

**Land Formerly Known as British Gas
Works, Albert Road, New
Barnet, EN4 9BH**

**Summary of Proof of Evidence
Simon Slatford BA (Hons), MRTPI, BPI**

Appellant: Citystyle Fairview VQ LLP

Planning Inspectorate No: APP/N5090/W/22/3294689

Application No. 21/3676/FUL

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1.1 My name is Simon John Slatford. I am a Town Planner and hold a BA (Hons) Degree in Town and Country Planning. I am a Member of the Royal Town Planning Institute. I was instructed by Citystyle Fairview VQ LLP to become involved in this project in September 2021, when there was concern that the application may be refused at Committee.

Main Issues

1.2 For this Inquiry, the main concern of the Council regarding the appeal development is on design (Reason for Refusal 1). However, the New Barnet Community Association is a Rule 6 Party and they have raised a number of additional matters that are of concern to them.

1.3 My evidence therefore addresses the planning issues arising from the 2 putative reasons for refusal and those main matters raised by the Rule 6 Party, together with a consideration of the planning balance. In preparing my evidence, I have had regard to the assessments undertaken and submitted with the application and the evidence prepared by the appellant's specialist consultant team on design, sunlight and daylight, overheating, highways and noise.

Background

1.4 As can be seen from the Planning History section the site has planning permission for development. The Site has also been subject to a number of other applications, most notably in 2020, and that application was also recommended for approval by Officers, and supported by the GLA, but refused by the Planning Committee.

Site Location

1.5 Importantly, the site is located on the edge of New Barnet town centre. Adjoining the site to the east is Victoria Recreational Ground. The nearest national rail station is located 270m walking distance from the site frontage (if using the Nirvana Close footpath). The closest bus stops are located a 100m walk to the eastbound stop and 140m to the westbound stop.

- 1.6 The Council is reviewing and updating the borough's planning policies as part of a Local Plan Review. The site is not allocated in the Draft Local Plan, but it is agreed with the Council that it would have been, if the site did not benefit from planning permission.

The Appeal Proposals

- 1.7 The appeal scheme would result in the delivery of 539 homes within 13 apartment buildings. The proposal will provide mix of flat types. 35% will be proposed as affordable housing with a tenure split of 60.9% Affordable Rent and 39.1% Shared Ownership. All units achieve the Nationally Described and London Plan Space Standards. In addition, retail/commercial space and community space would be provided.

- 1.8 A wide variety of landscaping is provided across the site including private and secured communal amenity space and public open space.

Planning Policy

- 1.9 The Development Plan for the site is the London Plan 2021; the Barnet Core Strategy DPD (2012); and the Barnet Development Management Policies DPD (2012). There are also a number of further material considerations are relevant to this application including the NPPF, National Design Guide and a range of local SPDs.

- 1.10 The Council is reviewing and updating the Borough's planning policies as part of a Local Plan Review. It is agreed that the draft policies of the Local Plan can only be afforded limited weight.

Considerations

- 1.11 The overarching aim of the NPPF is to proactively deliver sustainable development to support the Government's economic growth objectives and deliver the development the country needs. The NPPF confirms that there is a presumption in favour of sustainable development and that for decision

taking, this means approving development proposals that accord with the development plan without delay.

1.12 The NPPF confirms that *“to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed”*.

1.13 In terms of design, the NPPF notes that plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. It is confirmed that good design is a key aspect of sustainable development. The NPPF refers to the need for local design guides or codes to be consistent with the principles set out in the National Design Guide and National Model Design Code and *“these national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes”*. It is confirmed that decisions should ensure developments are sympathetic to local character, including the surrounding built environment, *“while not preventing or discouraging appropriate innovation or change (such as increased densities)”*.

Weight to be Given to the Development Plan

1.14 Having reviewed the position, in my view, some aspects of the relevant design policies and guidance are not fully consistent with the most recent policy guidance in the 2021 version of the NPPF regarding the National Design Guide and Model Design Code, and the London Plan 2021 and should, therefore, be given less weight, notwithstanding that the need for high quality design is an important policy consideration for this case.

Assessment of the Appeal Scheme: Main Issues

1.15 I note that all parties agree that the proposed development of the site for residential development is, in principle, acceptable. It is matters of design detail that are in dispute.

1.16 There are many benefits of the appeal scheme which can be given degrees of weight in the consideration of this case. Most notably, it is agreed that there is a need for housing across London as a whole, and I consider that the provision of market and affordable housing should carry significant weight in the planning balance. It is agreed that the site is previously developed land in the urban area, that is suitable and appropriate for residential development and that the development has social, economic and environmental merits, which I consider to be significant, and so represents sustainable development.

Main Issue 1: Effect on the character and appearance of the area - scale, massing and density.

1.17 Mr Pullan provides the details of the proposed layout and design of the appeal scheme and I provide evidence on compliance with design policy based on his evidence.

1.18 Mr Pullan explains how the design of the proposed development has been considered against the requirements of the NPPF (2021) to achieve well-designed places, including the six criteria set out at Paragraph 130 and that the design of the development reflects the requirements of the National Design Guide. Mr Pullan also assesses how London Plan policies have been considered in the appeal scheme.

1.19 The relevant part of Adopted Local Plan Policy in the Core Strategy that relates to design is Policy CS5. Notwithstanding whether this is out of date, Mr Pullan explains how the design of the appeal scheme meets all of the other criteria in CS5. In this regard, I note that 'change' is not in itself harmful.

1.20 I am satisfied that the appeal accords with all levels of design policy.

Parking

1.21 This is not an issue of concern raised by the Council or the GLA but has been raised by the Rule 6 Party and is relevant in the consideration of density. Mr Dix provides details on the parking proposals in his evidence, and it is concluded that the level of parking with the proposed scheme is consistent

with existing and emerging policies and standards and would meet future demands arising from the proposed scheme within the site.

Amenity Space and Children's Playspace

- 1.22 The Council have confirmed that the proposed amount of amenity space (private and communal) and public open space meets the requirements and the GLA appear satisfied. However, the Rule 6 Party states that the children's playspace fails to meet the minimum requirement, in breach of London Plan Policy S4. In my view, the GLA and the Council take a logical and pragmatic view on this matter by taking into account existing adjacent park with play facilities when considering the appropriate level of children's play to be provided on the site. Like them, I conclude that the proposed playspace provision is in accord with London Plan Policy S4.

Quantum/Density

- 1.23 Policy requires that the density of a scheme be design-led. As a result, if Mr Pullan's assessment of the acceptability of the appeal proposals in terms of design led optimisation is agreed, there should be no issue with the proposed number of new homes on the site. For the reasons set out in the evidence of Mr Pullan, I am satisfied that the proposed development is not overdevelopment as, in addition, all relevant standards are met as confirmed in the SoCUG. From the assessments undertaken to accompany the application, it has been demonstrated that the proposed development would not result in a loss of amenity for existing neighbouring properties and would provide a good level of amenity for future residents.

Main Issue 2: Effect on the living conditions of future occupiers - daylight, outlook and design, noise, overheating, parking and rubbish storage

- 1.24 The Council has now withdrawn what was the putative second reason for refusal on this issue and, therefore, I assume that they agree that there is no harmful effect on the living conditions of future occupiers. However, the Rule

6 Party raises concerns about space standards, privacy, overheating, noise, daylight and waste and therefore maintains that the scheme is contrary to Policies. I address each of the relevant policies and the concerns in my proof.

1.25 The Rule 6 Party recognises that the space standards are met but considers they would not be met if cooling was added into the flats. The appellant is satisfied that this could be accommodated, and space standards met.

Privacy and Outlook

1.26 This is considered by Mr Pullan and I conclude that the overall scheme provides acceptable outlook and privacy and that the appeal should not be dismissed on this basis.

Sunlight and Daylight

1.27 Based on the evidence of Mr Pagani, I am satisfied that the appeal proposals provide adequate sunlight, daylight and open aspects to all parts of the development and adjacent buildings and land (including any private amenity) space. I therefore consider that the appeal scheme accords with Policies DMO1 and DMO2 of the adopted Local Plan, and would not represent a poor form of development to the detriment of the amenity and living conditions of future occupiers.

Overheating

1.28 This is only a matter raised by the Rule 6 Party, as the Council's Environmental Health Officer raised no objection on this issue subject to conditions to secure details and implementation of other mitigation.

1.29 The technical matters on overheating are addressed by Mr Evans in his evidence and he concludes that the whole proposed development will comply with the London Plan Policy SI 4 Managing Heat Risk and good practice on the issue of overheating. Further, the proposed development comprises certain design elements (green infrastructure, etc.) that will further reduce the overheating risk.

Noise

- 1.30 Noise has not been raised as a concern by the Council. The technical evidence of Mr Yates verifies this, by confirming that achievement of the internal and external noise level criteria set out in the ProPG, BS 8233 and the WHO guidelines demonstrates compliance with National and Local Policy. Accordingly, it has been demonstrated that National, London and Local planning policy has been complied with in that significant adverse impacts are avoided, and any residual adverse impacts are mitigated and reduced to a minimum by compliance with current professional practise guidance.

Rubbish Storage

- 1.31 This is not a matter of concern to the GLA or the Council. This is covered by Mr Pullan in his evidence.

Main Issue 3: the capacity of local infrastructure.

- 1.32 The Council do not raise this as a concern because it is agreed that the proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL). The purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough.

S106 Undertaking

- 1.33 In accordance with development plan policies the list of obligations, as set out in the heads of terms in the Committee Report, are required to be secured through a legal agreement with the developer. If permission were granted it is considered that the package of planning obligations and conditions recommended would, when considered alongside the financial contributions that the development would be required to make under the Barnet CIL, mitigate the potential adverse impacts of the development and ensure the provision of the funding needed for the delivery of the infrastructure that is necessary to support the scheme.

Planning Conditions

- 1.34 A suggested draft list will be submitted to the Inspector. The conditions are considered necessary, relevant to planning and to the development, enforceable, precise and reasonable in all other respects, as required by the NPPF, paragraph 55.

Planning Balance

- 1.35 The principle of residential development at the appeal site is agreed by all parties and the Council agree that the delivery of new homes, including a substantial number of affordable homes, should be given significant weight. The main areas of concern in this case relate to the scale of development and detailed matters of design. In this regard I am satisfied that the development reflects the approach required by the national design guide and as such is to be given weight in favour of the grant of planning permission (NPPF 2021, Paragraph 134). In my view, and that of the Officers, the appeal scheme is in accordance with the development plan as a whole.
- 1.36 The development is compliant with national planning policy. There is no harm arising from the appeal scheme that would outweigh the benefits, when assessed against the policies in the Development Plan and the National Framework taken as a whole. This was the conclusion of the officers of the Council and the GLA.
- 1.37 If it was determined that there was any conflict with the development plan or that any harm would arise from the proposals, there are a number of material considerations in this particular case to indicate that that planning permission should nevertheless be granted.
- 1.38 I would respectfully request that the appeal be allowed.

Birmingham
0121 713 1530
birmingham@lichfields.uk

Edinburgh
0131 285 0670
edinburgh@lichfields.uk

Manchester
0161 837 6130
manchester@lichfields.uk

Bristol
0117 403 1980
bristol@lichfields.uk

Leeds
0113 397 1397
leeds@lichfields.uk

Newcastle
0191 261 5685
newcastle@lichfields.uk

Cardiff
029 2043 5880
cardiff@lichfields.uk

London
020 7837 4477
london@lichfields.uk

Thames Valley
0118 334 1920
thamesvalley@lichfields.uk