary to secure to make the development acceptable.
- iii) Planning balance

Reason for Refusal No.1

8.6 The first reason for refusal stated the following;

The proposed development, by virtue of its scale, massing and density would represent an over development of the site resulting in a visually obtrusive form of development that would fail to respect its local context and the pattern of development in the area, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore not constitute a sustainable form of development and would be contrary to the provisions of the NPPF; Policies D3 & D4 of the London Plan (2021); Policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (2012).

8.7 As part of the application submission, the appellant provided a compilation of Verified Views (The Visualiser) around the site. It is agreed the visualisations provide helpful reference points, but subject to the qualification that they do not provide the full experience that can be gained from visiting the site and its surroundings. The Council consider that impact on the character and appearance of the area is best appreciated by the kinetic experience of walking the streets.

8.8 Since the exchange of Statement's of Case, the council have provided further refinement in relation to RfR1 and confirmed to the appellant, the Inspectorate and the Rule 6 Party, by email on 7th June 2022, the Council will not rely on the impact on Hertford Road, or on viewpoint 16, taken from Station Road.

8.9 In light of the above, the Council's case is focussed on the following three areas:

1. Leicester Road, Lytton Road and Bulwer Road (These are suburban roads west of the site);
2. Victoria Recreation Ground;
3. Victoria Road.

8.10 I wish to be clear that I do not say that a scheme which is visible will always be harmful. In this case I have been careful to consider whether, and to what extent, the visibility of the scheme would be harmful.

Leicester Road, Lytton Road and Bulwer Road

- 8.11 To the west of the site sits a residential enclave of properties outside the boundaries of the town centre. The Characterisation Study identifies the streets as Suburban. The character description for New Barnet states; "There is an overall consistency of massing within the built form, with most residential units rising to two or three storeys at most". This "Western Enclave" (I use this as shorthand for these streets, it is not a term taken from the characterisation study or town centre framework) of streets is consistent with this description and provides a characteristic residential hinterland, outside of the town centre, which is distinctive across the borough. The site therefore lies in a residential area of broadly similar character consistent with mainly low-rise development of domestic scale.
- 8.12 It is acknowledged there is taller urban development in the town centre which is visible from these streets but it does not form a significant part of, or contribute in any appreciable way, to the character of this residential area around the appeal site. The town centre buildings can be glimpsed from limited points within Leicester Road and Bulwer Road, and are visible in the distance from Lytton Road but are read as part of a town centre context. As such this surrounding low to mid-rise residential area is considered sensitive.

8.13 The Verified Views document provides at VP 14 the existing and proposed view towards the site from Bulwer Road and at VP 15 the existing and proposed view towards the site from Leicester Road.

VP 14 – Bulwer Road

8.14 The below image demonstrates the change in character that would occur, the image captured approximately 100 metres from the junction with Lytton Road.



VP 14 - Bulwer Road

8.15 The Council consider that progressing towards the junction with Lytton Road the development will inevitably become more prominent. As the below layout plan of this section of the site demonstrates the 7 storey Block E would be clearly visible, with the likelihood that the 6 storey Block F 1-3 would also be visible progressing towards the junction. Blocks E and F would also be visible between gaps in development along Lytton Road.



Part Site layout – Blocks E and F1-3

VP 15 – Leicester Road

- 8.16 The below image demonstrates the change in character that would occur from approximately 100 metres within Leicester Road. Block F4, which extends to 7 storeys, would be clearly visible above the existing low-rise development on the eastern side of Lytton Road. Again, progressing towards the junction this development would become more prominent.

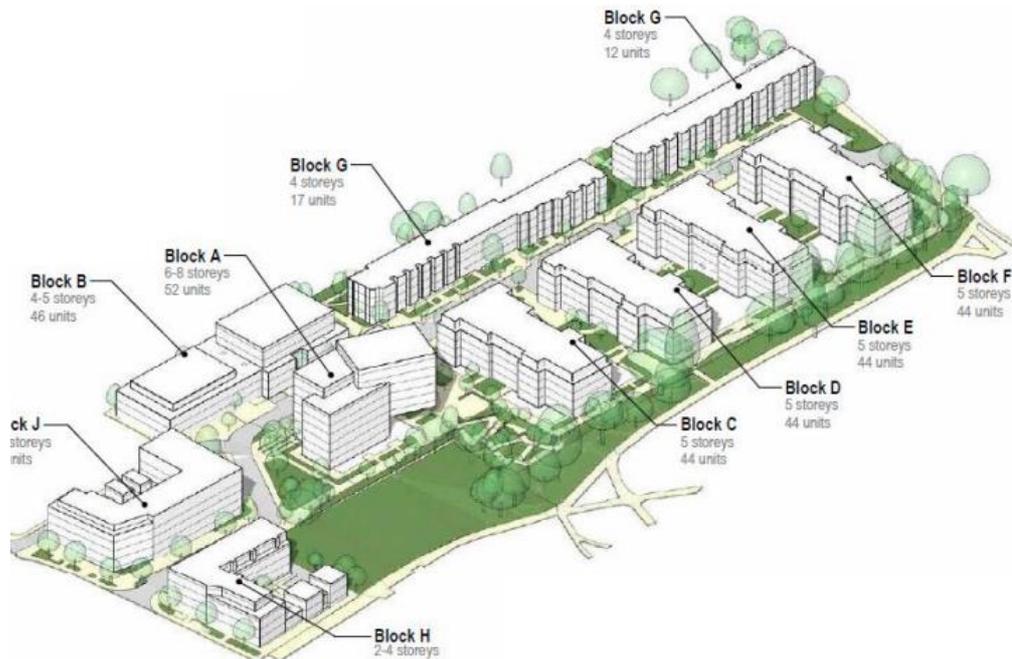


VP 14 - Leicester Road



Part Site layout – Blocks including F4

8.17 It is notable that the New Barnet Town Centre Framework identified a suitable height of 4/5 storeys along the railway line, in particular the development principles for Site 1, the extant permission has appropriate lower set development which reflects the suburban nature of the surrounding area. As per the below image, the development in the extant scheme along the western flank of the site is much more lower set than that proposed under the appeal scheme.



8.18 This level of development would be barely visible, if at all, from the residential streets to the west, whereas the proposed blocks under the appeal scheme, extending to 6 and 7 stories would have a much more intrusive impact, introducing a significantly different scale into the character of these streets, in contrast to the domestic scale of these residential roads. The extant scheme reflects the aspirations of the Framework and strikes an appropriate balance in ensuring the development potential of the site is optimised and reflects the low lying suburban nature of the area.

8.19 In this immediate low rise residential context, buildings as high as 7 storeys would appear starkly out of keeping. The visual impact would be only partly relieved by the buffer of the railway line but this would not have the effect of suitably mitigating against the out of keeping scale and height of the buildings

when seen in the immediate context. The appearance of the linear and traditional block system, along these street does have some variation, but there is nonetheless a pleasing consistency to the height of the buildings with two to three storeys being the most common. This gives the residential hinterland outside of the town centre its distinctive character.

- 8.20 The appeal buildings would be up to 7 stories in height. The buildings would be set back but would be clearly perceptible, and notwithstanding this the buildings as a whole would still be seen as a tall, dominant, bulky and materially out of scale form of development when seen against the surrounding lower set residential buildings. The effect would be to materially disrupt the general consistency of height to the buildings within the residential streets, particularly when viewed from Lytton Road, Leicester Road and Bulwer Road, thereby causing unacceptable harm to the positive and distinctive characteristic of the immediate locality.
- 8.21 Overall, the development would fail to appropriately integrate into the existing residential fabric and would appear incongruous in the street-scene. As detailed above, the Council has previously approved a predominantly 4 and 5 storey development on the appeal site. However, such approved development was significantly lower in height than the appeal proposal and would not have the same harmful impact.
- 8.22 With regards to Policy D.3 of the London Plan, in respect of part 1, the scheme does not, in my view, enhance local context by positively responding to local distinctiveness relating to the low-rise suburban character in the identified surrounding streets. In respect of part 11, I do not consider that the scheme responds to the existing character, as found within the surrounding streets, and I note the appellant has failed to identify the special and value characteristics (which in respect of the surrounding streets I regard to be the low rise suburban character). The development is also in conflict with Core Strategy CS5 and DPD DM01. In terms of national policy, it is in conflict with policies 126, 130 and 134. It is also at odds with the National Design Guide paras 40, 41, 43, 51 and 53.

The proposal is also contrary to the New Barnet Town Centre Framework and the Residential Design Guide SPD.

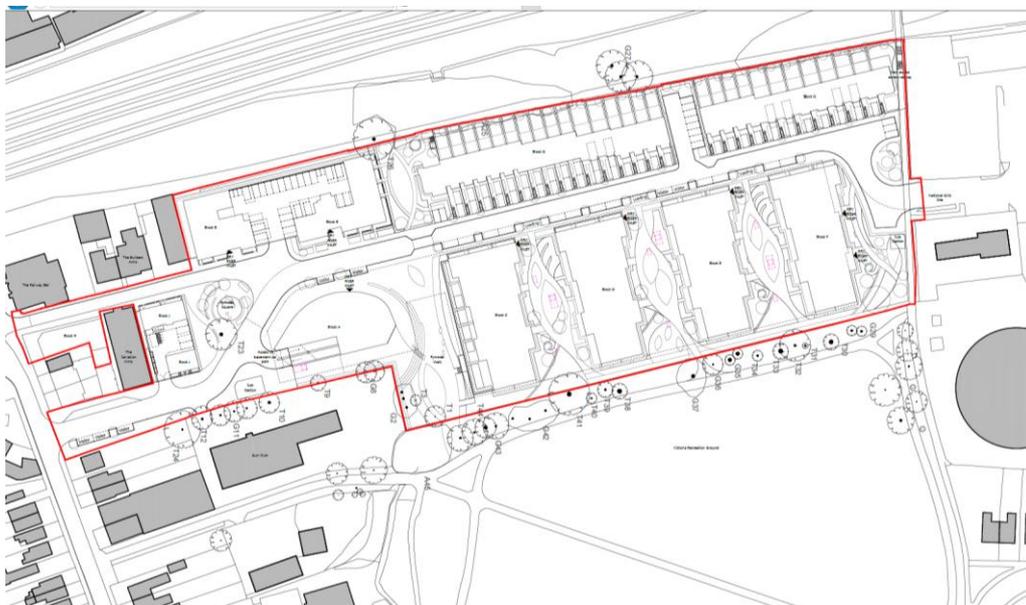
Victoria Recreation Ground

- 8.23 Immediately to the east of the site is the Victoria Recreation Ground, a local public amenity facility, including sport pitches, a children's play park, and a 2 storey leisure centre building which also houses the local library located on its eastern side. The park is bordered by suburban housing, typically 2 stories in height to the north, south and east. The appeal site is located adjacent to the west, and is tree lined and predominantly open. The taller buildings on Station Road are Kingmaker House, Endeavour House and Bejun Court, and are within the town centre and are visible to the south west, and includes residential buildings and former office buildings which are converted to residential. These buildings to some degree act as a detractor when viewed from the park, but the park retains a sense of openness. These taller buildings are set well back within the town centre, and this public, open space facility, is a positive attribute of the local area.
- 8.24 It is evident that the New Barnet Town Centre Framework sees the redevelopment of the appeal site as an opportunity to improve the connectivity of this local resource to the town centre, and that any new scheme could bring new life and activity to the park (section 4.11). The layout of any scheme, as detailed at page 29 aims for new residential development to create a new "open edge" to the park.
- 8.25 Both the extant scheme and appeal proposal would increase connectivity between the park and town centre and pedestrian links would increase activity and usage as envisaged in the framework, which would be a positive enhancement to the wider area.

8.26 The extant consents would bring forward a finished scheme with 4 storey buildings with an east/west orientation, the flank ends of the structures abutting the park. The Officer Report under application B/04834/14 (**CD: 12.2**) records;

“Blocks A, C, D, E and F all address their relationship to Victoria Recreation Ground with their appearance working with the layout, massing, scale and height such that they are not considered to be too overt or overbearing to the setting”.

8.27 The below plan demonstrates the approved layout adjacent to the park.



8.28 By contrast the appeal scheme buildings B2, C2 and D2 would extend to 6-7 Stories along the park frontage. The layout of the buildings has also been orientated through 90 degrees such that the narrower flank elevations run perpendicular to the park and the full elevations face towards the park. The submitted visualisations demonstrate the proposed relationship.



VP 8A3



VP 8B1



VP 8D

8.29 The increased level of development introduces a “wall of development” in views from the park, as opposed to the previous iteration of interspersed blocks. The extant scheme blocks are generously spaced and do not impact unduly on the existing sense of openness. The corresponding submitted existing views to the west, are of trees and sky. Whilst the consented scheme would be visible above, and through, the trees, it would not appear unduly dominant. In contrast, B2, C2 and D2 of the appeal scheme would, collectively, dominate the outlook in this direction. It is considered that the impact on views and the level of enclosure from the park would be even greater during months when the tree cover was not in leaf (as per below image, downloaded from Google Maps April 2022). Many of the trees in this vicinity are deciduous.



- 8.30 Whereas the extant consents would largely preserve the open edges of the park the appeal scheme would not. The appeal scheme would have a detrimental impact on the park, failing to retain an open edge and resulting in a sense of enclosure.
- 8.31 In respect of the Victoria Recreation ground the scheme conflicts with D.3, CS5 and DM01, and in respect of other material considerations, it is also at odds with the New Barnet Town Centre Framework, the Residential Design Guide SPG paras. 126, 130 and 134 of the NPPF and paras. 40, 41, 43, 51 and 53 of the National Design Guide.

Victoria Road

- 8.32 In views from Victoria Road there would be a negative impact on the lower 2 storey scale prevalent along this road. I accept there is little to no material change on the impact on Victoria Road between the extant and appeal scheme and the council considered the transition in scale acceptable. However, I am including impact on Victoria Road in my overall assessment because it is now to

be considered in conjunction with the impact on the western residential streets and Victoria Recreation Ground. However, in my view the impact on Victoria Road is much less significant than the impact on the western residential streets and Victoria Recreation Ground.

Overall harm to Local Area

8.33 In light of the above appraisal it is considered that the appeal proposal fails to reflect the height, scale, and massing of the surrounding residential scale buildings resulting in a harmful juxtaposition between the proposed buildings and the surrounding area. The proposed development would therefore be out of character with the existing low rise suburban development in surrounding roads. The scheme would also appear excessively dominating when viewed from Victoria Recreation Ground, creating a sense of enclosure, considerably over and above the impact from the extant schemes. In my view the proposal would therefore conflict with policies Policy D3 of the London Plan (2021); Policies CS NPPF, CS5, DM01 and national policy within the NPPF.

Reason for Refusal No.3

8.34 The third reason for refusal stated the following;

In the absence of a Section 106 Agreement, the application does not include a formal undertaking to enable an amendment to the Traffic Regulations Order and to secure the planning obligations which are necessary to make the application acceptable. The application is therefore contrary to the NPPF; London Plan Policies S4, H4, H5, E11, SI2, T2, T3, T4, T5, T6, G6, G7 & DF1, Policies DM02, DM04, DM10, DM14, DM16, DM17; and Policies CS4, CS7, CS8, CS9, CS15 of the Development Management Policies (2012); Barnet Local Plan Core Strategy (2012); the Barnet Planning Obligations (adopted April 2013); Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Document; the Barnet Supplementary Planning Document on Delivering Skills, Employment

and Enterprise Training (SEET) (adopted October 2014); and the Mayor's Supplementary Planning Guidance on Affordable Housing and Viability (2017).

8.35 NPPF states at Paragraph 55 that:

“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”.

8.36 The Development Plan seeks to ensure that development proposals fully mitigate the impacts of the development on the area through a Section 106 Agreement, where necessary or appropriate, having regard to supplementary planning documents and provide the Community Infrastructure Levy (“CIL”) payments required by any charging scheduled, including the Mayor of London’s CIL. A payment or other benefit offered in a Section 106 agreement is not material to a decision to grant planning permission and cannot be required unless it complies with the provisions of the Community Infrastructure Levy Regulations 2010 (Regulation 122), which provide that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

8.37 These tests listed above are also replicated in paragraph 57 of the NPPF.

8.38 Under Regulation 123 (2), on the adoption of CIL the Regulations restrict local use of Planning Obligations to ensure that individual developments are not charged for the same items through both Planning Obligations and CIL.

8.39 The following draft Heads of Terms are considered necessary and should be secured by a Section 106 legal deed if the application was to be approved, all of which are considered to comply with the NPPF, the Development Plan, and the three Regulation 122 tests referred to above, and that without the obligations the scheme would represent an unsustainable development.

8.40 At the time of writing this evidence, good progress has been made between the parties in respect of s106 obligations and accordingly the expectation is that these issues will be satisfactorily addressed.

8.41 The heads of terms arising under a s.106 deed to address the matters raised by reason for refusal no.3 are:

8.42 A) Legal Professional Costs Recovery

Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;

8.43 B) Enforceability

All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

8.44 C) Indexation

All financial contributions listed to be subject to indexation.

8.45 D) Affordable Housing

35% of habitable rooms to be provided as affordable with a tenure split of 60.9% Affordable Rent and 39.1% Shared Ownership. This equates to a total of 149 affordable units with the following mix:

London Affordable Rent (77 units)

8 x 1B 2P

19 x 2B 4P

34 x 3B 5P

16 x 4B 6P

Shared Ownership (72 units)

21 x 1B 2P

9 x 2B 3P

19 x 2B 4P

8 x 3B 5P

8.46 All affordable housing to be secured in perpetuity and an early stage review mechanism is to be secured and to be triggered if scheme not implemented within agreed timescale. The formula for this is set out within the Mayor's Affordable Housing SPG. In accordance with Policies H4-H7 London Plan 2021 and Barnet Local Plan Policies CS4 and DM10.

8.47 E) Employment and Enterprise

The applicant would be required to enter into a Local Employment Agreement with the Council in order to provide an appropriate number of employment outcomes for local residents, as follows:

- Progression into Employment (<6 months) – 9
- Progression into Employment (>6 months) – 0
- Apprenticeships – 7
- Work Experience – 21
- Site Visits – 187
- Site / School Workshops – 103
- Local Labour – 10%
- Local Supplier – 2
- Number of End Use Jobs – 13

8.48 Alternatively, the applicant may wish to make a financial contribution in lieu of the employment outcomes outlined above. Such a contribution would be commensurate with the number of outcomes secured and in line with the Barnet Delivering Skills, Employment, Enterprise and Training SPD guidance.

- (i) Owner to provide a dedicated workplace coordinator responsible for the Local Employment Agreement (LEA) implementation, coordination and delivery of LEA activities, during the development phase. If unable to provide a dedicated Workplace Coordinator, the Council will require payment of an equivalent cost to support alternative E&S activities.
- (ii) Owners to pay a financial contribution of a) £20,000 per apprenticeship and b) 5,340 per other employment outcomes if not delivered as per agreement.
- (iii) Employment and Training Contribution means the sum of £212,040 (Two Hundred and Twelve Thousand and Forty Pounds) (Index Linked) to be paid by the Owner to the Council and to be applied by the Council To support local economic development initiatives including but not limited to Employment and Skills training and Business Support, in the administrative area of the borough of Barnet.

8.49 In accordance with London Plan Policy E11 and Barnet 'Delivering Skills, Employment, Enterprise and Training from Development through S106' (SEET) SPD.

8.50 F) Off Site Highways Improvement Works

The applicant shall, at its own expense, implement the following off-site highways improvement works (including but not limited to) to mitigate the impact of the development, with agreement of the Highways Authority. These works shall be undertaken under S278 of the Highways Act 1980.

- 1.The removal of an existing elevated pedestrian bridge and replacement with improved access and public realm and further improvements to the west of site i.e. resurfacing Network Rail land including the pedestrian tunnel resurfacing and vegetation clearance
- 2.Pedestrian improvements to consist of improved signing, and lighting under the railway bridge on East Barnet Road
- 3.Provision of new zebra pedestrian crossing facility on Victoria Road (north east of mini roundabout junction)
- 4.Replacement of an existing Zebra Crossing on East Barnet Road to Puffin Pedestrian Crossing south east of East Barnet Road and Lytton Road junction
- 5.Junction Improvements to Victoria Road and East Barnet Road including carriageway and footway widening and all associated highway works
- 6.Review existing Traffic Regulation Orders and any new restrictions for Albert Road East and West, Victoria Road, East Barnet Road in the vicinity of Lytton Road
- 7.Financial contribution towards CCTV monitoring of the pedestrian link - only under s106 and not also required under s278

8.51 G) Highway Improvements

- i) The details of the highway works will consist, but not limited to cover the access points off Victoria Road; the realignment of the Albert Road (East and West); Improvements to Albert Road West; Improvements to the Albert Road East and Victoria Road Priority Junction; proposed development block entrances; the proposed car parking laybys throughout the development and proposed

footways/cycle ways including new footpaths (adopted, unadopted and proposed for adoption).

ii) Albert Road East and Albert Road West:

All drawings relating to the highway layouts for Albert Road West and the adopted section of Albert Road East are for indicative purposes only. Detailed design of any improvements to the footway and carriageway as well as parking/traffic restrictions to be introduced in these areas are to be agreed as part of the s278 process.

iii) Due to the scope of works proposed on the section of Victoria Road fronted by the development, suitable reinstatement works including resurfacing of the highways (including footways) should be undertaken and implemented by the developer at their own costs, but approved and supervised by Local Highway Authority. The approved works shall be completed at the applicant's expense based on an agreed layout with the Council, following the formation of a combined agreement under S38 and S278 of the Highways Act 1980 between the London Borough of Barnet and the Developer.

iv) The proposals will require the stopping-up of areas of adopted highway under s247 of the Town and Country Planning Act, 1990 and road adoption under s38 of Highways Act, 1980. Details of the areas to be stopped up or adopted as highway will be subject to approval of the Highway Authority.

v) All proposed designs and improvements must be accompanied by acceptable Road Safety Audits statements.

8.52 H) Feasibility Study

Financial Contribution of £25,000 towards a Feasibility Study on improvements to the Pedestrian and Cycling Environment surrounding the site, including upgrades to crossing facilities. To include all reasonably accessible Public Transport (PT)

stops (Bus/Rail/LUL, and including New Barnet, Cockfosters and High Barnet stations) within a 20 minute walk or 10 minute cycle ride. The study to be based on TfL's Healthy Streets toolkit and principles.

8.53 I) Feasibility Study Outcomes

Financial Contribution towards the implementation of the outcomes of the Feasibility Study to a capped ceiling of £100,000 and triggered for delivery prior to occupation of any unit on the site.

8.54 J) Provision of a crossing facility in the form of a Toucan Crossing at Victoria Road north east of mini roundabout junction near Albert Road (West). This scheme should be a combination of the two schemes described above under the existing S106 requirements in order to provide and deliver a compact improved junction which has appropriate pedestrian and cycling crossing facilities. Details of the scheme should be discussed and agreed with the Local Highway Authority and implemented thereafter by the developer in accordance with the approved scheme. Trigger for delivery is prior to occupation of the 28th residential unit on the site.

8.55 K) Section 278 Highway Works

All necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development in agreement with the Local Highways Authority.

Highway works in accordance with London Plan Policy T2, T4 and T5 and Barnet Local Plan Policy DM17.

8.56 L) Travel Plan

The applicant shall enter into a strategic level Travel Plan for the residential and commercial uses on the site that seeks to reduce reliance on the use of the private car and to ensure the sustainability of the development. The Travel Plan shall include the following obligations to facilitate modal shift in the choice of transport mode available to occupiers of the residential and commercial units as follows:

Residential Travel Plan (RTP):

- Residential TP Statement (RTPS) that meets the requirements of the 2013 TFL TP guidance and is ATTrBuTE and iTRACEs compliant and contains targets to be submitted and approved by Council at least 6 months prior to 1st occupation.
- iTRACE compliant monitoring to be completed within 5 months of 1st occupation and updated RTPS to be submitted for approval within 6 months of occupation.
- - iTRACE compliant monitoring to be completed in years 1,3,5 and then every other year until 5 years after the 1st occupation of the final unit.
- RTPS to be revised and RTPS Review submitted for approval within 2 months of monitoring being completed.
- RTPS to be re-submitted for approval prior to each phase.
- RTPS Champion to be in place at least 3 months prior to occupation and for lifespan of RTP.
- At least 4 car club space to be provided.
- Welcome pack for all first occupants.
- 2x a year for 5 years Dr Bike maintenance sessions for residents.

Commercial Travel Plan (CTP):

Should the non-residential uses have more than 20 staff then the following would be required:

- CTP that meets the requirements of the 2013 TFL TP guidance and is ATTrBuTE and iTRACE compliant to be submitted and approved by the Council within 6 months of 1st occupation of any commercial unit.
- CTP to cover any travel movements by staff, users and visitors to any commercial unit.

-
- iTRACE compliant monitoring to be completed in years 1, 3 and 5 and a revised CTP Review to be submitted for approval.
 - CTP Champion to be in place within 3 months of occupation and for the lifespan of the CTP.
 - Each commercial unit to have a Travel Plan Ambassador.

If non-residential uses have less than 20 staff then the following would be required as part of the CTP:

- CTP to include travel movements to and from the commercial units and targets, measures and actions for the commercial units.
- Each commercial unit to have a Travel Plan Ambassador.

8.57 M) Residential Travel Plan Incentives Fund

£300 per unit Residential Travel Plan Incentive Fund to be used by 1st occupiers to get 2 of the 3 TP incentives of the following:

- Oyster card with £150 credit
- Cycle shop voucher to the value of £150
- Car club credit/membership to the value of £150

8.58 N) Travel Plan Monitoring Contribution

Payment of a financial contribution of £15,000 to the Council towards its costs in promoting more sustainable modes of transport and monitoring both the residential and commercial travel plans that will be submitted for the development within twenty (20) working days of commencement of development.

Travel Plan contributions in accordance with London Plan Policy T4, Barnet Local Plan Policy DM17 and Barnet Planning Obligations SPD.

8.59 O) Control Parking Zone (CPZ)

Financial contribution towards Local CPZ monitoring, consultation and implementation, final sum to be agreed. In accordance with London Plan Policy T6 and Barnet Local Plan Policy DM17.

8.60 P) Traffic Management Order

A contribution of £5,000 (per phase if applicable) towards the amendment of Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing parking permits in local CPZs. In accordance with London Plan Policy T6 and Barnet Local Plan Policy DM17.

8.61 Q) Bus Service Contribution

A financial contribution to provide an additional bus service in the vicinity of the site. Amount to be agreed with TfL. In accordance with London Plan Policy T6 and Barnet Local Plan Policy DM17.

8.62 R) Tree Planting and Landscaping

The applicant shall submit a detailed landscaping and management scheme for the site; including tree planting, this will be subject to a Landscape Management Plan to be submitted to the Council prior to first occupation of a unit on the site. The strategy shall include:

(i) The provision of a mix of indigenous species and tree sizes (including semi-mature species) in suitable locations including in public open spaces provided within the site to be agreed with the local planning authority.

(ii) The maintenance of trees planted along any roads to be adopted by the Council for a period of 5 years by the applicant landowner/ successor in title or nominated management company.

(iii) A financial contribution to maintain the trees on the adopted public highway thereafter shall be provided by the applicant. This figure shall be calculated in accordance with guidance from LoTAMB. Commuted sums for Highway Adoption In accordance with London Plan Policy G7 and Barnet Local Plan Policy DM01.

8.63 S) Greenspaces

Parks and Open Spaces contribution sum of up to £123,656.30 index linked towards the improvement and enhancement of Victoria Recreation Ground. In accordance with London Plan Policy S4, Barnet Local Plan Policy DM02 and Barnet Planning Obligations SPD.

8.64 T) Carbon Offset Contribution

Payment of £485,712 index linked as a contribution to ensure that the Development achieves net zero carbon dioxide emissions, in accordance with the Mayor of London's Zero Carbon target for new developments. In accordance with Policy SI 2 London Plan 2021 and Barnet Local Plan Policy DM04.

8.65 U) Monitoring Fee

A contribution of £5,000 towards the monitoring of the S106 agreement.

8.66 A S106 document addressing these matters has been submitted to the Council and the Council and the appellant are in dialogue in respect of the drafting and any other issues arising. At the time of writing, the council are not aware that any of the matters above are not agreed by the appellant. In advance of the Inquiry the Council will provide a justification document in relation to the various matters contained with the s106 document.

9.0 PLANNING BENEFITS AND BALANCE

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”. Therefore, the appeal is to be determined in accordance with the Development Plan, with development that accords with its policies and which constitutes sustainable development to be approved without delay, and those that conflict with it to be refused unless other material considerations indicate otherwise.

Benefits of the scheme

9.2 With regards to the benefits of the scheme, I use the following scale – Limited, Moderate, Significant.

- The proposal would provide 539 residential dwellings of which 390 would be market housing and 149 would be affordable housing. The Council have a 5 Year Housing Land Supply (5YHLS). Barnet’s target as set out in the London Plan (2021) is to deliver 2,364 net new homes per year. In the previous London Plan (2016), Barnet’s target was to deliver 2,349 net new homes per year. In November 2021 the Council published its Housing Trajectory and 5-Year Supply Paper which demonstrates that the Council has a 5YHLS of 6.5 years (core document reference: . Notwithstanding that the Council has a supply in excess of five years it acknowledges that there is a need for housing across London as a whole, and that the provision of market and affordable housing should carry significant weight in the planning balance. I take into account that although the extant scheme would deliver both market and affordable housing, the appeal scheme proposes a greater quantity of housing and a greater percentage of affordable housing.

- Redevelopment of an existing edge-of-centre brownfield site and support vitality and viability of New Barnet Town Centre. On balance it is considered these carries between moderate and significant weight. The benefits could largely be achieved through a less harmful scheme such as the extant redevelopment scheme.
- Provision of new public link between the park and the railway line and public realm assisted by the proposed landscaping. This carries limited weight, as the extant scheme would also provide public link improvements.
- While not mentioned by the appellant in their planning balance conclusion within the Statement of Case the provision of new community space within the development is considered to carry moderate weight. Again, this could be provided through the less harmful extant scheme.
- The proposal would generate indirect beneficial effects to the local economy by creating jobs during the construction phase and induced employment in the area through the local spending of residents. This carries moderate weight, and again similar economic benefits would arise from the less harmful extant scheme. I do not treat as benefits CIL payments as this is part of the mitigation of the scheme.

Balance

- 9.3 It is the council's position that the scheme is harmful to the character and appearance of the area. The proposal is in conflict with policy D3 of the London Plan (2021) and Policies CS NPPF, CS5 and DM01 of the Barnet Local Plan Core Strategy and Development Management Policies (2012). I therefore consider the appeal scheme in conflict with the Development Plan overall.
- 9.4 The proposal would include obligations to provide a contribution towards the Council's carbon offset fund, offsetting a shortfall in compliance to meet net zero emissions; and has other sustainable design measures including provision of a car

club and travel plans. However, these measures are needed to meet policy requirements and are therefore not considered public benefits in their own right.

- 9.5 Whilst I acknowledge the benefits of the scheme, this is not outweighed by the conflicts with the Development Plan.
- 9.6 It is the Council's case that a 5 Year Housing Land Supply (5YHLS) can be demonstrated. However, notwithstanding this it is respectfully submitted that even if the Inspector found the Council could not demonstrate a 5YHLS then it is considered the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, in accordance with Paragraph 11d of the NPPF.
- 9.7 It is respectfully submitted that planning permission should not be granted.
- 9.8 The council and the appellant will seek to agree a list of proposed conditions for discussion at the Inquiry, in the event that planning permission is granted.

10.0 DECLARATION

10.1 The evidence I have prepared and provided for this appeal is true and has been prepared in accordance with the guidance of the appropriate professional institutions. I confirm that the opinions expressed are my true and professional opinions.

11.0 APPENDICES

11.1 Separate attachment (Homebase Appeal pages 1 and 3)