



Barnet Draft Local Plan
Publication Stage Representations Form

Ref:

(For official use only)

PART B - Your representation

Please complete a separate Part B for each representation and return along with a single completed Part A.

Question 1: To which part of the Local Plan does your representation relate?

Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.

Policy _CDH04 ____ Paragraph _____ Figure/Table _Site Allocation No.2__

Policies Map designation _____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|--|---|--|
| a) Legally compliant | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| b) Sound | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.

Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan, or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to submitted representations prepared by Daniel Watney LLP on behalf of the Comer Homes Group.

Continue on a separate sheet if necessary

Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to submitted representations prepared by Daniel Watney LLP on behalf of the Comer Homes Group.

Continue on a separate sheet if necessary

Please note:

In your representation you should summarise succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

Question 5: If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing sessions?

Yes, I wish to participate in hearing session(s)

No, I do not wish to participate in hearing session(s) /
I am not seeking modification to the Plan

Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.

Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

To reinforce the strategic importance of the site, it's potential and that this must be reflected in LBB's development plan.

Declaration of consent

The personal information you provide on this form will be processed in accordance with General Data Protection Regulations 2018 (GDPR). The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004 (as amended), and may be used by the Council to contact you if necessary, regarding your submission. Your name, name of organisation, and comments, will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and we will not publish any personal data beyond what is stated in this declaration.

Your details will be kept in accordance with the Council's Privacy Notice, until the Local Plan is adopted plus a further five years to evidence that a fair and transparent process has been followed. Processing is kept to a minimum and data will only be processed in accordance with the law. We will take all reasonable precautions to protect your personal data from accidental or deliberate loss or unauthorised disclosure.

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By completing and signing this form I agree to my name, name of organisation, and representations being made available for public inspection on the internet, and that my data will be held and processed as detailed above, in accordance with the Council's Privacy Notice:

Signature _____ Daniel Watney LLP _____ Date ___ 9 August 2021 ___

Date
9 August 2021

Planning Policy Team
London Borough of Barnet
1 Bristol Avenue
Colindale
London

By Email Only

Dear Planning Policy

LB Barnet Local Plan – Regulation 19 Version Written Representation, Comer Homes Group

Executive Summary

- Policy D9 of the London Plan 2021 states that Boroughs should determine if there are locations where tall buildings may be an appropriate form of development.
- Within the Regulation 19 version of the Local Plan, LB Barnet have drafted Policy CDH04 which attempts to identify the locations within the Borough where tall buildings may be appropriate.
- Draft Policy CDH04 defines tall buildings as ranging between 8 to 14 storeys or 26 to 46 metres above ground level. The draft policy does not include the North London Business Park (NLBP) as an identified location where tall buildings may be appropriate.
- The Secretary of State (SoS) granted hybrid planning permission in February 2020 for 1,350 new homes in buildings up to 9 storeys on the NLBP site.
- Comer Homes Group therefore have permission to deliver 9-storey buildings on the NLBP site, which sits within the tall buildings range identified by LB Barnet's draft tall buildings policy.
- Draft Policy CDH04 needs to include the NLBP site as a location where tall buildings may be appropriate in light of the SoS decision.
- LB Barnet has provided no evidence to date that supports or justifies the irrational omission of the NLBP from draft policy CDH04.
- The limited and out-of-date evidence that has been relied on by LB Barnet demonstrates the Local Plan has not been positively prepared, is not justified or effective, and is inconsistent with national policy.
- The Local Plan therefore does not pass the national policy test of soundness.

1. Introduction

- 1.1. This letter of representation has been prepared on behalf of our client, Comer Homes Group, in response to the Regulation 19 draft version of the LB Barnet Local Plan issued for consultation in June 2021.

- 1.2. These representations set out our support that the allocation of the NLBP site has been updated since the Regulation 18 version of the Local Plan was published, however does highlight continued concerns with the draft policies of the Regulation 19 version as currently drafted.
- 1.3. In summary, Comer Homes welcome that the allocation of their site has been updated to take account of the 2020 planning permission for 1,350 homes up to 9 storeys in height (herein referred to as the “2020 permission”). However, Policy CDH04 relating to tall buildings as currently drafted, does not represent a sound Local Plan by virtue of it not being positively prepared, justified or effective and is inconsistent with the National Planning Policy Framework (2021). The omission of the NLBP site from Policy CDH04 is also inconsistent with the London Plan Policy D9 which sets out an expectation for Boroughs to determine if there are locations where tall buildings may be an appropriate form of development, particularly when the SoS has already deemed it an ‘appropriate’ site.
- 1.4. The Council’s position towards tall buildings on the NLBP site which is reflected in the wording of Policy CDH04 is not based on up-to-date or relevant evidence and does not give appropriate weight to the SoS’s decision to grant 1,350 homes up to 9 storeys (defined as tall buildings by LB Barnet) on the site. This will have negative impacts on Comer Homes’ aspirations for further intensification of the site for redevelopment which is not to the benefit of creating sustainable development and goes against the objectives of plan-making as set out in national policy.
- 1.5. These elements, which are expanded on below, must be reviewed prior to submission of the draft Local Plan for examination to ensure the SoS decision is fully recognised, to allow the site capacity to be optimised, and for the Plan to be sound.

2. Site Description and Summary

- 2.1. Our client owns the freehold of the NLBP site located at Brunswick Park Road, N11 within the Brunswick Park ward located in the east of the London Borough of Barnet.



Figure 1: Site Location

- 2.2. The Site measures 16.53 hectares, of which approximately 13 hectares is still currently undeveloped, comprising areas of disused open space and car parking. The Site is bound by the East Coast Mainline railway along the entire western boundary, whilst the New Southgate Cemetery is adjacent to the eastern boundary. Properties to the north and south are predominantly residential, typically characterised by two/three storey suburban detached, semi-detached and terraced housing. The Site does not contain any listed buildings, nor is it located within a Conservation Area.

- 2.3. LB Barnet designates the site as a Strategic Industrial Location but it was common ground during the Public Inquiry for the 2020 permission that the strategic protection of the employment land is no longer necessary.
- 2.4. There are principally 4 buildings on site providing office accommodation in buildings up to ground plus three storeys. Barnet Council previously occupied over 55% of the total floorspace on the site, however they have recently relocated their services to Colindale, vacating the site in November 2017.
- 2.5. The St Andrew the Apostle School are currently present on Site, occupying 'Building 5' on a temporary basis, which is a central block to the west of the existing lake. The School opened as a Free School in September 2013.
- 2.6. The northernmost existing building on the Site is currently occupied for a variety of purposes such as function / conference purposes, as well as an existing nursery.
- 2.7. The Site varies significantly in topography with a steep gradient comprising a level difference of 24 m across the Site from the northern boundary to its lowest point at Brunswick Park Road.
- 2.8. The nearest National Rail stations to the Site are New Southgate to the south and Oakleigh Park to the north, both of which are located within one mile of the Site and provide access to central London within 20 minutes. Also located within one mile of the Site is Arnos Grove Station which provides access to the London Underground Piccadilly Line.
- 2.9. New Southgate is identified as a preferred location for Crossrail 2, which is proposed to connect National Rail networks in Surrey and Hertfordshire and link in with the existing London railway infrastructure, through tunnels connecting Wimbledon and New Southgate.
- 2.10. The Site is served by the 382 bus along Brunswick Park Road connecting the Site from Southgate in the east, to Friern Barnet and Finchley in the west, and also the 34 (connecting the Site from Barnet in the west to Walthamstow in the east) and 251 (connecting the Site from Edgware in the west to Friern Barnet in the east) from Oakleigh Road South.
- 2.11. The PTAL of the site is currently 1-2, however it is expected that the likely introduction of Crossrail 2 to New Southgate, alongside the significant infrastructure improvements that would be seen as a result of this masterplan development, would increase this rating.

3. Relevant Planning History

The 2020 Permission

- 3.1. The site benefits from planning permission for wholesale redevelopment. The original application was submitted in hybrid form and planning permission was granted at appeal in February 2020 for:

“the phased comprehensive redevelopment of the North London Business Park to deliver a residential led mixed-use development. The detailed element

comprises 360 residential units in five blocks reaching eight storeys, the provision of a 5 Form Entry Secondary School, a gymnasium, a multi-use sports pitch and associated changing facilities, and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road, and; the outline element comprises up to 990 additional residential units in buildings ranging from two to nine storeys, up to 5,177 sq m of non-residential floor space (Use Classes A1-A4, B1 and D1) and 2.54 hectares of public open space. Associated site preparation/enabling works, transport infrastructure and junction works, landscaping and car parking.”

(LB Barnet reference 15/07932/OUT and PINS reference APP/N5090/W/17/3189843)

- 3.2. The planning application was recommended for approval by LB Barnet but refused by Members of the Planning Committee in June 2017.
- 3.3. The application was subsequently appealed and recovered by the SoS, where an Inquiry was held between October and November 2018.
- 3.4. The Inspector reported to the SoS in January 2019 recommending the appeal to be allowed, with the SoS agreeing in January 2020, issuing the decision allowing the appeal.
- 3.5. In approving the scheme, the SoS and the Inspector discussed the following points and conclusions in the Appeal Decision which can be found in **Appendix 1** of these representations.

Relevant Considerations of the Reporting Inspector and SoS

- 3.6. Both the reporting Inspector and SoS agreed that the existing character of the North London Business Park is entirely different to the surrounding area and as existing, it does not contribute towards the character and appearance of the area;
- 3.7. Both considered that the proposed layout and height strategy was appropriate to the current character of the site and that the taller buildings would not be visually obtrusive to those living around the site;
- 3.8. Both considered that whilst the taller buildings would be visible from locations in the surrounding area, they would primarily be part of the background cityscape, a characteristic of London even in the suburbs;
- 3.9. Both felt that the appearance, scale, mass, height and pattern would not adversely affect the character and appearance of the area;
- 3.10. In arriving at the decision, the SoS concluded that the site was appropriate for tall buildings despite a conflict with local policy, given the size of the site and the opportunity to create its own character.

4. Previous representations to Regulation 18 draft Local Plan

- 4.1. Daniel Watney LLP submitted representations on behalf of Comer Homes in response to the Regulation 18 draft Local Plan on 13 March 2020.

- 4.2. The Regulation 18 version of the Local Plan had allocated the NLBP site for residential-led development with a school, multi-use sports pitch, employment and associated car parking. The allocation had listed an indicative residential capacity of 1,000 homes. The allocation also listed draft Policy GSS09 which related to the New Southgate Opportunity Area (NSOA) as a relevant policy to the application. This insinuated that the NLBP site was to be located within the NSOA which LB Barnet confirmed in July 2021 was yet to be defined.
- 4.3. Given the Regulation 18 consultation coincided with the 2020 permission being granted, the representations highlighted that this needed to be given further consideration, with the wording drafted more positively, highlighting that the site is capable accommodating a greater quantum than the 2020 permission, with buildings up to 14 storeys and an uplift in residential units, reflective of its location within the New Southgate Opportunity Area.
- 4.4. The previous representations also highlighted that with reference to draft Policy CDH04, the approved scheme would be defined as comprising tall buildings (8-14 storeys) which the SoS considered were appropriate in this location. The representations also requested clarification as to whether the NLBP site is within the NSOA as tall buildings are considered an appropriate location within the NSOA which is listed, but undefined, in Policy CDH04.
- 4.5. Following the Regulation 18 representations, LB Barnet's formal consultation response confirmed that the NSOA boundary has not been defined yet and that the Council does not consider the outcome of the appeal decision as providing a direction for drawing such a boundary, or as grounds for the site to be included as a location suitable for tall buildings. The response confirmed that the site allocation would be revised to reflect the 2020 permission and reference 1,350 units but that it would not support a higher indicative figure, in particular one based on taller buildings being proposed. The reference to Policy GSS09 has also been removed from the Reg 19 site allocation for NLBP but this has occurred without justification.

5. Plan – Making Test for Soundness

- 5.1. These representations assess whether the Local Plan has been prepared in accordance with legal and procedural requirements and if it is sound. The four tests of soundness are set out in Paragraph 35 of the National Planning Policy Framework (NPPF, 2021) which are set out below:
 - Positively prepared
 - Justified
 - Effective
 - Consistent with national policy
- 5.2. These representations demonstrate that the draft Local Plan is not sound. The following sections discuss those policies of relevance and our comments and observations at this stage of the plan evolution.

6. Site Allocation: Site No.2

- 6.1. The Regulation 18 version of the draft Local Plan had allocated the NLBP site for residential-led development with a school, multi-use sports pitch, employment and associated car parking. The allocation had listed an indicative residential capacity of 1,000 homes.

- 6.2. Whilst the Regulation 18 consultation was being undertaken, on 24 February 2020, the SoS granted planning permission for the redevelopment of NLBP site allowing blocks up to 9 storeys and 1,350 residential dwellings.
- 6.3. The Regulation 19 version of the draft Local Plan mirrors the Reg 18 version, retaining the NLBP site as Site No. 2 in the list of site allocations. In line with our previous representation, the allocation has been updated to make reference to the 2020 permission for 1,350 as the “indicative residential capacity”. Comer Homes welcome that the Regulation 19 version of the Local Plan has taken into consideration the 2020 permission.
- 6.4. However, given there is a forthcoming application that can demonstrate an increased residential capacity of over 2,000 homes, Comer Homes request that the site allocation is not limited to the scope of the 2020 permission and that more positively prepared wording is included to take account of the latest proposals. Aside from the forthcoming application, 600 additional homes can be accommodated within the recently approved residential blocks through internal design alterations only.
- 6.5. Whilst the Site No.2 table only recognises an “indicative residential capacity”, this must be altered to read ‘minimum residential capacity’. In line with Paragraph 16(b) of the NPPF, the Local Plan site allocation needs to review the restrictive indicative figures quoted in the site allocation to ensure it is prepared positively, in a way that is aspirational of what the brownfield site can achieve, whilst being deliverable.
- 6.6. This alteration would also support and promote the optimisation of the site capacity in line with the draft Policy GSS01 and the approach taken within that policy. To not do so would create a conflict of policies within the Local Plan in conflict with Paragraph 16(d) of the NPPF.
- 6.7. In summary, the allocation has not been positively prepared as it limits the optimisation of the site from being achieved, which is not in the interests of achieving sustainable development. The capacity quoted in the allocation is not justified or effective as no up-to-date evidence has been provided by LB Barnet to demonstrate that the site is unable to accommodate further intensification. On the contrary, the client has continuously highlighted that the site can achieve more without increasing building footprint or heights. The Council have clearly formed a biased and hindering opinion of what the site can achieve without having evidence to substantiate this and is therefore an inappropriate strategy. Overall, the allocation as drafted is inconsistent with national policy as it does not enable the delivery of the most optimum form of sustainable development that can be achieved. The Local Plan as currently drafted is therefore not sound.

7. New Southgate Opportunity Area

- 7.1. The Regulation 18 allocation identified Policy GSS09 (New Southgate Opportunity Area (NSOA)) as applicable. This insinuated that the NLBP site was to be located within the NSOA which LB Barnet confirmed in July 2021 was yet to be defined. However, the reference to Policy GSS09 has been removed from the Reg 19 site allocation for NLBP without justification. LB Barnet must provide justification for the removal of this “applicable” policy from the site allocation, otherwise the site should be included in the NSOA boundary.

8. Draft Policy CDH04 – Tall Buildings

- 8.1. Draft Policy CDH04 relates to tall buildings, including where they should be located within the Borough and the criteria that they must satisfy to be considered acceptable. The principle of including this policy within the Plan is supported in the context of the new London Plan Policy D9 requiring Local Plans to allocate suitable areas for the location of tall buildings.
- 8.2. However, draft Policy CDH04 states that tall buildings (defined as ranging between 8 to 14 storeys) may be appropriate in 9 strategic locations listed within the policy, which does not specifically include the NLBP site. The policy wording is clear that only these locations may be considered appropriate for tall buildings.
- 8.3. The site has secured permission for substantial redevelopment in the form of 1,350 homes in buildings up to 9-storeys. 9-storey buildings fall within the tall building range defined by LB Barnet. When considered in the context of Policy CDH04, LB Barnet will not support any tall buildings on the NLBP site despite the reporting Inspector and SoS decision that tall buildings up to 9 storeys are appropriate in this location.
- 8.4. LB Barnet agreed at appeal that the site is large enough to create its own character, and on the basis of the 2020 permission, the character of the area has been deemed acceptable to support tall buildings. When completed, the character of the area will be partly defined by the tall buildings approved. Despite this, LB Barnet have maintained the view that the site should not be included within Policy CDH04 as a site that “may” be appropriate for tall buildings.
- 8.5. Paragraph 31 of the National Planning Policy Framework (NPPF) states that the preparation and review of policies should be “*underpinned by relevant and up-to-date evidence*”, the paragraph also states that this should be “*adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals*”. To date, LB Barnet have provided no evidence that the NLBP site is not appropriate for tall buildings.
- 8.6. The below sub-sections evaluate Barnet’s policy evidence base and supporting documents, demonstrating that the Council’s continuous stance towards limiting the development potential of the NLBP site is based outdated and skewed information and methodologies, that does not consider material planning considerations or the objectives of the London Plan 2021 and NPPF 2021.

Characterisation Study 2010

- 8.7. We understand that the Policy Team gave this document weight in drafting Policy CDH04. However, the methodology for the Study states that the study excluded areas of growth which were sites subject to detailed analysis and are recognised as having strategic development potential and benefit from specific planning policy guidance masterplanning exercises. The Study recognised that the urban character of these areas were due to evolve significantly and that the analysis of the physical environment would quickly become outdated and therefore it would have been inappropriate to include them in the characterisation study.
- 8.8. The NLBP site is listed as a campus within the Friern Barnet and Brunswick Park area. The Study concludes that larger planned development schemes and concentrated areas of redevelopment will define their own typologies and scale. It states that the

prevailing scale and massing should be protected in areas where there is consistent character.

- 8.9. In the 2020 permission's decision, both the Inspector and SoS agreed that the existing character of the North London Business Park is entirely different to the surrounding area and as existing it does not contribute towards the character and appearance of the area. Both felt that the appearance, scale, mass, height and pattern would not adversely affect the character and appearance of the area. It was considered that the proposed layout and height strategy for the development was appropriate to the current character of the site and that the taller buildings would not be visually obtrusive to those living around the site and that whilst the taller buildings would be visible from locations in the surrounding area, they would primarily be part of the background cityscape, a characteristic of London even in the suburbs.
- 8.10. The Characterisation Study provides no evidence or justification to indicate that the NLBP site is not suitable for tall buildings. In actual fact, the Characterisation Study highlights a similar understanding of the site that the SoS took in his decision on the 2020 permission. The SoS and Characterisation Study agree that the site is capable of defining its own typologies and scale. The SoS concluded that up to 9 storeys was appropriate on the site. This material consideration supersedes any other evidence base document provided.
- 8.11. LB Barnet have identified this Study as relevant evidence that resulted in the exclusion of NLBP as a suitable location for tall buildings. This is an outdated document that makes no reference to the NLBP site being unsuitable for tall buildings and therefore the decision to exclude the site is unjustified and inconsistent with Paragraph 31 and 35.
- 8.12. Despite oral discussions with the LB Barnet policy team that identified the Characterisation Study 2010 as a relevant document in the drafting on Policy CDH04, it is not listed in the evidence base for the Local Plan Review.

Tall Buildings Study of London Borough of Barnet (2010)

- 8.13. This document informed the Core Strategy and Development Management Policies DPD (2012) which set the scene for Policy CS5 and DM05 of which the content is largely carried forward into draft Local Plan Policy CDH04. The Study states that the key considerations for assessing areas appropriate for tall buildings are:
- Topography and site lines;
 - Low lying areas and detailed context such as the relationship with conservation areas or other constraints;
 - Likely PTAL level;
 - Backdrop of key views and proximity to significant listed buildings; and
 - Access to green space.
- 8.14. There is no evidence or requirement that tall buildings must be in accessible location. The methodology for this Study only gives consideration to the "likely PTAL". The PTAL and general accessibility of the NLBP site will improve with the variety of highways contributions agreed with the 2020 permission and likely to be agreed with the forthcoming application for circa 2,000 homes. A Crossrail Station is still also under consideration nearby at New Southgate. As described in the Planning Brief 2016 below, the site will create a new suburban community that will include a range of non-residential floorspace to ensure the development is self-sustaining.

- 8.15. The Inspector noted in his report for the 2020 permission that the Council raised no objection with the assessment of the scheme's transport and highways impacts and was "unobjectionable" subject to appropriate Section S106 obligations and conditions. The proposed pedestrian and cycle link was described as improving the site's connectivity to the wider area with sufficient parking.
- 8.16. The site is not in close proximity to any conservation areas, significant listed buildings and the Inspector and SoS agreed that topography, views to and from the site were acceptable. The 2020 permission and forthcoming application will provide a variety of private outdoor space and communal green spaces for the enjoyment of existing and future residents.
- 8.17. On this basis, the 2020 permission adequately overcomes the key considerations of the Study and the NLBP site should therefore be identified as a site appropriate for tall buildings.

Planning Brief 2016

- 8.18. Historically, a 2006 Planning Brief was published with the intention for the NLBP site to provide "for a strategic and local opportunity to enhance sustainable development of the two sites, consolidate and protect important employment activities and provide for viable mixed uses including new housing." However this view was disregarded in the 2016 Planning Brief because the later version clearly stated that "this mixed use scheme has not revitalised the NLBP site". The change of policy direction to supporting residential-led development is evidenced where the 2016 Brief states "the development of North London Business Park (NLBP) presents a significant opportunity to deliver housing growth in Brunswick Park creating a new suburban community". Clearly, the evolution of planning pressures towards housing set out in the London Plan and NPPF has aged the 2006 vision for the site.
- 8.19. The ageing of the 2006 vision led the 2016 Brief to retract LB Barnet's previous vision for an employment-led development and realise the potential for housing on the site. However, despite the 2016 Brief mirroring the Characterisation Study by stating that the site is large enough to have its own character and develop a modern, attractive place for the future, the 2016 Brief takes forward the unsound, irrational and unjustified view that the heights should be restrained on the NLBP site.

Tall Buildings Update 2019

- 8.20. The Tall Buildings Update (2019) sits within the evidence base of the draft Local Plan. It states that the update to the 2010 version:

"re-examines national, regional and local policy requirements with regard to tall buildings. Within the context of Barnet's suburban character of two and three storey buildings it re-considers the definition of tall buildings in Barnet (8 storeys or 26 metres and above) and the strategic locations where new tall buildings will be supported."

- 8.21. The Tall Buildings Study Update provides the basis for identifying strategic locations where proposals for tall buildings may be appropriate including Opportunity Areas, town centres and major thoroughfares. The document states that when considering proposals for tall buildings it will scrutinise the following:

- Public transport accessibility levels (PTAL) and potential to reduce the need to travel by offering a range of uses.
 - Existing and permitted building heights adjacent and around the site in question.
 - Siting within an Opportunity Area or designated Regeneration area.
 - Protected views that should be considered.
 - Conservation areas and the impact of height.
- 8.22. There is a fundamental flaw in this evidence base document. It states that it will assess the permitted building heights adjacent and around the site in question but no mention that it will consider heights permitted on the site itself. In this case, the NLBP site benefits from extant planning permission granted by the SoS whom considered the site appropriate for tall buildings.
- 8.23. The irrationality is clear when one considers the allocations within the Regulation 18 Local Plan for the developments identified in Appendix A to Barnet's Tall Buildings Study Update. Appendix A sets out the recent planning applications/consents for tall buildings in Barnet. Save for one development (see below), each of the 22 applications and planning consents identified as either "started", "approved", "pending" or "allocated" fall within areas clearly identified as being suitable for tall buildings within the Regulation 18 Local Plan. For one site (Prospect Ring) it is unclear whether it falls within the Great North Road allocation given that it is slightly separated from that area. LB Barnet provide no justification for why the NLBP site was not given further consideration as an appropriate location whilst all others (save for Prospect Ring) were later included in draft Policy CDH04 as appropriate locations.
- 8.24. The table at Appendix A of the Review incorrectly lists the NLBP scheme as 'refused' rather than 'pending', despite our client having lodged an appeal against its refusal, which LB Barnet were aware of. We anticipate that it is for this reason the site location was prematurely disregarded as a specific location for tall buildings and was not given any further consideration.
- 8.25. This demonstrates that LB Barnet's only relevant and up-to-date evidence base document supporting Policy CDH04 is skewed, having prematurely disregarded the site prior to permission being granted which deemed tall buildings appropriate on the site. The conclusions drawn from this evidence base document subsequently informed Policy CDH04 and is therefore not positively prepared, justified, effective or consistent in national policy. This is a significant factor that should be given material consideration. On this basis the Local Plan is unsound.

Policy CDH04 - Tall Buildings May Be Appropriate In the Following Strategic Locations

- 8.26. As set out above, 9 locations are identified in Policy CDH04 as being suitable for tall buildings. We have reviewed the 9 locations where tall buildings may be appropriate and make the following observations.
- Four of the six Growth Areas identified in the draft Reg 19 Local Plan contain large areas where accessibility is PTAL 1-2. Five of the six Growth Areas are identified as locations where tall buildings may be suitable under draft Policy CDH04. Given three of the five Growth Areas listed in draft Policy CDH04 have relatively low PTAL levels, this infers that PTAL is not a major criteria in identifying suitable locations and therefore should not be a barrier to the NLBP site being an alternative location where tall buildings may be appropriate.
 - Two of the identified Growth Areas are Opportunity Areas defined in the London

Plan 2021 (also identified as locations where tall buildings may be appropriate. Both contain large of areas of PTAL 1-2 areas).

- West Hendon Estate is listed as an appropriate location for tall buildings. It will deliver 2,194 homes by 2027 including 543 affordable, improved transport links, enhanced town centre, commercial hub, shops and restaurants, new community centre, 3-form entry community school (400 pupils) and nursery. This is a very similar scheme to the forthcoming application for NLBP.
- New Southgate Opportunity Area boundary is undefined. It may not cover a town centre or an area of good PTAL. There is no evidence to support its inclusion in the draft Policy CDH04.
- We have reviewed the Major Thoroughfares listed in Policy CDH04. We note that there is no limitation to where the tall buildings can be located along the roads identified. There are a large number of areas along these thoroughfares that lie in low PTAL 1-2 areas and would be wholly inappropriate for tall buildings given the residential character of the road in some parts of the borough. The majority of the major thoroughfare does not contain existing tall buildings, does not run through a Growth or Opportunity Area and does not have a high PTAL.

Summary of Comer Homes' Position Regarding Draft Policy CDH04

- 8.27. The Characterisation Study states that areas of growth are likely to evolve significantly as has been proven by the NLBP site. The Council's vision for the NLBP site has clearly evolved and expanded slowly over time, not keeping pace with the capacity identified. Beginning with the 2006 Brief seeking 400 homes on such a large strategic brownfield site, up to 1,000 homes in the Regulation 18 Local Plan site allocation, the site now has planning permission for over 1,350 homes.
- 8.28. The Council has failed to recognise the weight that must be given to the 2020 permission granted by the SoS which supported the findings of the reporting Inspector that the site is appropriate for buildings up to 9 storeys, which by LB Barnet's definition, are tall buildings.
- 8.29. Both the Inspector and SoS agreed that the existing character of the North London Business Park is entirely different to the surrounding area and as existing it does not contribute towards the character and appearance of the area. Both felt that the appearance, scale, mass, height and pattern would not adversely affect the character and appearance of the area. It was considered that the proposed layout and height strategy for the development was appropriate to the current character of the site and that the taller buildings would not be visually obtrusive to those living around the site and that whilst the taller buildings would be visible from locations in the surrounding area, they would primarily be part of the background cityscape, a characteristic of London even in the suburbs.
- 8.30. Given the pressures for housing, intensification of brownfield sites and in the context of the recent planning permission, it is clear the Council has consistently failed to recognise the full potential of the site, steadily carrying forward outdated and restrictive parameters, primarily the number of homes that can be provided and the building heights that would be appropriate.
- 8.31. We take this opportunity to highlight to reinforce the LB Barnet's irrationality for not including the NLBP site as an area where tall buildings may be appropriate, with only the latest Tall Buildings Update (2019) in the evidence base to support this, albeit

without justification and having skewed the information relating to NLBP's planning application at the time.

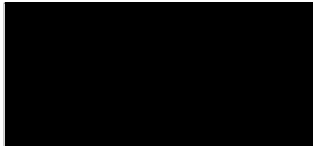
- 8.32. In any case, the Tall Buildings Update pre-dates the SoS decision and no evidence has been submitted by LB Barnet to quash the SoS decision as the most relevant and up-to-date as required by Paragraph 31 of the NPPF.
- 8.33. These representations do not seek the Council to concede that the site is appropriate for unlimited numbers/storeys of tall buildings. The wording of Policy CDH04 is clear in that the identified locations are those which "may" be appropriate and that evidence would still need to be demonstrated for tall buildings to be accepted. Barnet's policy team have no evidence in the evidence base sitting behind the draft Local Plan which justifies the contempt for the NLBP site being appropriate for tall buildings.
- 8.34. The draft Local Plan would be ineffective and unjustified to overlook a site which has the benefit of extant planning permission authorising tall buildings, on a site that has capacity for this and more, and which has been assessed by the SoS as being suitable for tall buildings. This also causes internal conflicts with the wording of draft Policy GSS01 of the draft Local Plan.
- 8.35. In light of the SoS decision to approve buildings in excess of 8 storeys, the NLBP site must be listed in its own right within draft Policy CDH04 as being suitable for tall buildings otherwise the Local Plan is not sound and therefore contrary to Paragraph 36 of the NPPF.
- 8.36. The policy must be updated to align with the recent 2020 decision and needs to take a more positive position in its preparation to align with the wider aspirations for optimisation, intensification and growth. To the contrary, as currently drafted Policy CDH04 is a barrier to further sustainable forms of development being brought forward on this allocated site which is not aligned with the objectives of the NPPF. To summarise, conflicts with the NPPF are set out below:
- Paragraph 15 of the NPPF states that the planning system should be genuinely plan-led and that succinct and up-to date plans should provide a positive vision for the future of each area. Policy CDH04 should not be using out-of-date evidence and should not be relying on the securing of planning permission to determine the parameters of what the NLBP site is capable of achieving. Looking to the future, our client has demonstrated that there are further opportunities to be captured on the site which the Council have ignored in favour of the out-of-date evidence base. The draft Local Plan is therefore in conflict with Paragraph 15 of the NPPF.
 - Draft Policy CDH04 has not been drafted with the objective of contributing to the achievement of sustainable development and has not been prepared positively or in a way that is aspirational or deliverable despite the 2020 permission and ongoing pre-application and policy discussions demonstrating what is achievable. The draft policy therefore conflicts with Paragraph 16 of the NPPF.
 - Draft Policy CDH04 is not underpinned by relevant or up-to-date evidence and therefore conflicts with Paragraph 31 of the NPPF.
 - The omission of the NLBP site being identified as a site that may be appropriate for tall buildings renders Policy CDH04 and indeed the draft Local Plan

unsound. These representations have highlighted LB Barnet's negative stance towards the NLBP site meaning the policies that are relevant to NLBP have not been positively prepared, have not justified the disregard for the NLBP site and is not effective. The draft policy is therefore inconsistent with Paragraph 35 of the NPPF and the Local Plan is not sound.

9. Next Steps and Closing

- 9.1. We have had initial discussions with LB Barnet on the matters above but the wording of the Reg 19 version of the Local Plan demonstrates that our concerns have not been taken on board to date and the Local Plan currently does not pass the tests of soundness.
- 9.2. We welcome the opportunity to engage on this exciting and evolving policy shift which continues to grow the indicative capacity of the NLBP site as part of a residential-led mixed use redevelopment of our client's site, however we hope that the contents of this letter of representation sufficiently explains our reservations over part of the Plan as currently drafted.
- 9.3. I trust the contents of this letter are sufficiently clear, however we would welcome further engagement to discuss these concerns. If you have any queries at all, please do not hesitate to contact Charles Mills, Michael Holloway or Nadia Shojaie of Daniel Watney to discuss further. We look forward to hearing from you.

Yours faithfully



Daniel Watney LLP

Appendix 1 – Appeal Decision



Ministry of Housing,
Communities &
Local Government

Mr C Mills
Daniel Watney LLP
165 Fleet Street
London
EC4A 2DW

Our Ref: APP/N5090/W/17/3189843

Date: 24 February 2020

Dear Sir,

**CORRECTION NOTICE UNDER SECTION 57 OF THE PLANNING AND COMPULSORY
PURCHASE ACT 2004
APPEAL MADE BY COMER HOMES GROUP
NORTH LONDON BUSINESS PARK, OAKLEIGH ROAD SOUTH, LONDON, N11 1GN
APPLICATION REF: 15/07932/OUT**

1. Requests for corrections have been received from Taylor Wessing LLP on behalf of Comer Homes Group, in respect of the Secretary of State's decision letter on the above case dated 22 January 2020. These requests were made before the end of the relevant period for making such corrections under section 56 of the Planning and Compulsory Purchase Act 2004 (the Act), and a decision has been made by the Secretary of State to correct the error.
2. Accordingly, he has amended the description of development at paragraph 1 of the Decision Letter, the description of development at paragraph 37, and has amended Condition 33 in Annex B of the Decision Letter. The Secretary of State has no powers to make such amendments to the Inspector's report.
3. Under the provisions of section 58(1) of the Act, the effect of the correction referred to above is that the original decision is taken not to have been made. The decision date for this appeal is the date of this notice, and an application may be made to the High Court within six weeks from the day after the date of this notice for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
4. A copy of this letter has been sent to the London Borough of Barnet.

Yours faithfully

Jean Nowak

Jean Nowak
Authorised by Secretary of State to sign in that behalf

Jean Nowak, Decision Officer
Ministry of Housing, Communities &
Local Government
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 44 41626
Email: PCC@communities.gov.uk



Ministry of Housing,
Communities &
Local Government

Mr C Mills
Daniel Watney LLP
165 Fleet Street
London
EC4A 2DW

Our ref: APP/N5090/W/17/3189843
Your ref: n/a

24 February 2020

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY COMER HOMES GROUP
NORTH LONDON BUSINESS PARK, OAKLEIGH ROAD SOUTH, LONDON, N11 1GN
APPLICATION REF: 15/07932/OUT**

1. I am directed by the Secretary of State to refer to his letter of 22 January 2020 and to say that consideration has been given to the report of John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI, who held a public local inquiry from 9-11 October 2018 and on 9 November 2018 into your client's appeal against the decision of the London Borough of Barnet (LBB) to refuse your client's hybrid application for planning permission for;
 - Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential led mixed-use development. The detailed element comprises 376 residential units in five blocks reaching eight storeys, the provision of a 5 Form Entry Secondary School, a gymnasium, a multi-use sports pitch and associated changing facilities, and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road, and; The outline element comprises up to 824 additional residential units in buildings ranging from two to eleven storeys, up to 5,177 sq m of non-residential floorspace (Use Classes A1-A4, B1 and D1) and 2.9 hectares of public open space, Associated site preparation/enabling works, transport infrastructure and junction works, landscaping and car parking, as amended (IR10) to;
 - Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential led mixed-use development. The detailed element comprises 360 residential units in five blocks reaching eight storeys, the provision of a 5 Form Entry Secondary School, a gymnasium, a multi-use sports pitch and associated changing facilities, and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road, and; the outline element comprises up to 990 additional residential units in buildings ranging from two to nine storeys, up to

Ministry of Housing, Communities & Local Government
Jean Nowak, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
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5,177 sq m of non-residential floor space (Use Classes A1-A4, B1 and D1) and 2.54 hectares of public open space. Associated site preparation/enabling works, transport infrastructure and junction works, landscaping and car parking.

in accordance with application ref: 15/07932/OUT, dated 18 December 2015.

2. The Secretary of State notes that his letter of 22 January 2020 included an out-of-date description of development at paragraph 1 and at paragraph 37 (IR10), and included an out-of-date version of Condition 33 in Annex A. This letter has corrected these errors. The corrected condition sets out the drawings that were submitted as part of the March 2017 amendments, and those drawings were put to Committee and were put to the Inquiry parties and the Inspector. The Secretary of State considers that no prejudice would be caused by determining the appeal on the basis of the amended proposals and has proceeded on that basis.
3. A copy of the Secretary of State's letter of 22 January 2020 is enclosed at Annex C and forms part of the decision in this case. All paragraph references are to that letter, unless prefixed by IR, in which case they are references to the Inspector's Report.
4. On 12 January 2018, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

5. The Inspector recommended that the appeal be allowed, and planning permission be granted subject to conditions.
6. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, and agrees with his recommendation. He has decided to allow the appeal and grant planning permission subject to conditions. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising since the close of the inquiry

7. On 21 February 2019, the Secretary of State wrote to the main parties to afford them an opportunity to comment on the results of the Housing Delivery Test, which were published on 19 February 2019. A list of representations received in response to this letter is at Annex A(i). These representations were circulated to the main parties on 14 March 2019.
8. The Planning Inspectorate received correspondence from the Rt Hon Theresa Villiers MP, dated 18 February 2019, concerning availability of local healthcare services. This letter was separately sent to Comer Homes Group, who forwarded their response to the Planning Casework Unit on 7 March 2019. The original letter was circulated to the LBB on 18 March 2019.

9. The Secretary of State also received correspondence from the Rt Hon Theresa Villiers MP, dated 20 February 2019, stating her opposition to the residential aspects of the proposal. This was not circulated to parties as it was reaffirming an existing position.
10. On 28 March 2019 the Office for National Statistics published updated housing affordability ratios for England. As the London Plan provides an up-to-date housing requirement, the Secretary of State did not consider that the publication of these ratios raised any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal, and he is satisfied that no interests have thereby been prejudiced.
11. A list of all the other representations which have been received since the inquiry is at Annex A(ii). Copies of these letters may be obtained on written request to the address at the foot of the first page of this letter.
12. An application for a full award of costs was made by Comer Homes Group against the LBB (IR1). This application is the subject of a separate decision letter, which is also being issued today.

Policy and statutory considerations

13. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
14. In this case the development plan consists of the Barnet Core Strategy (CS) and Development Management (DM) documents (both 2012), and the London Plan (2017, consolidated with alterations since 2011) (LP).
15. The Secretary of State agrees with the Inspector (IR5-8) that the policies of most relevance are:
 - CS5, which defines a tall building as one of eight storeys or more, and sets out locations where they may be appropriate;
 - DM05, which restricts tall buildings to identified locations;
 - DM01, which requires proposals to preserve local character and respect the appearance, scale, mass, height and pattern of their surroundings; and
 - LP7.7, which states that tall buildings should be part of a plan-led approach, should not have an unacceptably harmful impact on their surroundings, and need to be accompanied by an urban design analysis, especially where they are proposed for locations not identified in a plan.
16. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated

planning guidance ('the Guidance'), and the North London Business Park planning brief, adopted by the LBB in 2016. The revised Framework was published on 24 July 2018 and further revised in February 2019. Unless otherwise specified, any references to the Framework in this letter are to the revised Framework.

Emerging plan

17. The emerging plan comprises the revised Barnet Local Plan, and the New London Plan. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
18. The revised Barnet Local Plan has not yet been published for public consultation, and the Secretary of State therefore considers it carries no weight.
19. The draft New London Plan (NLoP) has completed its Examination in Public, and the Panel's report to the Mayor of London was issued in October 2019. The Mayor published online and submitted his "Intend to Publish" version of the plan to the Secretary of State on 9 December 2019. In line with the Framework, the Secretary of State considers that the NLoP policies carry moderate weight.

Main issues

Impact of the proposal on the character and appearance of the area

20. The Secretary of State agrees with the Inspector that the effect of the proposed development on the character and appearance of the area is a main issue in this case (IR62).
21. The Secretary of State has carefully considered the Inspector's assessment of the impact the proposal would have on the surrounding area (IR64-69). He agrees with the Inspector that, as the local authority do not object to residential redevelopment in principle, it is the elements over seven storeys and the scale and massing of the development that form the primary matters of concern.
22. The Secretary of State has carefully considered the Inspector's assessment of the impact the proposal would have on the surrounding area (IR64-69). He notes that the surrounding area is predominantly two-storey residential dwellings, while the site is currently occupied by a low-density campus-style business park. For the reasons given at IR64, he agrees with the Inspector that, as the existing character of the site is entirely different to the surrounding area, it does not contribute to the character and appearance of the area. In considering the proposed site layout, he notes that the taller buildings would be located away from existing development, in the interior of the site (IR66, IR68) or adjacent to the railway lines (IR65) that provide a buffer to existing development; while the buildings proposed closest to existing development would be three storeys (IR65, IR66). He also notes that open space would be retained between blocks (IR67). For

these reasons, he agrees with the Inspector that the proposal is appropriate to the current character of the site (IR65), and that the taller buildings would not be visually obtrusive (IR68) to those living around the site.

23. In considering the impact of the proposal outside the immediate surroundings, the Secretary of State agrees with the Inspector at IR68 that, while the taller buildings would be visible from locations in the surrounding area, they would primarily be part of the background cityscape, a characteristic of London even in the suburbs.
24. For the reasons given above, The Secretary of State agrees with the Inspector that the proposal is designed in such a way as to respect the existing character of the area while maximising the potential of the site (IR65), and that the appearance, scale, mass, height and pattern would not adversely affect the character and appearance of the area. For these reasons, the Secretary of State agrees with the Inspector (IR69, IR74) that the proposal is acceptable in terms of scale, massing and design, and would not harm the character and appearance of the area, thereby complying with DM01.
25. However, for the reasons given at IR72, the Secretary of State agrees with the Inspector that there is a conflict with the local plan, as tall buildings are not envisioned for this site. He considers that the proposal conflicts with CS5 and DM05, and that, while LP7.7 could be favoured as a more recent policy and would be more permissive of a tall building at this location, there is still conflict with the elements of the policy that require tall buildings to be plan-led. The Secretary of State gives this significant weight against the proposal.

Housing land supply

26. The Guidance states that in principle an authority will need to be able to demonstrate a five years' land supply at any point to deal with applications and appeals unless it is choosing to confirm its five years' land supply - in which case it need demonstrate it only once per year. In this case, LBB has not 'confirmed' its five years' land supply and the Secretary of State notes (IR33) that the best case in terms of housing supply is 5.1 years while the worst case is a 4.8-year supply, both of which estimates include the dwellings which would be delivered on the site in this proposal.
27. The Secretary of State agrees with the Inspector at IR76 that five years of housing land supply is a minimum requirement, and that the scheme would boost the supply of housing, a principal Government objective. For these reasons, he considers that the provision of 1350 market and affordable homes represents a clear benefit, and that it attracts significant weight in favour of the proposal.

Other matters

28. For the reasons given at IR75, the Secretary of State considers that the provision of a serviced plot for a replacement secondary school carries great weight in favour of the proposal.
29. The Secretary of State agrees with the Inspector (IR77-78) that the public accessibility to the sports facilities, the provision of public open space, the provision of community

floorspace, and the Community Infrastructure Levy generated by the proposal are all significant and substantial benefits of the proposal which carry significant weight in favour of the proposal. As no evidence has been put before him that the New Homes Bonus would be used to help make the proposal acceptable in planning terms, he has not given it any weight in the planning balance.

30. The Secretary of State has considered the Inspector's analysis of the potential for traffic congestion (IR80-81) along Brunswick Park Road and agrees with his conclusions that the development would not adversely affect the amenity of surrounding developments. As such the Secretary of State considers this to be neutral in the balance and to carry no weight either way.

Planning conditions

31. The Secretary of State has given consideration to the Inspector's analysis at IR60, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

32. Having had regard to the Inspector's analysis at IR61, the planning obligation dated 8 November 2018, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR61 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

Planning balance and overall conclusion

33. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with policies CS5, DM05 and LP7.7 of the development plan, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
34. The development plan restricts tall buildings to identified locations, and the proposal would include them on a site not identified as suitable for them. This conflict carries significant weight against the proposal
35. The proposal has been designed to respect the existing character of the local area, while maximising the potential for delivering homes. It would deliver a replacement secondary school alongside new open space, sports facilities and community space. The local authority is unable to demonstrate a five-year supply of housing land without taking account of this site, and the proposal would provide 1350 new homes. The provision of the housing and the ancillary facilities both carry significant weight in favour of the proposal.

36. The Secretary of State considers that there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan, and therefore concludes that the appeal should be allowed and planning permission granted.

Formal decision

37. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission subject to the conditions set out in Annex B of this decision letter for the phased comprehensive redevelopment of the North London Business Park to deliver a residential led mixed-use development, in accordance with application ref: 15/07932/OUT, dated 18 December 2015, as amended (IR10) to a detailed element comprising 360 residential units in five blocks reaching eight storeys, the provision of a 5 Form Entry Secondary School, a gymnasium, a multi-use sports pitch and associated changing facilities, and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road, and an outline element comprising up to 990 additional residential units in buildings ranging from two to nine storeys, up to 5,177 sq m of non-residential floorspace (Use Classes A1-A4, B1 and D1) and 2.54 hectares of public open space, and associated site preparation/enabling works, transport infrastructure and junction works, landscaping and car parking.
38. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

39. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
40. With regard to elements of this proposal that are in outline only, an applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
41. A copy of this letter has been sent to the LBB, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Annex A: Schedule of representations
Annex B: List of conditions

Annex A – Schedule of Representations

SCHEDULE OF REPRESENTATIONS

(i) Representations received in response to the Secretary of State's letter of 21 February 2019

Party	Date
Daniel Watney LLP for Comer Homes Group	7 March 2019
London Borough of Barnet	7 March 2019
Daniel Watney LLP for Comer Homes Group – response to London Borough of Barnet's letter of 7 March 2019	21 March 2019

(ii) General representations

Party	Date
Rt Hon Theresa Villiers MP re healthcare services	18 February 2019
Rt Hon Theresa Villiers MP re opposition to residential elements of proposal	20 February 2019
Daniel Watney LLP for Comer Homes Group – response to letter of 18 February 2019	7 March 2019

Annex B – List of Conditions

DETAILED CONDITIONS FOR PHASE 1

1. The development of Phase 1 hereby permitted shall be carried out in accordance with the following approved plans:

Block 1A - School

211_1A_02_001-Rev B - Basement Plan;
211_1A_02_00-Rev B - Ground Floor Plan;
211_1A_02_01-Rev B - First Floor Plan;
211_1A_02_02-Rev B - Second Floor Plan;
211_1A_02_03-Rev B - Roof Level - MUGA;
211_1A_02_04-Rev B - Roof Level - Parapet;
211_1A_04_01-Rev B - School North & South Elevation;
211_1A_04_02-Rev B - School East & West Elevation;
211_1A_04_02A-Rev B - Detailed West Elevation - Wall fronting Brunswick Park Road;
211_1A_04_03-Rev B - Sports Hall Elevations;
211_1A_05_01-Rev B - School Sections;

Block 1B

211_1B-02_00-Rev A - Block 1B, Ground Floor and First Floor Plan;
211_1B_02_01-Rev A - Block 1B, Attic Floor and Roof Plan;
211_1B-04_01 - Block 1B, North & South Elevations;
211_1B_04_02-Rev A - Block 1B, East & West Elevations and Section AA;

Block 1C & 1D

211_B1CB2D_02_001 - Basement Plan;
211_B1CB2D_02_00-Rev A - Ground Floor Plan;
211_B1CB2D_02_01-Rev A - First Floor Plan;
211_B1CB2D_02_02-Rev A - Second Floor Plan;
211_B1CB2D_02_03-Rev A - Third Floor Plan;
211_B1CB2D_02_04-Rev A - Fourth Floor Plan;
211_B1CB2D_02_05-Rev A - Fifth Floor Plan;
211_B1CB2D_02_06-Rev A - Sixth Floor Plan;
211_B1CB2D_02_07-Rev A - Seventh Floor Plan;
211_B1CB2D_02_08-Rev B - Roof Level;
211_B1CB2D_04_01-Rev A - Block 1C and Block 1D, East Elevation;
211_B1CB2D_04_02 - Block 1C and Block 1D, West Elevation;
211_B1CB2D_04_03 - Block 1C, South and North Elevation;
211_B1CB2D_04_04 - Block 1D, South Elevation;
211_B1CB2D_04_05-Rev A - Block 1D, North Elevations;
211_B1CB2D_05_01-Rev A - Block 1C and Block 1D Section AA;
211_B1CB2D_05_02-Rev A - Block 1C and Block 1D Section BB;
211_B1CB2D_05_03 - Block 1C Section DD and CC;
211_B1CB2D_05_04-Rev A - Block 1D Section EE and FF;

Block 1E & 1F

211_B1EB1F_02_001 - Basement Plan
211_B1EB1F_02_00-Rev A - Ground Floor Plan;
211_B1EB1F_02_01-Rev A - First Floor Plan;
211_B1EB1F_02_02-Rev A - Second Floor Plan;
211_B1EB1F_02_03-Rev A - Third Floor Plan;
211_B1EB1F_02_04-Rev A - Fourth Floor Plan;
211_B1EB1F_02_05-Rev A - Fifth Floor Plan;
211_B1EB1F_02_06-Rev A - Sixth Floor Plan;
211_B1EB1F_02_07-Rev A - Seventh Floor Plan;
211_B1EB1F_02_08-Rev B - Roof Plan;
211_B1EB1F_04_01 - B1EB1F - West Elevation;
211_B1EB1F_04_02-Rev A - B1EB1F East Elevation;
211_B1EB1F_04_03-Rev A - B1F North Elevation & South Elevation;
211_B1EB1F_04_04-Rev A - B1E North & South Elevations;
211_B1EB1F_05_01-Rev A - Block 1E & Block 1F, Section AA;
211_B1EB1F_05_02-Rev A - Block 1F, Section BB & CC;
211_B1EB1F_05_03-Rev A - Block 1E, Section DD

Landscape Drawings

HED_1140_RBP_P1_0001-Rev 03 - Phase 1 Landscape: General Arrangement;
HED_1140_RBP_P1_0002-Rev 03 - Phase 1 Hard Landscape: Area 01;
HED_1140_RBP_P1_0003-Rev 01 - Phase 1 Hard Landscape: Area 02;
HED_1140_RBP_P1_0004-Rev 03 - Phase 1 Hard Landscape: Area 03;
HED_1140_RBP_P1_0005-Rev 03 - Phase 1 Landscape Planting: Area 01;
HED_1140_RBP_P1_0006-Rev 01 - Phase 1 Landscaping Planting: Area 02;
HED_1140_RBP_P1_0007-Rev 02 - Phase 1 Landscaping Planting: Area 03;
HED_1140_RBP_P1_0008-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0009-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0010-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0011-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0012-Rev 00 - Phase 1 Illustrative Materials Palette;
HED_1140_RBP_P1_0013-Rev 02 - Phase 1 Trees for Retention + Proposed + Removal;
HED_1140_RBP_P1_0014-Rev 00 - Phase 1 Landscape Terraces;
HED_1140_RBP_P1_0015-Rev 00 - Phase 1 School Play Area;
HED_1140_RBP_P1_0016-Rev 00 - Phase 1 Residential Street;
HED_1140_RBP_P1_0017-Rev 00 - Phase 1 Lake & Board Walk;
HED_1140_RBP_P1_0018-Rev 00 - Phase 1 Private Gardens (front);
HED_1140_RBP_P1_0020-Rev 00 - Phase 1 Street Section (Parkway);
HED_1140_RBP_P1_0021-Rev 00 - Phase 1 Intensive Green Roof;

Highways Drawings

0031-PHL-01-Rev C - Preliminary Highway Layout Sheet 1;
0031-PHL-02-Rev C - Preliminary Highways Layout Sheet 2;
0031-PHL-03-Rev C - Preliminary Highway Profile Sheet 1;
0031-PHL-04-Rev C - Preliminary Highway Profile Sheet 2;
0031-PHL-05-Rev C - Preliminary Highway Profile Sheet 3;
0031-PHL-06-Rev B - Preliminary Highway Profile Sheet 4;

0031-PHL-07-Rev B - Phase 1 Highway Layout;
0031-PHL-08-Rev A - Highway Access Plan;
0031-PHL-12-Rev B - Preliminary Eastern Access Arrangement and Benfleet Way Access Plan;
0031-PDL-100-Rev A - Phase 1 Preliminary Drainage Layout;
0031-PDL-101-Rev A - Proposed Detention Basin;
0031-PDL-200-Rev A - Preliminary Drainage Layout.

2. Phase 1 hereby permitted shall begin no later than 3 years from the date of this permission.

3. Other than Ground Works and Site Preparation Works (site clearance, site hoarding, decontamination) no development shall commence within Phase 1 until a Construction Environmental Management Plan, setting out the construction and environmental management measures associated with the development of Phase 1, has been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the ES and shall include:

Construction site and works

- i. Site information (including a site plan and management structure);
- ii. Description of works, equipment and storage;
- iii. Programme of works;
- iv. Temporary hoarding and fencing;
- v. Temporary works;
- vi. Interim drainage strategy;
- vii. Intrusive site investigation works and monitoring (the scope to be agreed in writing with the Local Planning Authority);

Construction management and procedures

- viii. Code of Construction Practice;
- ix. Consultation and neighbourhood liaison;
- x. Staff training and briefing procedures;
- xi. Schedule of environmental legislation and good practice;
- xii. Register of permissions and consents required;
- xiii. Environmental Audit Programme;
- xiv. Environmental Risk Register;
- xv. Piling Works Risk Assessment;
- xvi. Health and safety measures;
- xvii. Complaints procedures;
- xviii. Monitoring and reporting procedures;

Demolition and waste management

- xix. Demolition audit;
- xx. Site clearance and waste management plan;
- xxi. Asbestos survey and disposal strategy;

Construction traffic

- xxii. Construction traffic routes;

- xxiii. Construction traffic management (including access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution)

Environmental Management

- xxiv. Ecology surveys and management plan (as required by the ES) in relation to any existing ecological features that may be affected by works in that Development Phase.
- xxv. Measures to minimise visual impact during construction
- xxvi. Measures to minimise noise and vibration levels during construction;
- xxvii. Measures to minimise dust levels during construction;
- xxviii. Measures to control pollution during construction (including a Pollution Response Plan);
- xxix. Construction lighting strategy, including measures to minimise light spill;
- xxx. Measures to reduce water usage during construction;
- xxxi. Measures to reduce energy usage during construction;
- xxxii. Any other precautionary and mitigation measures in relation to demolition and construction as identified in the ES and the EIA Mitigation Register;

Phase 1 shall thereafter be implemented in accordance with the Construction Environmental Management Plan as approved by the LPA.

4. A contamination remediation scheme shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The scheme shall be in accordance with the approach to remediation set out in the Environmental Statement, and the remediation scheme shall be implemented as approved prior to the occupation of Phase 1.

5. No construction works shall occur outside 0800 - 1800 hours on weekdays and 0800 - 1300 hours on Saturdays and shall not occur at all on Public Holidays.

6. Vegetation clearance shall take place outside the bird breeding season (October to February). Any clearance of vegetation with the potential to support nesting birds shall only occur following a check by a qualified ecologist. If any active nests are found an appropriate buffer zone shall be established and works must cease within this buffer zone until such time as a qualified ecologist confirms that the nest is no longer in active use.

7. No development within Phase 1 shall commence (with the exception of Ground Works and Site Preparation Works) until a scheme of Advanced Infrastructure Works is submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i. Underground drainage details;
- ii. Below ground energy infrastructure;
- iii. Below ground services and utilities;
- iv. Ground Works, earthworks, contouring and levels;
- v. A statement of compliance with the site wide strategies (including the DAS Volume I and Addendum sections 6.19, 7.1 - 7.16, 8.1 - 8.3 and approved Primary Control Documents).

Development of Phase 1 shall be carried out in accordance with the approved scheme.

8. No Surface Infrastructure Works shall commence within Phase 1 until a scheme of Landscaping Works for Phase 1 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i. Design and location of electricity sub stations, including surface treatment and means of enclosure;
- ii. Vehicle parking and surfacing treatment (including petrol / oil interceptors);
- iii. Surface drainage details;
- iv. Surface materials and finishes;
- v. Cycle parking locations and details;
- vi. Highways details (e.g. crossing and kerb heights);
- vii. Access and wayfinding strategy;
- viii. Materials, types and siting of all fencing, boundary treatments, gates or other enclosures (including temporary arrangements to be in place until the site is completed in full);
- ix. Street furniture, lighting and signage;
- x. Children's play spaces and play provision;
- xi. Details of all proposed trees, hedge, shrub and other planting and all planting proposed for green walls and other soft landscaped structures, including proposed species, plant sizing, density and arrangement;
- xii. Ecological enhancements (in accordance with ES);
- xiii. The position of any existing trees and hedges to be retained or removed and the crown spread of each retained tree;
- xiv. Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- xv. The position of any proposed excavation within the recommended protective distance referred to in BS5837:2012;
- xvi. Means of planting, staking and tying of trees, including tree guards, and a detailed landscape maintenance schedule for regular pruning, watering and fertiliser use.
- xvii. Details and specifications of all play, sport and recreational features to be included within the landscaped areas;
- xviii. Details of all proposed hard landscape works, including proposed materials, samples and details of special techniques to minimise damage to retained trees and details of techniques to be used to provide conditions appropriate for new plantings.
- xix. Timing of planting.

The Landscaping Works shall be carried out in accordance with the approved details.

9. Prior to the occupation of each building within Phase 1, a scheme of bird and bat boxes for that building shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes approved shall be installed and maintained over the lifetime of the development.

10. Phase 1 shall be undertaken in accordance with the drainage strategy outlined in the Environmental Statement. No foul or surface water from the site shall be discharged into the public system until the drainage works set out in the strategy have been completed.

11. If within a period of five years from the date of planting of any tree within Phase 1, that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place in the next available planting season.

12. A Car Parking Management Strategy for Phase 1 shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of Phase 1. The strategy shall be in accordance with that set out in the Transport Assessment and Addendum. The Strategy shall thereafter be implemented as approved.

13. 10% of residential units in Phase 1 shall be designed to be fully wheelchair accessible or easily adaptable for residents who are wheelchair users.

14. Prior to the construction of any building within Phase 1 the following details for that building shall be submitted to and approved in writing by the Local Planning Authority:

- i. Full details (including samples, where appropriate) of the materials and finishes to be used on all external surfaces;
- ii. Doors, entrances, windows (including glazing specifications) and balconies (including drawings and sections showing thresholds to adjacent internal spaces and drawings and sections of privacy screens);
- iii. Details of the design and access controls for the car park gate(s);
- iv. Building lighting;
- v. Podium details (including hard and soft landscaping, planting species, furniture and play provision);
- vi. Details of bio-diverse roofs;
- vii. Details of any building security measures including CCTV;

Development shall be carried out in accordance with the approved details and the scheme shall thereafter be maintained in secure and good working order for the lifetime of the development.

15. Notwithstanding the details submitted with the application, prior to the construction of any building within Phase 1, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- i. Enclosures, screened facilities and / or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
- ii. Satisfactory points of collection; and,
- iii. Details of the refuse and recycling collection arrangements.

The refuse and recycling facilities shall be provided fully in accordance with the approved details before the relevant block is occupied and the development shall be managed in accordance with the approved details.

16. Prior to the construction of any building within Phase 1, details of all extraction and ventilation equipment to be installed for that building shall be submitted to and approved in writing by the Local Planning Authority. The details shall be accompanied by a report carried out by a qualified acoustic consultant that assesses the likely noise impacts from the development of the ventilation and extraction plant, and proposed mitigation measures for the development if necessary.

The development shall be carried out in accordance with approved details before first occupation of Phase 1.

17. The level of noise emitted from any plant within Phase 1, including ventilation equipment hereby approved shall be at least 5dB(A) below the background noise level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background noise level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

18. Prior to the occupation of Phase 1, details of the energy supply network shall be submitted to and approved in writing by the Local Planning Authority. Details shall be in accordance with the Energy Statement and Addendum and shall include:

- i. Details of connections available for each building;
- ii. Proposals for the staged installation of plant within the energy centre and any temporary energy provision required
- iii. Details of safeguarded connections to an area wide heat network if found to be feasible following further engagement with the local planning authority and GLA.
- iv. Details of any potential future connections available to nearby buildings;
- v. A statement of compliance with the site wide Energy Statement and Addendum.

Phase 1 shall thereafter be implemented in accordance with the approved strategy.

19. CHP and/or biomass boilers must not exceed the Band B Emission Standards for Solid Biomass Boilers and CHP Plant as listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document.

20. Prior to the construction of any residential building in Phase 1, a rainwater and grey water feasibility strategy, relating to incorporating rainwater or grey water recycling into buildings across Phase 1, shall be submitted to and approved in writing by the Local Planning Authority.

Phase 1 shall thereafter be implemented in accordance with the approved strategy.

21. Prior to occupation of Phase 1 an External Lighting Assessment of lighting proposed within Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The external lighting assessment submitted shall detail the existing average night time luminance and light spread levels at night, identify the levels of light pollution received at the windows to residential properties within the development and, where appropriate, identify the measures to be used to mitigate any impacts to species including bats. Any light pollution mitigation identified in the lighting assessment shall be implemented in full prior to occupation of Phase 1.

22. No building within Phase 1 shall be occupied until a Delivery and Servicing Management Plan in respect of each Phase 1 building has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the strategy set out in the Transport Assessment and Addendum and Phase 1 shall be carried out in accordance with the approved Plan.

23. No residential unit within Phase 1 shall be occupied until the access roads and highways works (on and off-site) as identified in the Highways Drawings hereby approved through Condition 1 are made available for use.

24. No residential unit within Phase 1 shall be occupied until the private and/or communal amenity space provision (excluding public open space) associated with the block within which the unit is located is available for use in accordance with the approved plans.

25. Prior to occupation of each residential block within Phase 1 a scheme for the provision of communal/centralised satellite and television reception equipment for that block shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed prior to first occupation of that block and shall thereafter be retained and made available for use by all occupiers of that block.

26. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without planning permission being granted by the Local Planning Authority:

The installation of any structures or apparatus for purposes relating to telecommunications or any part of the development hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that order.

27. No piling within Phase 1 shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) for Phase 1 has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

28. Notwithstanding the plans hereby approved and prior to the commencement of Phase 1 details of a scheme of measures to enhance and promote biodiversity within Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of measures shall be implemented in full accordance with the approved details before Phase 1 is first occupied.

29. No works within Phase 1 shall be commenced before a method statement including temporary tree protection measures, detailing the precautions to be taken to minimise damage to trees adjacent to Phase 1, in accordance with British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the location, extent and depth of all excavations for drainage and other services in relation to trees to be retained, or trees on adjacent sites. Phase 1 shall be carried out in full accordance with the approved details.

30. Cycle parking for Phase 1 shall be provided in accordance with the approved plans, shall be available for use prior to occupation of Phase 1, and shall be maintained thereafter.

31. Before Blocks 1E and 1F hereby permitted are first occupied windows in the eastern wing elevations of these blocks facing properties in Howard Close and Brunswick Park Gardens shall be non-openable below 1.7m and glazed with obscure glass only, and shall be permanently retained as such thereafter.

32. Other than infrastructure works in relation to Phase 1, no development within Phase 1 shall take place until a programme of archaeological recording of the existing air raid shelters and any finds of industrial heritage, in accordance with a written scheme of investigation to be submitted to and agreed in writing by the Local Planning Authority, has been carried out.

CONDITIONS FOR PHASES 2-5

33. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Parameter Plans

211_WS_02_00 - Red Line Boundary Plan;
211_WS_02_01-Rev C - Proposed Development Zone Plan;
211_WS_02_02-Rev A - Access & Circulation Zone;
211_WS_02_03-Rev A - Landscape Treatment Plan;
211_WS_02_04-Rev A - Ground Floor Frontages Plan;
211_WS_02_05-Rev A - Development Zones - Horizontal Limits of Deviation;
211_WS_02_06-Rev A - Proposed Site Levels & Vertical Limits of Deviation;
211_WS_02_07-Rev A - Development Zones & Maximum Heights;
211_WS_02_08-Rev A - Proposed Site Basement Levels & Limit of Deviation;
211_WS_02_09-Rev A - Site Plan
HED_1140_RBP_LA_0004-00 - Illustrative Landscape Sections: The Parkway;

Sections

211_WS_05_01-Rev B - Contextual Sections AA BB;
211_WS_05_02-Rev B - Contextual Sections CC DD;
211_WS_05_10-Rev B - Parameter Sections 1 - 4;
211_WS_05_11-Rev B - Existing Sections 1 - 4;

Landscape Drawings

HED_1140_RBP_LA_0001-Rev 01 - Illustrative Landscape Plan;
HED_1140_RBP_LA_0002-Rev 03 - Landscape GA;
HED_1140_RBP_LA_0003-Rev 03 - General Arrangement, Central Park;
HED_1140_RBP_LA_0004-Rev 01 - Illustrative Landscape Sections: The Parkway;
HED_1140_RBP_LA_0005-Rev 02 - Illustrative Sections: Park (North);
HED_1140_RBP_LA_0006-Rev 01 - Illustrative Sections: Central Park (South);
HED_1140_RBP_LA_0007-Rev 00 - Illustrative Landscape Sections: Courtyard;
HED_1140_RBP_LA_0008-Rev 02 - Trees for Retention + Proposed + Removal

Supporting Documents

Design Principles Document - Rev B, March 2017;

34. Applications for the approval of reserved matters (being scale, layout, appearance and landscaping) for Phases 2, 3, 4 and 5 shall be made to the Local Planning Authority before the following:

- i. Applications for Reserved Matters for Phase 2 shall be made within 3 years from the date of this permission;
- ii. Applications for Reserved Matters for Phase 3 shall be made within 4 years from the date of this permission;
- iii. Applications for Reserved Matters for Phase 4 shall be made within 5 years from the date of this permission;
- iv. Applications for Reserved Matters for Phase 5 shall be made within 7 years from the date of this permission.

35. The development hereby permitted in the later phases shall begin no later than 2 years from the final approval of the last Reserved Matters application in relation to each phase made pursuant to Condition 34.

36. As part of Reserved Matters applications, details of the energy supply for each building in Development Phases 2 - 5 shall be submitted to and approved in writing by the Local Planning Authority. Details shall accord with the Energy Statement and Addendum and shall include:

- i. Details of the energy supply for each building connection, including a statement of compliance with the Energy Statement and Addendum;
- ii. Details of any temporary energy provision required;
- iii. A statement of compliance with the site wide Energy Statement and Addendum.

ANNEX C – The Secretary of State’s letter of 22 January 2020



Ministry of Housing,
Communities &
Local Government

Mr C Mills
Daniel Watney LLP
165 Fleet Street
London
EC4A 2DW

Our ref: APP/N5090/W/17/3189843
Your ref: n/a

22 January 2020

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY COMER HOMES GROUP
NORTH LONDON BUSINESS PARK, OAKLEIGH ROAD SOUTH, LONDON, N11 1GN
APPLICATION REF: 15/07932/OUT**

42. I am directed by the Secretary of State to say that consideration has been given to the report of John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI, who held a public local inquiry from 9-11 October 2018 and on 9 November 2018 into your client’s appeal against the decision of the London Borough of Barnet (LBB) to refuse your client’s hybrid application for planning permission for the phased comprehensive redevelopment of the North London Business Park to deliver a residential led mixed-use development:

- detailed element comprising 376 residential units in five blocks reaching eight storeys, the provision of a 5 Form Entry Secondary School, a gymnasium, a multi-use sports pitch and associated changing facilities, and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road, and
- outline element comprising up to 824 additional residential units in buildings ranging from two to eleven storeys, up to 5,177m² of non-residential floorspace (Use Classes A1-A4, B1 and D1) and 2.9 hectares of public open space, associated site preparation/enabling works, transport infrastructure and junction works, landscaping and car parking,

in accordance with application ref: 15/07932/OUT, dated 18 December 2015.

43. On 12 January 2018, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Ministry of Housing, Communities & Local Government
Jean Nowak, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 44 41626
Email: PCC@communities.gov.uk

ANNEX C – The Secretary of State’s letter of 22 January 2020

Inspector’s recommendation and summary of the decision

44. The Inspector recommended that the appeal be allowed, and planning permission be granted subject to conditions.
45. For the reasons given below, the Secretary of State agrees with the Inspector’s conclusions, and agrees with his recommendation. He has decided to allow the appeal and grant planning permission subject to conditions. A copy of the Inspector’s report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising since the close of the inquiry

46. On 21 February 2019, the Secretary of State wrote to the main parties to afford them an opportunity to comment on the results of the Housing Delivery Test, which were published on 19 February 2019. A list of representations received in response to this letter is at Annex A(i). These representations were circulated to the main parties on 14 March 2019.
47. The Planning Inspectorate received correspondence from the Rt Hon Theresa Villiers MP, dated 18 February 2019, concerning availability of local healthcare services. This letter was separately sent to Comer Homes Group, who forwarded their response to the Planning Casework Unit on 7 March 2019. The original letter was circulated to the LBB on 18 March 2019.
48. The Secretary of State also received correspondence from the Rt Hon Theresa Villiers MP, dated 20 February 2019, stating her opposition to the residential aspects of the proposal. This was not circulated to parties as it was reaffirming an existing position.
49. On 28 March 2019 the Office for National Statistics published updated housing affordability ratios for England. As the London Plan provides an up-to-date housing requirement, the Secretary of State did not consider that the publication of these ratios raised any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal, and he is satisfied that no interests have thereby been prejudiced.
50. A list of all the other representations which have been received since the inquiry is at Annex A(ii). Copies of these letters may be obtained on written request to the address at the foot of the first page of this letter.
51. An application for a full award of costs was made by Comer Homes Group against the LBB (IR1). This application is the subject of a separate decision letter, which is also being issued today.

Policy and statutory considerations

52. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

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53. In this case the development plan consists of the Barnet Core Strategy (CS) and Development Management (DM) documents (both 2012), and the London Plan (2017, consolidated with alterations since 2011) (LP).
54. The Secretary of State agrees with the Inspector (IR5-8) that the policies of most relevance are:
- CS5, which defines a tall building as one of eight storeys or more, and sets out locations where they may be appropriate;
 - DM05, which restricts tall buildings to identified locations;
 - DM01, which requires proposals to preserve local character and respect the appearance, scale, mass, height and pattern of their surroundings; and
 - LP7.7, which states that tall buildings should be part of a plan-led approach, should not have an unacceptably harmful impact on their surroundings, and need to be accompanied by an urban design analysis, especially where they are proposed for locations not identified in a plan.
55. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (‘the Framework’) and associated planning guidance (‘the Guidance’), and the North London Business Park planning brief, adopted by the LBB in 2016. The revised Framework was published on 24 July 2018 and further revised in February 2019. Unless otherwise specified, any references to the Framework in this letter are to the revised Framework.

Emerging plan

56. The emerging plan comprises the revised Barnet Local Plan, and the New London Plan. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
57. The revised Barnet Local Plan has not yet been published for public consultation, and the Secretary of State therefore considers it carries no weight.
58. The draft New London Plan (NLonP) has completed its Examination in Public, and the Panel’s report to the Mayor of London was issued in October 2019. The Mayor published online and submitted his “Intend to Publish” version of the plan to the Secretary of State on 9 December 2019. In line with the Framework, the Secretary of State considers that the NLonP policies carry moderate weight.

Main issues

Impact of the proposal on the character and appearance of the area

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59. The Secretary of State agrees with the Inspector that the effect of the proposed development on the character and appearance of the area is a main issue in this case (IR62).
60. The Secretary of State has carefully considered the Inspector’s assessment of the impact the proposal would have on the surrounding area (IR64-69). He agrees with the Inspector that, as the local authority do not object to residential redevelopment in principle, it is the elements over seven storeys and the scale and massing of the development that form the primary matters of concern.
61. The Secretary of State has carefully considered the Inspector’s assessment of the impact the proposal would have on the surrounding area (IR64-69). He notes that the surrounding area is predominantly two-storey residential dwellings, while the site is currently occupied by a low-density campus-style business park. For the reasons given at IR64, he agrees with the Inspector that, as the existing character of the site is entirely different to the surrounding area, it does not contribute to the character and appearance of the area. In considering the proposed site layout, he notes that the taller buildings would be located away from existing development, in the interior of the site (IR66, IR68) or adjacent to the railway lines (IR65) that provide a buffer to existing development; while the buildings proposed closest to existing development would be three storeys (IR65, IR66). He also notes that open space would be retained between blocks (IR67). For these reasons, he agrees with the Inspector that the proposal is appropriate to the current character of the site (IR65), and that the taller buildings would not be visually obtrusive (IR68) to those living around the site.
62. In considering the impact of the proposal outside the immediate surroundings, the Secretary of State agrees with the Inspector at IR68 that, while the taller buildings would be visible from locations in the surrounding area, they would primarily be part of the background cityscape, a characteristic of London even in the suburbs.
63. For the reasons given above, The Secretary of State agrees with the Inspector that the proposal is designed in such a way as to respect the existing character of the area while maximising the potential of the site (IR65), and that the appearance, scale, mass, height and pattern would not adversely affect the character and appearance of the area. For these reasons, the Secretary of State agrees with the Inspector (IR69, IR74) that the proposal is acceptable in terms of scale, massing and design, and would not harm the character and appearance of the area, thereby complying with DM01.
64. However, for the reasons given at IR72, the Secretary of State agrees with the Inspector that there is a conflict with the local plan, as tall buildings are not envisioned for this site. He considers that the proposal conflicts with CS5 and DM05, and that, while LP7.7 could be favoured as a more recent policy and would be more permissive of a tall building at this location, there is still conflict with the elements of the policy that require tall buildings to be plan-led. The Secretary of State gives this significant weight against the proposal.

Housing land supply

65. The Guidance states that in principle an authority will need to be able to demonstrate a five years’ land supply at any point to deal with applications and appeals unless it is choosing to confirm its five years’ land supply - in which case it need demonstrate it only

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once per year. In this case, LBB has not ‘confirmed’ its five years’ land supply and the Secretary of State notes (IR33) that the best case in terms of housing supply is 5.1 years while the worst case is a 4.8-year supply, both of which estimates include the dwellings which would be delivered on the site in this proposal.

66. The Secretary of State agrees with the Inspector at IR76 that five years of housing land supply is a minimum requirement, and that the scheme would boost the supply of housing, a principal Government objective. For these reasons, he considers that the provision of 1350 market and affordable homes represents a clear benefit, and that it attracts significant weight in favour of the proposal.

Other matters

67. For the reasons given at IR75, the Secretary of State considers that the provision of a serviced plot for a replacement secondary school carries great weight in favour of the proposal.

68. The Secretary of State agrees with the Inspector (IR77-78) that the public accessibility to the sports facilities, the provision of public open space, the provision of community floorspace, and the Community Infrastructure Levy generated by the proposal are all significant and substantial benefits of the proposal which carry significant weight in favour of the proposal. As no evidence has been put before him that the New Homes Bonus would be used to help make the proposal acceptable in planning terms, he has not given it any weight in the planning balance.

69. The Secretary of State has considered the Inspector’s analysis of the potential for traffic congestion (IR80-81) along Brunswick Park Road and agrees with his conclusions that the development would not adversely affect the amenity of surrounding developments. As such the Secretary of State considers this to be neutral in the balance and to carry no weight either way.

Planning conditions

70. The Secretary of State has given consideration to the Inspector’s analysis at IR60, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

71. Having had regard to the Inspector’s analysis at IR61, the planning obligation dated 8 November 2018, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector’s conclusion for the reasons given in IR61 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

Planning balance and overall conclusion

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72. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with policies CS5, DM05 and LP7.7 of the development plan, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
73. The development plan restricts tall buildings to identified locations, and the proposal would include them on a site not identified as suitable for them. This conflict carries significant weight against the proposal
74. The proposal has been designed to respect the existing character of the local area, while maximising the potential for delivering homes. It would deliver a replacement secondary school alongside new open space, sports facilities and community space. The local authority is unable to demonstrate a five-year supply of housing land without taking account of this site, and the proposal would provide 1350 new homes. The provision of the housing and the ancillary facilities both carry significant weight in favour of the proposal.
75. The Secretary of State considers that there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan, and therefore concludes that the appeal should be allowed and planning permission granted.

Formal decision

76. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector’s recommendation. He hereby allows your client’s appeal and grants planning permission subject to the conditions set out in Annex B of this decision letter for the phased comprehensive redevelopment of the North London Business Park to deliver a residential led mixed-use development, in accordance with application ref: 15/07932/OUT, dated 18 December 2015.
77. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

78. A separate note is attached setting out the circumstances in which the validity of the Secretary of State’s decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
79. With regard to elements of this proposal that are in outline only, an applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

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80. A copy of this letter has been sent to the LBB, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Annex A: Schedule of representations

Annex B: List of conditions

ANNEX C – The Secretary of State’s letter of 22 January 2020

Annex A – Schedule of Representations

SCHEDULE OF REPRESENTATIONS

(i) Representations received in response to the Secretary of State’s letter of 21 February 2019

Party	Date
Daniel Watney LLP for Comer Homes Group	7 March 2019
London Borough of Barnet	7 March 2019
Daniel Watney LLP for Comer Homes Group – response to London Borough of Barnet’s letter of 7 March 2019	21 March 2019

(ii) General representations

Party	Date
Rt Hon Theresa Villiers MP re healthcare services	18 February 2019
Rt Hon Theresa Villiers MP re opposition to residential elements of proposal	20 February 2019
Daniel Watney LLP for Comer Homes Group – response to letter of 18 February 2019	7 March 2019

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Annex B – List of Conditions

DETAILED CONDITIONS FOR PHASE 1

37. The development of Phase 1 hereby permitted shall be carried out in accordance with the following approved plans:

Block 1A - School

211_1A_02_001-Rev B - Basement Plan;
211_1A_02_00-Rev B - Ground Floor Plan;
211_1A_02_01-Rev B - First Floor Plan;
211_1A_02_02-Rev B - Second Floor Plan;
211_1A_02_03-Rev B - Roof Level - MUGA;
211_1A_02_04-Rev B - Roof Level - Parapet;
211_1A_04_01-Rev B - School North & South Elevation;
211_1A_04_02-Rev B - School East & West Elevation;
211_1A_04_02A-Rev B - Detailed West Elevation - Wall fronting Brunswick Park Road;
211_1A_04_03-Rev B - Sports Hall Elevations;
211_1A_05_01-Rev B - School Sections;

Block 1B

211_1B-02_00-Rev A - Block 1B, Ground Floor and First Floor Plan;
211_1B_02_01-Rev A - Block 1B, Attic Floor and Roof Plan;
211_1B-04_01 - Block 1B, North & South Elevations;
211_1B_04_02-Rev A - Block 1B, East & West Elevations and Section AA;

Block 1C & 1D

211_B1CB2D_02_001 - Basement Plan;
211_B1CB2D_02_00-Rev A - Ground Floor Plan;
211_B1CB2D_02_01-Rev A - First Floor Plan;
211_B1CB2D_02_02-Rev A - Second Floor Plan;
211_B1CB2D_02_03-Rev A - Third Floor Plan;
211_B1CB2D_02_04-Rev A - Fourth Floor Plan;
211_B1CB2D_02_05-Rev A - Fifth Floor Plan;
211_B1CB2D_02_06-Rev A - Sixth Floor Plan;
211_B1CB2D_02_07-Rev A - Seventh Floor Plan;
211_B1CB2D_02_08-Rev B - Roof Level;
211_B1CB2D_04_01-Rev A - Block 1C and Block 1D, East Elevation;
211_B1CB2D_04_02 - Block 1C and Block 1D, West Elevation;
211_B1CB2D_04_03 - Block 1C, South and North Elevation;
211_B1CB2D_04_04 - Block 1D, South Elevation;
211_B1CB2D_04_05-Rev A - Block 1D, North Elevations;
211_B1CB2D_05_01-Rev A - Block 1C and Block 1D Section AA;
211_B1CB2D_05_02-Rev A - Block 1C and Block 1D Section BB;
211_B1CB2D_05_03 - Block 1C Section DD and CC;
211_B1CB2D_05_04-Rev A - Block 1D Section EE and FF;

Block 1E & 1F

211_B1EB1F_02_001 - Basement Plan

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211_B1EB1F_02_00-Rev A - Ground Floor Plan;
211_B1EB1F_02_01-Rev A - First Floor Plan;
211_B1EB1F_02_02-Rev A - Second Floor Plan;
211_B1EB1F_02_03-Rev A - Third Floor Plan;
211_B1EB1F_02_04-Rev A - Fourth Floor Plan;
211_B1EB1F_02_05-Rev A - Fifth Floor Plan;
211_B1EB1F_02_06-Rev A - Sixth Floor Plan;
211_B1EB1F_02_07-Rev A - Seventh Floor Plan;
211_B1EB1F_02_08-Rev B - Roof Plan;
211_B1EB1F_04_01 - B1EB1F - West Elevation;
211_B1EB1F_04_02-Rev A - B1EB1F East Elevation;
211_B1EB1F_04_03-Rev A - B1F North Elevation & South Elevation;
211_B1EB1F_04_04-Rev A - B1E North & South Elevations;
211_B1EB1F_05_01-Rev A - Block 1E & Block 1F, Section AA;
211_B1EB1F_05_02-Rev A - Block 1F, Section BB & CC;
211_B1EB1F_05_03-Rev A - Block 1E, Section DD

Landscape Drawings

HED_1140_RBP_P1_0001-Rev 03 - Phase 1 Landscape: General Arrangement;
HED_1140_RBP_P1_0002-Rev 03 - Phase 1 Hard Landscape: Area 01;
HED_1140_RBP_P1_0003-Rev 01 - Phase 1 Hard Landscape: Area 02;
HED_1140_RBP_P1_0004-Rev 03 - Phase 1 Hard Landscape: Area 03;
HED_1140_RBP_P1_0005-Rev 03 - Phase 1 Landscape Planting: Area 01;
HED_1140_RBP_P1_0006-Rev 01 - Phase 1 Landscaping Planting: Area 02;
HED_1140_RBP_P1_0007-Rev 02 - Phase 1 Landscaping Planting: Area 03;
HED_1140_RBP_P1_0008-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0009-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0010-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0011-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0012-Rev 00 - Phase 1 Illustrative Materials Palette;
HED_1140_RBP_P1_0013-Rev 02 - Phase 1 Trees for Retention + Proposed + Removal;
HED_1140_RBP_P1_0014-Rev 00 - Phase 1 Landscape Terraces;
HED_1140_RBP_P1_0015-Rev 00 - Phase 1 School Play Area;
HED_1140_RBP_P1_0016-Rev 00 - Phase 1 Residential Street;
HED_1140_RBP_P1_0017-Rev 00 - Phase 1 Lake & Board Walk;
HED_1140_RBP_P1_0018-Rev 00 - Phase 1 Private Gardens (front);
HED_1140_RBP_P1_0020-Rev 00 - Phase 1 Street Section (Parkway);
HED_1140_RBP_P1_0021-Rev 00 - Phase 1 Intensive Green Roof;

Highways Drawings

0031-PHL-01-Rev C - Preliminary Highway Layout Sheet 1;
0031-PHL-02-Rev C - Preliminary Highways Layout Sheet 2;
0031-PHL-03-Rev C - Preliminary Highway Profile Sheet 1;
0031-PHL-04-Rev C - Preliminary Highway Profile Sheet 2;
0031-PHL-05-Rev C - Preliminary Highway Profile Sheet 3;
0031-PHL-06-Rev B - Preliminary Highway Profile Sheet 4;
0031-PHL-07-Rev B - Phase 1 Highway Layout;
0031-PHL-08-Rev A - Highway Access Plan;
0031-PHL-12-Rev B - Preliminary Eastern Access Arrangement and Benfleet Way Access Plan;
0031-PDL-100-Rev A - Phase 1 Preliminary Drainage Layout;
0031-PDL-101-Rev A - Proposed Detention Basin;

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0031-PDL-200-Rev A - Preliminary Drainage Layout.

38. Phase 1 hereby permitted shall begin no later than 3 years from the date of this permission.

39. Other than Ground Works and Site Preparation Works (site clearance, site hoarding, decontamination) no development shall commence within Phase 1 until a Construction Environmental Management Plan, setting out the construction and environmental management measures associated with the development of Phase 1, has been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the ES and shall include:

Construction site and works

- xxxiii. Site information (including a site plan and management structure);
- xxxiv. Description of works, equipment and storage;
- xxxv. Programme of works;
- xxxvi. Temporary hoarding and fencing;
- xxxvii. Temporary works;
- xxxviii. Interim drainage strategy;
- xxxix. Intrusive site investigation works and monitoring (the scope to be agreed in writing with the Local Planning Authority);

Construction management and procedures

- xl. Code of Construction Practice;
- xli. Consultation and neighbourhood liaison;
- xlii. Staff training and briefing procedures;
- xliii. Schedule of environmental legislation and good practice;
- xliv. Register of permissions and consents required;
- xlv. Environmental Audit Programme;
- xlvi. Environmental Risk Register;
- xlvii. Piling Works Risk Assessment;
- xlviii. Health and safety measures;
- xlix. Complaints procedures;
- l. Monitoring and reporting procedures;

Demolition and waste management

- li. Demolition audit;
- lii. Site clearance and waste management plan;
- liii. Asbestos survey and disposal strategy;

Construction traffic

- liv. Construction traffic routes;
- lv. Construction traffic management (including access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution)

Environmental Management

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- lvi. Ecology surveys and management plan (as required by the ES) in relation to any existing ecological features that may be affected by works in that Development Phase.
- lvii. Measures to minimise visual impact during construction
- lviii. Measures to minimise noise and vibration levels during construction;
- lix. Measures to minimise dust levels during construction;
- lx. Measures to control pollution during construction (including a Pollution Response Plan);
- lxi. Construction lighting strategy, including measures to minimise light spill;
- lxii. Measures to reduce water usage during construction;
- lxiii. Measures to reduce energy usage during construction;
- lxiv. Any other precautionary and mitigation measures in relation to demolition and construction as identified in the ES and the EIA Mitigation Register;

Phase 1 shall thereafter be implemented in accordance with the Construction Environmental Management Plan as approved by the LPA.

40. A contamination remediation scheme shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The scheme shall be in accordance with the approach to remediation set out in the Environmental Statement, and the remediation scheme shall be implemented as approved prior to the occupation of Phase 1.

41. No construction works shall occur outside 0800 - 1800 hours on weekdays and 0800 - 1300 hours on Saturdays and shall not occur at all on Public Holidays.

42. Vegetation clearance shall take place outside the bird breeding season (October to February). Any clearance of vegetation with the potential to support nesting birds shall only occur following a check by a qualified ecologist. If any active nests are found an appropriate buffer zone shall be established and works must cease within this buffer zone until such time as a qualified ecologist confirms that the nest is no longer in active use.

43. No development within Phase 1 shall commence (with the exception of Ground Works and Site Preparation Works) until a scheme of Advanced Infrastructure Works is submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- vi. Underground drainage details;
- vii. Below ground energy infrastructure;
- viii. Below ground services and utilities;
- ix. Ground Works, earthworks, contouring and levels;
- x. A statement of compliance with the site wide strategies (including the DAS Volume I and Addendum sections 6.19, 7.1 - 7.16, 8.1 - 8.3 and approved Primary Control Documents).

Development of Phase 1 shall be carried out in accordance with the approved scheme.

44. No Surface Infrastructure Works shall commence within Phase 1 until a scheme of Landscaping Works for Phase 1 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- xx. Design and location of electricity sub stations, including surface treatment and means of enclosure;
- xxi. Vehicle parking and surfacing treatment (including petrol / oil interceptors);
- xxii. Surface drainage details;
- xxiii. Surface materials and finishes;
- xxiv. Cycle parking locations and details;

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- xxv. Highways details (e.g. crossing and kerb heights);
- xxvi. Access and wayfinding strategy;
- xxvii. Materials, types and siting of all fencing, boundary treatments, gates or other enclosures (including temporary arrangements to be in place until the site is completed in full);
- xxviii. Street furniture, lighting and signage;
- xxix. Children’s play spaces and play provision;
- xxx. Details of all proposed trees, hedge, shrub and other planting and all planting proposed for green walls and other soft landscaped structures, including proposed species, plant sizing, density and arrangement;
- xxxi. Ecological enhancements (in accordance with ES);
- xxxii. The position of any existing trees and hedges to be retained or removed and the crown spread of each retained tree;
- xxxiii. Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- xxxiv. The position of any proposed excavation within the recommended protective distance referred to in BS5837:2012;
- xxxv. Means of planting, staking and tying of trees, including tree guards, and a detailed landscape maintenance schedule for regular pruning, watering and fertiliser use.
- xxxvi. Details and specifications of all play, sport and recreational features to be included within the landscaped areas;
- xxxvii. Details of all proposed hard landscape works, including proposed materials, samples and details of special techniques to minimise damage to retained trees and details of techniques to be used to provide conditions appropriate for new plantings.
- xxxviii. Timing of planting.

The Landscaping Works shall be carried out in accordance with the approved details.

45. Prior to the occupation of each building within Phase 1, a scheme of bird and bat boxes for that building shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes approved shall be installed and maintained over the lifetime of the development.

46. Phase 1 shall be undertaken in accordance with the drainage strategy outlined in the Environmental Statement. No foul or surface water from the site shall be discharged into the public system until the drainage works set out in the strategy have been completed.

47. If within a period of five years from the date of planting of any tree within Phase 1, that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place in the next available planting season.

48. A Car Parking Management Strategy for Phase 1 shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of Phase 1. The strategy shall be in accordance with that set out in the Transport Assessment and Addendum. The Strategy shall thereafter be implemented as approved.

49. 10% of residential units in Phase 1 shall be designed to be fully wheelchair accessible or easily adaptable for residents who are wheelchair users.

50. Prior to the construction of any building within Phase 1 the following details for that building shall be submitted to and approved in writing by the Local Planning Authority:

- viii. Full details (including samples, where appropriate) of the materials and finishes to be used on all external surfaces;

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- ix. Doors, entrances, windows (including glazing specifications) and balconies (including drawings and sections showing thresholds to adjacent internal spaces and drawings and sections of privacy screens);
- x. Details of the design and access controls for the car park gate(s);
- xi. Building lighting;
- xii. Podium details (including hard and soft landscaping, planting species, furniture and play provision);
- xiii. Details of bio-diverse roofs;
- xiv. Details of any building security measures including CCTV;

Development shall be carried out in accordance with the approved details and the scheme shall thereafter be maintained in secure and good working order for the lifetime of the development.

51. Notwithstanding the details submitted with the application, prior to the construction of any building within Phase 1, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- iv. Enclosures, screened facilities and / or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
- v. Satisfactory points of collection; and,
- vi. Details of the refuse and recycling collection arrangements.

The refuse and recycling facilities shall be provided fully in accordance with the approved details before the relevant block is occupied and the development shall be managed in accordance with the approved details.

52. Prior to the construction of any building within Phase 1, details of all extraction and ventilation equipment to be installed for that building shall be submitted to and approved in writing by the Local Planning Authority. The details shall be accompanied by a report carried out by a qualified acoustic consultant that assesses the likely noise impacts from the development of the ventilation and extraction plant, and proposed mitigation measures for the development if necessary.

The development shall be carried out in accordance with approved details before first occupation of Phase 1.

53. The level of noise emitted from any plant within Phase 1, including ventilation equipment hereby approved shall be at least 5dB(A) below the background noise level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background noise level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

54. Prior to the occupation of Phase 1, details of the energy supply network shall be submitted to and approved in writing by the Local Planning Authority. Details shall be in accordance with the Energy Statement and Addendum and shall include:

- vi. Details of connections available for each building;
- vii. Proposals for the staged installation of plant within the energy centre and any temporary energy provision required

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- viii. Details of safeguarded connections to an area wide heat network if found to be feasible following further engagement with the local planning authority and GLA.
- ix. Details of any potential future connections available to nearby buildings;
- x. A statement of compliance with the site wide Energy Statement and Addendum.

Phase 1 shall thereafter be implemented in accordance with the approved strategy.

55. CHP and/or biomass boilers must not exceed the Band B Emission Standards for Solid Biomass Boilers and CHP Plant as listed in Appendix 7 of the London Plan’s Sustainable Design and Construction SPG document.

56. Prior to the construction of any residential building in Phase 1, a rainwater and grey water feasibility strategy, relating to incorporating rainwater or grey water recycling into buildings across Phase 1, shall be submitted to and approved in writing by the Local Planning Authority.

Phase 1 shall thereafter be implemented in accordance with the approved strategy.

57. Prior to occupation of Phase 1 an External Lighting Assessment of lighting proposed within Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The external lighting assessment submitted shall detail the existing average night time luminance and light spread levels at night, identify the levels of light pollution received at the windows to residential properties within the development and, where appropriate, identify the measures to be used to mitigate any impacts to species including bats. Any light pollution mitigation identified in the lighting assessment shall be implemented in full prior to occupation of Phase 1.

58. No building within Phase 1 shall be occupied until a Delivery and Servicing Management Plan in respect of each Phase 1 building has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the strategy set out in the Transport Assessment and Addendum and Phase 1 shall be carried out in accordance with the approved Plan.

59. No residential unit within Phase 1 shall be occupied until the access roads and highways works (on and off-site) as identified in the Highways Drawings hereby approved through Condition 1 are made available for use.

60. No residential unit within Phase 1 shall be occupied until the private and/or communal amenity space provision (excluding public open space) associated with the block within which the unit is located is available for use in accordance with the approved plans.

61. Prior to occupation of each residential block within Phase 1 a scheme for the provision of communal/centralised satellite and television reception equipment for that block shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed prior to first occupation of that block and shall thereafter be retained and made available for use by all occupiers of that block.

62. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without planning permission being granted by the Local Planning Authority:

The installation of any structures or apparatus for purposes relating to telecommunications or any part of the development hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General

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Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that order.

63. No piling within Phase 1 shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) for Phase 1 has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

64. Notwithstanding the plans hereby approved and prior to the commencement of Phase 1 details of a scheme of measures to enhance and promote biodiversity within Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of measures shall be implemented in full accordance with the approved details before Phase 1 is first occupied.

65. No works within Phase 1 shall be commenced before a method statement including temporary tree protection measures, detailing the precautions to be taken to minimise damage to trees adjacent to Phase 1, in accordance with British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the location, extent and depth of all excavations for drainage and other services in relation to trees to be retained, or trees on adjacent sites. Phase 1 shall be carried out in full accordance with the approved details.

66. Cycle parking for Phase 1 shall be provided in accordance with the approved plans, shall be available for use prior to occupation of Phase 1, and shall be maintained thereafter.

67. Before Blocks 1E and 1F hereby permitted are first occupied windows in the eastern wing elevations of these blocks facing properties in Howard Close and Brunswick Park Gardens shall be non-openable below 1.7m and glazed with obscure glass only, and shall be permanently retained as such thereafter.

68. Other than infrastructure works in relation to Phase 1, no development within Phase 1 shall take place until a programme of archaeological recording of the existing air raid shelters and any finds of industrial heritage, in accordance with a written scheme of investigation to be submitted to and agreed in writing by the Local Planning Authority, has been carried out.

CONDITIONS FOR PHASES 2-5

69. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Parameter Plans

211_WS_02_00-Rev B - Red Line Boundary Plan;
211_WS_02_01-Rev B - Proposed Development Zone Plan;
211_WS_02_02-Rev B - Access & Circulation Zone;
211_WS_02_03-Rev B - Landscape Treatment Plan;
211_WS_02_04-Rev B - Ground Floor Frontages Plan;
211_WS_02_05-Rev B - Development Zones - Horizontal Limits of Deviation;
211_WS-02_06-Rev B - Proposed Site Levels & Vertical Limits of Deviation;
211_WS_02_07-Rev B - Development Zones & Maximum Heights;

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211_WS_02_08-Rev B - Proposed Site Basement Levels & Limit of Deviation;
211_WS_02_09 - Site Plan

Sections

211_WS_05_01-Rev B - Contextual Sections AA BB;
211_WS_05_02-Rev B - Contextual Sections CC DD;
211_WS_05_10-Rev B - Parameter Sections 1 - 4;
211_WS_05_11-Rev B - Existing Sections 1 - 4;

Landscape Drawings

HED_1140_RBP_LA_0001-Rev 01 - Illustrative Landscape Plan;
HED_1140_RBP_LA_0002-Rev 03 - Landscape GA;
HED_1140_RBP_LA_0003-Rev 03 - General Arrangement, Central Park;
HED_1140_RBP_LA_0004-Rev 01 - Illustrative Landscape Sections: The Parkway;
HED_1140_RBP_LA_0005-Rev 02 - Illustrative Sections: Park (North);
HED_1140_RBP_LA_0006-Rev 01 - Illustrative Sections: Central Park (South);
HED_1140_RBP_LA_0007-Rev 00 - Illustrative Landscape Sections: Courtyard;
HED_1140_RBP_LA_0008-Rev 02 - Trees for Retention + Proposed + Removal

Supporting Documents

Design Principles Document - Rev B, March 2017;

70. Applications for the approval of reserved matters (being scale, layout, appearance and landscaping) for Phases 2, 3, 4 and 5 shall be made to the Local Planning Authority before the following:

- v. Applications for Reserved Matters for Phase 2 shall be made within 3 years from the date of this permission;
- vi. Applications for Reserved Matters for Phase 3 shall be made within 4 years from the date of this permission;
- vii. Applications for Reserved Matters for Phase 4 shall be made within 5 years from the date of this permission;
- viii. Applications for Reserved Matters for Phase 5 shall be made within 7 years from the date of this permission.

71. The development hereby permitted in the later phases shall begin no later than 2 years from the final approval of the last Reserved Matters application in relation to each phase made pursuant to Condition 34.

72. As part of Reserved Matters applications, details of the energy supply for each building in Development Phases 2 - 5 shall be submitted to and approved in writing by the Local Planning Authority. Details shall accord with the Energy Statement and Addendum and shall include:

- iv. Details of the energy supply for each building connection, including a statement of compliance with the Energy Statement and Addendum;
- v. Details of any temporary energy provision required;
- vi. A statement of compliance with the site wide Energy Statement and Addendum.



Report to the Secretary of State for Housing, Communities and Local Government

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI
an Inspector appointed by the Secretary of State

Date: 9 January 2019

TOWN AND COUNTRY PLANNING ACT 1990

COUNCIL FOR THE LONDON BOROUGH OF BARNET

APPEAL

by

COMER HOMES GROUP

Inquiry held on 9 -11 October and 9 November 2018

North London Business Park, Oakleigh Road South, London N11 1GN

File Ref: APP/N5090/W/17/3189843

File Ref: APP/N5090/W/17/3189843

North London Business Park, Oakleigh Road South, London N11 1GN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Comer Homes Group against the decision of the Council of the London Borough of Barnet.
- The application Ref 15/07932/OUT, dated 18 December 2015, was refused by notice dated 15 September 2017.
- The development proposed is 'Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential led mixed-use development. The detailed element comprises 376 residential units in five blocks reaching eight storeys, the provision of a 5 Form Entry Secondary School, a gymnasium, a multi-use sports pitch and associated changing facilities, and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road, and; The outline element comprises up to 824 additional residential units in buildings ranging from two to eleven storeys, up to 5,177 sq m of non-residential floorspace (Use Classes A1-A4, B1 and D1) and 2.9 hectares of public open space, Associated site preparation/enabling works, transport infrastructure and junction works, landscaping and car parking'.

Summary of Recommendation: The appeal be allowed and planning permission be granted subject to conditions.

Procedural Matters

1. At the Inquiry an application for costs was made by Comer Homes Group against the Council of the London Borough of Barnet. This application is the subject of a separate Report.
2. The outline element of the proposed development has been submitted with all matters except for access reserved for future consideration. This factor has been taken into account in this Report.

The Site and Surroundings

3. North London Business Park (NLBP), the site, is about 16.4 hectares of which about 13 hectares is currently undeveloped, comprising areas of disused open space and car parking. To the west of the site is the East Coast Mainline Railway beyond which is a residential area. There are residential areas to the north, north-east and south of the site and part of the east boundary of the site is to Brunswick Park Road. The residential areas are mainly two/three storey detached, semi-detached and terraced housing. There are two access roads into the site; one off Brunswick Park Road and one, at the southern tip of the site, off Oakleigh Road South. The northern part of the site is generally flat but from there ground levels fall by about 24 metres to the lowest point at Brunswick Park Road in the south-east corner of the site.
4. The site is partly occupied by four campus style buildings that provide 38,000 square metres of office, educational and community floorspace let to a variety of occupiers including St Andrew the Apostle School. There are about 1,300 car parking spaces on site and close to the access road off Brunswick Park Road is a lake that provides attenuation during periods of rainfall. There are two National Rail stations, New Southgate and Oakleigh Park, and one London Underground station, Arnos Grove, within one mile of the site. Brunswick Park Road and Oakleigh Road South are both bus routes. There is a fenced off and unused access on the north boundary

of the site to Weirdale Avenue which leads to Russell Lane where there is a parade of neighbourhood shops.

Planning Policy and other considerations

5. The Development Plan includes the Core Strategy (CS) and Development Management Policies (DM) of Barnet's Local Plan, which were adopted in September 2012, and The London Plan (LP), which was adopted in March 2016. The CS and the DM are documents of the Council's Local Development Framework (LDF).

6. CS policy CS5 'Protecting and enhancing Barnet's character to create high quality spaces' states that tall buildings (8 storeys or more) may be appropriate in specified locations, and that proposals for tall buildings will be considered in accordance with DM policy DM05 'Tall Buildings'. This policy states that tall buildings outside the areas specified in CS policy CS5 will not be considered acceptable. DM policy DM01 'Protecting Barnet's character and amenity' states, amongst other things, that development proposals should be based on an understanding of local characteristics, and that proposals should preserve local character and respect the appearance, scale, mass, height and pattern of their surroundings.

7. LP policy 7.7 'Location and Design of Tall and Large Buildings' states that tall and large buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations, and that tall and large buildings should not have an unacceptably harmful effect on their surroundings. With regard to planning decisions, the policy states that applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy that will meet specified criteria, and that this is particularly important if the site is not identified as a location for tall or large buildings in the borough's LDF. The specified criteria include the requirement that tall or large buildings should only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building.

8. The LP designates the site as a Strategic Industrial Location but it is common ground that the strategic protection of the employment land is no longer necessary. A Planning Brief for NLDP was adopted on 22 March 2016. The Brief, amongst other matters, states that tall buildings, in accordance with CS policy CS5, should be restricted to strategic locations in the Borough, and that "As this site is not within a strategic location, tall buildings will not be envisioned in this location".

Planning History

9. There is nothing relevant in the planning history of the site.

The Proposed Development

10. The description of the development given above is that stated on the application form. The development was amended in early 2017 and was refused on the basis that it was for:

'Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential led mixed-use development. The detailed element comprises 360 residential units in five blocks reaching eight storeys, the provision of a 5 Form Entry Secondary School, a gymnasium, a multi-use sports pitch and associated changing facilities, and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park

Road, and; the outline element comprises up to 990 additional residential units in buildings ranging from two to nine storeys, up to 5,177 sq m of non-residential floorspace (Use Classes A1-A4, B1 and D1) and 2.54 hectares of public open space. Associated site preparation/enabling works, transport infrastructure and junction works, landscaping and car parking'

11. The detailed element of the scheme is Phase 1 of the proposed comprehensive re-development of the site. The school building would have an east frontage to Brunswick Park Road and a north elevation facing a drop off area alongside the retained access road into the site. To the west of the school building would be Brunswick Lakeside Park; a public open space incorporating the attenuation lake. To the south of the lake would be a sport pitch and between this and residential development on Brunswick Crescent would be sports changing facilities and a gymnasium. To the west of the open space and sports facilities, and to the south of the access road, would be three blocks of residential apartments; blocks 1B, 1C and 1D. To the north of the access road, and to the west of residential development on Howard Close, would be two further blocks of residential apartments, Blocks 1E and 1F. Elements of Blocks 1E and 1F would be 8 stories in height.

12. Phases 2-5 of the re-development of the site are the subjects of the outline element of the proposed scheme. Phase 2 would be at the north end of the site and would be terraces and blocks of 2-5 storey dwellings and apartments. Phases 3-5 would be between Phase 1 and the railway line and would include blocks up to 9 stories in height. There would be, if the scheme is developed in line with the masterplan for the site, public open spaces within Phases 3 and 5, ground floor retail uses in Block 4B, lower floor office uses in Block 5A and lower floor retail, childcare, office and community uses in Block 3A.

Common Ground between the Main Parties

13. The main parties have set out agreed matters in a Statement of Common Ground (included as Inquiry Document (ID) 19). Some of these are:

- The principle of a residential-led mixed-use re-development of the site delivering residential accommodation alongside a new school and areas of public open space is appropriate;
- The provision of a new building for St Andrew the Apostle secondary school would be a qualitative and quantitative improvement to the school's existing facilities and buildings;
- The proposed 2,017 square metres of retail floorspace and 744 square metres of commercial floorspace would provide active ground floor frontages and would cater for local convenience needs. The introduction of these uses would not adversely affect nearby shopping opportunities;
- The scheme would include over 2.5 hectares of usable open space, neighbourhood play space and four locally equipped areas of play. This is an appropriate level of provision;
- The provision of an all-weather amenity sports pitch, indoor sports hall and multi-use games area, which would be used by the School and the wider community, constitutes a significant social benefit;

- The provision of a fully cleared school site would be the equivalent of 20% on-site affordable housing and the scheme includes the provision of 10% affordable housing. The scheme therefore provides for the equivalent of 30% affordable housing;
- The proposed development would have an average density of 251 habitable rooms per hectare (hrph) against an LP recommended density of 150-250 hrph for urban locations such as the appeal site. The densities recommended in the LP are not intended to be applied mechanistically;
- The Townscape and Visual Impact Assessment (TVIA) demonstrates that the development would be of limited visibility from the surrounding area with only localised viewpoints experiencing any noticeable change;
- The Transport Assessment indicates that the proposed development is acceptable in transport and highways terms. The site is a sustainable location for the proposed mixed use scheme, and the cumulative transport impacts and access arrangements are acceptable and meet the requirements of the National Planning Policy Framework (NPPF).

The Case for the London Borough of Barnet

The material points of the case for the London Borough of Barnet are:

14. The Council, which currently occupies parts of the North London Business Park, wishes to see appropriate redevelopment of the site. At present the site is under-occupied, not fit for future employment uses, and could provide significant housing provision for the Borough and for London, as well as an enlarged premises for the existing secondary school.

15. The Planning Brief for the site demonstrates the Council's intentions in that regard. This does not mean any development on the site, of whatever scale, massing and height, should be permitted, simply to bring the site into greater use. The Council's LDF, supplemented by the Planning Brief, makes it clear what scale and height of development would be acceptable.

16. The Council undertook a study, not challenged or even criticised by the Appellant, which identifies those areas which are suitable for tall buildings (i.e. greater than 7 storeys). The Council's LDF policies make clear that tall buildings outside the areas identified in CS policy CS5 "will not be supported" and, with regard to DM policy DM05 "will not be considered acceptable".

17. The Council refused planning permission for the reason that the proposed development "by virtue of its excessive height, scale and massing would represent an over development of the site resulting in a discordant and visually obtrusive form of development in its context, to such an extent that it would be detrimental to the character and appearance of the area...".

Site context and the impact of the proposal

18. The site is characterised by office-type buildings with large footprints, no greater than 4 storeys in height, at relatively low density. There is considerable green space throughout the site, as well as the small lake, and large areas of car parking. The existing built development is visible from relatively few places in the

locality, as the viewpoints in the Appellant's Townscape and Visual Impact Assessment (TVIA) illustrate.

19. The surrounding townscape is, as the Committee Report notes, characterised by two-storey suburban residential development. There is some built development up to three storeys, and the odd building of four storeys in height. There is nothing taller in the locality.

20. The Appellant contends that the Site has its own character. That is true, but only up to a point. The opportunity for total redevelopment of a site of this size presents an important opportunity, and such development must be very careful to reflect and be sympathetic to the surrounding townscape. The Appellant's proposals do not achieve this important objective.

21. 'Big box' campus style buildings, which currently occupy parts of the site, may not be characteristic of the surrounding area, but they are low in height and relatively unseen in the wider townscape. What is proposed is demonstrably very different from its surroundings.

22. The evidence of Mr Griffiths, for the Council, during cross-examination, was that the view of the proposed development from Howard Close (Viewpoint 11 in the TVIA) was the impact of the proposed development "which most concerns members", and would give rise to "significant harm". But this was not the only concern of Council members. The reason for refusal, and the Council's concerns about the proposed development, comprise "excessive height, scale and massing", which "would represent an over development of the site", leading to a "discordant and visually obtrusive form of development in its context". This concern is more than simply the view from Howard Close.

23. Phase 1, which is the detailed element of the scheme, includes large and tall blocks (up to 8 storeys) which do not relate to the surrounding townscape. The illustrative designs for the other four phases, also show large blocks of up to 8 or 9 storeys. This looks like a 'campus' and self-evidently it does not integrate well with, or appear sympathetic to, the surrounding area. The noticeable adverse change to the townscape would be visible in the wider area and in particular from Osidge Lane, New Southgate Cemetery, Brunswick Park Road, Howard Close, Pine Road, Fernwood Road and Oakleigh Road South.

24. The Appellant advances no case that, in order to achieve a certain number of dwellings on the site, scheme viability requires a certain density of dwellings or certain heights to provide that density. The numbers of dwellings proposed, and the density of the development and heights of scheme elements, are driven ultimately by the choices taken by the Appellant.

Planning Policy

25. There is a clear nexus between the site being 'not an appropriate location' for tall buildings, in terms of planning policy, and the council's reason for refusal that the scheme is of "excessive height, scale and massing". It would appear that the Appellant was informed during the design process that the Council's development plan policies did not permit buildings greater than 7 storeys at this location. But buildings of between 8 and 11 storeys were proposed anyway.

26. LP policy 7.7, adopted in its current form in 2016, has three sections which are of most relevance to this appeal. As far as Section C is concerned the Council relies

upon criteria a, b and c of that policy, and Section B of the policy contemplates that planning permission for tall buildings could not be granted in locations which have not been identified in the LDF, if the criteria in Section C of the policy are not met.

27. However, Section A of the policy expressly directs that there should be a “plan-led approach” to permitting tall buildings, “by the identification of appropriate, sensitive and inappropriate locations”. It also states that tall buildings should not have “an unacceptably harmful impact on their surroundings”. Section A directs local planning authorities to undertake an exercise to identify appropriate, potentially appropriate, and inappropriate, locations for tall buildings.

28. The Council undertook that exercise before the LP was adopted. The Council’s LDF is based upon its Tall Buildings Study, which guided its Core Strategy and Development Management Policies – policies CS5 and DM05 in particular. The Study identifies appropriate locations; and by definition, anywhere outside those locations is regarded as inappropriate. Failure to expressly identify “sensitive locations” does not mean that the Council’s policies do not accord with the LP, or alternatively, any lack of accord is relatively minor.

29. The direction to local planning authorities in Section A of LP policy 7.7 is very important. It must be read alongside Section B of the policy. If a study has been undertaken by a local planning authority such as London Borough of Barnet, then considerable weight should be given to that matter in applying LP policy 7.7 and in applying its LDF policies. Otherwise Section A is meaningless.

30. Where LDF policies are based upon an exercise to identify appropriate locations for tall buildings, as directed by the LP, then the fact that those LDF policies “do not support”, and “would not consider acceptable” tall building proposals outside such identified locations, means that the LDF accords with, or at the very least is not significantly out of step with, the LP.

31. This proposal does not accord with LDF policies on tall buildings. Moreover it does not accord with the LDF or the LP because of the unacceptably harmful effect which would result if it is built.

Housing need

32. The Council’s Annual Monitoring Report (AMR) for 2016-17, published in July 2018, is based upon the figures also used by the Greater London Authority (GLA), and was prepared using the ‘Liverpool’ method, which at the time the document was prepared was considered to be as valid as the ‘Sedgefield’ approach. The GLA’s own AMR including figures for Barnet was published two months later.

33. Whatever the differences between the methodologies that the two parties have used to calculate the Council’s 5 year housing supply, there is very little between the two. The best case is a 5.1 year supply, the worst case is a 4.8 year supply. In short, just under, or just over, a 5 year supply.

34. As far as the timing of the proposed development is concerned, if the appeal is successful, the 350 dwellings of Phase 1 would be expected to be completed by the end of 2022 – just at the end of the 5 year period. Beyond that the completion of phase 5 is expected by about the end of 2027.

35. This scheme is not going to deliver a large number of houses quickly, even if the first phase is built by 2020.

Conclusion

36. Determination of the planning application was the planning committee's decision, not the decision of officers. Members are entitled to take a different view from their officers. The proposed scheme is excessive in height, massing and density (including phase 1, which includes 8 storey elements in the 'detailed' permission sought). It constitutes an unacceptably adverse overdevelopment of the site. The scheme is contrary to the development plan and its benefits do not outweigh the harm it would cause.

The Case for Comer Homes Group

The material points of the case for Comer Homes Group are:

37. The LDF threshold for what constitutes a "tall building" is "8 storeys ...or more". Of the 6 blocks proposed in the detailed part of the application only a limited element of Block 1E and of Block 1F are 8 storeys. Accordingly, the detailed part of the scheme very largely - i.e. all of blocks 1A, 1B, 1C, 1D and nearly all of blocks 1E & 1F - comprises buildings which are *not* tall buildings. As for the outline part of the scheme none of Phase 2 comprises tall buildings whereas nearly all of Phase 3 and all of Phases 4 and 5 have proposed maximum heights of 9 storeys and thus comprise tall buildings. Given this, the Development Plan issue relates to one storey in one element of Block 1E and Block 1F but otherwise not at all in relation to Phase 1; not at all in relation to Phase 2 and to the potential 8th and 9th floors of all but one of the blocks in Phases 3, 4 & 5.

38. The combined effect of the LDF policies is that as the appeal site is not a location that has been identified as appropriate for tall buildings, those parts of the scheme which constitute tall buildings would not be in accordance with CS policy CS5 (by virtue of which the tall buildings "will not be supported") and DM policy DM05 (by virtue of which they "will not be considered acceptable"). As was confirmed by Mr Griffiths, Council members consider that these policies contain a "prescriptive approach".

39. However, the CS and the DM were adopted in September 2012 while the other part of the Development Plan, the London Plan, was adopted in March 2016 and takes a quite different approach to whether tall buildings can be permitted on sites which have not been identified as appropriate in the LDF. LP policy 7.7B allows for tall buildings on sites not identified in local plans to be considered on their merits; this is because it states that: "Applications for tall ...buildings should include an urban design analysis that demonstrates that the proposal is part of a strategy that will meet the criteria below. This is particularly important if the site is not identified as a location for tall buildings ...in the borough's LDF". Plainly, if the LP meant to rule out tall buildings on sites which are not identified in the local plan as being appropriate locations for them then the words in 7.7B would be otiose. But the words are not otiose; they have an obvious meaning and effect from which it is clear that LP policy 7.7 conflicts in its approach to that found in the earlier LDF policies. Mr Griffiths agreed that the approach in the LP is different from that in the earlier CS & DM.

40. Section 38(5) of the 2004 Act tells us what to do in cases such as this by stating that "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan".

41. It is important to take on board that this provision immediately precedes Section 38(6). That is because subsection (5) enables one to work out what the development plan is to be taken to mean in cases such as this where there is a conflict between different parts of the plan. Thus, in the case of this appeal in order to answer the question under Section 38(6) as to what determination would be in accordance with the development plan, by virtue of subsection (5) that question has to be asked in relation to LP policy 7.7 and not in relation to the earlier CS policy CS5 and DM policy DM05.

42. The "acid test" in LP policy 7.7 (in all cases) is that: "Tall ...buildings should not have an unacceptably harmful impact on their surroundings". This is in effect the underlying purpose of applying the criteria set out in LP policy 7.7C and D, i.e. having worked one's way through the criteria the overall question is whether because of any of the matters that one is asked by these criteria to consider there would be an unacceptably harmful impact on the surroundings. The Appellant's case is that having considered the criteria there would be no harm at all and certainly no unacceptable harm.

43. It is important to understand what the Council's case is (and what it isn't) contending. The planning officer recommended approval of the application; the members disagreed and refused it. However, the Council's witness (Mr Griffiths) explained that the evidence in his proof did not represent his professional judgments, indeed he confirmed in cross examination that none of the proof represented his evidence; instead, the proof sets out his understanding of why members had refused the scheme. To make matters worse, when asked whether he has formed a professional opinion about whether the scheme should be permitted, he said that he has but he refused to say what it is.

44. In relation to LP policy 7.7 we know from Mr Griffiths' written evidence that the members consider that the appeal proposals would fail to accord with criteria a, b and c in 7.7C. The next point that needs to be understood is why do Council Members think this? Mr Griffiths confirmed verbally that Members' concern relates only to the tall buildings i.e. the 8 storey elements of Blocks 1E and 1F in the detailed part of the application in relation to relationship to the cul-de-sac part of Howard Close. As was established the parts of Blocks 1E and 1F which are closest to Howard Close are only 3 storeys, the furthest away elements of these blocks are predominantly less than 8 storeys and so not tall; only one element on each block is 8 storeys. Mr Griffiths referred on the Members' behalf to View 11 in the Appellant's TVIA. The image is in part now inaccurate because it shows a previous version of the scheme in which the nearest "wing" of Block 1E was 5 storeys. Mr Griffiths confirmed in answers that this image is "i.e. rather than e.g." in terms of the Members' concerns; in other words (as Mr Griffiths again confirmed) of the 19 views in the TVIA, it is only this one image that members rely upon to argue that the scheme would not accord with LP policy 7.7. Mr Griffiths confirmed that no other location anywhere else had been referred to by Members.

45. The point taken by Members boils down to whether the tall elements (i.e. the 8th storey parts of Blocks 1E and 1F) of Phase 1 of the scheme would have an unacceptably harmful impact on this part of Howard Close. On any sensible judgment the answer to this question is obvious and is, no, of course not. The scheme has been carefully designed in terms of its relationship to the suburban houses in Howard Close so that the parts of Blocks 1E and 1F which are closest to the

Close are only 3 storeys, and nearly all of the rear parts of the blocks (which are comfortably set-back from the Close) are not tall buildings anyway.

46. The Council's case does not extend to any other part of the scheme. There were times when the Council's counsel appeared to be trying to widen the case so as to make it more generalised and wider in scope so as to include the tall buildings in Phases 3, 4 & 5 and so as to argue that as the character of the surrounding area is suburban, tall buildings would be out of keeping with them. But that does not reflect the written evidence of Mr Griffiths on behalf of the Members nor the very clear answers that he gave at the Inquiry.

47. For completeness the Appellant's case in summary is as follows. First, the Council's own Planning Brief tells us, rightly, that the site is "large enough to have its own character"; historically and currently this has been so as buildings on the site have been and are markedly different in their character and appearance from the site's suburban surroundings. The Brief describes the existing main buildings as "campus style big box development with large single building units"; a striking feature is the change in level by some 24 metres (the equivalent of some eight residential storeys) across the site which, as the Brief explains "provides the opportunity to conceal the scale of buildings". The character of the existing site is quite different from its suburban surroundings. Accordingly, it is beside the point to ask whether the scheme would differ from its suburban surroundings – on this site, it was ever thus. The true question is whether what is proposed, though different from its suburban surroundings, would be unacceptably harmful. Being different can be – and here is – a good thing. Why would one want to replicate the surrounding suburban semis and terraces across this large site which has the capability to provide its own, and far better environment, than anything found in the area? As the NPPF explains in paragraph 127, being "sympathetic to local character" is not to prevent or discourage "appropriate change". Here what is proposed is perfectly appropriate.

48. Secondly, the Statement of Common Ground records agreement that the proposed redevelopment of the site "would be of limited visibility from the surrounding area". From those places where the scheme would be visible and noticeably so, once again being able to see a scheme does not even begin to equate to there being unacceptable harm. Being able to see a good scheme is a good and not a bad thing.

49. Thirdly, the proposed tall buildings have come about as the result of close collaboration between the Appellant's team and Council officers over a period of years; what you see in the appeal scheme is the product of the joint efforts of the Appellant and the Council's officers, this is as far removed from a case of a developer seeking to impose his will on the local community as is possible to imagine. At no stage have any of the several officers who were closely involved in considering the evolving proposals for the site ever indicated that buildings on the site must not exceed 7 storeys.

50. Fourthly, the part of the site where Phases 3, 4 & 5 are proposed are well away from the surrounding suburban streets and are next to the East Coast mainline with a very substantial and tall existing screen of leylandii between the proposed blocks and the railway line. Quite frankly, tall buildings (in essence the 8th and 9th storeys of these blocks) on this part of the site would not have any impact at all on the suburban streets in the wider area, let alone a harmful one, and most certainly not an unacceptably harmful one.

51. Fifthly, in relation to the outline part of the proposals – where nearly all of the tall buildings in the scheme are proposed - as the height parameters are (“up to”) maxima and given that all matters (apart from access) are reserved, should it be considered at reserved matters stage that the 8th and/or 9th storeys of a block as proposed in detail are unacceptable then it would be open to the Council to refuse the reserved matters application.

52. In all of this it is important to keep in mind that the issue in relation to the tall buildings elements of the proposals is whether they would be unacceptably harmful; it is not whether a scheme which did not exceed 7 storeys in height would (also) be viable. It is the merits of the appeal scheme which stand to be considered, not hypothetical other ideas for redeveloping the site. There might or there might not be all sorts of different ways in which a scheme could be drawn up but the only thing that counts is whether this scheme – the one that has been drawn up and is the subject of the appeal – is acceptable under the terms of Section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended (the PCP Act).

Transport and Highways

53. The Appellant has undertaken a very careful assessment of the scheme’s transport and highways impacts. The Council raises no concerns; it being common ground that the scheme is unobjectionable subject to appropriate Section 106 Obligations and conditions, all of which are now agreed. There are no objections from the GLA or Transport for London (TfL).

54. The proposed pedestrian and cycle link between the appeal site and Weirdale Avenue will be provided in accordance with the Council’s 2016 Planning Brief. It will improve the site’s connectivity to the wider area, and will be well designed and fit for purpose. It is plainly a good thing in planning terms; the NPPF aims to promote healthy, inclusive and safe communities through the provision of street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods.

55. The site will be provided with sufficient parking, which will be carefully managed and will not result in overspill parking on local roads. In this regard residents’ concerns about congestion on the local road network are unfounded, the NPPF provides that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. As Mr Awcock explained in his evidence, and as the Council accepts, the scheme does not come anywhere near having an unacceptable impact on the road network.

Other material considerations

56. In terms of Section 38(6) of the PCP Act, if it is concluded that the proposed development accords with the Development Plan then the various and worthwhile benefits the scheme would deliver would constitute material considerations which would lend additional support to the case for granting planning permission. Alternatively, if it is concluded that the proposals do not accord with the Development Plan, then the benefits would constitute material considerations which would – readily - indicate determination of the appeal other than in accordance with the Development Plan.

57. The appeal scheme would deliver substantial benefits, including:

- 1350 new homes. There is an issue between the parties concerning whether the Council can demonstrate a five years' supply of housing sites but even were the Council's figures to be accepted, the supply includes new homes on the appeal site (without which the Council would not be able to demonstrate a five years' supply) and more importantly, whether there is or there isn't a five years' supply, the provision of new homes would be a hugely significant benefit – the five years' requirement is "a minimum" and having a supply which exceeds this would be a good (not a bad) thing.
- A new 5 Form Entry secondary school, the provision of which should be given "great weight". Paragraph 94 of the NPPF is an unusual example of the Secretary of State telling us how much weight is to be given to something, here the school.
- Over 2.5 hectares of public open space available to the wider community; the site currently provides none.
- The appeal proposals would be far better in their urban design and architecture – and their interaction with the local community - than the existing development on the site.
- There would be various highways benefits and the increased permeability of the site would be beneficial for the wider community.
- Unlike the existing situation, the employment space proposed would be tailored to meet local needs so although the amount of such floorspace would reduce considerably, its quality would be considerably better.
- The local shops and community floorspace would benefit the wider community.
- The sports facilities would be made available to the local community outside of the hours and days when in use by the school.
- There would be a huge CIL payment of some £26m and the Council would receive in the order of £4m of National Homes Bonus funding.

58. Taking everything into account this is an excellent well-designed scheme and a scheme that should be commended. The appeal should be allowed.

The Case for Third Parties including the Rt Hon Theresa Villiers MP

The material points of the case for third parties are:

59. The provision of new school buildings for St Andrew the Apostle School is welcomed but should not be tied to the other residential parts of the proposed development. The scheme, given its density and the height of its buildings, would have a significant adverse impact on the character and appearance of the area where existing development is predominantly two storey terraced and semi-detached dwellings. Traffic associated with the scheme would increase congestion in the surrounding area and would threaten pedestrian and highway safety, particularly on Brunswick Park Road. Three storey elements of Blocks 1E and 1F are too close to existing dwellings on Howard Close and would adversely affect the amenities of residents of this residential street. The potential for traffic exiting the site through an

existing access onto Weirdale Avenue would adversely affect traffic congestion and highway safety, and the amenities of residents of this street.

Conditions and Planning Obligation

Conditions

60. Recommended conditions are included in two Schedules attached to this report. The reason for each condition appears after the condition. They are in line with conditions agreed by the Council and the Appellant (ID15) though they have been amended, where necessary, to meet the tests set out in the Planning Practice Guidance (PPG) and in the interests of clarity and precision.

Unilateral undertakings

61. At the Inquiry the Appellant submitted a signed and dated Planning Obligation, made under Section 106 of the Act, for the proposed development (ID21). The Council has assessed the obligations and has concluded that they comply with Regulation 123(3) of the Community Infrastructure Levy Regulations 2010. The obligations of the undertakings are all necessary to make the development acceptable in planning terms. They are all, furthermore and in accordance with paragraph 56 of the NPPF, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Undertakings therefore comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Conclusions

Numbers in square brackets at the end of each paragraph refer to earlier paragraphs in this Report.

62. The main issue is the effect of the proposed development on the character and appearance of the area.

63. The Council does not object, in principle, to the proposed re-development of the North London Business Park (NLBP). It is the proposed elements of the scheme that exceed seven storeys in height, in conflict with CS policy CS5, and the scale and massing of the development, that concerns them. [14]

64. NLBP comprises, mainly, three buildings of significant footprint and height set out in a campus arrangement within extensive open areas. The scale, layout and form of the NLBP are in contrast to development that surrounds the site, which is predominantly two storey terraced dwellings. The three buildings are set well back from the boundaries of the site and they have no significant visual presence in the wider area and do not contribute to the character and appearance of that area. There is no doubt that the NLBP has its own character and its appearance is entirely different to that of the surrounding area. This different character and appearance has prevailed since the area was originally developed. [18-21, 47]

65. The design approach to the redevelopment of the site, given the current character of the site, is appropriate. The taller buildings up to nine storeys high, predominantly, would be close to the west boundary of the site to the railway line, in Phases 3, 4 and 5. In Phase 2 the buildings would be no more than five storeys high, and along the north and east boundaries of this phase, close to existing two storey residential development, buildings would be, appropriately, only three storeys high. In this regard the proposed scheme respects existing development, and the outlook of existing residents of the area, but maximises the potential of the site in locations away from boundaries to existing development. [48]

66. Development in Phase 1, along the boundaries to existing development on Brunswick Crescent, Howard Close and Brunswick Park Gardens, would be only three storeys high, as would be the proposed secondary school building set back from the frontage to Brunswick Park Road. Further back into the site from the school building, beyond sports pitches and a landscaped area, residential blocks would be no more than seven storeys in height. In Phase 1 only two elements of Blocks 1E and 1F would be eight storeys in height, and thus not compliant with CS tall building policy. These taller elements, however and in townscape terms, would complement lower elements in these Blocks and in Blocks 1C and 1D alongside The Parkway, the main thoroughfare through the site. [22, 49, 50]

67. The eight storey elements in Phase 1 are not excessive in height and are elements of a carefully considered and designed scheme. Along The Parkway development would have an undulating roofscape and would be set alongside and around substantial green spaces. The design approach is appropriate to the context of the site and its surroundings and the scale and massing of the development are not excessive. This design approach is continued through the later phases of the development and the high blocks of Phases 3, 4 and 5, incorporating non-residential uses at lower floor levels, would be set around and would be complemented by New Brunswick Park South, a substantial public landscaped open space at the heart of the proposed development. [23, 51]

68. The vista along Howard Close would be terminated by the six and seven storey elements of Block 1E flanked either side by eight storey elements of Blocks 1E and 1F. The higher elements of these blocks, however, would be set well back from the boundary of the site and have been carefully and sensitively designed. They would not be discordant or visually obtrusive. The higher elements of the proposed development would be visible from other locations in the surrounding area, such as from Fernwood Crescent on the opposite side of the railway line, from Pine Road to the north and from New Southgate Cemetery to the south-east. But the high buildings would only be glimpsed in the background and from some distance away. It is worth noting, in this regard, that a characteristic of the London cityscape, even in the suburbs, is the glimpses of tall buildings from many public vantage points.

69. All elements of the proposed development are respectful of their surroundings and have been carefully designed and masterplanned, in collaboration with Council Officers. The site has its own character and the proposed development respects that character. The buildings would be visible from some vantage points in the surrounding area but they would not be discordant or visually obtrusive, and would be set within substantial areas of complimentary public landscaped open space. The proposed development, in terms of its appearance, scale, mass, height and pattern, would not adversely affect, and would thus preserve, the character and appearance of the area. The proposed development thus complies with DM policy DM01. [49, 52]

Planning policy and material considerations

70. The Planning Brief for the site reflects the provisions of CS policy CS5 and DM policy DM05 by stating that "As this site is not within a strategic location, tall buildings will not be envisioned in this location". The Brief was adopted in March 2016 at about the same time as the LP. There is a tension between the LP and the Council's LDF because the latter restricts tall buildings to being in specified locations whereas the former envisages, in policy 7.7 and if the site is not identified as a location for tall or large buildings in the borough's LDF, the inclusion of an urban design analysis with an application for a tall building. [26-27]

71. LP policy 7.7 does not therefore exclude the possibility of a tall building in a location not identified in a Council's LDF. Whilst the policy requires that tall and large buildings should be part of a plan-led approach the underlying intent of the policy is that tall and large buildings should not have an unacceptably harmful effect on their surroundings. An urban design analysis was included with the application and the proposed development, in terms of its urban design, has been found to be acceptable. The tall buildings of the proposed development, furthermore, would not have an unacceptably harmful effect on their surroundings. There is therefore no conflict with the intent of LP policy 7.7. [28, 29, 38, 39]

72. The proposed development conflicts with CS policy CS5 and DM policy DM05, because its tall buildings would be in a location not specified as suitable for tall buildings in the CS. Section 38(5) of the PCP Act indicates that the LP, which was adopted after Barnet's Local Plan, should be favoured over the CS and the DM. But LP policy 7.7 does state that tall buildings should be part of a plan-led approach and the adopted Local Plan provides that approach. [40]

73. Paragraph 47 of the NPPF states that planning law, Section 38(6) of the PCP Act, requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

74. The proposed development is acceptable in terms of its scale, massing and design, and would not harm the character and appearance of the area. In this regard the proposed development complies with the Development Plan, in particular DM policy DM01. However, because it incorporates buildings of more than seven storeys the development conflicts with the Local Plan and with CS policy CS5 and DM policy DM05 in particular, though it does not conflict with LP policy 7.7 which may be favoured over Local Plan policies. Nevertheless it is necessary to consider whether material considerations indicate that determination of the appeal can be made other than in accordance with CS policy CS5 and DM policy DM05. [31, 41, 42]

75. Paragraph 94 of the NPPF requires that great weight be afforded to, in this case, the provision of new school buildings for St Andrews the Apostle School. Many have commented, in writing and at the Inquiry, on the significant benefit to the school and the community that would result from this element of the proposed development, which is indeed afforded, in line with the NPPF, great weight. [57]

76. The Council claims to be able to demonstrate five years of housing land supply, a requirement of paragraph 73 of the NPPF, but only by including the proposed dwellings for the NLBP site. Five years of supply, furthermore, is a minimum requirement and the scheme would, in any event, boost the supply of housing, a principal Government objective. [32-34, 57]

77. The school sports facilities would be available to the local community outside school hours, as would be the 2.5 hectares of public open space and the community floorspace that would be incorporated in the scheme. The scheme would generate payment by the developer of a Community Infrastructure Levy of about £26m and the Council would receive about £4m of National Homes Bonus funding. [57]

78. The aforementioned matters are significant and substantial benefits of the proposed development and are, as a matter of planning judgement, material considerations that justify determination of the appeal other than in accordance with CS policy CS5, DM policy DM05 and LP policy 7.7. [57]

79. Paragraph 38 of the NPPF states that decision-makers at every level should seek to approve applications for sustainable development where possible. The Council has not suggested that any harm would be caused by the proposed development other than to the character and appearance of the area. This is an environmental objection to the proposal and has been found to be unproven, and no evidence has been brought forward to suggest that the proposed scheme does not also meet the economic and social objectives of sustainable development set out in paragraph 8 of the NPPF.

Other matters

80. With regard to traffic congestion in the area there is a bottle neck on Brunswick Park Road to the north of the proposed development caused by on-street parking on the east side of the road. The bottleneck causes traffic delays but it is unlikely, as observed at the site visits, that these are anything other than short. Traffic associated with the development is likely to be more distributed throughout the day compared to that associated with the current commercial uses of the site and is not likely to exacerbate this situation or any other congestion that is experienced in the area. The proposed development has been assessed by the Highway Authority for its effect on highway safety in the surrounding area. The Highway Authority has

no concerns with the effect of development traffic on highway safety and no evidence has been submitted to cast doubt on this conclusion. [53-55]

81. The Section 106 Planning Obligation makes provision for the existing access to the site from Weirdale Avenue to be narrowed by landscaping and to be restricted to use by pedestrians and cyclists. Traffic associated with the development would therefore be unable to use Weirdale Avenue for access to and exit from the site. Proposed three storey blocks close to Howard Close would be similar in overall height to existing dwellings and no clear glazed habitable rooms would face towards these dwellings. The proposed development would not thus adversely affect the amenities of residents of Howard Close or any other roads surrounding the site. [59]

Conclusion

82. The proposed development would not harm the character and appearance of the area and thus complies with DM policy DM01, and material considerations justify determination of the appeal other than in accordance with CS policy CS5, DM policy DM05 and LP policy 7.7. The proposed redevelopment scheme for the NLBP is sustainable development. [36, 58]

Recommendation

83. The appeal be allowed and planning permission be granted subject to the conditions set out in the schedules attached to this Report.

John Braithwaite

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Pike	Barrister
He called	
Mr C Griffiths BA(Hons) MPlan	Principal Planning Officer

FOR THE APPELLANT:

Mr C Katkowski	Queens Counsel
Mr R Walton	Barrister
They called	
Mr D Twomey MRAIA	Plus Architecture
Mr P Stewart	Peter Stewart Consultancy
Mr I Awcock CEng MICE MIHT MCIWEM	Director of Awcock Ward Partnership
Mr C Mills MRICS ARTPI	Partner of Daniel Watney LLP

INTERESTED PERSONS:

Rt Hon T Villiers	MP for Chipping Barnet
Councillor L Rutter	Ward Councillor
Mr P Rowley	Local Resident
Mrs P Bohan	Local Resident
Mr A Wallender	Local Resident
Mr M Berliner	Local Resident
Mrs K Salinger	Chair of Residents Association
Mrs E Hartland	Local Resident
Mr R Weeden-Sanz	Borough Councillor
Mrs M Carruthers OBE	Retired Headteacher
Mr J Pambakian	Local Resident

DOCUMENTS

- 1 Council's letter of notification of the Inquiry.
- 2 List of Appearances on behalf of the Appellant.
- 3 Appellant's Opening Submissions.
- 4 Five Year HLS calculations.
- 5 Housing delivery: 5 year land supply (extract from NPPG).
- 6 Response by Council to Document 4.
- 7 Council's response to matters raised by the Appellant.
- 8 Response by Appellant to Document 7.
- 9 LP Annual Monitoring Report 2016/17.
- 10 LP Annual Monitoring Report 2015/16.
- 11 Barnet's Monitoring Report 2016/17.
- 12 Notes of submissions by the Rt Hon Theresa Villiers MP.
- 13 Submissions by Councillor Rutter.
- 14 Submissions by Mr Rowley.
- 15 Draft Conditions.
- 16 Draft Section 106 Agreement.
- 17 Closing Submissions on behalf of the LB of Barnet.
- 18 Appellant's Closing Submissions.
- 19 Statement of Common Ground.
- 20 Masterplan Presentation.
- 21 Section 106 Planning Obligation.
- 22 Site Spot Levels.
- 23 Building Storey Heights.
- 24 Appellant's Costs Application.
- 25 Council's Response to the Costs Application.
- 26 Appellant's Final Comments on Costs Application.

RECOMMENDED DETAILED CONDITIONS FOR PHASE 1

1. The development of Phase 1 hereby permitted shall be carried out in accordance with the following approved plans:

Block 1A - School

211_1A_02_001-Rev B - Basement Plan;
211_1A_02_00-Rev B - Ground Floor Plan;
211_1A_02_01-Rev B - First Floor Plan;
211_1A_02_02-Rev B - Second Floor Plan;
211_1A_02_03-Rev B - Roof Level - MUGA;
211_1A_02_04-Rev B - Roof Level - Parapet;
211_1A_04_01-Rev B - School North & South Elevation;
211_1A_04_02-Rev B - School East & West Elevation;
211_1A_04_02A-Rev B - Detailed West Elevation - Wall fronting Brunswick Park Road;
211_1A_04_03-Rev B - Sports Hall Elevations;
211_1A_05_01-Rev B - School Sections;

Block 1B

211_1B-02_00-Rev A - Block 1B, Ground Floor and First Floor Plan;
211_1B_02_01-Rev A - Block 1B, Attic Floor and Roof Plan;
211_1B-04_01 - Block 1B, North & South Elevations;
211_1B_04_02-Rev A - Block 1B, East & West Elevations and Section AA;

Block 1C & 1D

211_B1CB2D_02_001 - Basement Plan;
211_B1CB2D_02_00-Rev A - Ground Floor Plan;
211_B1CB2D_02_01-Rev A - First Floor Plan;
211_B1CB2D_02_02-Rev A - Second Floor Plan;
211_B1CB2D_02_03-Rev A - Third Floor Plan;
211_B1CB2D_02_04-Rev A - Fourth Floor Plan;
211_B1CB2D_02_05-Rev A - Fifth Floor Plan;
211_B1CB2D_02_06-Rev A - Sixth Floor Plan;
211_B1CB2D_02_07-Rev A - Seventh Floor Plan;
211_B1CB2D_02_08-Rev B - Roof Level;
211_B1CB2D_04_01-Rev A - Block 1C and Block 1D, East Elevation;
211_B1CB2D_04_02 - Block 1C and Block 1D, West Elevation;
211_B1CB2D_04_03 - Block 1C, South and North Elevation;
211_B1CB2D_04_04 - Block 1D, South Elevation;
211_B1CB2D_04_05-Rev A - Block 1D, North Elevations;
211_B1CB2D_05_01-Rev A - Block 1C and Block 1D Section AA;
211_B1CB2D_05_02-Rev A - Block 1C and Block 1D Section BB;
211_B1CB2D_05_03 - Block 1C Section DD and CC;
211_B1CB2D_05_04-Rev A - Block 1D Section EE and FF;

Block 1E & 1F

211_B1EB1F_02_001 - Basement Plan

211_B1EB1F_02_00-Rev A - Ground Floor Plan;
211_B1EB1F_02_01-Rev A - First Floor Plan;
211_B1EB1F_02_02-Rev A - Second Floor Plan;
211_B1EB1F_02_03-Rev A - Third Floor Plan;
211_B1EB1F_02_04-Rev A - Fourth Floor Plan;
211_B1EB1F_02_05-Rev A - Fifth Floor Plan;
211_B1EB1F_02_06-Rev A - Sixth Floor Plan;
211_B1EB1F_02_07-Rev A - Seventh Floor Plan;
211_B1EB1F_02_08-Rev B - Roof Plan;
211_B1EB1F_04_01 - B1EB1F - West Elevation;
211_B1EB1F_04_02-Rev A - B1EB1F East Elevation;
211_B1EB1F_04_03-Rev A - B1F North Elevation & South Elevation;
211_B1EB1F_04_04-Rev A - B1E North & South Elevations;
211_B1EB1F_05_01-Rev A - Block 1E & Block 1F, Section AA;
211_B1EB1F_05_02-Rev A - Block 1F, Section BB & CC;
211_B1EB1F_05_03-Rev A - Block 1E, Section DD

Landscape Drawings

HED_1140_RBP_P1_0001-Rev 03 - Phase 1 Landscape: General Arrangement;
HED_1140_RBP_P1_0002-Rev 03 - Phase 1 Hard Landscape: Area 01;
HED_1140_RBP_P1_0003-Rev 01 - Phase 1 Hard Landscape: Area 02;
HED_1140_RBP_P1_0004-Rev 03 - Phase 1 Hard Landscape: Area 03;
HED_1140_RBP_P1_0005-Rev 03 - Phase 1 Landscape Planting: Area 01;
HED_1140_RBP_P1_0006-Rev 01 - Phase 1 Landscaping Planting: Area 02;
HED_1140_RBP_P1_0007-Rev 02 - Phase 1 Landscaping Planting: Area 03;
HED_1140_RBP_P1_0008-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0009-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0010-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0011-Rev 00 - Phase 1 Planting Palette;
HED_1140_RBP_P1_0012-Rev 00 - Phase 1 Illustrative Materials Palette;
HED_1140_RBP_P1_0013-Rev 02 - Phase 1 Trees for Retention + Proposed + Removal;
HED_1140_RBP_P1_0014-Rev 00 - Phase 1 Landscape Terraces;
HED_1140_RBP_P1_0015-Rev 00 - Phase 1 School Play Area;
HED_1140_RBP_P1_0016-Rev 00 - Phase 1 Residential Street;
HED_1140_RBP_P1_0017-Rev 00 - Phase 1 Lake & Board Walk;
HED_1140_RBP_P1_0018-Rev 00 - Phase 1 Private Gardens (front);
HED_1140_RBP_P1_0020-Rev 00 - Phase 1 Street Section (Parkway);
HED_1140_RBP_P1_0021-Rev 00 - Phase 1 Intensive Green Roof;

Highways Drawings

0031-PHL-01-Rev C - Preliminary Highway Layout Sheet 1;
0031-PHL-02-Rev C - Preliminary Highways Layout Sheet 2;
0031-PHL-03-Rev C - Preliminary Highway Profile Sheet 1;
0031-PHL-04-Rev C - Preliminary Highway Profile Sheet 2;
0031-PHL-05-Rev C - Preliminary Highway Profile Sheet 3;
0031-PHL-06-Rev B - Preliminary Highway Profile Sheet 4;
0031-PHL-07-Rev B - Phase 1 Highway Layout;
0031-PHL-08-Rev A - Highway Access Plan;

0031-PHL-12-Rev B - Preliminary Eastern Access Arrangement and Benfleet Way Access Plan;

0031-PDL-100-Rev A - Phase 1 Preliminary Drainage Layout;

0031-PDL-101-Rev A - Proposed Detention Basin;

0031-PDL-200-Rev A - Preliminary Drainage Layout.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the adopted Barnet Development Management Policies DPD (2012) and CS1 of the adopted Barnet Core Strategy DPD (2012).

2. Phase 1 hereby permitted shall begin no later than 3 years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended).

3. Other than Ground Works and Site Preparation Works (site clearance, site hoarding, decontamination) no development shall commence within Phase 1 until a Construction Environmental Management Plan, setting out the construction and environmental management measures associated with the development of Phase 1, has been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the ES and shall include:

Construction site and works

- i. Site information (including a site plan and management structure);
- ii. Description of works, equipment and storage;
- iii. Programme of works;
- iv. Temporary hoarding and fencing;
- v. Temporary works;
- vi. Interim drainage strategy;
- vii. Intrusive site investigation works and monitoring (the scope to be agreed in writing with the Local Planning Authority);

Construction management and procedures

- viii. Code of Construction Practice;
- ix. Consultation and neighbourhood liaison;
- x. Staff training and briefing procedures;
- xi. Schedule of environmental legislation and good practice;
- xii. Register of permissions and consents required;
- xiii. Environmental Audit Programme;
- xiv. Environmental Risk Register;
- xv. Piling Works Risk Assessment;
- xvi. Health and safety measures;
- xvii. Complaints procedures;
- xviii. Monitoring and reporting procedures;

Demolition and waste management

- xix. Demolition audit;

- xx. Site clearance and waste management plan;
- xxi. Asbestos survey and disposal strategy;

Construction traffic

- xxii. Construction traffic routes;
- xxiii. Construction traffic management (including access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution)

Environmental Management

- xxiv. Ecology surveys and management plan (as required by the ES) in relation to any existing ecological features that may be affected by works in that Development Phase.
- xxv. Measures to minimise visual impact during construction
- xxvi. Measures to minimise noise and vibration levels during construction;
- xxvii. Measures to minimise dust levels during construction;
- xxviii. Measures to control pollution during construction (including a Pollution Response Plan);
- xxix. Construction lighting strategy, including measures to minimise light spill;
- xxx. Measures to reduce water usage during construction;
- xxxi. Measures to reduce energy usage during construction;
- xxxii. Any other precautionary and mitigation measures in relation to demolition and construction as identified in the ES and the EIA Mitigation Register;

Phase 1 shall thereafter be implemented in accordance with the Construction Environmental Management Plan as approved by the LPA.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties, in the interests of highways and pedestrian safety and in the interests of protecting the environment and trees in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14, 7.15, 7.21 and 5.21 of the London Plan 2015.

4. A contamination remediation scheme shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The scheme shall be in accordance with the approach to remediation set out in the Environmental Statement, and the remediation scheme shall be implemented as approved prior to the occupation of Phase 1.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

5. No construction works shall occur outside 0800 - 1800 hours on weekdays and 0800 - 1300 hours on Saturdays, and shall not occur at all on Public Holidays.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

6. Vegetation clearance shall take place outside the bird breeding season (October to February). Any clearance of vegetation with the potential to support nesting birds shall only occur following a check by a qualified ecologist. If any active nests are found an appropriate buffer zone shall be established and works must cease within this buffer zone until such time as a qualified ecologist confirms that the nest is no longer in active use.

Reason: To avoid the potential for an offence under the Wildlife and Countryside Act 1981, as amended.

7. No development within Phase 1 shall commence (with the exception of Ground Works and Site Preparation Works) until a scheme of Advanced Infrastructure Works is submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i. Underground drainage details;
- ii. Below ground energy infrastructure;
- iii. Below ground services and utilities;
- iv. Ground Works, earthworks, contouring and levels;
- v. A statement of compliance with the site wide strategies (including the DAS Volume I and Addendum sections 6.19, 7.1 - 7.16, 8.1 - 8.3 and approved Primary Control Documents).

Development of Phase 1 shall be carried out in accordance with the approved scheme.

Reason: To ensure appropriate arrangements are made for servicing, utilities and infrastructure and to avoid potential conflicts between any impacts upon the development as proposed and its servicing, utilities and infrastructure, in the interests of a sustainable development in accordance with the NPPF.

8. No Surface Infrastructure Works shall commence within Phase 1 until a scheme of Landscaping Works for Phase 1 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i. Design and location of electricity sub stations, including surface treatment and means of enclosure;
- ii. Vehicle parking and surfacing treatment (including petrol / oil interceptors);
- iii. Surface drainage details;
- iv. Surface materials and finishes;
- v. Cycle parking locations and details;
- vi. Highways details (e.g. crossing and kerb heights);
- vii. Access and wayfinding strategy;
- viii. Materials, types and siting of all fencing, boundary treatments, gates or other enclosures (including temporary arrangements to be in place until the site is completed in full);

- ix. Street furniture, lighting and signage;
- x. Children's play spaces and play provision;
- xi. Details of all proposed trees, hedge, shrub and other planting and all planting proposed for green walls and other soft landscaped structures, including proposed species, plant sizing, density and arrangement;
- xii. Ecological enhancements (in accordance with ES);
- xiii. The position of any existing trees and hedges to be retained or removed and the crown spread of each retained tree;
- xiv. Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- xv. The position of any proposed excavation within the recommended protective distance referred to in BS5837:2012;
- xvi. Means of planting, staking and tying of trees, including tree guards, and a detailed landscape maintenance schedule for regular pruning, watering and fertiliser use.
- xvii. Details and specifications of all play, sport and recreational features to be included within the landscaped areas;
- xviii. Details of all proposed hard landscape works, including proposed materials, samples and details of special techniques to minimise damage to retained trees and details of techniques to be used to provide conditions appropriate for new plantings.
- xix. Timing of planting.

The Landscaping Works shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with Policies DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan 2015.

9. Prior to the occupation of each building within Phase 1, a scheme of bird and bat boxes for that building shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes approved shall be installed and maintained over the lifetime of the development.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with Policies DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan 2015.

10. Phase 1 shall be undertaken in accordance with the drainage strategy outlined in the Environmental Statement. No foul or surface water from the site shall be discharged into the public system until the drainage works set out in the strategy have been completed.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

11. If within a period of five years from the date of planting of any tree within Phase 1, that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place in the next available planting season.

Reason: to ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with Policies DM01 and DM02 of the Barnet Local Plan Policies 3.6 and 7.21 of the London Plan.

12. A Car Parking Management Strategy for Phase 1 shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of Phase 1. The strategy shall be in accordance with that set out in the Transport Assessment and Addendum. The Strategy shall thereafter be implemented as approved.

Reason: to ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan and also, to ensure that the development does not over-provide car parking spaces and to encourage sustainable travel in accordance with Barnet Local Plan Policy CS9 of Core Strategy (adopted) and Policy DM17 of Development Management Policies (adopted).

13. 10% of residential units in Phase 1 shall be designed to be fully wheelchair accessible or easily adaptable for residents who are wheelchair users.

Reason: to ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan and to ensure that parking is provided and managed in line with the Council's standards in the interest of highway and pedestrian safety in accordance with Barnet's Local Plan Policy CS9 of the Core Strategy and DM17 of Development Management Policies Document.

14. Prior to the construction of any building within Phase 1 the following details for that building shall be submitted to and approved in writing by the Local Planning Authority:

- i. Full details (including samples, where appropriate) of the materials and finishes to be used on all external surfaces;
- ii. Doors, entrances, windows (including glazing specifications) and balconies (including drawings and sections showing thresholds to adjacent internal spaces and drawings and sections of privacy screens);
- iii. Details of the design and access controls for the car park gate(s);
- iv. Building lighting;
- v. Podium details (including hard and soft landscaping, planting species, furniture and play provision);
- vi. Details of bio diverse roofs;
- vii. Details of any building security measures including CCTV;

Development shall be carried out in accordance with the approved details and the scheme shall thereafter be maintained in secure and good working order for the lifetime of the development.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS5 and DM01 of the Barnet Local Plan and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

15. Notwithstanding the details submitted with the application, prior to the construction of any building within Phase 1, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- i. Enclosures, screened facilities and / or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
- ii. Satisfactory points of collection; and,
- iii. Details of the refuse and recycling collection arrangements.

The refuse and recycling facilities shall be provided fully in accordance with the approved details before the relevant block is occupied and the development shall be managed in accordance with the approved details.

Reason: To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with Policies CS5, CS9, CS14, DM01, DM04 and DM17 of the Local Plan.

16. Prior to the construction of any building within Phase 1, details of all extraction and ventilation equipment to be installed for that building shall be submitted to and approved in writing by the Local Planning Authority. The details shall be accompanied by a report carried out by a qualified acoustic consultant that assesses the likely noise impacts from the development of the ventilation and extraction plant, and proposed mitigation measures for the development if necessary.

The development shall be carried out in accordance with approved details before first occupation of Phase 1.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan.

17. The level of noise emitted from any plant within Phase 1, including ventilation equipment hereby approved shall be at least 5dB(A) below the background noise level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background noise level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD and 7.15 of the London Plan.

18. Prior to the occupation of Phase 1, details of the energy supply network shall be submitted to and approved in writing by the Local Planning Authority. Details shall be in accordance with the Energy Statement and Addendum and shall include:

- i. Details of connections available for each building;
- ii. Proposals for the staged installation of plant within the energy centre and any temporary energy provision required
- iii. Details of safeguarded connections to an area wide heat network if found to be feasible following further engagement with the local planning authority and GLA.

- iv. Details of any potential future connections available to nearby buildings;
- v. A statement of compliance with the site wide Energy Statement and Addendum.

Phase 1 shall thereafter be implemented in accordance with the approved strategy.

Reason: to ensure that the development is sustainable and complies with the requirements of London Plan Policies 5.2 and 5.6

19. CHP and/or biomass boilers must not exceed the Band B Emission Standards for Solid Biomass Boilers and CHP Plant as listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document.

Reason: To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan in relation to air quality.

20. Prior to the construction of any residential building in Phase 1, a rainwater and grey water feasibility strategy, relating to incorporating rainwater or grey water recycling into buildings across Phase 1, shall be submitted to and approved in writing by the Local Planning Authority.

Phase 1 shall thereafter be implemented in accordance with the approved strategy.

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan Policies 5.13, 5.14 and 5.15.

21. Prior to occupation of Phase 1 an External Lighting Assessment of lighting proposed within Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The external lighting assessment submitted shall detail the existing average night time luminance and light spread levels at night, identify the levels of light pollution received at the windows to residential properties within the development and, where appropriate, identify the measures to be used to mitigate any impacts to species including bats. Any light pollution mitigation identified in the lighting assessment shall be implemented in full prior to occupation of Phase 1.

Reason: to ensure the development provides adequate amenities of the future occupiers of the proposed dwellings and to accord with Policy DM01 of the Local Plan and to mitigate the impact to species including bats in accordance with Policies CS7 and DM16.

22. No building within Phase 1 shall be occupied until a Delivery and Servicing Management Plan in respect of each Phase 1 building has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the strategy set out in the Transport Assessment and Addendum and Phase 1 shall be carried out in accordance with the approved Plan.

Reason: In the interest of highway safety in accordance with Barnet's Local Plan Policy CS9 and DM17 of the Development Management Policies Document.

23. No residential unit within Phase 1 shall be occupied until the access roads and highways works (on and off-site) as identified in the Highways Drawings hereby approved through Condition 1 are made available for use.

Reason: To ensure there is adequate access available for all residential units.

24. No residential unit within Phase 1 shall be occupied until the private and/or communal amenity space provision (excluding public open space) associated with the block within which the unit is located is available for use in accordance with the approved plans.

Reason: To ensure there is adequate amenity space available for all residential units.

25. Prior to occupation of each residential block within Phase 1 a scheme for the provision of communal/centralised satellite and television reception equipment for that block shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed prior to first occupation of that block and shall thereafter be retained and made available for use by all occupiers of that block.

Reason: To ensure that the development makes appropriate provision for such equipment, so as to not impact adversely on the character of the area, in accordance with Policies CS5 and DM01 of the Local Plan.

26. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without planning permission being granted by the Local Planning Authority:

The installation of any structures or apparatus for purposes relating to telecommunications or any part of the development hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that order.

Reason: To ensure that the development does not impact adversely on the character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies CS5 and DM01 of the Local Plan.

27. No piling within Phase 1 shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) for Phase 1 has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To prevent any damage to nearby underground sewerage utility infrastructure.

28. Notwithstanding the plans hereby approved and prior to the commencement of Phase 1 details of a scheme of measures to enhance and promote biodiversity within Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of measures shall be implemented in full accordance with the approved details before Phase 1 is first occupied.

Reason: to ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with Policies DM01 and DM16 of the Local Plan and 5.11 and 7.19 of the London Plan.

29. No works within Phase 1 shall be commenced before a method statement including temporary tree protection measures, detailing the precautions to be taken to minimise damage to trees adjacent to Phase 1, in accordance with British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the location, extent and depth of all excavations for drainage and other services in relation to trees to be retained, or trees on adjacent sites. Phase 1 shall be carried out in full accordance with the approved details.

Reason: To safeguard the health of existing trees which represent an amenity feature in accordance with Policy DM01 of the Local Plan and Policy 7.21 of the London Plan.

30. Cycle parking for Phase 1 shall be provided in accordance with the approved plans, shall be available for use prior to occupation of Phase 1, and shall be maintained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with Barnet's Local Plan Policies CS9 and DM17.

31. Before Blocks 1E and 1F hereby permitted are first occupied windows in the eastern wing elevations of these blocks facing properties in Howard Close and Brunswick Park Gardens shall be non-openable below 1.7m and glazed with obscure glass only, and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD and the Residential Design Guidance SPD (April 2013).

32. Other than infrastructure works in relation to Phase 1, no development within Phase 1 shall take place until a programme of archaeological recording of the existing air raid shelters and any finds of industrial heritage, in accordance with a written scheme of investigation to be submitted to and agreed in writing by the Local Planning Authority, has been carried out.

Reason: The planning authority wishes to secure the recording of these structures in accordance with the provisions of the NPPF and London Plan Policy 7.8 and Barnet Policies CS5 and DM 06.

RECOMMENDED OUTLINE CONDITIONS FOR PHASES 2-5

33. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Parameter Plans

211_WS_02_00-Rev B - Red Line Boundary Plan;
211_WS_02_01-Rev B - Proposed Development Zone Plan;
211_WS_02_02-Rev B - Access & Circulation Zone;
211_WS_02_03-Rev B - Landscape Treatment Plan;
211_WS_02_04-Rev B - Ground Floor Frontages Plan;
211_WS_02_05-Rev B - Development Zones - Horizontal Limits of Deviation;
211_WS_02_06-Rev B - Proposed Site Levels & Vertical Limits of Deviation;
211_WS_02_07-Rev B - Development Zones & Maximum Heights;
211_WS_02_08-Rev B - Proposed Site Basement Levels & Limit of Deviation;
211_WS_02_09 - Site Plan

Sections

211_WS_05_01-Rev B - Contextual Sections AA BB;
211_WS_05_02-Rev B - Contextual Sections CC DD;
211_WS_05_10-Rev B - Parameter Sections 1 - 4;
211_WS_05_11-Rev B - Existing Sections 1 - 4;

Landscape Drawings

HED_1140_RBP_LA_0001-Rev 01 - Illustrative Landscape Plan;
HED_1140_RBP_LA_0002-Rev 03 - Landscape GA;
HED_1140_RBP_LA_0003-Rev 03 - General Arrangement, Central Park;
HED_1140_RBP_LA_0004-Rev 01 - Illustrative Landscape Sections: The Parkway;
HED_1140_RBP_LA_0005-Rev 02 - Illustrative Sections: Park (North);
HED_1140_RBP_LA_0006-Rev 01 - Illustrative Sections: Central Park (South);
HED_1140_RBP_LA_0007-Rev 00 - Illustrative Landscape Sections: Courtyard;
HED_1140_RBP_LA_0008-Rev 02 - Trees for Retention + Proposed + Removal

Supporting Documents

Design Principles Document - Rev B, March 2017;

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the adopted Barnet Development Management Policies DPD (2012) and NPPF and CS1 of the adopted Barnet Core Strategy DPD (2012);.

34. Applications for the approval of reserved matters (being scale, layout, appearance and landscaping) for Phases 2, 3, 4 and 5 shall be made to the Local Planning Authority before the following:

- i. Applications for Reserved Matters for Phase 2 shall be made within 3 years from the date of this permission;

- ii. Applications for Reserved Matters for Phase 3 shall be made within 4 years from the date of this permission;
- iii. Applications for Reserved Matters for Phase 4 shall be made within 5 years from the date of this permission;
- iv. Applications for Reserved Matters for Phase 5 shall be made within 7 years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

35. The development hereby permitted in the later phases shall begin no later than 2 years from the final approval of the last Reserved Matters application in relation to each phase made pursuant to Condition 34.

Reason: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended).

36. As part of Reserved Matters applications, details of the energy supply for each building in Development Phases 2 - 5 shall be submitted to and approved in writing by the Local Planning Authority. Details shall accord with the Energy Statement and Addendum and shall include:

- i. Details of the energy supply for each building connection, including a statement of compliance with the Energy Statement and Addendum;
- ii. Details of any temporary energy provision required;
- iii. A statement of compliance with the site wide Energy Statement and Addendum.

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan Policies 5.2 and 5.6



Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.