

LONDON BOROUGH OF BARNET

**PLANNING APPEAL UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)**

**RULE 6 STATEMENT OF CASE ON BEHALF OF THE LONDON BOROUGH OF
BARNET**

**PLANNING APPEAL BY CITYSTYLE FAIRVIEW VQ LLP IN RELATION TO LAND
FORMERLY KNOWN AS BRITISH GAS WORKS , ALBERT ROAD, NEW BARNET**

Barnet, EN4 9SH

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 (Amended Plans and Amended Description)

Appeal Reference: APP/N5090/W/21/3271077

LPA Reference: 21/3676/FUL

Date: 3rd May 2022

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1. INTRODUCTION

A Planning Appeal has been lodged with the Planning Inspectorate by Citystyle Fairview VQ LLP (the Appellant) in relation to the non-determination of planning application 21/3676/FUL which relates to the redevelopment of Land Formerly Known as British Gas Works, Albert Road, New Barnet, Barnet, EN4 9SH. The Planning Inspectorate reference is APP/N5090/W/21/3271077.

1.1 Appeal Proposal

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

1.2 Application Determination

The application was recommended for approval by Officers at the Strategic Planning Committee of the 22nd February 2022 following amendments to the original proposal. A copy of the Officer’s Report to Planning Committee is attached as Appendix 2. However, it was decided at the planning committee to refuse planning consent for the following reasons:

- 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).***

The recommendation to refuse was subject to referral to the Mayor of London. However, the Appellant informed the Council on the 23rd February 2002 of the intention to appeal the application against non-determination. As such no Stage 2 referral has taken place.

2. SITE DESCRIPTION

2.1 Appeal Site Description

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.

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.

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.

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.

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.

Within the town centre on East Barnet Road, building heights generally range from 2 to 4 storeys with the exception being the Sainsbury's store. 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.

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).

3. PLANNING HISTORY AND BACKGROUND

3.1 Planning History

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 proposal. These are detailed below.

Adjoining site:

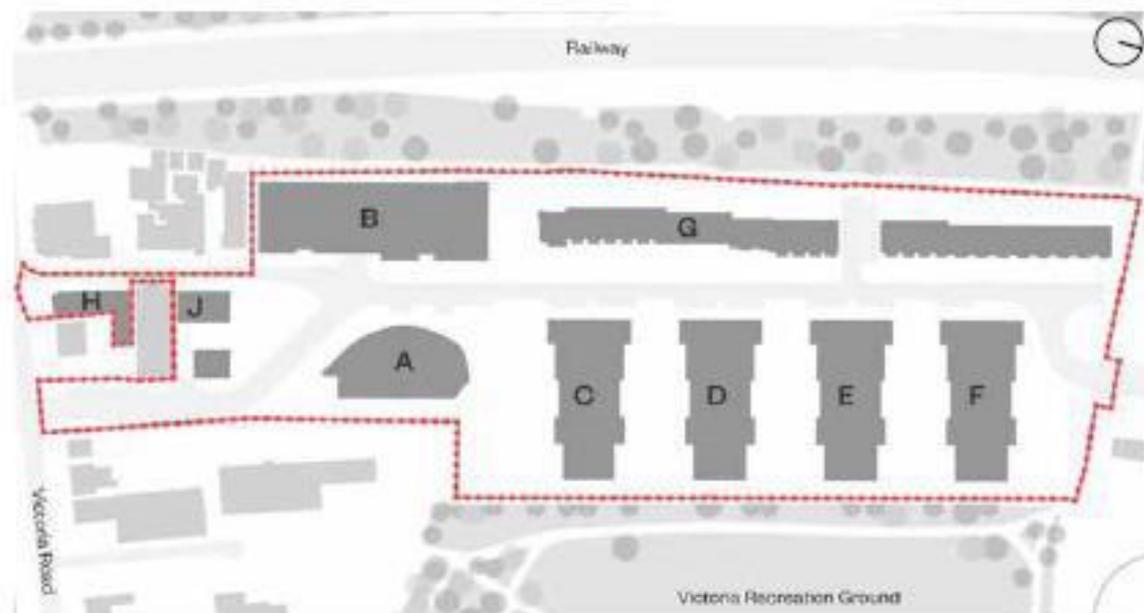
- Application Ref: 17/6422/FUL, 9 Albert Road - Redevelopment of the site to provide a five storey building comprising 9no. self-contained flats with associated basement parking, refuse and recycling store, amenity space, cycle storage. Refused 5th December 2017, reason for refusal – insufficient evidence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

- 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 location to the north of the application site

Application site:

- 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 site boundary for this application is provided below:



The permission has been formally 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)

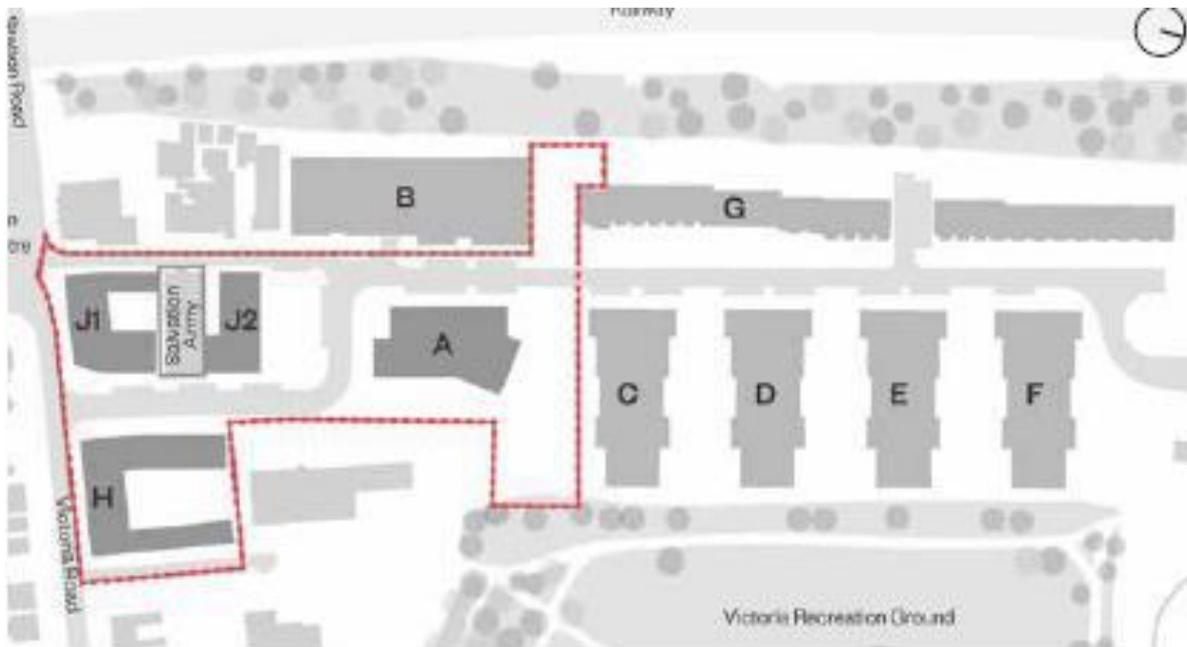
Condition 69 – Bat Boxes (16/3565/CON)

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.

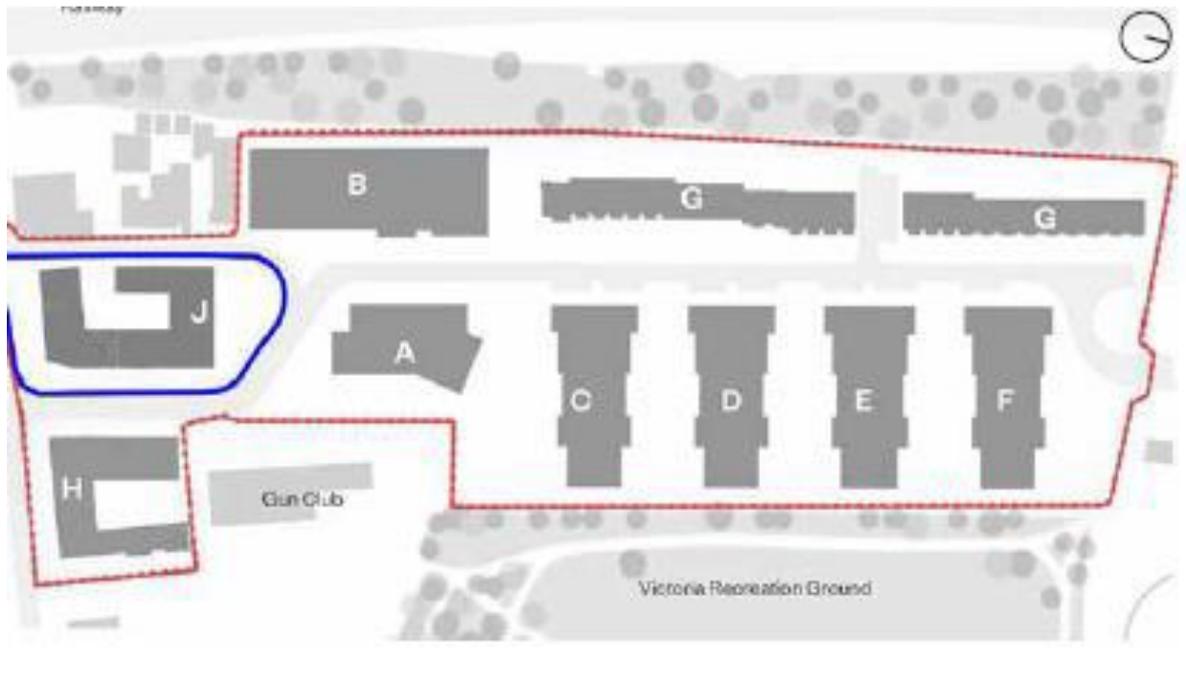
- Application Ref 16/7601/FUL: Second permission was granted in July 2020 (following completion of legal agreement) to cover an additional piece of land to the front of the site as well as part of the existing site (southern part of the site). This was for an additional 104 residential units (net increase 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 site boundary for this application is illustrated below:



- 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 site boundary for this application is shown in blue below:



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.

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 317 composite applications. 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).*

3.2 Public Consultations by the Council and Views Expressed

The consultation responses to the application are set out in detail within the committee report. These include the responses of 815 members of the public (of which 798 were in objection), Teresa Villiers MP, Cllr Laurie Williams (East Barnet Ward), Cllr Felix Byers (East Barnet Ward) Cllr Nicole Richer (East Barnet Ward) , Cllr David Longstaff (High Barnet Ward), Cllr Sachin Rajput (Oakleigh Ward) & Cllr Roberto Weeden-Sanz (Brunswick Park Ward), Anne Clarke Assembly Member, New Barnet Community Association & Save New Barnet Campaign, the Barnet Society and Clerk to the Trustees of Monken Hadley Common. Statutory consultees including the GLA, TfL the Environment Agency and Historic England. The GLA Stage 1 response was broadly supportive of the principle of development although it advised that it was the Local Authority's role to assess the acceptability of the height and massing of the proposal and should be an exemplary standard of design.

4. APPEAL PROPOSAL

The Appeal proposal involves seeks planning permission for the 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 (Amended Plans and Amended Description)

The proposal seeks following amendments to address the reasons for refusal for the previous scheme:

- Reduction in the quantum of residential units from 652 – 539 (-113 units);

- All blocks designed at 7 storeys or below;
- Amendments to the layout of the flats to optimise orientation;
- Separation distances between building blocks set to a minimum of 20 metres to optimise daylight and sunlight and improve outlook;
- Inclusion of 4-bedroom units;
- Increased quantum of on-site play space;
- 267.1 sq.m. of commercial floor space, 112.7sq.m. of community use; and
- 334 parking spaces

The site boundary for this application is illustrated below:



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. The

scheme seeks to optimise the provision of residential development on the site, providing high quality accommodation and positively responding to the site constraints.

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 G	5
Block H	4
Block J	5

The 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 provided 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.

The 'Park Plaza and Approach Building' (Block A) is located slightly to the south of the centre of the site and would act as a visual marker providing a way-finder for pedestrian movement from the gateway into the site and through to the proposed new access to Victoria Park.

The natural surveillance of Victoria Park would be enhanced by the active frontage of the Courted Blocks (B1+2, C1+2, D1+2) facing this space. Soft landscaping will integrate the west edge of Victoria Park with clear permeability between the proposed development and the park.

The Mansion Blocks and Spine Road (E, F1-3, G) back along the wooded railway embankment and front the spine road. The widened landscape space in front of the Spine Road Buildings provides a green defensive space for the residential active frontage. The areas between the buildings allow for pocket play areas.

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.

The scheme would provide a total of 334 car parking spaces at a ratio of 0.6 with the majority within the basement along with some surface level parking. There would also be 994 secure cycle parking spaces.

As with the extant planning permissions, further 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

In the course of the 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.

5. PLANNING POLICY

Introduction

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. In this case, the development plan is The London Plan 2021 and the development plan documents in the Barnet Local Plan 2012. These statutory development plans are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application., New Barnet Town Centre Framework (November 2010) is a material consideration.

Emerging Policy

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).

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 has been given to the draft Local Plan in the determination of this application.

Relevant Emerging policies include:

Policy CDH01 Promoting High Quality Design

Policy CDH03 Public Realm

No date has been set for examination.

National Planning Policy Framework

The 'National Planning Policy Framework' (NPPF) was published in July 2021 This document replacing the previous version of the National Planning Policy Framework (NPPF) published in February 2019. 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.

The NPPF states at Para 126, "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."

Relevant Policies within the NPPF which are relevant to the appeal include:

- Para 60-80 – boosting the supply of homes

- Para 119-125 – making effective use of land
- Para 126-136 achieving well designed places, Para 126 says that, "good design is a key aspect of sustainable design, creates better places better places in which to live and work and helps make development acceptable to communities", and 127 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". Para 130 (C) requires that new developments "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) and 130 (F) seeks to "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The London Plan 2021

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 supersedes the previous Plan (2016).

The new London Plan policies (arranged by chapter) most relevant to this application are (those in bold are the most important for the reasons for refusal no.1, 2 & 3):

Chapter 1

GG1 Building strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GG4 Delivering the homes Londoners need

GG5 Growing a good economy

GG6 Increasing efficiency and resilience

Chapter 2

Policy SD6 Town centres and high streets

Chapter 3

Policy D1 London's form, character and capacity for growth

Policy D2 Infrastructure requirements for sustainable densities

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D6 Housing quality and standards

Policy D7 Accessible housing

Policy D8 Public realm

Policy D11 Safety, Security and resilience to emergency

Policy D12 Fire safety

Policy D14 Noise

Chapter 4

Policy H1 Increasing housing supply

Policy H4 Delivering affordable housing

Policy H5 Threshold approach to applications

Policy H6 Affordable housing tenure

Policy H7 Monitoring of affordable housing

Policy H8 Loss of existing housing and estate redevelopment

Policy H10 Housing size mix

Policy H15 Purpose-built student accommodation

Chapter 5

Policy S1 Developing London's social infrastructure

Policy S2 Health and social care facilities

Policy S4 Play and informal recreation

Chapter 6

Policy E2 Providing suitable business space

Policy E11 Skills and opportunities for all

Chapter 7

Policy HC1 Heritage conservation and growth

Chapter 8

Policy G1 Green infrastructure

Policy G5 Urban greening

Policy G6 Biodiversity and access to nature

Policy G7 Trees and woodlands

Chapter 9

Policy SI 1 Improving air quality

Policy SI 2 Minimising greenhouse gas emissions

Policy SI 3 Energy infrastructure

Policy SI 4 Managing heat risk

Policy SI 5 Water infrastructure

Policy SI 7 Reducing waste and supporting the circular economy

Policy SI 8 Waste capacity and net waste self-sufficiency

Policy SI 12 Flood risk management

Policy SI 13 Sustainable drainage

Chapter 10

Policy T1 Strategic approach to transport

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 T6.1 Residential parking

Policy T6.2 Office Parking

Policy T6.5 Non-residential disabled persons parking

Policy T9 Funding transport infrastructure through planning

Chapter 11

Policy DF1 Delivery of the Plan and Planning Obligations

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Local Plan development plan policies of most relevance to the determination of this appeal are (those in bold are the most important for the reasons for refusal no.1,2 & 3):

Core Strategy Policies:

Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework - Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

CS6 (Promoting Barnet's Town Centres)

CS7 (Enhancing and protecting Barnet's open spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive and integrated community facilities and uses)

CS11 (Improving health and well-being in Barnet)

CS12 (Making Barnet a safer place)

CS13 (Ensuring efficient use of natural resources)

CS14 (Dealing with our waste)

CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM08 (Ensuring a variety of sizes of new homes to meet housing need)

DM10 (Affordable housing contributions)

DM11 (Development Principles for Barnet's Town Centres)

DM13 (Community and education uses)

DM14 (New and existing employment space)

DM15 (Green belt and open spaces)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

A number of local and strategic supplementary planning guidance (SPG) and documents (SPD) are material to the determination of the application.

Local Supplementary Planning Documents and Guidance:

The Council has a number of adopted Supplementary Planning Documents (SPDs) which provide detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet including generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards. They are material considerations for the determination of planning applications:

Affordable Housing (February 2007 with updates in August 2010)

Delivery Skills, Employment, Enterprise and Training from Development through S106
(October 2014)

Green Infrastructure (October 2017)

Planning Obligations (April 2013)

Residential Design Guidance (April 2013)

Sustainable Design and Construction (April 2013)

Strategic Supplementary Planning Documents and Guidance:

Barnet Housing Strategy 2015-2025

Accessible London: Achieving an Inclusive Environment (April 2004)

Sustainable Design and Construction (May 2006)

Wheelchair Accessible Housing (September 2007)

Planning for Equality and Diversity in London (October 2007)

All London Green Grid (March 2012)

Housing (March 2016)

Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

Affordable Housing and Viability (2017)

The Control of Dust and Emissions during Construction and Demolition (July 2014)

Mayor's Transport Strategy (2018)

Play and Informal Recreation (September 2012)

Other relevant Council Documents

New Barnet Town Centre Framework (November 2010)

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. 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.

6. AMPLIFICATIONS OF REASONS FOR REFUSAL

Principle of Development

The Council does not object to the principle of the residential redevelopment of this site.

Impact on the character and appearance of the local area

Reason for Refusal No.1:

- 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).***

With regard to the above reason for refusal, various policies were included in the RFR, in particular, Local Plan Policies CS NPPF, CS5, DM01 and DM05 and London Plan Policies D3 and D4. In relation to Policy DM05 this 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. Policy D4 is only considered to be relevant in the context of conditions relating to design quality.

Therefore the Development Plan policies relied upon for this objection are Policies CS NPPF, CS5, DM01 of Barnet's Local Plan and Policy D3 of the London Plan 2021.

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

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.

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 10.1.6 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."

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

DM01 – Protecting Barnet's Character and Amenity

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. (Para 2.2.1)

It is an objective of DM01 to ensure development proposals are based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect

the scale, height, density and pattern of surrounding buildings, spaces and streets. (Policy DM01 b)

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) Residential Design Guidance provides more specific requirements on development that is suitable for Barnet's distinctive suburban character. (Para 2.3.9)

London Plan

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

The policy states all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. 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.

The council consider of particular relevance D.3 (1) and (11), which are set out below:

D.3 (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";

And;

D.3 (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".

In the case of the appeal proposal, the prevailing pattern of developments around the locality consists of predominately low rise 2 and 3 storey residential dwellings. Within the town centre on East Barnet Road, building heights generally range from 2 to 4 storeys with the exception being the Sainsbury's store. 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. Although these are physically separated from the proposed development site.

The appeal proposal fails to reflect the height, scale, and pattern of these surrounding buildings resulting in a harmful juxtaposition between the proposed buildings and the surrounding area. The proposed development would be out of character with the existing low rise suburban development in surrounding roads including Leicester Road, Hertford Road, Lytton/Bulwer Rd and Victoria Road. In the context of these surrounding suburban streets, the proposed scheme would be highly dominant, discordant, and harmful, therefore it fails to have regard to local context. This is illustrated in the townscape visual appraisal views, notably from Leicester Road, Hertford Road, Lytton/Bulwer Rd and from Victoria Recreation Ground itself, including viewpoints 8a, 8b, 8c, 8d, 14, 15 and 16. Although the visual images assist in the assessment, the nature of this harm is best understood as part of a kinetic moving experience and the site visit will be important to appreciate that.

Reason for Refusal No.2:

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).

With regard to the above reason for refusal, policies CS5, DM01 and DM02 of local policy are cited, and policies D4 and D6 of the London Plan are also referenced. The council accept that policy D.4 is not relevant with regards to consideration under this reason for refusal except in so far as it is relevant to conditions; the council therefore relies on CS5, DM01, DM02 and D6 in support of this reason for refusal.

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 requires new development to be in compliance with London Plan standards. Emerging Plan Policy CDH01 "Promoting High Quality Design" requires new development to make provision for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Policy D6 requires at C;

"Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3 "Optimising site capacity through the design-led approach" than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating".

And at D;

D The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

154 units are single aspect, together with the layout of the scheme, this influences the level of light received by the proposed dwellings. The council do not challenge the technical Daylight/Sunlight data provided by the appellant at the application stage. The council accept that the relevant standards should be applied with a degree of flexibility. The council's case is that the frequency and extent of the shortfalls apparent from the appellant's data, leads to the conclusion that as a matter of planning judgement, the provision of natural light is unacceptable.

The objection on outlook is a narrow one. As a matter of planning judgement the council consider the outlook from the ground floor units facing the railway embankment to be unacceptable.

The outlook objection, taken in combination with the limited provision of natural light, leads the council to conclude that the living conditions for future occupants would be unacceptable.

At 8.3 of the appellant's Statement of Case, reference is made to inadequate separation distances. For clarification, although this issue was included in the draft minutes from the committee meeting, it was excluded from the final minutes, and is therefore not part of the council's objection.

Reason for Refusal No.3:

- 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).

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

a) Legal Professional Costs Recovery

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

b) Enforceability

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

c) Indexation

All financial contributions listed to be subject to indexation.

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

23 x 3B 5P

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.

e) Employment and Enterprise

i) 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

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.

-
- ii) 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.
 - iii) 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.
 - iv) 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.

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

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.

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.

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.

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.

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.

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:

i) 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.

ii) **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.

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

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.

o) Control Parking Zone (CPZ)

Financial contribution towards Local CPZ monitoring, consultation and implementation, final sum to be agreed.

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.

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.

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

A Guidance Note 2015 as revised.

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.

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.

u) Monitoring Fee

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

A S106 document addressing these matters has been submitted on a unilateral basis 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.

7. BENEFITS AND BALANCE

Benefits of the scheme

- 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. A copy of this paper is attached as Appendix A. 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.
- Redevelopment of an existing edge-of-centre brownfield site and support vitality and viability of New Barnet Town Centre. On balance it is considered this carries between moderate and significant weight.
- 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 these improvements are not dependent on the current scheme.
- While not mentioned by the appellant in their planning balance conclusion the provision of new community space within the development is considered to carry moderate weight.

Balance

The proposal is in conflict with the Development Plan overall. That conflict is not outweighed by other material considerations. The council do not consider that the tilted balance applies,

but if it did, the council consider the adverse impacts of the scheme would significantly and demonstrably outweigh any benefits, when considered as a whole.

8. Conditions

The Council and the Appellant will work together to provide an agreed list of conditions for the Inspector's consideration at the Inquiry.

9. Documents

A list of core documents will be agreed with the Appellant. The Council may include relevant case law and appeal decisions.

APPENDIX A

(Left intentionally blank – please see separate document)

APPENDIX B 1 – 3

(Left intentionally blank – please see separate documents)