

Planning Inquiry – Appellant’s Statement of Case (SoC)

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

London Borough of Barnet Ref. 21/4433/OUT

Appeal in Relation to Refusal of 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 up to 452 residential units in five blocks reaching 9 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 1,967 additional residential units in buildings ranging from three to twelve storeys, up to 7,148 sqm of non-residential floor space (use Class E and F) and public open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking”.

Prepared by Daniel Watney LLP, on behalf of Comer Homes Group.

August 2023

Contents

1.	Introduction.....	3
2.	Appropriateness for Inquiry Procedure.....	7
3.	The Appeal Site	8
4.	Planning History	10
5.	The Planning Application and Decision	13
6.	Contents of the Planning Application	15
7.	Consultee Responses.....	16
8.	Accordance with the Development Plan	17
9.	The Appellant’s Case	19
10.	Summary.....	25
11.	Draft Conditions and Planning Obligations	27

APPENDIX 1: North London Business Park Appeal Decision (February 2020)

APPENDIX 2: Officer’s Committee Report (December 2022)

APPENDIX 3: Officer’s Committee Report Addendum (December 2022)

APPENDIX 4: Original Decision Notice (Received March 2023)

APPENDIX 5: Revised Refusal Decision Notice (Received May 2023)

APPENDIX 6: Schedule of Application Documents

APPENDIX 7: Response to Statutory and Local Consultee Representations

APPENDIX 8: GLA Stage 1 Report

APPENDIX 9: GLA Stage 2 Report

APPENDIX 10: Relevant Adopted and Emerging Policies

APPENDIX 11: Master Brewer Judgement of the High Court (15 December 2021)

APPENDIX 12: Examination Document 79 – “*Barnet Local Plan EIP - Note on Tall Buildings*”

1. Introduction

1.1 This Statement of Case has been prepared by Daniel Watney LLP on behalf of Comer Homes Group (the Appellant) in connection with its appeal in relation to the refusal of planning permission by the London Borough of Barnet (the Council) of planning application 21/4433/OUT (the Application), relating to the comprehensive redevelopment of the North London Business Park, Oakleigh Road South, London, N11 1GN (the Site).

1.2 The Application was submitted to the Council on 10 August 2021. The Application was validated by the Council on 10 August 2021.

1.3 The Application was submitted in hybrid form, part in full detail and part in outline with all matters reserved except for access. The agreed description of development (the Appeal Scheme) is as follows:

“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 up to 452 residential units in five blocks reaching 9 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 1,967 additional residential units in buildings ranging from three to twelve storeys, up to 7,148 sqm of non-residential floor space (use Class E and F) and public open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking.”

1.4 The Appeal Scheme has evolved extensively through the pre-application engagement carried out by the Appellant with the Council, the Greater London Authority (GLA), Transport for London (TfL), Urban Design London (UDL), local councillors, and residents. The full details of these events and meetings are detailed in the Statement of Common Ground and also held within the Statement of Community Involvement, prepared by BECG, and were submitted with the Application.

1.5 The Site benefits from an existing planning permission with reference 22/1579/S73 (the Existing Scheme) for the following:

‘Variation of condition 1 (Approved Plans) of planning permission reference 15/07932/OUT dated 24/02/20 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 sqm of non-residential floor space (use Classes A1-A4, B1 and D1) and 2.54 hectares of open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking. March 2017 RECONSULTATION Amended Plans: involving the provision of 10% Affordable Housing across the site with an overall increase in the proposed number of housing units from 1,200 to 1,350. The tallest buildings have been reduced in height from 11 to 9 storeys with some buildings along the boundary of the rail line increased from 7 to 9 storeys.’ Variation to include: Changes to the school: Changes to the main access point on Brunswick Park Road: Changes to phasing’.

1.6 The Existing Scheme is a variation of a planning permission with reference 15/07932/OUT which was originally granted by the Secretary of State (SoS) on 24 February 2020 (the Original Scheme). We highlight in Table 1 below, the key benefits of this Appeal Scheme and the enhancements against the Existing Scheme.

Existing Scheme Benefits	Appeal Scheme Benefits	Uplift
Delivery of 1,350 new homes on brownfield land	Delivery of 2,419 new homes on brownfield land	Delivery of an additional 1,069 new homes on brownfield land
10% Affordable Housing (135 units)	21% Affordable Housing (512 units)	35% of the uplift units would be provided as Affordable Housing representing a net increase of 377 units
Financial contributions of approximately £26 million to local infrastructure in the form of CIL (Community Infrastructure Levy) payments	Financial contributions of approximately £60 million to local infrastructure in the form of CIL (Community Infrastructure Levy) payments	An uplift of approximately £34 million CIL contribution
Delivery of a brand new purpose-built 5 form entry (5FE) secondary school building for St Andrew the Apostle School which is currently operating out of unsuitable temporary buildings on-site as well as helping to meet Barnet's Education Needs	Delivery of a brand new purpose-built 5 form entry (5FE) secondary school building for St Andrew the Apostle School which is currently operating out of unsuitable temporary buildings on-site as well as helping to meet Barnet's Education Needs.	N/A
Up to 5,177 sqm of non-residential floorspace (Use Classes A1-A4, B1 and D1)	Up to 7,148 sqm of non-residential floor space (use Class E and F) including small scale health care facilities, nursery, retail and flexible commercial units for SME's	An uplift of 1,971 sqm of non-residential floorspace including a 1,398sqm increase in community floorspace, 55sqm increase in retail floorspace and a 660sqm increase in childcare floorspace. The total amount of proposed community floorspace is 1,908sqm. In addition to the long-term additional employment which will be generated on the site, there would also be an increase in the substantial number of jobs created during the construction period which will be of major benefit to the local public.
510sqm of community floorspace	1,908sqm of community and healthcare floorspace proposed, with proposed agreement that Comer will deliver a long leasehold interest (not less than 99 years) of a shell of the new Centre to Community Wholecare Centres (CWC) (or an alternative provider to be agreed with the Council). The intention of the	Alongside the public benefit of increased community floorspace from the Existing Scheme, the Appeal Scheme also seeks to secure the occupier as a health care space for CWC (or an agreed alternative)

	agreement is to deliver a co-located CWC Livewell (wellbeing/illness prevention/social prescribing support and delivery) centre and NHS Primary Health Centre (with ancillary health and social care facilities).	
2.54 hectares of public open space available to the wider community where the existing Site currently provides none	2.53 hectares (approximate 95sqm reduction due to highway reconfiguration) of public open space available to the wider community where the existing Site currently provides none	N/A
Ancillary sport facilities within the school, including a gymnasium, a multi-use sports pitch and associated changing facilities which would be subject to a Community Use Agreement to allow for public access out of school opening hours and at weekends	Ancillary sport facilities within the school, including a gymnasium, a multi-use sports pitch and associated changing facilities which would be subject to a Community Use Agreement to allow for public access out of school opening hours and at weekends	N/A
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	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	N/A
Site access and transport infrastructure improvements including public transport, including new permeable pedestrian and cycle linkages through the Site via the proposed landscape public open spaces and greenway route	Site access and transport infrastructure improvements including public transport, including new permeable pedestrian and cycle linkages through the Site via the proposed landscape public open spaces and greenway route	N/A
The provision of housing will make an important contribution to local construction employment and council tax receipts whilst household expenditure generated by future residents will also help to support economic activity locally	The provision of housing will make an important contribution to local construction employment and council tax receipts whilst household expenditure generated by future residents will also help to support economic activity locally	The Appeal Scheme would provide increased levels of employment during construction and operation as well as household expenditure and council tax receipts by virtue of the uplift in dwellings provided
Environmental improvements because of the proposed development, from the various SUDS and other environmental enhancements to the provision of new trees and vegetation	Environmental improvements because of the proposed development, from the various SUDS and other environmental enhancements to the provision of new trees and vegetation	N/A
The redevelopment would necessitate the substantial decontamination of the land. Due to the historic use of the	The redevelopment would necessitate the substantial decontamination of the land. Due to the historic use of the	N/A

site and the WWII air raid shelters which are located on site, there is a possibility that radium and other potential contaminants across the site. There would be the residual benefit of clearing the site of contamination should this be found during the construction process which would be a major benefit to the wider public	site and the WWII air raid shelters which are located on site, there is a possibility that radium and other potential contaminants across the site. There would be the residual benefit of clearing the site of contamination should this be found during the construction process which would be a major benefit to the wider public	
---	---	--

Table 1: Scheme Benefits

- 1.7 Discussions will be held with the Council on the content of the Statement of Common Ground, and a draft is submitted with this appeal.

2. Appropriateness for Inquiry Procedure

2.1 Having regard to the Government's 'Planning Appeals: Procedural Guide' first published in 2015 and last updated on 26 April 2023 and particularly the "*criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals*", the Appellant considers that an inquiry represents the most appropriate procedure for this appeal in order to properly consider all the relevant evidence. Six days should be set aside for the inquiry (assuming it will be held "*in person*"). The Appellant considers an inquiry to be the most appropriate procedure for the following reasons:

- 2.1.1 The previous appeal was considered via the inquiry process;
- 2.1.2 The evidence, particularly in relation to design and townscape matters would be best understood through being given in the traditional manner including an architectural presentation;
- 2.1.3 Any assessment of potential harm associated with the height, scale and massing will be complex and would best be explored via cross examination;
- 2.1.4 The Council has provided reasons for refusal that contradict the Case Officer's recommendations and would best be explored via cross examination;
- 2.1.5 The Appellant, and likely other parties, wishes to be represented by Counsel;
- 2.1.6 The proposal has generated significant local interest with a total of 883 public comments (both to object and in support) including one from the local MP which would be difficult to accommodate via the hearing format; and
- 2.1.7 It is anticipated that local interest groups, representing the residents of the area, will wish to take part in the appeal process and an inquiry will provide the most appropriate forum for the consideration of their representations.

3. The Appeal Site

- 3.1 This Application concerns the redevelopment of the Site, which is located within the Brunswick Park Ward in the east of the London Borough of Barnet.
- 3.2 The Site measures 16.36 hectares, of which approximately 13 hectares is still currently undeveloped, comprising areas of disused open space and car parking. The Site is bounded by the East Coast Mainline railway along the entire western boundary, whilst the New Southgate Cemetery is adjacent to the eastern boundary. The Site varies significantly in topography with a steep gradient comprising a level difference of 24 metres across the Site from the northern boundary to its lowest point at Brunswick Park Road.
- 3.3 Properties to the north and south are 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.
- 3.4 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.
- 3.5 New Southgate is also 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.
- 3.6 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.
- 3.7 The PTAL of the Site is currently 1-2, however it is expected that the introduction of Crossrail 2 to New Southgate would improve public transport accessibility of the Site.
- 3.8 The Site has two principal access points, one to the south onto Oakleigh Road South (A109) and one to the east onto Brunswick Park Road. There is also a redundant, unused access point to the northern boundary which would provide access to Ashbourne Avenue, were it not currently fenced off. Ashbourne Avenue leads onto Russell Lane (B1453), which comprises a neighbourhood retail frontage.
- 3.9 Standard Telephone and Cable (STC) developed the Site in the 1920s and manufactured a range of telecommunications equipment, including radio equipment for aircraft during the Second World War.
- 3.10 The Site now provides circa 38,000 sqm of office, temporary educational and community floorspace developed in a campus style with approximately 1,300 car parking spaces and is currently let to a variety of occupiers. The buildings are currently occupied as per Table 2 below. Save in respect of building 3, the vacancy levels in the buildings reflect the unsuitability of the buildings for modern office occupiers.
- 3.11 The buildings were constructed to suit a single occupier with large atria and communal areas, an approach which does not suit self-contained office occupiers. A large proportion of the gross internal floorspace has been given over to these communal and circulation spaces and thus the Site has not been well occupied.
- 3.12 Table 2 below sets out the current occupation details of the existing buildings on the site.

Building Number	Tenant	Additional Comments
1	Multi-storey car park	N/A
2	DWP Job Centre	DWP Job Centre – ground and first floors Unoccupied – lower ground and second floors
3	CBIC	Serviced offices – all floors This currently comprises the Comer Innovation Centre, which is primarily occupied by small and medium sized businesses on very short term leasing arrangements.
4	Multiple small and medium sized businesses College of Animal Welfare NHS – CCG St Andrew’s the Apostle School	Ground Floor - Serviced Offices for approximately 40 small and medium size businesses. First Floor -College of Animal Welfare and NHS – Clinical Commissioning Group Second Floor-St. Andrew’s the Apostle School
5	St Andrew the Apostle Secondary School	The School opened in September 2013 and currently operates as a 2FE School.
6	N/A	Demolished
7	Arianna Banqueting Hall Little Leo’s Nursery	Used for a variety of purposes such as function / conference space alongside the nursery

Table 2: Occupier details

- 3.13 Until November 2017, there were approximately 1,550 people employed on the Site across the various tenants. However, the Council vacated its premises (which accounted for over 55% of the total floorspace on the Site) in November 2017, and employment levels across the Site have since reduced significantly.
- 3.14 Due to the rate of vacancy across the Site to date, it is estimated that only 300-400 people are employed within the Business Park. Unlike the existing situation, the employment space proposed by the Appeal Scheme would be tailored to meet local needs so although the amount of such floorspace would reduce, its quality and suitability would be considerably better. The Environmental Statement submitted as part of the Application projects that the proposed development will provide an average of 437 FTE jobs during the operational phase, some 90 of these are subject to the new 5FE secondary school being developed.

4. Planning History

The Original Scheme

4.1 The Site benefits from planning permission for wholesale redevelopment. The previous planning application was submitted following a programme of extensive pre-application engagement and consultation with the Council. A Planning Performance Agreement had been signed in March 2015 for both the progression of a Planning Brief to deliver this site and pre-application engagement with dedicated officers.

4.2 The previous application was also submitted in hybrid form; part in full detail and part in outline with all matters reserved with the exception of access.

4.3 The previous application was granted at appeal by the Secretary of State on 24 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.”

(The Council’s reference: 15/07932/OUT and PINS reference: APP/N5090/W/17/3189843. We refer to this as the Original Scheme).

4.4 The Application for the Original Scheme was recommended for approval by Council Officers but refused by Members of the Planning Committee in June 2017. The Application was subsequently appealed and recovered by the Secretary of State (SoS), where an Inquiry was held from 9 – 11 October 2018 and on 9 November 2018. The Inspector reported to the SoS in January 2019 recommending the appeal to be allowed, with the SoS agreeing in January 2020, issuing the final decision allowing the appeal on 24 February 2020 (the First Appeal Decision). In approving the Original Scheme, the SoS and the Inspector discussed the following points and conclusions in the First Appeal Decision which can be found in **Appendix 1**:

Impact of the Proposal on the Character and Appearance of the Area

4.4.1 It was agreed by the Secretary of State and Inspector, that it was the elements of the Original Scheme that were over seven storeys, and the scale and massing of the development, that formed the primary matters of concern for the Council.

4.4.2 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.

4.4.3 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.

4.4.4 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.

- 4.4.5 Both felt that the appearance, scale, mass, height and pattern would not adversely affect the character and appearance of the area.
- 4.4.6 Both felt there was a conflict with the local plan, as tall buildings were not envisioned for the Site. They concluded that there was conflict with local policies CS5 and DM05, and whilst London Plan Policy 7.7 [superseded] could be favoured as a more recent policy and would be more permissive of a tall building in this location, there is still some conflict with part of this policy which require tall buildings to be plan-led.

Housing Land Supply

- 4.4.7 Both agreed that the Council's housing land supply was between 4.8 – 5.1 years, both of which would include the dwellings subject to the appeal. Both concluded that the delivery of 1,350 new homes would represent a clear benefit attracting significant weight.

Other Matters

- 4.4.8 Both agreed that the provision of a serviced plot for a replacement secondary school would carry great weight in favour of the proposal.
- 4.4.9 Both agreed that the public accessibility to the sports facilities, the provision of public open space, the provision of community floorspace and the CIL generated by the proposal are all significant and substantial benefits of the proposal which carry significant weight in favour of the proposal.
- 4.4.10 Both concluded that in highways terms, the development would not adversely affect the amenity of surrounding developments and considered this neutral in terms of the balance.

Decision

- 4.5 In arriving at a decision, the SoS considered that the Original Scheme was not in accordance with Policies CS5 and DM05, nor part of London Plan Policy 7.7 [superseded] and was therefore not in accordance with the development plan overall.
- 4.6 However the SoS considered that there were material considerations which indicated that the proposal should be determined other than in accordance with the development plan. These included:
- 4.6.1 The local authority being unable to demonstrate a five-year supply of housing land without taking account of this Site, and the proposal would provide 1,350 new homes which carried **significant weight** in favour of the proposal;
- 4.6.2 The provision of a serviced plot for a replacement secondary school which carried **great weight** in favour of the proposal;
- 4.6.3 The public accessibility to 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; and
- 4.6.4 The development would not adversely affect the amenity of surrounding developments which the SoS considered to be neutral in the balance and to carry no weight either way.

- 4.7 Therefore, the SoS concluded that the appeal should be allowed and planning permission for

the Original Scheme granted. The material considerations and benefits that informed the SoS's decision to grant planning permission for the Original Scheme remain relevant, and in the case of the benefits are substantially enhanced, in the Appeal Scheme.

The Existing Scheme

- 4.8 A Section 73 application was submitted to the Council on 25 March 2022 and was approved on 20 October 2022 (new section 73 permission 22/1579/S73). This is referred to as this as the Existing Scheme. The amendments can be summarised as follows:
- 4.8.1 Splitting the approved Phase 1 from the extant 2020 permission, into Phase 0 and Phase 1, with Phase 0 comprising solely the new secondary school;
 - 4.8.2 Reconfiguration of Phase 0 in respect of the exact location of the School building, the sports pitches and the changing facilities. The main school building remains approximately in the same location, albeit reduces in size, whilst the external sports pitches and changing facilities have been reconfigured – these amendments were all made to reflect the requirements of the school which have evolved since the First Appeal Decision;
 - 4.8.3 Remodelled access including introduction of a signalised junction on Brunswick Park Road where previously a roundabout was approved; and
 - 4.8.4 Other incidental changes to landscaping and internal accommodation.
- 4.9 The relevant pre-commencement conditions of the Existing Scheme have subsequently been discharged and work on Phase 0 and 1 of the Existing Scheme was implemented in September 2022. An application for a certificate of lawfulness to confirm the implementation of the Existing Scheme was submitted on 27 February 2023 and awaits determination.
- 4.10 A Reserved Matters application for Phase 2 of the Existing Scheme (ref. 23/0688/RMA) was submitted to the Council on 17 February 2023 and is currently pending consideration.
- 4.11 In parallel with obtaining and implementing the planning permission for the Existing Scheme, the applicant sought to optimise the development potential of the Site through a design-led approach resulting in the Appeal Scheme. The planning history for the Appeal Scheme is set out in Section 5 below. In comparison to the Existing Scheme, the Appeal Scheme will deliver a significant uplift in housing with 35% of the uplift provided as affordable housing; additional retail, childcare and community floor space including new health care facilities; an uplift of approximately £34 million in CIL contributions; increased levels of construction and operational employment; new flexible workspace for SMEs; and sustainability and access improvements, all as summarised in Table 1 above.

5. The Planning Application and Decision

- 5.1 The Application was submitted in hybrid form (part in full detail and part in outline with all matters reserved other than access) on 10 August 2021.
- 5.2 At the time of submission, the detailed element of the proposal sought permission for 461 residential units in five blocks reaching nine 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.
- 5.3 The outline element sought permission for 1,967 additional residential units in buildings ranging from three to twelve storeys, up to 7,148 sqm of non-residential floor space (use Class E) and approximately 20,300 sqm of public open space.
- 5.4 Following submission and validation of the Application in August 2021, additional documents were submitted in September 2021.
- 5.5 Following comments from statutory consultees, the Application was amended and revised plans and documents submitted in August 2022 to respond to matters relating to increasing community floorspace, reducing the number of single aspect units (thereby reducing the number of units in Phase 1 from 461 to 452), external changes to ensure the wind environment is acceptable and updated reports and addendums in relation to the ES, daylight and sunlight, fire, wind, flood risk and drainage.
- 5.6 In October 2022, a Transport Assessment Addendum was submitted following liaison with Council Highway Officers and TfL.
- 5.7 Responses to the Application by statutory consultees were positive, as summarised in Section 9 of this document.
- 5.8 Indeed the officers report states that *“the impact of the increased density and height of the development on the character of the surround[ing] area and amenities of neighbouring residents is considered to not result in a significant increase in the level of harm over and above the extant permissions on the site”* and *“that the proposed development generally and taken overall accords with the relevant development plan policies”*. Planning officers presented the Application to the Council’s Planning Committee on 15 December 2022, recommending that the Application be granted planning permission subject to the completion of a Section 106 Agreement. A copy of the Officer’s Committee Report and Addendum Report is appended at **Appendix 2** and **Appendix 3** respectively.
- 5.9 However, on 15 December 2022 members of the Strategic Planning Committee voted unanimously (9-0) to refuse the Application against the advice of planning officers. Although the vote was unanimous, Councillors could not agree on any reasons for refusal at the committee so it was agreed to defer the Application to the next committee held on 18 January 2023 for the reasons for refusal to be prepared by Officer’s to be presented and agreed. The committee report presented to members at the 18 January committee recommended the following two reasons for refusal:
1. *“The proposed development, by virtue of its excessive height, scale, and massing result in a discordant and visually obtrusive form of development that would demonstrably fail to respect the local context and established pattern of development when viewed from the west of the site on Fernwood Crescent, Denham Crescent, Oakleigh Crescent and Oakleigh Road North as well as New Southgate Cemetery to the East, to the detriment of the character and appearance of the area, and the visual amenity of adjoining residential occupiers. The proposal would therefore not create a high-quality*

development, not constitute a sustainable form of development and would be contrary to the provisions of the NPPF, Policies D3, D4 and D9 of the London Plan 2021 and policies CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies 2012.”

2. *“The proposed development does not include a formal undertaking to secure the provision of affordable housing, community and health care floorspace, affordable workspace, off site nature conservation and playspace provision, carbon off-setting, highways mitigation, non-financial and financial skills and employment, enterprise and training obligations. The proposal would therefore not address the impacts of the development, contrary to Policies CS5, CS9 and CS11 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04, DM10 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013), Paragraph 8 of the NPPF, Policy S2 of the London Plan 2021.”*

5.10 On 20 March 2023, the GLA published their Stage 2 Referral Report in which the Mayor decided there were *“no sound planning reasons for the Mayor to intervene”* in the Application and was sent back to the Council for determination. Nevertheless, the Stage 2 Report concludes that *“the application is considered to be acceptable on balance”*, noting the substantial public benefits that would be provided and would *“significantly outweigh”* the conflict with Part B of London Plan Policy D9. Further, the GLA found that the Appeal Scheme could comply with the qualitative criteria in Part C of Policy D9, noting that the visual, functional, environmental, and cumulative impact of the Appeal Scheme and the principle of the proposed tall buildings are acceptable.

5.11 At the January committee, comments were made regarding errors in the road names proposed in reason for refusal 1 (RFR1). The wording was corrected in consultation with the applicant post-committee and the revised wording of RFR1 was used in the decision notice, received on 23 March 2023. RFR1 on the decision notice issued on 23 March 2023 reads as follows:

1. *“The proposed development would, by virtue of its excessive height, scale, and massing, result in a discordant and visually obtrusive form of development that would demonstrably fail to respect the local context and established pattern of development when viewed from the west of the site on Fernwood Crescent, Denham Road, Oakleigh Close and Oakleigh Road North as well as New Southgate Cemetery to the East, to the detriment of the character and appearance of the area, and the visual amenity of adjoining residential occupiers. The proposal would therefore not create a high-quality development, not constitute a sustainable form of development and would be contrary to the provisions of the NPPF, Policies D3, D4 and D9 of the London Plan 2021 and policies CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies 2012.”*

5.12 Following the issue of the decision notice on 23 March 2023 (**Appendix 4**), officers noted that the proposed reason for refusal 2 (RFR2) agreed at the 18 January committee, which related to the absence of a formal undertaking had not been included on the decision notice.

5.13 A revised decision notice was issued on 10 May 2023 (although it is still dated 23 March 2023) which includes RFR1 and RFR2. A copy of the Revised Refusal Decision Notice is appended at **Appendix 5**. However, the original decision notice was not revoked and there is no mechanism for the Council to re-issue an amended decision notice. Therefore, we consider the revised decision notice to be invalid.

5.14 In any case, the securing of planning benefits through section 106 obligations was agreed to as per the officer’s report presented to committee and when the section 106 agreement is entered into, that will overcome the second RFR on the invalid revised decision notice.

6. Contents of the Planning Application

- 6.1 The full list of planning application drawings and supporting documents is included at **Appendix 6.**

7. Consultee Responses

- 7.1 The consultation responses received from statutory consultees are summarised within **Appendix 7** along with consultation responses received from public consultees including individual objections, residents' associations, the local MP and Ward Councillors.
- 7.2 The full GLA Stage 1 and Stage 2 Reports can be found at **Appendix 8** and **Appendix 9** respectively.

8. Accordance with the Development Plan

- 8.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that “*in dealing with an application for planning permission...the authority shall have regard to the provisions of the development plan, so far as material to the application...and any other material considerations.*”
- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “*if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise*”.
- 8.3 Paragraph 12 of the NPPF states that “*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed*”.
- 8.4 The Development Plan for the Council currently comprises the following with the main relevant policies referred to in **Appendix 10**.
- The London Plan 2021;
 - Barnet Core Strategy 2012; and
 - Barnet Development Management Policies Document 2012.
- 8.5 Regard has also been given to the emerging Barnet Local Plan Review, which is a key material consideration in the determination of this planning appeal. The Local Plan Review documents were formally submitted to the Secretary of State on 26 November 2021. Examination hearing sessions concluded in November 2022 and examination documents were produced by the Council during and following the hearing sessions. An Inspector Led Consultation closed on 26 April 2023 and related specifically and only on those examination documents and Statements of Common Ground. The Appellant submitted representations on 19 April 2023.
- 8.6 Following the close of the Inspector Led Consultation on the documents produced by the Council during and following the hearing sessions, the Inspectors wrote to the Council seeking clarification on a number of matters set out in their letter (EXAM41) dated 27th June 2023 (growth areas, town centres, estate renewal, major thoroughfares, climate change, parks and open spaces, biodiversity, transport infrastructure and specific site allocations). The Council had until 28 July 2023 to respond. At the date of this Statement of Case being submitted, no response had been published.
- 8.7 Whilst not yet forming part of the Development Plan, given the progression of the emerging document in the examination process we consider that the emerging Local Plan Review carries significant weight in the determination of this planning appeal and those relevant policies are also referred to in **Appendix 10**. The weight attributed to the emerging Local Plan is subject to change as the examination progresses.
- 8.8 Other relevant policy and guidance documents include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), and various SPDs and SPGs adopted by both the Council and the GLA. These are also referred to in **Appendix 10**.
- 8.9 In summary, as with the Existing Scheme, the Site is not in a location designated as suitable for tall buildings as per adopted local Policy CS5 and DM05. However, the proposed development

accords with London Plan Policy D9 through its compliance with the qualitative criteria in Part C. As decided in the *Master Brewer* judgement of the High Court which can be found at **Appendix 11** (London Borough of Hillingdon, R (On the Application Of) v Mayor of London [2021] EWHC 3387 (Admin) (15 December 2021)), there is no wording which indicates that Part A and/or Part B of Policy D9 are gateways, or pre-conditions, to Part C.

- 8.10 Policy D9 supersedes those local policies and therefore it is considered, as was the conclusion of the officer's report to committee, that when taken as a whole the Appeal Scheme accords with the development plan. Indeed, the GLA Stage 2 Report confirmed that the proposed development could comply with the qualitative criteria in Part C of Policy D9, noting that the visual, functional, environmental, and cumulative impact of the Appeal Scheme and the principle of the proposed tall buildings are acceptable.
- 8.11 Further to the above, and in relation to emerging Policy CDH04 of the draft Local Plan Review, Page 4 of the Examination Document 79 of the Local Plan Review Examination (**Appendix 12**) confirms that emerging Policy CDH04 accords with the *Master Brewer* judgement, stating that Policy CDH04(d) "*makes clear that all proposals for tall or very tall buildings (therefore irrespective of their location), need to be assessed in accordance with the impacts outlined in London Plan Policy D9 Part C as well as other relevant Local Plan policies*".
- 8.12 The Site does not need to fall within a location specifically identified for tall buildings to comply with the relevant policies as a whole.
- 8.13 Should the Inspector consider the Appeal Scheme does not accord with the development plan, there are significant benefits of the Appeal Scheme and other material considerations including draft local Policy CDH04 and the previously allowed appeal on this Site by the Secretary of State, the latter of which determined that tall buildings were acceptable on the Site.
- 8.14 Based on the material considerations and benefits that are summarised in this Statement of Case and will be expanded on in evidence, planning permission should be granted having regard to the presumption in favour of sustainable development and the approach to decision making set out in Paragraph 11 of the National Planning Policy Framework 2021 (NPPF).
- 8.15 In summary, the appeal proposals accord with the development plan when read as a whole and so the appeal should be allowed as material considerations far from indicating otherwise, lend further support to granting permission; alternatively, if it is concluded that the appeal proposals do not accord with the development plan, the appeal should still be allowed as material considerations in particular the benefits of the appeal proposals would indicate that permission should be granted.

9. The Appellant's Case

- 9.1 Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015 states that “*where planning permission is refused, the [Council’s decision] notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision*”.
- 9.2 As can be seen from the Council’s reason for refusal, the Council’s objection to the Scheme is based solely on the height, scale and massing of the development. Other than in respect of these matters the Planning Committee can be taken to have accepted the advice of the Council’s professional planning officers.
- 9.3 As noted previously, the benefits of the Appeal Scheme are substantial over and above the Existing Scheme including the delivery of an additional 1,069 new homes, of which 35% would be provided as Affordable Housing (representing a net increase of 377 units); an uplift of 1,971 sqm of non-residential Class E and F floorspace, including a re-provision of Class E(g) starter units, a health centre, a multi-faith community space, and a small-scale nursery; an uplift of approximately £34 million CIL monies towards local infrastructure; increased levels of household expenditure in the local area; increased levels of council tax receipts; and increased levels of employment during construction and operation.
- 9.4 The following matters are expected to be common ground between the Appellant and the Council, based on the extensive pre- and post-submission discussions with the Council:
- 9.4.1 **Principle of Mixed-Use Residential-Led Development** - The basic principle of the redevelopment of the North London Business Park for a residential-led mixed-use development including the proposed school building has already been established by the Original and Existing Scheme.
- 9.4.2 **Acceptability of Loss of Employment space** - The loss of the existing employment space has already been established by Existing Scheme which proposed 5,177 sqm of non-residential floorspace. The Appeal Scheme proposes 7,148 sqm of Class E and F floorspace which would include retail, a re-provision of Class E(g) (previously B1) starter units along with a health centre, a multi-faith community space, and a small-scale nursery. The Appeal Scheme will deliver an increase of 1,398sqm in community floorspace provision compared with the Original and Existing Scheme.
- 9.4.3 **Education** – Barnet has seen an unprecedented recent growth in demand for school places, with the Borough already operating at almost full capacity in the secondary sector. The provision of additional forms of entry at St Andrew the Apostle School would contribute towards meeting this requirement. The new School would represent both a qualitative and quantitative improvement and is wholly appropriate in land use terms. With regards to primary school capacity, the Education and Children’s Services confirmed that the demand for primary school places as a result of the development could be absorbed by primary schools in the wider area.
- 9.4.4 **Housing Density** - The density of the proposed development would equate to 147 units per hectare which follows a design-based approach in accordance with Policies D1, D1A, D1B, and D3 of the London Plan.
- 9.4.5 **Affordable Housing** – The proposed affordable housing offer of 95 units in Phase 1, comprising of 38 London Affordable Rent units and 57 shared ownership units, is the maximum viable amount that can be delivered in Phase 1, which is agreed between Appellant and the Council’s advisor as a result of interrogation of the Appellant’s viability appraisal, in line with local Policy CS4 and London Plan Policy H5. The overall proposed affordable housing offer of 532 units (21% in total) represents 35% of the uplift in housing across the Appeal Scheme. The overall affordable housing offer comprises 246 Affordable Rent units and 266 Shared Ownership units and is the maximum viable

amount that can be delivered on the Site. The exact mix will depend on detailed design of the later phases and will be confirmed at reserved matters stage for each outline phase.

- 9.4.6 **Unit Mix** – The mix of housing proposed through the Application is appropriate in respect of the mix of 1, 2, 3, and 4-bed units to address housing preference and need in accordance with local policy DM08 and H10 of the London Plan.
- 9.4.7 **Sports Facilities** – Whilst the northern area of the Site was historically used as a private sports field for business occupiers, this has not been in use since the 1990s. The provision of an all-weather sports pitch, indoor sports hall and MUGA which will be available for the School and the wider community will provide significant social and community benefits and the proposed sports facilities provision would be a major benefit to both the School and the wider community.
- 9.4.8 **Car and Cycle Parking** – There are no issues regarding the levels of car and cycle parking proposed through the Scheme. The proposed maximum parking ratios for PTAL 1 & 2 are 1.25 and 0.75, respectively. The proposed parking ratio of 0.8 was considered an appropriate balance for this location following a robust assessment of the potential trip generation which demonstrated that overspill parking would not be problematic for the surrounding streets. Therefore, the levels of car parking are within the maximum proposed through Policy T6 of the London Plan, whilst the quantity of cycle parking is more than the minimum standards set through the London Plan.
- 9.4.9 **Access and Highways** – There are no issues regarding the proposed access and highways strategy proposed through the Scheme, as agreed with the Council's highways officers and TfL, subject to conditions and obligations to be secured through the proposal.
- 9.4.10 **Noise and Disturbance** – Subject to suitable conditions there are no issues regarding noise and general disturbance because of the Scheme, in line with adopted local Policy DM04, London Plan Policy D14 and emerging Policy GSS11 of the Local Plan Review.
- 9.4.11 **Air Quality** – Subject to suitable conditions there are no issues regarding air quality as a result of the Scheme, in line with adopted local Policy DM04 and CS13, London Plan Policy S11 and emerging Policy ECC02 of the Local Plan Review.
- 9.4.12 **Daylight and Sunlight** – There are no issues regarding daylight and sunlight impacts on existing and proposed neighbouring residential properties as a result of the Scheme, in line with local Policy DM01, London Plan Policy D6 and emerging Policy CDH01 of the Local Plan Review.
- 9.4.13 **Energy and Sustainability** – There are no issues regarding the energy and sustainability strategy and conclusions, in line with adopted local Policy DM04, CS13, the energy hierarchy as set out in the London Plan and emerging Policy CDH02 of the Local Plan Review.
- 9.4.14 **Landscaping and Trees** – there are no issues regarding the proposed landscaping of the Site, in line with adopted local Policy DM01 and CS7, London Plan Policy S4 and emerging Policy CDH07 of the Local Plan Review. The proposals will achieve an Urban Greening Factor of 0.42 across the completed masterplan which exceeds the London Plan requirements.
- 9.4.15 **Play Space and Open Space** – The quality and quantity of play space and open space provision is fully compliant, in line with local Policy CS7, DM02, London Plan Policy S4 and emerging Policy GSS11 and CDH07 of the Local Plan Review.
- 9.4.16 **Amenities of Neighbouring and Future Residents** – The majority of the proposed buildings are located over 11m from the Site boundaries, being located 30-55m from rear elevations of surrounding properties. These separation distances ensure no demonstrable loss of daylight/ sunlight or privacy. The only instance where buildings are

located closer than 11m to the respective boundaries are in the case of the flank walls of the 3-storey wings to Blocks 1E and 1F, however the Council is satisfied that a condition ensuring obscure glazed windows on this elevation will ensure no impact on privacy.

- 9.4.17 **Quality of Accommodation** – The quality of accommodation is fully compliant having regard to minimum space standards for internal accommodation and external amenity space, whilst all units will be built to either M4(2) or M4(3) standards and 10% of all units will be built to wheelchair standards in accordance with London Plan Policy D7.
- 9.4.18 **Safety and Security** – The Appeal Scheme is considered to enhance safety and security and mitigate the potential of crime over and above the existing estate in line with adopted local Policy CS12 and London Plan policy D11.
- 9.4.19 **Fire Safety** - There are no issues regarding fire safety, in line with London Plan Policy D12.
- 9.4.20 **Conservation and Archaeology** – There are no issues regarding conservation or archaeology, in line with adopted local Policy DM06 and CS5, London Plan Policy HC1 and emerging Policy CDH08 of the Local Plan Review.
- 9.4.21 **Biodiversity** – There are no issues regarding biodiversity in line with adopted local Policy DM01, DM16 and CS7, London Plan Policy G6 and emerging Policy CDH01 and CDH07 of the Local Plan Review.
- 9.4.22 **Flood Risk and Drainage** – There are no issues regarding flood risk and drainage, in line with adopted local Policy DM04, London Plan Policy SI12 and emerging Policy ECC02A of the Local Plan Review.
- 9.4.23 **Utilities** - Each phase of the Appeal Scheme can be delivered without any abnormal utility constraints. Given the inclusion of renewable energies and rainwater harvesting within the Appeal Scheme, there are not expected to be any future capacity restrictions or abnormal reinforcement requirements.
- 9.4.24 **Ground Conditions and Contamination** - The submitted Environmental Statement acknowledges that remediation will be required due to the previous historic use of the Site and the Council's Environmental Health Team are satisfied that appropriate contamination remediation conditions are attached to the permission.

Potential Area of Disagreement

Height, Scale, and Massing

- 9.5 The Appellant will provide evidence to demonstrate that the height, scale and massing of the proposed development is entirely appropriate in its context and has been carefully considered through extensive pre-application preparation and engagement.
- 9.6 The evidence will demonstrate that the Appeal Scheme was very carefully considered in this regard taking into account the expert views of the Appellant's consultant team, the Council's specialist officers and other key stakeholders such as the Design Review Panel.
- 9.7 RFR1 was given despite the assessment and planning judgement exercised by Officers at the Council, who were supportive of the design of the proposals including its height, scale, and massing. The Officer's Committee Report notes that *"the proposed changes in scale would not significantly impact the townscape impact on the surrounding area. While there is some minor degree of harm this needs to be weighed up against other scheme benefits (and any additional harm) including the proposed additional housing including affordable"*.
- 9.8 The references to the views from Fernwood Crescent, Denham Road, Oakleigh Close and

Oakleigh Road North as well as New Southgate Cemetery to the East relate to views 16, 18, 19, and 7 of the submitted TVIA. In relation to these views, the Committee Report recognises that there would be *“a higher magnitude of change”* but that this is *“difficult to establish as harmful, particularly in the context of the tall buildings deemed acceptable by the Inspector on the previous application”*.

- 9.9 The GLA in their Stage 2 Report judged that the proposed development would have an adverse townscape impact on the above views but that it is *“considered to be acceptable, on balance, noting the overall public benefits...”*. With regard to harm, GLA Officers concluded that the Appeal Scheme would not harm any local or strategic views and that the proposed height and massing *“could be accommodated on this large site without causing a significant adverse impact on the surrounding townscape or local character”* and in relation to immediate views, *“where the scheme would be visible in immediate views from around the site, the impacts are broadly comparable with the previous application which was permitted and are not considered to cause any townscape harm”*.
- 9.10 Overall, GLA Officers consider that *“the proposals would accord with the design-led approach to optimising the housing capacity of the site, in line with the London Plan”* and found that the Scheme *“would not harm any local or strategic views”*.
- 9.11 The previously allowed appeal on this Site by the SoS already permits tall buildings on the Site. The SoS agreed 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”*. With respect to the taller building elements previously considered, the SoS noted that:
- 9.11.1 The taller buildings would be located away from the existing development, in the interior of the site or adjacent to railway lines, providing a buffer;
- 9.11.2 The proposed buildings closest to the existing development would be three storeys; and
- 9.11.3 Open space would be retained between blocks.
- 9.12 For these reasons, the SoS agreed with the Inspector that the *“proposal is appropriate to the current character of the site... and that the taller buildings would not be visually obtrusive...to those living around the site”*.
- 9.13 Outside of the immediate surroundings, the SoS considered that whilst the taller buildings proposed would be visible from locations in the surrounding area, they would largely be part of the background cityscape which is a characteristic of London, even in the suburbs.
- 9.14 The SoS therefore concluded that the proposal was *“acceptable in terms of scale, massing and design, and would not harm the character and appearance of the area”*.
- 9.15 In summary, the principle of a tall building in this location has already been established by virtue of the SoS and Inspector agreement that the Site is large enough to have its own character previously proposed tall buildings were acceptable on the Site.
- 9.16 The proposed development represents an uplift of 1,069 units (from 1,350 to 2,419) which is a significant benefit of the Appeal Scheme which also allows a greater proportion of affordable housing to be provided. The increase in dwellings will be accommodated in buildings of up to 13 storeys (including the ground floor) which is considered only a minor increase over the consented nine storeys (including the ground floor) and represents a sustainable, design-led optimisation of a brownfield site.
- 9.17 Where height has been increased they are not on those parts of the Site where the development

directly adjoins existing lower-rise residential housing. This is to avoid any negative impact, real or perceived, to immediately adjoining neighbours. As such the main impact on assessing the height changes is from a townscape rather than a neighbouring amenity perspective. It should also be noted that the detailed design of the future outline section would be provided as part of a future reserved matters application and as such might not reach the maximum storey heights in all instances.

- 9.18 The height increases proposed under the Appeal Scheme are modest compared to the Existing Scheme and are thoroughly assessed in the Townscape and Visual Impact Assessment submitted as part of the Appeal Scheme planning application. The Townscape and Visual Impact Assessment concludes that the Appeal Scheme would not give rise to any adverse visual impacts.
- 9.19 Given the existing 21m topographic height differential across the Appeal Scheme area (equivalent to 7 residential storeys), the most appropriate design strategy has been to locate the taller elements of the Appeal Scheme in the lower elevations of the site, so that overall buildings heights have minimal impact on the skyline.
- 9.20 The existing railway line represents a wide and linear area of ground, which offers a natural separation between the Appeal Scheme and the land on the opposite side of the railway line. This existing and generous separation means that the perception of impact of any increased height is minimal.
- 9.21 Where additional storeys are proposed, these are to buildings grouped around the large new public park proposed as part of the Appeal Scheme. The wide and open character of this park will balance with the modest height increases.
- 9.22 Buildings between the railway line and 'New Brunswick Park' (Buildings 4A, 5A, 5B), for the reasons set out above are deemed least sensitive for height increase, therefore are generally proposed to receive an additional four storeys.
- 9.23 Buildings that are not along the railway line but are positioned at lower elevations of the site and are away from adjacent neighbouring boundaries (Buildings 1C, 1D, 3A, 4A) are proposed to receive modest height increases of 1 or 2 storeys. Buildings 3A and 4A, where they face onto New Brunswick Park, with focal elevations with the potential to perform a placemaking junction, are proposed to receive 5 and 3 additional levels respectively. These taller buildings in the Appeal Scheme are positioned at either side of New Brunswick Park, with a separation distance of over 200m.
- 9.24 All other buildings within the Appeal Scheme (Buildings 1A, 1B, 1E, 1F, 2A, 2B, 2C, 2D, 2E, 2F, 3B & 4B), which represent the vast majority of buildings within the scheme, are not proposed to accommodate any additional storeys.
- 9.25 The evidence will show that the minor increase in height can be accommodated without causing any unacceptable impacts or harm to the surrounding townscape or local character.
- 9.26 A material consideration of the Appeal Scheme is the Secretary of State decision on the Original Scheme. As was the Inspector and Secretary of State's view, tall buildings in this location are acceptable. The existing character of the Site remains as it was at the time of that decision and is entirely different to the surrounding area and does not contribute to the character and appearance of that area.
- 9.27 The proposed development represents design-led optimisation of a brownfield site. The Scheme was carefully considered taking into account the expert views of the Appellant's consultant team,

Council officers, and the GLA and Design Review Panel. The development is of the highest architectural and landscape quality involving the regeneration of an under-utilised brownfield site.

- 9.28 The overall effect of the proposed development would be to open up what is currently a relatively self-contained Site and integrate it better with its surroundings. The Site has always been developed differently. The proposed development would be neighbourly in its approach to the distribution of massing across the Site, and would offer a benefit to the local and wider area in which the Site is located. The proposed development would enhance the views in which it is seen most clearly.
- 9.29 In summary, the Appellant will provide evidence that the Appeal Scheme is appropriate in respect of its height, scale, massing and townscape impact and whilst it is a departure from adopted local policies by virtue of a conflict with Policy CS5 and DM05 relating to tall buildings, the Scheme is compliant with both adopted London Plan Policy D9 and emerging policy CDH04 relating to tall buildings, the former of which supersedes the adopted local tall building policies. On this basis and as per the conclusion of the Officer's Committee Report, it is considered to accord with the development plan when taken as a whole.
- 9.30 Further, the benefits of the Appeal Scheme clearly and demonstrably outweigh any conflict with the adopted development plan (should there be any) and alongside the material considerations of the case, the appeal should be allowed and permission granted, subject to appropriate conditions.

10. Summary

- 10.1 The Appellant's evidence will demonstrate that the height, scale and massing of the Scheme are acceptable and do not justify the refusal of planning permission, and that the proposals accord with the Development Plan.
- 10.2 Having regard to Section 38(6), and subsequently Limb (c) of Paragraph 11 of the Framework, whilst there is a small departure from the development plan in terms of adopted local tall building policies, the Appeal Scheme accords with adopted London Plan Policy D9 which supersedes those adopted local policies.
- 10.3 The Appellant's position is that the Appeal Scheme accords with the Development Plan when taken as a whole and in any event there are material considerations and benefits which weigh in favour of allowing the appeal and which outweigh any departure from local development plan policy (if any).
- 10.4 Paragraph 134 of the NPPF states that "*significant weight should be given to (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and / or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*"
- 10.5 The Appeal Scheme evolved through extensive pre-application discussions with the Local Authority, including Design Review Panel, and with the GLA and underwent several design iterations to improve the quality of design and ensure the scale and density of development proposed was suitable for the Site and its surroundings.
- 10.6 The result is a design of the highest architectural and landscape quality which reflects local policies and national guidance on design, ensuring that there is no adverse impact on the quality of accommodation for neighbouring properties, coupled with ensuring all design guidelines for the future residential units are satisfied.
- 10.7 The design promotes high levels of sustainability, most notably through the optimisation of the Site to accommodate an uplift of 1,069 dwellings above the Existing Scheme, of which 35% will be affordable, with only minor height increases, as well as meeting the carbon reduction targets set through the London Plan through use of electric heat pumps and maximisation of PV panels. The Appeal Scheme also achieves an Urban Greening Factor of 0.42 and significant Biodiversity Net Gain improvements.
- 10.8 The Appeal Scheme therefore will significantly raise the standard of design most notably on Site and therefore significant weight should be given in support of the scheme as per Paragraph 134 of the NPPF.
- 10.9 There are also significant planning benefits delivered by the Appeal Scheme which represent a considerable uplift in the benefits of the Existing Scheme and weigh further in favour of granting planning permission, including:
- 10.9.1 Delivery of 2,419 new homes on previously developed, brownfield land;
 - 10.9.2 A significant contribution to affordable housing (21% or 512 units);
 - 10.9.3 Delivery of a brand new 5FE secondary school building for St Andrew the Apostle who are currently operating out of unsuitable temporary buildings on-site as well as

contributing to meet Barnet's Education Needs;

- 10.9.4 Provision of a range of non-residential floorspace (7,148sqm) (use Class E and F) including small scale health care facilities, nursery, retail and flexible commercial units for SME's;
 - 10.9.5 Of the 7,148sqm of non-residential floorspace, 1,908sqm of community and healthcare floorspace proposed, with proposed agreement that Comer will deliver a long leasehold interest (not less than 99 years) of a shell of the new Centre to CWC (or an alternative provider to be agreed with the Council);
 - 10.9.6 Provision of extensive public realm (2.53ha of public open space), and parkland amenity space throughout the Site which will also accommodate dedicated play space for children of a variety of ages and which will be available to the wider community;
 - 10.9.7 Ancillary sport facilities within the school, including a gymnasium, a multi-use sports pitch and associated changing facilities which would be subject to a Community Use Agreement to allow for public access out of school opening hours and at weekends
 - 10.9.8 Provision of car and cycle parking within the basements throughout the Site;
 - 10.9.9 Significant financial contributions to local infrastructure in the form of CIL payments (approximately £60 million);
 - 10.9.10 Vast environmental improvements as a result of the proposed development, from the various SUDS and other environmental enhancements, to the provision of new trees and vegetation.
 - 10.9.11 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;
 - 10.9.12 Site access and transport infrastructure improvements including public transport, including new permeable pedestrian and cycle linkages through the Site via the proposed landscape public open spaces and greenway route;
 - 10.9.13 The provision of housing will make an important contribution to local construction employment and council tax receipts whilst household expenditure generated by future residents will also help to support economic activity locally; and
 - 10.9.14 The redevelopment would necessitate the substantial decontamination of the land. Due to the historic use of the site and the WWII air raid shelters which are located on site, there is a possibility that radium and other potential contaminants across the site. There would be the residual benefit of clearing the site of contamination should this be found during the construction process which would be a major benefit to the wider public.
- 10.10 The Appellant will also produce evidence, so far as necessary, to respond to outstanding objections raised by third parties.

11. Draft Conditions and Planning Obligations

- 11.1 The Appellant is in discussion with the Council regarding conditions and obligations and will seek to agree a list of conditions through this Planning Appeal. This will be covered in the Statement of Common Ground.
- 11.2 A draft of the proposed Section 106 Agreement will be submitted to the Inspector prior to the opening of the Inquiry.

Appendix 1: NLBP Appeal Decision (February 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

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
London SW1P 4DF

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

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.

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

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

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

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

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

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

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

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.

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

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

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

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

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

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;

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

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

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

- 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;

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

- 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;

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

- 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

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

- 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

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

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;

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

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.

Appendix 2: LBB Officer's Committee Report (December 2022)

LOCATION: North London Business Park, Oakleigh Road South,
London, N11 1GN.

REFERENCE: 21/4433/OUT **Received:** 10 August 2021
Accepted: 10 August 2021

WARD: Brunswick Park **Expiry:** 9 November 2021

APPLICANT: Comer Homes Group

PROPOSAL: 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 up to 461 residential units in five blocks reaching 9 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 1,967 additional residential units in buildings ranging from three to twelve storeys, up to 7,148 sqm of non-residential floor space (use Class E and F) and public open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking.

RECOMMENDATION

Recommendation 1

The application being one of strategic importance to London it must be referred to the Mayor of London. As such any resolution by the committee will be subject to no direction to call in or refuse the application being received from the Mayor of London.

Recommendation 2

Subject to Recommendation 1 above, the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes of seeking to secure the following, subject to any changes as considered necessary by the Head of Development Management:

- (a) Legal Professional Costs Recovery
Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.
- (b) Enforceability

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

- (c) Affordable housing
21% affordable housing by units across the whole development (2428) units in total) on the basis of the following tenure split.

Affordable Rent (246 Units)

20 x 1 bed
136 x 2 bed
90 x 3 bed

Shared Ownership (266 Units)

92 x 2 bed
174 x 2 bed

- (d) Affordable Housing – Review Mechanism Early, Mid and Late
Viability Review mechanisms to be agreed in liaison with the GLA
- (e) School plot land transfer to the EFA on a levelled, decontaminated and serviced plot.
- (f) Community Use Agreement School
- (g) Details of Delivery of SME Business Space including new Start up Units including tenancy details and rental costs..
- (h) Details of new Community and Health Care Space
- (1) *Comer to deliver a long leasehold interest (not less than 99 years) of a shell of the new Centre to CWC (or alternative provider to be agreed in writing with the Local Planning Authority) in a position and configuration agreed by the Council within Block 3A;*
 - (2) *The shell to be available for community provision and uses within Class E;*
 - (3) *The Lease to reserve a peppercorn rent and a service charge that is directly related to the Centre's uses and not the overall upkeep of the new development;*
 - (4) *The long leasehold to include the use of appropriate car parking and an ambulance bay in locations agreed by the Council.*
- (i) Provision of Minibus Services in perpetuity, details of number of vehicles, frequency of movement and mechanism of funding to be specified.
- (j) Bus Services Contribution of up to £1,525,000
- (k) Betstyle Circus Feasibility Study
- (l) Off Site Highway Works and Transport Measures

Funding for measures identified in the ATZ within a 1 mile radius, including accident mitigation

Funding for local junction improvements including the main access (Brunswick Park Road) upgrade and signalisation.

Funding to improve Cycling /walking experience as identified in the TAA, including a new link to Ashbourne Avenue & associated works.

Provision of signage to direct pedestrians and cyclists to key locations on and off-site.

Funding to upgrade and widen the footways on Brunswick Park Road (to the south and north bound bus stops) to provide 3m wide footways to each of the respective bus stops.

Contribution towards a review of the signalised junctions (J1, J3 and J8) will be undertaken with the TfL signals team to determine if any appropriate and proportionate mitigation can be delivered at these locations. Contribution towards implementation of the findings.

CPZ Monitoring contribution & provision for permit restriction in any future schemes

(m) Travel Plan measures and monitoring:

Including Provision of Travel Plans covering the following:

Travel Plan – School

Travel Plan - Residential

Travel Plan – Non Residential

Travel Plan - Nursery

An appropriate Travel Plan Monitoring Fee would also need to be paid.

(n) Section 278 Works

Necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development

(o) Carbon Offset Payment (Currently £4,196,877)

(p) Local Employment Agreement

Shall include Forecasting of job opportunities; Notification of job vacancies; Local labour target; Jobs brokerage and skills training; Apprenticeships and work experience; Use of local suppliers and delivery of specific LEA targets in regards to providing identified number of apprenticeships or alternative cash sum.

(q) Public Open Space

Provision of Public Open Space which shall remain open and accessible to the general public.

(r) Reptile Receptor Site Protection, Management and Monitoring

Appropriate identification of any off site location to be agreed with the LPA. Either works to be carried out to satisfaction of LPA or a financial contribution to be made to the LPA to enable the translocation, management and monitoring.

(s) Section 106 Monitoring contribution

(t) All financial contributions listed above to be subject to indexation.

Recommendation 3

The Committee grants delegated authority to the Service Director Planning & Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in his absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

Conditions

- 1 The development of Phase 0 and Phase 1 hereby permitted shall be carried out in accordance with the following approved plans:

School plans (Phase 0):

FS0200-ALA-XX-XX-DR-L-0001 P06
FS0200-STL-01-01-DR-A-0200 P05
FS0200-STL-01-01-DR-A-0201 P05
FS0200-STL-01-02-DR-A-0202 P05
FS0200-STL-01-B1-DR-A-0204 P05
FS0200-STL-01-EL-DR-A-0300 P05
FS0200-STL-01-EL-DR-A-0301 P05
FS0200-STL-01-EL-DR-A-0302 P05
FS0200-STL-01-R1-DR-A-0203 P05
FS0200-STL-01-SX-DR-A-0400 P05
FS0200-STL-01-SX-DR-A-0401 P05
FS0200-STL-01-SX-DR-A-0402 P05
FS0200-STL-02-00-DR-A-0205 P05
FS0200-STL-02-EL-DR-A-0303 P05
FS0200-STL-02-EL-DR-A-0304 P05
FS0200-STL-02-R1-DR-A-0206 P05
FS0200-STL-02-SX-DR-A-0403 P05
FS0200-STL-XX-EL-DR-A-0310 P02
FS0200-STL-ZZ-XX-DR-A-0900 P05
FS0200-STL-ZZ-XX-VS-A-0050 P05
FS0200-STL-ZZ-XX-VS-A-0051 P05
FS0200-STL-ZZ-XX-VS-A-0052 P05
FS0200-STL-ZZ-XX-VS-A-0053 P05
FS0200-STL-ZZ-XX-VS-A-0054 P05
FS0200-STL-ZZ-XX-VS-A-0055 P05

FS0200-STL-ZZ-XX-VS-A-0056 P05
FS0200-STL-ZZ-XX-VS-A-0057 P05
FS0200-STL-ZZ-XX-VS-A-0060 P05
FS0200-STL-ZZ-XX-VS-A-0061 P05
FS0200-STL-ZZ-XX-VS-A-0062 P05
FS0200-STL-ZZ-XX-VS-A-0063 P05
FS0200-STL-ZZ-XX-VS-A-0064 P05
FS0200-STL-ZZ-XX-VS-A-0065 P05
FS0200-STL-ZZ-XX-VS-A-0066 P05
FS0200-STL-ZZ-XX-VS-A-0067 P05
FS0200-STL-ZZ-XX-VS-A-0068 P05
FS0200-STL-ZZ-XX-VS-A-0069 P05

Block 1B:

211_1B_01_01
211_1B_02_00
211_1B_02_01
211_1B_04_01
211_1B_04_02
211_1B_05_01

Block 1C:

211_1C_01_01
211_1C_02_00 Rev C
211_1C_02_01 Rev C
211_1C_02_02 Rev C
211_1C_02_03 Rev C
211_1C_02_04 Rev C
211_1C_02_05 Rev C
211_1C_02_06 Rev C
211_1C_02_07 Rev C
211_1C_02_08 Rev C
211_1C_02_09 Rev C
211_1C_02_10
211_1C_05_01
211_1C_04_01 Rev C
211_1C_04_02 Rev B

211_C_09_01
211_C_09_02
211_C_09_03
211_C_09_04
211_C_09_05
211_C_09_06
211_C_09_07
211_C_09_08
211_C_09_09
211_C_09_10
211_C_09_11
211_C_09_12

211_C_09_13
211_C_09_14
211_C_09_15
211_C_09_16
211_C_09_17

Block 1D:

211_1D_01_01
211_1D_02_00 Rev A
211_1D_02_01 Rev C
211_1D_02_02 Rev C
211_1D_02_03 Rev C
211_1D_02_04 Rev C
211_1D_02_05 Rev C
211_1D_02_06 Rev C
211_1D_02_07 Rev C
211_1D_02_08 Rev C
211_1D_02_09 Rev C
211_1D_02_19
211_1D_04_01 Rev C
211_1D_04_02 Rev B
211_1D_05_01

211_D_09_01
211_D_09_02
211_D_09_03
211_D_09_04
211_D_09_05
211_D_09_06
211_D_09_07
211_D_09_08
211_D_09_09
211_D_09_10
211_D_09_11
211_D_09_12
211_D_09_13
211_D_09_14
211_D_09_15
211_D_09_16
211_D_09_17
211_D_09_18
211_D_09_19
211_D_09_20
211_D_09_21
211_D_09_22
211_D_09_23
211_D_09_24
211_D_09_25
211_D_09_26
211_D_09_27

Block 1C and 1D (basement floor plan):
211_02_001

Block 1E:

211_1E_02_01 Rev A
211_1E_02_02 Rev A
211_1E_02_03 Rev A
211_1E_02_04 Rev A
211_1E_02_05 Rev A
211_1E_02_06 Rev A
211_1E_02_07 Rev A
211_1E_02_08 Rev A
211_1E_04_01 Rev A
211_1E_04_02 Rev A
211_1E_05_01 Rev A

211_E_09_01 Rev A
211_E_09_02
211_E_09_03 Rev A
211_E_09_04 Rev A
211_E_09_05
211_E_09_06
211_E_09_07
211_E_09_08 Rev A
211_E_09_09 Rev A
211_E_09_10 Rev A
211_E_09_11 Rev A

Block 1F:

211_1F_01_01
211_1F_02_00
211_1F_02_01 Rev B
211_1F_02_02 Rev B
211_1F_02_03 Rev B
211_1F_02_04 Rev B
211_1F_02_05 Rev B
211_1F_02_06
211_1F_02_07
211_1F_02_08
211_1F_04_01
211_1F_04_02 Rev B
211_1F_05_01

211_F_09_01
211_F_09_02
211_F_09_03
211_F_09_04
211_F_09_05
211_F_09_06

211_F_09_07

Landscaping drawings (detailed phase):

HED-1140-RBP-P1-1001
HED-1140-RBP-P1-1002
HED-1140-RBP-P1-1003
HED-1140-RBP-P1-1004
HED-1140-RBP-P1-1005
HED-1140-RBP-P1-1006
HED-1140-RBP-P1-1007
HED-1140-RBP-P1-1013
HED-1140-RBP-P1-1014
HED-1140-RBP-P1-1016
HED-1140-RBP-P1-1017
HED-1140-RBP-P1-1018
HED-1140-RBP-P1-1019
HED-1140-RBP-P1-1020
HED-1140-RBP-P1-1021
HED-1140-RBP-P1-1022
HED-1140-RBP-P1-1023
HED-1140-RBP-P1-1024
HED-1140-RBP-P1-1025
HED-1140-RBP-P1-1026
HED-1140-RBP-P1-1027
HED-1140-RBP-P1-1028
HED-1140-RBP-P1-1029
HED-1140-RBP-P1-1030
HED-1140-RBP-P1-1031
HED-1140-RBP-P1-1032
HED-1140-RBP-P1-1033
HED-1140-RBP-P1-1034
HED-1140-RBP-P1-1035
HED-1140-RBP-P1-1036
HED-1140-RBP-P1-1037
HED-1140-RBP-P1-1038
HED-1140-RBP-P1-1039
HED-1140-RBP-P1-1040
HED-1140-RBP-P1-1041
HED-1140-RBP-P1-1042
HED-1140-RBP-P1-1043
HED-1140-RBP-P1-1044

Highways drawings (attached-were sent to Costi):

ST-3013-717-Brunswick Park Road Signalised Access Option with Right Turn Lane and ASL
ST-3013-700-Means of Access Rev 5
ST-3013-804-Swept Path Analysis-Fire Tender Site Access
ST-3013-805-Swept Path Analysis-Refuse Vehicle 9.6 Brunswick Park Rd

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 Either Phase 0, or Phase 1, hereby permitted shall begin no later than 3 years from the date of the original permission (24 February 2020).

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

- 3 In respect of each of Phase 0 and Phase 1, no development in the relevant Phase, other than Ground Works and Site Preparation Works (site clearance, site hoarding, decontamination and demolition) shall commence until a Construction Environmental Management Plan in respect of the relevant Phase, setting out the construction and environmental management measures associated with the development of that phase (either 0 or 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 0 and Phase 1 shall thereafter be implemented in accordance with the Construction Environmental Management Plan relevant to each individual phase 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 London Plan policies.

- 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.

The parts of the remediation scheme requiring works on the land within Phase 0 shall be implemented as approved prior to the occupation of Phase 0. The parts of the remediation scheme requiring works on the land within Phase 1 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) and the Sustainable Design and Construction SPD.

- 5 In accordance with the ES, and unless otherwise agreed with the Local Planning Authority, no construction works shall occur outside of the following times:

08:00 - 18:00 hours weekdays;
08:00 - 13:00 hours Saturdays.

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 should take place outside the bird breeding season (October to February). In accordance with the ES, any clearance of vegetation with the potential to support nesting birds during this period may only occur following a check by a qualified ecologist. If any active nests are found, works must cease, the area left in situ and an appropriate buffer zone established until such time as a qualified ecologist confirms that the nest is no longer in active use.

The clearance of vegetation within the gardens of properties that adjoin Rohan Drive must be undertaken according to a precautionary working method, with progressive clearance undertaken under the supervision of a qualified ecologist during the period that reptiles are active (April to September).

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

- 7 In respect of each of Phase 0 and Phase 1, no development of the relevant Phase (with the exception of Ground Works, Site Preparation Works and demolition) shall commence until a scheme of Advanced Infrastructure Works for that phase 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 0 and Phase 1 shall be carried out in accordance with the approved scheme for that relevant phase.

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 The development shall be carried out in accordance with the landscaping works as specified in discharge of condition application 21/0155/CON approved on the 17/09/2021.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and policies G4, G5 & G7 of the London Plan 2021.

- 9 Prior to the occupation of each building within Phase 0 and 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 policy G6 of the London Plan.

- 10 Phase 0 and Phase 1 shall be undertaken in accordance with the drainage strategy outlined in the Environmental Statement. No foul or surface water from each of Phase 0 and Phase 1 shall be discharged into the public system until the drainage works set out in the strategy in respect of that Phase 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 0 or 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 and Policy G7 of the London Plan 2015.

- 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. This should also include details of proposed electric charging and disabled parking provision. 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 policy T6 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 policy D7 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 each building within Phase 0 or 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.

- 15 Notwithstanding the details submitted with the application, prior to the construction of each building within Phase 0 or Phase 1, the following details shall be submitted to and approved in writing by the Local Planning Authority for that building:

- 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 each building within Phase 0 or 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. In respect of each of Phase 0 and Phase 1, the development shall be carried out in accordance with approved details before first occupation of each relevant phase and retained as such thereafter.

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 D14 of the London Plan.

- 17 The level of noise emitted from any plant within Phase 0 or 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 D14 of the Development Management Policies DPD and D14 of the London Plan.

- 18 Prior to the occupation of each of Phase 0 and Phase 1, details of the energy supply network for that specific phase 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.

The relevant phase 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 SI 2 and SI3.

- 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's Plan Sustainable Design and Construction SPG document.

Reason: To comply with the London Plan's SPG on Sustainable Design and Construction and Policy SI 1 of the London Plan in relation to air quality.

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

Reason: To ensure that the development is sustainable and complies with the requirements of London Plan Policy SI 5.

- 21 Prior to occupation of each of Phase 0 and Phase 1, an External Lighting Assessment of lighting proposed within that specific phase 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 in respect of the relevant Phase shall be implemented in full prior to occupation of that Phase.

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 In respect of each of Phase 0 and Phase 1, no building within the relevant shall be occupied until a Delivery and Servicing Management Plan in respect of each building in that respective phase 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 each building 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 in accordance with the NPPF, London Plan and Core Strategy.

- 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 in accordance with the NPPF, London Plan and Core Strategy.

- 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 reenacting 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 In respect of each of Phase 0 and Phase 1 no piling within the relevant Phase 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 the relevant phase 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 for that relevant phase.

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

- 28 In accordance with the plans approved under application 21/0155/CON, the approved scheme of biodiversity 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 Policy G6 of the London Plan.

- 29 In accordance with the plans approved under application 21/0155/CON, the approved scheme method statement including temporary tree protection measures shall be implemented and Phase 0 and 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 G7 of the London Plan.

- 30 Cycle parking for Phase 0 and Phase 1 shall be provided in accordance with the approved plans and in respect of each Phase, shall be available for use prior to occupation of that phase, 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 0 and Phase 1, no development within either Phase 0 or 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 HC1 and Barnet Policies CS5 and DM06.

- 33 The development of the outline elements of the proposal hereby permitted shall be carried out in accordance with the following approved plans:

Parameter Plans:

211_WS_02_00 (Existing Site Plan – Red Line Boundary Plan)
211_WS_02_01 Rev B (Proposed Development Zone Plan)
211_WS_02_02 (Access and Circulation Plan)
211_WS_02_03 (Landscape Treatment Plan)
211_WS_02_04 (Ground Floor Frontage Plan)
211_WS_02_05 Rev A (Development Zones and Maximum Heights)
211_2S_02_06 Rev A (Site Plan)
211_WS_02_07 (Development Zones & Horizontal Lines of Deviation)
211_WS_02_08 (Proposed Site Levels and Vertical Limits of Deviation)
211_WS_02_09 (Proposed Site Basement Levels & Limits of Deviation)

Sections:

211_WS_05_01 (Contextual Section AA and BB)
211_WS_05_02 (Contextual Section CC)
211_WS_05_03 (Parameter Sections 1-4)
211_WS_05_04 (Existing Section 1-4)

Landscape drawings:

HED-1140-RBP-LA-1001
HED-1140-RBP-LA-1002
HED-1140-RBP-LA-1003
HED-1140-RBP-LA-1004
HED-1140-RBP-LA-1005
HED-1140-RBP-LA-1006
HED-1140-RBP-LA-1007
HED-1140-RBP-LA-1008
HED-1140-RBP-LA-1009
HED-1140-RBP-LA-1010
HED-1140-RBP-LA-1011

Supporting documents:

Design Principles Document (August 2021)

Approved documents:

Design and Access Statement including Landscape Assessment and Inclusive Design Statement (B&K) August 2021
Flood Risk and Drainage Assessment Revision 2 (Stomor), July 2021

Response to LLFA Comments Reference: ST-3013/211209-LLFA Response (Stomor), November 2021
 Statement of Community Involvement (BECG), June 2021
 Design Principles Document (August 2021)
 Townscape and Visual Impact Assessment – ES Appendix 12.1 (Peter Stewart Consultancy), August 2021
 Daylight and Sunlight Report (eb7), August 2021
 Internal Daylight Report (eb7), August 2021
 Internal Daylight Addendum (eb7), July 2022
 BS5837 Tree Survey and Arboricultural Impact Assessment (Greengage), August 2021
 Energy and Sustainability Assessment
 Environmental Statement Volume 1 -Main Text and Figures (Greengage), September 2021
 Environmental Statement Volume 2 – Appendices (Greengage), September 2021
 Environmental Statement Volume 3 - Non-Technical Summary (Greengage), September 2021
 EIA Compliance Statement, Ref. 551510JB03AUG22L1 (Greengage), August 2022
 Planning Fire Safety Statement (Fire Risk Solutions), August 2021
 Overheating Assessment 2548-MKP-SW-ZZ-RP-1002-P2 (MKP), August 2021
 Phase 2 Geoenvironmental and Geotechnical Assessment 1921321-R01(00) (RSK), April 2021
 Transport Assessment including Travel Plan, Delivery and Servicing Plan, ST3013/TA-2 108 Rev 0 (Stomor), August 2021
 Utilities Report 2548-MKP-SW-ZZ-RP-M-1003 Rev P1 (MKP), August 2021
 Planning Statement (Daniel Watney), August 2021
 Pedestrian Level Wind Microclimate Assessment RWDI #2102824 – REV B, October 2021

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 Policy S12.

- 37 The development shall be carried out in accordance with the approved phasing plans which show development phases 0A to 5, or in accordance with such alternative phasing details as submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in appropriate phases and to allow the phasing plan to be amended to reflect changes to the phasing of the development that were not foreseen at the date when the phasing plan was approved.

38. No development shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are

unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

39. No development other than demolition of any phase other than Phase 0 shall take place until a detailed surface water drainage strategy has been submitted to, and approved in writing by the London Borough of Barnet Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the deployment in accordance with Policy CS13 of the Barnet Local Plan (2012), Policies SI 12 and SI 13 of the London Plan 2021, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (incl. the SuDS Manual, C753).

40. The development, including any works of demolition shall be carried out in full accordance with the Air Quality Assessment and Air Quality Neutral Assessment as submitted in accordance with the Environmental Statement.

Reason: To ensure that the development does not have an adverse impact on air quality in the vicinity, in line with the Sustainable Design and Construction SPD (adopted October 2016) and policy SI 1 of the London Plan.

41. The development shall be carried out in accordance with the fire prevention measures stated in the fire strategy by Dr Raymond Connolly at Fire Risk Solutions hereby approved.

Reason: In accordance with Policy D12 (Fire Safety) of the London Plan.

42. Prior to above ground works of a building within the relevant Development Plot, details shall be submitted demonstrating that the building has been designed using the principles of Secure by Design. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To protect the amenity of the area in accordance with policies DM01 and DM04 of the Barnet Development Management Document (2012).

43. Within 6 months of completion, a Post Completion Report setting out the predicted and actual performance against all numerical targets in the Circular Economy Statement, prepared by Greengage approved pursuant to this application, shall be submitted to the GLA at: circulareconomystatements@london.gov.uk, along with any supporting evidence as per the GLA's Circular Economy Statement Guidance.

The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.

44. Prior to commencement details of works within Phase 2: The following shall be undertaken:

- i) Details of the required translocation shall be submitted and approved by the LPA in line with the recommendations outlined within Section 5.5 of the submitted Phase 2 Ecology Survey Report (Greengage Environmental Ltd, September 2021). The details shall include the timing of the translocation, the persons responsible, the location of the required reptile exclusion fencing, and the reptile protection and mitigation measures necessary to complete the translocation, and the supervised clearance measure for the removal of suitable sheltering and hibernation habitat within phase 2.
- ii) The translocation works shall be undertaken in strict accordance with the approved translocation details outlined above. The reptiles captured shall be translocated to the to be approved receptor site in accordance with the agreed S106 agreement.
- iii) The field data on the translocation including the number, age and species or reptiles translocated shall be collated and submitted within the conditioned Reptile Mitigation Strategy.

Reason: To ensure that the protection of reptiles is not prejudiced during construction in accordance with Section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan (2021).

45. Prior to the commencement of any ground-breaking works with Phase 2 (including mobilisation, and ground works) a detailed Reptile Mitigation Strategy must be submitted to the Local Planning Authority and be approved. No further development on Phase 2 shall commence until the Local Authority has confirmation that all reptiles within the Phase 2 have been successfully translocated to the receptor site.

This document is to include the following:

- i) Reptile surveys to be undertaken within the remnant habitat for 21 days during the active reptile survey season (March to July and September inclusive).
- ii) Detailed mitigation plan outlining the measures to enhance the site for reptiles, the location and specification of the reptile exclusion fencing and, the methods for undertaking the required 30-day translocation.

iii) The 30-day translocation exercise shall be undertaken during the active reptile survey season (April to July, September). All reptiles captured during the translocation exercise shall be carefully translocated to the receptor site to be agreed within the S106.

iv) Details of protective measures for avoidance of harm to existing reptiles on site and on adjoining land.

v) The result of the translocation exercise shall be provided to the Local Authority within the document.

vi) Details of the appointed Ecologist who will oversee all aspects of the safeguarding of onsite ecology and habitats.

Reason: To ensure that the protection of reptiles is not prejudiced during construction in accordance with Section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan (2021).

46. Prior to commencement of works a detailed Landscape and Ecological Management Plan (LEMP) (BNG) and supporting plan that demonstrates the habitat creation, enhancement, management and monitoring measures that will result in the expected biodiversity net gain including water features shall be submitted and approved by the local planning authority.
1. This document shall include details of habitat creation, enhancement measures for biodiversity gains that accord with the submitted Defra Metric calculation within the Biodiversity Impact Assessment of "4.06 % for area-based units and a net gain of 77.70% for hedgerow units" (Greengage, August 2021). This shall be incorporated into the scheme of the hard and soft landscaping, of the development. This scheme will include details of existing trees to be retained and size, species, planting heights, densities, positions of any soft landscaping, and habitat enhancements such as bird and bat boxes log piles etc appropriate to location shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
 2. All work comprised in the approved scheme of landscaping and biodiversity enhancements shall be carried at the most optimal time wildlife and plantings. All works must be completed within 12 months after occupation before the end of the first planting and seeding season and when most optimal for when following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
 3. An updated Biodiversity Impact Assessment using the Defra 3.0 tool will be required prior to commencement of occupancy, in which it will be required to show that the final design delivers a net gain.
 4. Details for the required monitoring of the habitats over a mandatory 30 year period including person responsible, timing shall be submitted and a condition assessment shall be undertaken periodically over the 30 year period and

contingency landscaping measures put in place to remediate any habitats which are not projected to achieve their desired BNG condition and score.

Reason: To ensure that the development represent 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 Barnet Local Plan and policy G6 of the London Plan 2021.

47. Prior to occupation of the relevant phase of the development hereby approved, details of external lighting proposed within that Development Plot shall be submitted to and approved in writing by the Local Planning Authority. The details of the external lighting shall include the existing average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to residential properties within proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings as well as mitigate any impacts to species including bats. Any light pollution mitigation identified shall be implemented in full prior to occupation of the relevant phase.

Reason: To ensure the development provides adequate amenities of the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan and to mitigate the impact to species including bats in accordance with policies CS7 and DM16 of Barnet's Local Plan and policy G6 of the London Plan 2021.

48. Prior to first occupation of any development plot within the Phases 2, 3, 4 and 5 of this development a Car Parking Management Plan demonstrating compliance with the Site Wide Car Parking Strategy shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed, the details shall include:

- i. Location and layout of car parking spaces;
- ii. Allocation of car parking spaces (for residential, non-residential users and visitors);
- iii. On-site parking controls and charges (if any);
- iv. The enforcement details of unauthorised parking in line with the Council's parking regime in Colindale within the development's surrounding area;
- v. 'Blue badge' space quantities in accordance with the London Plan;
- vi. Location of car club space (if required) in accordance with Site Wide Parking Strategy;
- vii. Electric Charging Points: Location and specification. For residential parking spaces, delivery of the 20% of parking spaces which shall be active and 20% which shall be passive electric charging points. For non-residential spaces, provision at 20% of spaces shall be undertaken with potential provision at a further 10% of spaces;
- viii. Car parking reconciliation (evidence that the number of vehicular parking spaces proposed for each Development Plot is proportionate having regard to the Site Wide Parking Strategy);

The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The Car Parking Management Plan and the abovementioned provisions shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policy T6 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) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

49. Prior to above ground works for each Development Plot further details of cycle parking including the location and number of cycle spaces and cycle storage facilities in accordance with the London Plan should be submitted to and approved by the Local Planning Authority and such spaces shall be permanently retained thereafter. Minimum aisle widths, as set out in London Cycling Design Standards, must be met and 5% of space should be provided for the storage of non-standard cycles.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and the London Cycling Design Standards 2016 and policy T5 of the London Plan.

INFORMATIVE(S):

1. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
2. In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
3. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

National Planning Policy Framework

This document replaces the previous version of the National Planning Policy Framework (NPPF) published in February 2019. The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

The NPPF states at Para 126, "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

In addition the NPPF retains a 'presumption in favour of sustainable development', unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and now supersedes the previous Plan (2016).

The new London Plan policies (arranged by chapter) most relevant though not exclusive to the determination of this application are:

Chapter 1

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience

Chapter 2

- Policy SD6 Town centres and high streets

Chapter 3

- Policy D1 London's form, character and capacity for growth
- Policy D2 Infrastructure requirements for sustainable densities
- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D7 Accessible housing
- Policy D8 Public realm

Policy D11 Safety, Security and resilience to emergency
Policy D12 Fire safety
Policy D14 Noise

Chapter 4

Policy H1 Increasing housing supply
Policy H4 Delivering affordable housing
Policy H5 Threshold approach to applications
Policy H6 Affordable housing tenure
Policy H7 Monitoring of affordable housing
Policy H8 Loss of existing housing and estate redevelopment
Policy H10 Housing size mix
Policy H15 Purpose-built student accommodation

Chapter 5

Policy S1 Developing London's social infrastructure
Policy S2 Health and social care facilities
Policy S4 Play and informal recreation

Chapter 6

Policy E2 Providing suitable business space
Policy E11 Skills and opportunities for all

Chapter 7

Policy HC1 Heritage conservation and growth

Chapter 8

Policy G1 Green infrastructure
Policy G5 Urban greening
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands

Chapter 9

Policy SI 1 Improving air quality
Policy SI 2 Minimising greenhouse gas emissions
Policy SI 3 Energy infrastructure
Policy SI 4 Managing heat risk
Policy SI 5 Water infrastructure
Policy SI 7 Reducing waste and supporting the circular economy
Policy SI 8 Waste capacity and net waste self-sufficiency
Policy SI 12 Flood risk management
Policy SI 13 Sustainable drainage

Chapter 10

Policy T1 Strategic approach to transport
Policy T2 Healthy Streets
Policy T3 Transport capacity, connectivity and safeguarding
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking

Policy T6.1 Residential parking
Policy T6.2 Office Parking
Policy T6.5 Non-residential disabled persons parking
Policy T9 Funding transport infrastructure through planning

Chapter 11

Policy DF1 Delivery of the Plan and Planning Obligations

Mayoral Supplementary Guidance

Planning for Equality and Diversity in London (October 2007)

This guidance sets out some of the overarching principles that should guide planning for equality in the London context.

All London Green Grid (March 2012)

This strategy provides guidance for designing and managing green and open spaces to bring about previously unrealised benefits. In doing so, we aim to encourage boroughs, developers, and communities to collectively increase the delivery of green infrastructure for London.

Play and Informal Recreation (September 2012)

Provides guidance to Local Authorities and development to estimate the potential child yield from a development, and the resulting requirements for play space provision.

Sustainable Design and Construction (April 2014)

The Sustainable Design and Construction (SPG) seeks to design and construct new development in ways that contribute to sustainable development.

The control of dust and emissions during construction and demolition (July 2014)

The aim of this supplementary planning guidance (SPG) is to reduce emissions of dust, PM₁₀ and PM_{2.5} from construction and demolition activities in London.

Accessible London: Achieving an Inclusive Environment (October 2014)

The strategy sets out to provide detailed advice and guidance on the policies in the London Plan in relation to achieving an inclusive environment.

Housing (March 2016)

The housing SPG provides revised guidance on how to implement the housing policies in the London Plan.

Affordable Housing and Viability (August 2017)

Set's out the Mayor's policies for assessing and delivering affordable housing and estate renewal.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD which

were both adopted on 11 September 2012. The Local Plan development plan policies of most relevant to the determination of this application are:

Core Strategy (Adopted 2012):

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

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

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

CS7 (Enhancing and Protecting Barnet's Open Spaces)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

CS10 (Enabling inclusive integrated community facilities and uses)

CS11 (Improving health and wellbeing in Barnet)

CS13 (Ensuring the efficient use of natural resources)

CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)

DM04 (Environmental considerations for development)

DM05 (Tall Buildings)

DM14 (New and existing employment space)

DM13 (Community and education uses)

DM15 (Green Belt and open spaces)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

Supplementary Planning Documents and Guidance

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

Local Supplementary Planning Documents and Guidance:

Sustainable Design and Construction SPD (April 2013)

North London Business Park Planning Brief

The Council adopted the Copthall Planning Brief following extensive public consultation in March 2016. The brief sets out the spatial strategy for the development of the North London Business Park Site.

Local Supplementary Planning Documents:

Sustainable Design and Construction (April 2013)

Planning Obligations (April 2013)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (April 2004)

Sustainable Design and Construction (May 2006)

Health Issues in Planning (June 2007)
Planning for Equality and Diversity in London (October 2007)
All London Green Grid (March 2012)

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. The EIP opened in September 2022 and recently concluded aural hearings. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account has been taken of the policies and site proposals in the draft Local Plan limited weight has been given to the draft Local Plan in the determination of this application.

1.2 Key Relevant Planning History

The site at North London Business Park was historically first brought into use as a cemetery by the Great Northern cemetery company in 1855. Subsequently the site was purchased by Standard Telephones and Cables in 1922 and various industrial buildings were subsequently erected in the period up to the Second World War.

The site was partly redeveloped in the 1980's and in the early 200's into the form which is present today. Standard Telephones and Cables was bought out by Nortel in 1991 who vacated the site in 2002 when the site was renamed as North London Business Park.

Recent Relevant History

15/07932/OUT 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 sqm of non-residential floor space (use Classes A1-A4, B1 and D1) and 2.54 hectares of open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking. March 2017 RECONSULTATION Amended Plans: involving the provision of 10% Affordable Housing across the site with an overall increase in the proposed number of housing units from 1,200 to 1,350. The tallest buildings have been reduced in height from 11

to 9 storeys with some buildings along the boundary of the rail line increased from 7 to 9 storeys.

The planning application was recommended for approval by LB Barnet Officers but refused by Members of the Planning Committee in June 2017 for the following reason:

'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 that would fail to respect its local context and the pattern of development in its context, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore not constitute a sustainable form of development and would be contrary to policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (July 2011, October 2013 and January 2014)'

The application was subsequently appealed and recovered by the Secretary of State (SoS), and an Inquiry was held between October and November 2018.

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. A costs award was also awarded against Barnet Council.

The hybrid permission was approved as follows:

- Phase 1 was approved in detail and comprises 360 residential units in five blocks reaching up to 8 storeys, alongside the provision of a 5 form entry secondary school including a multi-use sports pitch and associated changing facilities, MUGA facilities on the school roof, improvements to open space and transport infrastructure; and
- Phases 2 – 5 were approved in outline and comprise a further 990 residential units in buildings ranging from two to nine storeys, up to 5,177 sqm of non-residential floorspace including shops, offices, food and drink, and public buildings. This includes 2.54 hectares of public open space including play, alongside associated transport infrastructure, further landscaping and car parking.

In addition to the S73 application pursuant to this report a separate planning application was submitted in August 2021 for alterations to the appeal scheme to allow amongst other things an uplift of 1,078 units from 1350 to 2428 units. This scheme is still under consideration, the details of this application are as follows:

22/1579/S73 Variation of condition 1 (Approved Plans) of planning permission reference 15/07932/OUT dated 24/02/20 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 sqm of non-residential floor space (use Classes A1-A4, B1 and D1) and 2.54 hectares of open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking. March 2017 RECONSULTATION Amended Plans: involving the provision of 10% Affordable Housing across the site with an overall increase in the proposed number of housing units from 1,200 to 1,350. The tallest buildings have been reduced in height from 11 to 9 storeys with some buildings along the boundary of the rail line increased from 7 to 9 storeys.' Variation to include: Changes to the school: Changes to the main access point on Brunswick Park Road: Changes to phasing. Approved on 20.10.2022.

There are other minor applications for historic consents on the site including consents for educational uses utilising existing buildings on the site.

1.3 Pre-application Consultation by the Applicant

A statement of community involvement has been submitted with the Planning Application which outlines the consultations which the applicant carried out prior to the submission of the application. This included workshops with the GLA and the London Borough of Barnet, meetings with Local Ward Councillors, MP's and residents associations as well as Public Consultation Events. Due to covid submissions at the time, these consultation events were carried out online.

1.4 Public Consultations by the Council and Views Expressed

Public Consultation

3206 local residents were consulted on the planning application by letter on 16.08.2021. The application was advertised in the local press on 19 August 2021 and site notices were put up on site on 19 August 2021. The consultation process carried out for this application is considered to be appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and the Council's own adopted policy.

Reconsultation

Neighbouring residents were re-consulted on the 21st October 2022 following the receipt of amended plans involving alterations to the junction arrangements including the installation of a signalised junction on Brunswick Park Road.

The plans were also previously amended in relation to minor amendments to the proposed blocks increasing the percentage of dual aspect units and reducing the quantum of development by 9 units, however this change was not subject to formal consultation as the amendments did not significantly change the nature of the application and did not affect the substance of the comments received.

Public Representations

As a result of the consultation, a total of 879 responses have been received with 773 objections, 102 letters of support and 4 neutral responses.

The comments received from members of the public have been summarised as follows:

Summary of main points raised by members of the public in objecting to the scheme.

Original scheme should never have been approved and this adds to it.
Proposal would increase density of the site by 80% over the previous appeal scheme.
Ridiculous to add height to proposals which were already too high (on the previously approved scheme)
Insufficient green space
Proposal over large for surrounding area
Insufficient car parking, will put pressure on surrounding roads.
Insufficient infrastructure to support proposed housing including doctors, primary schools and surrounding roads and public transport.
Local Primary schools over subscribed, and long waits at local doctor's surgeries
Brunswick Park Road unable to cope with volume of traffic and additional bus services will not be able to get through.
Proposals will add to local congestion and pollution.
Proposed heights of up to 13 storeys out of keeping with surrounding area.
Surrounding area is all low rise housing.
Out of keeping with suburban character of the area
Letters of support from outside the area and relate to the school only.
Leverage of school proposals should be ignored in considered residential proposals.
Too many properties proposed for the area.
Proposals contradict local plan policies.
Site is not within an identified tall building area and proposals are contrary to this point.
Proposal would exceed site capacity of the draft Reg 22 local plan
Proposal would destroy character of the area.
Object to Weirdale Avenue link, as will encourage parking and movement through these roads which are already too narrow and full of parking.
Proposals would cause mental and physical distress to neighbouring residents.
Increasing population densities bad for health, environment and the economy.
Lack of demand for flats post Grenfell and preference for houses with gardens post covid means properties could be unsold.
High rise development could result in high crime rates and is building the slums of the future.
Insufficient employment space left on site and surrounding area as a result of the development.
Proposal would cause overlooking and loss of light to neighbouring properties, particular Brunswick Crescent and Meadsway
Recent removal of trees has removed screening of development
Disturbance caused by development which has commencement, traffic, vibration etc.

Damage which has been done to ecology on site, through removal of trees, draining of pond and activities on the top of the site.

Summary of main points raised by members of the public in support of the scheme.

Support provision of new school.

Pupils have been in temporary accommodation too long, need permanent school building.

Officer Comment

All of the above representations have been taken into account in the officer assessment, which form part of the officer assessment below.

Elected Representatives.

Councillors

(Former) Cllr Weedon Sanz

I am writing to object to the above planning application for the North London Business Park.

I am appalled by the new proposals which increase the existing approved plans unacceptably in height, bulk, massing and density which is totally at odd with our suburban and low rise area. It would damage the neighbourhood further and be intrusive over neighbouring roads and homes. The increase in height to 13 storeys is totally excessive and in the wake of Grenfell and of our experiences of lockdown throughout Covid and how it affected the mental health of those living in tower blocks it is clear that tall buildings do not create happy communities or residents, highlighted in the recent report by the London Assembly too.

The reasons the previous application was recommended for approval by the inspector included that the borough had not met its housing targets which I now understand the borough has and so to increase this development's density would be damaging to the local community and serve no purpose other than to line the developers pockets.

These plans are a clear violation of the Barnet Local Plan and our Core Strategy CS5 given that the site is not an approved location for tall buildings. To approve this application would be to make a mockery of our local plan and policies. It would impose unbearable pressure on local infrastructure, including primary schools, local health services and cause chaos on the roads surrounding the site with the increase in traffic volume it will cause.

It is also disappointing to see the developer attempting to open access through to Ashbourne Avenue too after this was removed from the previous application, quite rightly, because it would destroy the sense of community in that road and in Weirdale Avenue and create a rat run and further problems with overflow parking.

(Former) Cllr Rutter

You will no doubt be aware that many of my constituents will be objecting to this new application with regards to the additional housing and extra stories on the blocks which is completely out of character in the local area and has not taking into consideration how the increased numbers will impact and have greater pressures on local services and infrastructure.

I would therefore like this to be noted and ask that this application be called in to committee for decision please and I would like to speak as before.

This new application includes “.....the provision of a 5 form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities.....”

In our telephone conversation earlier, I informed you that I was surprised to note that the Comer’s new application also included the school. The school should not be tied up with this new application and should be separate.

This is very confusing for the residents. The school should not have been included in this application especially as you also confirmed to me in our conversation that the Education Trust would be sending a new school planning application soon and you will be finding out when this will be received. This is contradicting. If the committee decide to refuse this planning application, will the school be affected too?

In response you confirmed however in our telephone conversation that any decision by the committee would not affect the school.

I would therefore be grateful if you could please confirm in response to my email - that any decision by the committee with regards to this application will not affect the school and its build and you will also find out and let me know when the Education Trust will be sending their school planning application.

Members of Parliament

Teresa Villiers MP has made comments on the application but has not submitted formal comments. Any formal response received will be reported in the Addendum.

GLA Assembly Member

None Received

Consultation responses from neighbouring associations other non-statutory bodies.

Consultation Responses from Statutory Consultees

Greater London Authority (GLA)

Strategic issues summary

Land use principles: The proposed optimisation of this consented residential-led masterplan to deliver an uplift of up to 1,078 new homes over the extant consent at a site which is locally designated for residential led mixed use redevelopment is supported (paragraph 20-22).

Housing: The application proposes 10% affordable housing (67/33 London Affordable Rent / shared ownership). In the absence of a verified viability position, and noting the significant uplift in quantum proposed, this level of affordable housing is wholly unacceptable. The GLA Viability Team is rigorously scrutinising the submitted FVA to advance viability discussions and ensure that the maximum level of affordable housing is secured over the lifetime of the development. Review mechanisms are required and affordability levels must be secured via S.106 (paragraph 23-30).

Urban design: The proposed height and massing would have relatively significant visual prominence in this suburban context and would also impact upon the setting of the Metropolitan Open Land to the south and east. The applicant must provide additional views from within the Metropolitan Open Land to allow a full assessment of any harm to be undertaken. The applicant must also address issues in respect of housing quality, architecture, and height and massing (paragraph 31-46).

Transport: The applicant must provide additional information in respect to; the transport assessment, public transport impacts, public transport improvements, the proposed shuttle service and vehicle and cycle parking. Noting the proposed uplift in quantum, the Council must appropriately secure; a contribution towards public transport improvements, vehicle and cycle parking, construction logistics, delivery and servicing and a travel plan (paragraph 54-63).

Sustainable development: Further information and clarification is required on the sustainable development strategies before compliance with the London Plan can be confirmed (paragraph 64-69).

Recommendation

That Barnet Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 73. Possible remedies set out in this report could address these deficiencies.

Comments Received 04/12/2022 (GLA Viability Officer)

From the perspective of the GLA's Viability Team, the updated offer represents the maximum viable amount. The affordable offer is some way below levels secured in the majority of schemes referred to the Mayor.

If it is decided that the application is acceptable, then robust review mechanisms will need to be secured in the S106; it is noted that LB Barnet's Planning Committee may want to consider key terms of the mechanisms.

The GLA Viability Team advise the following with respect to the review mechanisms:

Early, mid and late stage reviews will be required.

Mid stage reviews should take place prior to each phase (beyond phase 1). The late stage review should be triggered upon the occupation of a specified number of market tenure units within the final phase (for example 75%).

Given the scale and outline nature of the scheme and the effect of the development programme on the viability of the scheme, the approach to the viability reviews should not use the formulas set out in the Affordable Housing and Viability SPG, but rather comprise of a full reappraisal of the scheme. Only the Benchmark Land Value and Developer Return should be fixed in the Section 106 Agreement.

All reviews excepting the late stage review should, where a surplus is identified, deliver additional genuinely affordable housing on-site.

Only with the late stage review should any surplus be split between the developer and Local Planning Authority. For all other reviews, the surplus should be dedicated to additional on-site affordable housing.

Transport for London (TfL)

Using references in Stage 1 report:

Para 54 There is further assessment material in addendum TA. There are technical comments we need to provide direct to the consultant that won't impact on general conclusions but are concerns with how the LU station assessment has been undertaken.

Para 55 Please confirm measures secure reference to ATZ assessment. As long as they there, we just need to review in detail when you refer to the GLA.

Para 56 For buses, we requested an uplift in line with development quantum. We also need to make sure the original contribution will also be paid to TfL as intended.

So it would helpful to confirm that £825,000 is still secured in accord with the original permission plus £700,000 relative to the uplift.

This based on original development = 1350

Uplift = 1,150

The developers proposed this approach though. TfL is ok to agree.

Para 57 Please confirm if the highway authority will be able to justify the new signals in accordance with TfL guidance namely Appendix L:

<https://content.tfl.gov.uk/design-standards-signal-schemes.pdf>

TfL requested justification within Stage 1 report. I understand the highway authority supports this proposal and the design.

I had concerns with the layout from an active travel point of view, so I welcome the layout changes, and overall design is acceptable to TfL, subject to my general comments about the principal needing justification

If the highway authority (and LPA) confirm they believe new signals are justified in accordance with TfL guidance. Then they need to secure the full costs of the signals including commuted maintenance payments to TfL to ensure this is not a additional cost to TfL in the longer term.

The modelling to support the proposals need to be submitted to TfL and subject to TfL Model Audit Process. The model prepared to support the planning application hasn't been audited by TfL colleagues, so TfL can't comment on its validity. Therefore, your highway colleagues will need to confirm if the models are valid.

Para 58 I've not seen any further information on shuttle bus services as requested.

Para 59 We not supportive of the approach to car parking. We looking for further constraint given the density of development proposed, we don't support a ratio of 0.8. We know this is better than the approved permission of 1.5 space per unit. However, the level of constraint is not sufficient to support mode shift targets in the London Plan. We welcome the aspiration for mode shift, starting at 40% on opening to 27% within 10 years. This would suggest that increasing car parking constraint should be applied to later phases, whilst not rule out, there is no commitment.

For avoidance of doubt, at the meeting I attended in September. I asked for commitment to lower parking provision for future phases, with a preference to reduce car parking from the outset. The "monitor and manage" approach is not agreed by TfL.

Para 60 Notwithstanding the above, we are ok with the approach to Blue Badge parking and Electric Vehicle charging, subject to securing appropriate conditions.

Para 61 Have indicative layouts for cycle parking be provided? If so, do you need TfL to review them? Or if you or your colleagues reviewed against LCDS? If the latter, I'm ok with that approach but useful if you confirm in your report so I can reference in Stage 1.

London Borough of Enfield

Comments: The site is located approximately 1km away from the borough boundary (west of Southgate) in the London Borough of Barnet.

The site benefits from planning permission for redevelopment. The original application was submitted in hybrid form and planning permission was granted at appeal in February 2020 (London Borough of Barnet reference 15/07932/OUT and PINS reference APP/N5090/W/17/3189843).

The application is accompanied by a Transport Assessment (TA) and Travel Plan.

The TA states: *“With regard to the secondary school, it has been concluded that the proposals for the school relate to a re-location only, and subsequently no additional traffic will be generated by the school proposal. In light of this, no assessment of the secondary school development has been included within this assessment.”*

Public Transport Accessibility Level (PTAL) is a widely adopted methodology in Greater London for quantifying a site’s accessibility to public transport and is considered to be a usable measure of relative accessibility to public transport at any location within a London borough and provides a general comparison of a site’s accessibility relative to another. TfL’s web-based calculator has been used to determine the site’s existing PTAL, which shows a rating of 1a - 2 across the site. This demonstrates that based on the PTAL calculator, the site is considered to have poor access to public transport.

According to the TA, as part of the scoping discussions, TfL stated that they do not wish to divert any of the existing bus services through the development site. As part of the extant 2020 permission, a financial contribution was secured as part of the S106 to provide an additional bus service on the 382 bus route. Given that it is not be feasible to divert any existing TfL bus services through the site, it is proposed that the financial contribution sum is increased to reflect the uplift in residential development. This is positive, however, it is unclear from the TA what impact the proposed development will have on bus capacity, clearly there will be an increase in trips, but it is not known what impact the development will have on this mode of travel and whether existing users will be negatively affected.

The nearest National Rail stations to the site are Oakleigh Park to the north and New Southgate to the south (a 23-minute walk or 8-minute cycle journey from the centre of the site). These stations are on the Great Northern line between Moorgate and Welwyn Garden City. Secure cycle storage is available at New Southgate and Oakleigh Park stations, making sustainable trips to the station attractive to residents of the area. there are cycle storage spaces at New Southgate and at Oakleigh Park station.

The site is located between two London Underground lines; the Northern Line and Piccadilly Line, with the nearest station being Arnos Grove on the Piccadilly Line (24- minute walk or 8-minute cycle away). The TA states that there are 10 cycle storage spaces at the station with additional stands in the local area, when the station can in fact accommodate the parking of 36 cycles. The Active Travel Zone assessment identifies Arnos Grove Station as a key destination, a route from the proposal site to the Station was reviewed, but no improvements are proposed. We don’t agree, the route between the site and the station is poor (particularly for cyclists) and needs to be improved if the development is genuinely to promote active travel modes.

An assessment of the impact of the proposed development on the London Underground network does not appear to have been undertaken.

The TA points to a study undertaken and a report produced by TfL that found:

- The more parking provided by a new development, the higher the household car ownership level. Where there is more parking, there are more cars.

- Developments with more parking produce more car travel. People who own cars use them: driving their cars frequently at all times of day, including the busiest peak periods; and
- The level of car parking provided in new developments therefore has a substantial impact on the level of car use generated by that development.

A low level of car parking is proposed for the development (0.08 spaces per dwelling) and therefore it is concluded that car travel will subsequently be lower at the development. In addition to this, a number of measures such as a financial contribution towards improved local bus services, the provision of on-site car club bays, and cycle maintenance/repair kits available and an accompanying Travel Plan document are proposed for the development to encourage sustainable travel.

We have concerns about the developments impact on the surrounding road network. The 2011 Census 'Travel to Work' data for the Barnet 010 ward (where the proposal site is located) suggests that 47.9% of journeys to work are made via single occupancy vehicle. We accept this trend is unlikely to continue because of the low level of car parking being provided across the proposal site and the impact this will have on the way future residents of the site travel. However, Junction capacity assessments had not been undertaken at the time of preparing the TA. The document states that *"a separate addendum will be prepared focussing on trip generation, distribution and junction capacities."* Without this information we cannot determine what the proposals impact will be on LB Enfield's road network and whether mitigation is required.

The proposal site provides vehicular access and egress from/to Brunswick Park Road and the A109, Oakleigh Road South both of these roads feed onto the Betstyle Circus Roundabout in Arnos Grove, in the London Borough of Enfield.

Conclusion: For the reasons set out above, T&T are unable to determine this developments impact. More information is therefore required to properly assess whether the development will have an impact on the surrounding road network.

I would appreciate it if you could take these comments into account as part of your assessment of the application.

Network Rail

Following assessment of the details provided to support the above application, Network Rail has **no objection in principle to the development**, but below are some requirements which must be met, especially with the proximity of the development to high voltage overhead line equipment and a railway tunnel.

Sport England

Sport England - Statutory Role and Policy

It is understood that the site forms part of, or constitutes land last used as playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). However,

as the playing field has not been used for at least five years, the consultation with Sport England is not a statutory requirement. Consultation with Sport England is also advised by national guidance due to the number of new residential units and that new sport facilities are proposed. More detail can be found at <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities>

Notwithstanding the non-statutory nature of the consultation, Sport England has considered the application in light of the National Planning Policy Framework (particularly Paragraph 99) and against its own playing fields policy and its own wider planning policy. More detail can be found at https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport?section=planning_for_sport_guidance

Please note that Sport England applies its policy to any land in use as playing field or last used as playing field and which remains undeveloped, irrespective of whether that use ceased more than five years ago. Lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs.

The Proposal and Impact on Playing Field

The hybrid planning application proposes the redevelopment of North London Business Park including up to 2,428 residential units in total, a secondary school with a sports block, rooftop Multi-Use Games Area (MUGA), sports hall and Artificial Grass Pitch (AGP) and uses falling with Use Classes E and F. The proposed redevelopment would result in the loss of the disused playing field.

The proposed development is a revision of the scheme approved in 2017 which Sport England had concerns so submitted an objection. The current application raises similar issues to the previous scheme therefore these comments are attached for reference purposes.

Strategic/Local Need for the Facility

Sport England previously concluded (see attachment) that there could be a need for both the proposed sports hall and AGP, which was informed by Sport England's Facility Planning Model (FPM). Since this time the Council have developed a Playing Pitch Strategy (PPS) and are now in the process of refreshing this document. The existing PPS, albeit arguably out-of-date, highlighted a deficit of sports pitches and recommended that AGP's were delivered at various sites throughout the borough. The Council have, and are currently, developing masterplans to meet this identified need. As a result, it is questionable if the proposed AGP is required to meet the needs of community sport within the borough therefore Sport England now has its concerns that the proposed AGP would not meet local need and could not be sustainable in the long-term. However, as noted above, the Council are currently refreshing the PPS which is expected to be completed soon which could highlight a need above that indicated in the current PPS but, based on the information Sport England currently has available and

without any discussion of need in the application documents, it cannot conclude that there is a need for the proposed AGP. Sport England, however, would happily review this situation if the applicant can provide a robust justification of community need/demand for the proposed AGP that could not be accommodated at other sites planned within the borough.

Notwithstanding the above, it is not clear if the proposed AGP is intended for mitigation for the loss playing field at the site therefore it would be beneficial if the applicant could clarify this when it sets out the need for the proposed AGP.

Similarly, limited detail has been provided for the community need for the activity studio that demonstrates there is a local need for this facility.

In relation to sports halls, it is not clear if there is an existing sports hall on site that would be lost and that the proposed sports hall is intended as a replacement. The FPM indicates that there is still a borough wide deficit therefore it could be argued that the position in relation to the proposed sports hall is similar to that in 2016. Furthermore, feedback from England Badminton suggests that there is a need for community badminton facilities and they indicated that they are keen to work with the school/applicants so that facility can be utilised by badminton clubs and coaches.

Sport England notes that there is an existing MUGA on the site, albeit aerial photographs suggests that it has been used for car parking in recent years. As result, the proposed MUGA could be considered a replacement for the existing MUGA that would be lost.

Design

Similar to the previous application, Sport England has concerns with the design/detail of the proposed sports facilities. The dimensions stated in the Design & Access Statement for the proposed AGP does not appear to align with FA guidance while Sport England are unable to locate the dimensions/specification for the proposed sports hall, although it would highlight that doors should not open into the sports hall and they should be flush with the interior wall. Sport England would like to understand/ensure that the proposed sports facilities would be designed and constructed in accordance with its (or FA) guidance to ensure that they are fit for purpose.

Community Use

On the basis that that there is a need for the proposed facilities, Sport England welcome the intention to allow the community to use the facilities. Community use should be secured in a Community Use Agreement (CUA) so that the community are able to access the facilities in the long-term. Sport England recommend that the Council consider imposing a condition on any approval that requires the submission of a CUA. Sport England has a model condition and a template CUA that can be forwarded on request (both are also available on Sport England website).

Sport England notes the submitted documentation indicates that the proposed sports block would have community use until 9:30pm on weekdays and at weekends but the proposed AGP could have different hours of community use. The peak time for community sport is weekday evenings until 10pm and during the day at weekends. Any CUA should reflect these times so that the community benefits of the proposal can be fully realised.

Residential development

The planning application proposes 2,428 residential units the occupiers of which will generate demand for sporting provision. The existing provision within the area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as the Council's Playing Pitch Strategy, Built Facility Strategy or another relevant robust and up-to-date needs assessment.

Although there is proposed floorspace falling within Use Classes E and F it is not clear whether any of these would actually be sport facilities and, if there were to be sport facilities, then it is not clear what sport facilities would be provided. It is also not clear if the proposed school facilities are intended to mitigate the loss of the playing field, meet an existing deficit or to meet the demand from the proposed residential units. As a result, it is currently unknown if any sport facilities would meet the sporting demands arising specifically from the proposed development.

Changes to CIL Regulations has resulted in the Council having the opportunity to seek contributions through CIL or via a S. 106 Agreement however it is not clear how, or if, the Council intends to mitigate the impact of the increase of sporting demand on local sport facilities.

If provision for sports facilities is to be made by the CIL charge, it is acknowledged that there is no requirement to identify where those CIL monies will be directed as part of the determination of any application. That said, Sport England would encourage the Council to consider the sporting needs arising from the development as well as the needs identified in its Playing Pitch Strategy and/or any other robust borough wide sport facility strategy and direct those funds to deliver new and improved facilities for sport based on the priorities identified in those documents.

In the event that the Council decide to mitigate the impact of increase demand on sports facility provision through a S. 106 agreement rather than the CIL charge then Sport England would be happy to provide further advice. To assist the Council, an estimate of the demand generated for outdoor sports provision can be provided by Sport England's Playing Pitch Calculator strategic planning tool. Team data from the Council's Playing Pitch Strategy can be applied to the Playing Pitch Calculator which can then assess the demand generated in pitch equivalents (and the associated costs of delivery) by the population generated in a new residential development. It can also calculate changing room demand to support the use of this pitch demand.

In relation to built sport facilities, Sport England's established Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain sports facility types. The SFC indicates that a population of 5,827 (calculated by multiplying the number of residential units by the average occupation rate of 2.4) in the London Borough of Barnet would generate a demand for 0.41 sports halls (£1,301,241), 0.29 swimming pools (£1,393,946), 0.18 AGP's (£231,131 if 3G or £210,225 if sand) and 0.34 rinks in an indoor bowls centres (£163,215). Consideration should be given by the Council to using the figures from the Sports Facility Calculator for informing the level of any financial contribution if indoor sports provision was to be made through a S.106 agreement.

Active Design

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

I hope that these comments can be given full consideration when a decision is made. I would be happy to discuss the response with the Local Planning Authority and/or the applicant as the determination of the application progresses. Please contact me if you have any queries

We would be grateful if you would advise us of the outcome of the application in due course by forwarding a copy of the decision notice.

Conclusion

Given the above assessment, Sport England wishes to raise an objection as it is not clear if the proposal meets the NPPF and its own Planning Policy. It is not clear if the loss of playing field has been mitigated, whether there is a need for all the proposed facilities and whether the proposed sports facilities would be fit for purpose. If the applicant can consider these aspects and provide Sport England with clarification it would be happy to reconsider its position.

Sport England would like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

Officer Comment

As noted above the comments expressed above were raised in relation to the previous application, and were considered by both the Local Planning Authority as not constituting reasons to refuse the scheme due to the long standing non use of the top field as a playing pitch. Other matters such as the community use of school sport facilities have been secured through obligation and conditions.

Natural England

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Historic England

Recommend Pre-Determination Archaeological Assessment/Evaluation

Thank you for your consultation received on 16 August 2021.

Advice from this office on a previous scheme at this location was for enhancements to the archaeological desk-based assessment. This work does not yet appear to have been undertaken. A desk-based assessment should be submitted to support the planning application and should include further documentary research conducted into the cemetery records of the Great Northern/New Southgate Cemetery to try to establish if and where burials were made within the site. Evaluation trenches may then be needed to check if burials are actually present in areas of potential and what mitigation is necessary.

Also further investigation should be made through the Barnet Library and Local History Centre of the industry's photographic archive and other information/local contacts for an industrial archaeologist to better understand the factory's history and processes. This will help determine what level of recording would be appropriate for structures such as the coal chutes and air raid shelters.

NPPF Section 16 and the London Plan (2021 Policy HC1) make the conservation of archaeological interest a material planning consideration. NPPF section 194 says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest. A field evaluation may also be necessary.

I have looked at this proposal and at the Greater London Historic Environment Record but I need more information before I can advise you on the effects on archaeological interest and their implications for the planning decision. If you do not receive more archaeological information before you take a planning decision, I recommend that you include the applicant's failure to submit that as a reason for refusal.

Because of this, I advise the applicant completes these studies to inform the application:

The Greater London Archaeological Advisory Service (GLAAS) give advice on archaeology and planning. Our advice follows the National Planning Policy Framework (NPPF) and the GLAAS Charter. The planning application lies in an area of archaeological interest.

Desk Based Assessment

Desk-based assessment produces a report to inform planning decisions. It uses existing information to identify the likely effects of the development on the significance of heritage assets, including considering the potential for new discoveries and effects on the setting of nearby assets. An assessment may lead on to further evaluation and/or mitigation measures.

I will need to agree the work beforehand and it should be carried out by an archaeological practice appointed by the applicant. The report on the work must set out the significance of the site and the impact of the proposed development. I will read the report and then advise you on the planning application.

NPPF paragraphs 199 - 202 place great weight on conserving designated heritage assets, including non-designated heritage assets with an archaeological interest equivalent to scheduled monuments. Non-designated heritage assets may also merit conservation depending upon their significance and the harm caused (NPPF paragraph 203). Conservation can mean design changes to preserve remains where they are.

NPPF paragraphs 190 and 197 and London Plan Policy HC1 emphasise the positive contributions heritage assets can make to sustainable communities and places. Applicants should therefore expect to identify appropriate enhancement opportunities. If preservation is not achievable then if you grant planning consent, paragraph 205 of the NPPF says that applicants should record the significance of any heritage assets that the development harms.

You can find more information on archaeology and planning in Greater London on our website.

This response only relates to archaeology. You should also consult Historic England's Development Management team on statutory matters.

Officer Comment

A desktop study was included in the submitted ES. A condition was attached to the previous extant scheme regarding archaeological investigation and recording which is also attached to the current application.

Environment Agency (EA)

No representations received (No objections were made to previous planning application).

Highways England

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England has undertaken a review of the Transport Assessment (TA) prepared on behalf of Comer Homes Group by Stomor Ltd, accompanying an outline planning application submission. Highways England interests relate to the operation and safety of the SRN, and in proximity to the proposed site. We are interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of this development.

The proposals seek phased comprehensive redevelopment of the North London Business Park to deliver a residential-led mixed use development. The detailed element comprises up to 461 residential units in five blocks reaching 9 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 1,967 additional residential units in buildings ranging from three to twelve storeys, up to 7,148 sqm of non-residential floor space (use Class E and F) and public open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking, located North London Business Park, Oakleigh Road South, London, N11 1GN.

The site benefits from planning permission for redevelopment (App ref: 15/07932/OUT) which was later granted at Appeal in February 2020. Highways England raised no concerns to this application.

Based on our analysis of the data presented within the TA, the proposals will result in an increase in traffic during peak hours , but given that the site is a good distance away from the SRN i.e. in excess of 10km, we accept the TA conclusions that the development will not impact the safety, reliability and/or operation of the SRN.

Recommendation

We are satisfied that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network (SRN) (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111). As such, Highways England raises No Objections. A HEPR is attached.

Thank you again for consulting with Highways England and please continue to consult on other planning applications via our inbox planningse@highwaysengland.co.uk.

CWC and NHS Primary Health Care Centre NLBP

- Comer has been in discussions with CWC and several of the local churches to provide an affordable long leasehold shell of not less than 1900 sqm within Block 3A of the application scheme. CWC is an independent charity which delivers purpose designed and built CWC LiveWell & NHS Primary Health Care Centres in Greater London. CWC owns and manages each LiveWell Centre and delivers local community focused healthy living programmes, social prescribing support and social prescribing programmes from Centres co – located with NHS primary health care. CWC and the local churches are working together to design a joint use of the CWC accommodation.
- CWC's proposal would be to relocate both Oakleigh Road Clinic and Brunswick Park Health Centre into the new NLBP regeneration area and at the same time provide a co – located CWC LiveWell Centre. There is a clear need for the NHS to relocate both practices, which currently occupy out - dated and non - compliant premises, into new purpose designed and built primary health care accommodation. The offer by Comer to provide not less than 1900 sqm of community and health accommodation could secure the relocation of both practices into the heart of the community within the NLBP regeneration scheme; NLBP is within 0.25 miles of each practice.
- CWC opened its first LiveWell Centre in Kew in February 2020 only to shut it 3 weeks later as a consequence of the Pandemic; it reopened again in early 2022 and has since been able to establish proof of concept. More details of the Centre can be found on the public web site below

www.livewellkew.org.uk

CWC's ownership model and integrated delivery concept is supported both by both NHSE and the LEB as the concept is aligned with Central Government, Local Authority, NHS and ICB's policies to provide integrated place - based community and health care; in addition, CWC charity ownership structure underpins sustainable delivery of community and social prescribing care.

- CWC has recently had a series of meetings with NCL NHS to discuss various sites. The discussions included NLBP. During the discussions, the NHS said that it had been supporting the Council's aspirations to redevelop the Osidge Library site to reprovide a new library and health centre for Brunswick Park HC on site with additional residential accommodation; the Council own the freehold of the overall site.

NCL agreed that the CWC proposal to relocate both Brunswick Park HC and Oakleigh Road Clinic into a new purpose designed and built Centre with a CWC LiveWell Centre might provide a better solution for the local community in terms of service delivery and value for money; further work would be required to appraise all potential options for the local community. CWC and NCL NHS have agreed, therefore, to meet with both GP practices to discuss potential relocation options and to consider CWC's initiative at NLBP.

- The relocation of Brunswick Park Health Centre away from its current site could also provide benefits to the Council.

CWC would also welcome the relocation of a redesigned library co – located with the CWC LiveWell Centre as a central feature of the NLBP redevelopment, freeing up the whole of the Osidge library site for alternative uses. There is evidence from Camborne that a library co – located with health care can achieve library membership levels well in excess of the national average; in this case the library would also benefit from spin off membership generated by the CWC LiveWell Centre, particularly within the pre – school /primary school age

groups.

The relocation of both Brunswick Park Health Centre and Osidge Library into a purpose designed new community facility would be a significant local benefit.

- Planning Application 21/4433/OUT is an outline application in relation to Block 3A. If the Council is minded, however, to approve the application, it will be essential to preserve Comer's offer to CWC if the Council and the NHS decide in due course that CWC's proposals offer a better service solution for the local community and better value for money to both the Council and the NHS.
- I have attached CWC's NHS Team's assessment of the floor space requirement for a new CWC LiveWell and NHS Combined Primary Care Centre. I have also attached CWC's standard planning obligations.

Comer's offer to CWC is as follows:

Comer to deliver a long leasehold interest (not less than 99 years) of a shell of the new Centre to CWC in a position and configuration agreed by the Council within Block 3A;

The shell to be available for community provision and uses within Class E;

The Lease to reserve a peppercorn rent and a service charge that is directly related to the Centre's uses and not the overall upkeep of the new development;

The long leasehold to include the use of appropriate car parking and an ambulance bay in locations agreed by the Council.

I would welcome the opportunity to meet with you, appropriate officers and/or Councillors to discuss the content of this email further and before the formal consideration of the application at committee.

I would also wish to address the Planning Committee considering the application.

Thames Water (TW)

Waste Comments

With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning

application approval.

With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for SURFACE WATER drainage, but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

As per Building regulations part H paragraph 2.21, Drainage serving kitchens in commercial hot food premises should be fitted with a grease separator complying with BS EN 1825-2:2004 and designed in accordance with BS EN 1825-2:2002 or other effective means of grease removal. Thames Water further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to

implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Please refer to our website for further information : www.thameswater.co.uk/help

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Supplementary Comments

Wastewater: Wastewater: No detailed designs for Phase 0 & 1 drainage included, only outline for Phases 2-5 (shows connection into Phase 1 design but the specific connection point into our network is unknown from Phase 1.) To discharge condition, provide point of discharge for Phase 0 & 1. Management of surface water from new developments should follow London Plan Policy SI 13 Sustainable drainage, subsection B (the drainage hierarchy). Typically, greenfield run off rates of 5l/s/ha should be aimed for using the drainage hierarchy. The hierarchy lists the preference for surface water disposal as follows; Store Rainwater for later use > Use infiltration techniques, such as porous surfaces in non-clay areas > Attenuate rainwater in ponds or open water features for gradual release > Discharge rainwater direct to a watercourse > Discharge rainwater direct to a surface water sewer/drain > Discharge rainwater to the combined sewer. To assist in capacity assessments, all applications should include current and proposed drainage plans, including points of connection and estimations of flow rates. If greenfield runoff rates cannot be achieved, justification must be provided why this is not possible. Also refer to subsection C (avoiding impermeable surfaces) and consider alternatives to hard surfacing. Include flow split between Phase 0&1, and Phases 2-5 for SW. Brownfield rates in flood risk and drainage document likely significantly overestimate current flows into network because existing attenuation basin not accounted for. Also include if connection is via gravity or pumped. Thames Water are aware of some network constraints in the vicinity of the proposed development. We are however confident that should the planning application be approved, any investigations to understand the network performance in more detail and if required, associated upgrades can be delivered in time to serve the development.

There is no right of discharge of highway drainage into the public sewerage system. An agreement to allow a discharge may be granted under section 115 (WIA 1991) by negotiation between the Highway Authority and Thames Water.

Metropolitan Police Crime Prevention Design Advisor

I do not object to this proposal but due to the reported issues affecting the ward, overall crime levels and size of the development, I would respectfully request that a planning condition is attached to any approval, whereby each phase/development must achieve Secured By Design accreditation, prior to occupation.

Objection: measurable net gain to biodiversity has not been proven, only a preliminary report has been supplied in contravention of CIEEM guidance, insufficient detail supplied on compensation measures. The ecological report is therefore not compliant with BS 42020, NPPF, or CIEEM guidance.

Herts and Middlesex Wildlife Trust

1. NPPF states:

'170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity'

This ecological report does not provide a measurable assessment of biodiversity net gain. It cannot be approved until it does so. A Defra biodiversity metric is required to demonstrate whether a net gain has been achieved and should be supplied before an application can be approved. A net gain is a 10% increase in biodiversity units.

2. A preliminary survey is not appropriate to support a full or outline planning application. The CIEEM guidelines on PEA states:

'1.5 Under normal circumstances it is not appropriate to submit a PEA in support of a planning application.'

Only a full ecological survey which shows how measurable net gain will be achieved is appropriate. The application cannot be determined without this information. The ecological report is not compliant with CIEEM guidance.

3. BS 42020 Biodiversity Code of Practice for Planning and Development states:

6.6.2 An ecological report should avoid language that suggests that recommended actions "may" or "might" or "could" be carried out by the applicant/developer. Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.'

No such definitive mitigation or compensation measures are contained in the preliminary ecological report. The application cannot be approved without this information and it cannot be left to condition as stated in the preliminary report.

Internal Consultation responses

Transport and Regeneration

No objections subject to appropriate conditions and S106 obligations. Detailed Comments contained within officer section below.

Environmental Health

No Objections raised subject to the attachment of appropriate conditions regarding construction method extraction, noise mitigation and contamination.

Trees and Landscape

No additional comments as planning application building footprints the same as the extant permission.

Ecology

Proposal: 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 up to 461 residential units in five blocks reaching 9 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 1,967 additional residential units in buildings ranging from three to twelve storeys, up to 7,148 sqm of non-residential floor space (use Class E and F) and public open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking.

Dear Andrew,

Thank you for consulting with us on this application and providing the ecology documents, Preliminary Ecological Appraisal (PEA) Report (Greengage Environmental Ltd 2021), Phase 2 Ecology Survey Report (Greengage Environmental 2021) and Biodiversity Impact Assessment Report (Greengage Environmental 2021).

SUMMARY

Having reviewed the ecology documents provided with the application we are satisfied that the evidence provided by the applicant sufficiently addresses potential impacts and implications on biodiversity receptors and therefore it can be recommended that the application may be approved with some conditions attached.

COMMENTS

Bats

The Phase 2 Ecology Survey Report (Greengage Environmental 2021) states that five trees were initially identified as having moderate bat roosting potential but following the PEA Report (Greengage Environmental 2021) it was confirmed that there was an active woodpecker nest and so this was discounted from further survey.

Any trees identified as having low bat roosting potential were not subjected to further survey, in line with Bat Conservation Trust Guidelines (BCT, 2016), any tree for removal would be soft felled under the supervision of a suitably licensed ecologist, if required.

Two emergence/re-entry surveys were undertaken on each of the four trees identified as having moderate bat roosting potential from May to July 2021. No roost activity was noted, and thus roosting bats are confirmed as likely absent from the Site.

In addition to the above, bat activity surveys were undertaken which entailed three walked activity surveys consisting of one walked transect on each occasion and the installation of two static bat detectors in strategic locations across the site for monitoring periods of five consecutive days. The transects identified low levels of

bat activity on site with six species recorded, with most of the activity being from common pipistrelle and soprano pipistrelle.

Large areas of grassland and scrub habitat, as well as large mature trees will be removed from the Site and make way for the proposed development and their loss may significantly impact foraging bats, therefore compensation for the loss of these habitats in the form of extensive landscaping will be delivered on site.

Therefore, further bat/presence/absence surveys on trees or buildings, or activity surveys of the Site are not required, and the information submitted is suitable for assessing impacts to bats.

If at any time following the start of works, should a bat roost or evidence of a bat roost be observed, all work will be required to cease until a suitably licensed bat ecologist has been consulted and advice sought on how best to proceed under current laws and legislation. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European protected Species License obtained from Natural England. The planning authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Habitats and Species Regulations 2017 (as amended).

If work is delayed more than one year after the date of the bat surveys (July 2021), repeat Preliminary Roost Assessments (PRAs) on affected trees and buildings should be undertaken along with any follow-up emergence/re-entry surveys, as well as a repeat bat activity survey of the Site.

Reptiles

The Phase 2 Ecology Report (Greengage Environmental Ltd 2021) confirms that surveys using artificial refugia were undertaken in April and May 2021, with seven survey visits being undertaken during this period. A peak count of 18 slow-worm and 11 common lizards were recorded. This is considered a 'good' population for species. However, the assessment for reptiles has been based off only seven survey visits between two months of the active reptile season. Ideally, population assessments should be based off 21 survey visits over the period of March to July and then September. This allows for inclusion of the breeding season, and thus a more accurate determination of population size. Therefore, a follow up assessment of the reptile population should be undertaken to assess if mitigation proposed below is suitable. All results should be detailed within a reptile specific mitigation and habitat management plan and submitted to the LPA for approval.

To reduce the risk of reptiles being harmed a receptor site will be created along the north-western boundary, in advance of any construction works, which will be followed by a trapping exercise to exclude reptiles from the working area. The receptor site will be specifically designed to improve both the botanical and structural diversity of vegetation in order to benefit reptiles. A destructive search of any hibernation features will also be undertaken, and the area made unsuitable for reptile habitation.

Invertebrates

The Phase 2 Ecology report (Greengage Environmental Ltd 2021) states that invertebrate surveys were undertaken on 10 June 2021 and 152 taxa were recorded including 11 with conservation statuses. The invertebrate assemblage is of local interest primarily associated with the open herb rich verges and banks.

The Phase 2 Ecology report also states that given the value for invertebrates associated with the banks surrounding the car park, it is proposed to recreate this habitat at roof level on biodiverse green roofs which

will incorporate a diverse mix of plant species and features such as log piles, rope coils, sandy piles and ephemeral water features.

Further invertebrate surveys are not required; therefore, the information is sufficient for assessing impacts to invertebrates.

Biodiversity Net Gain

As per recommendations detailed within the Preliminary Ecological Appraisal Report (Greengage Environmental Ltd 2021), an assessment of the scheme was undertaken to calculate the ecological value of the pre- and post-development sites using the DEFRA 3.0 methodology. The Biodiversity Impact Assessment (Greengage Environmental Ltd 2021) details the results of this assessment and confirms that the potentials have the potential to result in a net gain of 1.10 habitat units. This equates to a 4.06% increase. In addition, the development will result in a net gain of 0.33 hedgerow units, which equates to a 77.70% increase. However, in order to achieve this net gain, a Landscape Environment Management Plan will need to be produced at final design stage and secured through planning condition. Within the LEMP a final biodiversity assessment will be required

Recent Construction Activity

The applicant recently commenced construction of the school buildings. Pursuant to these works several trees were removed and works to drain the lake carried out. These works were supervised by on site ecologists and are in accordance with previous permissions and consents on the site.

However the school site is located on a different portion of the NLBP site to the area at the top with the reptiles. Contractors connected with the school build accessed this site to store materials and caused some damage to the slow worm habitat. The site was visited by the Council's ecology officer, as a result of which all work in this area ceased and log piles were erected along the site periphery as recommended in the ecology surveys. The applicant also reported themselves to the Police and have provided copies of this to the Local Authority.

While this breach is clearly regrettable it is not in itself a reason to withhold permission and the applicant has taken appropriate steps upon request by Council Officers. Suitable additional conditions are also suggested along with S106 obligations to ensure that suitable replacement habitat is provided either on or off site to the satisfaction of the LPA. Conditions are also attached requiring the provision of Bat and Bird Boxes and a scheme of ecological enhancements.

Capita Drainage Lead Local Flood Authority

This review relates solely to the outline elements of the application comprising the 1,967 additional residential units in buildings ranging from three to twelve storeys, up to 7,148 sqm of non-residential floor space (use Class E and F) and public open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking.

The applicant has submitted additional information, and while this has addressed our previous points, this has brought to light additional concerns that need

addressing at this stage. At present it is recommended this application is not approved for the following reasons:

Hydraulic calculations show several areas of exceedance flooding. It's acknowledged that these are small volumes, will likely reduce at the detailed design stage and can be managed on site; however, additional clarification is required for flood volumes at the final pond storage structure. The drainage layout drawing pond parameters (normal water level, top water level, and cover level) don't align with hydraulic calculation model parameters for this structure. And the exceedance flood volume for this node is potentially underestimated. This flood volume should be confirmed, as well as confirmation that any flooding can be retained on site and won't bypass the final flow control; and,

Half drain times during the 1%+CC AEP event exceed 24 hours. Structures with large half drain times during this AEP event should be confirmed, and if excessively high, additional comments should be provided on how the proposals will ensure the drainage network will have capacity for successive storm events.

Informatives

Given the scale of the development and potential phasing, a phase construction plan will be required. This will need to demonstrate sufficient drainage features will be implemented at each stage of construction to accommodate all contributing areas and discharges surface water runoff

from the developed site at a suitable rate relative to the development area. While the applicant has alluded to this with multiple proposed discharge rates at the penultimate outfall, additional phase hydraulic calculations and phased layouts will be required at the detailed design stage.

It's also noted that several smaller attenuation structures (permeable paving, swales, filter drains, etc) have been modelled within the hydraulic calculations, and while their location has been illustrated in the drainage layout drawing, their design parameters have not been confirmed. Given the outline nature of the application, and smaller attenuation volume provided by these features, we are happy for the design parameters to be confirmed at the detail design stage.

Noting the above, any approval will need to be accompanied a suitably worded drainage condition covering the additional information required at the detailed design stage, and will include the above Informatives.

Typically, we would expect the Drainage Strategy to include the following but not limited to;

A fully labelled SuDS network diagram showing, pipes and manholes, suds features with reference numbers etc.

SuDS design input data and results to support the design.

Infiltration site investigation results showing that infiltration systems are feasible method of discharge for this site, if SuDS infiltration method is proposed;

Appropriate design rainfall i.e. Flood Estimation Handbook (FEH) design rainfall 2013.

Assessment of the proposed drainage system during the 30-year design rainfall according to Design and Construction Guidance, March 2020;

Assessment of the attenuation storage volumes to cope with the 100-year rainfall

event plus climate change. Evidence of Thames Water (Water Company) agreement for discharge to their system (in principle/ consent to discharge) if the proposal includes connecting to a sewer system.

Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing the flood risk to occupants or neighbouring properties;

SuDS operation and maintenance plan;

SuDS detailed design drawings;

SuDS construction phasing.

Reason

To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan (2012), Policies 5.13 and 5.14 of the London Plan (2016), and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753). Please refer the West London SFRA which has more guidance and checklists available for the developers for application submission.

Officer Comment

It is considered that any outstanding issues can be adequately addressed by conditions as suggested above.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

2.1 Site Description and Surroundings

This planning application concerns the redevelopment of the North London Business Park (the Site), which is located within the Brunswick Park Ward in the east of the London Borough of Barnet.

The Site measures 16.53 hectares, of which approximately 13 hectares comprises of areas of disused open space and car parking. The Site is bounded 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.

There are principally 4 buildings on site providing office accommodation in buildings up to ground plus three storeys in a campus style layout. The previous single largest tenant of the site was Barnet Council who occupied approximately over 55% of the total floorspace on the site, before vacating the site in 2017.

St Andrew the Apostle School is also located on the Site having opened as a free school in September 2013, occupying 'Building 5' on a temporary basis, which is a central block to the west of the existing lake.

The northernmost existing building on the Site is currently occupied for function / conference purposes, as well as an existing nursery (Leo's Nursery).

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.

A lake currently occupies part of the lower section of the Site, which can be seen upon entry from Brunswick Park Road. This is a man-made structure dating from the mid-1980s with the primary function of water attenuation.

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. New Southgate has also recently been 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.

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. The PTAL of the site is currently 1-2.

The site has two principal access points, one to the south onto Oakleigh Road South (A109) and one to the east onto Brunswick Park Road. There is also a redundant, unused access point to the northern boundary which would provide access to Ashbourne Avenue, were it not currently fenced off. Ashbourne Avenue leads onto Russell Lane (B1453), which comprises a neighbourhood retail frontage.

2.2 Description of the Proposed Development

Planning permission is being sought for the following works (the Proposed Development): *“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 up to 452 residential units (Reduced from 461 as submitted) in five blocks reaching 9 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 1,967 additional residential units in buildings ranging from three to twelve storeys, up to 7,148 sqm of non-residential floor space (use Class E and F) and public open space. Associated site*

preparation/enabling work, transport infrastructure and junction work, landscaping and car parking..

The planning application is submitted part in full and part in outline with all matters reserved other than access, with the details of both elements provided below.

Detailed Element

The detailed part of the Hybrid Application comprises Phase 1 of the masterplan as identified in the Parameter Plans. This includes the new secondary school and associated facilities together with 452 residential units.

New Secondary School Facilities

A new secondary school is proposed to be located in the south-eastern corner which will provide a purpose built and larger facility for the St Andrew the Apostle Greek Orthodox School which are currently operating out of converted office accommodation in Building 5. While the form of the proposed school building and ancillary space differs from the original approval under outline application 15/07932/OUT, a drop in S73 application (Ref 22/1579/S73) was approved by the Strategic Planning Committee in July 2021 (Decision issued in October 2022 following completion of Deed of Variation). The school proposals in the current application are identical to those approved under the S73 application.

Residential Accommodation

In addition to the secondary school facilities, Phase 1 also proposes the delivery of 454 residential units in five development blocks with the following unit mix

Phase	Unit sizes				Total proposed units
	1 bed	2 bed	3 bed	4 bed	
1	152	198	94	8 (inc 7 houses)	452
Percentage	33.6%	43.8%	20.8%	1.8%	100%

Outline Element

The outline element of the Hybrid Application comprises Phases 2-5 detailed on the masterplan and Parameter Plan. The outline elements are predominantly residential, however also include provision for complementary non-residential uses such as office floorspace, small-scale retail floorspace and community facilities, alongside the provision of public open space, play space and other infrastructure.

Residential Accommodation

The outline elements of the application propose the delivery of an additional 1967 residential across within four development phases. The unit split and configuration is set out below.

Phase	Unit size			Total. of proposed unit
	1-bed	2-bed	3-bed	
2	11	37	107	155
3	85	315	85	485
4	129	478	128	735
5	104	385	103	592
Total	329	1,215	423	1,967
Percentage	16.7%	61.8%	21.5%	100%

Non-Residential Floorspace

The application proposes approximately 7,148 sqm of non residential floorspace falling within Classes E & F of the uses classes order. The breakdown of the proposed space is as follows:

- Community floorspace – 1,908sqm
- Childcare – 960sqm
- Office – 2,552sqm
- Retail – 1,728sqm

Post submission following discussions with the local health trust the community space is now currently proposed to include provision for a new health centre as well as space for a collection of faith groups. The community floorspace proposed within this mix has been increased as a result of this at the expense of a small reduction in the amount of retail and office space.

Car Parking

In addition to the school car parking residential car parking is proposed to be located within basement car parks with some additional on street parking spaces for visitors. For Phase 1 - It is proposed to provide car parking at a ratio of approximately 0.8 spaces per dwelling resulting in a total of 367 car parking spaces for the 445 total dwellings. A similar ratio is currently proposed for the outline elements of the proposals although the final details will be established at reserved matters stage.

Access

It is proposed to utilise the existing access routes into the Site at both Oakleigh Road South and Brunswick Park Road. In order to provide a safe entry and egress point for the School, it is proposed to undertake off-site improvements through the introduction of a new signalised junction and carriageway improvements.

The application also proposes to reopen an extinguished connection at Ashbourne / Weirdale Avenue, which is currently fenced off for pedestrian and cycle traffic only. This element has already been consented in the previous outline approval (15/07932/OUT).

Landscape

The Proposed Development would provide a total of 20,250sqm of usable open space which will include provision for playspace. This is predominantly laid out in

three main parks, with additional publically accessible open space located throughout the development.

The existing surface water attenuation lake in the south-eastern portion of the Site is retained but slightly reconfigured to reflect the location of the School, as well as maximising the landscape enhancements in the surrounding parkland. It is noted that the alterations to the lake have already been approved under the S73 approval earlier this year.

Scheme amendments in the course of the application

Following the initial consultation and assessment of the application, there have been amendments to the scheme.

A summary of the changes are as follows:

3 August 2022

Increase in community floorspace from 960 sqm to 1908 sqm within Block 3a. This involves a corresponding decrease of 474 sqm of retail space and 474 sqm of office space within Block 3a.

Reduction in number of single aspect units within blocks 1C, 1D and F and improvements in daylight to proposed units. This has had the effect of altering 10 x 1 bed units in block 1C to 5 2 bed units, two one bed units in Block 1D into a dual aspect 3 bed unit, and one 3 bed unit in block F changing to 2 x 3 bed units. As a result of the changes the number of units within the full part of the proposals has reduced from 454 to 445 units.

No consultation was carried out specifically in relation to these changes, as the changes did not materially affect surrounding properties and the minor reduction in the number of units would have been unlikely to have affected the comments which had been made.

October 2022 Changes

Amendments to proposed Brunswick Park Road junction providing for a signal controlled junction to replace the existing crossroads arrangements and widening the eastern side of Brunswick Park Road, requiring an alteration to the Goldril Drive part of the junction along with additional junction widening of the site access.

Residents were consulted in relation to these changes for a period of 21 days.

3. PLANNING CONSIDERATIONS

3.1 Environmental Impact Assessment (EIA)

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (hereafter referred to as 'the EIA Regulations') requires

that for certain planning applications, an Environmental Impact Assessment (EIA) must be undertaken.

The term EIA is used to describe the procedure that must be followed for certain projects before they can be granted planning consent. The procedure is designed to draw together an assessment of the likely environmental effects (alongside economic and social factors) resulting from a proposed development. These are reported in a document called an Environmental Statement (ES).

The process ensures that the importance of the predicted effects, and the scope for reducing them, are properly understood by the public and the local planning authority before it makes its decision. This allows environmental factors to be given due weight when assessing and determining planning applications.

The Regulations apply to two separate lists of development project. Schedule 1 development for which the carrying out of an Environmental Impact Assessment (EIA) is mandatory and Schedule 2 development which require the carrying out of an EIA if the particular project is considered likely to give rise to significant effects on the environment. The proposed development does not fall within Schedule 1 of the regulations.

The development which is the subject of the application comprises development within column 1 of Schedule 2 of the Regulations. The development is deemed to fall within the description of Infrastructure projects and more specifically urban development projects (paragraph 10(b)).

As a development falling within the description of an urban development project, the relevant threshold and criteria in column 2 of Schedule 2 of the Regulations is that the area of development exceeds 5 hectares or 150 residential units.

Screening and Scoping for EIA development

An Environmental Statement (2015 ES) was approved as part of the original hybrid planning permission. The current application effectively covers the same topics as the previous Environmental Statement namely:

- Air Quality
- Ground Conditions (Contaminated land)
- Noise and Vibration
- Biodiversity (including updated surveys)
- Sustainability
- Cultural Heritage (Principally Archaeology)
- Drainage and Water Resources
- Transport
- Townscape and visual Assessment.

The scope of the assessment is considered acceptable, the findings are discussed where relevant in the sections below.

3.2 Principle of Development

Employment

The basic principle of the redevelopment of the North London Business Park for a residential led mixed use development has already been established by the previous extant approval (Ref 15/07932/OUT). It is worth noting that while the previous 2016 London Plan and the 2012 Local Plan identified the site as Strategic Employment Land this reference was removed in the 2021 London Plan and is not identified as such in the emerging Barnet Local Plan currently going through examination.

The previous extant approval did however provide 5,177 sqm of non residential floorspace including B1 office space and a new nursery and community space. The current application proposes 7,148 sqm of Class E and F floorspace. This would include a reprovision of the type of B1 starter units currently occupying the Comer innovation Centre along with a proposed health centre and multi faith community space. A small scale nursery will also be provided as a result of the socio economic assessment which identified a shortfall locally.

The provision of further, flexible non-residential floorspace will provide a range of benefits to the scheme including activating the ground floors of the central buildings, creating a vibrant mixed-use scheme which draws people to the site throughout the day, and providing additional local services and amenities which will benefit both existing and future residents in the area.

Overall therefore, the Council considers that the removal of the Industrial Business Park designation is appropriate in this instance in line with the provisions of the NPPF and London and Local Plan Policy. The proposal provides the opportunity to deliver a mixed use development that will better reflect the needs of the local community, whilst retaining some SME/incubator employment to serve local start-up businesses.

Housing

The National Planning Policy Framework (NPPF) states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Development that that accords with an up-to-date Local Plan should be approved.

The new London Plan 2021 recognises the pressing need for more homes in London and seeks to increase housing supply to in order to promote opportunity and provide real choice for all Londoners in ways that meet their needs at a price they can afford. The previous London Plan (2016) had set an annual monitoring target of 2,349 homes for Barnet between 2015-2025, with a minimum provision of 23,489 over the same 10-year period. In the new London Plan 2021, the 10-year target for 2019/20 – 2028/29 is 23,640 for Barnet.

Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to

optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The site is identified in the emerging Barnet Local Plan site allocation identifies the site as capable of providing 1350 residential units which reflects the extant approval. This however does not mean that the provision of a greater number of units would be contrary to emerging policy as housing targets are a minimum rather than a maximum and the provision of an increased number of units would contribute towards Barnet's housing supply and 5yrs. This is subject to other considerations below such as those regarding the form and design of the development and other impacts such as transport.

Housing Density

Chapter 11 of the National Planning Framework (Revised 2019) (NPPF) states that:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

This strategic objective to optimise redevelopment opportunities within sustainable locations is reinforced within the London Plan 2021.

The previous London Plan (2016) set out a density matrix which served as guidance for appropriate densities in different locations and with varying levels of accessibility. However, the new London Plan 2021 takes a less prescriptive approach stating inter alia, that the density of a development should result from a design-led approach to determine the capacity of the site. This should consider site context, its connectivity and accessibility by walking and cycling, existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D3 goes on to state that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy could be refused.

The density of the proposed development would equate to 147 units per hectare. The 2021 London Plan advises that where higher densities (exceeding 350 units per hectare) or tall buildings are proposed this is subject to additional design scrutiny (Policy D2). Policies D1, D1A and D1B of the 2021 London Plan place a great emphasis on a design-led approach being taken to optimising the development capacity of a particular site and to make the best use of land, whilst also considering the range of factors set out in the preceding paragraph.

The density of the proposed scheme which follows a design based approach and involves extending upwards from the approved extant permission is broadly considered appropriate by officers subject to further assessment on design and highways.

These comments are reflected in the GLA comments which do not raise any strategic concerns and instead, considers that the densities across the site are broadly appropriate subject to further assessment on design and transport.

Education

Currently the St Andrew the Apostle Free School occupies Building 5 of the NLBP site, operating as a 2-form entry secondary school although temporary permission has been sought to expand this to 5 form utilising additional buildings in NLBP. It is understood that the current facilities are not ideal from an educational perspective utilising converted office space with limited outdoor play facilities. The current application seeks to replace this facility with a new purpose campus fronting Brunswick Road with purpose built outdoor recreation space beyond. The new school would represent both a qualitative and quantitative improvement and is welcomed in Planning Terms in Land Use Terms.

While the proposed amended school building would constitute a significant benefit of the scheme, permission for the proposed school building has already been granted under S73 application 22/1579/S73 and is currently under construction.

Retail and community uses

In addition to the commercial and residential elements of the proposal, the application also proposes up to 1,728sqm sq.m of retail floor space and 1908 sqm of Community floorspace and 960 sqm of childcare space. This represents a slight reduction of retail space from 2017 sqm in the extant permission and an increase in the community floorspace which was 744 sqm in the extant approval.

In relation to the proposed retail space, the purpose of its inclusion was to enable active ground floor frontages and to cater for local convenience needs rather than attracting visitors from outside the site. On this basis the proposed retail centre is unlikely to adversely affect any neighbouring shopping centres and is considered acceptable. The re-provision of the increased quantum of community floorspace is also welcomed and is in accordance with Policy.

Sport facilities

The northern area of the site was historically used as a private sports field for the former STC/Nortel business occupiers, and associated changing facilities/club, however it is understood that this has not been in use since the 1990s. The detailed proposals for the school include provision of an all-weather sports pitch, an indoor sports hall and a multi-use games area (MUGA) on the roof of the building. These facilities would be managed and maintained by the school, but are proposed to be made available to the wider community outside of school hours, which is welcomed. Council officers consider that the proposed sports facilities provision would adequately mitigate against the loss of the historic sports facilities on the site and the proposal.

3.3 Housing Quality

A high quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in the new London Plan 2021. It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD and the Residential Design Guidance SPD.

Unit mix

London Plan Policy H10 sets out schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes, applications should have regard to robust local evidence, the requirement to deliver mixed and inclusive neighbourhoods, mix of uses in the scheme, the nature of the location (with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station with high PTALs) and the aim to optimise housing potential on sites.

Development Management Policy DM08 sets out that a mix of dwelling types and sizes should be provided in order to provide choice for a growing and diverse population.

In terms of the unit split the detailed phase 1 development proposes the following unit split: 152 1-bed units (33.6% of Phase 1), 198 2-bed units (43.8% of Phase 1), 94 3-bed units (20.8% of Phase 1) along with two 8 bed units (1.8%).

Phase	Unit sizes				Total proposed units
1	1 bed	2 bed	3 bed	4 bed	452
	152	198	94	8 (inc 7 houses)	
Percentage	33.6%	43.8%	20.8%	1.8%	100%

The outline elements of the application propose the delivery of an additional 1967 residential across within four development phases. The unit split and configuration is set out below.

Phase	Unit size			Total. of proposed unit
	1-bed	2-bed	3-bed	
2	11	37	107	155
3	85	315	85	485
4	129	478	128	735
5	104	385	103	592
Total	329	1,215	423	1,967
Percentage	16.7%	61.8%	21.5%	100%

In terms of dwellings types which constitute family accommodation provision, the London Housing Design Guide classifies family housing as all units upwards of 2 bedroom 3 person units. It is worth noting that all of the 2 bed units proposed in Phase 1 are larger 2 bed 4 person units.

As such while the total percentage of three bed units represents 19.8% of the total number of units, the total percentage of family housing represents 66% of all units. Overall therefore it is considered that the proposal proposes an appropriate split in housing type to address housing preference and need in accordance with the abovementioned policy.

Affordable Housing

London Plan Policy H4 sets a strategic target that 50% of all new homes delivered across London are genuinely affordable. To achieve this aim, major developments which trigger affordable housing requirements are required to provide affordable housing through the threshold approach. Affordable housing should be provided on site. Affordable housing must only be provided offsite or as a cash in lieu contribution in exceptional circumstances.

London Plan Policy H5 states that the threshold level of affordable housing is set at a minimum of 35%. To follow the fast-track route, developments must meet or exceed the threshold level, be consistent with the relevant tenure split, meet other policy requirements and obligations and demonstrate that they have taken account of the strategic 50% target. Where developments do not qualify for the fast-track route, it must follow the Viability Tested route. This requires detailed supporting viability evidence to be submitted in a standardised and accessible format as part of the application and could be subject to early, mid or late-stage reviews.

Development Management Policy DM10 sets out that the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units, having regard to the borough wide target of 40%.

The extant approval provided for 10% affordable housing within the development. The proposal as submitted proposed the same with 10% affordable housing proposed for both the extant baseline position as well as the uplift. A Financial Viability Assessment was submitted in support of the application which was independently assessed by Carter Jonas on behalf of LBB as well as by GLA viability officers. As a result of these discussions, the applicant subsequently agreed to increase the affordable housing offer so that it would provide 35% of the uplift units as affordable housing in accordance with GLA policy. The overall percentage on the entire scheme would be around 21% by both unit and habitable room. The revised split of the proposal is as follows:

# beds	Habs pu	# units	Tenure	# habs
1	2	383	PD	766
2	3	1,101	PD	3,303
3	4	380	PD	1,520
4	5	52	PD	260
1	2	20	AR	40
2	3	136	AR	408
3	4	90	AR	360
1	2	92	SO	184
2	3	174	SO	522
		2,428		7,363

PD = Private

AR = Affordable Rented

SO = Shared Ownership

The GLA's viability officer has advised that they consider that the revised affordable housing offer is the maximum viable amount which can be provided. The GLA have however suggested that Early, Mid and Late stage viability reviews should be carried out in order to pick up any future uplift in values to enable to the deliver of additional affordable housing. Subject to these reviews the revised offer is considered appropriate by LBB officers and the uplift in affordable housing units represents a significant benefit of the revised scheme.

Floorspace standards

Housing standards are set out in the Nationally Described Space Standards (NDSS), London Plan Policy D6 and London Housing SPG and Barnet's Sustainable Design and Construction SPD. All the dwellings in the within the development meet the minimum standards as demonstrated in the applicant's supporting documents in relation to the unit and room sizes as such the proposal is fully in accordance with the above policies.

The application supporting documents indicate that all of the proposed units within Phase 1 will meet these standards. It will be necessary for the future phases 2-5 to address these minimum floorspace requirements or any update to the standards at the time of later reserved matters applications.

Lifetime Homes and wheelchair housing standards

Barnet Local Plan policy DM02 requires development proposals to meet the highest standards of accessible and inclusive design, whilst policy DM02 sets out further specific considerations. All units should comply with Lifetime Homes Standards (LTHS) with 10% wheelchair home compliance, as per London Plan policy 3.8.

London Plan Policy D7 (Accessible Housing) require 90% of units to meet M4 (2) (accessible and adaptable) and 10% to meet M4 (3) wheelchair standards

In respect of LTHS, while this legislation has been abolished the applicant advises in their application submission that all units will be built to either M4 (2) or M4 (3) standards which have replaced LTHS.

In respects of wheelchair housing, the applicant has advised that 10% of all units will be built to wheelchair standards which is in accordance with this policy.

Fire Safety

London policy D12 (Fire safety) requires all development proposals to achieve the highest standards of fire safety and comply with a number of criteria set out in the policy, including: identifying outside space for fire appliances to be positioned on; appropriate fire alarm systems; suitable and convenient means of escape; evacuation strategies for all users; and the provision of suitable access and equipment for firefighting. All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party suitably qualified assessor to address all of the requirements set out in the policy.

A fire statement has been prepared by a third party suitably qualified assessor demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.

As such it is considered that the proposal is in full compliance with the London Plan Policy D12 in this regard. A condition will also be attached to ensure its satisfactory implications.

Amenity space

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sqm are counted as a habitable room and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space requirements.

Policy D6 states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

Each residential dwelling has access to private amenity space which meets this minimum requirement, through the use of a variety of measures including private balconies, terraces, wintergardens or gardens. Additional communal amenity space will be provided on some of the rooftop spaces within the outline phases.

The masterplan includes significant amounts of semi-private and public open spaces too. Each residential block will have access to an internal courtyard for residents of that block, which will provide a range of play space for younger children and also space for other residents to enjoy. In the centre of the site, and at

the southern boundary, extensive parkland will be provided for both existing and future residents to enjoy. The central parks will be located around the non-residential uses to generate activity throughout the day and ensure that this is a high quality place to live and visit.

On balance the provision of both private and communal amenity space is considered acceptable.

Playspace and Open Space

Policy S4 of the London Plan seeks development proposals to incorporate good-quality, accessible play provision for all ages and at least 10sqm of playspace should be provided per child. London Borough of Barnet Core Strategy Policy CS7 requires improved access to the children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan.

In terms of the application proposals the Proposed Development would provide a total of 20,250sqm of open space throughout the development. The size of these spaces would allow for the provision of appropriate play provision within the development although this will have to be balanced against other users of the open space in question.

The Landscape Chapter of the Design and Access Statement, and the Landscape Drawings accompanying the advise that a wide selection of play spaces are proposed through the scheme. Provision for all 0- 5 year olds and all 5-10 year olds will be brought forward through a combination of Doorstep Playable Space and Neighbourhood Playable Space.

The Doorstep Playable Space is provided within each residential block in the internal courtyards, whilst neighbourhood facilities are provided within four separate locations, two of which are to be brought forward in Phase 1.

The GLA have expressed some concerns regarding play provision within Phase 1 and advised that the applicant explores options of providing additional play provision on site and failing that a financial contribution towards Barnet Council to provide improvements off site. These matters are secured as part of the conditions and heads of terms and subject to these safeguards is considered acceptable in this instance.

Urban Greening

London Plan Policies G1 and G5 embed urban greening as a fundamental aspect of site and building design. Features such as street trees, green roofs, green walls, rain gardens, and hedgerows should all be considered for inclusion and the opportunity for ground level urban greening should be maximised. The applicant has calculated that the scheme would achieve an Urban Greening Factor score of 0.42 across the completed masterplan, this exceeds the target of 0.4. This is considered acceptable.

3.4 Design

The National Planning Policy Framework (revised, 2021) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors; securing high quality design goes beyond aesthetic considerations.

The London Plan 2021 policy D1B requires development to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives consideration to the use of use of attractive, robust materials which weather and mature well. Policy D2 (Delivering good design) requires masterplans and design codes to help bring forward development and ensure it delivers high quality design.

Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.

Masterplan Concept

The proposed illustrative masterplan is based on a hierarchy of streets and interconnected open spaces framed by buildings of varying scale height and density. The streets form a series of perimeter blocks with active ground floor frontages which provide clear and legible routes through the site. It is noted that the overall position of the proposed blocks and road layout is unchanged in the current application from the extant approval.

The masterplan responds to the typography and the surrounding lower density housing to the north and north east of the site (Within the Outline Element), with development in these zones consisting predominately of houses limited to a maximum of three storeys in height. Three storey blocks are also proposed on the south eastern portion of the site fronting Brunswick Crescent and three central blocks 1D, 1E and 1F drop down to three storeys where they adjoining the

residential properties in Howard Close and Brunswick Park Gardens. The School Building fronting Brunswick Park Road is also 3 storeys.

The heights of several of the proposed blocks are increased in height from the extant approval. The location of these and an assessment of the height changes is assessed below.

Height, bulk, scale and massing

Reflecting the hybrid nature of the application, the details of the height, bulk, scale and massing for Development Phase 1 (detailed component) are secured on the application drawings whereas, the details for Phase 2, 3, 4 & 5 (outline component) are secured in the parameter plans and Design Principles Documents.

As mentioned above the proposed built form of the site comprises a series of perimeter blocks and development zones organised around a network of streets and public spaces. The bulk, scale and massing of individual blocks varies to account for the proposed uses and the scale of the spaces that they frame or relate to. This provides variation in character, visual interest, identity, place and way-finding across the masterplan.

The extant approval proposed heights of blocks of between 3 and 9 storeys, with the maximum height in the detailed phase being 8 storeys. The current application proposes increasing this to a maximum of 12 storeys. The alterations are best demonstrated in plan form as set out below.

- All expressed storey heights include ground level
- The rear wings of blocks E and F are set on a steep incline, the stated storey height of the diagram is the building height at the top of the incline



2020 Permission

It is noted that the places where height has been increased they are not on those parts of the site where the development directly adjoins lower height 2 storey residential housing. As such the main impact on assessing the height changes is from a townscape rather than a neighbouring amenity perspective. It is also noted that the detailed design of the future outline section would be provided as part of a future reserved matters application and as such might not reach the maximum storey heights in all instances.

Tall buildings assessment

Barnet Core Strategy defines tall buildings as buildings of 8 storeys or 26m and states that they may be appropriate in strategic locations subject to detailed assessment criteria. The application site is located outside of the identified strategic locations.

Policy D9 of the London Plan 2021 state that tall buildings should be part of a planned and design-led approach, incorporating the highest standard of architecture and materials and should contribute to improving the legibility and permeability of an area, with active ground floor uses provided to ensure such buildings form an appropriate relationship with the surrounding public realm. Tall buildings should not have an unacceptably harmful impact on their surroundings in terms of their visual, functional, environmental and cumulative impacts, including wind, overshadowing, glare, strategic and local views and heritage assets. Policy D9 states that tall buildings should only be developed in locations that are identified as suitable in development plans.

Local Development Plan Policy DM05 'Tall Buildings' further advises that:

'Tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable. Proposals for tall buildings will need to demonstrate:

- i. an active street frontage where appropriate
- ii. successful integration into the existing urban fabric
- iii. a regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- iv. not cause harm to heritage assets and their setting
- v. that the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.

Proposals for redevelopment or refurbishment of existing tall buildings will be required to make a positive contribution to the townscape.'

The proposal is not located within an identified tall building area and is similarly not proposed as a tall building area in the Reg 22 Local Plan currently going through examination. The applicant has however made representations to the EIP and until such stage as we have received formal feedback from the Inspector in relation to the new Local Plan limited weight can be attached to this document.

It is also worth noting that the previous planning application (15/07932/OUT) which proposed buildings of up to 9 storeys in height was refused by Barnet Council due to the following reasons:

'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 that would fail to respect its local context and the pattern of development in its context, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore not constitute a sustainable form of development and would be contrary to policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (September 2012), policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (July 2011, October 2013 and January 2014).'

The applicant appealed this refusal and a Public Inquiry was held on 9 -11 October and 9 November 2018. The Planning Inspector in his reasoning considered the proposed development was contrary to policy DM05 which explicitly states that tall buildings outside a tall building area would not be permitted, this policy was not fully in accordance with the equivalent and more recent London Plan Policy 7.7 which allowed for the potential of tall buildings being considered acceptable outside tall building areas subject to an appropriate design assessment and justification.

The inspector concluded in their assessment that the heights of buildings along the boundaries of the site with surrounding residential properties were sufficiently dropped down in scale safeguarding the amenity and outlook from these properties. The taller elements elsewhere in the scheme were considered appropriate in scale by the Inspector located fronting open space or roads. The Inspector noted that 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.'*

In conclusion the Inspector's weighed up the conflict with Development Plan Policy DM05 against his assessment of the appropriateness of the scale and townscape of the development along with identified scheme benefits such as the provision of the school and needed residential accommodation in recommending that the scheme was approved. This decision was subsequently endorsed by the Secretary of State at the time.

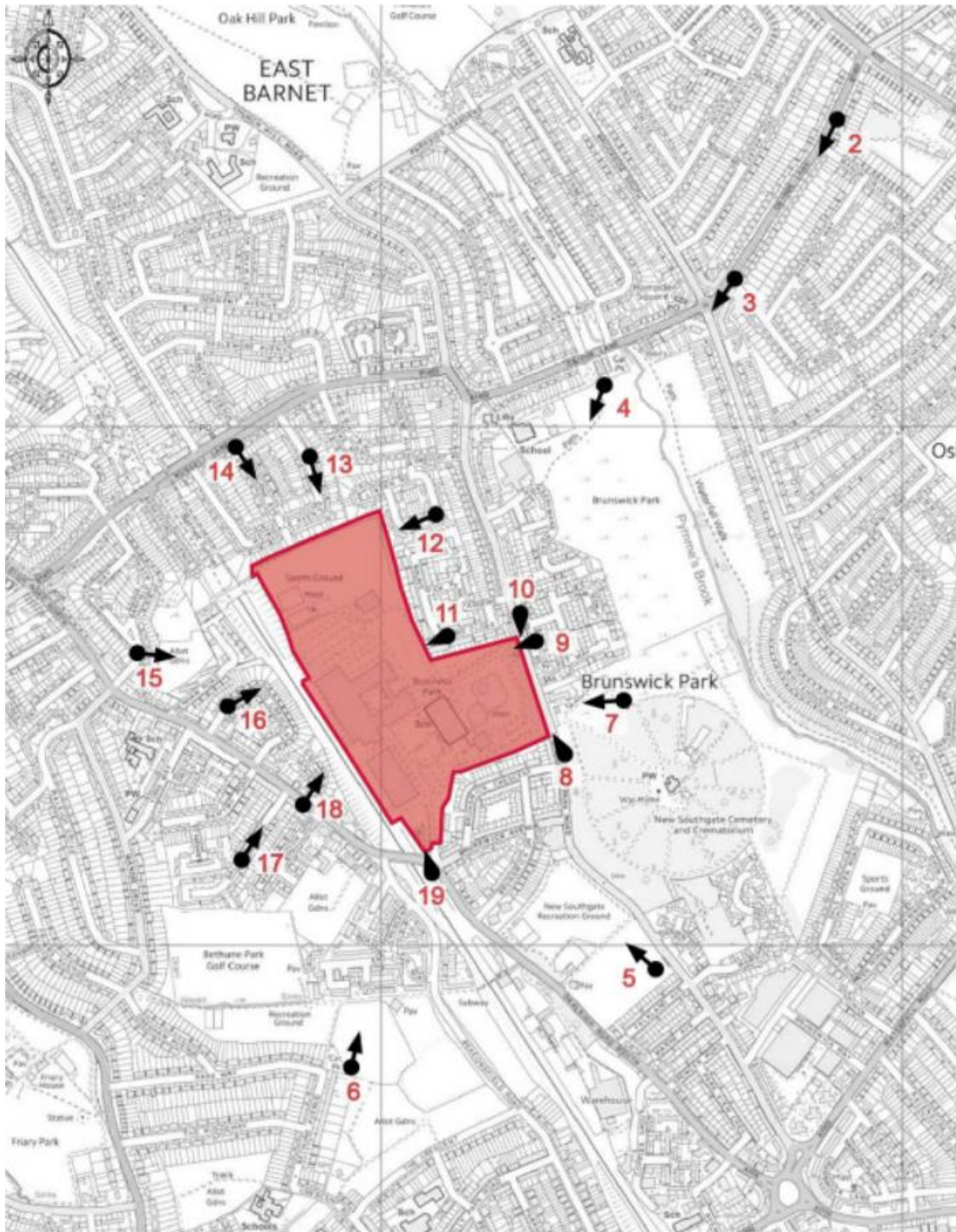
While the proposal is located outside an identified strategic location, this is not in itself considered sufficient grounds for the application to be refused, as planning policy requires Local Authorities to take into account other material planning considerations which can include urban design justifications for a departure, absence of planning harm along with any benefits which the scheme brings forward.

In the light of the Inspector's decision it is insufficient to refuse the scheme based on non compliance with Policy DM05 in itself in the absence of identification of harm. As mentioned above as the increases in height are not in those sections of the site directly adjoining neighbouring suburban housing the main impact to

consider is the Townscape Assessment submitted with the submitted Environmental Statement.

Visual impact and views

The applicant has submitted a detailed Townscape and Visual Impact Assessment which includes viewpoints from 19 different locations around the site as illustrated on the map below:



Ordnance Survey © Crown Copyright 2015. All rights reserved. Licence Number 100022432. Plotted scale - 1:13675.

The Townscape and Visual Impact Assessment demonstrates that the development would be of limited visibility from the surrounding area, with the closer views from the east i.e. the 11, 12, 13 & 14 views being effectively the same as the extant scheme. There is a higher magnitude of change when viewed from the west i.e. views 16 and 19, as well as viewpoint 7 to the east however these views are at a distance and across a railway line and an avenue of trees in relation to views 16 & 18, so difficult to establish as harmful, particularly in the context of the tall buildings deemed acceptable by the Inspector on the previous application.

As such the Officer's conclusions are that the proposed changes in scale would not significantly impact the townscape impact on the surrounding area. While there is some minor degree of harm this needs to be weighed up against other scheme benefits (and any additional harm) including the proposed additional housing including affordable.

Character and appearance

Both the Phase 1 detailed design component and the information submitted in support of the outline Development phases 2- 53 indicate a high quality design which will improve and enhance the site and the wider area. It is also noted that the design principles have not significantly changed from the extant permission. The following key attributes are noted in particular:

- A traditional architectural composition of a defined base, middle and top. The ground floor of the blocks is carefully designed to ensure that they provide active frontage and natural surveillance of the street. A defensible zone or landscape buffer is provided for residential dwellings which have a front door and habitable rooms and private amenity space fronting the street
- A traditional organisation to dwelling design, employing mansion block and terrace house formats as well as perimeter flat blocks and tall building elements.
- Contemporary architectural design employing a limited palette of high quality materials, including a prevalence of face brick as the primary material as well as other secondary materials to provide a degree of variation across the site as well as articulation of individual buildings.
- Façade detailing including the attention paid to the pattern of fenestration, deep recesses and design and organisation of private balconies and other features, further reinforce a sense of a high quality appearance and enduring architectural character.

Layout and connectivity

The site layout comprises a network of streets providing access and connectivity in and around the site and defining the perimeter block arrangement of buildings and the public open spaces across the site.

Vehicular access into the site is via two the two existing access points i.e. Oakleigh Road South to the South-West and Brunswick Park Road to the East. Additionally a

pedestrian and cycling link is proposed to the North to Weirdale allowing pedestrians and cyclists easy access to the shops and busses on Russell Lane . These provide the primary route through the site. More minor roads provide servicing and access to the remainder of the development. It is noted that this link was authorised in the previous permission and is not further altered under this application.

The improved connectivity and permeability of the site, which accords with the intent of London Plan and Barnet Core Strategy reconnects the site with its surrounding neighbourhoods providing access to its proposed facilities (retail and community) uses and public open spaces) as well as improved access to adjacent public transport and wider networks such as cycling routes.

Safety, security and crime mitigation

Pursuant to London Plan policy D11 (Safety, Security and resilience to emergency) and Barnet Core Strategy policy CS12, the scheme is considered to enhance safety and security and mitigate the potential of crime over and above the existing estate.

the scheme is considered to enhance safety and security and mitigate the potential of crime because:

- Routes through the site and network of spaces are legible and will be well maintained noting that the scheme is supported by an estate management plan
- It is considered that the design details provide a clear indication of whether a space is private, semi-public or public, with natural surveillance of publicly accessible spaces from buildings at their lower floors achieved across the entire site
- The design including active ground floor frontages and surveillance and mix of uses encourages a level of human activity that is appropriate across the site, which will maximize activity throughout the day and night, thereby creating a reduced risk of crime and a sense of safety at all times
- The network of communal spaces spaces proposed are considered to be laid out and detailed in such a way to promote an appropriate sense of ownership
- Security measures will be integral to the design of buildings with details secured through appropriately worded conditions, it being noted that the MPS Designing Out Crime Officer has provided advice on achieving Secured by Design accreditation for the scheme
- The design of the scheme including perimeter development, defensible frontages and active ground floors across the site is considered to minimise the safety and security interventions needed and therefore the demands of ongoing management and maintenance costs

The Metropolitan Police were consulted on this application and did not raise any objections, but requested a condition is attached to ensure that the development secures secured by design accreditation. A condition is attached to this effect requiring the applicant to demonstrate compliance with secured by design principles.

Conservation and Archaeology

The preservation and enhancement of heritage assets is one of the 12 core principles of the NPPF. It is a statutory obligation of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the special architectural and historical interest as well as the setting of listed buildings as well as the character and appearance of conservation areas. Saved PPS5 'Planning and the Historic Environment' provides guidance regarding consideration of designated and non-designated heritage assets. In addition, London Plan policy HC1 and Barnet Core Strategy CS5 and DM06 variously require the consideration of the impact to heritage assets including listed buildings, conservation areas and archaeology.

In respect of archaeology, the application is not located in an area of interest however the submitted Environmental Statement identifies two surviving air raid shelters, historic industrial activity and potential human remains. The applicant has proposed to provide a watching brief to record the air raid shelter and industrial heritage which is welcomed and safeguarded by condition. While the comments from Historic England are noted, the areas of interest in question are in the later outline elements of the scheme and are therefore considered appropriate to cover by condition as was the previous application.

In respect of potential impact on Listed Buildings and Conservation Areas, no Conservation Areas, Listed Buildings or registered parks are located within 1km of the site., while some Listed Buildings are located within 2 km of the site, it is considered that proposal would not result in any demonstrable impact due to the distance and the limited visibility of the site in longer views.

3.5 Amenities of Neighbouring and Future Residents

Part of the 'Sustainable development' imperative of the NPPF 2012 is pursuing improvements to amenity through the design of the built environment (para 9). Amenity is a consideration of London Plan 2011 policy 2.6 'Outer London: Vision and Strategy' and is implicit in Chapter 7 'London's Living Places and Spaces'. In addition Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

Privacy, overlooking and outlook

The Barnet Residential Design Guidance SPD states there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

Privacy and separation to surrounding sites

The majority of the proposed buildings are located over 11m from site boundaries, being located between 30-55m from rear elevations of surrounding properties. It is noted that all larger blocks all of these are located over 40m from neighbouring properties. Due to these distance separations the proposal would not result in any

demonstrable loss of daylight/ sunlight or privacy. It is also worth noting that the heights of the blocks neighbouring low rise surrounding properties are not being increased in height from the extant permission.

The only instance where buildings are located closer than 11m to the respective boundaries are in the case of the flank walls of the 3 storey wings to blocks 1E and 1F. A condition is attached requiring any windows on these elevations to be fitted with obscure glazing in order to ensure no impact on privacy.

Privacy and separation within the site

In relation to buildings within the site, all of the proposed apartment buildings have large central amenity areas, resulting in a distance separation of between 30 – 76m between opposing flanks. These distance far exceed minimum policy requirements and are considered acceptable.

Noise and general disturbance

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. Whilst there is an increase in the intensity of use of the site, the use is consistent with the residential character of the wider area. The commercial and community uses including the school are appropriately located and accord with the redevelopment intent of the adopted planning brief.

In considering the potential impact to neighbours, conditions are recommended to ensuring that any plant or machinery associated with the development achieves required noise levels for residential environment. The council's environmental health team have recommended appropriately worded conditions for noise reporting and impact mitigation, extract and ventilation equipment, plant noise, noise mitigation in the case of any gym use, acoustic fencing, school noise mitigation as well as informatives relating to extraction flues and acoustic consultants. It should be noted that any excessive or unreasonable noise is covered by the Environmental Protection Act 1990.

Air quality

In respect of air pollution, no significant impacts are identified by the council's environmental Health Team. The applicant has submitted an Air Quality Assessment in support of the application. Suitable Conditions are attached regarding ventilation and the submission of details of proposed plant and equipment.

In respect of traffic and parking impacts on air quality, the levels of parking are controlled and the travel plans which will be secured as part of planning obligations will encourage transport by other modes. In respect of the design, the scheme contributed towards overall reductions in CO2 production, having regard to energy and sustainability policies.

Daylight and Sunlight

The proposal would not result in any demonstrable impact on daylight/ sunlight levels to adjoining properties due to the distance separation of the proposals from neighbouring houses as discussed above. The proposed blocks have also been designed on a spacious layout with large gaps between blocks and within courtyards which will allow daylight and sunlight to permeate through the development to both existing and future residential occupiers.

3.6 Transport, highways and parking

The Planning Application for the redevelopment of the North London Business Park was submitted in August 2021 (Planning reference 21/4433/OUT) supported by a Transport Assessment (TA) prepared by Stomor Ltd (Document reference ST3013/TA-2108 Rev 0). Due to time and data constraints associated with the Planning Application submission deadline, the applicants were advised by LBB and Transport for London (TfL) in July 2021, that a TA Addendum would need to be prepared to provide the necessary supporting analysis to demonstrate the viability of the proposals including:

- Traffic impact assessment of the Proposed Development to the surrounding junctions
- Details of the proposed signalised site access with Brunswick Park Road;
- Details of the proposed footway and bus stop upgrades to Brunswick Park Road;
- London Underground Station Capacity/Line Loading Assessment at Arnos Grove.

The applicant has been working on the above matters over the past 12 months in close consultation with LBB Transport officers and TfL. A number of design iterations, capacity assessments, public transport impact analysis and safety audits have been undertaken to demonstrate the viability of the proposed development. A final Transport Assessment Addendum (ST3013/TAA-2210-North London Business Park-Rev 0) was issued to LBB on 20 October 2022.

Subject to satisfactory completion of legal agreements and conditions to secure the various improvements and mitigation measures identified during the above process, the development is policy compliant and acceptable to LBB officers on transport grounds. The LBB Transport Team set out our comments below.

Existing Conditions

The site is bounded by the East Coast Mainline railway along the entire western boundary. The eastern boundary is abutted by Properties on Brunswick Park Gardens to the northeast and Brunswick Park Road to the southeast. New Southgate Cemetery is located to the southeast of the site. To the north are properties on Weirdale Road, Ashbourne Avenue, Linden Road and Pine Road. To the south are properties on Brunswick Crescent and Haynes Close. The A109, Oakleigh Road North abuts the south-eastern corner of the site.

The site has two existing access points, one to the south onto the A109 Oakleigh Road North and one to the east onto Brunswick Park Road. There is a redundant, unused access point to the northern boundary which could provide access to Ashbourne Avenue, however it is currently fenced off. Ashbourne Avenue leads onto the B5143 Russell Lane, which comprises a mix of residential properties and neighbourhood retail frontage.

Current Public Transport & Access

The site is located between two London Underground lines; the Northern Line and Piccadilly Line. The nearest station is Arnos Grove on the Piccadilly Line (24-minute walk / 8-minute cycle). There are 10 cycle storage spaces at the station with additional stands in the local area.

There are two bus stops located adjacent to the site access: one on Brunswick Park Road and the other on the A109 Oakleigh Road North. Both of these stops are within 400m as measured from the centre of the site.

The bus stops along the A109 Oakleigh Road North are accessible via the footways available from the site and along both sides of the A109 Oakleigh Road North. Access to the northbound bus stop is facilitated via a zebra crossing located along the A109 Oakleigh Road North adjacent to the southern site access. The bus stops along Brunswick Park Road are accessible via the footways available from the site and along both sides of Brunswick Park Road. Access to the southbound bus stop is facilitated via a zebra crossing located along Brunswick Park Road to the north of the site access.

In addition to the bus stops located adjacent to the existing site accesses, there are also bus stops located along the B1453 Russell Lane. There is currently no access to the B1453 Russell Lane. The developers propose to deliver a pedestrian/cycle access as part of the proposals, which will link the north of the site to Ashbourne Avenue and connect to Russell Lane.

The Oakleigh Road North access takes the form of a priority junction at the southern extent of the redevelopment site. The existing access from Brunswick Park Road takes the form of a crossroads arrangement on the eastern edge of the development site. Zebra crossings are in place adjacent to both existing site accesses. Additional zebra crossings are located on Oakleigh Road North adjacent to Oakleigh Close, adjacent to Raleigh Drive, at the B14533 Russell Lane mini roundabout on Oakleigh Road South at Betstyle Circus and on Brunswick Park Road to the north of Prevost Road.

An off-highway cycle route to the east of the site provides a north-south connection towards East Barnet and New Southgate through Brunswick Park.

PTAL Score

TfL's web-based calculator has been used to determine the site's existing Public Transport Accessibility Level (PTAL). The PTAL rating varies between 1a, 1b and 2 across the site depending upon proximity to public transport. This represents a poor level of accessibility. On this basis the development should bring forward measures that seek to improve the public transport accessibility and active travel credentials of the site should be a priority in order to deliver a sustainable development in transport terms.

Proposed Car Parking

For Phase 1 - It is proposed to provide car parking at a ratio of approximately 0.8 spaces per dwelling resulting in a total of 367 car parking spaces for the 445 total dwellings.

London Barnet Local Plan Policy (DM17) recognises that its residential parking standards will be applied flexibly based on different locations and issues related to public transport accessibility, parking stress and controls, ease of access by cycling

and walking, and population densities. Appropriate parking for disabled people should always be provided.

Following publication of the London Mayor's transport strategy TfL recommend that the starting point for all developments should be 'car-free'. Nevertheless, it is recognised that this is not suitable for all locations, especially in outer London Boroughs. The recommended Parking ratios for locations in Outer London under PTAL 4 allow for the provision of parking spaces up to a maximum of 0.5-0.75, however TfL generally encourage much lower provision than this in their formal advice.

LBB officers generally accept that travel patterns including commuting are likely to see permanent changes as a result of Covid 19, which would potentially lead to reduced need for car travel. However, the development will require a robust Travel Plan with strong mode shift targets and associated incentives as well as careful monitoring to ensure these are being met. This should be secured through a s.106 contribution and conditions.

London Barnet Local Plan Policy recognises that its residential parking standards will be applied flexibly based on different locations and issues related to public transport accessibility, parking stress and controls, ease of access by cycling and walking, and population densities. Appropriate parking for disabled people should always be provided.

LBB Development Management Document Policy DM17:

Residential development may be acceptable:

- i) With limited or no parking outside a CPZ but only where it can be demonstrated through a survey that there is sufficient on street parking capacity;*
- ii) With limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the application will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.*

The parking quantum is also in keeping with Barnet's new Draft Local Plan (**Barnet Draft Local Plan (Reg 19) 2021 to 2036 Submitted for independent examination pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012**), which seeks to align Borough Policy more closely with London Plan Standards. The DLP reiterates that the Council will show flexibility in meeting parking standards and requires parking surveys to ensure that impact to surrounding communities is minimised. The proposed maximum parking ratios for PTAL 1 & 2 are 1.25 and 0.75 respectively. The development falls between these two thresholds and LBB consider 0.8 as an appropriate balance for this location.

However, given the proposed parking ratio is below 1 LBB requested that a robust assessment of the potential trip generation was undertaken to demonstrate that overspill parking would not be problematic for surrounding streets. Due to the lack of CPZ coverage in the surrounding streets a parking stress survey was undertaken to assess the likelihood of adverse impacts to local residents in the event of any overspill parking.

The survey showed that there is adequate parking space in the vicinity of the site in the event of any potential overspill. In addition, and based on the predicted trip generation, the parking provision aims to fully cover the requirements of the development on site. For these reasons the proposed parking ratio is considered Policy compliant and acceptable to LBB Officers subject to a 'monitor & manage' approach to be secured as part of the Travel Planning process.

Monitor & Manage

As agreed with the applicants and TfL during a highway meeting in September 2022, a 'Monitor and Manage' approach will be adopted for the later phases of the development. This approach is the most appropriate way to ensure that appropriate levels of car parking are provided during the later phases to reflect:

- Actual levels of car ownership observed as part of Phase 1
- Increase in home working due to Covid19
- Results of the Travel Plan monitoring surveys

Notwithstanding the above, the maximum level of car parking provision provided within the development will not exceed 0.8 and will be detailed as part of the subsequent Reserved Matters for the later phases.

Cycle parking provision will be in accordance with London standards. Safe and secure storage of bicycles as part of the overall package of sustainable transport improvements. Care will be taken not to over-provide vehicle parking.

The provision of disabled parking spaces (for all land uses) and electric vehicle charging points (20% active and remaining passive) in accordance with the London Plan should be demonstrated and conditioned.

A car parking management plan, which sets out how disabled parking will be managed including ensuring that disabled spaces are allocated on the basis of need and not attached to a particular flat or leased long term, should be secured by condition.

The proposed development should provide a financial contribution towards an ongoing parking occupancy monitoring programme and fund any potential CPZ consultation arising as a result. (secured via s106 agreement).

Overall, the proposed parking levels are supported by the LB Barnet Transport Team subject to the following:

- Satisfactory provision of sustainable transport and active travel measures / improvements

- Implementation of a Travel Plan (to be conditioned)
- Protection of the local amenity from overspill parking via ongoing review of the need for a Controlled Parking Scheme (CPZ)
- Residents of the development should be prevented from applying for on-street parking permits in any future CPZ
- Implementation of a Parking Design and Management Plan (to be conditioned)

Vehicular Highway Impact

Main Site Access – Brunswick Park Road/Goldrill Drive

As part of the development proposals for Phase 1, the current site access to the east with Brunswick Park Road will be upgraded. The proposed works will provide a signal-controlled junction to replace the existing crossroads arrangement with Brunswick Park Road/Goldrill Drive/Benfleet Way. The junction will incorporate pedestrian phases with dedicated facilities provided across all arms.

The existing Zebra crossing 20m to the north of the junction will be decommissioned. The southbound approach to the junction is to be allocated two lanes (ahead/left and right only). To accommodate this will require widening the eastern side of Brunswick Park Road, which in turn will require altering the Goldrill Drive arm of the junction. Additional junction widening is also proposed at the site access.

At the request of the Council the applicant has carried out a Stage 1 Road Safety Audit (RSA) in September 2022 and is contained in the TAA Appendix O. A Designers Response was prepared by Stomor in October 2022.

The Council is satisfied that the proposed layout is safe and operationally viable and would not exceed capacity in the peak hours. There is a compromise on the design in terms of lack of Advance Cycle Stop Lines, however given the Safety Audit outcomes this is acceptable. Given the self-contained nature of the development it is considered that if cyclists are inconvenienced at the junction there are adequate alternative routes to safely exit/enter the site should they wish.

During subsequent phases it will be essential to monitor the junction operations as part of the overall 'monitor and manage' and travel planning process to ensure that trip generation and trip distribution forecasts do not substantially deviate from the TAA assumptions. Under the full development scenario in 2031 the junction is likely to operate close to capacity and would be sensitive to small changes.

Other Junctions

Following extensive discussion with TfL 8 junctions were assessed for capacity & performance for the future year with development flows in 2031. Of these, the following junctions are predicted to exceed capacity in the Future Year scenarios:

Junction 1 – Oakleigh Road (N)/Myddelton Park/Oakleigh Park (S)
Junction 2 – Church Hill Road/Russell Lane/Brunswick Park Road
Junction 3 – A109 Oakleigh Road North/Pollard Road/B1453 Russell Lane
Junction 4 – Site Access/Brunswick Park Road/Goldrill Drive
Junction 8 – A109 Oakleigh Road/A1000 High Road/Totteridge Lane

The traffic modelling results indicate that the above junctions are also expected to operate above capacity in the Future Year 'Without Development' i.e., without the addition of the proposed development traffic, which is indicative of wider pressures on the network. LBB considers that some form of proportionate mitigation either in the form of signals updates and/or physical modifications keeping in line with Healthy Streets principles would be required to ensure that impacts are kept to a minimum.

Following discussion with TfL and the applicants it is recommended that a review of the signalised junctions (J1, J3 and J8) will be undertaken together with TfL's signals team to determine if any appropriate and proportionate mitigation can be delivered at these locations. The review costs and any mitigation identified will be secured as part of a S106 obligation. There should be no prejudice towards any measures that may be required as a result of the assessment. **This could potentially** include wider area initiatives such as the introduction of Low Traffic Neighbourhoods **for example** to minimise rat-running caused by congestion at the junctions.

Cycle Parking

A total of 901 cycle parking spaces for the proposal will be provided, which is welcomed. This meets and exceeds the adopted London plan cycle parking requirement within the site (846) and is in line with London Plan policy T5 Cycling. The applicant is reminded that adequate changing and shower facilities should be provided for the non-residential elements to facilitate staff/ employees commute by bike, The applicants should seek to provide large spaces for 5% of the cycle parking provision.

General Layout

The site layout plan should be fully dimensioned to help with the review process (e.g. carriageway / aisle / access / footway widths, car parking bays etc.).

The car parking layout plans should be fully dimensioned to help with the review process. This should be supported with swept path analysis where appropriate (e.g. aisle widths, manoeuvrability into / out from parking bays with geometric constraints, two-way vehicle turning within entry / exit of parking areas).

The vehicle / pedestrian and vehicle / vehicle visibility splays should be shown on plan to demonstrate that there would be no obstructions to visibility requirements. Clarification is required as to whether any sections of the public highway will be subject to a Stopping Up application or if any sections are to be given up for adoption.

All the above items should be secured by condition to be provided prior to construction

Healthy Streets Assessment

A detailed Active Travel Zone assessment of the key walking and cycling corridors surrounding the Development has been undertaken by the applicants. Proposed improvements within reasonable distance from the site (approximately 1 mile) will be included within the s.106 agreement for funding contributions towards their implementation. This is in line with LBB and TfL sustainable travel policies and future mode share targets. Given the Future Scenario junction impacts predicted by the developers it will be important to ensure that the local streetscape is of a standard that encourages walking, cycling and use of public transport wherever possible.

The developers propose to deliver a pedestrian/cycle access as part of the proposals, which will link the north of the site to Ashbourne Avenue and connect to Russell Lane. Previously local residents have raised objections to the provision of a link in this location, with noise and disturbance being one of the main concerns. However, on balance it is felt that there are important benefits of providing the link with increased potential natural surveillance and reduced crime risk of residential properties from increased footfall.

The above measures are all in keeping with *Draft DLP Policy TRC01 – Sustainable and Active Travel*

Travel Plan

A Framework Travel Plan with ambitious targets for public transport and decrease in car use will need to be prepared. Ultimately this should aim to incorporate targets, measures and actions aimed to achieve the Mayor's Strategic Target of 80% trips to be made by sustainable transport modes. The applicant should therefore secure the final Travel Plan by s106 agreement accordingly. The financial contribution towards Travel Plan Monitoring should be to the maximum amount provisioned under LBB's DM17.

Car Parking Design and Management Plan

A Car Parking Design and Management Plan needs to be conditioned as part of the planning consent. This would detail how car parking will be designed and how they are to be controlled / managed.

Delivery and Servicing Management Plan / Refuse Collection Strategy

Details of servicing, delivery and refuse arrangements for all land uses proposed have not been provided. This may need to be supported by swept path analysis with plans demonstrating trolleying distance compliance in relation to refuse collection. The swept path analysis should show vehicles being able to successfully pass standing refuse / delivery vehicles at locations that appear to be geometrically constrained. The swept paths of the large delivery vehicles entering / leaving each of the access points should be provided. All servicing / delivery requirements should be accommodated within the confines of the site as opposed to relying on the public highway.

A Delivery and Servicing Management Plan should be conditioned as part of the planning consent. The maximum size of vehicles anticipated to use the site should be confirmed and controlled via a Delivery and Servicing Management Plan.

Construction

A Construction Logistics Plan (CLP) along with a Construction Worker Travel Plan (CWTP) should be conditioned as part of the planning consent. This should take into account the cumulative impacts of works in the surrounding area and comments received in TfL's formal response.

TfL Public Transport Impacts

Consideration was previously given towards either a new or re-routed TfL Bus service through the site however operationally this was considered unviable and has not been pursued any further. Comer Homes will provide an on-site shuttle bus service (15 seat) which will provide an `on-demand` service to key destinations such as local commercial and health centres and also to key public transport interchange hubs.

TfL requested an assessment of Station Capacity at Arnos Grove Station, to identify the impact of the London Underground trip generation associated with the proposed development by 2031. The assessment utilised the Transport forecast demand data shows that:

- The current provisions of staircase and passageway widths are sufficient to cater for the future passenger demands related to the proposed development in 2031.
- The current gateline provision does not meet the LU Station Planning guidance requirements in 2031 with or without the additional development trips during the AM peak hour. The 2031 forecast demand (without the development) would require one additional ATG
-

It is noted that Transport for London have raised no in principle objections to the scheme subject to appropriate contributions towards improvements of bus services. This is secured in the S106. No contributions have been sought for improvements to Arnos Grove although this site was subject to an adjoining station development which presumably could fund improvements to the gateline provision in the station.

3.7 Waste and Recycling

Although the NPPF does not contain specific waste policies, it does state that part of the environmental dimension to 'sustainable development' is waste minimisation (para 7). As part of London Plan 2021 Policy SI7 'Reducing waste and supporting the circular economy which also seeks adequate recycling storage provision in new developments as does the Barnet Core Strategy DPD 2012 policy CS14 which also promotes waste prevention, reuse, recycling, composting and resource efficiency over landfill.

A suitable condition is attached to ensure the provision of adequate waste and recycling facilities in accordance with the above requirements.

3.8 Energy, Sustainability, and Resources

London Plan Policy SI 2 Minimising greenhouse gas emissions requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

London Plan Policy SI2 'Minimising Greenhouse Gas' requires all residential developments to achieve zero carbon on new residential developments of which a minimum on-site reduction of at least 35 per cent beyond Building Regulations 152 is required for major development. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough through a cash in lieu contribution to the borough's carbon offset fund.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes.

An Energy Statement has been submitted with this application, prepared by MKPG which details the measures that have been incorporated into the scheme, having been carefully considered early on in the design process. In particular:

- Be Lean – passive design measures have been included and lead to a reduction in regulated CO₂ emissions over the AD L 2013 TER and Target Fabric Energy Efficiency (TFEE) standard. A combination of Be Lean measures have been incorporated including energy-efficient building fabric, insulation to all heat loss floors, walls and roofs, double glazed windows, low-energy lighting, and efficient ventilation systems. All of these measures contribute to an enhancement in energy performance equal to a 52% reduction in regulated CO₂ emissions;
- Be Clean – the feasibility of supplying decentralised energy to the scheme has been assessed in accordance with the heating hierarchy. A site-wide heat network, led by Air Source Heat Pumps and supplemented by high-efficiency gas boilers will serve all domestic units providing a source of decentralised energy to future occupants and users of the development.
- Be Green – opportunities to maximise low and zero carbon (LZC) technologies have been assessed and all options reviewed for their practical, financial and technical viability in relation to the scheme. ASHPs form a central component of the heat network and are described within the accompanying Energy Strategy under the Be Clean stage of energy hierarchy. The ASHPs will deliver an estimated 40% reduction in regulated CO₂ emissions over AD L 2013. Having regard to the results of the Be Lean, Be Clean and Be Green measures, and based on the SAP calculations, the development achieves the zero carbon homes standard in full through a carbon-offset payment which offsets the shortfall in regulated CO₂

emissions reduction for the new dwellings. The total CO2 emissions to offset for the scheme have been calculated as: 44,178 t CO2/30 years, which based on a carbon price set by the GLA of £95 t CO2/yr over a 30-year period, this is equivalent to a cash in lieu contribution of £4,196,877.

A dynamic simulation model and CIBSE TM59 overheating assessment has also been submitted in support of the application which concludes that all of the proposed flats can comply with the relevant standards through passive measures providing the proposed strategy identified in the report are adopted.

The GLA have advised in their Stage 1 reply that they are broadly satisfied with the submitted energy strategy.

Circular Economy.

The applicant has submitted a circular economy statement with the application, the GLA have requested in their stage 1 that this matter is secured by condition.

3.9 Landscaping, Trees and biodiversity

The 'sustainable development' imperative of NPPF 2019 includes enhancing the natural environment and improving biodiversity. London Plan G5 (Urban Greening) advises that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Barnet Local Plan policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity.

Landscape and Open Space

The application masterplan includes the provision of three main public parks which together with other incidental spaces provide a total open space provision of 20,250 sqm. The main parks consist of the lakeside park contained within the detailed Phase 1 part of the development and the Northern and Southern Central Parks contained within the Outline Elements of the proposal. This is considered an appropriate level of provision providing valuable amenity space for future residents of the development as well as helping to frame and shape buildings through the site.

Trees

An arboricultural survey was undertaken in April 2021 to survey trees, hedges and vegetation. In total, 69 individual trees and 47 tree groups / hedges were identified, of a variety of types and quality. As a result of both identified constraints within the proposed development and of poor arboricultural quality, 19 Category B trees and tree groups, 51 Category C trees and tree groups, and 4 Category U trees are proposed for removal.

It is recognised that the extent of tree removals allow the development to progress,

and an extensive and detailed landscaping and planting plan will deliver a high-quality and robust tree stock in keeping with both the site design and the wider existing landscape character to offer climate change and bio-security resilience. Overall the landscape proposals include the planting of 189 new trees in phase 1 and circa 470 trees new trees across the site in order to reduce the impact of the proposed tree loss.

Overall it is considered that the proposed tree removal is considered acceptable in this instance in order to allow for the development of the site. Parks and areas of landscaping have been arranged in order to take maximise tree retention, and in numerical terms the quantity of replacement planting is greater than the number of trees proposed and is considered acceptable. It is also noted that the level of tree removal is similar in level to the extant permission as varied by the S73 permission in relation to the school.

Some of the trees identified in the survey have recently been felled in order to implement the school proposals under the S73 permission. The site has been visited by the Council's Arboricultural Officer who has confirmed that the trees which have been removed are trees for which planning permission was in place for their removal or in other cases not covered by any tree protection order. Tree protective fencing around retained trees was installed following comments from the Council's arboricultural officer and are now in place.

Biodiversity

The applicant has submitted an Ecological Appraisal together with updated Bat, Badger, Reptile and Great Crested Newt surveys in support of their Planning Application.

The ecological appraisal and surveys conclude that habitats within the site are of limited conservation value due to the dominance of buildings, hardstanding and well managed amenity grassland. Tree groups and the limited hedgerows provided some potential for commuting and foraging, however these lacked structural and botanical diversity. The reports evaluated that the current habitats on site are of negligible conservation value. The proposed development will have biodiversity enhancements, which will include native planting of hedgerows and trees, but also areas of wildflower grassland which will be included within the public parks and reptile receptor site. These will create a nectar source for invertebrates and increased foraging potential for other wildlife species. It is thought that such enhancements would have a minor beneficial effect at site level in the long term.

Fauna within the site was limited due to poor habitat availability. Evidence of badgers using the site was located within the semi-improved grassland compartment at the north of site where a number of snuffle holes and a squeeze were identified. It is recommended that sufficient precautions are taken during the construction phase.

Relatively low levels of bat activity were recorded during both activity and static surveys, with common pipistrelles being the most frequently recorded species. A total of five species recorded, however the majority consisted of no more than five contacts; it was therefore assessed that the site was of negligible value to local bat

populations. The buildings and trees to be lost to the development have no roosting opportunities and/or no evidence was recorded, therefore there are no constraints concerning roosting bats.

The inclusion of appropriately designed GI within the proposed development will create additional navigational and foraging opportunities, especially as invertebrates will be encouraged to the development through more native planting and increased nectar sources. The habitat enhancements and creation will have a long term minor beneficial effect for foraging bats at a site level.

In relation to the pond, this is a large manmade water body, constructed in the 1980's, that lacked aquatic vegetation but had fish and a large number of waterfowl present. The HSI assessed this waterbody as poor suitability for Great Crested Newts (GCNs) . The location of the pond within an urbanised area, isolated from any records of GCNs, meant that colonisation is unlikely to have occurred. These combined factors have concluded that GCNs are absent, and no further surveys are required, hence there is no constraint to the development concerning GCNs.

It is noted that the works to the pond have received been carried out pursuant to the S73 approval of the school. These drainage works were supervised by an ecologist during a period when the water fowl were seasonally absent from the site. Care was taken to remove fish and other species during the duration of the works.

The ecology survey found a 'good' population of slow worms were found within the north western parts of the site, the ecology report recommended that works to this area to be restricted to a time when slow worms were not in hibernation and that they should be translocated to a nearby receptor site during the construction works to avoid any offence under the Wildlife & Countryside Act 1981 (as amended). New habitat for reptiles such as log piles were proposed along the margins of the site, to which some of the slow worms would likely be relocated although some would likely to have to be relocated to a suitable receptor site outside the application boundary.

While the school site is located on a different portion of the NLBP site to the area at the top with the reptiles. Contractors connected with the school build accessed this site to store materials and caused some damage to the slow worm habitat. The site was visited by the Council's ecology officer, as a result of which all work in this area ceased and log piles were erected along the site periphery as recommended in the ecology surveys. The applicant also reported themselves to the Police and have provided copies of this to the Local Authority.

While this breach is clearly regrettable it is not in itself a reason to withhold permission and the applicant has taken appropriate steps upon request by Council Officers. Suitable additional conditions are also suggested along with S106 obligations to ensure that suitable replacement habitat is provided either on or off site to the satisfaction of the LPA. Conditions are also attached requiring the provision of Bat and Bird Boxes and a scheme of ecological enhancements.

The mitigation measures proposed elsewhere in the site in relation to ecological enhancements will ensure that the conservation status of species are maintained and enhanced through habitat creation, incorporation of hibernacula and the provision of bat and bird boxes. The possible habitats to be created within the site

will provide more opportunities for biodiversity, however due to the context of the development, isolated within a highly urban area, it is thought that there would only be a minor beneficial effect in the long term at a site level.

Flood risk, Water Resources, Drainage and SUDs

In support these considerations Flood Risk is considered within the submitted Environmental Statement

In respect of flood risk, the site is within Flood Zone 1 which is classified as being of low risk of flooding. The proposed development is acceptable in this zone and there is no requirement for exception and sequential testing of the acceptability of the scheme.

In line with policy requirements the proposed development proposes to restrict runoff from the site to the equivalent greenfield runoff rates. This will enable a significant reduction in surface water runoff being discharged off-site, freeing up capacity within Thames Waters surface water sewers and thus reducing flood risk within the downstream catchment. The proposed drainage strategy promotes the use of rainwater harvesting. This will reduce the demand for potable water supply and will help to capture the first 5mm of runoff, reducing the level of pollutants being discharged off-site. The inclusion of a SuDS attenuation pond will offer water quality enhancement as well as other ecological and biodiversity benefits.

Exceedance flows beyond the 100 year plus 30% critical storm event will be routed towards convenient holding points within the confines of the development area, away from properties and primary access routes.

Foul flows from the development will discharge to the existing foul sewerage network beneath Brunswick Park Road.

The Lead Local Flood Authority and Thames Water have been consulted on the application. No in principle objection has been raised, however Thames Water have requested the imposition of a Grampian Style Condition which is included in the list of suggested conditions.

3.10 Other matters

Utilities

In support of the application a Utilities report has been submitted in support of the application. The utility report ascertains that the site has live connections to all primary services. A review of the asset record plans for each utility provider has confirmed that existing on-site services could be diverted to accommodate any future development phase, without disruption to any off-site networks.

It is concluded that each phase of the proposed redevelopment scheme can be delivered without any abnormal utility constraints. Furthermore, given the inclusion of renewable energies and rainwater harvesting within the proposed redevelopment scheme, there are not expected to be any future capacity restrictions or abnormal reinforcement requirements.

In regards to sewer infrastructure, Thames Water have requested a Grampian style condition is imposed requiring the drainage strategy to be agreed which is included in the list of suggested conditions.

Ground conditions and Contamination

In regards to potential contamination, the submitted Environmental Statement acknowledges that remediation will be required due to the previous historic industrial use of the site. The council's Environmental Health Team have also recommended appropriate contamination remediation conditions.

3.11 Viability, Planning Obligations & CIL

S106 obligations & viability

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.

The full list of planning obligations is set out in the heads of terms to this report.

In summary the scheme includes **21%** affordable housing by unit and habitable room (**35%** of the uplift units) with an early, mid and late stage affordable housing review mechanism and other contributions such as the provision of a serviced site for the new school and requirements to address the transport impacts of the proposal in the form of securing the proposed minibus shuttle bus provision, bus contributions and off site highway works. Obligations are also attached concerning any off site reptile habitat creation and any greenspaces contributions to mitigate for any shortage of play provision on site. A carbon off set payment is also secured.

LB Barnet CIL

As noted in SPD para 2.2.11, the purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough.

Barnet recently revised its Cil Charging schedule increasing, the CIL charging rate from £135 per sqm to £300 per sqm for residential floorspace. Cil is also payable at a lower amount on some of the commercial but not the community or educational floorspace.

Mayoral CIL

From 1 April 2012, the Mayor of London started charging CIL on development to help provide £300m towards the cost of delivering the Crossrail project, a strategic priority to support the growth and development in London.

From 1 April 2012 to 1 April 2019 all chargeable development in Barnet paid a flat rate of **£35 per square metre - *Nil rate for Health and Education uses.**

The Mayor increased the rate to £60 a square metre for planning permissions granted from 1st April 2019.

4. EQUALITY AND DIVERSITY ISSUES

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council’s statutory duty under this important legislation.

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

A minimum of 10% of units will be wheelchair adaptable.

The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces.

Dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

The proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

7. CONCLUSION

In conclusion, the scheme is considered acceptable on balance having regard to relevant national, regional and local planning policies and guidance. The principle of the redevelopment of the site is considered acceptable and accords with the adopted Policy Framework.

An ES has been submitted which robustly assesses the proposed development against a full range of topics and identifies appropriate mitigation such that there are no significant adverse impacts posed by the scheme. The proposed detailed design for Phase 1 is considered to be high quality with appropriate levels of amenity space, public open space and residential standards achieved for future occupiers reflecting a development of this intensity and balanced with the need to optimize the use of the site.

The impact of the increased density and height of the development on the character of the surround area and amenities of neighbouring residents and is considered to not result in a significant increase in the level of harm over and above the extant permissions on the site. This harm has to be weighed against the scheme benefits which include the provision of an increased housing provision and in particular the provision of 35% affordable housing on this uplift. The proposed increase in community floorspace is also welcomed. Currently the CWC proposal to site a health care centre in the non residential space would count as a significant benefit of the scheme however as this is dependent on various factors including the NHS agreeing the final fit out, the weight of this provision is reduced in assessing the planning balance of the scheme.

The proposal would also provide a purpose built Secondary School which would replace the existing substandard accommodation which St Andrew's the Apostle is utilising at the moment as well as helping to meet Barnet's Education Needs. While this school already has consent independent of this permission it still forms part of this application and as such still carries weight albeit limited due to permission already being in place.

The amenities of neighbouring residential occupiers are not considered to be unduly impacted by the proposals.

The potential transport impacts of the scheme have been considered and appropriate mitigation proposed including the provision of the proposed shuttle bus service, bus services contributions provision of a detailed travel plan as well as improvements to access and connectivity as part of the proposal.

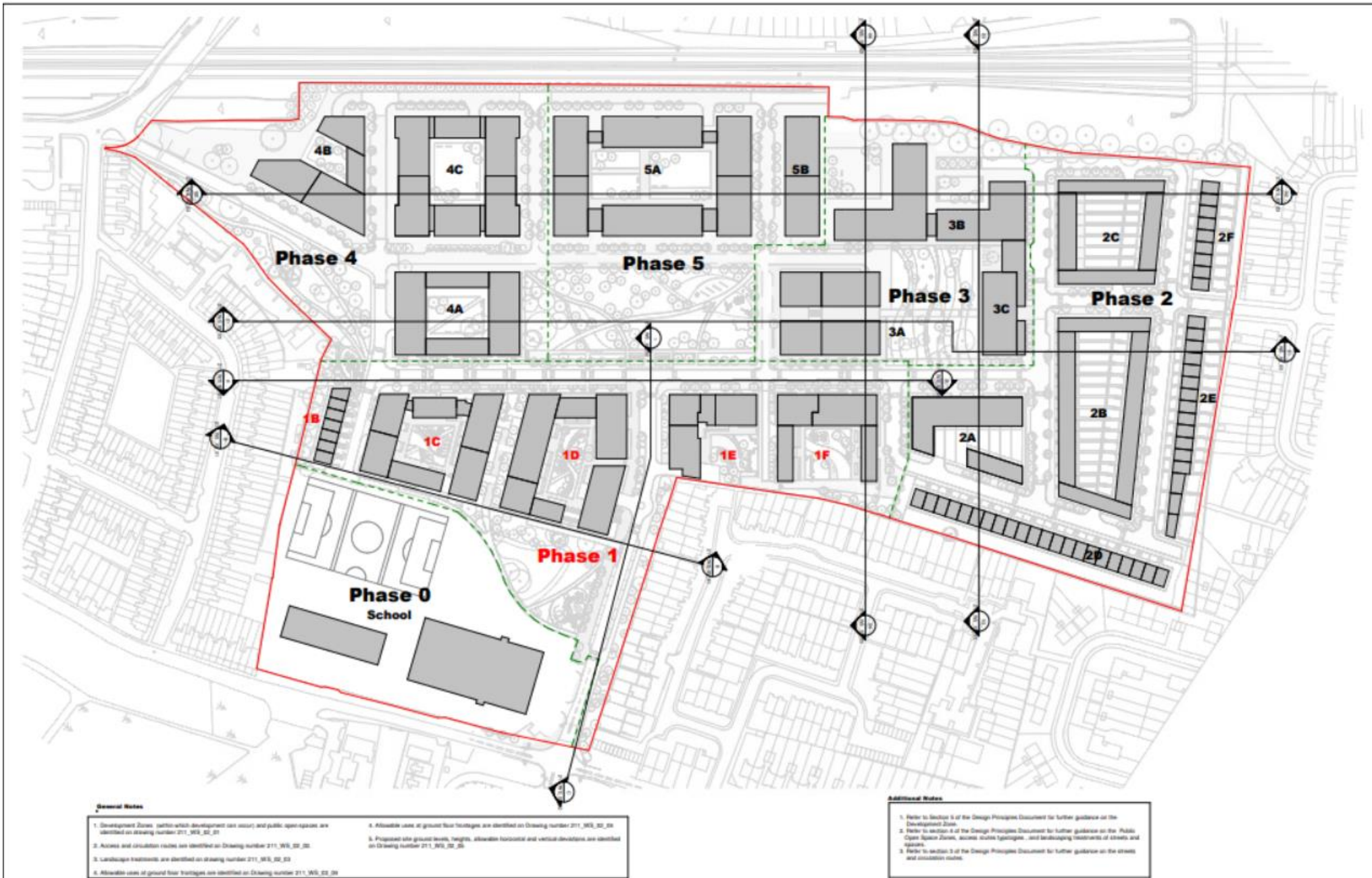
The scheme deals with its waste and recycling requirements and in terms of energy and sustainability, a range of measures are proposed achieving an improved reduction in CO2 emissions over the extant permission along with carbon off set payments to achieve net zero.

A suitable approach is taken to landscaping and biodiversity with retention of trees where possible as well as enhancement of the biodiversity values within the site with appropriate treatments and species and mitigation secured by means of conditions and in relation to off site works S106 obligations.

The scheme has also considered utilities provision and contamination and appropriately worded conditions are recommended. The scheme is considered to be appropriate and acceptable having regard to the full range of considerations in this report including the stated polices and guidance.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to referral to the Mayor of London and subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out above.

SITE LOCATION PLAN: North London Business Park, Oakleigh Road South, London N11 1GN
REFERENCE: 21/4433/OUT



General Notes

- 1. Development Zones (within which development can occur) and public open spaces are identified on drawing number 211_W5_02_01
- 2. Access and circulation routes are identified on Drawing number 211_W5_02_02
- 3. Landscape treatments are identified on drawing number 211_W5_02_03
- 4. Allowable uses at ground floor footprints are identified on Drawing number 211_W5_02_04

- 5. Proposed site ground levels, heights, setbacks horizontal and vertical deviations are identified on Drawing number 211_W5_02_05

Additional Notes

- 1. Refer to Section 5 of the Design Principles Document for further guidance on the Development Zone.
- 2. Refer to section 4 of the Design Principles Document for further guidance on the Public Open Space Zones, Access routes typologies, and landscaping treatments of streets and squares.
- 3. Refer to section 3 of the Design Principles Document for further guidance on the streets and circulation routes.

Appendix 3: LBB Officer's Committee Report Addendum (December 2022)

<p><u>Meeting</u></p> <p>Strategic Planning Committee</p>
<p><u>Date and time</u></p> <p>Thursday 15th December, 2022</p> <p>At 7.00 pm</p>
<p><u>Venue</u></p> <p>Hendon Town Hall, The Burroughs, London NW4 4BQ</p>

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
5	Addendum (if applicable)	3 - 18

StrategicPlanning.Committee@barnet.gov.uk

This page is intentionally left blank

15th December 2022**ADDENDUM TO SERVICE DIRECTOR OF DEVELOPMENT MANAGEMENT AND BUILDING CONTROL'S
REPORT**

Agenda Item No. 6
22/2599/RMA - Grahame Park, London, NW9 5XA (Colindale North)
Pages: 9-70

Page 13 under Recommendation 1. Add Text 'Approve Subject to Conditions'

Agenda Item No. 7
21/4433/OUT– North London Business Park, Oakleigh Road South, N11 1GN (Brunswick Park)
Pages: 71-170

Additional Objection received on the following grounds:

As a resident of Brunswick Crescent, a road whose properties back directly onto the boundaries of the North London Business Park, I would like to register my strong objection to the proposed redevelopment on the grounds that these proposals are on a scale completely unsuited to Brunswick Park Ward, whose character is being already destroyed by over-zealous and insensitive development.

The proposed 12 storey tower blocks are desperately out of character with the surrounding properties and area and will create a visual eyesore. There has already been heartbreaking destruction of the habitat of birds with the removal of the pond. The sounds of birds and geese flying over each day is now absent and replaced with increased noise pollution as a result of the current re-development work going on. The removal of trees and greenery will negatively impact air quality and the privacy and screening function it provides to shield residents from the boundaries of the North London Business Park.

Barnet's popularity is based on the fact that it is a leafy suburb that offers the elderly, families and children a quality of life, largely free of many of the complications of more densely populated urban areas, but this quality is quickly being eroded by over-development which it appears is driven more by greed than by a desire to create suitable homes for new residents which can co-exist sympathetically alongside existing homes and thus benefit the lives of all residents in the Borough.

These tower blocks are not the kinds of homes Barnet needs. They will contribute to a rise in noise pollution, bad air quality, increase local population density (and potentially crime) and place undue stress on an infrastructure that is already unable to cope with the rise in demand resulting from existing development elsewhere in the Borough. Quality of life in Barnet is seriously deteriorating due to over-population and a lack of sensitive planning and I would urge the new Labour Council to help

right some of the damage done so far by bringing this redevelopment into line with the true nature of Brunswick Park Ward and rejecting this proposed eyesore.

Other additional correspondence received from other residents in relation to ongoing issues concerning the construction of the school, nature conservation issues and the constitutional arrangements for public speaking, however members should note that these matters are not strictly related to the application under consideration (which should be considered on their own merits).

Page 72 under Recommendation 2 Section C Affordable Housing

Replace existing text with the following:

Phase 1 (detailed)

38 x Affordable Rented: 9 x 1 bed, 23 x 2 bed and 6 x 3 bed units

57 x Shared ownership: 18 x 1 bed and 39 x 2 bed units

Outline Phases

The affordable housing offer across the outline phases is 21% by habitable room and unit, with a similar mix to Phase 1 to be targeted as indicated in the main Committee report, with an indicative mix as follows (although the exact mix will depend on detailed design of the later phases and will be confirmed at outline stage..

208 x Affordable Rent (246 Units) 11 x 1 bed 113 x 2 bed 84 x 3 bed

209 x Shared Ownership (266 Units) 74 x 1 bed 135 x 2 bed units

Page 74 after Recommendation 3 Add Text ‘Approve Subject to Conditions’

Page 74, Amend wording of Condition 1 to read as follows:

1 *The development of Phase 0 and Phase 1 hereby permitted shall be carried out in accordance with the following approved plans:*

School plans (Phase 0):

FS0200-ALA-XX-XX-DR-L-0001 P06

FS0200-STL-01-01-DR-A-0200 P05

FS0200-STL-01-01-DR-A-0201 P05

FS0200-STL-01-02-DR-A-0202 P05

FS0200-STL-01-B1-DR-A-0204 P05

FS0200-STL-01-EL-DR-A-0300 P05

FS0200-STL-01-EL-DR-A-0301 P05

FS0200-STL-01-EL-DR-A-0302 P05

FS0200-STL-01-R1-DR-A-0203 P05

FS0200-STL-01-SX-DR-A-0400 P05

FS0200-STL-01-SX-DR-A-0401 P05

FS0200-STL-01-SX-DR-A-0402 P05

FS0200-STL-02-00-DR-A-0205 P05

FS0200-STL-02-EL-DR-A-0303 P05

FS0200-STL-02-EL-DR-A-0304 P05

FS0200-STL-02-R1-DR-A-0206 P05

FS0200-STL-02-SX-DR-A-0403 P05

FS0200-STL-XX-EL-DR-A-0310 P02

FS0200-STL-ZZ-XX-DR-A-0900 P05

FS0200-STL-ZZ-XX-VS-A-0050 P05

FS0200-STL-ZZ-XX-VS-A-0051 P05
FS0200-STL-ZZ-XX-VS-A-0052 P05
FS0200-STL-ZZ-XX-VS-A-0053 P05
FS0200-STL-ZZ-XX-VS-A-0054 P05
FS0200-STL-ZZ-XX-VS-A-0055 P05
FS0200-STL-ZZ-XX-VS-A-0056 P05
FS0200-STL-ZZ-XX-VS-A-0057 P05
FS0200-STL-ZZ-XX-VS-A-0060 P05
FS0200-STL-ZZ-XX-VS-A-0061 P05
FS0200-STL-ZZ-XX-VS-A-0062 P05
FS0200-STL-ZZ-XX-VS-A-0063 P05
FS0200-STL-ZZ-XX-VS-A-0064 P05
FS0200-STL-ZZ-XX-VS-A-0065 P05
FS0200-STL-ZZ-XX-VS-A-0066 P05
FS0200-STL-ZZ-XX-VS-A-0067 P05
FS0200-STL-ZZ-XX-VS-A-0068 P05
FS0200-STL-ZZ-XX-VS-A-0069 P05

Block 1B:

211_1B_01_01
211_1B_02_00
211_1B_02_01
211_1B_04_01
211_1B_04_02
211_1B_05_01

Block 1C:

211_1C_01_01
211_1C_02_00 Rev C
211_1C_02_01 Rev C
211_1C_02_02 Rev C
211_1C_02_03 Rev C
211_1C_02_04 Rev C
211_1C_02_05 Rev C
211_1C_02_06 Rev C
211_1C_02_07 Rev C
211_1C_02_08 Rev C
211_1C_02_09 Rev C
211_1C_02_10
211_1C_05_01
211_1C_04_01 Rev C
211_1C_04_02 Rev B

211_C_09_01
211_C_09_02
211_C_09_03
211_C_09_04
211_C_09_05
211_C_09_06
211_C_09_07
211_C_09_08

211_C_09_09
211_C_09_10
211_C_09_11
211_C_09_12
211_C_09_13
211_C_09_14
211_C_09_15
211_C_09_16
211_C_09_17

Block 1D:

211_1D_01_01
211_1D_02_00 Rev A
211_1D_02_01 Rev C
211_1D_02_02 Rev C
211_1D_02_03 Rev C
211_1D_02_04 Rev C
211_1D_02_05 Rev C
211_1D_02_06 Rev C
211_1D_02_07 Rev C
211_1D_02_08 Rev C
211_1D_02_09 Rev C
211_1D_02_19
211_1D_04_01 Rev C
211_1D_04_02 Rev B
211_1D_05_01

211_D_09_01
211_D_09_02
211_D_09_03
211_D_09_04
211_D_09_05
211_D_09_06
211_D_09_07
211_D_09_08
211_D_09_09
211_D_09_10
211_D_09_11
211_D_09_12
211_D_09_13
211_D_09_14
211_D_09_15
211_D_09_16
211_D_09_17
211_D_09_18
211_D_09_19
211_D_09_20
211_D_09_21
211_D_09_22
211_D_09_23
211_D_09_24

211_D_09_25
211_D_09_26
211_D_09_27

Block 1C and 1D (basement floor plan):
211_02_001

Block 1E:
211_1E_02_01 Rev A
211_1E_02_02 Rev A
211_1E_02_03 Rev A
211_1E_02_04 Rev A
211_1E_02_05 Rev A
211_1E_02_06 Rev A
211_1E_02_07 Rev A
211_1E_02_08 Rev A
211_1E_04_01 Rev A
211_1E_04_02 Rev A
211_1E_05_01 Rev A

211_E_09_01 Rev A
211_E_09_02
211_E_09_03 Rev A
211_E_09_04 Rev A
211_E_09_05
211_E_09_06
211_E_09_07
211_E_09_08 Rev A
211_E_09_09 Rev A
211_E_09_10 Rev A
211_E_09_11 Rev A

Block 1F:
211_1F_01_01
211_1F_02_00
211_1F_02_01 Rev B
211_1F_02_02 Rev B
211_1F_02_03 Rev B
211_1F_02_04 Rev B
211_1F_02_05 Rev B
211_1F_02_06
211_1F_02_07
211_1F_02_08
211_1F_04_01
211_1F_04_02 Rev B
211_1F_05_01

211_F_09_01
211_F_09_02
211_F_09_03
211_F_09_04

211_F_09_05
211_F_09_06
211_F_09_07

Landscaping drawings (detailed phase):

HED-1140-RBP-P1-1001
HED-1140-RBP-P1-1002
HED-1140-RBP-P1-1003
HED-1140-RBP-P1-1004
HED-1140-RBP-P1-1005
HED-1140-RBP-P1-1006
HED-1140-RBP-P1-1007
HED-1140-RBP-P1-1013
HED-1140-RBP-P1-1014
HED-1140-RBP-P1-1016
HED-1140-RBP-P1-1017
HED-1140-RBP-P1-1018
HED-1140-RBP-P1-1019
HED-1140-RBP-P1-1020
HED-1140-RBP-P1-1021
HED-1140-RBP-P1-1022
HED-1140-RBP-P1-1023
HED-1140-RBP-P1-1024
HED-1140-RBP-P1-1025
HED-1140-RBP-P1-1026
HED-1140-RBP-P1-1027
HED-1140-RBP-P1-1028
HED-1140-RBP-P1-1029
HED-1140-RBP-P1-1030
HED-1140-RBP-P1-1031
HED-1140-RBP-P1-1032
HED-1140-RBP-P1-1033
HED-1140-RBP-P1-1034
HED-1140-RBP-P1-1035
HED-1140-RBP-P1-1036
HED-1140-RBP-P1-1037
HED-1140-RBP-P1-1038
HED-1140-RBP-P1-1039
HED-1140-RBP-P1-1040
HED-1140-RBP-P1-1041
HED-1140-RBP-P1-1042
HED-1140-RBP-P1-1043
HED-1140-RBP-P1-1044

Highways drawings:

ST-3013-717-Brunswick Park Road Signalised Access Option with Right Turn Lane and ASL
ST-3013-700-Means of Access Rev 5
ST-3013-804-Swept Path Analysis-Fire Tender Site Access
ST-3013-805-Swept Path Analysis-Refuse Vehicle 9.6 Brunswick Park Rd

Supporting documents:

Design and Access Statement including Landscape Assessment and Inclusive Design Statement (B&K) August 2021

Flood Risk and Drainage Assessment Revision 2 (Stomor), July 2021

Response to LLFA Comments Reference: ST-3013/211209-LLFA Response (Stomor), November 2021

Statement of Community Involvement (BECG), June 2021

Townscape and Visual Impact Assessment – ES Appendix 12.1 (Peter Stewart Consultancy), August 2021

Daylight and Sunlight Report (eb7), August 2021

Internal Daylight Report (eb7), August 2021

Internal Daylight Addendum (eb7), July 2022

BS5837 Tree Survey and Arboricultural Impact Assessment (Greengage), August 2021

Energy and Sustainability Assessment

Environmental Statement Volume 1 -Main Text and Figures (Greengage), September 2021

Environmental Statement Volume 2 – Appendices (Greengage), September 2021

Environmental Statement Volume 3 - Non-Technical Summary (Greengage), September 2021

EIA Compliance Statement, Ref. 551510JB03AUG22L1 (Greengage), August 2022

Planning Fire Safety Statement (Fire Risk Solutions), August 2021

Overheating Assessment 2548-MKP-SW-ZZ-RP-1002-P2 (MKP), August 2021

Phase 2 Geoenvironmental and Geotechnical Assessment 1921321-R01(00) (RSK), April 2021

Transport Assessment including Travel Plan, Delivery and Servicing Plan, ST3013/TA-2 108 Rev 0 (Stomor), August 2021

Utilities Report 2548-MKP-SW-ZZ-RP-M-1003 Rev P1 (MKP), August 2021

Planning Statement (Daniel Watney), August 2021

Pedestrian Level Wind Microclimate Assessment RWDI #2102824 – REV B, October 2021

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

Page 79 amend wording of Condition 2 to read as follows:

2. *Either Phase 0, or 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).

Page 81 amend wording of Condition 6 to read as follows:

- 6 *Vegetation clearance should take place outside the bird breeding season (October to February). In accordance with the ES, any clearance of vegetation with the potential to support nesting birds during this period may only occur following a check by a qualified ecologist. If any active nests are found, works must cease, the area left in situ and an appropriate buffer zone established 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.

Page 81 amend wording of Condition 7 to read as follows:

7. *In respect of each of Phase 0 and Phase 1, no development of the relevant Phase (with the exception of Ground Works, Site Preparation Works and demolition) shall commence until a scheme of Advanced Infrastructure Works for that phase 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*

Development of Phase 0 and Phase 1 shall be carried out in accordance with the approved scheme for that relevant phase.

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.

Page 82 amend wording of Condition 8 to read as follows:

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 in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and policies G4, G5 & G7 of the London Plan 2021.

Page 83 Amend wording of Condition 14 to read as follows:

14. *Prior to the construction of each building within Phase 0 or Phase 1 the relevant 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.

Page 87 Amend wording of Condition 28 to read as follows:

- 28 *Notwithstanding the plans hereby approved and prior to the commencement of the relevant part 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 Policy G6 of the London Plan.

Page 87 Amend wording of Condition 29 to read as follows:

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 G7 of the London Plan.

Page 87 Amend wording of Condition 32 to read as follows:

32. *In relation to archaeological recording,*

(a) other than infrastructure and demolition works in relation to Phase 0 and Phase 1, no development within either Phase 0 or Phase 1 shall take place until a Written Scheme of Investigation has been submitted to and agreed in writing by the Local Planning Authority.

(b) Prior to occupation of the relevant Phases, a programme of archaeological recording of the existing air raid shelters and any finds of industrial heritage, in accordance with the written scheme of investigation approved under (a), will be submitted to and agreed in writing by the Local Planning Authority.

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 DM06.

Page 88 Amend wording of Condition 33 to read as follows:

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

Parameter Plans

211_WS_02_00-Rev B - Red Line Boundary Plan;

211_WS_02_01-Rev E - Proposed Development Zone Plan;

211_WS_02_02-Rev C - Access & Circulation Zone;

211_WS_02_03-Rev C - Landscape Treatment Plan;

211_WS_02_04-Rev C - Ground Floor Frontages Plan;

211_WS_02_05-Rev C - Development Zones - Horizontal Limits of Deviation;

211_WS_02_06-Rev C - Proposed Site Levels & Vertical Limits of Deviation;

211_WS_02_07-Rev C - Development Zones & Maximum Heights;

211_WS_02_08-Rev C - Proposed Site Basement Levels & Limit of Deviation;

211_WS_02_09-Rev C - Site Plan Sections

211_WS_05_01-Rev B - Contextual Sections AA BB;

211_WS_05_02-Rev C - 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 02 - 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 03 - 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).

Page 90 amend wording of Condition 37 to read as follows:

90. *The development shall be carried out in accordance with the approved phasing plans which show development phases 0 to 5, or in accordance with such alternative phasing details as submitted to and approved in writing by the Local Planning Authority.*

Reason: To ensure that the development is carried out in appropriate phases and to allow the phasing plan to be amended to reflect changes to the phasing of the development that were not foreseen at the date when the phasing plan was approved

Page 92 amend wording of Condition 45 to read as follows:

45. Prior to the commencement of any ground-breaking works with Phase 2 (including mobilisation, and ground works) a detailed Reptile Mitigation Strategy must be submitted to the Local Planning Authority and be approved.

This document is to include the following:

- i) Reptile surveys to be undertaken within the remnant habitat for 21 days during the active reptile survey season (March to July and September inclusive).
- ii) Detailed mitigation plan outlining the measures to enhance the site for reptiles, the location and specification of the reptile exclusion fencing and, the methods for undertaking the required 30-day translocation.
- iii) The 30-day translocation exercise shall be undertaken during the active reptile survey season (April to July, September). All reptiles captured during the translocation exercise shall be carefully translocated to the receptor site to be agreed within the S106.
- iv) Details of protective measures for avoidance of harm to existing reptiles on site and on adjoining land.
- v) The result of the translocation exercise shall be provided to the Local Authority within the document.
- vi) Details of the appointed Ecologist who will oversee all aspects of the safeguarding of onsite

ecology and habitats.

Reason: To ensure that the protection of reptiles is not prejudiced during construction in accordance with Section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan (2021).

Page 106 under Members of Parliament add text

I would like to submit the following objection to the above planning application for the North London Business Park (NLBP). I am strongly opposed to what is planned and would urge the council to reject the application.

Overdevelopment: height, massing and density

The previous application for 1350 flats and houses already amounts to an overdevelopment of the site. To add over a thousand new dwellings and raise building heights to as much as 12 or even 13 storeys is a very considerable increase in density and it is unacceptable.

The plans are wholly out of keeping with the character of the surrounding area which is largely made up of homes of just one or two storeys. The height of the proposed tower blocks will make them visible on the skyline for miles around. They are taller than any other local building (taller even than the previous plans for the site), and their position on a high land will make them especially conspicuous. They will be visually overbearing for surrounding streets.

Allowing the blocks proposed would clearly contravene policies in the Barnet Local Plan on tall buildings. Policy CS5 (Protecting and enhancing, Barnet's character to create high quality places) states that tall buildings (defined as eight storeys or more) will only be approved for certain parts of the borough. The list of strategic sites and local town centres identified as suitable for tall buildings does not include NLBP.

The height, bulk, massing and density of the proposal is entirely inappropriate for the neighbourhood. It conflicts with and would severely damage the local character which the Barnet Local Plan aims to protect. If allowed, these proposals would lead to a visible urbanisation of what is currently a suburban area.

I would also highlight the the list of sites in the Regulation 19 statement on the emerging Local Plan lists the capacity of the site as 1350 units (at page 295). I accept that only limited weight can be given to a plan which has not yet been adopted, but the planning committee should take on board the conclusion that a figure exceeding 1350 units would NOT be appropriate for the site.

Design

The scheme fails to deliver good quality design, being regimental in character, lacking both a variety of building typology and design ambition. In so doing, it fails to meet National Planning Policy Framework (NPPF) Section 12, London Plan (2021) Policy D6 and Barnet Policy CS5, DM01 & DM05. Much of the scheme is typified by uniform footprints, blocky massing and repetitive building typologies.

The scheme is right up against the East Coast Main Line line so the west facing flats will require active cooling, contrary to London Environment Strategy Policy 8.4.3. Before active cooling is included, the

developer has to go through other actions such as reconsidering the design and orientation of the buildings. The London Plan Policy S14 sets out a hierarchy of cooling as follows:

- 1. reduce the amount of heat entering a building through orientation, shading, high albedo materials, fenestration, insulation and the provision of green infrastructure;*
- 2. minimise internal heat generation through energy efficient design;*
- 3. manage the heat within the building through exposed internal thermal mass and high ceilings;*
- 4. provide passive ventilation;*
- 5. provide mechanical ventilation; and*
- 6. provide active cooling systems.*

The noise assessment shows that readings alongside the railway line are very high – with maximum readings in the day at 103 decibels and 92 decibels at night. I understand that this will require non opening windows to be installed in these buildings and therefore active cooling installed. Another issue is that the inward facing flats in the blocks have very poor sunlight levels and the inner courtyards will be very dim in winter.

Parking, traffic congestion and infrastructure

I am very worried about the impact of the number of units proposed. Building 2428 units is likely to lead to a population increase of around 6000. This would place intolerable strain on local services. Expansion of local GP services is already needed because of rising healthcare demand, and a big increase in the local population would see pressure on local NHS practices intensify.

Even on the basis of the earlier plans for NLBP for 1350 dwellings, constituents had told me of their very serious concerns about traffic entering and leaving the site and the effect on surrounding roads. This new planning application will greatly worsen the situation. I do not believe that local infrastructure and services can support the very significant population increase envisaged, coming on top of the growth envisaged by the consented scheme.

I note that 367 parking spaces will be provided for the total number of residential units which equates to approximately 0.08 spaces per dwelling. That would leave a very significant number of households without any on-site parking, despite the predominance of travel by car and in this part of London. This would intensify parking pressure on surrounding residential streets in a way which is completely unacceptable. This would not be resolved just by introducing controlled parking because many residents do not support such schemes. Why should my constituents have to pay to park their cars to satisfy the commercial interests of Comer Homes?

The poor PTAL rating of the site is poor. Limited public transport options would worsen problems with traffic and parking. For the developers to refer to Crossrail 2 as mitigation is completely unrealistic. This project has yet to be funded or confirmed. If it does go ahead, it is unlikely to open for a decade or more.

I understand that two of the revised plans show a full width exit road with pavements leading to the boundary of the site with Weirdale Avenue. My constituents living in Weirdale Avenue believe that the developer has no intention of restricting this access to pedestrians and cyclists. Allowing vehicle access to and from the site via Weirdale Avenue would be completely unacceptable. Residents point out that already bin lorries and delivery lorries, and the emergency services, struggle to get down Weirdale Road.

They further point out that egress of vehicles on to Russell Lane from Weirdale Avenue or Ashbourne Avenue, particularly in the rush hour periods, would be difficult and dangerous due to the poor visibility

for emerging cars resulting from cars parked on Russell Lane and the queuing of vehicles during peak periods at the eastern end of Russell Lane.

St Andrew the Apostle School

As I stated when the previous application was submitted, I believe that it would be far better to separate the planning application for the new school building from the residential development proposed for NLBP. The controversial nature of the housing development is likely to overshadow the decision on the school and potentially cause unnecessary delay. It would be far better to consider it separately. These are two distinct proposals and there is no justification why they have to be linked in the way they have been.

So whilst I support proposals for new school buildings, I strongly oppose the residential component of the application. The impact on the surrounding area, both visually and in terms of traffic and parking, will be deeply damaging and could conflict with clear and long established planning policies in the Barnet Plan and the London Plan.

I would be grateful if you could ensure that my views, and those of my constituents who share my objections to the plans, are brought to the attention of the planning committee. I also wish to notify you that I would like to address the planning committee when this application is considered.

Page 143 Under Heigh Scale and Massing

Delete the following text and following massing model.

~~The extant approval proposed heights of blocks of between 3 and 9 storeys, with the maximum height in the detailed phase being 8 storeys. The current application proposes increasing this to a maximum of 12 storeys. The alterations are best demonstrated in plan form as set out below.~~

As per the application forms, parameter plans and the TVIA, the proposed buildings across the scheme range from 2-12 storeys plus ground. All proposed heights referred to in the committee report are expressed as storey heights above ground level – ‘12 storeys in height’ or ‘12 storeys tall’ would equate to 13 floors including the ground floor. This is consistent with the TVIA, supporting plans and documents and the scheme has been assessed by officers on this basis.

For ease of reference, the proposed building heights in total are as clarified below:

Block 1B -Ground plus 2 storeys
Block 1C – Ground plus 9 storeys
Block 1D – ground plus 9 storeys
Block 1E– ground plus 7 storeys
Block 1F – ground plus 7 storeys
Block 2A– ground plus 5 storeys
Block 2B– ground plus 4 storeys
Block 2C– ground plus 4 storeys
Block 2D– ground plus 2 storeys
Block 2E– ground plus 2 storeys
Block 2F– ground plus 2 storeys
Block 3A – ground plus 12 storeys
Block 3B – ground plus 11 storeys
Block 3C– ground plus 5 storeys
Block 4A– ground plus 11 storeys

Block 4B– ground plus 9 storeys
 Block 4C– ground plus 12 storeys
 Block 5A– ground plus 12 storeys
 Block 5B– ground plus 12 storeys

- All expressed storey heights include ground level
- The rear wings of blocks E and F are set on a steep incline, the stated storey height of the diagram is the number of storeys including ground level



2020 Permission



2022 Masterplan

This page is intentionally left blank

Appendix 4: Original decision Notice (March 2023)

Planning and Building Control
2 Bristol Avenue, Colindale, London, NW9 4EW
Contact Number: 0208 359 4729

Comer Homes Group
C/O Agent Daniel Watney
165 Fleet Street
London
EC4A 2DW

Application Number: **21/4433/OUT**
Registered Date: 10 August 2021

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF OUTLINE PLANNING PERMISSION

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby:

REFUSES OUTLINE 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 up to 452 residential units in five blocks reaching 9 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 1,967 additional residential units in buildings ranging from three to twelve storeys, up to 7,148 sqm of non-residential floor space (use Class E and F) and public open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking., , ,

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

as referred to in your application and shown on the accompanying plan(s):

For the following reason(s):

- 1 The proposed development would, by virtue of its excessive height, scale, and massing, result in a discordant and visually obtrusive form of development that would demonstrably fail to respect the local context and established pattern of development when viewed from the west of the site on Fernwood Crescent, Denham Road, Oakleigh Close and Oakleigh Road North as well as New Southgate Cemetery to the East, to the detriment of the character and appearance of the area, and the visual amenity of adjoining residential occupiers. The proposal would therefore not create a high-quality development, not constitute a sustainable

form of development and would be contrary to the provisions of the NPPF, Policies D3, D4 and D9 of the London Plan 2021 and policies CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies 2012.

INFORMATIVE(S):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk.

Please visit

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

Date of Decision: 23 March 2023

Signed:



Fabien Gaudin
Service Director – Planning and Building Control

NOTE(S):

1. Your attention is drawn to the attached Schedule which sets out the rights of an applicant who is aggrieved by a decision of the Local Planning Authority.
2. This Notice relates solely to the refusal of planning permission and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact the Barnet Council Building Control team by email (building.control@barnet.gov.uk), telephone (0208 359 4500), or see our website at www.barnet.gov.uk/building-control.

APPEAL GUIDANCE:

Should you (an applicant or agent) feel aggrieved by the decision of the Council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Sections 78 and 195 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning with the date of the decision notice (unless an extended period has been agreed in writing with the Council):

- Six months: Full (excluding householder and minor commercial applications), listed building (including Certificate of Lawfulness in relation to a listed building), Section 73 'variation/removal', Section 73 'minor material amendment', extension of time and prior approval applications.
- 12 weeks: Householder planning, householder prior approval and minor commercial applications.
- 8 weeks: Advertisement consent applications
- No timescale: Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued, the appeal period may be significantly reduced, subject to the following criteria:

- Where the development proposed by your application is the same or substantially the same as development that is the subject of an enforcement notice served within the last two years you must appeal within 28 days of the date of the application decision
- Where an enforcement notice is served on or after the decision date on your application relating to the same or substantially the same land and development as in your application and if you want to appeal against the Council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the Council.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional special circumstances. The Secretary of State can refuse to consider an appeal if the Council could not have granted planning permission for the proposed development or could not have granted without the conditions it imposed, having regard to the statutory requirements and provision of the Development Order and to any direction given under the Order. In practice it is uncommon for the Secretary of State to refuse to consider appeals solely because the Council based its decision on a direction given by the Secretary of State.

PURCHASE NOTICES:

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonable beneficial use by carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Appendix 5: Revised decision Notice (May 2023)

Planning and Building Control
2 Bristol Avenue, Colindale, London, NW9 4EW
Contact Number: 0208 359 4729

Comer Homes Group
C/O Agent Daniel Watney
165 Fleet Street
London
EC4A 2DW

Application Number: **21/4433/OUT**
Registered Date: 10 August 2021

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF OUTLINE PLANNING PERMISSION

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby:

REFUSES OUTLINE 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 up to 452 residential units in five blocks reaching 9 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 1,967 additional residential units in buildings ranging from three to twelve storeys, up to 7,148 sqm of non-residential floor space (use Class E and F) and public open space. Associated site preparation/enabling work, transport infrastructure and junction work, landscaping and car parking., , ,

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

as referred to in your application and shown on the accompanying plan(s):

For the following reason(s):

- 1 The proposed development would, by virtue of its excessive height, scale, and massing, result in a discordant and visually obtrusive form of development that would demonstrably fail to respect the local context and established pattern of development when viewed from the west of the site on Fernwood Crescent, Denham Road, Oakleigh Close and Oakleigh Road North as well as New Southgate Cemetery to the East, to the detriment of the character and appearance of the area, and the visual amenity of adjoining residential occupiers. The proposal would therefore not create a high-quality development, not constitute a sustainable form of development and would be contrary to the provisions of the NPPF, Policies

D3, D4 and D9 of the London Plan 2021 and policies CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies 2012.

- 2 The proposed development does not include a formal undertaking to secure the provision of affordable housing, community and health care floorspace, affordable workspace, off site nature conservation and playspace provision, carbon off-setting, highways mitigation, non-financial and financial skills and employment, enterprise and training obligations. The proposal would therefore not address the impacts of the development, contrary to Policies CS5, CS9 and CS11 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04, DM10 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013), Paragraph 8 of the NPPF, Policy S2 of the London Plan 2021.

INFORMATIVE(S):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A reapplication advice service is also offered. The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:
We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructurelevy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.
Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy. Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail. The assumed liable party will be sent a 'Liability Notice' providing full details of the

charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning

Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation

published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/190

21101.pdf

2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure

Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply

with the regulation as detailed in the legislation.gov.uk.

Please visit

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

Date of Decision: 23 March 2023

Signed:



Fabien Gaudin
Service Director – Planning and Building Control

NOTE(S):

1. Your attention is drawn to the attached Schedule which sets out the rights of an applicant who is aggrieved by a decision of the Local Planning Authority.
2. This Notice relates solely to the refusal of planning permission and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact the Barnet Council Building Control team by email (building.control@barnet.gov.uk), telephone (0208 359 4500), or see our website at www.barnet.gov.uk/building-control.

APPEAL GUIDANCE:

Should you (an applicant or agent) feel aggrieved by the decision of the Council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Sections 78 and 195 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning with the date of the decision notice (unless an extended period has been agreed in writing with the Council):

- Six months: Full (excluding householder and minor commercial applications), listed building (including Certificate of Lawfulness in relation to a listed building), Section 73 'variation/removal', Section 73 'minor material amendment', extension of time and prior approval applications.
- 12 weeks: Householder planning, householder prior approval and minor commercial applications.

- 8 weeks: Advertisement consent applications
- No timescale: Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued, the appeal period may be significantly reduced, subject to the following criteria:

- Where the development proposed by your application is the same or substantially the same as development that is the subject of an enforcement notice served within the last two years you must appeal within 28 days of the date of the application decision
- Where an enforcement notice is served on or after the decision date on your application relating to the same or substantially the same land and development as in your application and if you want to appeal against the Council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the Council.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional special circumstances. The Secretary of State can refuse to consider an appeal if the Council could not have granted planning permission for the proposed development or could not have granted without the conditions it imposed, having regard to the statutory requirements and provision of the Development Order and to any direction given under the Order. In practice it is uncommon for the Secretary of State to refuse to consider appeals solely because the Council based its decision on a direction given by the Secretary of State.

PURCHASE NOTICES:

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonable beneficial use by carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Appendix 6: Schedule of Appeal Plans and Documents

Appendix 6 - Schedule of Application Documents

1. Documents and Plans originally submitted with the Application	2. Documents and Plans submitted during Application	3. Documents and Plan on which the LPA based their decision	4. Documents and Plans submitted with the Appeal/Not previously seen by the LPA
<i>Parameter Plans</i>			
211_WS_02_00 - Existing Site Plan / Red Line Boundary Plan		211_WS_02_00 - Red Line Boundary Plan	
211_WS_02_01 – Proposed Development Zone Plan	211_WS_02_01 Rev B – Proposed Development Zone Plan	211_WS_02_01 Rev B – Proposed Development Zone Plan	211_WS_02_01 Rev C – Proposed Development Zone Plan
211_WS_02_02 - Access & Circulation Plan		211_WS_02_02 - Access & Circulation Zone	
211_WS_02_03 - Landscape Treatment Plan		211_WS_02_03 - Landscape Treatment Plan	
211_WS_02_04 - Ground Floor Frontages Plan		211_WS_02_04 - Ground Floor Frontages Plan	
211_WS_02_05 - Development Zones and Maximum Heights	211_WS_02_05 Rev A – Development Zones and Maximum Heights	211_WS_02_05 Rev A – Development Zones and Maximum Heights	
211_WS_02_06 – Site Plan	211_WS_02_06 Rev A – Site Plan	211_WS_02_06 Rev A – Site Plan	
211_WS_02_07 - Development Zones - Horizontal Limits of Deviation		211_WS_02_07 - Development Zones - Horizontal Limits of Deviation	
211_WS_02_08 - Proposed Site Levels & Vertical Limits of Deviation		211_WS_02_08 - Proposed Site Levels & Vertical Limits of Deviation	
211_WS_02_09 - Proposed Site Basement Levels & Limit of Deviation		211_WS_02_09 - Proposed Site Basement Levels & Limit of Deviation	
211_WS_05_01 - Contextual Sections AA & BB		211_WS_05_01 - Contextual Sections AA BB	
211_WS_05_02 - Contextual Sections CC		211_WS_05_02 - Contextual Sections CC	
211_WS_05_03 - Parameter Sections 1 - 4		211_WS_05_03 - Parameter Sections 1 - 4	
211_WS_05_04 Existing Sections 1 - 4		211_WS_05_04 Existing Sections 1 - 4	
<i>Detailed (Phase 0) School Plans</i>			
FS0200-ALA-XX-XX-DR-L-0001 P06 – Landscape Illustrative Masterplan		FS0200-ALA-XX-XX-DR-L-0001 P06 – Landscape Illustrative Masterplan	
FS0200-STL-01-00-DR-A-0200 P05 – Teaching Block – Proposed Ground Floor Plan		FS0200-STL-01-00-DR-A-0200 P05 – Teaching Block – Proposed Ground Floor Plan	
FS0200-STL-01-01-DR-A-0201 P05 - Teaching Block - Proposed First Floor Plan		FS0200-STL-01-01-DR-A-0201 P05 - Teaching Block - Proposed First Floor Plan	
FS0200-STL-01-02-DR-A-0202 P05 - Teaching Block - Proposed Second Floor Plan		FS0200-STL-01-02-DR-A-0202 P05 - Teaching Block - Proposed Second Floor Plan	
FS0200-STL-01-B1-DR-A-0204 P05 - Teaching Block - Proposed Basement Plan		FS0200-STL-01-B1-DR-A-0204 P05 - Teaching Block - Proposed Basement Plan	
FS0200-STL-01-EL-DR-A-0300 P05 - Teaching Block - Proposed Elevations North and South		FS0200-STL-01-EL-DR-A-0300 P05 - Teaching Block - Proposed Elevations North and South	

FS0200-STL-01-EL-DR-A-0301 P05 - Teaching Block - Proposed Elevation West		FS0200-STL-01-EL-DR-A-0301 P05 - Teaching Block - Proposed Elevation West	
FS0200-STL-01-EL-DR-A-0302 P05 - Teaching Block - Proposed Elevation East		FS0200-STL-01-EL-DR-A-0302 P05 - Teaching Block - Proposed Elevation East	
FS0200-STL-01-R1-DR-A-0203 P05 - Teaching Block - Proposed Roof Plan		FS0200-STL-01-R1-DR-A-0203 P05 - Teaching Block - Proposed Roof Plan	
FS0200-STL-01-SX-DR-A-0400 P05 - Teaching Block - Proposed Building Section - Sheet 1		FS0200-STL-01-SX-DR-A-0400 P05 - Teaching Block - Proposed Building Section - Sheet 1	
FS0200-STL-01-SX-DR-A-0401 P05 - Teaching Block - Proposed Building Section - Sheet 2		FS0200-STL-01-SX-DR-A-0401 P05 - Teaching Block - Proposed Building Section - Sheet 2	
FS0200-STL-01-SX-DR-A-0402 P05 - Teaching Block - Proposed Building Section - Sheet 3		FS0200-STL-01-SX-DR-A-0402 P05 - Teaching Block - Proposed Building Section - Sheet 3	
FS0200-STL-02-00-DR-A-0205 P05 - Sports Block - Proposed Ground Floor Plan		FS0200-STL-02-00-DR-A-0205 P05 - Sports Block - Proposed Ground Floor Plan	
FS0200-STL-02-EL-DR-A-0303 P05 - Sports Block - Proposed Elevation North and East		FS0200-STL-02-EL-DR-A-0303 P05 - Sports Block - Proposed Elevation North and East	
FS0200-STL-02-EL-DR-A-0304 P05 - Sports Block - Proposed Elevation South and West		FS0200-STL-02-EL-DR-A-0304 P05 - Sports Block - Proposed Elevation South and West	
FS0200-STL-02-R1-DR-A-0206 P05 - Sports Block - Proposed Roof Plan		FS0200-STL-02-R1-DR-A-0206 P05 - Sports Block - Proposed Roof Plan	
FS0200-STL-02-SX-DR-A-0403 P05 - Sports Block - Proposed Building Section - Sheet 1		FS0200-STL-02-SX-DR-A-0403 P05 - Sports Block - Proposed Building Section - Sheet 1	
FS0200-STL-XX-EL-DR-A-0310 P02 - Overall Site - Proposed Elevation East		FS0200-STL-XX-EL-DR-A-0310 P02 - Overall Site - Proposed Elevation East	
FS0200-STL-ZZ-XX-DR-A-0900 P05 - Proposed Site Location Plan		FS0200-STL-ZZ-XX-DR-A-0900 P05 - Proposed Site Location Plan	
FS0200-STL-ZZ-XX-VS-A-0050 P05 - Proposed External Views - Visitor Entrance 1		FS0200-STL-ZZ-XX-VS-A-0050 P05 - Proposed External Views - Visitor Entrance 1	
FS0200-STL-ZZ-XX-VS-A-0051 P05 - Proposed External Views - Visitor Entrance 2		FS0200-STL-ZZ-XX-VS-A-0051 P05 - Proposed External Views - Visitor Entrance 2	
FS0200-STL-ZZ-XX-VS-A-0052 P05 - Proposed External Views - Pupil Entrance		FS0200-STL-ZZ-XX-VS-A-0052 P05 - Proposed External Views - Pupil Entrance	
FS0200-STL-ZZ-XX-VS-A-0053 P05 - Proposed External Views - Year 7 Area		FS0200-STL-ZZ-XX-VS-A-0053 P05 - Proposed External Views - Year 7 Area	
FS0200-STL-ZZ-XX-VS-A-0054 P05 - Proposed External Views - Sports Hall Frontage		FS0200-STL-ZZ-XX-VS-A-0054 P05 - Proposed External Views - Sports Hall Frontage	

FS0200-STL-ZZ-XX-VS-A-0055 P05 - Proposed External Views - Aerial 1		FS0200-STL-ZZ-XX-VS-A-0055 P05 - Proposed External Views - Aerial 1	
FS0200-STL-ZZ-XX-VS-A-0056 P05 - Proposed External Views - Aerial 2		FS0200-STL-ZZ-XX-VS-A-0056 P05 - Proposed External Views - Aerial 2	
FS0200-STL-ZZ-XX-VS-A-0057 P05 - Proposed External Views - Teaching Block Frontage		FS0200-STL-ZZ-XX-VS-A-0057 P05 - Proposed External Views - Teaching Block Frontage	
FS0200-STL-ZZ-XX-VS-A-0060 P05 - Proposed Internal Views - Entrance Lobby and Reception		FS0200-STL-ZZ-XX-VS-A-0060 P05 - Proposed Internal Views - Entrance Lobby and Reception	
FS0200-STL-ZZ-XX-VS-A-0061 P05 - Proposed Internal Views - Chapel Entrance from Corridor		FS0200-STL-ZZ-XX-VS-A-0061 P05 - Proposed Internal Views - Chapel Entrance from Corridor	
FS0200-STL-ZZ-XX-VS-A-0062 P05 - Proposed Internal Views - View of Main Stair		FS0200-STL-ZZ-XX-VS-A-0062 P05 - Proposed Internal Views - View of Main Stair	
FS0200-STL-ZZ-XX-VS-A-0063 P05 - Proposed Internal Views - Main Hall		FS0200-STL-ZZ-XX-VS-A-0063 P05 - Proposed Internal Views - Main Hall	
FS0200-STL-ZZ-XX-VS-A-0064 P05 - Proposed Internal Views - Dining Student Entrance		FS0200-STL-ZZ-XX-VS-A-0064 P05 - Proposed Internal Views - Dining Student Entrance	
FS0200-STL-ZZ-XX-VS-A-0065 P05 - Proposed Internal Views - Dining View from Staff Office		FS0200-STL-ZZ-XX-VS-A-0065 P05 - Proposed Internal Views - Dining View from Staff Office	
FS0200-STL-ZZ-XX-VS-A-0066 P05 - Proposed Internal Views - Library		FS0200-STL-ZZ-XX-VS-A-0066 P05 - Proposed Internal Views - Library	
FS0200-STL-ZZ-XX-VS-A-0067 P05 - Proposed Internal Views - Sixth Form		FS0200-STL-ZZ-XX-VS-A-0067 P05 - Proposed Internal Views - Sixth Form	
FS0200-STL-ZZ-XX-VS-A-0068 P05 - Proposed Internal Views - General Classroom		FS0200-STL-ZZ-XX-VS-A-0068 P05 - Proposed Internal Views - General Classroom	
FS0200-STL-ZZ-XX-VS-A-0069 P05 - Proposed Internal Views - Science Classroom		FS0200-STL-ZZ-XX-VS-A-0069 P05 - Proposed Internal Views - Science Classroom	
<i>Detailed (Phase 1 – Block 1B) Plans</i>			
211_1B_01_01 – Block 1B Site Plan		211_1B_01_01 – Block 1B Site Plan	
211_1B_02_00 – Block 1B Ground and First Floor Plan		211_1B_02_00 – Block 1B Ground and First Floor Plan	
211_1B_02_01 – Block 1B Second Floor Roof Plan		211_1B_02_01 – Block 1B Second Floor Roof Plan	
211_1B_04_01 – Block 1B North and East Elevations		211_1B_04_01 – Block 1B North and East Elevations	
211_1B_04_02 – Block 1B South and West Elevations		211_1B_04_02 – Block 1B South and West Elevations	
211_1B_05_01 – Block 1B Cross Sections AA and BB		211_1B_05_01 – Block 1B Cross Section AA and BB	
<i>Detailed (Phase 1 – Block 1C) Plans</i>			
211_1C_01_01 – Block 1C Site Plan		211_1C_01_01 – Block 1C Site Plan	

211_1C_02_00 – Block 1C Ground Floor Plan	211_1C_02_00 Rev C– Block 1C Ground Floor Plan	211_1C_02_00 Rev C– Block 1C Ground Floor Plan	
211_1C_02_01 – Block 1C First Floor Plan	211_1C_02_01 Rev C– Block 1C First Floor Plan	211_1C_02_01 Rev C– Block 1C First Floor Plan	
211_1C_02_02 – Block 1C Second Floor Plan	211_1C_02_02 Rev C – Block 1C Second Floor Plan	211_1C_02_02 Rev C – Block 1C Second Floor Plan	
211_1C_02_03 – Block 1C Third Floor Plan	211_1C_02_03 Rev C – Block 1C Third Floor Plan	211_1C_02_03 Rev C – Block 1C Third Floor Plan	
211_1C_02_04 – Block 1C Fourth Floor Plan	211_1C_02_04 Rev C – Block 1C Fourth Floor Plan	211_1C_02_04 Rev C – Block 1C Fourth Floor Plan	
211_1C_02_05 – Block 1C Fifth Floor Plan	211_1C_02_05 Rev C – Block 1C Fifth Floor Plan	211_1C_02_05 Rev C – Block 1C Fifth Floor Plan	
211_1C_02_06 – Block 1C Sixth Floor Plan	211_1C_02_06 Rev C – Block 1C Sixth Floor Plan	211_1C_02_06 Rev C – Block 1C Sixth Floor Plan	
211_1C_02_07 – Block 1C Seventh Floor Plan	211_1C_02_07 Rev C – Block 1C Seventh Floor Plan	211_1C_02_07 Rev C – Block 1C Seventh Floor Plan	
211_1C_02_08 – Block 1C Eighth Floor Plan	211_1C_02_08 Rev C – Block 1C Eighth Floor Plan	211_1C_02_08 Rev C – Block 1C Eighth Floor Plan	
211_1C_02_09 – Block 1C Ninth Floor Plan	211_1C_02_09 Rev C – Block 1C Ninth Floor Plan	211_1C_02_09 Rev C – Block 1C Ninth Floor Plan	
211_1C_02_10 – Block 1C Roof Plan		211_1C_02_10 – Block 1C Roof Plan	
211_1C_05_01 – Block 1C Cross Section AA and BB		211_1C_05_01 – Block 1C Cross Section AA and BB	
211_C_09_01 - Block C_1 Bedroom Apartment type 01 & 02		211_C_09_01 - Block C_1 Bedroom Apartment type 01 & 02	
211_C_09_02 - Block C_1 Bedroom Apartment type 03, 04 & 05		211_C_09_02 - Block C_1 Bedroom Apartment type 03, 04 & 05	
211_C_09_03 - Block C_1 Bedroom Apartment type 06 & 07		211_C_09_03 - Block C_1 Bedroom Apartment type 06 & 07	
211_C_09_04 - Block C_1 Bedroom Apartment type 08 & 09		211_C_09_04 - Block C_1 Bedroom Apartment type 08 & 09	
211_C_09_05 - Block C_1 Bedroom Apartment type 10, 11 & 12		211_C_09_05 - Block C_1 Bedroom Apartment type 10, 11 & 12	
211_C_09_06 - Block C_2 Bedroom Apartment type 01 & 02		211_C_09_06 - Block C_2 Bedroom Apartment type 01 & 02	
211_C_09_07 - Block C_2 Bedroom Apartment type 03 & 04		211_C_09_07 - Block C_2 Bedroom Apartment type 03 & 04	
211_C_09_08 - Block C_2 Bedroom Apartment type 05 & 06		211_C_09_08 - Block C_2 Bedroom Apartment type 05 & 06	
211_C_09_09 - Block C_2 Bedroom Apartment type 07 & 08		211_C_09_09 - Block C_2 Bedroom Apartment type 07 & 08	
211_C_09_10 - Block C_2 Bedroom Apartment type 09 & 10		211_C_09_10 - Block C_2 Bedroom Apartment type 09 & 10	
211_C_09_11 - Block C_2 Bedroom Apartment type 11 & 12		211_C_09_11 - Block C_2 Bedroom Apartment type 11 & 12	
211_C_09_12 - Block C_2 Bedroom Apartment type 13		211_C_09_12 - Block C_2 Bedroom Apartment type 13	
211_C_09_13 - Block C_2 Bedroom Apartment type 14 & 15		211_C_09_13 - Block C_2 Bedroom Apartment type 14 & 15	

211_C_09_14 - Block C_3 Bedroom Apartment type 01		211_C_09_14 - Block C_3 Bedroom Apartment type 01	
211_C_09_15 - Block C_3 Bedroom Apartment type 02		211_C_09_15 - Block C_3 Bedroom Apartment type 02	
211_C_09_16 - Block C_3 Bedroom Apartment type 03 & 04		211_C_09_16 - Block C_3 Bedroom Apartment type 03 & 04	
211_C_09_17 - Block C_3 Bedroom Duplex Apartment type 01		211_C_09_17 - Block C_3 Bedroom Duplex Apartment type 01	
211_1C_04_01 – Block 1C North and East Elevations	211_1C_04_01 Rev C – Block 1C North and East Elevations	211_1C_04_01 Rev C – Block 1C North and East Elevations	
211_1C_04_02 – Block 1C South and West Elevations	211_1C_04_02 Rev B – Block 1C South and West Elevations	211_1C_04_02 Rev B – Block 1C South and West Elevations	
<i>Detailed (Phase 1 – Block 1D) Plans and Elevations</i>			
211_1D_01_01 – Block 1D Site Plan		211_1D_01_01 – Block 1D Site Plan	
211_1D_02_00 – Block 1D Ground Floor Plan	211_1D_02_00 Rev A – Block 1D Ground Floor Plan	211_1D_02_00 Rev A – Block 1D Ground Floor Plan	
211_1D_02_01 – Block 1D First Floor Plan	211_1D_02_01 Rev C – Block 1D First Floor Plan	211_1D_02_01 Rev C – Block 1D First Floor Plan	
211_1D_02_02 – Block 1D Second Floor Plan	211_1D_02_02 Rev C – Block 1D Second Floor Plan	211_1D_02_02 Rev C – Block 1D Second Floor Plan	
211_1D_02_03 – Block 1D Third Floor Plan	211_1D_02_03 Rev C – Block 1D Third Floor Plan	211_1D_02_03 Rev C – Block 1D Third Floor Plan	
211_1D_02_04 – Block 1D Fourth Floor Plan	211_1D_02_04 Rev C – Block 1D Fourth Floor Plan	211_1D_02_04 Rev C – Block 1D Fourth Floor Plan	
211_1D_02_05 – Block 1D Fifth Floor Plan	211_1D_02_05 Rev C – Block 1D Fifth Floor Plan	211_1D_02_05 Rev C – Block 1D Fifth Floor Plan	
211_1D_02_06 – Block 1D Sixth Floor Plan	211_1D_02_06 Rev C – Block 1D Sixth Floor Plan	211_1D_02_06 Rev C – Block 1D Sixth Floor Plan	
211_1D_02_07 – Block 1D Seventh Floor Plan	211_1D_02_07 Rev C – Block 1D Seventh Floor Plan	211_1D_02_07 Rev C – Block 1D Seventh Floor Plan	
211_1D_02_08 – Block 1D Eighth Floor Plan	211_1D_02_08 Rev C – Block 1D Eighth Floor Plan	211_1D_02_08 Rev C – Block 1D Eighth Floor Plan	
211_1D_02_09 – Block 1D Ninth Floor Plan	211_1D_02_09 Rev C – Block 1D Ninth Floor Plan	211_1D_02_09 Rev C – Block 1D Ninth Floor Plan	
211_1D_02_10 – Block 1D Roof Plan		211_1D_02_10 – Block 1D Roof Plan	
211_1D_05_01 - Block 1D_Cross Section AA & BB		211_1D_05_01 - Block 1D_Cross Section AA & BB	
211_D_09_01 - Block D_1 Bedroom Apartment type 01 & 02		211_D_09_01 - Block D_1 Bedroom Apartment type 01 & 02	
211_D_09_02 - Block D_1 Bedroom Apartment type 03 & 04		211_D_09_02 - Block D_1 Bedroom Apartment type 03 & 04	
211_D_09_03 - Block D_1 Bedroom Apartment type 05 & 06		211_D_09_03 - Block D_1 Bedroom Apartment type 05 & 06	
211_D_09_04 - Block D_1 Bedroom Apartment type 07 & 08		211_D_09_04 - Block D_1 Bedroom Apartment type 07 & 08	
211_D_09_05 - Block D_1 Bedroom Apartment type 09 & 10		211_D_09_05 - Block D_1 Bedroom Apartment type 09 & 10	
211_D_09_06 - Block D_1 Bedroom Apartment type 11 & 12		211_D_09_06 - Block D_1 Bedroom Apartment type 11 & 12	

211_D_09_07 - Block D_1 Bedroom Apartment type 13		211_D_09_07 - Block D_1 Bedroom Apartment type 13	
211_D_09_08 - Block D_1 Bedroom Apartment type 14		211_D_09_08 - Block D_1 Bedroom Apartment type 14	
211_D_09_09 - Block D_1 Bedroom Apartment type 15		211_D_09_09 - Block D_1 Bedroom Apartment type 15	
211_D_09_10 - Block D_2 Bedroom Apartment type 01 & 02		211_D_09_10 - Block D_2 Bedroom Apartment type 01 & 02	
211_D_09_11 - Block D_2 Bedroom Apartment type 03 & 04		211_D_09_11 - Block D_2 Bedroom Apartment type 03 & 04	
211_D_09_12 - Block D_2 Bedroom Apartment type 05 & 06		211_D_09_12 - Block D_2 Bedroom Apartment type 05 & 06	
211_D_09_13 - Block D_2 Bedroom Apartment type 07 & 08		211_D_09_13 - Block D_2 Bedroom Apartment type 07 & 08	
211_D_09_14 - Block D_2 Bedroom Apartment type 09		211_D_09_14 - Block D_2 Bedroom Apartment type 09	
211_D_09_15 - Block D_2 Bedroom Duplex Apartment type 01		211_D_09_15 - Block D_2 Bedroom Duplex Apartment type 01	
211_D_09_16 - Block D_3 Bedroom Apartment type 01		211_D_09_16 - Block D_3 Bedroom Apartment type 01	
211_D_09_17 - Block D_3 Bedroom Apartment type 02		211_D_09_17 - Block D_3 Bedroom Apartment type 02	
211_D_09_18 - Block D_3 Bedroom Apartment type 03		211_D_09_18 - Block D_3 Bedroom Apartment type 03	
211_D_09_19 - Block D_3 Bedroom Apartment type 04		211_D_09_19 - Block D_3 Bedroom Apartment type 04	
211_D_09_20 - Block D_3 Bedroom Apartment type 05		211_D_09_20 - Block D_3 Bedroom Apartment type 05	
211_D_09_21 - Block D_3 Bedroom Apartment type 06		211_D_09_21 - Block D_3 Bedroom Apartment type 06	
211_D_09_22 - Block D_3 Bedroom Apartment type 07		211_D_09_22 - Block D_3 Bedroom Apartment type 07	
211_D_09_23 - Block D_3 Bedroom Apartment type 08		211_D_09_23 - Block D_3 Bedroom Apartment type 08	
211_D_09_24 - Block D_3 Bedroom Duplex Apartment type 01		211_D_09_24 - Block D_3 Bedroom Duplex Apartment type 01	
211_D_09_25 - Block D_3 Bedroom Duplex Apartment type 02		211_D_09_25 - Block D_3 Bedroom Duplex Apartment type 02	
211_D_09_26 - Block D_4 Bedroom Apartment type 01		211_D_09_26 - Block D_4 Bedroom Apartment type 01	
211_D_09_27 - Block D_4 Bedroom Apartment type 02		211_D_09_27 - Block D_4 Bedroom Apartment type 02	
211_1D_04_01 – Block 1D North and East Elevation	211_1D_04_01 Rev C – Block 1D North and East Elevation	211_1D_04_01 Rev C – Block 1D North and East Elevation	
211_1D_04_02 – Block 1D South and West Elevation	211_1D_04_02 Rev B – Block 1D South and West Elevation	211_1D_04_02 Rev B – Block 1D South and West Elevation	
<i>Detailed (Phase 1 – Block 1C and 1D) Plan</i>			
211_02_001 - Block 1C & 1D Basement Floor Plan		211_02_001 - Block 1C & 1D Basement Floor Plan	
<i>Detailed (Phase 1 – Block 1E) Plans, Sections and Elevations</i>			
211_1E_01_01 – Block 1E Site Plan		211_1E_01_01 – Block 1E Site Plan	
211_1E_02_001 – Block 1E Basement Floor Plan		211_1E_02_001 – Block 1E Basement Floor Plan	

211_1E_02_00 – Block 1E Ground Floor Plan		211_1E_02_00 – Block 1E Ground Floor Plan	
211_1E_02_01 – Block 1E First Floor Plan	211_1E_02_01 Rev A – Block 1E First Floor Plan	211_1E_02_01 Rev A – Block 1E First Floor Plan	
211_1E_02_02 – Block 1E Second Floor Plan	211_1E_02_02 Rev A – Block 1E Second Floor Plan	211_1E_02_02 Rev A – Block 1E Second Floor Plan	
211_1E_02_03 – Block 1E Third Floor Plan	211_1E_02_03 Rev A – Block 1E Third Floor Plan	211_1E_02_03 Rev A – Block 1E Third Floor Plan	
211_1E_02_04 – Block 1E Fourth Floor Plan	211_1E_02_04 Rev A – Block 1E Fourth Floor Plan	211_1E_02_04 Rev A – Block 1E Fourth Floor Plan	
211_1E_02_05 – Block 1E Fifth Floor Plan	211_1E_02_05 Rev A – Block 1E Fifth Floor Plan	211_1E_02_05 Rev A – Block 1E Fifth Floor Plan	
211_1E_02_06 – Block 1E Sixth Floor Plan	211_1E_02_06 Rev A – Block 1E Sixth Floor Plan	211_1E_02_06 Rev A – Block 1E Sixth Floor Plan	
211_1E_02_07 – Block 1E Seventh Floor Plan	211_1E_02_07 Rev A – Block 1E Seventh Floor Plan	211_1E_02_07 Rev A – Block 1E Seventh Floor Plan	
211_1E_02_08 – Block 1E Roof Plan	211_1E_02_08 Rev A – Block 1E Roof Plan	211_1E_02_08 Rev A – Block 1E Roof Plan	
211_1E_04_01 – Block 1E North and East Elevation	211_1E_04_01 Rev A – Block 1E North and East Elevation	211_1E_04_01 Rev A – Block 1E North and East Elevation	
211_1E_04_02 – Block 1E South and West Elevation	211_1E_04_02 Rev A – Block 1E South and West Elevation	211_1E_04_02 Rev A – Block 1E South and West Elevation	
211_1E_05_01 - Block 1E Cross Section AA and BB	211_1E_05_01 Rev A - Block 1E Cross Section AA and BB	211_1E_05_01 Rev A - Block 1E Cross Section AA and BB	
211_E_09_01 – Block E_1 Bedroom Apartment Type 01 and 02	211_E_09_01 Rev A – Block E_1 Bedroom Apartment Type 01 and 02	211_E_09_01 Rev A – Block E_1 Bedroom Apartment Type 01 and 02	
211_E_09_02 - Block E_1 Bedroom Apartment type 03 & 04		211_E_09_02 - Block E_1 Bedroom Apartment type 03 & 04	
211_E_09_03 – Block E_1 Bedroom Apartment Type 05 and 06	211_E_09_03 Rev A – Block E_1 Bedroom Apartment Type 05 and 06	211_E_09_03 Rev A – Block E_1 Bedroom Apartment Type 05 and 06	
211_E_09_04 – Block E_1 Bedroom Apartment Type 07 and 08	211_E_09_04 Rev A – Block E_1 Bedroom Apartment Type 07 and 08	211_E_09_04 Rev A – Block E_1 Bedroom Apartment Type 07 and 08	
211_E_09_05 - Block E_2 Bedroom Apartment type 01 & 02		211_E_09_05 - Block E_2 Bedroom Apartment type 01 & 02	
211_E_09_06 - Block E_2 Bedroom Apartment type 03 & 04		211_E_09_06 - Block E_2 Bedroom Apartment type 03 & 04	
211_E_09_07 - Block E_3 Bedroom Apartment type 01		211_E_09_07 - Block E_3 Bedroom Apartment type 01	
211_E_09_08 – Block E_3 Bedroom Apartment type 02	211_E_09_08 Rev A – Block E_2 Bedroom Duplex Apartment Type 01	211_E_09_08 Rev A – Block E_2 Bedroom Duplex Apartment Type 01	
-	211_E_09_09 Rev A – Block E_2 Bedroom Duplex Apartment Type 02	211_E_09_09 Rev A – Block E_2 Bedroom Duplex Apartment Type 02	
-	211_E_09_10 Rev A – Block E_3 Bedroom Duplex Apartment Type 01	211_E_09_10 Rev A – Block E_3 Bedroom Duplex Apartment Type 01	

-	211_E_09_11 Rev A – Block E_3 Bedroom Duplex Apartment Type 02	211_E_09_11 Rev A – Block E_3 Bedroom Duplex Apartment Type 02	
<i>Detailed (Phase 1 – Block 1F) Plans</i>			
211_1F_01_01 – Block 1F Site Plan		211_1F_01_01 – Block 1F Site Plan	
211_1F_02_00 – Block 1F Ground Floor Plan		211_1F_02_00 – Block 1F Ground Floor Plan	
211_1F_02_01 – Block 1F First Floor Plan	211_1F_02_01 Rev B – Block 1F First Floor Plan	211_1F_02_01 Rev B – Block 1F First Floor Plan	
211_1F_02_02 – Block 1F Second Floor Plan	211_1F_02_02 Rev B – Block 1F Second Floor Plan	211_1F_02_02 Rev B – Block 1F Second Floor Plan	
211_1F_02_03 – Block 1F Third Floor Plan	211_1F_02_03 Rev B – Block 1F Third Floor Plan	211_1F_02_03 Rev B – Block 1F Third Floor Plan	
211_1F_02_04 – Block 1F Fourth Floor Plan	211_1F_02_04 Rev B – Block 1F Fourth Floor Plan	211_1F_02_04 Rev B – Block 1F Fourth Floor Plan	
211_1F_02_05 – Block 1F Fifth Floor Plan	211_1F_02_05 Rev B – Block 1F Fifth Floor Plan	211_1F_02_05 Rev B – Block 1F Fifth Floor Plan	
211_1F_02_06 - Block 1F Sixth Floor Plan		211_1F_02_06 - Block 1F Sixth Floor Plan	
211_1F_02_07 - Block 1F Seventh Floor Plan		211_1F_02_07 - Block 1F Seventh Floor Plan	
211_1F_02_08 - Block 1F Roof Plan		211_1F_02_08 - Block 1F Roof Plan	
211_1F_05_01 - Block 1F Cross Section AA & BB		211_1F_05_01 - Block 1F Cross Section AA & BB	
211_F_09_01 - Block F_1 Bedroom Apartment type 01 & 02		211_F_09_01 - Block F_1 Bedroom Apartment type 01 & 02	
211_F_09_02 - Block F_2 Bedroom Apartment type 01 & 02		211_F_09_02- Block F_2 Bedroom Apartment type 01 & 02	
211_F_09_03 - Block F_2 Bedroom Apartment type 03 & 04		211_F_09_03 - Block F_2 Bedroom Apartment type 03 & 04	
211_F_09_04 – Block F_2 Bedroom Apartment type 05		211_F_09_04 – Block F_2 Bedroom Apartment type 05	
211_F_09_05 - Block F_3 Bedroom Apartment type 01		211_F_09_05 - Block F_3 Bedroom Apartment type 01	
211_F_09_06 – Block F_3 Bedroom Apartment type 02		211_F_09_06 – Block F_3 Bedroom Apartment type 02	
211_F_09_07 - Block F_3 Bedroom Apartment type 03		211_F_09_07 - Block F_3 Bedroom Apartment type 03	
211_1F_04_01 - Block 1F North and East Elevation		211_1F_04_01 - Block 1F North and East Elevation	
211_1F_04_02 – Block 1F South and West Elevation	211_1F_04_02 Rev B – Block 1F South and West Elevation	211_1F_04_02 Rev B – Block 1F South and West Elevation	
<i>Detailed (Phase 1) Landscaping Plans</i>			
HED-1140-RBP-LA-1001 – Illustrative Plan		HED-1140-RBP-LA-1001 – Illustrative Plan	
HED-1140-RBP-LA -1002 – Phasing Plan		HED-1140-RBP-LA -1002 – Phasing Plan	
HED-1140-RBP-LA -1003 – General Arrangement Plan - Park		HED-1140-RBP-LA -1003 – General Arrangement Plan - Park	
HED-1140-RBP-LA -1004 – Landscape Sections – The Parkway		HED-1140-RBP-LA -1004 – Landscape Sections – The Parkway	
HED-1140-RBP-LA -1005 – Landscape Sections – Park North		HED-1140-RBP-LA -1005 – Landscape Sections – Park North	

HED-1140-RBP-LA -1006 – Landscape Sections – Central Park South		HED-1140-RBP-LA -1006 – Landscape Sections – Central Park South	
HED-1140-RBP-LA -1007 – Landscape Sections - Courtyard		HED-1140-RBP-LA -1007 – Landscape Sections - Courtyard	
HED-1140-RBP-LA -1008 – Trees for Retention Proposed Removal		HED-1140-RBP-LA -1008 – Trees for Retention Proposed Removal	
HED-1140-RBP-LA -1009 – Planting Strategy		HED-1140-RBP-LA -1009 – Planting Strategy	
HED-1140-RBP-LA -1010 – SUDs Strategy Plan		HED-1140-RBP-LA -1010 – SUDs Strategy Plan	
HED-1140-RBP-LA -1011 – Urban Greening Factor		HED-1140-RBP-LA -1011 – Urban Greening Factor	
HED-1140-RBP-P1-1001 – Phase 01 GA		HED-1140-RBP-P1-1001 – Phase 01 GA	
HED-1140-RBP-P1-1002 – Hard Landscaped Area 01 (LR)		HED-1140-RBP-P1-1002 – Hard Landscaped Area 01 (LR)	
HED-1140-RBP-P1-1003 – Hard Landscaped Area 02		HED-1140-RBP-P1-1003 – Hard Landscaped Area 02	
HED-1140-RBP-P1-1004 – Hard Landscaped Area 03		HED-1140-RBP-P1-1004 – Hard Landscaped Area 03	
HED-1140-RBP-P1-1005 – Landscape Planting Area 01		HED-1140-RBP-P1-1005 – Landscape Planting Area 01	
HED-1140-RBP-P1-1006 – Landscape Planting Area 02		HED-1140-RBP-P1-1006 – Landscape Planting Area 02	
HED-1140-RBP-P1-1007 – Landscape Planting Area 03		HED-1140-RBP-P1-1007 – Landscape Planting Area 03	
HED-1140-RBP-P1-1013 – Trees for Retention Proposed Removal Plan		HED-1140-RBP-P1-1013 – Trees for Retention Proposed Removal Plan	
HED-1140-RBP-P1-1014 – Landscape Terraces		HED-1140-RBP-P1-1014 – Landscape Terraces	
HED-1140-RBP-P1-1016 – Residential Street		HED-1140-RBP-P1-1016 – Residential Street	
HED-1140-RBP-P1-1017 – Lake and Board Walk		HED-1140-RBP-P1-1017 – Lake and Board Walk	
HED-1140-RBP-P1-1018 – Private Gardens		HED-1140-RBP-P1-1018 – Private Gardens	
HED-1140-RBP-P1-1019 – Bike Shelter with Cycle Stands		HED-1140-RBP-P1-1019 – Bike Shelter with Cycle Stands	
HED-1140-RBP-P1-1020 – Parkway Street Section		HED-1140-RBP-P1-1020 – Parkway Street Section	
HED-1140-RBP-P1-1021 – Intensive Green Roof		HED-1140-RBP-P1-1021 – Intensive Green Roof	
HED-1140-RBP-P1-1022 – Green Roof Strategy		HED-1140-RBP-P1-1022 – Green Roof Strategy	
HED-1140-RBP-P1-1023 – Play Areas Park 1		HED-1140-RBP-P1-1023 – Play Areas Park 1	
HED-1140-RBP-P1-1024 – Play Areas Park 2		HED-1140-RBP-P1-1024 – Play Areas Park 2	
HED-1140-RBP-P1-1025 – Play Areas Courtyard 01		HED-1140-RBP-P1-1025 – Play Areas Courtyard 01	
HED-1140-RBP-P1-1026 – Play Areas Courtyard 02		HED-1140-RBP-P1-1026 – Play Areas Courtyard 02	
HED-1140-RBP-P1-1027 – Play Areas Courtyard 03		HED-1140-RBP-P1-1027 – Play Areas Courtyard 03	
HED-1140-RBP-P1-1028 – Play Areas Courtyard 04		HED-1140-RBP-P1-1028 – Play Areas Courtyard 04	
HED-1140-RBP-P1-1029 – Play Equipment		HED-1140-RBP-P1-1029 – Play Equipment	

HED-1140-RBP-P1-1030 – Sustainable Drainage		HED-1140-RBP-P1-1030 – Sustainable Drainage	
HED-1140-RBP-P1-1031 – Hard Landscape Finish 1		HED-1140-RBP-P1-1031 – Hard Landscape Finish 1	
HED-1140-RBP-P1-1032 – Hard Landscape Finish 2		HED-1140-RBP-P1-1032 – Hard Landscape Finish 2	
HED-1140-RBP-P1-1033 – Hard Landscape		HED-1140-RBP-P1-1033 – Hard Landscape	
HED-1140-RBP-P1-1034 – Street Furniture		HED-1140-RBP-P1-1034 – Street Furniture	
HED-1140-RBP-P1-1035 – Fences and Gates		HED-1140-RBP-P1-1035 – Fences and Gates	
HED-1140-RBP-P1-1036 – Planting Details		HED-1140-RBP-P1-1036 – Planting Details	
HED-1140-RBP-P1-1037 – Green Screen		HED-1140-RBP-P1-1037 – Green Screen	
HED-1140-RBP-P1-1038 – Landscape Terrace Principles		HED-1140-RBP-P1-1038 – Landscape Terrace Principles	
HED-1140-RBP-P1-1039 – Landscape Terraces		HED-1140-RBP-P1-1039 – Landscape Terraces	
HED-1140-RBP-P1-1040 – Planting Mix Images		HED-1140-RBP-P1-1040 – Planting Mix Images	
HED-1140-RBP-P1-1041 – Entrances Sections 01		HED-1140-RBP-P1-1041 – Entrances Sections 01	
HED-1140-RBP-P1-1042 – Landscape Sections 02		HED-1140-RBP-P1-1042 – Landscape Sections 02	
HED-1140-RBP-P1-1043 – Landscape Sections 03		HED-1140-RBP-P1-1043 – Landscape Sections 03	
HED-1140-RBP-P1-1044 – Urban Greening Factor		HED-1140-RBP-P1-1044 – Urban Greening Factor	
<i>Highways Drawings and Documents</i>			
	ST-3013-717-Brunswick Park Road Signalised Access Option with Right Turn Lane and ASL	ST-3013-717-Brunswick Park Road Signalised Access Option with Right Turn Lane and ASL	
	ST-3013-700-Means of Access Rev 5	ST-3013-700-Means of Access Rev 5	
	ST-3013-804-Swept Path Analysis-Fire Tender Site Access	ST-3013-804-Swept Path Analysis-Fire Tender Site Access	
	ST-3013-805-Swept Path Analysis-Refuse Vehicle 9.6 Brunswick Park Rd	ST-3013-805-Swept Path Analysis-Refuse Vehicle 9.6 Brunswick Park Rd	
	ST-3013-820-Proposed Off-Site Highways Improvements	ST-3013-820-Proposed Off-Site Highways Improvements	
	Stage 1 Road Safety Audit Ref. 2022/058/0151-01	Stage 1 Road Safety Audit Ref. 2022/058/0151-01	
<i>Documents</i>			
Application Form, prepared by Daniel Watney LLP		Application Form, prepared by Daniel Watney LLP	
CIL Form, prepared by Daniel Watney LLP		CIL Form, prepared by Daniel Watney LLP	
Design and Access Statement, August 2021, prepared by Plus Architecture		Design and Access Statement, prepared by Plus Architecture	
Design Principles Document, August 2021, prepared by Plus Architecture		Design Principles Document, prepared by Plus Architecture	
Townscape and Visual Impact Assessment,		Townscape and Visual Impact Assessment, prepared by Peter Stewart Consultancy	

prepared by Peter Stewart Consultancy			
Daylight and Sunlight Assessment, prepared by eb7		Daylight and Sunlight Assessment, prepared by eb7	
Internal Daylight Assessment, prepared by eb7		Internal Daylight Assessment, prepared by eb7	
Arboricultural Impact Assessment, prepared by Greengage		Arboricultural Impact Assessment, prepared by Greengage	
Noise Impact Assessment, prepared by RSK Acoustics		Noise Impact Assessment, prepared by RSK Acoustics	
Planning Application Specification Document, prepared by Daniel Watney LLP		Planning Application Specification Document, prepared by Daniel Watney LLP	
Preliminary Ecological Appraisal, prepared by Greengage		Preliminary Ecological Appraisal, prepared by Greengage	
Statement of Community Involvement, prepared by BECG		Statement of Community Involvement, prepared by BECG	
Travel Plan, prepared by Stomor		Travel Plan, prepared by Stomor	
	Environmental Statement Volume 1 – Main Text and Figures, prepared by Greengage, September 2021	Environmental Statement Volume 1 – Main Text and Figures, prepared by Greengage, September 2021	
	Environmental Statement Volume 2 – Appendices, prepared by Greengage, September 2021	Environmental Statement Volume 2 – Appendices, prepared by Greengage, September 2021	
	Environmental Statement Volume 3 - Non-Technical Summary prepared by Greengage, September 2021	Environmental Statement Volume 3 - Non-Technical Summary prepared by Greengage, September 2021	
	EIA Compliance Statement, prepared by Greengage, August 2022	EIA Compliance Statement, prepared by Greengage, August 2022	
Transport Assessment, prepared by Stomor, submitted August 2021 (dated August 2021)	Updated Transport Assessment, prepared by Stomor, submitted September 2021 (dated August 2021 with corrected car parking numbers)	Updated Transport Assessment, prepared by Stomor, submitted September 2021 (dated August 2021 with corrected car parking numbers)	
	Transport Assessment Addendum, prepared by Stomor, October 2022	Transport Assessment Addendum, prepared by Stomor, October 2022	
	Utilities Report, prepared by MKP, August 2021	Utilities Report, prepared by MKP, August 2021	
	Planning Statement, prepared by Daniel Watney LLP, August 2021	Planning Statement, prepared by Daniel Watney LLP, August 2021	
	Phase 2 Geo-environmental and Geotechnical Assessment, prepared by RSL, April 2021	Phase 2 Geo-environmental and Geotechnical Assessment, prepared by RSL, April 2021	
	Overheating Assessment, prepared by MKP, August 2021	Overheating Assessment, prepared by MKP, August 2021	

	Energy and Sustainability Assessment, prepared by MKP, August 2021	Energy and Sustainability Assessment, prepared by MKP, August 2021	
	Viability Assessment, prepared by Douglas Birt Consulting	Viability Assessment, prepared by Douglas Birt Consulting	
	Phase 1 Drainage Strategy Plan drawing no. ST-3013-500, prepared by Stomor	Phase 1 Drainage Strategy Plan drawing no. ST-3013-500, prepared by Stomor	
	St Andrew the Apostle Flood Risk Assessment and Drainage Strategy Report, prepared by Curtins, May 2021, submitted 13 September 2021	St Andrew the Apostle Flood Risk Assessment and Drainage Strategy Report, prepared by Curtins, May 2021	
St Andrew the Apostle Design and Access Statement		St Andrew the Apostle Design and Access Statement	
	Daylight and Sunlight Assessment, Internal Daylight Addendum, prepared by eb7, July 2022	Daylight and Sunlight Assessment, Internal Daylight Addendum, prepared by eb7, July 2022	
	Planning Fire Safety Statement for Royal Brunswick Park (Phase 1) dated 25 August 2021, submitted 9 September 2021, prepared by FRS Planning Fire Safety Statement for Royal Brunswick Park (Phase 1) R3, prepared by FRS	Planning Fire Safety Statement for Royal Brunswick Park (Phase 1) R3, prepared by FRS	
	Response to LLFA Comments, prepared by Stomor, November 2021	Response to LLFA Comments, prepared by Stomor, November 2021	
Flood Risk and Drainage Statement (July 2021) (Rev 1)	Flood Risk Assessment and Drainage Statement (Rev 2), prepared by Stomor	Flood Risk Assessment and Drainage Statement (Rev 2), prepared by Stomor	
	Pedestrian Level Wind Microclimate Assessment (Rev B) (25 October 2021), prepared by RWDI	Pedestrian Level Wind Microclimate Assessment (Rev B) (25 October 2021), prepared by RWDI	
HED Issue Sheet		HED Issue Sheet	
Plus Drawing Schedule (August 2021)			Updated Drawing Schedule, July 2023
	Cover Letter (August 2022), prepared by Daniel Watney LLP	Cover Letter (August 2022) prepared by Daniel Watney LLP	
Housing Quality Assessment, (August 2021)			Housing Quality Assessment Rev C (July 2022)
Area Calculation (August 2021)			

Appendix 7: Responses to Statutory and Public Representations

Appendix 7 - Response to Statutory and Local Consultee Representations

Table 1 – Statutory Consultee Responses

Statutory Consultee	Comments	Appellant's Response
<p>Greater London Authority Stage 1 Report</p>	<p>Land use principles: The proposed optimisation of this consented residential-led masterplan to deliver an uplift of up to 1,078 new homes over the extant consent at a site which is locally designated for residential led mixed use redevelopment is supported.</p> <p>Urban Design: The proposed height and massing would have relatively significant visual prominence in this suburban context and would also impact upon the setting of the Metropolitan Open Land to the south and east. The applicant must provide additional views from within the Metropolitan Open Land to allow a full assessment of any harm to be undertaken. The applicant must also address issues in respect of housing quality, architecture, and height and massing.</p> <p>Transport: The applicant must provide additional information in respect to the transport assessment, public transport impacts, public transport improvements, the proposed shuttle service and vehicle and cycle parking. Noting the proposed uplift in quantum, the Council must appropriately secure a contribution towards public transport improvements, vehicle and cycle parking, construction logistics, delivery and servicing and a travel plan.</p> <p>Sustainable Development: Further information and clarification is required on the sustainable development strategies before compliance with the London Plan can be confirmed.</p> <p>Recommendation: That Barnet Council be advised that the application does not comply with the London Plan. Possible remedies set out in this report could address these deficiencies.</p>	
<p>Greater London Authority Stage 2 Report</p>	<p>Land Use Principles: The proposed further optimisation of this consented residential-led masterplan to deliver an uplift of up to 1,078 new homes over the extant planning permission was supported at Stage 1. The uplift in flexible commercial floorspace was also supported. The approach to social infrastructure provision and flexible commercial and employment uses is supported.</p> <p>Housing: The GLA's in-house viability team has rigorously scrutinised the Financial Viability Appraisal. As a result of these discussions, the overall percentage of affordable housing on the entire scheme has increased to 21% by both unit and habitable room. The tenure split between low cost rent and intermediate housing is 48/52 by unit and 53/47 by habitable room. GLA officers believe that this represents the maximum viable level of affordable housing that the scheme can provide at this time. 10% of the homes proposed would be M4(3) compliant wheelchair accessible, in line with London Plan Policy D7.</p> <p>Play Space and Open Space: The masterplan has three main public parks with an overall size of 22,680 sqm which is a significant public benefit. The landscape strategy proposes that the overall play space requirements for children aged between 0-5 and 5-11 years would be met on-site, with off-site provision for children aged 12-16 which is acceptable, noting that large areas of the site are taken up by the secondary school and 3G pitch and multi-use games area. The draft S106 agreement Heads of Terms sought to ensure that these facilities would be made available to the public via a community use agreement, which is welcomed. The shortfall in play space provision on-site should be mitigated by a financial contribution towards improved play space provision in the wider area.</p>	

Heritage: There are no conservation areas close to the site. The nearest statutory listed building is the Grade II listed Memorial to German First World War Internees in New Southgate Cemetery. GLA officers consider that the change to the wider existing urban backdrop in this particular view would not harm to the significance of the listed memorial.

Urban Design: The urban design and landscape approach follows the key principles embedded in the extant planning permission which are supported and responds appropriately to the site opportunities and constraints. The architectural approach is supported. The residential quality of the detailed element of the scheme is acceptable. Residential homes would all be provided with private outdoor amenity space in the form of balconies, winter gardens, terraces or rear gardens. Nearly half of the proposed homes would be either dual or triple aspect and there are no north facing single aspect homes proposed.

Height, Massing, and Tall Buildings: GLA officers recognise that the proposed development would have an adverse townscape impact on these views. However, this is considered to be acceptable, on balance, noting the overall public benefits and noting that no heritage assets would be harmed in any of the views. The scheme would not harm any local or strategic views. Overall, taking into account the findings of the applicant's TVIA, GLA officers consider that the proposed height and massing could be accommodated on this large site without causing a significant adverse impact on the surrounding townscape or local character. There is limited visibility of the proposed development in the medium and long distance views tested from streets and open spaces to the east, south and north of the site. Where the scheme would be visible in immediate views from around the site, the impacts are broadly comparable with the previous application which was permitted and are not considered to cause any townscape harm. The proposed development would have a more noticeably greater visual impact in views from the west. The development would be prominent in these views, altering the background context in the suburban street scene and representing a step change in height and massing within what is a suburban area. However, GLA officers do not consider that the proposed development would cause a significant detrimental harm to the townscape character, given the clear separation from the suburban context due to railway line and topography and due to the fact that the proposed scheme would be viewed as a more distant contemporary development at a higher density within in the suburban context. The architectural quality of the proposed tall buildings in the detailed element is acceptable. Furthermore, the proposals would accord with the design-led approach to optimising the housing capacity of the site, in line with the London Plan. The application is contrary to the plan-led and locational principle set out in London Plan Policy D9, Part B. However, GLA officers therefore consider that the height and massing of the scheme could comply with the qualitative assessment criteria set out in Part C of London Plan Policy D9. The visual, functional, environmental and cumulative impact of the proposed scheme is acceptable. As such, notwithstanding the conflict with the plan-led and locational principle set out in Part B of London Plan Policy D9, GLA officers consider that in this instance, the tall buildings are, on balance, acceptable, taking into account the compliance with the qualitative criteria and overall planning balance.

Fire Safety: The submitted fire statement demonstrates how the development proposals would achieve the highest standards of fire safety. It is noted that the outline phase includes blocks rising to 12-storeys which would require second staircases to be provided, given that these would exceed the 30-metre height threshold. The additional staircases should be added as part of Reserved Matters Applications. On this basis, it is considered that the proposal is in line with the key principles set out in London Plan Policy D12.

Transport: The impact on Arnos Grove London Underground station is considered appropriately. The approach to car parking, though more restrained than the extant permission, would require car parking restraint from the outset and level of car parking proposed for phase 1 does not

	<p>represent sufficient restraint to support mode shift. TfL indicate that a parking ratio of 0.5 or lower would be welcome. TfL stated the approach to Blue Badge accessible and Electric Vehicle charging seems to be in accord with policy. A Travel Plan, Car Park Management Plan, Delivery and Servicing Plan, and Construction Logistics Plan should be secured by planning condition or within the planning agreement.</p> <p>Energy: The energy strategy would ensure a 52% CO2 reduction over and above Building Regulations compliant development, of which 41% would be achieved via the ASHP network and solar panels and the remaining 12% via energy efficiency measures which complies with the minimum on-site requirements for CO2 reductions in the London Plan. A carbon offset payment is required which is estimated at £4,196,877.</p> <p>Urban Greening, Trees, Biodiversity: The applicant has calculated that the scheme would achieve an Urban Greening Factor score of 0.42 across the completed masterplan which exceeds the benchmark London Plan target of 0.4. A number of trees would be removed to facilitate the proposals, which has been appropriately justified and compensated. The proposal would result in a biodiversity net gain.</p> <p>Noise: The noise issues associated with the proximity of certain blocks to the railway line and the adjacent roads has been assessed and modelled, with appropriate acoustic design and noise mitigation measures proposed would ensure compliance with World Health Organisation and British Standards.</p> <p>Air Quality: The applicant's ES concludes that the proposals would comply with the Air Quality Neutral standard in the London Plan.</p> <p>Overall Planning Balance: The application is considered to be acceptable on balance. The proposals comply with London Plan policies relating to social infrastructure, health and social care facilities, education and childcare facilities, sport and recreation facilities, housing, play and recreation, housing, heritage, transport, urban greening and climate change.</p> <p>GLA officers consider that in this instance, the tall buildings are acceptable, taking into account the compliance with the qualitative criteria in Part C of London Plan Policy D9 and noting the overall public benefits which are set out below:</p> <ul style="list-style-type: none"> • 2,428 homes, of which, 21% would be affordable comprised of 246 London Affordable Rent and 266 Intermediate Shared Ownership homes. • a 5-form entry secondary school which would help meet the need for secondary school places in this part of north London, together with the ancillary sport facilities within the school, including a gymnasium, a multi-use sports pitch and associated changing facilities which would be subject to a Community Use Agreement to allow for public access out of school opening hours and at weekends. • three main public parks with an overall size of 22,680 sqm. • small scale health care facilities; • flexible commercial units for Small and Medium Sized Enterprises; • site access and transport infrastructure improvements, including new pedestrian and cycle linkages through the site via the proposed landscape public open spaces and greenway route. <p>These public benefits are considered to significantly outweigh the conflict with Part B of London Plan Policy D9.</p>	
<p>TFL (Stage 1 Report)</p>	<p>Concerns were raised with the layout from an active travel point of view, so changes were welcomed and overall the design is acceptable to TfL.</p> <p>TfL were not supportive of the approach to car parking and the ratio of 0.8 as the level of constraint is not sufficient to support mode shift targets in</p>	<p>Detailed discussions took place with TfL and LB Barnet Highways and Transport Officers which has resulted in an agreed position on</p>

	<p>the London Plan. TfL welcome the aspiration for mode shift, starting at 40% on opening to 27% within 10 years. This would suggest that increasing car parking constraint should be applied to later phases, whilst not rule out, there is no commitment. The “monitor and manage” approach is not agreed by TfL.</p> <p>TfL are okay with the approach to Blue Badge parking and Electric Vehicle charging.</p>	transport matters.
Environment Agency	No representations received but no objections were made to previous planning application.	
Highways England	Highways England were satisfied that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network and raised no objections.	
LB Enfield	More information is therefore required to properly assess whether the development will have an impact on the surrounding road network.	Detailed discussions took place with TfL and LB Barnet transport and highways officers which has led to an accepted solution for all transport matters.
Historic England	No objection, subject to conditions to ensure archaeological assessment and evaluation.	A condition was secured by condition as part of the extant scheme regarding archaeological investigation and recording which could also be secured for this appeal scheme.
Natural England	No objection. Natural England consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.	
Herts and Middlesex Wildlife Trust	Herts and Middlesex Wildlife Trust raised a number of concerns with the submitted ecological report including the lack of a biodiversity net gain and lack of definitive mitigation or compensation measures.	This comment did not take into account the ecology ES chapter and associated appendices. The ES chapter includes mitigation and compensation measures. This was accepted by the ecology consultee subject to conditions.
Sport England	Sport England raised an objection because it was not clear if the proposal meets the NPPF and Planning Policy in terms of the loss of the playing field and whether there is a need for all the proposed facilities and whether the proposed sports facilities would be fit for purpose.	The comments expressed by Sport England were raised in relation to the previous application and were considered by both the Local Planning Authority as not constituting reasons to refuse the scheme due to the long standing non-use of the top field as a playing pitch. Other matters such as the community use of school sport facilities can be secured through obligation and conditions.
Network Rail	No objection in principle to the development.	
Thames Water	No objection, subject to conditions relating to wastewater network upgrades, infrastructure phasing plan and confirmation that capacity exists to serve the development.	
LB Barnet		

<p><i>Transport and Regeneration</i></p> <p><i>Environmental Health</i></p> <p><i>Trees and Landscaping</i></p> <p><i>Ecology</i></p>	<p>No objections subject to appropriate conditions and S106 obligations.</p> <p>No objections raised subject to appropriate conditions regarding construction method extraction, noise mitigation and contamination.</p> <p>No additional comments as planning application building footprints the same as the extant permission.</p> <p>The evidence provided sufficiently addresses potential impacts and implications on biodiversity receptors and therefore it can be recommended that the application may be approved with conditions attached.</p>	
Metropolitan Police	No objection, subject to condition requiring Secure by Design accreditation on each phase prior to occupation.	
Capita Drainage LLFA	It is recommended that the application is not approved.	It was agreed with the LPA that any outstanding issues can be adequately addressed by conditions as suggested by the LLFA.
CWC and NHS Primary Health Care Centre NLBP	The applicant has been in discussions with CWC and several of the local churches to provide an affordable long leasehold shell of not less than 1,900 sqm within Block 3A of the application scheme. CWC's proposal would be to relocate both Oakleigh Road Clinic and Brunswick Park Health Centre into the new NLBP regeneration area and at the same time provide a co-located CWC LiveWell Centre. There is a clear need for the NHS to relocate both practices, which currently occupy out-dated and non-compliant premises, into new purpose designed and built primary health care accommodation.	

Table 2: Other Third Party Responses

Comment	Appellant Response
Overdevelopment and Height	Notwithstanding the extant permission in which the Secretary of State established that the site is appropriate for tall buildings, the Appellant will provide evidence at the inquiry to demonstrate that the appeal scheme is appropriate in respect of its height, scale, and massing and is generally compliant with adopted and relevant emerging policy.
Impact on Local Infrastructure	<p>As a result of the Appeal Scheme there will be direct positive impacts for existing local people and new residents such as new housing including affordable housing provision, modern employment floorspace and community space, new facilities for St Andrew the Apostle School, a small-scale nursery, and new open space including and play space for all ages. Overall the Appeal Scheme will have a positive impact through helping to meet Barnet Council's housing targets, the provision of a new secondary school, stimulating the local economy, and provision of new space and public realm.</p> <p>Other impacts on community facilities and infrastructure will be addressed through Section 106 and Community Infrastructure Levy (CIL) payments, as identified in Barnet's annual infrastructure funding statement.</p>
Green and Open Space	The Appeal Scheme would provide a total of 20,250 sqm of open space throughout the development. The size of these spaces would allow for the provision of appropriate play provision within the development although this will have to be balanced against other users of the open space in question.
Car Parking	<p>London Plan policy and TfL encourage car free development where suitable and mode shifts away from reliance on the use of private motor vehicles to more sustainable modes of transport. Travel patterns including commuting are likely to see permanent changes as a result of Covid 19 which would potentially lead to a reduced need for car travel.</p> <p>The site has been designed to promote access by sustainable modes of transport using the following</p>

	<p>strategies:</p> <ul style="list-style-type: none"> • Providing a mix of land uses on site to encourage people to live and work, promoting walking and cycling within the site; • Locating a significant volume of housing within easy walking and cycling distance of local employment and retail facilities as well as on a bus route to key areas and rail connections; • Providing additional employment and education services within walking and cycling distance of existing residential development and on an existing bus route; • Providing pedestrian and cycle links to existing footways and cycleway infrastructure as well as pedestrian and cycle routes and crossings within the site to provide good connectivity to and permeability within the site; • Providing financial contributions towards off-site improvements to sustainable transport infrastructure; • Providing a Travel Plan to help promote sustainable travel to, from and within the site, managed and monitored over time with evolving measures as circumstances change; and - Enabling home working and access to online retail and home deliveries by providing access to broadband services for residents, businesses and pupils. <p>The proposed parking levels of 0.8 spaces per dwelling for phase 1 were agreed with the Council's Highways team and was partly informed by a parking stress survey which demonstrated that there would be adequate parking space in the vicinity of the site in the event of any potential overspill. In addition, and based on the predicted trip generation, the parking provision aims to fully cover the requirements of the development on site.</p> <p>As agreed with TfL, a 'Monitor and Manage' approach will be adopted for the later phases of the development and the maximum level of car parking provision will not exceed 0.8 spaces per dwelling for the later phases.</p> <p>The development will employ a robust Travel Plan with strong mode shift targets and associated incentives as well as careful monitoring to ensure these are being met. The appellant would be happy for this to be secured through section 106 obligations and planning conditions.</p>
Lack of Demand for Flats	<p>The demand and need for new market and affordable housing in London is very substantial. To help to meet this need it is inevitable that many new dwellings will be provided in the form of flats to make the best use of a limited supply of land as well as to be viable. Many people in London happily live in flats and there is no evidence to suggest that flats in this location would not be attractive to the market. Nevertheless, the residential aspect of the scheme does provide a mix of housing sizes and types, including some low-rise housing as well as flats which ensures greater choice.</p>
Crime and Safety	<p>The scheme has been designed in line with Secured by Design principles and is considered to enhance safety and security and mitigate the potential of crime over and above the existing estate. This is because:</p> <ul style="list-style-type: none"> • Routes through the site and network of spaces are legible and will be well maintained noting that the scheme is supported by an estate management plan • It is considered that the design details provide a clear indication of whether a space is private, semi-public or public, with natural surveillance of publicly accessible spaces from buildings at their lower floors achieved across the entire site • The design including active ground floor frontages and surveillance and mix of uses encourages a level of human activity that is appropriate across the site, which will maximize activity throughout the day and night, thereby creating a reduced risk of crime and a sense of safety at all times • The network of communal spaces spaces proposed are considered to be laid out and detailed in such a way to promote an appropriate sense of ownership • Security measures will be integral to the design of buildings with details secured through appropriately worded conditions, it being noted that the MPS Designing Out Crime Officer has provided advice on achieving Secured by Design accreditation for the scheme • The design of the scheme including perimeter development, defensible frontages and active ground floors across the site is considered to minimise the safety and security interventions needed and therefore the demands of ongoing management and maintenance costs <p>The Metropolitan Police were consulted on this application and did not raise any objections, but requested a condition is attached to ensure that the development secures secured by design accreditation. The appellant would be happy to agree to such a condition.</p>
Employment Space	<p>The extant approval proposed 5,177 sqm of non-residential floorspace including B1 office space and a new nursery and community space while this appeal scheme proposes 7,148 sqm of Class E and F floorspace including re-provision of the type of B1 starter units currently occupying the Comer innovation</p>

	<p>Centre along with a proposed health centre and multi-faith community space. A small scale nursery will also be provided.</p>
Residential Amenity	<p>The majority of the proposed buildings are located over 11m from site boundaries, being located between 30-55m from rear elevations of surrounding properties. All larger blocks are located over 40m from neighbouring properties. Due to these distance separations the proposal would not result in any demonstrable loss of daylight/ sunlight or privacy. It is also worth noting that the heights of the blocks neighbouring low rise surrounding properties are not being increased in height from the extant permission.</p> <p>The only instance where buildings are located closer than 11m to the respective boundaries are in the case of the flank walls of the three-storey wings to blocks 1E and 1F. The appellant would be happy to accept a condition requiring any windows on these elevations to be fitted with obscure glazing in order to ensure no impact on privacy.</p>
Loss of Trees	<p>The tree removals identified in the arboricultural reports submitted are entirely necessary to allow the development to progress, however the landscape proposals include the planting of 189 new trees in phase 1 and circa 470 trees new trees across the site in order to reduce the impact of the proposed tree loss.</p> <p>Some of the trees have recently been felled in order to implement the school proposals under the extant permission or in other cases not covered by any tree protection order.</p>
Ecology and Biodiversity	<p>The submitted ecological appraisal and surveys conclude that habitats within the site are of limited conservation value due to the dominance of buildings, hardstanding and well managed amenity grassland.</p> <p>The proposed development will have biodiversity enhancements, including native planting of hedgerows and trees and areas of wildflower grassland within the public parks and reptile receptor site.</p> <p>The on-site pond was a large manmade water body, constructed in the 1980's, that lacked aquatic vegetation but had fish and a large number of waterfowl present. Works to the pond have been carried out pursuant to the extant permission. These works were supervised by an ecologist during a period when the waterfowl were seasonally absent from the site and care was taken to remove fish and other species during the duration of the works.</p>

Appendix 8: GLA Stage 1 Report

North London Business Park, New Southgate

Local Planning Authority: Barnet
Local Planning Authority reference: 21/4433/OUT

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Hybrid planning application for the phased redevelopment of the North London Business Park to deliver a residential-led mixed use development.

The detailed element comprises up to 461 residential units in five blocks reaching 9 storeys, the provision of a 5 form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities

The outline element comprises up to 1,967 additional residential units in buildings ranging between 3-12 storeys, up to 7,148 sqm of non-residential floor space (use Class E and F) and public open space.

The applicant

The applicant is **Comer Homes Group** and the architect is **Plus Architecture Limited**.

Strategic issues summary

Land use principles: The proposed optimisation of this consented residential-led masterplan to deliver an uplift of up to 1,078 new homes over the extant consent at a site which is locally designated for residential led mixed use redevelopment is supported (paragraph 20-22).

Housing: The application proposes 10% affordable housing (67/33 London Affordable Rent / shared ownership). In the absence of a verified viability position, and noting the significant uplift in quantum proposed, this level of affordable housing is wholly unacceptable. The GLA Viability Team is rigorously scrutinising the submitted FVA to advance viability discussions and ensure that the maximum level of affordable housing is secured over the lifetime of the development. Review mechanisms are required and affordability levels must be secured via S.106 (paragraph 23-30).

Urban design: The proposed height and massing would have relatively significant visual prominence in this suburban context and would also impact upon the setting of the Metropolitan Open Land to the south and east. The applicant must provide additional views from within the Metropolitan Open Land to allow a full assessment of any harm to be undertaken. The applicant must also address issues in respect of housing quality, architecture, and height and massing (paragraph 31-46).

Transport: The applicant must provide additional information in respect to; the transport assessment, public transport impacts, public transport improvements, the proposed shuttle service and vehicle and cycle parking. Noting the proposed uplift in quantum, the Council must appropriately secure; a

contribution towards public transport improvements, vehicle and cycle parking, construction logistics, delivery and servicing and a travel plan (paragraph 54-63).

Sustainable development: Further information and clarification is required on the sustainable development strategies before compliance with the London Plan can be confirmed (paragraph 64-69).

Recommendation

That Barnet Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 73. Possible remedies set out in this report could address these deficiencies.

Context

1. On 21 September 2021 the Mayor of London received documents from Barnet Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.
2. The application is referable under the following categories of the Schedule to the Order 2008:
 - 1A: *Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats*
 - 1C: *Development which comprises or includes the erection of a building more than thirty metres high and outside the City of London*
 - 3B: *Development which occupies more than 4 hectares of land which is used for Use Class B1 purposes and is likely to prejudice the use of that land for that use*
3. Once Barnet Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or, allow the Council to determine it itself.
4. The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.
5. The Mayor of London's statement on this case will be made available on the GLA's public register: <https://planning.london.gov.uk/pr/s/>

Site description

6. The 16.53-hectare site comprises four main buildings in campus style layout with multi-storey and surface car parks. The existing buildings total around 38,000 sq.m. of office and educational floorspace. The buildings have primarily been in office use since 2002 but are largely unoccupied at present. Previously, they served as the STC industrial telecoms production site and Nortel research centre. More recently Barnet Council occupied much of the office floorspace but have since relocated elsewhere. The formal social hall is in occasional use as a banqueting facility and St Andrew the Apostle School occupies one of the buildings on a temporary basis.
7. Approximately 13 hectares are unoccupied by buildings, comprising parkland-style landscaping, a lake, and a former sports facility at the northern end of the site. There are also several mature trees on site, many of which are protected by tree preservation orders. The lake, which was created in the 1980s, provides functional drainage and wildlife habitat.
8. The site is bounded to the west by the East Coast Mainline, and to the north and south by the backs of residential properties. Access is from a short frontage on Oakleigh Road South close to the railway bridge, whilst there is also a secondary frontage and access along Brunswick Park Road. There is a significant level change of around 24 metres across the site running down from north-west to south-east.
9. The surrounding area is generally suburban in character, comprising predominantly two storey semi-detached and terraced housing. Although part of the site is currently designated as an industrial business park; Local Plan Policy CS3 earmarks the wider site for residential-led mixed-use development.
10. The site is bounded by Network Rail train lines to the west. The nearest section of Strategic Road Network (SRN) is located approximately 2 kilometres northwest of the site at the A1000 High Road, whilst the nearest Transport for London Road Network (TLRN) is located at A406 North Circular Road Road/Bowes Road approximately 2 kilometres south-west of the site.
11. The site is not within reasonable walking distance of any station but access to Arnos Grove Station (Piccadilly Line) located 2 kilometres south of the site can be made by bus. The north section of the site is served by one bus route whilst the southern part is served by two routes. The Public Transport Accessibility Level (PTAL) rating of the site therefore ranges from 1b – 2 where 1 is the lowest and 6b represents the most accessible locations.

Details of this proposal

12. Hybrid planning application for the phased redevelopment of the North London Business Park to deliver a residential-led mixed use development.

13. The detailed element comprises up to 461 residential units in five blocks reaching 9 storeys, the provision of a 5 form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities

14. The outline element comprises up to 1,967 additional residential units in buildings ranging between 3-12 storeys, up to 7,148 sqm of non-residential floor space (use Class E and F) and public open space. Across the masterplan the revised proposals would deliver an uplift in the following key metrics:

Land use	Extant	Proposed	Uplift
Residential	1,350 homes	2,428 homes	+1,078 homes
School	5 form entry	5 form entry	N/a
Flexible commercial	5,177 sq.m.	7,148 sq.m.	+1,971

Table 1: Existing v proposed consent

Phase	1 bedroom	2 bedroom	3 bedroom	4 bedroom	Total
One	166	196	90	9	461
Two	11	37	107	0	155
Three	85	315	85	0	485
Four	129	478	128	0	735
Five	104	385	103	0	592
Total	495	1,411	513	9	2,428

Table 2: Proposed housing mix

Case history

15. Planning permission was granted at appeal in January 2020 by the Secretary of State for a hybrid application (LPA ref 15/07932/OUT, GLA ref 2017/3664/S2) for phased comprehensive redevelopment of the North London Business Park to deliver a residential led mixed-use development, including the 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 the 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. Under the appeal decision the provision of a fully cleared school site was assessed as the equivalent of 20% on-site affordable housing and the scheme included the provision of 10% affordable housing. The scheme therefore provided for the equivalent of 30% affordable housing.

16. In August and October 2021 the GLA held a pre-application meeting with the applicant to discuss the redevelopment of the site. It was advised the proposed uplift of residential units within a residential-led mixed use scheme could be acceptable in line with London Plan policies subject to the reprovision of the school and nursery being appropriately secured. The proposals were noted not to accord with the locational requirements of London Plan Policy D9; therefore, the applicant was advised it should continue to engage with Council and address the potential impacts of its scheme as required by London Plan Policy D9C. Concern was raised that the densities being proposed would be unsustainable given the site's location relative to public transport, town centres, and other amenities. Other matters raised included housing, urban design, transport, and sustainable development.

Strategic planning issues and relevant policies and guidance

17. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Barnet Core Strategy 2012, Barnet Development Management Policies Document 2012, and the London Plan 2021.

18. The following are relevant material considerations:

- The National Planning Policy Framework and National Planning Practice Guidance;
- The Affordable Housing and Viability SPG; and,
- The Barnet Draft Local Plan

19. The relevant issues, corresponding strategic policies and guidance (supplementary planning guidance (SPG) and London Plan guidance (LPG)), are as follows:

- Social infrastructure *London Plan;*
- Housing *London Plan; Housing SPG; the Mayor's Housing Strategy; Play and Informal Recreation SPG; Character and Context SPG; Housing Design Standards draft LPG;*
- Affordable housing *London Plan; Housing SPG; Affordable Housing and Viability SPG; the Mayor's Housing Strategy;*
- Urban design *London Plan; Character and Context SPG; Public London Charter LPG; Housing SPG;*

Play and Informal Recreation SPG; Housing Design Standards draft LPG; Optimising Site Capacity: A Design-led Approach draft LPG; Fire Safety draft LPG;

- Inclusive access *London Plan; Accessible London: achieving an inclusive environment SPG; Public London Charter LPG;*
- Transport and parking *London Plan; the Mayor's Transport Strategy; Sustainable Transport, Walking and Cycling draft LPG;*
- Sustainable development *London Plan; Circular Economy Statements draft LPG; Whole-life Carbon Assessments draft LPG; 'Be Seen' Energy Monitoring Guidance LPG; Urban Greening Factor draft LPG; London Environment Strategy;*
- Biodiveristy *London Plan; the Mayor's Environment Strategy; and,*
- Air quality *London Plan; the London Environment Strategy; Control of dust and emissions during construction and demolition SPG; Air Quality Neutral draft LPG*
- On 24 May 2021 a Written Ministerial Statement (WMS) was published in relation to First Homes. To the extent that it is relevant to this particular application, the WMS has been taken into account by the Mayor as a material consideration when considering this report and the officer's recommendation. Further information on the WMS and guidance in relation to how the GLA expect local planning authorities to take the WMS into account in decision making can be found [here](#). (Link to practice note)

Land use principles

20. This site is allocated for residential-led mixed use redevelopment within the adopted local plan and the principle of development is established by the extant consent granted at appeal in January 2020 by the Secretary of State for a hybrid application (LPA ref 15/07932/OUT, GLA ref 2017/3664/S2) for phased comprehensive redevelopment of the North London Business Park to deliver a residential led mixed-use development, including the 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 the 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. The extant masterplan consent secured an overall affordable housing provision of 10% on site provision (70% / 30% in favour of affordable rent).

21. The applicant is seeking to amend and optimise the extant consent as discussed in paragraph 15 above. This would result in an uplift of up to 1,078 new homes over the extant consent. This proposed intensification would provide a significant increase in housing supply and is supported in principle. However, to ensure such intensification is sustainable it is critical that the scheme addresses adopted London Plan policy and that the proposed uplift in development quantum is matched by an appropriate increase in any linked contributions for essential mitigation. Furthermore, in the absence of a Fast Track affordable housing offer the applicant must demonstrate that this scheme will deliver the maximum level of affordable housing over the lifetime of the development.
22. In this case the applicant is proposing a 1,078-unit uplift in housing and an additional 1,971 sq.m. of commercial floorspace. Further to the assessment below, the uplifts in housing and non-residential floorspace as part of the broader optimisation of the masterplan is supported.

Housing

23. Policy H1 sets out the requirements for boroughs to achieve the increased housing supply targets set out in Table 4.1, which identifies a ten-year housing completion target of 23,640 for Barnet Council. The application proposes a total of 2,428 new homes which represents an uplift of 1,078 above the existing extant consent. The housing offer is detailed below:

Unit size	Affordable rent	Shared ownership	Market	Total
1 bedroom	20	20	455	495
2 bedroom	93	60	1,258	1,411
3 bedroom	50	0	420	470
4 bedroom	0	0	52	52
Total	163	80	2,185	2,428

Table 3: Housing provision by habitable room

24. London Plan Policy H4 seeks to maximise affordable housing delivery, with the Mayor setting a strategic target for 50% of all new homes to be genuinely affordable. London Plan Policy H5 states that the threshold level of affordable housing is a minimum of 35%, or 50% for public sector land and industrial land appropriate for residential uses in accordance with London Plan Policy E7 where the scheme would result in a net loss of industrial capacity. Policy H5 states that schemes can follow the fast-track viability route and are not required to submit

viability information nor be subject to a late stage viability review if they meet or exceed the relevant threshold level of affordable housing on site without public subsidy; are consistent with the relevant tenure split; meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant; and demonstrate that they have taken account of the strategic 50% target and have sought grant to increase the level of affordable housing.

25. Policy H6 of the London Plan sets out a preferred tenure split of at least 30% low cost rent (London Affordable Rent or social rent), at least 30% intermediate (with London Living Rent and shared ownership being the default tenures), and the remaining 40% to be determined by the local planning authority taking into account relevant Local Plan policy. It is the expectation, however, that the remaining 40% is weighted towards affordable rented products. The affordability of intermediate units must be in accordance with the Mayor's qualifying income levels, as set out in the Mayor's Affordable Housing and Viability SPG, and the London Plan Annual Monitoring Report, including a range of income thresholds. Affordability thresholds must be secured in the section 106 agreement attached to any permission, as well as the relevant review mechanisms. In the absence of a Fast Track compliant affordable housing offer and noting the scale and anticipated phased nature of scheme delivery, GLA officers are of the view that early, mid and late-stage review mechanisms are appropriate in this case. GLA officers seek the opportunity to review S.106 clauses in this regard prior to the Mayor's decision making stage.
26. The Barnet Local Plan establishes a borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability.
27. The applicant is proposing 10% affordable housing (by habitable room) at a tenure split of 67/33 in favour of London Affordable Rent. In the absence of a verified viability position, and noting the significant uplift in quantum proposed, this level of affordable housing is wholly unacceptable. The GLA Viability Team is rigorously scrutinising the submitted FVA to advance viability discussions and to ensure that the maximum level of affordable housing is secured over the lifetime of the development. In this context GLA officers seek further discussions with the applicant and Barnet Council regarding affordable housing provision and affordability levels. Affordability levels must be confirmed at the Mayor's decision making stage and appropriately secured as part of any future planning permission.

Housing mix

28. London Plan Policy H10 states that schemes should generally consist of a range of unit sizes and sets out several factors that should be considered when determining the appropriate housing mix of a scheme, including the nature and location of a site. This policy also states that a higher proportion of one- and two-bed units may be more appropriate in locations with higher public transport access and connectivity. The applicant is proposing 20% of the masterplan as 1-bedroom units, 58% as 2- having regard to the principles of policy H10 of the London Plan.

Playspace

29. Policy S4 of the London Plan states that development proposals should incorporate high quality, accessible play provision for all ages, of at least 10 sq.m. per child. Play space provision should normally be provided on-site. However, off-site provision may be acceptable where it can be demonstrated that this would address the needs of the development and can be provided nearby within an accessible and safe walking distance. In these circumstances contributions to off-site provision should be secured by a section 106 agreement. Play space provision should be available to all housing tenures to promote social inclusion. The requirement should be based on the GLA Population Yield Calculator. The detailed element of the scheme would generate a playspace requirement of 1,586 sq.m. The applicant is proposing a playspace of provision of 450 sq.m.. Whilst it is noted that for the youngest ages doorstep playspace is provided within the internal courtyards of each building there would still be a significant shortfall which needs to be addressed. The applicant should continue to explore options to provide playspace on site and as a last resort where this is not possible agree a mitigation package with the LPA.
30. The quantum and design of these playspaces and any mitigation must be appropriately secured as part of any future planning permission for both the outline and detailed elements of the scheme.

Urban design

31. Chapter 3 of the London Plan sets out key urban design principles to guide development in London. Design policies in this chapter seek to ensure that development optimises site capacity; is of an appropriate form and scale; responds to local character; achieves the highest standards of architecture, sustainability and inclusive design; enhances the public realm; provides for green infrastructure; and respects the historic environment.

Optimising development capacity and residential density

32. London Plan Policy D3 encourages the optimisation of sites, having regard to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity, including transport. It also states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 'Infrastructure requirements for sustainable densities'. Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by boroughs where appropriate, including Opportunity Areas. Policy D3 also states that the designed optimisation of sites should consider details of form, layout, experience, quality and character. The higher the density of a development, the greater the level of design scrutiny that is required, particularly qualitative aspects, as described in Policy D4 of the London Plan, which also states that proposals that exceed 350 units per hectare, or include a tall building should be subject to a greater level of design scrutiny.

33. The density of the proposed scheme would be approximately 147 units per hectare. In terms of public transport, the site has an existing PTAL of 1b-2 on a scale of 0-6b where 6b represents the most accessible locations. There has been extensive design scrutiny during pre-application discussions which were undertaken with planning and design officers at the Council, Transport for London and the GLA. The scheme was also presented to the Council's design review panel in April 2021. Design, transport, connectivity, and other concerns raised in this report will need to be addressed before such a density scheme can be supported.

Development layout and public realm

34. The layout of the proposed development is in broad conformity with the existing development on site and consented arrangement. Across the wider masterplan the proposals would introduce several perimeter blocks arranged around internal courtyards with a larger area of public realm located within the centre of the site. Flexible ground floor uses are to be located along public routes within ground floor units. The detailed component of the scheme would be concentrated in a linear arrangement spanning from the western edge of the site to the east just north of the proposed school development to the south. The Council should appropriately secure parameter plans and public realm provision/design for the outline element of the scheme.

Scale and massing

35. London Plan Policy D9 states that development plans should define what is considered a tall building for specific localities (although not less than 6 storeys or 18 metres) and identify suitable locations; and identify appropriate tall building heights on maps in Development Plans (Parts A and B). Policy D9 also sets out further requirements for assessing tall buildings (Part C) including addressing visual, functional, environmental and cumulative impacts.

36. Barnet's local plan defines a tall building as one which is eight storeys or more and identifies locations where they may be appropriate. By this definition the proposal would include tall buildings. The detailed component of these proposals would range in height up to 9-storeys whilst the outline element would range in height between 3-12 storeys.

37. The site is not located within an area which has been designated as suitable for a tall building in locational terms. GLA officers nevertheless note that the proposals have been arrived at through collaborative discussions with the borough through the pre-application process and have been reviewed by the boroughs design review panel. GLA officers note that the application would not accord with the locational requirement set out in Part B of Policy D9. This issue of non compliance will need to be considered in the planning balance at the Mayor's decision making stage having regard to an assessment of the scheme against the qualitative criteria set out in Part C of London Plan Policy D9 and other material considerations and public benefits – including the level of affordable housing proposed. With respect to Part C of Policy D9, it must be demonstrated

to the satisfaction of the GLA and LPA that the visual, functional, environmental and cumulative impacts referred to below have been appropriately addressed.

38. In summary the development includes tall buildings that depart from the locational requirement of London Plan Policy D9. The appropriateness of tall buildings will need to be considered with regard to the extent to which all other tall building assessment criteria have been addressed, as well as the other material considerations of the case and secured public benefits. An update will be provided at the Mayor's decision making stage.

Internal quality

39. London Plan Policy D6 promotes quality in new housing provision, with further standards and guidance set out in the Mayor's Housing SPG (2016) and the emerging London Plan Guidance on Good Quality Housing. Single aspect units are only acceptable by exception where it can be demonstrated that adequate passive ventilation, daylight and privacy can be achieved, avoiding overheating.
40. There would be a significant number of single aspect north facing units within Block 1D, 1C, 1E and 1F the applicant should explore options to reduce the proportion of single aspect units particularly where these would be north facing. Within Block 1C there would also be in excess of eight dwellings per floor within Block 1C, whilst it is noted an additional staircase is present this should be revisited with corridor widths and natural daylight/ventilation strategies should be addressed.

Architectural quality

41. The approach to the façade should set an exemplar standard of architectural and urban design, with the material palette and detailing being appropriate to the specific site, its use and the established local character. The form and appearance should complement and improve the public realm and consider sustainable design principles in terms of lifecycle assessment, embodied energy, allowing natural daylighting and passive ventilation, mitigate wind and reflectivity and improve visual and acoustic privacy as well as safety and security. The character area studies (which includes precedent imagery) does not contain sufficient information on the proposed materiality and façade expression. This must be provided prior to the Mayor's decision making stage. For the outline element the Council must secure a design code which sets out the detailed architectural quality to be delivered.

Views and impact to Metropolitan open land

42. The applicant has provided one view from within the MOL to the south, additional views should be provided from the extensive area of MOL to the south of the site to allow for a full assessment of the potential harm to be assessed. GLA officers acknowledge that whilst the scheme will be visible from within the MOL there is no encroachment into the MOL. However, based on the information currently available it appears that the proposed height and massing would have a significant effect on the setting of the Metropolitan Open Land to the south and

east. The applicant must provide additional views from within the Metropolitan Open Land to allow a full assessment of any harm to be undertaken.

Fire safety

43. In line with Policy D12 of the London Plan the application has been accompanied by a fire statement for both the detailed and outline elements, prepared by a suitably qualified third party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.
44. Further to the above, Policy D5 within the London Plan seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum, at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the buildings. The Council must appropriately secure an agreed strategy as part of any future planning permission for both the outline and detailed components of the scheme.

Inclusive access

45. Policy D5 of the London Plan seeks to ensure that new development achieves the highest standards of accessible and inclusive design (not just the minimum). All schemes should ensure that the development: can be entered and used safely, easily and with dignity by all; is convenient and welcoming (with no disabling barriers); and provides independent access without additional undue effort, separation or special treatment. Applications also meet the requirements of paragraph 3.5.3 of London Plan Policy D5.
46. Policy D7 of the London Plan requires that at least 10% of new build dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users); and all other new build dwellings must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. The application documents confirm that for the detailed element of the scheme 10% of the dwellings have been designed to comply with Building Regulations requirement Part M4(3), whilst the remaining homes have been designed to comply with Building Regulations requirement Part M4(2). The Council must secure M4(2) and M4(3) requirements by condition as part of any permission for both the detailed and outline elements of the scheme.

Heritage

47. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" and in relation to

conservation areas, “special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area”.

48. The NPPF states that when considering the impact of the proposal on the significance of a heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Where a proposed development will lead to ‘substantial harm’ to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to ‘less than substantial harm’, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Any harm must be given considerable importance and weight.
49. The NPPF states that in weighing applications that affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
50. London Plan Policy HC1 states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. Development proposals should avoid harm and identify enhancement opportunities. This policy also applies to non-designated heritage assets.
51. There is one listed heritage asset in close proximity to the site, which falls within the New Southgate Cemetery located directly east of the site. The Grade II listed Memorial to German First World War Internees.
52. Having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF in relation to heritage assets, GLA officers consider that the proposed redevelopment of the site would cause less than substantial harm to the historic significance of the asset. The harm identified must be given considerable importance and weight and the proposals do not comply with London Plan Policy HC1 which requires development proposals to conserve the significance of heritage assets. In accordance with the provisions of the NPPF the harm should be weighed against the public benefits of the proposal.
53. GLA officers will provide an update at the Mayor’s decision making stage accordingly, having regard to the public benefits of the scheme further to Barnet Council’s consideration of the proposal and the receipt of a draft decision and any draft Section 106 agreement.

Transport

Transport assessment

54. In line with London Plan Policy T4 the applicant must provide a transport assessment which sets out a cumulative assessment of the impact on public

transport and road network in the area. In this case, committed development includes the school and residential units already approved on site, as well as other relevant developments nearby. Until this is undertaken, TfL is unable to confirm whether the proposed impact on the transport networks will require mitigation.

55. The proposals are supported by an Active Travel Zone (ATZ) assessment which is welcomed. The proposed offsite measures should be agreed and secured by section 106 or 278 agreement as appropriate.

Public transport impacts

56. The applicant has set out proposals to improve bus access to the site, which TfL welcomes. These include providing a new pedestrian link to Russell Lane and the bus stops serving route 125, as well as a contribution to increase frequency on route 382 to the east. TfL requests that the previously agreed contribution to mitigate additional bus trips; £825,000 is secured with indexation and uplifted in line with the increase in development quantum.

57. The applicant proposes new traffic signals on Brunswick Park Road, TfL is concerned this will cause delays to 382, so conflicts with overall objective of encouraging mode shift. This must be considered further.

Shuttle service

58. The applicant proposes to run shuttle bus services from site to offsite destinations. The applicant should clarify on basis these services are offered. The area is already served by the bus network which is operated and regulated by TfL. If shuttle services are to be operated, they must not impact on the local interchanges or bus stops; the location of proposed drop-off/ pick-up locations must also be clarified.

Car parking

59. London Plan Policy T1 sets mode shift targets for London as part of the strategic approach to target. The applicant's car parking strategy states that 367 car parking spaces are proposed for phase 1 of the development. The applicant needs to confirm the approach to car parking for this and later phases of development. To support mode shift set out in the London Plan, would require car parking restraint from the outset and level of car parking proposed for phase 1 does not represent sufficient restraint to support mode shift.

60. The approach to Blue Badge accessible and Electric Vehicle charging accords with London Plan policy. These should be secured through a site wide car parking management plan.

Cycle parking

61. Based on the proposal for 461 units in phase 1, 658 long stay, and 13 short stay spaces are required. Details of the location and design of these spaces should be

provided in accordance with London Cycle Design Standards (LCDS) including 5% for larger or adapted bikes. For Phases 2 to 5, there are 1,967 units, so the applicant should provide 2,998 long stay and 51 short stay spaces. Indicative layouts should also be provided, and the quantum and detailed design secured by condition. For other land uses, the applicant must clarify the details of provision in accord with London Plan standards and LCDS.

Travel planning, deliveries and servicing and construction logistics

62. The Travel Plan, Car Park Management Plan, Delivery and Servicing Plan, and Construction Logistics Plan should be secured by planning condition or within the planning agreement.

Transport conclusion

63. The applicant must provide additional information in respect to; the transport assessment, public transport impacts, public transport improvements, the proposed shuttle service and vehicle and cycle parking. The Council must appropriately secure; a contribution towards public transport improvements, vehicle and cycle parking, construction logistics, delivery and servicing and a travel plan.

Sustainable development

Energy strategy

64. In accordance with the principles of Policy SI2 of the London Plan, the applicant has submitted an energy statement, setting out how the development proposes to reduce carbon dioxide emissions. In summary the proposed strategy comprises: energy efficiency measures (including a range of passive design features and demand reduction measures). Additional information is required before the reduction in regulated CO2 emissions can be confirmed. Appropriate conditions must be imposed in relation to the outline element of the proposals to make sure London Plan targets are met. The applicant should provide a commitment that the development is designed to allow future connection to a district heating network. The applicant is proposing renewable technologies, comprising photovoltaic panels and air source heat pumps. The applicant should reconsider the PV provision and provide a detailed roof layout demonstrating that the roof's potential for a PV installation has been maximised and clearly outlining any constraints to the provision of further PV.

Whole Life Carbon

65. London Plan Policy SI2 states that development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions.

66. The applicant should submit a WLC assessment template in full. This is important to allow results to be recorded and tracked through to the post-construction stages, and to allow a proper review of the results against material quantities and other assumptions made. As per the GLA 'Whole Life-cycle Carbon Assessment – draft for consultation – guidance document' this assessment should comply with EN 15978 and cover all building elements. Two assessments are required to be submitted through the GLA WLC template – one that does not account for decarbonisation of the grid (Assessment 1) and another that does account for decarbonisation to both operational and embodied carbon (Assessment 2). Carbon emissions during lifecycle modules A1-A5 and B1 of Assessment 2 should not include the decarbonised figures. Please refer to the GLA WLC guidance documents and RICS PS for more details. Further guidance can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan/london-plan-guidance/whole-life-cycle-carbon-assessments-guidance>

Circular Economy

67. Policy SI7 of the London Plan requires development applications that are referable to the Mayor of London to submit a Circular Economy Statement, whilst Policy D3 requires development proposals to integrate circular economy principles as part of the design process. The Council must agree and secure the proposed strategy. The application should also be conditioned to submit a post-construction assessment to report on the development's actual WLC emissions for both elements of the scheme.

Urban greening

68. London Plan Policies G1 and G5 embed urban greening as a fundamental aspect of site and building design. Features such as street trees, green roofs, green walls, rain gardens, and hedgerows should all be considered for inclusion and the opportunity for ground level urban greening should be maximised. The applicant has calculated that the scheme would achieve an Urban Greening Factor score of 0.42 across the completed masterplan, this exceeds the target of 0.4. The Council must secure all greening measures to ensure the target is met for both elements of the scheme.

Air quality

69. London Plan Policy SI1 states that development proposals should not lead to further deterioration of existing poor air quality, create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits or create unacceptable risk of high levels of exposure to poor air quality. The London Borough of Barnet have declared the whole borough an Air Quality Management Area. The applicant has provided an air quality assessment which identifies that the proposed development would not require mitigation measures other than during the construction phase of the development. The Council should identify all appropriate mitigation (particularly in respect to transport) and appropriately secure these as part of any future planning permission.

Local planning authority's position

70. Barnet Council planning officers are currently assessing the application. In due course the Council will formally consider the application at a planning committee meeting.

Legal considerations

71. Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged; or, direct the Council under Article 6 of the Order to refuse the application; or, issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application (and any connected application). There is no obligation at this stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

72. There are no financial considerations at this stage.

Conclusion

73. London Plan policies on land use principles, housing, affordable housing, urban design, transport and sustainable development are relevant to this application. Whilst the proposal is supported in principle, the application does not currently comply with these policies, as summarised below:

- **Land use principles:** The proposed optimisation of this consented residential-led masterplan to deliver an uplift of up to 1,078 new homes over the extant consent at a site which is locally designated for residential led mixed use redevelopment is supported.
- **Housing:** The application proposes 10% affordable housing (67/33 London Affordable Rent / shared ownership). In the absence of a verified viability position, and noting the significant uplift in quantum proposed, this level of affordable housing is wholly unacceptable. The GLA Viability Team is rigorously scrutinising the submitted FVA to advance viability discussions and ensure that the maximum level of affordable housing is secured over the lifetime of the development. Review mechanisms are required and affordability levels must be secured via S.106.
- **Urban design:** The proposed height and massing would have relatively significant visual prominence in this suburban context and would also impact

upon the setting of the Metropolitan Open Land to the south and east. The applicant must provide additional views from within the Metropolitan Open Land to allow a full assessment of any harm to be undertaken. The applicant must also address issues in respect of housing quality, architecture, and height and massing.

- **Transport:** The applicant must provide additional information in respect to; the transport assessment, public transport impacts, public transport improvements, the proposed shuttle service and vehicle and cycle parking. Noting the proposed uplift in quantum, the Council must appropriately secure; a contribution towards public transport improvements, vehicle and cycle parking, construction logistics, delivery and servicing and a travel plan.
- **Sustainable development:** Further information and clarification is required on the sustainable development strategies before compliance with the London Plan can be confirmed.

for further information, contact GLA Planning Unit (Development Management Team):

Connaire O'Sullivan, Principal Strategic Planner (case officer)

email: Connaire.OSullivan@London.gov.uk

Graham Clements, Team Leader – Development Management

email: Graham.Clements@London.gov.uk

Allison Flight, Deputy Head of Development Management

email: Alison.Flight@London.gov.uk

John Finlayson, Head of Development Management

email: John.Finlayson@London.gov.uk

Lucinda Turner, Assistant Director of Planning

email: Lucinda.Turner@London.gov.uk

We are committed to being anti-racist, planning for a diverse and inclusive London and engaging all communities in shaping their city.

Appendix 9: GLA Stage 2 Report

North London Business Park

Local Planning Authority: Barnet

Local Planning Authority reference 21/4433/OUT

Strategic planning application stage 2 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential-led mixed use development comprising 2,428 homes, a 5-form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities, 7,148 sq.m. of flexible commercial floorspace, together with improvements to open space, site access and transport infrastructure, landscaping and car parking, with building heights ranging from three to 12-storeys.

The applicant

The applicant is **Comer Group** and the architect is **Plus Architecture**

Key dates

GLA pre-application meeting: August 2021 and October 2021

GLA stage 1 report: 21 March 2022

LPA Planning Committee decision: 15 December 2022 and 18 January 2023

Strategic issues summary

Barnet Council has resolved to refuse permission for this application. The Mayor must consider whether the application warrants a direction to take over determination of the application under Article 7 of the Mayor of London Order 2008. In this case, the test set out in Article 7(1)(a) is met as the application would have a significant impact on the implementation of the London Plan. Whilst the application is acceptable in strategic planning terms and there are no particular outstanding strategic planning issues, taking into account the specific circumstances of the application and, in particular the relatively low level of affordable housing provision that is proposed, GLA officers consider that **there are no sound reasons to intervene in this particular application** so Article 7 (c) is not met. There is therefore no basis to issue a direction under Article 7 of the Order 2008.

The Council's decision

In this instance Barnet Council has resolved to refuse permission.

Recommendation

That Barnet Council be advised that the Mayor is content for the Council to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal, or direct that he is to be the local planning authority.

Context

1. On 07 March 2023 the Mayor of London received documents from Barnet Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following categories of the Schedule to the Order 2008:
 - *Category 1A: Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats*
 - *Category 1C: Development which comprises or includes the erection of a building more than thirty metres high and outside the City of London*
 - *Category 3B: Development which occupies more than 4 hectares of land which is used for Use Class B1 purposes and is likely to prejudice the use of that land for that use*
2. On 21 March 2022 the Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority, considered planning report 2021/0987/S1 (link to report [here](#)) and subsequently advised Barnet Council that the application does not comply with the London Plan for the following reasons:
 - **Land use principles:** The proposed optimisation of this consented residential-led masterplan to deliver an uplift of up to 1,078 new homes over the extant consent at a site which is locally designated for residential led mixed use redevelopment is supported.
 - **Housing:** The application proposes 10% affordable housing (67/33 London Affordable Rent / shared ownership). In the absence of a verified viability position, and noting the significant uplift in quantum proposed, this level of affordable housing is wholly unacceptable. The GLA Viability Team is rigorously scrutinising the submitted FVA to advance viability discussions and ensure that the maximum level of affordable housing is secured over the lifetime of the development. Review mechanisms are required and affordability levels must be secured via S.106.
 - **Urban design:** The proposed height and massing would have relatively significant visual prominence in this suburban context and would also impact upon the setting of the Metropolitan Open Land to the south and east. The applicant must provide additional views from within the Metropolitan Open Land to allow a full assessment of any harm to be undertaken. The applicant must also address issues in respect of housing quality, architecture, and height and massing.
 - **Transport:** The applicant must provide additional information in respect to; the transport assessment, public transport impacts, public transport improvements, the proposed shuttle service and vehicle and cycle parking. Noting the proposed uplift in quantum, the Council must appropriately secure; a contribution towards public transport improvements, vehicle and cycle parking, construction logistics, delivery and servicing and a travel plan.

- **Sustainable development:** Further information and clarification is required on the sustainable development strategies before compliance with the London Plan can be confirmed.
3. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.
 4. On 15 December 2022 Barnet Council decided that it was minded to refuse planning permission for the application. This was against the recommendation of its officers as set out in the Planning Committee Report. The reasons for refusal were confirmed and agreed at the following planning Committee meeting of 18 January 2023 and are as follows:
 - 1 *The proposed development, by virtue of its excessive height, scale, and massing result in a discordant and visually obtrusive form of development that would demonstrably fail to respect the local context and established pattern of development when viewed from the west of the site on Fernwood Crescent, Denham Crescent, Oakleigh Crescent and Oakleigh Road North as well as New Southgate Cemetery to the East, to the detriment of the character and appearance of the area, and the visual amenity of adjoining residential occupiers. The proposal would therefore not create a high-quality development, not constitute a sustainable form of development and would be contrary to the provisions of the NPPF, Policies D3, D4 and D9 of the London Plan 2021 and policies CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies 2012.*
 - 2 *The proposed development does not include a formal undertaking to secure the provision of affordable housing, community and health care floorspace, affordable workspace, off site nature conservation and play space provision, carbon off-setting, highways mitigation, non-financial and financial skills and employment, enterprise and training obligations. The proposal would therefore not address the impacts of the development, contrary to Policies CS5, CS9 and CS11 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04, DM10 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013), Paragraph 8 of the NPPF, Policy S2 of the London Plan 2021.*
 5. The application was referred to the Mayor on 07 March 2023. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged; direct Barnet Council under Article 6 to refuse the application; or, issue a direction to Barnet Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 20 March 2023 to notify the Council of his decision and to issue any direction.
 6. The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.
 7. The decision on this case, and the reasons, will be made available on the City Hall website: www.london.gov.uk

Application update

8. Following the initial consultation and assessment of the application, there have been amendments to the scheme. A summary of the changes are as follows:

August 2022

- Increase in community floorspace from 960 sqm to 1908 sqm within Block 3a. This involves a corresponding decrease of 474 sqm of retail space and 474 sqm of office space within Block 3a.
- Reduction in number of single aspect units within Blocks 1C, 1D and F and improvements in daylight to proposed units, with some minor alterations to the proposed unit size mix.
- As a result of the changes the number of units within the full (detailed) part of the proposals has reduced from 454 to 445 units.

October 2022 Changes

- Amendments to proposed Brunswick Park Road junction providing for a signal controlled junction to replace the existing crossroads arrangements and widening the eastern side of Brunswick Park Road, requiring an alteration to the Goldrill Drive part of the junction along with additional junction widening of the site access.

Response to neighbourhood consultation

9. Barnet Council publicised the application by sending 3,206 notifications to local addresses and by issuing site and press notices. The relevant statutory bodies were also consulted. Neighbouring residents were re-consulted on 21 October 2022 following the receipt of amended plans involving alterations to the junction arrangements including the installation of a signalised junction on Brunswick Park Road. Copies of all responses to public consultation, and any other representations made on the case, have been made available to the GLA.
10. Following the neighbourhood consultation process Barnet Council received a total of 879 responses, including 773 objections, 102 letters of support and 4 neutral responses. The reasons for objection and support raised as part of the neighbourhood consultation process are collectively summarised below.

Neighbourhood objections

- Original scheme should never have been approved and this adds to it.
- Proposal would increase density of the site by 80% over the previous appeal scheme.
- Ridiculous to add height to proposals which were already too high (on the previously approved scheme)
- Insufficient green space
- Proposal over large for surrounding area
- Insufficient car parking which will put pressure on surrounding roads.

- Insufficient infrastructure to support proposed housing including doctors, primary schools and surrounding roads and public transport.
- Local Primary schools over subscribed, and long waits at local doctor's surgeries
- Brunswick Park Road unable to cope with volume of traffic and additional bus services will not be able to get through.
- Proposals will add to local congestion and pollution.
- Proposed heights of up to 13 storeys out of keeping with surrounding area.
- Surrounding area is all low rise housing.
- Out of keeping with suburban character of the area
- Leverage of school proposals should be ignored in considered residential proposals.
- Too many properties proposed for the area.
- Proposals contradict local plan policies.
- Site is not within an identified tall building area and proposals are contrary to this point.
- Proposal would exceed site capacity of the draft Reg 22 local plan
- Proposal would destroy character of the area.
- Object to Weirdale Avenue link, as will encourage parking and movement through these roads which are already too narrow and full of parking.
- Proposals would cause mental and physical distress to neighbouring residents.
- Increasing population densities bad for health, environment and the economy.
- Lack of demand for flats post Grenfell and preference for houses with gardens post covid means properties could be unsold.
- High rise development could result in high crime rates and is building the slums of the future.
- Insufficient employment space left on site and surrounding area as a result of the development.
- Proposal would cause overlooking and loss of light to neighbouring properties, particular Brunswick Crescent and Meadsway
- Recent removal of trees has removed screening of development
- Disturbance caused by development which has commencement, traffic, vibration
- Damage which has been done to ecology on site, through removal of trees, draining of pond and activities on the top of the site.

Neighbourhood support

- Support provision of new school.
- Pupils have been in temporary accommodation too long, need permanent school building.

Responses from statutory bodies and other organisations

Teressa Villers MP

11. Objection on the following grounds:

- The previous application for 1,350 homes already amounted to an overdevelopment of the site. To add over a thousand new homes and raise building heights to 12 storeys is a very considerable increase in density and is unacceptable.
- Plans are wholly out of keeping with the character of the surrounding area which is made up of homes of one or two storeys. The height of the proposed tower blocks will make them visible on the skyline for miles around. Their position on high land will make them especially conspicuous and overbearing for surrounding streets.
- Scheme contravenes Barnet Local Plan policies on tall buildings. The site is not identified as suitable for tall buildings.
- The height, bulk, massing and density of the proposals is entirely inappropriate.
- The proposals conflict with and would severely damage the local character which the Barnet Local Plan aims to protect.
- Visible urbanisation of what is currently a suburban area.
- Scheme fails to deliver good quality design, being regimental and uniform in character and lacking variety. Use of repetitive building typologies and blocky massing.
- Proximity to the East Coast Mainline means that west facing flats will require active cooling contrary to the London Plan.
- Noise assessments show that readings along the railway are very high.
- Inward facing flats in the blocks have very poor sunlight and courtyards will be very dim in the winter.
- Impact of additional population on local GP services and NHS services.
- Lack of parking provision (just 367 spaces / 0.08 parking ratio) would result in significant parking pressure on the surrounding streets which would not be resolved by controlled parking because local residents do not support such schemes.
- The site has a poor PTAL rating with limited public transport options.
- It would be far better to separate the planning application for the new school building from the residential development proposed. The controversial nature of the housing is delaying the delivery of the school. These are two distinct proposals and there is no justification to link them in this way. Whilst I support the proposals for the new school buildings, I strongly oppose the residential component of the application.

Natural England

12. No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Historic England Archaeology

13. No objection, subject to conditions to ensure archaeological assessment and evaluation.

Highways Agency

14. No objection. We are satisfied that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network (SRN) (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111).

Sport England

15. Objection on the following grounds:

- It is not clear if the proposal meets the NPPF. It is not clear if the loss of playing field has been mitigated, whether there is a need for all the proposed facilities and whether the proposed sports facilities would be fit for purpose.
- As the playing field has not been used for at least five years, the consultation with Sport England is *not* a statutory requirement. Notwithstanding the non-statutory nature of the consultation, Sport England has considered the application in light of the NPPF and against its own playing fields policy and its own wider planning policy.
- Please note that Sport England applies its policy to any land in use as playing field or last used as playing field and which remains undeveloped, irrespective of whether that use ceased more than five years ago. Lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs.
- The proposed redevelopment would result in the loss of the disused playing field. The proposed development is a revision of the scheme approved in 2017 which Sport England had concerns so submitted an objection. The current application raises similar issues to the previous scheme therefore these comments are attached for reference purposes.
- Sport England has concerns with the Design detail of the proposed sports facilities. The dimensions for the proposed AGP does not appear to align with FA guidance.
- Community use should be secured in a Community Use Agreement (CUA) so that the community are able to access the facilities in the long-term.
- Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site via either CIL or a S106 financial contribution. The level and nature of any provision should be informed by a robust evidence base

such as the Council's Playing Pitch Strategy, Built Facility Strategy or another relevant robust and up-to-date needs assessment.

Network Rail

16. No objection. Following assessment of the details provided to support the above application, Network Rail has **no objection in principle to the development**, but below are some requirements which must be met, especially with the proximity of the development to high voltage overhead line equipment and a railway tunnel

CWC and NHS Primary Health Care Centre NLBP

17. Support for the following reasons:

- We have been in discussions with the applicant to occupy 1,900 sqm within Block 3A of the application scheme.
- We are an independent charity which delivers purpose designed and built CWC LiveWell & NHS Primary Health Care Centres in Greater London. CWC owns and manages each LiveWell Centre and delivers local community focused healthy living programmes, social prescribing support and social prescribing programmes from Centres co-located with NHS primary health care. CWC and the local churches are working together to design a joint use of the CWC accommodation.
- CWC's proposal would be to relocate both Oakleigh Road Clinic and Brunswick Park Health Centre into the new NLBP regeneration area and at the same time provide a co – located CWC LiveWell Centre.
- There is a clear need for the NHS to relocate both practices, which currently occupy out-dated and non-compliant premises, into new purpose designed and built primary health care accommodation and this would help us put both nearby facilities into a single centre.
- The relocation of Brunswick Park Health Centre away from its current site could also provide benefits to the Council.
- The relocation of both Brunswick Park Health Centre and Osidge Library into a purpose designed new community facility would be a significant local benefit.
- Request that if the Council is minded to grant planning permission, measures are secured by planning obligation: shell and core, in community use, peppercorn rent.

LB Enfield

18. Raised the following comments relating to transport impact:

- More information is therefore required to properly assess whether the development will have an impact on the surrounding road network. Based on the PTAL calculator, the site is considered to have poor access to public transport. As part of the extant 2020 permission, a financial contribution was

secured as part of the S106 to provide an additional bus service on the 382 bus route. Given that it is not be feasible to divert any existing TfL bus services through the site, it is proposed that the financial contribution sum is increased to reflect the uplift in residential development. This is positive, however, it is unclear from the TA what impact the proposed development will have on bus capacity, clearly there will be an increase in trips, but it is not known what impact the development will have on this mode of travel and whether existing users will be negatively affected.

- A low level of car parking is proposed for the development (0.08 spaces per dwelling) and therefore it is concluded that car travel will subsequently be lower at the development. In addition to this, a number of measures such as a financial contribution towards improved local bus services, the provision of on-site car club bays, and cycle maintenance/repair kits available and an accompanying Travel Plan document are proposed for the development to encourage sustainable travel.
- We have concerns about the developments impact on the surrounding road network. Junction capacity assessments had not been undertaken at the time of preparing the TA. Without this information we cannot determine what the proposals impact will be on LB Enfield's road network and whether mitigation is required.

Thames Water

19. No objection, subject to conditions relating to waste water network upgrades, infrastructure phasing plan and confirmation that capacity exists to serve the development.

Metropolitan Policy Crime Prevention Design Advisor

20. No objection, subject to condition requiring Secure by Design accreditation on each phase prior to occupation.

Herts and Middlesex Wildlife Trust

21. This ecological report does not provide a measurable assessment of biodiversity net gain. Submission of a preliminary survey is not appropriate to support a full or outline planning application. No such definitive mitigation or compensation measures are contained in the preliminary ecological report. The application cannot be approved without this information and it cannot be left to condition as stated in the preliminary report.

Representations to the Mayor

22. The Mayor has not received written representations on the application.

Response to public consultation - conclusion

23. Having considered the local responses to public consultation and having noted the Council's Planning Committee Report, GLA officers are satisfied that the statutory and non-statutory responses to the public consultation process do not raise any

material planning issues of strategic importance that have not already been considered in this report, or in consultation Stage 1 report.

Article 7: Direction that the Mayor is to be the local planning authority

24. The initial statutory test regarding the Mayor's power to take over and determine applications referred under categories 1 and 2 of the schedule to the Mayor of London Order 2008 is a decision about who should have jurisdiction over the application rather than whether planning permission should ultimately be granted or refused.
25. The test consists of the following three parts, all of which must be met in order for the Mayor to take over the application:
 - (a) significant impact on the implementation of the London Plan;
 - (b) significant effects on more than one borough; and
 - (c) sound planning reasons for his intervention.
26. Parts (a) and (b) of the test identify the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the reasons for the Mayor's intervention. These tests are intended to ensure that the Mayor's powers of intervention are exercised only in respect of the most significant of applications which are referred to him.
27. Article 7(4) of the Order 2008 sets out that where a development falls within Category 1A of the Schedule, namely that over 150 residential units will be delivered, part (b) does not apply. As such, only parts (a) and (c) of the statutory tests are engaged in respect of the present application.
28. This report considers the extent to which the statutory tests under Article 7(1) apply in this case and whether, therefore, the Mayor should direct that he is to be the local planning authority and apply the tests set out under Article 7(3) of the Order 2008. This report does not consider the merits of the application, although consideration has been given to the key planning issues in so far as is necessary in applying the statutory tests in Article 7(1) as set out below.

Matters which the Mayor must take into account

29. In deciding whether to give a direction under Article 7, the Mayor must take account of the Council's current and past performance against development plan targets for new housing and affordable housing. The Mayor must also take account of any other targets set out in the development plan which are relevant to the subject matter of the application.

London Plan policy context – housing and affordable housing

30. London Plan Policy H1 seeks to ensure the delivery of 522,870 net additional homes between 2019/20 and 2028/29, which equates to circa 52,287 homes annually. In terms of affordable housing, London Plan Policy H4 sets a strategic target for 50% of all new homes delivered across London to be genuinely affordable. The 2017 London Strategic Housing Market Assessment (SHMA) shows that there is a need for approximately 43,500 affordable homes a year.

Recent delivery – London-wide housing completions

31. Table 1 below sets out London-wide housing delivery against the London Plan targets, within the past five years (2017/18 to 2021/22), including the most recent available annual dataset from the GLA's London Datastore. The tables show that overall housing and affordable housing completions have fallen below the applicable pan-London housing targets during this period.

Table 1 – London-wide housing supply in terms of net housing completions and affordable housing supply (2019/20 to 2022/23)

	2019/20	2020/21	2021/22	Total	Delivery (% of target)
Housing Target	42,388	42,388	52,287	137,063	77%
Net housing completions	32,621	34,008	38,734	105,363	
Affordable Homes Target	17,000	17,000	26,144	60,144	35%
Net affordable completions	7,301	5,680	8,300	21,281	

Source: Planning London Datahub (GLA London Datastore), Residential completions dashboard <https://data.london.gov.uk/dataset/residential-completions-dashboard>

Recent housing delivery – Barnet Council

32. Table 2 sets out Barnet Council housing delivery against the London Plan targets, within the past three years of monitoring (2019/20 to 2022/23) including the most recent available dataset. As shown below, overall housing completions in Barnet during this period has not met the minimum London Plan housing target. Affordable housing delivery in Barnet has also fallen significantly short of meeting the required completion figures.

Table 2 – Barnet Council housing supply in terms of net housing completions and affordable housing supply (2019/20 to 2021/22)

	2019/20	2020/21	2021/22	Total	Delivery (% of target)
Housing Target	2,364	2,364	2,364	7,092	67%
Net housing completions	1,490	1,101	2,165	4756	
Affordable Homes Target (50%)	1,182	1,182	1,182	3,546	1%
Net affordable completions	343	-410	103	36	

Source: Planning London Datahub (GLA London Datastore), Residential completions dashboard <https://data.london.gov.uk/dataset/residential-completions-dashboard>

33. It is noted that the Council's approval figures for both overall and affordable housing during this period do show that higher levels of overall and affordable housing have been permitted. The net housing permitted in Barnet during this three-year time period exceeds the London Plan housing completions target as shown below. 17% affordable housing has been achieved on the net additional homes permitted during this period.

Net housing permitted in Barnet Council (2019/20 to 2021/22)

	2019/20	2020/21	2021/22	Total
Affordable	461	1,219	283	1,963
Market	4,393	2,925	2,118	9,436
Total	4,854	4,144	2,401	11,399
Percentage Affordable	9%	29%	12%	17%

Statutory test 7(1)(a): Significant impact on the implementation of the London Plan

34. The application proposes the mixed use redevelopment of the site to provide the following:
- 2,428 homes, of which, 246 homes would be London Affordable Rent and 266 would be intermediate shared ownership (21% affordable housing)
 - a 5-form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities, together with improvements to open space
 - up to 7,148 sq.m. of flexible commercial use
 - site access and transport infrastructure, landscaping and car parking
 - building heights ranging from three to 12-storeys.
35. The development is therefore considered to be of a scale that could have a significant impact on the implementation of London Plan, noting that the scheme would make a substantial contribution towards meeting the minimum housing targets in the London Plan and in terms of social and education infrastructure provision. As such, it is considered that the test set out in Article 7(1)(a) of the Order 2008 is met.

Statutory test 7(1)(c): Sound planning reasons for intervening

36. Paragraph (c) of the statutory test within Article 7(1) of the 2008 Order concerns whether the Mayor considers there to be sound planning reasons to exercise his power to become local planning authority in respect of determining the application. The application is acceptable in strategic planning terms and there are no particular outstanding strategic planning issues, as set out in more detail below. However, taking into account the specific circumstances of this application, GLA officers consider that there are no sound reasons to intervene in this case. In reaching this conclusion, GLA officers have taken into account the relatively low level of affordable housing being proposed (21% comprised of 246 low cost rent homes and 266 intermediate shared ownership homes). Whilst the affordable housing level has increased since Stage 1 which is welcomed, the overall quantum of

affordable homes is below the level expected for a large scale residential scheme such as this (2,428 homes in total). This therefore fails to meet one of the key objectives set out in the Mayor's London Plan. As such, Article 7 (c) is not met.

Article 7 tests conclusion

37. For the Mayor to issue a direction that he is to be the local planning authority, all relevant statutory tests must be met. The application would have a significant impact on the implementation of the London Plan so the test set out in Article 7(1)(a) is met. However, whilst the application is acceptable in strategic planning terms and there are no particular outstanding strategic planning issues, taking into account the specific circumstances of the application, GLA officers do not consider that there are sound reasons to intervene in this particular application, so Article 7 (c) is not met. There is therefore no basis to issue a direction under Article 7 of the Order 2008.

Relevant policies and guidance

38. Since consultation stage, the following are now material considerations:

- London Plan Guidance: Air Quality Neutral LPG; Air Quality Positive LPG; Circular Economy Statements LPG; Be Seen Energy Monitoring LPG; Whole Life Carbon LPG; Urban Greening Factor LPG; Walking and Cycling LPG; Fire Safety draft LPG; Public London Charter LPG;
- In November 2021, Barnet Council submitted their Draft Local Plan (Reg 19) June 2021 for Examination in Public. The draft Local Plan includes the North London Business Park site as a allocation with an indicative capacity for 1,350 residential units alongside a school, multi-use sports pitch, employment and associated car parking.

Land use principles

39. The proposed further optimisation of this consented residential-led masterplan to deliver an uplift of up to 1,078 new homes over the extant planning permission was supported at Stage 1. The uplift in flexible commercial floorspace was also supported.

40. GLA officers note that the Council's recommended draft conditions and S106 Heads of Terms would have secured the delivery of the proposed public open space, the proposed secondary school, indoor gymnasium / sports hall and outdoor multi-use all weather sports pitch and MUGAs. A Community Use Agreement was also proposed which would enable community use of the facilities outside of school hours. This is supported. The approach to social infrastructure provision and flexible commercial and employment uses is supported. As such, the application complies with the land use objectives set out in the London Plan and would accord with London Plan Policy H1, S1, S2, S3, S4, S5 and E2.

Housing

Affordable housing and viability

41. At Stage 1, the application was proposing 10% affordable housing, with a 67/33 tenure mix between London Affordable Rent and intermediate shared ownership. This was considered to be wholly unacceptable in the absence of an agreed and verified viability position.
42. In line with the Viability Tested Route, the GLA's in-house viability team has rigorously scrutinised the applicant's Financial Viability Appraisal to ensure that the scheme that the maximum viable level of affordable housing is secured over the lifetime of the development. As a result of these discussions, the applicant subsequently agreed to increase the overall percentage of affordable housing on the entire scheme to 21% by both unit and habitable room. The tenure split between low cost rent and intermediate housing is 48/52 by unit and 53/47 by habitable room. It is the opinion of GLA officers that this represents the maximum viable level of affordable housing that the scheme can provide at this time.
43. As a comparison, the extant hybrid planning permission on the site which was granted by the Secretary of State in January 2020 (LPA ref 15/07932/OUT) provided 1,971 homes on the site, of which, 135 homes would be affordable (10%).
44. The Mayor's Stage 1 report also stated that review mechanisms were required and affordability levels must be secured via the S106 agreement. These were included in the draft S106 Heads of Terms included in Barnet Council's Planning Committee Report.
45. The Council's recommended draft Heads of Terms contains no specific details regarding housing affordability by tenure. To comply with the London Plan, the following affordability levels would need to be secured:
 - Low-cost rent products should be secured at social rent or London Affordable Rent (LAR) levels, in line with the published LAR benchmarks. These are significantly less than the NPPF definition for affordable rent, which is not considered affordable as a low cost rent product in London.
 - London Shared Ownership units should be affordable to households on incomes up to a maximum of £90,000 a year and a range of affordability levels should be provided below the maximum £90,000 household income cap. Generally, shared ownership is not considered to be affordable where unrestricted market values of a home exceed £600,000 and, where this is the case, other intermediate products should be considered.
 - Any intermediate rent products, such as Discount Market Rent (DMR) or London Living Rent (LLR) should be subject to a maximum income cap of £60,000.
 - Furthermore, all intermediate tenure households should not be required to spend more than 40% of their net income on overall housing costs, including service charges.
46. Should the application be considered at appeal, compliance with these requirements should be secured using the GLA's recommended S106 standard wording in terms of definitions and clauses for affordable housing tenures.

47. In addition, given the size and multi-phased nature of the proposed development, appropriate phasing obligations should be secured to ensure the timely provision of affordable housing by tenure linked to the occupation of market housing within each residential phase of the scheme.
48. 10% of the homes proposed would be M4(3) compliant wheelchair accessible, in line with London Plan Policy D7.
49. Should the application be considered at appeal, these planning obligations being secured, in line with the London Plan.

Play space and open space provision

50. The masterplan has three main public parks with an overall size of 22,680 sqm, as shown below. This is a significant public benefit associated with the proposed scheme. Two central parks are proposed referred to as New Brunswick Park South and New Brunswick Park North which would be connected by the parkway green route. Phase 1 which would comprise a 400 sq.m. playground adjacent to the remodelled lakeside park. Play space provision would also be located along the existing green way route into the site from the south via Oakleigh Avenue.
51. In total, the scheme proposes 2,517 sq.m. of neighbourhood play space within the public realm which would be available to all tenures and the wider community. This would be supplemented by a further 2,532 sq.m. of doorstep play space provision located within the residential courtyards within perimeter blocks.



2.1 New Public Parks

52. The GLA's play space calculator has been used to assess play space requirements for the site. The landscape strategy proposes that the overall play space requirements for children aged between 0 to 5 and 5 and 11 years would be met on-site, with off-site provision for children aged 12 to 16. This is acceptable, noting

that large areas of the site are taken up by the secondary school and 3G pitch and multi-use games area. It is also noted that the draft S106 agreement Heads of Terms sought to ensure that these facilities would be made available to the public via a community use agreement, which is welcomed. However, to ensure compliance with the London Plan and Play and Informal Recreation SPG, the shortfall in place space provision on site should be mitigated by a financial contribution towards improved play space provision in the wider area.

Heritage

53. There are no conservation areas close to the site. As noted at Stage 1, the nearest statutory listed building/ structure is the Grade II listed Memorial to German First World War Internees in New Southgate Cemetery. This is located within a generous grass verge and embankment adjacent to the main access route into the cemetery from the gate at Brunswick Park.
54. The significance of this heritage assets is derived from its historic significance and meaning, given the memorial's role in commemorating the German civilians who were interred at Alexandra Palace in a prison camp, including the 51 internees who died during their internship and were buried in New Southgate cemetery. The memorial is not of any particular architectural or aesthetic interest and its setting does make a significant contribution to its overall significance.
55. The immediate setting of the memorial within the cemetery would be unchanged. The proposed blocks would be visible in the wider context in this view behind the existing tree line, which would increase the extent of built form visible in the backdrop of this view compared to the existing situation where the employment buildings are visible through the tree line (TVIA view 7). However, GLA officers consider that the change to the wider existing urban backdrop in this particular view would not harm to the significance of the Grade II listed First World War Internees memorial. The application therefore complies with London Plan Policy HC1.

Urban design

56. The urban design and landscape approach in terms of movement and overall perimeter block layout follows the key principles embedded in the extant planning permission which are supported and responds appropriately to the site opportunities and constraints.
57. The architectural approach proposes a series of rectilinear blocks of flats and terraced streets which would have a simple grid like appearance, predominantly clad in brick with appropriate levels of detailing and depth incorporated in the elevations to provide interest. This is supported.
58. The residential quality of the detailed element of the scheme is acceptable. Residential homes would all be provided with private outdoor amenity space in the form of balconies, winter gardens, terraces or rear gardens. Nearly half of the proposed homes would be either dual or triple aspect and there are no north facing single aspect homes proposed. The issues associated with noise generated by the adjacent railway has been appropriately considered and mitigation measures would have been secured by condition, in line with the London Plan.

Height, massing and tall buildings

59. In terms of the height and massing, the scheme proposes tall buildings in a location which is not identified as suitable for tall buildings, as summarised in paragraphs 35 to 38 of the Mayor's initial Stage 1 consultation response. The application is therefore contrary to the plan-led and locational principle set out in London Plan Policy D9, Part B.
60. The Council's first reason for refusal relates to the height, scale, and massing which is considered excessive and detrimental to the local context and character when viewed from the west of the site on Fernwood Crescent, Denham Crescent, Oakleigh Crescent and Oakleigh Road North as well as New Southgate Cemetery to the East. This relates to views 16, 18, 19 and 7 of the TVIA as noted above. GLA officers recognise that the proposed development would have an adverse townscape impact on these views. However, this is considered to be acceptable, on balance, noting the overall public benefits set out in paragraph 96 and noting that no heritage assets would be harmed in any of the views.
61. The scheme would not harm any local or strategic views. Overall, taking into account the findings of the applicant's TVIA, GLA officers consider that the proposed height and massing could be accommodated on this large site without causing a significant adverse impact on the surrounding townscape or local character.
62. There is limited visibility of the proposed development in the medium and long-distance views tested from streets and open spaces to the east, south and north of the site. This is due to the overall site size and sloping topography of both the site and surrounding area. The proposed layout of the site is also important in this respect which places the secondary school and playground adjacent to Brunswick Park Road and sites the taller blocks within the centre of the site, with predominantly terraced housing to the north.
63. Where the scheme would be visible in immediate views from around the site, the impacts are broadly comparable with the previous application which was permitted and are not considered to cause any townscape harm.
64. The proposed development would have a more noticeably greater visual impact in views from the west, for example view 16 (Fernwood Crescent) and views 18 and 19 (Oakleigh Road). The development would be prominent in these views, altering the background context in the suburban street scene and representing a step change in height and massing within what is a suburban area. However, GLA officers do not consider that the proposed development would cause a significant detrimental harm to the townscape character, given the clear separation from the suburban context due to railway line and topography and due to the fact that the proposed scheme would be viewed as a more distant contemporary development at a higher density within in the suburban context.
65. TVIA view 7 shows that there would be a noticeable visual impact on New Southgate Cemetery close to the Grade II listed First World War Memorial, compared to the existing baseline position in which the existing employment buildings can be seen through the gaps in the trees during winter time. The proposed buildings would significantly increase the quantum of built form in view in the backdrop of this view from within the cemetery. However, as set out above,

GLA officers have assessed this view and have concluded that the visual impact of blocks would not harm the significance of the Grade II listed First World War Internees memorial. New Southgate Cemetery is not a conservation area of Grade Listed Park or Garden. Therefore, the harm to the caused to the overall visual character of the cemetery is considered to be, on balance, acceptable.

66. In terms of environmental impact in terms of wind, daylight, sunlight overshadowing is considered to be acceptable and would not cause any unacceptable impacts. The architectural quality of the proposed tall buildings in the detailed element is acceptable. Furthermore, the proposals would accord with the design-led approach to optimising the housing capacity of the site, in line with the London Plan.

Conclusion – tall buildings

67. The application is contrary to the plan-led and locational principle set out in London Plan Policy D9, Part B. However, GLA officers therefore consider that the height and massing of the scheme could comply with the qualitative assessment criteria set out in Part C of London Plan Policy D9. The visual, functional, environmental and cumulative impact of the proposed scheme is acceptable. As such, notwithstanding the conflict with the plan-led and locational principle set out in Part B of London Plan Policy D9, GLA officers consider that in this instance, the tall buildings are, on balance, acceptable, taking into account the compliance with the qualitative criteria and overall planning balance as set out in that section below.

Fire safety

68. A fire statement has been prepared by a third party suitably qualified assessor demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. A condition was included within the Council's draft decision notice to ensure that the proposed fire strategy was secured.
69. The detailed phase of the scheme includes blocks ranging in height from 3 to 10-storeys. The applicant's fire statement confirms the heights of blocks measured from the lowermost external ground level to the topmost floor level. This confirms that none of the blocks in the detailed phase would exceed the 30 metre threshold and therefore would not require additional staircases to comply with the proposed changes to Building Regulations.
70. It is noted that the outline phase includes blocks rising to 12-storeys which would require second staircases to be provided, given that these would exceed the 30-metre height threshold. The additional staircases should be added as part of Reserved Matters Applications and this should be required as part of the associated planning condition. On this basis, it is considered that the proposal is in line with the key principles set out in London Plan Policy D12.

Transport

Transport Assessment

71. TfL requested a cumulative assessment of the impact on public transport and road network in the area. The applicant has provided further technical information on

this aspect, and this has informed our comments below, and this is general in accord with advice TfL has provided to the applicant team, and we can confirm the impact on Arnos Grove London Underground station is considered appropriately. TfL has provided some detail comments on aspects of the technical assessment that still need to be addressed.

Active Travel Zone

72. At the consultation stage TfL welcomed the Active Travel Zone (ATZ) assessment. The proposed offsite measures should be agreed and secured by section 106 or 278 agreement as appropriate as set out in the committee report. Bus shelters renewal is supported subject to sufficient available footway space, based on TfL Bus Stop Accessibility Guidance. For works to TfL assets, further discussion with TfL will be required, and approvals.

Public Transport

73. At the consultation stage, TfL welcomed improved bus access to the site, which was in the form of better pedestrian links to offsite bus stops and works to improve existing bus stops. These include providing a new pedestrian link to Russell Lane and the bus stops serving Route 125, as well as a contribution to increase frequency on route 382 to the east.
74. TfL requests that the previously agreed contribution to mitigate additional bus trips; £825,0000 is secured with indexation and uplifted in line with the increase in development quantum. The proposal for the committee report was a Bus Services Contribution of up to £1,525,000. This would be acceptable to TfL if secured in s106 agreement.
75. At the consultation stage TfL expressed concern about the applicant proposed new traffic signals on Brunswick Park Road. TfL is responsible for signals across London, and to introduce new signals for this site, we need the local highway authority to be supportive, plus formal justification of signals and supporting modelling, Road Safety Audits and Healthy Streets Designer's Check in accord with TfL guidance. The emerging design prepared by the consultants needs further technical work before TfL can agree the design is acceptable, however, we believe on balance the proposal bring safety and active travel benefits for those accessing the site.

Shuttle bus

76. TfL expressed concerns about this aspect at the consultation stage. The committee report refers to obligation on this matter, TfL request safeguards are included in s106 to protect TfL services from any detrimental impact, particularly in relation to pick-up and drop off arrangements. TfL concern would be prolonged dwell times may impact TfL operations and passengers.

Cycle parking

77. TfL requested further detail of cycling parking to ensure its in accord with London Cycle Design Standards, this should be secured by conditions and reassurance provided that conditions meet the design standards.

Car parking

78. London Plan Policy T1 sets mode shift targets for London as part of the strategic approach to target. The approach to car parking though more restrained than the extant permission, does not support mode shift set out in the London Plan, would require car parking restraint from the outset and level of car parking proposed for phase 1 does not represent sufficient restraint to support mode shift. TfL would indicate that a parking ratio of 0.5 or lower would be welcome.
79. TfL stated the approach to Blue Badge accessible and Electric Vehicle charging seems to be in accord with policy. These should be secured through a site wide car parking management plan.

Travel demand

80. The Travel Plan, Car Park Management Plan, Delivery and Servicing Plan, and Construction Logistics Plan should be secured by planning condition or within the planning agreement.

Climate change and environmental issues

Energy

81. The energy strategy comprises a site wide Air Source Heat Pump-led strategy, alongside energy efficiency measures and solar panels. Overall, this would ensure a 52% CO₂ reduction over and above Building Regulations compliant development, of which 41% would be achieved via the ASHP network and solar panels and the remaining 12% via energy efficiency measures.
82. This complies with the minimum on-site requirements for CO₂ reductions in the London Plan. However, the scheme falls short of achieving the zero carbon target. As such, a carbon offset payment is required which is estimated at £4,196,877. The scheme should also be future proofed to enable connection to a district heat network in the future. Monitoring of the actual energy performance of the built scheme should also be secured in line with the Be Seen criteria set out in the London Plan.
83. Circular Economy Statement and Whole Life Cycle Carbon Assessments were submitted, in line with the London Plan. Conditions were recommended by the Council in its Committee Report to secure further details of these assessments.

Urban greening, trees and biodiversity

84. A range of urban greening methods are proposed as part of the scheme, including large green open spaces, green roofs and landscaped courtyards and front and back gardens, street trees and rain gardens and green verges within the public realm. GLA officers consider that the opportunities for urban greening have been maximised as part of the landscape strategy.

85. The applicant has calculated that the scheme would achieve an Urban Greening Factor score of 0.42 across the completed masterplan. This exceeds the benchmark London Plan target of 0.4. This is considered acceptable and complies with London Plan Policy G5.
86. A number of trees would be removed to facilitate the proposals, including 19 Category B trees and 51 Category C trees. This has been appropriately justified and compensated in line with London Plan Policy G7. The loss of trees would be mitigated by planting 189 new trees in phase 1 and circa 470 trees new trees across the site. This is acceptable, on balance, given the site constraints, proposed mitigation and noting the overall benefits associated with the comprehensive redevelopment of the site. The proposal would result in a biodiversity net gain.

Noise

87. The noise issues associated with the proximity of certain blocks to the railway line to the west and the adjacent roads has been assessed and modelled, with appropriate acoustic design and noise mitigation measures proposed which would ensure compliance with the recommended World Health Organisation and British Standards in terms of noise levels. Conditions were recommended in the Council's Committee Report to secure these details. This complies with London Plan Policy 14.

Air quality

88. The air quality in this location is below the UK objective levels in terms of impacts on human health and there is therefore no need for any specific mitigation to be provided on the proposed buildings. Impacts on air quality would be minimised as a result of the relatively low car parking ratio proposed for Phase 1 (0.08 spaces per home), the renewable energy based energy strategy comprising an Air Source Heat Pump-led system, together with the site wide landscape and urban greening proposals and measures to enhance local walking and cycling routes and bus capacity. The applicant's ES concludes that the proposals would comply with the Air Quality Neutral standard in the London Plan.

Conclusion – climate change and environmental matters

89. On this basis, the application is in line with the environment and climate change policies in the London Plan.

Draft S106 Heads of Terms

90. As noted above, the Barnet's Planning Committee Report dated 15 December 2022 recommended the approval of the application. The Committee Report included the following draft Heads of Terms which Barnet Council officers recommended should be secured via Section 106 planning obligations:

Affordable housing

- 21% affordable housing by units across the whole development (2,428 units in total) on the basis of the following tenure split.

- Affordable Rent (246 units) comprised of 20 x 1 bed; 136 x 2 bed; and 90 x 3 bed units.
- Shared Ownership (266 units) comprised of 92 x 2 bed and 174 x 2 bed units.
- Early, Mid and Late Stage Viability Review Mechanisms to be agreed in liaison with the GLA.

Social infrastructure

- School plot – land transfer to the Education Funding Agency on a levelled, decontaminated and serviced plot.
- Community Use Agreement
- Details of new community and healthcare space and its delivery within Block 3A via a long lease at a peppercorn rent provided to CWC (or alternative provider to be agreed in writing with the Local Planning Authority).

Public Open Space

- Provision of Public Open Space which shall remain open and accessible to the general public.

Employment use

- Details of delivery of Small and Medium Enterprise Business Space including start up units, tenancy details and rental costs

Transport

- Provision of Minibus Services in perpetuity, details of number of vehicles, frequency of movement and mechanism of funding to be specified.
- Bus Services Contribution of up to £1,525,000
- Betstyle Circus Feasibility Study
- Off-site highway works and transport measures via Section 278 Works
- Funding for measures identified in the ATZ.
- Funding for local junction improvements including the main access (Brunswick Park Road) upgrade and signalisation.
- Funding to improve Cycling /walking experience as identified in the TAA, including a new link to Ashbourne Avenue & associated works.
- Provision of wayfinding signage.
- Funding to upgrade and widen the footways on Brunswick Park Road (to the south and north bound bus stops) to provide 3m wide footways to each of the respective bus stops.
- Contribution towards a review of the signalised junctions (J1, J3 and J8) will be undertaken with the TfL signals team to determine if any appropriate and proportionate mitigation can be delivered at these locations. Contribution towards implementation of the findings.

- CPZ monitoring contribution & provision for permit restriction in any future schemes
- Travel Plan measures and monitoring

Climate change and biodiversity

- Carbon Offset Payment (Currently estimated at £4,196,877)
- Reptile Receptor Site Protection, Management and Monitoring

Other

- Local Employment Agreement

Legal considerations

91. Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. Mayor also has the power under Article 7 to direct that he will become the local planning authority for the purposes of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

92. Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.
93. Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.
94. Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Overall planning balance

95. The application is considered to be acceptable on balance. The proposals comply with London Plan policies relating to social infrastructure, health and social care facilities, education and childcare facilities, sport and recreation facilities, housing, play and recreation, housing, heritage, transport, urban greening and climate change.
96. In terms of tall buildings, the application is not compliant with the plan-led and locational principle set out in London Plan Policy D9 Part B. However, GLA officers therefore consider that the height and massing of the scheme could comply with the qualitative assessment criteria set out in Part C of London Plan Policy D9. The visual, functional, environmental and cumulative impact of the proposed scheme is acceptable. As such, notwithstanding the conflict with the plan-led and locational principle set out in Part B of London Plan Policy D9, GLA officers consider that in this instance, the tall buildings are, on balance, acceptable, taking into account the compliance with the qualitative criteria in Part C of London Plan and noting the overall public benefits which are set out below.
97. There are a number of public benefits associated with the application including:
- 2,428 homes, of which, 21% would be affordable comprised of 246 London Affordable Rent and 266 Intermediate Shared Ownership homes.
 - a 5-form entry secondary school which would help meet the need for secondary school places in this part of north London, together with the ancillary sport facilities within the school, including a gymnasium, a multi-use sports pitch and associated changing facilities which would be subject to a Community Use Agreement to allow for public access out of school opening hours and at weekends.
 - three main public parks with an overall size of 22,680 sq.m.;
 - small scale health care facilities;
 - flexible commercial units for Small and Medium Sized Enterprises;
 - site access and transport infrastructure improvements, including new pedestrian and cycle linkages through the site via the proposed landscape public open spaces and greenway route.
98. These public benefits are considered to significantly outweigh the conflict with Part B of London Plan Policy D9.

Conclusion

99. The application would have a significant impact on the implementation of the London Plan so the test set out in Article 7(1)(a) is met. However, whilst the application is acceptable in strategic planning terms and there are no particular outstanding strategic planning issues, taking into account the specific circumstances of the application and, in particular, the relatively low level of affordable housing provision that is proposed on such a large site, GLA officers consider that **there are no sound reasons to intervene in this particular application**, so Article 7 (c) is not met. There is therefore no basis to issue a direction under Article 7 of the Order 2008.

For further information, contact GLA Planning Unit (Development Management Team):

Andrew Russell, Principal Strategic Planner (case officer)

email: andrew.russell@london.gov.uk

Richard Green, Team Leader – Development Management

email: Richard.green@london.gov.uk

Allison Flight, Deputy Head of Development Management

email: alison.flight@london.gov.uk

John Finlayson, Head of Development Management

email: john.finlayson@london.gov.uk

Lucinda Turner, Assistant Director of Planning

email: lucinda.turner@london.gov.uk

We are committed to being anti-racist, planning for a diverse and inclusive London and engaging

Appendix 10: Relevant Adopted and Emerging Policies and Guidance

Appendix 10 - Relevant Adopted and Emerging Policies

National Planning Policy Framework (2021)

London Plan 2021

- GG1 'Building strong and inclusive communities'
 - GG2 'Making the best use of land'
 - GG3 'Creating a healthy city'
 - GG4 'Delivering the homes London needs'
 - GG5 'Growing a good economy'
 - GG6 'Increasing efficiency and resilience'
 - D1 'London's form, character and capacity for growth'
 - D2 'Infrastructure requirements for sustainable densities'
 - D3 'Optimising site capacity through the design-led approach'
 - D4 'Delivering good design'
 - D5 'Inclusive design'
 - D6 'Housing quality and standards'
 - D7 'Accessible housing'
 - D8 'Public realm'
 - D9 'Tall buildings'
 - D11 'Safety, security and resilience to emergency'
 - D12 'Fire safety'
 - D14 'Noise'
 - H1 'Increasing housing supply'
 - H4 'Delivering affordable housing'
 - H5 'Threshold approach to applications'
 - H6 'Affordable housing tenure'
 - H10 'Housing size mix'
 - S1 'Developing London's social infrastructure'
 - S2 'Health and social care facilities'
 - S3 'Education and childcare facilities'
 - S4 'Play and informal recreation'
 - S5 'Sports and recreation facilities'
 - E1 'Offices'
 - E2 'Providing suitable business space'
 - E11 'Skills and opportunities for all'
 - HC1 'Heritage conservation and growth'
 - G1 'Green infrastructure'
 - G4 'Open space'
 - G5 'Urban greening'
 - G6 'Biodiversity and access to nature'
 - G7 'Trees and Woodlands'
 - S11 'Improving air quality'
 - S12 'Minimising greenhouse gas emissions'
 - S13 'Energy infrastructure'
 - S14 'Managing heat risk'
 - S15 'Water infrastructure'
 - S17 'Reducing waste and supporting the circular economy'
 - S112 'Flood risk management'
 - S113 'Sustainable drainage'
 - T1 'Strategic approach to transport'
 - T2 'Healthy Streets'
 - T3 'Transport capacity, connectivity and safeguarding'
 - T4 'Assessing and mitigating transport impacts'
 - T5 'Cycling'
 - T6 'Car parking'
-

- T7 'Deliveries, servicing and Construction'
- T9 'Funding transport infrastructure through planning'
- DF1 'Delivery of the Plan and Planning Obligations'

Core Strategy 2012

- CS NPPF 'Presumption in favour of sustainable development'
- CS1 – Place shaping strategy – the three strands approach'
- CS3 – 'Distribution of growth in meeting housing aspirations'
- CS4 – 'Providing quality homes and housing choice in Barnet'
- CS5 – 'Protecting and enhancing Barnet's character to create high quality places'
- CS7 – 'Enhancing and protecting Barnet's open spaces'
- CS8 'Promoting a strong and prosperous Barnet'
- CS9 'Providing safe, effective and efficient travel'
- CS10 'Enabling inclusive integrated community facilities and uses'
- CS11 'Improving health and wellbeing in Barnet'
- CS13 'Ensuring the efficient use of natural resources'
- CS14 'Dealing with our waste'
- CS15 'Delivering the Core Strategy'

Development Management Policies Document 2012

- DM01 'Protecting Barnet's character and amenity'
- DM02 'Development standards'
- DM03 'Accessibility and inclusive design'
- DM04 'Environmental considerations for development'
- DM05 'Tall buildings'
- DM06 'Barnet's heritage and conservation'
- DM08 'Ensuring a variety of sizes of new homes to meet housing need'
- DM10 'Affordable housing contributions'
- DM11 'Development principles for Barnet's town centres'
- DM13 'Community and education uses'
- DM14 'New and existing employment space'
- DM15: Green Belt and open spaces
- DM16 'Biodiversity'
- DM17 'Travel impact and parking standards'

Local Plan Review – 2021 Submission Version

- GSS01 'Delivering sustainable growth'
 - GSS13 'Strategic parks and recreation'
 - HOU01 'Affordable housing'
 - HOU02 'Housing mix'
 - CDH01 'Promoting high quality design'
 - CDH02 'Sustainable and inclusive design'
 - CDH03 'Public realm'
 - CDH04 'Tall buildings'
 - CDH07 'Amenity space and landscaping'
 - CDH08 'Barnet's Heritage'
 - CHW01 'Community Infrastructure'
 - CHW 02 'Promoting health and wellbeing'
 - ECY01 'A vibrant local economy'
 - ECY03 'Local jobs, skills and training'
 - ECC01 'Mitigating climate change'
 - ECC02 'Environmental considerations'
 - ECC02A 'Water management'
 - ECC03 'Dealing with waste'
 - ECC04 'Barnet's Parks and Open Spaces'
 - ECC06 'Biodiversity'
-

- TRC01 'Sustainable and active travel'
- TRC02 'Transport infrastructure'
- TRC03 'Parking management'
- Annex 1 – Schedule of Site Proposals

Supplementary Planning Documents (SPDs)

- Affordable Housing SPD
- Planning Obligations SPD
- Delivering Skills, Employment, Enterprise and Training (SEET) SPD
- Sustainable Design and Construction SPD
- Residential Design Guidance SPD
- Green Infrastructure SPD

Planning Briefs

- North London Business Park – Planning Brief (2016);
-

Appendix 11: Master Brewer Judgement of the High Court (15 December 2021)



Neutral Citation Number: [2021] EWHC 3387 (Admin)

Case No: CO/1683/2021

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
PLANNING COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 15 December 2021

Before :

MRS JUSTICE LANG DBE

Between :

THE QUEEN

Claimant

on the application of

LONDON BOROUGH OF HILLINGDON

- and -

MAYOR OF LONDON

(1) INLAND LIMITED

(2) CLOVE HOLDINGS LIMITED

(3) MB HILLINGDON LIMITED

Defendant
Interested Parties

Craig Howell Williams QC and Michael Brett (instructed by **Legal Services**) for the
Claimant

Douglas Edwards QC and Isabella Tafur (instructed by **Transport for London Legal**) for
the **Defendant**

Russell Harris QC (instructed by **Pinsent Masons LLP**) for the **First and Third Interested
Parties**

The **Second Interested Party** did not appear and was not represented

Hearing dates: 23 & 24 November 2021

Approved Judgment

Mrs Justice Lang :

1. The Claimant seeks judicial review of the decision made by the Defendant, on 30 March 2021, to grant planning permission for the construction of a mixed-used development, comprising buildings up to 11 storeys in height, at the site of the former Master Brewer Motel, Freezeland Way, Hillingdon UB10 9PQ (“the Site”).
2. The Claimant is the local planning authority for the area in which the Site is situated. It identified that the development proposal was of potential strategic importance. On 19 February 2020, it resolved to refuse planning permission for the development. On 16 March 2020, the Defendant directed that he would act as the local planning authority, pursuant to section 2A of the Town and Country Planning Act 1990 (“TCPA 1990”) and article 7 of the Town and Country Planning (Mayor of London) 2008 Order (“the 2008 Order”).
3. The Third Interested Party (“IP3”) is the owner of the Site and was the applicant for planning permission. The First Interested Party (“IP1”) is a group company of IP3, and has the benefit of a legal charge against the Site. The Second Interested Party (“IP2”) also has the benefit of a legal charge against the Site.

Grounds of challenge

4. The Claimant’s grounds may be summarised as follows:
 - i) The Defendant misinterpreted Policy D9 of the London Plan 2021 by concluding that, notwithstanding conflict with Part B of that policy, tall buildings were to be assessed for policy compliance against the criteria in Part C.
 - ii) The Defendant erred in failing to take into account a material consideration, namely, the Claimant’s submissions and accompanying expert evidence as to air quality.
 - iii) The Defendant acted unlawfully and in a manner which was procedurally unfair in that he failed to formally re-consult the Claimant or hold a hearing, prior to his re-determination of the application, following the adoption of the London Plan 2021.

Planning history

5. The Site comprises an area of some 2.48ha which formerly accommodated a public house/motel which has been demolished. It lies at the junction of Freezeland Way (which bounds the Site to the south) and Long Lane (which bounds the Site to the west), whilst the A40 forms the northern boundary of the Site. A parcel of Metropolitan Green Belt abuts the Site to the east. On the southern side of Freezeland Way and south of the junction lies the Hillingdon local centre, characterised by two storey residential and two/three storey retail premises.
6. The Site forms part of site allocation Policy SA14 in the London Borough of Hillingdon Local Plan: Part 2 - Site Allocations and Designations (2020) (“LP Allocations”).

7. The Site lies within an Air Quality Management Area declared by the Claimant in September 2003. It also falls within an air quality focus area (“AQFA”), the A4/Long Lane AQFA. AQFAs are locations that exceed the UK National Air Quality Strategy objectives and EU annual mean limit value for nitrogen dioxide (“NO₂”). They are also locations with high human exposure.

Application for planning permission

8. On 10 October 2019 IP3 made an application for planning permission in the following terms:

“Construction of a residential-led, mixed-use development comprising buildings of between 2 and 11 storeys containing 514 units (Use Class C2); flexible commercial units (Use Class A1/A1/A3/D1); associated car (165 spaces) and cycle parking spaces; refuse and bicycle stores; hard and soft landscaping including a new central space, greenspaces, new pedestrian links; biodiversity enhancement; associated highways infrastructure; plant; and other associated development”.

9. In support of the application, reports were submitted by Create Consulting (“Create”) on air quality issues, dated September 2019 and October 2019.
10. Given the scale of the proposed development, the application was referred by the Claimant to the Defendant under article 4 of the 2008 Order. The Defendant provided a response under article 4(2) of the 2008 Order on 2 December 2019 (“Stage 1 Report”) which *inter alia* made clear that improving air quality was a “core priority” for the Defendant, particularly in AQFAs. Given the proximity of the Site to the A40, the Site was said to be constrained in air quality terms and the Claimant was instructed to “secure appropriate air quality mitigation measures as part of any future planning permission”.

Claimant’s consideration of Application

11. The Claimant’s officers prepared a report (“the OR”) to advise its Major Applications Committee, recommending that the application be refused. The OR considered that, although the principle of a residential-led development was acceptable on the Site, the application conflicted with a number of development plan policies, did not accord with the statutory development plan taken as a whole and ought not to be approved.
12. The statutory development plan at that time consisted of the “London Borough of Hillingdon Local Plan Part One – Strategic Policies” (November 2012) (“LP Part 1”); LP Allocations; “London Borough of Hillingdon Local Plan: Part 2 – Development Management Policies” (2020) (“LP DMP”) and the London Plan (2016).
13. The Defendant had also published an “Intend to Publish” (“ITP”) version of the draft London Plan on 19 December 2019.
14. The OR proposed eight reasons for refusal, of which the following are most relevant:

“1. Non Standard reason for refusal Design

The development, by virtue of its overall scale, bulk of built development and associated infrastructure works, height, density, site coverage and lack of landscaping and screening, is considered to constitute an over-development of the site, resulting in an unduly intrusive, visually prominent and incongruous form of development, which would fail to respect the established character of the North Hillingdon Local Centre or compliment the visual amenities of the street scene and openness and visual amenity of the Green Belt, the wider open context and would mar the skyline, contrary to Policies BE1 and EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (Nov 2012), Policies DMHB 10, DMHB 11, DMHB 12, DMHB 14, DMHB 17, DMEI 6 of the Local Plan: Part 2 - Development Management Policies (2020); Policy SA 14 (Master Brewer and Hillingdon Circus) of the Local Plan: Part Two - Site Allocations and Designations (2020), Policies 7.4, 7.6, 7.7 of the London Plan (2016), Policies D1, D3, D4, D8 and D9 of the London Plan (Intend to Publish version 2019) and the NPPF (2019).

.....

5. Non Standard reason for refusal Air Quality

The submitted Air Quality Assessments have failed to provide sufficient information regarding Air Quality, moreover the information submitted is not deemed to demonstrate the proposals are air quality neutral and given that the site is within an Air Quality Focus Area, the development could add to current exceedances in this focus area. The development is contrary to Policy DMEI 14 (Air quality) of the Local Plan: Part 2 - Development Management Polices (2020), Policy EM8 of the Local Plan Part 1 (2012), Policy 7.14 (Improving Air Quality) of the London Plan (2016), Policy SI 1 of the draft London Plan - Intend to Publish (December 2019) and the NPPF (February 2019).”

15. Whilst the surrounding area is dominated by two-three storey buildings, the tallest element of the proposed development stands at eleven storeys. LP DMP paragraph 5.32 identifies that “high buildings and structures” are those that “are substantially taller than their surroundings, causing a significant change to the skyline”. Policy DMHB 10 applies to proposals for such buildings. The policy provides in particular that:

“Any proposal for a high building or structure will be required to respond to the local context and satisfy the criteria listed below.

It should:

i) be located in Uxbridge or Hayes town centres or an area identified by the Borough as appropriate for such buildings;

ii) be located in an area of high public transport accessibility and be fully accessible for all users; [and]

iii) be of a height, form, massing and footprint proportionate to its location and sensitive to adjacent buildings and the wider townscape context. Consideration should be given to its integration with the local street network, its relationship with public and private open spaces and its impact on local views;”

16. Policy DMHB 10 built, as a development management policy, on the strategic-level policy in Policy BE1 paragraph 11 of LP Part 1. This required that:

“Appropriate locations for tall buildings will be defined on a Character Study and may include parts of Uxbridge and Hayes subject to considering the Obstacle Limitation Surfaces for Heathrow Airport. Outside of Uxbridge and Hayes town centres, tall buildings will not be supported. The height of all buildings should be based upon an understanding of the local character and be appropriate to the positive qualities of the surrounding townscape.”

17. In accordance with Policy BE1 LP Part 1, the Claimant undertook a detailed townscape character assessment which formed the evidential basis for Policy DMHB 10 LP DMP and its identification of Hayes and Uxbridge town centres as “appropriate for tall buildings”. The Claimant has not identified any other such area.

18. The OR assessed the development against these development plan policies and identified that it was in conflict with them in that the tall buildings:

“would not be located in Uxbridge or Hayes town centres or an area identified by the Borough as appropriate for a high building and would be located in an area with a low PTAL (Level 2-3) and would also be of a height, form, massing and footprint which is considered to be out of proportion to its location, adjacent buildings and the wider townscape context.”

19. Officers therefore advised that allowing tall buildings in this location would be contrary to this policy, and also to London Plan 2016 Policy 7.7 and ITP draft London Plan Policy D9.

20. In respect of air quality, the OR referred to the advice of the Claimant’s air quality consultee, and accepted its recommendations that IP3 had not demonstrated that the development would be air quality neutral; that the existing exceedances in the AQFA would not be worsened; and that proposed mitigation would in fact reduce emissions nor to what extent. The report concluded that the development would be contrary to LP DMP Policy DMEI 14.

21. The Committee considered the application at a meeting on 19 February 2020. The recommendation of the OR was unanimously agreed. The minutes of the meeting recorded a further offer from IP3 to undertake air quality “mitigation in terms of damages contribution”, and stated:

“The Committee supported the officer’s recommendation and welcomed refusal reason given on air quality. It was emphasised that air quality could not be compromised. Concerns were raised regarding the size of the development, air pollution, and, overall, Members considered that the application was out of character with the local area.”

22. The Claimant therefore resolved to refer the application to the Defendant, under Article 5 of the 2008 Order, with a statement that it proposed to refuse to grant planning permission.

Defendant’s consideration of the application

23. The Defendant in a letter dated 16 March 2020, accompanied by a report, (“Stage 2 Report”) gave a direction under article 5(1)(b)(i) of the 2008 Order that he would act as local planning authority and determine the application.
24. After the Defendant took over the determination of the application, IP3 made some amendments to the application, and provided further material, in particular, further reports from Create dated April 2020 and June 2020. A Transport Assessment dated July 2020 was also produced.
25. Prior to the hearing, officers of the Greater London Authority (“GLA”) produced a report advising the Defendant to grant the application (“the Hearing Report”).
26. The Hearing Report began with a “Recommendation Summary” in which the Defendant was invited to grant conditional planning permission for the application for the reasons set out in the “reasons for approval” section of the report. The “reasons for approval” section of the Hearing Report set out in summary form why officers had concluded that the proposal was considered to be acceptable in planning terms and to accord with the development plan (paragraph 2(ix)).
27. On the issue of tall buildings policy, the reason for approval at paragraph 2(iii) stated “the tall buildings are acceptable despite not meeting the locational requirements of policy.” It went on to find that the application generally accords with London Plan Policy 7.7, ITP draft London Plan Policy D9 (partial conflict owing to tall building location) and LP DMP Policy DMHB10 (partial conflict owing to tall building location).
28. The Hearing Report considered Policy 7.7 London Plan 2016, which provided:

“B Applications for tall or large buildings should include an urban design analysis that demonstrates 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 or large buildings in the borough's LDF.

C Tall and large buildings should:

a generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport

b only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building..."

29. At paragraph 218, the Hearing Report stated:

"GLA officers recognise that the proposed tall buildings are not in a location where they are supported in principle by Local Plan Policy DMHB 10 and that this is a policy conflict with parts (i) and (ii) of that policy, which state that tall buildings should be located within Uxbridge and Hayes town centres and areas of high public transport accessibility respectively. This is addressed in the 'planning balance' section of this report. They do however comply with the locational requirements of London Plan Policy 7.7, being in a town centre with good access to public transport ... The principle of tall buildings in this location would also conflict with the locational component of Intend to Publish London Plan Policy D9 (Part B), which states that Local Plans should identify suitable locations for tall buildings. This does not form part of the statutory development plan but is a material consideration in the determination of this application."

30. At paragraph 230, the Hearing Report assessed the other criteria in Policy DMHB 10; and at paragraph 231 addressed the relevant criteria in Policy 7.7 London Plan 2016 and Policy D9 ITP London Plan.

31. At paragraph 233, the Hearing Report concluded in respect of urban design that:

"In conclusion, the scheme is considered to be in conflict with part of Local Plan Policy DMHB 10 and Intend to Publish London Plan Policy D9 in respect of the principle of tall buildings in this location. This is addressed in the 'planning balance' section of this report. The proposal is otherwise considered to be compliant with the requirements of the London Plan Policy 7.7, Policies D9 [...] of the Mayor's Intend to Publish London Plan"

32. In respect of air quality issues, the reason for approval at paragraph 2(iv) stated that:

"Residents and users of the scheme would be sufficiently protected from air quality impacts arising from surrounding roads... The applicant's Air Quality Assessment has been

reviewed by GLA officers and is supported. The development would be air quality neutral, subject to the mitigation measures secured...”

33. The reasoning underpinning this reason for approval was set out at paragraphs 206-213 of the Hearing Report. At paragraph 210, the Hearing Report reported IP3’s evidence that:

“In terms of impact on future residents of the development, the Air Quality Assessment demonstrates that the only exceedance of the Air Quality Objective (AQO) limit for nitrogen dioxide is at the outer boundary of the site (40.52ug/m³), whilst at the nearest residential receptor it would be 35.25ug/m³. For particulate matter PM10, this would be an annual mean of 16.73-18.68ug/m³, so also within AQO limits. As such the Air Quality Assessment concludes that the air quality conditions do not constrain residential development and doesn’t recommend mitigation.”

34. At paragraph 211, the Hearing Report stated:

“The GLA’s air quality experts have confirmed that any potential adverse impact would be limited to one receptor on Long Lane north of the A40. The possible slight adverse impact is unlikely and any possible impact would not be significant. Overall the air quality impacts of the proposed development would not impact on the integrity of the Air Quality Focus Area.”

35. Under the heading “Conclusion and planning balance”, the Hearing Report concluded, at paragraphs 362-370, that the development was in accordance with the development plan. It identified two development plan policies “that are not fully complied with” (DMHB 10 and DMHB 18 LP DMP) but concluded that “overall, the proposal accords” with the development plan. It said:

“a conflict with two development plan policies does not necessarily mean that there is an overall conflict with the development plan as a whole as development plan policies can pull in different directions. GLA officers have considered the whole of the development plan and consider that, overall, the proposal accords with it. This report sets out all relevant material considerations, none of which, individually or cumulatively, are considered to warrant refusal of planning permission”

The material considerations considered in the report included the conflict with policy D9 of the ITP London Plan.

36. The Claimant responded to the Hearing Report, and the issues it raised, in written representations, dated 28 August 2020. These maintained that the analysis set out in the OR was correct. At the same time as submitting the written representations, the Claimant provided the Defendant with an “Air Quality Assessment Peer Review Report” prepared by Air Quality Experts Global Ltd (“the AQE Report”), dated August

2020, in support of the Claimant's contentions that the development was still unacceptable in air quality terms.

37. The AQE Report found a number of significant problems with Create's additional air quality evidence, for example, that it:
- i) underestimated the baseline vehicle movements near the Site (paragraph 3.2.5);
 - ii) failed properly to identify worst case receptors for exposure to emissions within the Site and along Hercies Road (paragraph 3.3.1), and along Long Lane South and Western Avenue (paragraph 3.3.5);
 - iii) failed to report on new residents' exposure levels, excluding totally new receptors within the Site (paragraph 3.5.4) and that if this had been done, it would show that emissions concentration on the site for future residents would be unacceptably high in worst-case locations (paragraphs 3.5.5-3.5.6);
 - iv) failed to differentiate between traffic emissions generated by residential uses and flexible retail (B1 and A1) uses on the Site. When this is done it is clear that the traffic emissions from B1 uses on the site are not neutral, and require mitigation measures (paragraphs 3.6.1-3.6.8).
38. The Defendant's officers then produced an Addendum Report, dated 3 September 2020 on the day of the hearing, which noted:
- “In addition to this the Council has provided a technical response on air quality produced by AQE Global (August 2020). It should be noted that the Council has requested (should the GLA be minded to approve the scheme) a contribution of £218,139 to be paid to Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposals that reduce vehicle emissions and or reduce human exposure to pollution levels. GLA officers note that this contribution has not been agreed and is subject to further discussion.”
39. The Addendum Hearing Report did not address the substance of the criticisms in the AQE Report.
40. The Defendant held the representation hearing on 3 September 2020. A transcript of the hearing has been provided.
41. At the hearing, GLA officers explained that the application site was within an air quality focus area; that the Claimant's draft decision included a reason related to air quality; that IP1 and 3 had worked closely with GLA officers since then to provide additional information and clarification regarding air quality impacts; that residential units and play spaces had been positioned to minimise exposure to poor air quality; that exceedances in the air quality objective limit for NO₂ were at the outer boundary of the site and that there would be no exceedances in respect of particulate matter.

42. Mr James Rodger, Deputy Director of Planning and Regeneration, appeared on behalf of the Claimant and made oral representations. He objected to the height of the proposed development, which he contended was contrary to Policy DMHB 10. He indicated that a section 106 contribution towards air quality mitigation was still required. A number of residents and local residents' associations made representations to the Defendant at the hearing raising concerns about *inter alia* air quality and the scale of the development.
43. At the end of the hearing, the Defendant announced that he accepted the officers' recommendation to grant planning permission. He said:

“... Can I begin by thanking everyone who has attended today and for the contributions made in particular by the local residents, the objectors, the applicant and the council? This has ensured that I am as informed as possible to make this decision.

I will begin by explaining the wider context to my consideration, which is that London is facing a housing crisis and we urgently need more housing. Particularly, genuinely affordable homes. Assessed need showed that London needs at least 66,000 new homes a year until 2030, 3,000 of which must be affordable in order to address the existing shortfall in housing and accommodate London's projected population growth.

I have made fixing the housing crisis one of my top priorities and achieving this is dependent on the approval of well-designed schemes with good levels of low-cost rented and other genuinely affordable housing. This needs to be understood not just by the government, but at local council level too. We must all ensure that we use appropriate opportunities that are available to us to build more affordable housing, particularly lower-cost rental housing.

Based on the latest figures from the London Development Database, Hillingdon Borough still has a long way to go to deliver the affordable housing targets as set out in the London Plan. The scheme that I am considering would provide 121 new London affordable rent homes and 61 shared ownership homes to people who desperately need them in Hillingdon, all of which would be genuinely affordable.

This site is an under-utilised area of brownfield land, close to a London Underground station. It is exactly the kind of site we need to intensify if we are to deliver the homes Londoners need whilst protecting the Green Belt. The council's own policy allocates this site for residential development.

As was clear to me during my site visit, the site is relatively isolated from its surroundings. The plans offer new public routes through the site, connecting to the [area] and significant areas of new and improved green space, which would be of considerable

benefit to local people. It would also provide new commercial uses and improve connections, which would benefit the local centre.

I have carefully considered the visual impact of the development. I agree with the GAL [*sic*] and council officers that there would be less than substantial harm to heritage assets, which would be out-weighted by the benefits of the scheme.

Whilst the scale and prominence would be apparent in some local views, this would not in my view be a harmful impact given the approach the massing and high-quality architecture, and would not harm the visual openness of the surrounding Green Belt. I recognise that the site is not within a location designated to tall buildings. But overall, I consider the height and massing to be acceptable.

Air quality is of course a very important issue for me. I have carefully considered the technical evidence made available to me and my view is that the barrier block form of development will ensure that future residents will not be disadvantaged, subject to the mitigation measures recommended.

Overall, the scheme will provide high-quality housing and external amenity, despite the shortfall against local policy. I have heard the concerns raised about the lack of car parking and the increase in traffic congestion. In my view, when considering development proposals, the main way to reduce congestion is to discourage the use of the private car.

Approving well-designed, car-light developments in accessible locations like this is one of the ways to achieve this objective. As well of course as other objectives around environment and health, I am satisfied that there are adequate measures secured to mitigate overspill car parking.

For these reasons I agree with the GLA planning Officer's recommendation and grant planning permission. Can I thank you all very much for your time this afternoon and today? Thank you. Stay safe."

44. In October 2020, Create sent to the Defendant a report responding to the comments and criticisms made by AQE in its report of 28 August 2020. This report was not sent to the Claimant.

Post-hearing developments in planning policy

45. On 10 December 2020, the Secretary of State for Housing, Communities and Local Government issued a set of directions, under section 337 of the Greater London

Authority Act 1999, requiring amendments to the ITP London Plan and in particular to Policy D9.

46. The Secretary of State's covering letter, dated 10 December 2020, said as follows:

“..... I am issuing a new Direction regarding Policy D9 (Tall Buildings). There is clearly a place for tall buildings in London, especially where there are existing clusters. However, there are some areas where tall buildings don't reflect the local character. I believe boroughs should be empowered to choose where tall buildings are built within their communities. Your draft policy goes some way to dealing with this concern. In my view we should go further and I am issuing a further Direction to strengthen the policy to ensure such developments are only brought forward in appropriate and clearly defined areas, as determined by the boroughs whilst still enabling gentle density across London. I am sure that you share my concern about such proposals and will make the required change which will ensure tall buildings do not come forward in inappropriate areas of the capital.”

47. DR12 set out a “Direction Overview” as follows:

“The draft London Plan includes a policy for tall buildings but this could allow isolated tall buildings outside designated areas for tall buildings and could enable boroughs to define tall buildings as lower than 7 storeys, thus thwarting proposals for gentle density.

This Direction is designed to ensure that there is clear policy against tall buildings outside any areas that boroughs determine are appropriate for tall buildings, whilst ensuring that the concept of gentle density is embodied London wide.

It retains the key role for boroughs to determine where may be appropriate for tall buildings and what the definition of tall buildings are, so that it is suitable for that Borough.”

48. The ‘statement of reasons’ for DR12 stated *inter alia*:

“.....The modification to policy D9 provides clear justification to avoid forms of development which are often considered to be out of character, whilst encouraging gentle density across London.”

49. Further to these directions, the Defendant published a further version of the draft London Plan, the ‘Publication London Plan’ on 21 December 2020 incorporating the amendments to Policy D9, which in consequence read as follows:

“Definition

A Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.

Locations

B

1) Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations.

2) Any such locations and appropriate tall building heights should be identified on maps in Development Plans.

3) Tall buildings should only be developed in locations that are identified as suitable in Development Plans.

Impacts

C Development proposals should address the following impacts:

1) visual impacts [...]

2) functional impact [...]

3) environmental impact [...]"

50. The text underlined above was added pursuant to the Secretary of State's direction, DR12.
51. On 2 March 2021, the London Plan 2021 was adopted and published as the spatial development strategy for London, replacing the London Plan 2016 and it became part of the statutory development plan for the application.

Reconsideration of Application

52. In the light of these significant changes in relevant planning policy, the Claimant wrote to the Defendant on 26 February 2021 and 4 March 2021, requesting that he reconsider the application.
53. On 5 March 2021, the Defendant wrote to the Claimant confirming that he intended to reconsider the application in the light of the changes in the policy "and any representations received" since the hearing.
54. On 9 March 2021, the Claimant wrote to the Defendant requesting him to hold a further representation hearing. By a letter dated 23 March 2021, the Defendant declined to hold

a further hearing, and stated that the application would be redetermined on an unspecified date on or after 29 March 2021. In the light of this indication, the Claimant's officers hurried to put together urgent representations to submit to the Defendant, which were submitted under cover of a letter from the Claimant dated 26 March 2021.

55. No further reports or recommendations were published by the GLA officers, meaning that the Claimant could not comment on the approach proposed by them.
56. The application was reconsidered and redetermined on 29 March 2021, and the planning permission was issued on 30 March 2021. The permission decision was published on the Defendant's website alongside two further reports from the GLA officers: an "Update Report" dated 29 March 2021 and an "Update Report Addendum"
57. In respect of tall buildings policy, the Update Report identified that Policy D9 of the London Plan 2021 should now be given full statutory weight (paragraph 21) and that the Secretary of State's direction "primarily sought to ensure that tall buildings are only brought forward in appropriate and clearly defined areas as determined by the boroughs" (paragraph 13). It went on to identify that as a consequence "there is now a further element of conflict with the development plan in that the scheme does not fully accord with new London Plan Policy D9". Nevertheless, the Update Report gave significant weight to the fact that the proposals would however comply with the other criteria in Policy D9 (paragraphs 16 and 22). It advised that a conflict with some development plan policies does not necessarily mean that there is an overall conflict with the development plan as a whole, as policies can pull in different directions (paragraph 17). The Update Report identified additional conflicts with the London Plan and Local Plan policies in respect of heritage, but concluded that the less than substantial harm was outweighed by the public benefits of the development. At paragraph 23, the Update Report concluded that "overall, the proposal accords" with the development plan. None of the material considerations, as set out in the Hearing Report and the Update Report, warranted refusal of planning permission.
58. The Update Report said at paragraph 24:

"The scheme provides a high standard of residential accommodation The new public spaces and routes would be of high quality. Given the circumstances of this site, the scale and massing is considered acceptable within this accessible local centre, marks the location of the station and would have an acceptable visual impact."
59. The Claimant's further evidence on air quality was not mentioned in the Update Report, but it was briefly addressed in the Update Report Addendum. It noted the receipt of the Urgent Representation and the AQE Report and commented as follows:

"...the Council raises concerns that its Air Quality Peer Review was not considered by GLA officers because it is not mentioned in the Representation Hearing Report. This is because this information was submitted to the GLA by the Council on 28 August 2020 along with its pre-hearing representation, more than one working day after the Representation Hearing Report

was published. The Council's pre-hearing representation and Air Quality Peer Review was addressed in the addendum report published on the day of the hearing.

GLA officers consider the application to be in accordance with planning policy regarding air quality and as such the 'damage cost' payment requested by the Council is not justified...."

Legal framework

Judicial review

60. In a claim for judicial review, the Claimant must establish a public law error on the part of the decision-maker. The exercise of planning judgment and the weighing of the various issues are matters for the decision-maker and not for the Court: *Seddon Properties Ltd v Secretary of State for the Environment* (1981) 42 P & CR 26. A legal challenge is not an opportunity for a review of the planning merits: *Newsmith v Secretary of State for the Environment, Transport and the Regions* [2001] EWHC 74 (Admin).

The development plan and material considerations

61. Section 70(2) TCPA 1990 provides that the decision-maker shall have regard to the provisions of the development plan, so far as material to the application. Section 38(6) of the Planning and Compulsory Purchase Act ("PCPA 2004") provides:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

62. In *City of Edinburgh Council v Secretary of State for Scotland* 1998 SC (HL) 33, [1997] 1 WLR 1447, Lord Clyde explained the effect of this provision, beginning at 1458B:

"Section 18A [the parallel provision in Scotland] has introduced a priority to be given to the development plan in the determination of planning matters....

By virtue of section 18A the development plan is no longer simply one of the material considerations. Its provisions, provided that they are relevant to the particular application, are to govern the decision unless there are material considerations which indicate that in the particular case the provisions of the plan should not be followed. If it is thought to be useful to talk of presumptions in this field, it can be said that there is now a presumption that the development plan is to govern the decision on an application for planning permission.... By virtue of section 18A if the application accords with the development plan and there are no material considerations indicating that it should

be refused, permission should be granted. If the application does not accord with the development plan it will be refused unless there are material considerations indicating that it should be granted....

Moreover the section has not touched the well-established distinction in principle between those matters which are properly within the jurisdiction of the decision-maker and those matters in which the court can properly intervene. It has introduced a requirement with which the decision-maker must comply, namely the recognition of the priority to be given to the development plan. It has thus introduced a potential ground on which the decision-maker could be faulted were he to fail to give effect to that requirement. But beyond that it still leaves the assessment of the facts and the weighing of the considerations in the hands of the decision-maker. It is for him to assess the relative weight to be given to all the material considerations. It is for him to decide what weight is to be given to the development plan, recognising the priority to be given to it. As Glidewell L.J. observed in *Loup v. Secretary of State for the Environment* (1995) 71 P. & C.R. 175, 186:

“What section 54A does not do is to tell the decision-maker what weight to accord either to the development plan or to other material considerations.”

Those matters are left to the decision-maker to determine in the light of the whole material before him both in the factual circumstances and in any guidance in policy which is relevant to the particular issues.

.....

In the practical application of section 18A it will obviously be necessary for the decision-maker to consider the development plan, identify any provisions in it which are relevant to the question before him and make a proper interpretation of them. His decision will be open to challenge if he fails to have regard to a policy in the development plan which is relevant to the application or fails properly to interpret it. He will also have to consider whether the development proposed in the application before him does or does not accord with the development plan. There may be some points in the plan which support the proposal but there may be some considerations pointing in the opposite direction. He will require to assess all of these and then decide whether in light of the whole plan the proposal does or does not accord with it. He will also have to identify all the other material considerations which are relevant to the application and to which he should have regard. He will then have to note which of them support the application and which of them do not, and he will

have to assess the weight to be given to all of these considerations. He will have to decide whether there are considerations of such weight as to indicate that the development plan should not be accorded the priority which the statute has given to it. And having weighed these considerations and determined these matters he will require to form his opinion on the disposal of the application. If he fails to take account of some material consideration or takes account of some consideration which is irrelevant to the application his decision will be open to challenge. But the assessment of the considerations can only be challenged on the ground that it is irrational or perverse.”

63. This statement of the law was approved by the Supreme Court in *Tesco Stores Limited v Dundee City Council* [2012] UKSC 13, [2012] PTSR 983, per Lord Reed at [17] (with whose judgment Lord Brown, Lord Hope, Lord Kerr and Lord Dyson agreed).

64. Lord Reed rejected the proposition that each planning authority was entitled to determine the meaning of development plans from time to time as it pleased, within the limits of rationality. He said, at [18], that development plans should be “interpreted objectively in accordance with the language used, read in its proper context”. They are intended to guide the decisions of planning authorities, who should only depart from them for good reason.

65. Lord Reed re-affirmed well-established principles on the requirement for the planning authority to make an exercise of judgment, particularly where planning policies are in conflict, saying at [19]:

“That is not to say that such statements should be construed as if they were statutory or contractual provisions. Although a development plan has a legal status and legal effects, it is not analogous in its nature or purpose to a statute or a contract. As has often been observed, development plans are full of broad statements of policy, many of which may be mutually irreconcilable, so that in a particular case one must give way to another. In addition, many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment. Such matters fall within the jurisdiction of planning authorities, and their exercise of their judgment can only be challenged on the ground that it is irrational or perverse (*Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 659, 780 per Lord Hoffmann).”

66. In *BDW Trading Ltd v Secretary of State for Communities and Local Government* [2016] EWCA Civ 493, Lindblom LJ summarised the principles to be applied, at [20]-[21]:

“20. Without seeking to be exhaustive, I think there are five things one can fairly say in the light of the authorities.

21. First, the section 38(6) duty is a duty to make a decision (or “determination”) by giving the development plan priority, but

weighing all other material considerations in the balance to establish whether the decision should be made, as the statute presumes, in accordance with the plan (see Lord Clyde's speech in *City of Edinburgh Council*, at p.1458D to p.1459A, and p.1459D-G). Secondly, therefore, the decision-maker must understand the relevant provisions of the plan, recognizing that they may sometimes pull in different directions (see Lord Clyde's speech in *City of Edinburgh Council*, at p.1459D-F, the judgments of Lord Reed and Lord Hope in *Tesco Stores Ltd. v Dundee City Council* [2012] UKSC 13, respectively at paragraphs 19 and 34, and the judgment of Sullivan J., as he then was, in *R. v Rochdale Metropolitan Borough Council, ex p. Milne* [2001] J.P.L. 470, at paragraphs 48 to 50). Thirdly, section 38(6) does not prescribe the way in which the decision-maker is to go about discharging the duty. It does not specify, for all cases, a two-stage exercise, in which, first, the decision-maker decides “whether the development plan should or should not be accorded its statutory priority”, and secondly, “if he decides that it should not be given that priority it should be put aside and attention concentrated upon the material factors which remain for consideration” (see Lord Clyde's speech in *City of Edinburgh Council*, at p.1459H to p.1460D). Fourthly, however, the duty can only be properly performed if the decision-maker, in the course of making the decision, establishes whether or not the proposal accords with the development plan as a whole (see the judgment of Richards L.J. in *R. (on the application of Hampton Bishop Parish Council) v Herefordshire Council* [2014] EWCA Civ 878, at paragraph 28, and the judgment of Patterson J. in *Tiviot Way Investments Ltd. v Secretary of State for Communities and Local Government* [2015] EWHC 2489 (Admin) at paragraphs 27 to 36). And fifthly, the duty under section 38(6) is not displaced or modified by government policy in the NPPF. Such policy does not have the force of statute. Nor does it have the same status in the statutory scheme as the development plan. Under section 70(2) of the 1990 Act and section 38(6) of the 2004 Act, its relevance to a planning decision is as one of the other material considerations to be weighed in the balance (see the judgment of Richards L.J. in *Hampton Bishop Parish Council*, at paragraph 30).”

67. In *Gladman v Canterbury City Council v Secretary of State* [2019] EWCA Civ 669, Lindblom LJ set out the general principles to be applied at [21], and added at [22]:

“22 If the relevant policies of the plan have been properly understood in the making of the decision, the application of those policies is a matter for the decision-maker, whose reasonable exercise of planning judgment on the relevant considerations the court will not disturb: see the speech of Lord Hoffmann in *Tesco Stores Ltd v Secretary of State for the Environment* [1005] 1 WLR 759, 780. The interpretation of development plan policy,

however, is ultimately a matter of law for the court. The court does not approach that task with the same linguistic rigour as it applies to the construction of a statute or contract. It must seek to discern from the language used in formulating the plan the sensible meaning of the policies in question, in their full context, and thus their true effect. The context includes the objectives to which the policies are directed, other relevant policies in the plan, and the relevant supporting text. The court will always keep in mind that the creation of development plan policy by a local planning authority is not an end in itself, but a means to the end of coherent and reasonably predictable decision-making, in the public interest (see the judgment of Lord Reed in *Tesco v Dundee City Council*, at paragraphs 18 and 19; the judgment of Lord Gill in *Hopkins Homes*, at paragraphs 72 and 73; the judgment of Richards L.J. in *Ashburton Trading Ltd. v Secretary of State for Communities and Local Government* [2014] EWCA Civ 378, at paragraphs 17 and 24; and the judgment of Richards L.J. in *R. (on the application of Cherkley Campaign Ltd.) v Mole Valley District Council* [2014] EWCA Civ 567, at paragraphs 16 and 21).”

68. The requirement to take into account material considerations was recently reviewed by the Supreme Court in *R (Friends of the Earth Ltd & Ors) v Heathrow Airport Ltd* [2020] UKSC 52, in the judgment of the Court delivered jointly by Lord Hodge and Lord Sales:

“116. ... A useful summation of the law was given by Simon Brown LJ in *R v Somerset County Council, Ex p Fewings* [1995] 1 WLR 1037, 1049, in which he identified three categories of consideration, as follows:

“... [T]he judge speaks of a 'decision-maker who fails to take account of all and only those considerations material to his task'. It is important to bear in mind, however, ... that there are in fact three categories of consideration. First, those clearly (whether expressly or impliedly) identified by the statute as considerations to which regard must be had. Second, those clearly identified by the statute as considerations to which regard must not be had. Third, those to which the decision-maker may have regard if in his judgment and discretion he thinks it right to do so. There is, in short, a margin of appreciation within which the decision-maker may decide just what considerations should play a part in his reasoning process.”

117. The three categories of consideration were identified by Cooke J in the New Zealand Court of Appeal in *CREEDNZ Inc v Governor General* [1981] NZLR 172, 183:

“What has to be emphasised is that it is only when the statute expressly or impliedly identifies considerations required to be taken into account by the [relevant public authority] as a matter of legal obligation that the court holds a decision invalid on the ground now invoked. It is not enough that a consideration is one that may properly be taken into account, nor even that it is one which many people, including the court itself, would have taken into account if they had to make the decision.”

Cooke J further explained at p 183 in relation to the third category of consideration that, notwithstanding the silence of the statute, “there will be some matters so obviously material to a decision on a particular project that anything short of direct consideration of them by [the public authority] ... would not be in accordance with the intention of the Act.”

118. These passages were approved as a correct statement of principle by the House of Lords in *In re Findlay* [1985] AC 318, 333-334. See also *R (Hurst) v London Northern District Coroner* [2007] UKHL 13; [2007] 2 AC 189, paras 55-59 (Lord Brown of Eaton-under Heywood, with whom a majority of the Appellate Committee agreed); *R (Corner House Research) v Director of the Serious Fraud Office* [2008] UKHL 60; [2009] 1 AC 756, para 40 (Lord Bingham of Cornhill, with whom a majority of the Appellate Committee agreed); and *R (Samuel Smith Old Brewery (Tadcaster)) v North Yorkshire County Council* [2020] UKSC 3; [2020] PTSR 221, paras 29-32 (Lord Carnwath, with whom the other members of the court agreed). In the *Hurst* case, Lord Brown pointed out that it is usually lawful for a decision-maker to have regard to unincorporated treaty obligations in the exercise of a discretion (para 55), but that it is not unlawful to omit to do so (para 56).

119. As the Court of Appeal correctly held in *Baroness Cumberlege of Newick v Secretary of State for Communities and Local Government* [2018] EWCA Civ 1305; [2018] PTSR 2063, paras 20-26, in line with these other authorities, the test whether a consideration falling within the third category is "so obviously material" that it must be taken into account is the familiar *Wednesbury* irrationality test (*Associated Provincial Picture Houses Ltd v Wednesbury Corpn* [1948] 1 KB 223; *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374, 410-411 per Lord Diplock).”

69. The duties under section 38(6) TCPA 1990 and section 70 PCPA 2004 continue to bind a decision maker right up until the issuance of a notice granting planning permission. In *R (Kides) v South Cambridgeshire District Council* [2002] EWCA Civ 1370; [2003] 1 P & CR 19, Jonathan Parker LJ held:

“122. In my judgment, an authority's duty to “have regard to” material considerations is not to be elevated into a formal requirement that in every case where a new material consideration arises after the passing of a resolution (in principle) to grant planning permission but before the issue of the decision notice there has to be a specific referral of the application back to committee. In my judgment the duty is discharged if, as at the date at which the decision notice is issued, the authority has considered all material considerations affecting the application, and has done so with the application in mind — albeit that the application was not specifically placed before it for reconsideration.

123. The matter cannot be left there, however, since it is necessary to consider what is the position where a material consideration arises for the first time immediately before the delegated officer signs the decision notice.

124. At one extreme, it cannot be a sensible interpretation of section 70(2) to conclude that an authority is in breach of duty in failing to have regard to a material consideration the existence of which it (or its officers) did not discover or anticipate, *and could not reasonably have discovered or anticipated*, prior to the issue of the decision notice. So there has to be some practical flexibility in excluding from the duty material considerations to which the authority did not *and could not* have regard prior to the issue of the decision notice.

125. On the other hand, where the delegated officer who is about to sign the decision notice becomes aware (or ought reasonably to have become aware) of a new material consideration, section 70(2) requires that the authority have regard to that consideration before finally determining the application. In such a situation, therefore, the authority of the delegated officer must be such as to require him to refer the matter back to committee for reconsideration in the light of the new consideration. If he fails to do so, the authority will be in breach of its statutory duty.

126. In practical terms, therefore, where since the passing of the resolution some new factor has arisen of which the delegated officer is aware, and which might rationally be regarded as a “material consideration” for the purposes of section 70(2), it must be a counsel of prudence for the delegated officer to err on the side of caution and refer the application back to the authority for specific reconsideration in the light of that new factor. In such circumstances the delegated officer can only safely proceed to issue the decision notice if he is satisfied (a) that the authority is aware of the new factor, (b) that it has considered it with the application in mind, and (c) that on a reconsideration the authority *would* reach (not *might* reach) the same decision.”

Planning officers' reports

70. In light of the Claimant's criticisms of the GLA officers' reports, I have reminded myself of the principles to be applied, as summarised by the Court of Appeal in *R (Mansell) v Tonbridge & Malling BC* [2019] PTSR 1452, per Lindblom LJ, at [42]:

“42. The principles on which the court will act when criticism is made of a planning officer's report to committee are well settled. To summarise the law as it stands:

(1) The essential principles are as stated by the Court of Appeal in *R. v Selby District Council, ex parte Oxtou Farms* [1997] E.G.C.S. 60 (see, in particular, the judgment of Judge L.J., as he then was). They have since been confirmed several times by this court, notably by Sullivan L.J. in *R. (on the application of Siraj) v Kirklees Metropolitan Borough Council* [2010] EWCA Civ 1286, at paragraph 19, and applied in many cases at first instance (see, for example, the judgment of Hickinbottom J., as he then was, in *R. (on the application of Zurich Assurance Ltd., t/a Threadneedle Property Investments) v North Lincolnshire Council* [2012] EWHC 3708 (Admin), at paragraph 15).

(2) The principles are not complicated. Planning officers' reports to committee are not to be read with undue rigour, but with reasonable benevolence, and bearing in mind that they are written for councillors with local knowledge (see the judgment of Baroness Hale of Richmond in *R. (on the application of Morge) v Hampshire County Council* [2011] UKSC 2, at paragraph 36, and the judgment of Sullivan J., as he then was, in *R. v Mendip District Council, ex parte Fabre* (2000) 80 P. & C.R. 500, at p.509). Unless there is evidence to suggest otherwise, it may reasonably be assumed that, if the members followed the officer's recommendation, they did so on the basis of the advice that he or she gave (see the judgment of Lewison L.J. in *Palmer v Herefordshire Council* [2016] EWCA Civ 1061, at paragraph 7). The question for the court will always be whether, on a fair reading of the report as a whole, the officer has materially misled the members on a matter bearing upon their decision, and the error has gone uncorrected before the decision was made. Minor or inconsequential errors may be excused. It is only if the advice in the officer's report is such as to misdirect the members in a material way – so that, but for the flawed advice it was given, the committee's

decision would or might have been different – that the court will be able to conclude that the decision itself was rendered unlawful by that advice.

(3) Where the line is drawn between an officer’s advice that is significantly or seriously misleading – misleading in a material way – and advice that is misleading but not significantly so will always depend on the context and circumstances in which the advice was given, and on the possible consequences of it. There will be cases in which a planning officer has inadvertently led a committee astray by making some significant error of fact (see, for example *R. (on the application of Loader) v Rother District Council* [2016] EWCA Civ 795), or has plainly misdirected the members as to the meaning of a relevant policy (see, for example, *Watermead Parish Council v Aylesbury Vale District Council* [2017] EWCA Civ 152). There will be others where the officer has simply failed to deal with a matter on which the committee ought to receive explicit advice if the local planning authority is to be seen to have performed its decision-making duties in accordance with the law (see, for example, *R. (on the application of Williams) v Powys County Council* [2017] EWCA Civ 427). But unless there is some distinct and material defect in the officer’s advice, the court will not interfere.”

71. The level of detail to be expected in officer reports was considered by Sullivan J. in *R v Mendip DC ex parte Fabre* [2017] PTSR 1112, at 1120B:

“Whilst planning officers' reports should not be equated with inspectors' decision letters, it is well established that, in construing the latter, it has to be remembered that they are addressed to the parties who will be well aware of the issues that have been raised in the appeal. They are thus addressed to a knowledgeable readership and the adequacy of their reasoning must be considered against that background. That approach applies with particular force to a planning officer's report to a committee. Its purpose is not to decide the issue, but to inform the members of the relevant considerations relating to the application. It is not addressed to the world at large but to council members who, by virtue of that membership, may be expected to have substantial local and background knowledge. There would be no point in a planning officer's report setting out in great detail background material, for example, in respect of local topography, development planning policies or matters of planning history if the members were only too familiar with that material. Part of a planning officer's expert function in reporting to the committee must be to make an assessment of how much

information needs to be included in his or her report in order to avoid burdening a busy committee with excessive and unnecessary detail.”

Ground 1

72. Ground 1 turned on the interpretation of Policy D9 in the London Plan 2021.

Claimant’s submission

73. The Claimant submitted that the ordinary meaning of the words in Policy D9, read as a whole, in the light of its context and objectives, sets out a clear process for the grant of planning permission for tall buildings. It gives primacy to the planning judgment of the local planning authority at the plan-making stage in terms of the definition and location of tall buildings, and does not permit the Defendant to claim any policy support for overriding that judgment when determining an application for planning permission.

74. Mr Howell Williams QC said, at paragraphs 37 to 42 of his skeleton argument:

“37. Turning then to the wording of Policy D9 [SB/E1], the following is apparent:

- a. Policy D9 Part A states that the definition of “what is considered a tall building for specific localities” is a matter for individual boroughs through their local development plan. The only limit on that planning judgment is that the definition of a tall building is subject to a “floor” of 6 storeys or 18 metres. When arriving at this definition, it is implicit that a borough planning authority will need to consider the potential impacts of buildings of different heights in specific localities: that this is the case is supported by paragraph 3.9.3 in the supporting text [CB/E5] which elucidates what is meant by buildings being “tall” by reference to their relative height compared to “their surroundings” and their impact on the skyline.
- b. Policy D9 Part B, paragraph 1 is linked to Part A in so far as in addition to determining what a tall building is in planning policy terms, boroughs are given the sole responsibility for determining “if there are locations where tall buildings may be an appropriate form of development” within their area i.e. in specific localities. Boroughs are not obliged to identify any such locations, nor is there a presumption that at least one area of a borough will be appropriate. The matter is left entirely to the planning judgment of the borough through the development plan process. Moreover, even in areas identified, there is no presumption that tall buildings will be consented, because, as paragraph 3.9.3 explains (building on Policy D9 Part B paragraph 1) “such proposals will still need

to be assessed in the context of other planning policies... to ensure that they are appropriate for their location and do not lead to unacceptable impacts”.

- c. When deciding whether and where tall buildings “may be an appropriate form of development”, boroughs will necessarily have to take into account the impacts of buildings of defined heights or features. This is obviously implicit in the word “appropriate” (referring to the appropriateness of the form of development given the particular characteristic of the locality) and “suitable” (in Policy D9 Part B paragraph 3, referring to the suitability of a particular locality *for tall buildings* given its particular characteristics and the impact of tall building on them). The supporting text at paragraph 3.9.2(1) supports this interpretation (that boroughs necessarily have to take into account impacts of potential development) since it instructs boroughs to identify locations “by assessing potential visual and cumulative impacts”. That impact assessment is intrinsic to appropriateness is also reflected in paragraph 3.9.1 of the supporting text, which recognises that tall buildings can “have detrimental visual, functional and environmental impacts if in inappropriate locations” (underlining added).
- d. Policy D9 Part B paragraph 3 then gives force and meaning to the judgments reached by boroughs under Part A and Part B paragraph 1, by stating in clear terms that tall buildings (as defined in Part A) “should only be developed in locations that are identified as suitable in Development Plans” by boroughs under Part B. In this case it is not in dispute that the only areas identified as suitable for tall buildings in Policy DMHB10 LP DMP are Uxbridge and Hayes town centres, which identification was justified by a Townscape Character Study evidence base.....
- e. Policy D9 Part C then requires “development proposals” to satisfactorily address a number of stipulated impacts, grouped into categories (visual, functional, environmental, and cumulative). Some of these impacts are familiar because they include some (visual and cumulative) that boroughs will have already had regard to when determining the heights/localities appropriateness/suitability question. The term “development proposals” does not mean *any* development proposal of *any* type: it has to be read in the context of Policy D9 as a whole, and thus logically in line with Parts A and B which precede it, and the assessment process at local plan level that is contemplated by those two parts (and explained further in the supporting text). Thus the “development proposals” which must address the stipulated impacts can only be understood to mean development

proposals (i) for tall buildings as defined by boroughs under Part A (as explained in paragraph 3.9.3, “this policy applies to tall buildings as defined by the borough”....; and (ii) in locations identified as suitable by boroughs under Part B. Part C of the process for tall building regulation in London requires further examination of the detail of particular proposals that have come forward in compliance with Parts A and B: this is (amongst other things) what paragraph 3.9.3 of the supporting text is referring to when it speaks of “such proposals [i.e. proposals in areas identified as suitable] will still need to be assessed in the context of other planning policies... to ensure that they are appropriate for their location and do not lead to unacceptable impacts”.

- f. There is nothing in the wording or in the supporting text which suggests that the detailed criteria in Policy D9 Part C is to be used to assess the policy compliance of a development proposal that is not a tall building or not in a location identified as suitable. There is nothing that suggests that, through consideration of these “impacts”, a decision-maker is entitled to reopen a borough’s planning judgment on definition/applicability of the policy and or location.
- g. Finally, Policy D9 Part D, which requires the incorporation into tall buildings of publicly-accessible space “if appropriate” naturally applies to tall buildings as defined in Policy Part A, in locations identified in accordance with Part B, and which are acceptable in terms of the criteria set out in Part C. It could not sensibly be suggested that the provision of publicly-accessible space so as to engage Part D could make a development in breach of Parts B and C compliant with Policy D9 taken as a whole.

38. That this is the correct interpretation to give to Policy D9, and in particular to the role of Part C within it, is strongly reinforced having regard to the policy’s “full context” and the “objectives to which the policies are directed”, as required by Gladman.

39. In terms of the objectives to which the policy is directed, these are clear from the wording of the policy: (i) to ensure that boroughs have responsibility for the definition and location of tall buildings within their area; (ii) that tall buildings should only be constructed in areas which boroughs identify as suitable; and (iii) that even in those areas, tall buildings should satisfactorily address their increased potential adverse planning impacts.

40. The wording of Policy D9 is noticeably different from its predecessor in the London Plan 2016, Policy 7.7....., under which the Application was initially assessed in the Hearing Report. That policy did not provide any wording to compare with

the “Definition” and “Locations” parts of Policy D9 and the allocation of responsibility to local planning authorities in those regards but, under the then heading “Planning decisions”, set out a list of criteria in paragraph B and C which applications should meet, which was said to be “particularly important if the site is not identified as a location for tall or large buildings” in the borough development plan. At least two of those criteria, (a) and (b), relate to location. Policy D9 is different, and obviously so – in its wording and in its objectives.

41. Should any further support be required for these new and different objectives, however, the Court can have regard as part of the full context to the Secretary of State’s Direction as did D at Update Report paragraph 13.... DR12 required changes to the wording of D9 “to strengthen the policy to ensure such developments are only brought forward in appropriate and clearly defined areas, as determined by boroughs” and “to ensure that there is a clear policy against tall buildings outside any areas that boroughs determine are appropriate for tall buildings”

42. C’s interpretation of Policy D9 as set out above is the only reading which can properly give effect to these objectives: if a development to which the policy applies under Part A is not in a suitable location defined in accordance with Part B, Part C is not relevant to the question of compliance with Policy D9 by virtue of the mandatory wording of Part B paragraph 3, which cannot be ignored.”

75. The Claimant then went on to submit that the Defendant erred in law when, after accepting that the proposed development was not in a location identified as suitable by the Claimant, he nonetheless proceeded to assess the proposal against the detailed criteria in Part C, and gave weight to “partial compliance” with Policy D9 in the planning balance.

Conclusions

76. It was common ground that the interpretation of Policy D9 was a question of law for the Court, and that a development plan policy should be interpreted objectively, in accordance with the natural and ordinary meaning of the words used, in the light of its context and objectives. It should not be interpreted as if it was a contract or statutory provision.
77. In *Trump International Golf Club Scotland Ltd v Scottish Ministers* [2016] 1 WLR 85, Lord Hodge (giving the judgment of the Supreme Court) set out the principles applicable to the use of extrinsic material when interpreting documents. He said:

“33.There is only limited scope for the use of extrinsic material in the interpretation of a public document, such as a planning permission or a section 36 consent: *R v Ashford*

Borough Council, Ex p Shepway District Council [1999] PLCR 12, per Keene J at pp 19C–20B; *Carter Commercial Developments Ltd v Secretary of State for Transport, Local Government and the Regions [2003] JPL 1048*, per Buxton LJ at para 13 and Arden LJ at para 27. It is also relevant to the process of interpretation that a failure to comply with a condition in a public law consent may give rise to criminal liability. In section 36(6) of the 1989 Act the construction of a generating station otherwise than in accordance with the consent is a criminal offence. This calls for clarity and precision in the drafting of conditions.

34. When the court is concerned with the interpretation of words in a condition in a public document such as a section 36 consent, it asks itself what a reasonable reader would understand the words to mean when reading the condition in the context of the other conditions and of the consent as a whole. This is an objective exercise in which the court will have regard to the natural and ordinary meaning of the relevant words, the overall purpose of the consent, any other conditions which cast light on the purpose of the relevant words, and common sense. Whether the court may also look at other documents that are connected with the application for the consent or are referred to in the consent will depend on the circumstances of the case, in particular the wording of the document that it is interpreting. Other documents may be relevant if they are incorporated into the consent by reference (as in condition 7 set out in para 38 below) or there is an ambiguity in the consent, which can be resolved, for example, by considering the application for consent.”

78. I was referred to the judgment of Lindblom J. (as he then was) in *R (Phides Estates (Overseas) Ltd) v Secretary of State for Communities and Local Government [2015] EWHC 827 (Admin)*, at [56]:

“I do not think it is necessary, or appropriate, to resort to other documents to help with the interpretation of Policy SS2. In the first place, the policy is neither obscure nor ambiguous. Secondly, the material on which Mr Edwards seeks to rely is not part of the core strategy. It is all extrinsic – though at least some of the documents constituting the evidence base for the core strategy are mentioned in its policies, text and appendices, and are listed in a table in Appendix 6. Thirdly, as Mr Moules and Mr Brown submit, when the court is faced with having to construe a policy in an adopted plan it cannot be expected to rove through the background documents to the plan's preparation, delving into such of their content as might seem relevant. One would not expect a landowner or a developer or a member of the public to have to do that to gain an understanding of what the local planning authority had had in mind when it framed a

particular policy in the way that it did. Unless there is a particular difficulty in construing a provision in the plan, which can only be resolved by going to another document either incorporated into the plan or explicitly referred to in it, I think one must look only to the contents of the plan itself, read fairly as a whole. To do otherwise would be to neglect what Lord Reed said in paragraph 18 of his judgment in *Tesco Stores Ltd. v Dundee City Council* : that “[the] development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by planning authorities in decision-making unless there is good reason to depart from it”, that the plan is “intended to guide the behaviour of developers and planning authorities”, and that “the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, while allowing a measure of flexibility to be retained”. In my view, to enlarge the task of construing a policy by requiring a multitude of other documents to be explored in the pursuit of its meaning would be inimical to the interests of clarity, certainty and consistency in the “plan-led system”. As Lewison L.J. said in paragraph 14 of his judgment in *R. (on the application of TW Logistics Ltd.) v Tendring District Council* [2013] EWCA Civ 9, with which Mummery and Aikens L.JJ. agreed, “this kind of forensic archaeology is inappropriate to the interpretation of a document like a local plan ...”. The “public nature” of such a document is, as he said (at paragraph 15), “of critical importance”. The public are, in principle, entitled to rely on it “as it stands, without having to investigate its provenance and evolution”.”

79. All parties contended that the meaning of Policy D9 was clear and unambiguous, despite the differences in their interpretation of it. In those circumstances, applying the principles set out above, I consider that I ought not to have regard to the letter from the Secretary of State to the Defendant dated 10 December 2020 (paragraph 46 above) as it is not a public document which members of the public could reasonably be expected to access when reading Policy D9. Furthermore, it is of limited value as, taken at its highest, it sets out the Secretary of State’s intentions, whereas the Court must consider the meaning of the words actually used in Policy D9, as amended by DR12, which in my view did not give effect to the expressed intentions in the letter. However, I do consider that it is appropriate to have regard to the ITP draft London Plan Policy D9, which was referred to in the Hearing Report, and the Secretary of State’s Direction which is in the public domain and was referenced in the Update Report, and the introduction to the London Plan 2021. This demonstrates the differences between the ITP draft version of Policy D9, on the basis of which the initial decision to grant planning permission was granted, and the final version of Policy D9, following the Secretary of State’s direction, on the basis of which the reconsideration decision was made.
80. In my judgment, the Claimant’s interpretation of Policy D9 cannot be correct, for the reasons given by the Defendant and IP1 and 3.

81. Read straightforwardly, objectively and as a whole, policy D9:
- i) requires London Boroughs to define tall buildings within their local plans, subject to certain specified guidance (Part A);
 - ii) requires London Boroughs to identify within their local plans suitable locations for tall buildings (Part B);
 - iii) identifies criteria against which the impacts of tall buildings should be assessed (Part C); and
 - iv) makes provision for public access (Part D).

82. There is no wording which indicates that Part A and/or Part B are gateways, or pre-conditions, to Part C. In order to give effect of Mr Howell Williams QC's interpretation, it is necessary to read the words underlined below into the first line of Part C to spell out its true meaning:

“Development proposals in locations that have been identified in development plans under Part B should address the following impacts.”

But if that had been the intention, then words to that effect would have been included within the policy. It would have been a straightforward exercise in drafting. It is significant that the Secretary of State's direction only required the addition of the word “suitable” to Part B(3). It did not add any text which supports or assists the Claimant's interpretation, even though the Secretary of State had the opportunity to do so.

83. In my view, the context is critical to the interpretation. Policy D9 is a planning policy in a development plan. By section 70(2) TCPA 1990 and section 38(6) PCPA 2004, there is a presumption that a determination will be made in accordance with the plan, unless material considerations indicate otherwise. Thus, the decision-maker “will have to decide whether there are considerations of such weight as to indicate that the development plan should not be accorded the priority which the statute has given to it”: per Lord Clyde in *City of Edinburgh* at 1459G. Furthermore, the decision-maker must understand the relevant provisions of the plan “recognising that they may sometimes pull in different directions”: per Lindblom LJ in *BDW Trading Ltd* at [21], and extensive authorities there cited in support of that proposition. As Lord Reed explained in *Tesco Stores Ltd v Dundee City Council*, “development plans are full of broad statements of policy, many of which may be mutually irreconcilable, so that in a particular case one must give way to another”.
84. The drafter of Policy D9, and the Defendant who is the maker of the London Plan, must have been aware of these fundamental legal principles, and therefore that it was possible that the policy in paragraph B(3) might not be followed, in any particular determination, if it was outweighed by other policies in the development plan, or by material considerations. It seems likely that policy provision was made for such cases, given the importance of the issue.
85. In considering whether to grant planning permission for a tall building which did not comply with paragraph B(3), because it was not identified in the development plan, it

would surely be sensible, and in accordance with the objectives of Policy D9, for the proposal to be assessed by reference to the potential impacts which are listed in Part C. The Claimant's interpretation leads to the absurd result that a decision-maker in those circumstances is not permitted to have regard to Part C, and must assess the impacts of the proposal in a vacuum.

86. In these circumstances, it is unsurprising that there are at least three decisions, both prior to and since the Defendant's decision in this case, in which the Claimant's planning officers have interpreted Policy D9 in the same way as the Defendant, in considering other tall building proposals in Hillingdon.
87. In this case, the extracts from the officer reports which I have referred to above, explain that the Mayor found that the proposal did not fully accord with Policy D9, because it had not been identified as suitable in the development plan under Part B. Notwithstanding the non-compliance with Part B of Policy D9, the Defendant determined that the proposal accorded with the provisions of the development plan when read as a whole. That was a planning judgment, based on the benefits of the proposal, such as the contribution of much-needed housing, in particular affordable housing, and the suitability of the Site (brownfield and sustainable, with good transport). The Defendant was satisfied, on the advice of the GLA officers, that sufficient protection from air quality impacts would be achieved. The Defendant was entitled to make this judgment, in the exercise of his discretion.
88. For the reasons set out above, Ground 1 does not succeed.

Ground 2

Claimant's submission

89. The Claimant submitted that the Defendant erred in law in failing to take into account a material consideration, namely, the Claimant's consultation response and accompanying expert evidence – the AQE Report – on the issue of air quality, which was submitted on 28 August 2020.

Conclusions

90. On the evidence, I accept the Defendant's submission that it did not fail to take account of the Claimant's evidence on the air quality impacts of the proposed development. Rather, on the advice of GLA officers, the Defendant exercised his planning judgment to conclude that the development would comply with relevant policy in respect of air quality impacts, and that additional mitigation in the form of a "damage cost" payment was not justified. That was a legitimate exercise of planning judgment which discloses no error of law, particularly in circumstances where the Claimant had previously agreed that no such payment was required.
91. In September and October 2019, Create produced their initial air quality assessments.

92. The Claimant refused the application for planning permission on the ground, *inter alia*, that the air quality assessments provide insufficient information and air quality neutrality was not demonstrated.
93. In April and June 2020, Create produced further assessments. They concluded that the proposal would be air quality neutral such that a damage cost payment would not be required.
94. The Defendant's Hearing Report expressly recorded comments made by AQE in respect of air quality, including concerns raised regarding air quality neutrality, and a calculated £294,522 payment to deliver the air quality local action plan (paragraph 79). This was when the application for planning permission was being considered by the Claimant. The Defendant did not receive the August 2020 AQE Report in time to include reference to it in the Hearing Report.
95. The Hearing Report had a section devoted to air quality, which stated, *inter alia*, at paragraph 2(iv):
- “The applicant's Air Quality Assessment has been reviewed by GLA officers, and is supported. The development would be air quality neutral, subject to the mitigation measures secured.”
96. On 28 August 2020, the Claimant provided the Defendant with the AQE Report, together with representations requesting refusal of the application; alternatively an air quality section 106 contribution of £218,139. AQE concluded in its Report that the proposal gave rise to significant air quality constraints, that it would not be air quality neutral and that a damage cost payment would be required.
97. The GLA's Addendum Hearing Report dated 3 September 2020 stated:
- “In addition to this the Council has provided a technical response on air quality produced by AQE Global (August 2020). It should be noted that the Council has requested (should the GLA be minded to approve the scheme) a contribution of £218,139 to be paid to Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposals that reduce vehicle emissions and or reduce human exposure to pollution levels. GLA officers note that this contribution has not been agreed and is subject to further discussion.”
98. The Addendum Hearing Report did not address the substance of the criticisms in the AQE Report. However, as the AQE Report had only just been sent to the Defendant, and the Addendum Hearing Report was published on the day of the hearing, it seems likely that there had been insufficient time to analyse it in any depth. The Addendum Hearing Report recorded that all representations had been made available to the Mayor.
99. At the hearing on 3 September 2020, the presenting officer expressly drew attention to the Claimant's air quality reason for refusal and he devoted a section of his presentation to the air quality issue.

100. The Claimant's Head of Planning spoke in objection to the application. He explained that the Claimant had "concerns" regarding air quality impacts on future occupiers and that it considered there to be "various technical flaws" in the IPs' air quality assessment. He added: "I would stress that the Claimant considers an air quality section 106 contribution is still required." Residents and residents' association representatives also raised concerns about air quality.
101. The representative for IP1 and 3, Mr Johnson, addressed air quality during his representations. The Mayor expressly stated that the issue of air quality was a concern and he directly questioned Mr Johnson about it.
102. When announcing his decision to grant planning permission, the Mayor said:

"Air quality is of course a very important issue for me. I have carefully considered the technical evidence made available to me and my view is that the barrier block form of development will ensure that future residents will not be disadvantaged, subject to the mitigation measures recommended."
103. On 10 September 2020, the Claimant's solicitor sent the solicitors for IP1 and 3 an updated draft section 106 agreement. In reply, the solicitors took the point that the development had been found to be air quality neutral and so an air quality contribution was not required. They invited the Claimant's solicitor to take officer instructions. In an email dated 13 October 2020, the Claimant's solicitor stated:

"Air Quality – My clients instructions are that we agree for these to be deleted from the [section 106] agreement."
104. In October 2020, Create produced a Technical Note in response to the criticisms in the AQE Report. It was not provided to the Claimant for comment, and I address that issue under Ground 3.
105. The Claimant made further submissions on air quality in its representations on reconsideration on 26 March 2021. It argued that the GLA officers had been wrong to advise in the Hearing Report that the proposal was air quality neutral. It complained that there was no evidence that the AQE Report had been considered, and it re-submitted it.
106. The Update Report did not refer to the issue of air quality. The Update Report noted the receipt of the Urgent Representation and the AQE Report and commented as follows:

"...the Council raises concerns that its Air Quality Peer Review was not considered by GLA officers because it is not mentioned in the Representation Hearing Report. This is because this information was submitted to the GLA by the Council on 28 August 2020 along with its pre-hearing representation, more than one working day after the Representation Hearing Report was published. The Council's pre-hearing representation and Air Quality Peer Review was addressed in the addendum report published on the day of the hearing.

GLA officers consider the application to be in accordance with planning policy regarding air quality and as such the ‘damage cost’ payment requested by the Council is not justified....”

107. I conclude that there is ample evidence that the GLA officers and the Mayor had sufficient regard to the air quality issues, including those raised by the Claimant. Although the Claimant’s representations and evidence were noted, not analysed, in the officer reports, such reports should be read benevolently and without undue rigour (*Mansell*, per Lindblom LJ at [42]), bearing in mind that it is part of a planning officer’s expert function to make an assessment of how much information needs to be included in his or her report. On the balance of probabilities, I am satisfied that the specialist air quality officers at the GLA will have considered the AQE Report and Create’s Technical Note in response to it. Ultimately, the GLA officers and the Defendant preferred Create’s expert evidence to that of the AQE, which they were entitled to do.
108. For the reasons set out above, Ground 2 does not succeed.

Ground 3

Claimant’s submission

109. The Claimant submitted that the Defendant acted unlawfully and/or in a manner which was procedurally unfair in that he failed either to (a) formally re-consult the Claimant; or (b) give the Claimant a right to be heard prior to his re-determination of the application.
110. The Claimant submitted that the Defendant should have followed the procedure set out in section 2F TCPA 1990, which sets out in law the procedure by which a local planning authority is to be consulted before the Defendant may determine an application in respect of which he has made a section 2A direction. This procedure envisages, prior to any decision, the publication of the Defendant’s officers’ report and recommendations at least 7 days prior; the opportunity to make written representations in the light of that report and those recommendations; and the opportunity to make oral representations at a mandatory further representations hearing. On the requirement for an oral hearing, the Claimant referred to the principles set out in the case of *Osborne v Parole Board* [2013] UKSC 61, per Lord Reed at [67]-[68], [71], which were applicable here.
111. As a matter of fairness, the Update Report ought to have been published prior to the Claimant making its submissions, to enable the Claimant to know how the GLA officers intended to advise the Mayor. The Claimant was unable to comment on the Defendant’s new planning balance, reached in the light of the new London Plan policies and other material considerations.
112. Furthermore, the Claimant should have been given an opportunity to comment on Create’s Technical Note, produced in October 2020.

Conclusions

113. In this case, the Defendant clearly accepted that the *Kides* principle applied and that the application ought to be re-determined in the light of the adoption of the London Plan 2021, as amended pursuant to the Secretary of State's direction, which was now part of the development plan.
114. It was common ground that the application should be re-determined in accordance with the requirements of fairness. The issue is what were the requirements of fairness in these circumstances?
115. Where an act of Parliament confers an administrative power there is a presumption that it will be exercised in a manner which is fair in all the circumstances. What fairness demands is dependent on the context of the decision (*R v Secretary of State for the Home Department ex parte Doody* [1994] 1 AC 531, per Lord Mustill, at 560 D – G).
116. In *Keep Wythenshawe Special Ltd v NHS Central Manchester CCG* [2016] EWHC 17 (Admin), Dove J. helpfully set out the established principles on consultation, at [65]-[68]:

“65. The basic requirements of a lawful consultation have now been settled for some considerable time and are derived from the decision of Hodgson J in *R v Brent London Borough Council ex p Gunning* (1985) 84 LGR 168. They are, firstly, that the consultation should be undertaken at a time when the proposals are still at a formative stage. Secondly, the body undertaking the consultation should provide sufficient reasons and explanation for the decision about which it is consulting to enable the consultees to provide a considered and informed response. Thirdly, adequate time to allow for consideration and response must be provided. Fourthly, the responses to the consultation must be conscientiously taken into account in reaching the decision about which the public body is consulting. These principles, known as the Sedley criteria as a result of the author of the submissions upon which they were based, have recently been endorsed by the Supreme Court in *R(Moseley) v Haringey London Borough Council* [2014] UKSC 56; [2014] 1 WLR 3947 at paragraph 26.

66. In his judgment in *Moseley* Lord Wilson JSC emphasised that however the duty to consult arises, the manner in which it is conducted will be informed by the common law requirements of fairness. He observed at paragraph 24 as follows:

“Fairness is a protean concept, not susceptible of much generalised enlargement. But its requirements in this context must be linked to the purposes of consultation. In *R(Osborn) v Parole Board* [2014] AC 1115, this court addressed the common law duty of procedural fairness in the determination of the person's legal rights. Nevertheless the first two of the

purposes of procedural fairness in that somewhat different context, identified by Lord Reed JSC in paras 67 and 68 of his judgment, equally underlie the requirement that a consultation should be fair. First, that requirement “is liable to result in better decisions, by ensuring that the decision-maker receives all relevant information and that it is properly tested”: para 67. Second, it avoids “the sense of injustice which the person who is the subject of the decision will otherwise feel”: para 68. Such are two valuable practical consequences of fair consultation. But underlying it is also a third purpose, reflective of the democratic principle at the heart of our society. This third purpose is particularly relevant in a case like the present, in which the question was not: ‘yes or no, should we close this particular care home, this particular school etc?’ It was: ‘Required as we are, to make a taxation-related scheme for application to all the inhabitants of our borough, should we make one in the terms which we here propose?’”

67. In his judgment Lord Reed JSC placed greater emphasis upon the statutory context and the purpose of the particular statutory duty to consult and less on the common law duty to act fairly. In paragraph 36 of his judgment, having noted that the case under consideration was not one where the duty to consult arose as a result of a legitimate expectation he stated:

“This case is not concerned with a situation of that kind. It is concerned with a statutory duty of consultation. Such duties vary greatly depending on the particular provisions in question, the particular context, and the purpose for which the consultation is to be carried out. The duty may, for example, arise before or after a proposal has been decided upon; it may be obligatory or may be at the discretion of the public authority; it may be restricted to particular consultees or may involve the general public; the identity of the consultees may be prescribed or may be left to the discretion of the public authority; the consultation may take the form of seeking views in writing, or holding public meetings; and so on and so forth...”

Having noted that in that case the local authority was discharging an important function in relation to local government finance which affected its residents generally (the case centred on the authority's decision in relation to a revised scheme for council tax benefits) Lord Reed concluded that the purpose of the statutory duty to consult in that case was “to ensure public

participation in the local authority's decision-making process". He went on to observe in paragraph 39:

“In order for the consultation to achieve that objective, it must fulfil certain minimum requirements. Meaningful public participation in this particular decision-making process, in a context with which the general public cannot be expected to be familiar, requires that the consultees should be provided not only with information about the draft scheme, but also with an outline of the realistic alternatives, and an indication of the main reasons for the authority's adoption of the draft scheme.”

He concluded that in the particular circumstances of that case the second of the Sedley criteria (the provision of adequate and appropriate information) had been breached.

68. The differences in emphasis between Lord Wilson JSC and Lord Reed JSC were resolved in the joint judgment of Baroness Hale JSC and Lord Clarke JSC in the following terms:

“We agree with Lord Reed JSC that the court must have regard to the statutory context and that, as he puts it, in the particular statutory context the duty of the local authority was to ensure public participation in the decision-making process. It seems to us that in order to do so it must act fairly by taking the specific steps set out by Lord Reed JSC, in para 39. In these circumstances we can we think safely agree with both judgments.””

117. Dove J. went on to consider the case law on the adequacy of a consultation procedure, at [77]:

“77. Having observed all of the above in relation to the legal principles governing consultation it is important to recognise, as the courts have on several occasions, that a decision-maker will have a broad discretion as to how a consultation exercise may be structured and carried out. As Sullivan J (as he then was) observed in *R(on the application of Greenpeace Limited) v Secretary of State for Trade and Industry* [2007] EWHC 311 at paragraphs 62 and 63:

“A consultation exercise which is flawed in one, or even in a number of respects, is not necessarily so procedurally unfair as to be unlawful. With the benefit of hindsight it will almost invariably be possible to suggest ways in which a consultation exercise might have been improved upon. That is most emphatically not the test. It must also be

recognised that a decision-maker will usually have a broad discretion as to how a consultation exercise should be carried out...In reality, a conclusion that a consultation exercise was unlawful on the ground of unfairness will be based upon a finding by the court, not merely that something went wrong, but that something went ‘clearly and radically wrong’.”

Subsequently in the case of *R(JL and AT Beard) v The Environment Agency* [2011] EWHC 939 Sullivan LJ confirmed that the “test is whether the process was so unfair as to be unlawful”.”

118. In the planning context, the courts have recognised that it is possible to amend planning applications during the course of their determination subject to two constraints, one substantive and one procedural. Permission should not be granted for development that would be substantially different from that which the application envisaged and persons affected by the change should not be deprived of the opportunity to comment on it. Where there is a statutory duty of consultation, the question of whether re-consultation is required if there is a change to the proposal depends on what fairness requires (*R (Holborn Studios) v Hackney Borough Council* [2017] EWHC 2823 (Admin) at [64], [70], [76]; [86]).
119. I do not consider that the provisions of section 2F TCPA 1990 apply to a re-consideration, when they have already been complied with at the first consideration. The procedure to be followed on a re-consideration is to be decided by the Defendant, in the exercise of his discretion. The requirements of fairness will vary depending on the nature of the re-consideration and the identity of those affected.
120. In my judgment, in the circumstances of this case, fairness required that the Claimant should have been given an opportunity to make representations on the developments which gave rise to the re-consideration, before the GLA officers made their recommendation to the Mayor, and before the Mayor made his re-determination. This was a development proposal of strategic importance, the Claimant is the local planning authority and it had been a key participant throughout.
121. The Defendant did comply with these requirements. The Claimant was given an opportunity to make written representations before the Update Report and its Addendum were issued and before the Mayor made the re-determination.
122. The Claimant submits that fairness required that it had sight of the Update Report before it submitted its further representations. I do not agree. It is clear from the Claimant’s cogent letters of 26 February, 4 March and 9 March 2021, and its detailed written representations, that it was well aware of the issues to be addressed, and did so effectively.
123. In my judgment, fairness did not require another oral hearing. There was no “live” evidence, and the issues of planning policy and the planning balance to be considered were better suited to written representations, because of their detail and complexity. Members of the public, who might have struggled to make written representations, were not invited to participate in the re-consideration. Mr Rodger, Deputy Director Planning

and Regeneration, who had already made oral representations at the previous hearing, was well able to draft written representations on behalf of the Claimant.

124. The Technical Note from Create, dated October 2020, was not disclosed to the Claimant for comments. In my view, it ought to have been disclosed to the Claimant, as it was a response to the AQE Report submitted by the Claimant. The Claimant could then have commented upon it in its own representations to the Defendant, if it wished to do so. The failure to disclose was procedurally unfair and unlawful.
125. In determining whether any relief should be granted for the failure to disclose the Technical Note, section 31(2A) of the Senior Courts Act 1981 has to be considered. The effect of that provision is that the court must refuse to grant relief if it appears to the court to be highly likely that the outcome for the Claimant would not have been substantially different if the conduct complained of had not occurred.
126. The approach to be taken to this provision has been considered by the courts, most notably in *R (Goring-on-Thames PC) v South Oxfordshire DC* [2018] EWCA Civ 860 and *R (Plan B Earth) v Secretary of State for Transport* [2020] EWCA Civ 214, at [272], [273].
127. The “conduct” complained of here is the failure to disclose the Technical Note to the Claimant in advance of the Defendant’s decision of 29 March 2021. The “outcome” is the decision of the Defendant to grant planning permission. The issue is whether, had the Claimant been provided with the Technical Note, so that the Claimant had the opportunity to consider it and make further submissions in advance of the decision, it is “highly likely” that the Defendant nonetheless would have granted planning permission for the proposed development.
128. In my judgment, it is “highly likely” that the Defendant would nonetheless have granted planning permission on 29 March 2021.
129. The Technical Note did not introduce anything new. It did no more than correct misunderstandings in the AQE Review and indicated where the concerns raised by AQE had in fact been the subject of consideration, discussion and agreement with GLA officers at an earlier stage of the process, or were addressed and answered elsewhere.
130. I have already found that the Defendant lawfully concluded, in the exercise of his planning judgment that the development was acceptable in respect of air quality impacts, and he did so in knowledge of the Claimant’s position and representations, and after receiving extensive information and advice from GLA officers. The advice he received was unequivocal. Realistically, it is highly unlikely that any further representations from the Claimant in response to the Technical Note would have made any difference to the Defendant’s decision to grant planning permission.
131. Therefore, I refuse relief under section 31(2A) of the Senior Courts Act 1981 as it appears to me to be highly likely that the outcome for the Claimant would not have been substantially different if the conduct complained of had not occurred.
132. For the reasons set out above, Ground 3 only succeeds in respect of the failure to disclose the Technical Note from Create, dated October 2020. No relief is granted.

Final conclusions

133. The claim succeeds solely in respect of the Defendant's failure to disclose to the Claimant the Technical Note, dated October 2020, prior to his re-determination of the decision to grant planning permission on 30 March 2021 (see paragraph 65 of the Claimant's skeleton argument). However, relief is refused under section 31(2A) of the Senior Courts Act 1981.
134. The claim for judicial review is dismissed on all other grounds.

Appendix 12: Examination Document 79 – “Barnet Local Plan EIP Note on Tall Buildings”

Barnet Local Plan EIP – Note on Tall Buildings

Reason for producing this note

At the hearing session on Wednesday 2nd November that considered Matter 8 – Design, Tall Buildings and Heritage, Inspector Philpott requested provision of a Note covering a number of issues relating to Policy CDH04 on Tall Buildings. This note, including any resultant proposed modifications, covers the following:

- 1. Council to add High Court case *R (London Borough of Hillingdon) v Mayor of London [2021] EWHC 3387 (Admin)* to Examination webpages.**
- 2. Reflect on High Court case with regards to its intended restrictive approach to proposals in areas not identified as strategic locations. Subject to reflection on High Court case, re-consider approach to tall buildings in other potential locations if all criteria of Policy D9C of London Plan and dev mgt requirements of CDH04 would be satisfied.**
- 3. Representors have specifically highlighted 2 recently adopted Local Plans in London (Lambeth and Brent). Council to review the approaches to tall buildings outside supported locations in those plans.**
- 4. Further clarification may be merited about why references to Opportunity Areas is to be removed in MM153 and MM162.**
- 5. Evidence required to support approach of MM162 with regards to Major Thoroughfares, North Finchley and Finchley Central.**
- 6. Clarification required on 16 site proposals in Annex 1 that cross-refer to CDH04 but are not within areas supported by CDH04, e.g. East Finchley, High Barnet, and A406.**
- 7. Clarify Council's intention for those 16 sites and evidence to support that approach.**
- 8. Clarify implications for Matter 10 in terms of capacities and use of Density Matrix. Clarify influence of tall building locations on capacities in the Annex**
- 9. Review implications of MM162 for GSS08 and GSS11 to ensure no consequential impacts arise.**
- 10. Clarify what evidence exists in terms of analysis equivalent to that done for the A5 and A1000 for other areas of the borough, including accessible locations identified in H1 of the London Plan and where there are existing tall buildings.**
- 11. Clarify relationship between the Plan, the Tall Buildings Study Update and other evidence, and explain the justification for CDH04 differing from the evidence, including Tall Buildings Study Update outputs such as storey heights, especially pages 30, 31 and 39.**
 - a. Helpful for the Note to include reasoning for excluding broad areas including those identified by representors, e.g. Mill Hill, Hendon Station, North London Business Park, Whetstone and other town centres**
 - b. Study doesn't provide definitive evidence on suitability of tall building development. It flags further work on visual impact. Clarify if this is to be done through individual proposals.**
- 12. Clarify if evidence is sufficient to maintain restrictive approach in CDH04(a), particularly where criteria in D9(c) are met?**

13. Clarify the role of Characterisation Study from 2010 in supporting Council's approach to Tall Buildings and whether it remains relevant and accurate.
14. Clarify why New Southgate Opportunity Area (NSOA) identified in CDH04 is not specifically covered in Tall Buildings Study Update.
15. Clarify within CDH04 rather than through a footnote the appropriateness of NSOA as a location for tall buildings. How should proposals in NSOA be considered in advance of a joint area planning framework?
16. Explain the purpose of MM149 and 169 in terms of tall buildings not being a preferred model. Need to clarify what is the Council's preferred method of delivery. If those statements are justified, should they be done in a more positively phrased manner and potentially be supporting text?
17. Despite MM163, CDH04 is still unclear on exceptional circumstances for Very Tall Buildings. Council to clarify/provide examples.
18. Change to para 6.18.5 to reflect MM165 required to remove reference to SPD setting out parameters. Needs more emphasis on how SPD would provide guidance, not set out parameters. Potential for more detail to be given to decision-makers on tall buildings outside the locations in CDH04(a).
19. Consider merits of cross-reference to CDH08 instead of heritage requirements at CDH04(e)(iii) and reference to Historic England guidance.
20. Clarify CDH04(e) differences with London Plan D9 and highlight these more clearly in policy.
21. Clarify "possible negative impact" on solar energy generation and is it appropriate to only consider adjoining buildings, or should wider impacts be included too? Re-check London Plan D9.
22. Para 6.18.2 views from the top of the tall building and intermediate views. Are modifications needed to change this to immediate / "top of"?
23. Explain the difference in approach between the Plan and the Tall Buildings Update in terms of uses of corridors vs cones for Map 4.
24. Correct Map 4 discrepancies e.g. potentially exclude Mill Hill and include accurate boundaries of Growth Areas, Burnt Oak, Edgware, New Southgate Opportunity Area.
25. Make clear whether Map 4 or policy is definitive regarding potentially acceptable locations for tall buildings.
26. Para 6.18.3 should it be changed to reflect D9 and "addressing", rather than complying with?

Background

Following submission of the Barnet Local Plan in November 2021 the Council in June 2022 produced a table of proposed modifications (EXAM 4). This document was produced after consideration of the Reg 19 soundness representations received, together with subsequent discussions with parties on the drafting of Statements of Common Ground. EXAM 4 includes proposed modifications to policies and supporting text pertaining to policy CDH04 and the supporting reasoned justification paragraphs in section 6.18 of the Draft Local Plan.

During the examination hearing session where under Matter 8 Policy CDH04 was discussed, proposed modifications were considered, together with aspects of wording of policy and supporting text in the submission Plan. (EXAM 4 MM149 to MM169 refer) In light of that

discussion, the Inspector has requested further clarification, explanation and justification of the matters detailed in this note; the Council now proposes a series of additional further modifications as set out below.

The following format has been used in this Note to denote further proposed modifications to the submission version of plan as revised by the proposed modifications listed in EXAM 4.

~~Strikethrough text~~ to indicate text proposed for removal.

Underlined text to indicate additional text.

Consideration

- 1. The Council to add High Court case *R (London Borough of Hillingdon) v Mayor of London* [2021] EWHC 3387 (Admin) to Examination webpages.**

The *LB Hillingdon vs Mayor of London* High Court Judgment has been added to the examination webpage as EXAM 44.

- 2. Reflect on High Court case with regards to its intended restrictive approach to proposals in areas not identified as strategic locations. Subject to reflection on High Court case, re-consider approach to tall buildings in other potential locations if all criteria of Policy D9C of London Plan and development management requirements of CDH04 would be satisfied.**

The High Court case *R (LB of Hillingdon) v Mayor of London* [2021] relates to an application for the construction of a mixed-used development, comprising buildings up to 11 storeys in height that the LPA (LB Hillingdon) resolved to refuse. However, the application was identified as one of potential strategic importance referable to the Mayor of London who then proceeded to determine the application himself. The Mayor's decision to grant permission was then subsequently challenged by LB Hillingdon

This High Court case considered the interpretation that should be given to Policy D9 in the London Plan 2021 (EXAM Core_Gen_16). Paragraph 81 of the judgment states that "read straightforwardly, objectively and as a whole, policy D9:

- i) requires London Boroughs to define tall buildings within their local plans, subject to certain specified guidance (Part A);
- ii) requires London Boroughs to identify within their local plans suitable locations for tall buildings (Part B);
- iii) identifies criteria against which the impacts of tall buildings should be assessed (Part C); and
- iv) makes provision for public access (Part D)."

The Hillingdon judgment concluded (para 82) that there is no wording indicating that Part A and/or Part B of London Plan Policy D9 are gateways, or preconditions, required in order to then proceed to consider Part C of the policy which outlines the impacts that development proposals should address. If this had been the intention, then words to that effect would have been included within Part B of the policy making clear that the application of Part C of

the policy only relates to development proposals in locations identified in development plans under Part B of the policy. The Judgment is clear therefore that, when considering a tall buildings proposal in a location not identified within a development plan as being suitable for tall buildings, “it would surely be sensible, and in accordance with the objectives of Policy D9, for the proposal to be assessed by reference to the potential impacts listed in Part C.”

With regards to Policy CDH04 in Barnet’s emerging Local Plan the Council is satisfied that, as currently drafted (with proposed MMs from EXAM 4), the policy accords with Policy D9 in the London Plan. The policy approach defines what tall (and very tall) buildings are considered to be, in accordance with Part A of policy D9. Having regard (MM161 also refers) to local context as well as the London Plan minimum stipulated threshold (6 storeys or 18 metres), part a of the policy defines what is considered in LB Barnet to constitute a tall building.

The policy also sets out the locations where Tall (and Very Tall) buildings may be appropriate, in accordance with Part B of policy D9. Part B of London Plan Policy D9 states that boroughs should determine if there are locations where tall buildings *may* be appropriate subject to meeting other plan requirements and that then any such locations (and appropriate heights) should be identified on maps included in the development plan. The third section of Part B states that tall buildings should only be developed in locations identified as suitable in development plans. Part a of Barnet’s Policy CDH04 identifies locations across Barnet that may be appropriate for tall buildings. Tall building locations are identified on the Policies Map. Having defined what is considered to be a tall building, Policy CDH04 in part b) then defines, as a subset of tall buildings, very tall buildings of 15 storeys or more and part c) of the policy (as proposed to be amended by MM164 & MM165) commits the Council to producing a SPD setting out design guidance for tall and very tall buildings within the identified locations.

Policy CDH04(d) also makes clear that all proposals for tall or very tall buildings (therefore irrespective of their location), need to be assessed in accordance with the impacts outlined in London Plan Policy D9 Part C as well as other relevant Local Plan policies. This also accords with the decision of the Court in *Hillingdon*.

Having reflected on the wording of Policy D9 in the London Plan, the Council does not consider it necessary to reconsider its policy approach to tall buildings in order to comply with Policy D9 as interpreted in *Hillingdon*. However, arising from the discussions at the EIP hearing session, there are a number of further proposed modifications to the content and wording of both policy CDH04 and supporting text as well as designations on the Policies Map that the Council invites the Inspectors to consider recommending. These additional modifications are set out and explained within this Note.

In respect of MM161 outlined in EXAM 4, having regard to the discussion at the EIP, the Council accepts that this proposed modification providing details of local Barnet context in terms of the appropriateness for the location of tall buildings constitutes more supporting text than policy. Therefore, it is proposed that this sentence be included at the start of para 6.18.1 rather than forming a new sentence at the start of policy CDH04.

Further to this the Local Plan Policies Map will include the Tall Building locations, and the Changes to the Policies Map will be made available for comment as part of the Main Modifications consultation.

3. Representors have specifically highlighted 2 recently adopted Local Plans in London (Lambeth and Brent). Council to review the approaches to tall buildings outside supported locations in those plans.

The Council's approach to tall buildings outside the strategic locations outlined in Policy CDH04 is largely consistent with the approaches of LB Brent and LB Lambeth as set out in their recently adopted Local Plans. The similarity of approach is set out below.

The London Plan (D9) also states that Borough's should determine if there are locations where tall buildings may be appropriate and should then only be developed in locations identified as suitable in Development Plans. Barnet's historical and suburban character is generally not considered suitable for tall buildings outside the strategic locations outlined in Policy CDH04. In areas/town centres where tall buildings already exist, there may be sites appropriate to introduce further tall buildings. However, evidence will be required to demonstrate if such a development integrates well within the locality, if it has an appropriate siting within the area and complies with the contents of other Local Plan policies and the Plan itself when read as a whole. The presence of tall buildings in an area is not meant to set a precedent as each proposal should be considered in terms of its compliance with policy and cumulative impacts of development.

Therefore, development proposals for tall buildings that come forward outside the strategic locations identified in CDH04 should provide a clear justification and demonstrate appropriateness in terms of following a design-led approach that will consider siting, scale, height and form, together with visual, functional, environmental and cumulative impact in accordance with the London Plan policy D9. Further clarification is also provided under points 18 and 20 of this Note.

4. MM153, MM162 – Further clarification may be merited about why references to Opportunity Areas to be removed.

Within the Council's Proposed Modifications (EXAM 4) MM03 and MM04 clarify the relationship between the Opportunity Areas of Brent Cross Cricklewood and Colindale with the Growth Areas of Brent Cross, Brent Cross West (Staples Corner) and Cricklewood Town Centre. MM05 explains that the boundaries of the New Southgate Opportunity Area have not yet been agreed.

Further clarification on the mapping of the Opportunity Areas is set out in EXAM 27.

With specific regards to the Brent Cross Opportunity Area the Council refers back to the 2012 Local Plan (Core_Gen_14) which sets out the strategic intentions of both the Mayor of London and the Council for the Opportunity Area. A Development Framework for the Opportunity Area was adopted in 2005 following collaboration with the Mayor and the Greater London Authority, landowners and developers. This has helped to guide and inform the design and delivery of

the development with the aim of achieving high quality comprehensive redevelopment of the area around a new sustainable mixed use town centre spanning the North Circular Road.

These ambitions for the comprehensive regeneration of Brent Cross are reflected in the draft Local Plan and supported by the Mayor of London.

The Council has set out a number of proposed modifications in EXAM 4 (in particular MM20 and MM22) to remove ambiguity between the terminology of Opportunity Areas and Growth Areas. The Council's intention in making modifications has been to provide more certainty regarding the strategic locations within the wider defined Opportunity Areas where growth is particularly encouraged, and therefore where tall buildings may be appropriate. These modifications were proposed in response to representations at Reg 19 stage from a number of stakeholders including LB Brent and Brent Cross South Ltd Partnership about the terminology around Brent Cross Growth Area and Opportunity Area being confusing. The Mayor has raised no concerns about the terminology used and the Council considers that ambiguity about Opportunity Areas and Growth Areas has been resolved.

5. Evidence required to support approach of MM162 with regards to Major Thoroughfares, North Finchley and Finchley Central

The 2020 Tall Buildings Update (EB_DH_04) provides an update to the 2010 Tall Buildings Study 2010 (EXAM 45), and sets out a contextual and spatial analysis of the A5 and A1000 corridor (Major Thoroughfares) including North Finchley and Finchley Central Town Centre. Modifications were proposed through EXAM4 in order to clarify locations (through site proposals) along the A5 and A1000 Major Thoroughfares where tall buildings may be appropriate. The Council proposes to specifically reference those proposals sites in North Finchley, Finchley Central Town Central and along the A5 and A1000 Major Thoroughfares. These are highlighted in Appendix 1/Table A.

Detailed urban design analysis and evidence will be required for tall buildings to establish if they are appropriate in principle and meet all of the policy tests. Development proposals for tall buildings that come forward in these areas should provide a clear justification and demonstrate appropriateness in terms of following a design-led approach that will consider siting, scale, height and form, together with visual, functional, environmental and cumulative impact in accordance with the London Plan policy D9.

6. Clarification required on 16 site proposals in Annex 1 that cross-refer to CDH04 but are not within areas supported by CDH04, e.g. East Finchley, High Barnet, and A406.

There are 38 proposals sites where a reference to Policy CDH04 is made. The Council acknowledges that reference to CDH04 may be interpreted as the proposal having potential as a location for a tall building. However, the Council's intention was to highlight the unsuitability of the proposal site, by virtue of it being within the category of a Major Thoroughfare ie A1000 and A5, that has been identified as a strategic location for tall buildings. The A1000 is along a well-defined ridge and therefore tall buildings are likely to be highly visible due to the elevated topography, with significant impact on the skyline. The town centres of East Finchley and High Barnet whilst being located on a Major Thoroughfare (ie the A1000) are not considered suitable locations for tall buildings.

Although the A406 is a Major Thoroughfare it is not a tall buildings location.

The Council has reviewed all proposals with a cross-reference to CDH04. This review highlights those proposals that are identified in CDH04 Tall Building Locations as set out in Table A. Further clarification on the Council's intentions is set out at Point 7.

There are 14 (rather than 16 as Proposal Site 53 – Allum Way and Proposal Site 54 – Barnet House are on a Major Thoroughfare) proposals where, although the site is not specifically identified to be in a Tall Building Location (i.e. by virtue of it being on a Major Thoroughfare), it is expressly stated within the site requirements and development guidelines section that the site is not considered to be one appropriate for tall buildings. The Council acknowledges that the proposed wording promoted by MM162 stating that “sites where tall buildings may be appropriate have been identified in Annex 1 – Schedule of Proposals” Requires further clarification. The Council proposes to modify MM162, so as to read:

~~Sites where Tall Buildings may be appropriate have been identified in Annex 1 – Schedule of Proposals – also includes a number of sites within the Town Centres of Finchley Central and North Finchley (Policy GSS08) and the Major Thoroughfares – Edgware Road (A5) and Great North Road (A1000) (Policy GSS11).~~ The details provided in the site requirements and development guidelines indicate that these sites may be appropriate for tall buildings.

7. Clarify Council's intention for those 16 sites and evidence to support that approach

The Council refers to Appendix 1/Table A which highlights all sites where reference is made to Policy CDH04. These 14 sites are not in Tall Building Locations so therefore it is inappropriate to make specific reference to CDH04 as these sites will be considered in the same way as any other proposal site that makes no specific reference to CDH04. The Council intends to remove these references through a further proposed modifications to the Schedule of Proposals.

8. Clarify implications for Matter 10 in terms of capacities and use of Density Matrix. Clarify influence of tall building locations on capacities in the Annex

The Council's response is covered in the Note on Matter 10 – Site Allocations (EXAM75) .

9. Review implications of MM162 for GSS08 and GSS11 to ensure no consequential impacts arise.

The Council's response is covered in the Note on Matter 10-Site Allocations (EXAM75).

10. Clarify what evidence exists in terms of analysis equivalent to that done for A5 and A1000 for other areas of the borough, including accessible locations identified in H1 of the London Plan and where there are existing tall buildings.

In line with London Plan Policy H1 that expresses particular support for developments that optimise the potential for housing delivery on sites with PTAL 3-6, and in addition to Policy D3 that supports higher density development in well-connected locations, the Council has

considered the areas that meet these criteria. These were previously referred to as the Council's main town centres Burnt Oak, Chipping Barnet, Cricklewood, Edgware, Finchley Central, Golders Green and North Finchley together with the Growth Areas of the Borough. In consideration of PTAL, topography, conservation areas, existing building heights and character, the analysis undertaken focused on the A5 Edgware Road, the A1000 and Ballards Lane. These historic routes have been the focus for continual renewal and intensification over time and include a spread of tall buildings. An important objective of the evidence was to inform the Local Plan in terms of identifying suitable areas for tall buildings and therefore promote a coordinated proactive approach to development rather than an ad-hoc reactive approach to individual planning applications as they come forward.

Other town centres such as New Barnet and East Finchley with PTAL levels 3-6 were also considered, however, according to the Barnet Characterisation Study, (EB_DH_01) their existing suburban context, the consistency of massing within the built form and the impact of heritage assets and conservation areas, it was concluded that these areas are not appropriate for tall building developments considering the potential impact on local townscape, skyline, heritage assets and character.

11. Clarify relationship between the Plan, the Tall Buildings Study Update and other evidence, and explain the justification for CDH04 differing from the evidence, including Tall Buildings Study Update outputs such as storey heights, especially pages 30, 31 and 39.

The evidence has led to determination of appropriate locations for tall buildings. However, the building heights shown on the graphs are indicative to inform policy, which also considered London Plan policies H1, D3 and D9. They also highlight the importance of the townscape analysis and the variation in building heights which is a key parameter to avoid a continuous wall-like corridor and merging clusters. Regardless of the indicative heights, proposals would still need to be assessed on their own merits and meet all of the policy tests, as clearly specified on the Tall Buildings Study Update (page 30). Building heights should be consistent with the general existing building heights, which is indicated by the ranges shown on page 31 of the Tall Buildings Study Update. Additionally, it is important to note that height is only one element of considering acceptability and suitable design to fit within the site/area. All proposals for tall buildings should be accompanied by a detailed urban design assessment including analysis of the townscape impact assessment.

12. Helpful for the Note to include reasoning for excluding broad areas including those identified by representors, e.g. Mill Hill, Hendon Station, North London Business Park, Whetstone and other town centres

Although additional areas have been proposed by representors as being suitable for tall buildings, the design-led Tall Buildings Study has identified the areas that are considered appropriate by applying each of the criteria to assess suitability. The approach taken considered the existing context and capacity for growth, including planning and existing infrastructure. It has also been highlighted that intensified development is not always achieved most effectively through tall buildings, which is underpinned by a high-quality design-led approach establishing parameters for suitable scale and height across the Borough. It is considered that the Study has taken a robust approach to provide analysis on

siting, scale, height and form, together with visual, functional, environmental and cumulative impact in accordance with the London Plan policy D9.

The Council refers to its response at Point 10 with regards to selection of locations. In terms of the excluded areas:

The surrounding area of the North London Business Park is suburban in character, comprising predominantly two storey semi-detached and terraced housing. The site is remote from the nearest station, Arnos Grove which is located 2km to the south. The PTAL of the site ranges from a very poor 1b to a low 2. Tall buildings would not be in keeping with the suburban character of the area.

Similarly, the overall pattern of development in Mill Hill East and around Hendon Station is low to mid rise.

With regards to Whetstone Town Centre the Council refers to its Site Allocations Note (EXAM75) with reference to Site 53 Allum Way. The Note considers that with regards to topography there is potential on this large 4.27 ha site for increased height, including tall buildings close to the existing tall building Northway House.

13. Study doesn't provide definitive evidence on suitability of tall building development. It flags further work on visual impact. Clarify if this is to be done through individual proposals.

The methodology adopted for the Study is consistent with the approach suggested by the London Plan in supporting a design-led approach to the identification of the areas that are appropriate for tall buildings. Given the borough-wide nature of the Study, exact site locations for new tall buildings were not identified as it is considered that this should be done through the individual assessment of proposals. The evidence does not give presumption in favour of tall building development, but rather sets out which areas are considered suitable for buildings within a specific heights range. The acceptability of individual proposals will be dependent of wider assessment of policy and site-specific consideration of visual impact.

The heights shown on the graphs in the Study is for indicative purposes as careful siting, design and massing informed by detailed site-specific analysis and visual impact assessment may show that greater heights could be achieved without harm. This is in line with Part C of London Plan Policy D9 which states that the appropriateness of a location for a tall building will be assessed against visual, functional, environmental and cumulative impacts.

14. Clarify if evidence is sufficient to maintain restrictive approach in CDH04(a), particularly where criteria in D9(c) are met?

The Council does not consider that the Tall Buildings Policy CDH04 promotes an overly restrictive approach. Part a of the policy sets out the locations where tall buildings may be appropriate. In steering tall buildings to these locations, the policy serves to help direct growth and development; providing certainty for developers with regards to the locations within the Borough that may be considered appropriate for tall buildings, as well as according with the

expectations of development plans as set out in part B of London Plan Policy D9. The Council also highlights the use of the word “may” in part a of the policy – meaning therefore that the locations listed here are not automatically considered as being appropriate locations for tall buildings, nor is the possibility precluded of a tall building being allowed elsewhere provided that the criteria in London Plan Policy D9 part c are met.

15. Clarify role of Characterisation Study from 2010 in supporting Council’s approach to Tall Buildings and whether it remains relevant and accurate.

The Characterisation Study (EB_DH_01) was the starting point in providing underpinning evidence to the Council’s approach to Tall Buildings and a helpful guide to identify the potential areas/corridors for tall building developments. The Study explains that Barnet is predominantly suburban in character and that the Borough is under increasing development pressure with a risk that this special suburban character could be undermined by inappropriate development.

Although the Study is over 10 years old, most of the character areas have not changed much over the years so the Study remains relevant. The Council have updated the evidence by producing the 2019 Tall Buildings Update, to ensure that the Local Plan policy reflects any wider legislative impacts as well as updates within evidence including the Characterisation Study. In respect of character and appearance, section D11 of London Plan Policy D3 confirms that development should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

16. Clarify why New Southgate Opportunity Area (NSOA) identified in CDH04 is not specifically covered in Tall Buildings Study Update.

The Council acknowledges the absence of a strategic policy and a planning framework for this new London Plan Opportunity Area. The Council has signalled its intention at EXAM 18 that it will bring forward an early review of the Local Plan. This will be set out at Section 1.7 of the Local Plan. The Council will, as part of the review, progress a joint planning framework with the GLA, LB Enfield and LB Haringey that will further assess the development potential of the Opportunity Area. The Council will also work together to generate a joint business case for future orbital public transport investment. As part of joint working the Council will expect to commission evidence on the potential for tall buildings in this geographic area.

17. Clarify within CDH04 rather than through a footnote the appropriateness of NSOA as a location for tall buildings. How should proposals in NSOA be considered in advance of a joint area planning framework?

As set out in EXAM 27 the Council does not consider that the London Plan through Figure 2.6 defines the boundaries of the Opportunity Area. Proposed Modification MM05 highlights that the boundaries of the Opportunity Area have not yet been defined and will be initially established through a planning framework produced jointly between the Council, LB Enfield

and LB Haringey with the GLA. The Council considers that following this initial establishment a future Local Plan will define the boundaries of the Opportunity Area.

The Council's approach is that tall and very tall buildings in the NSOA will not be supported, (as caveated through Footnote 27), prior to production of joint area planning framework with LB Enfield, LB Haringey and Mayor of London. The Council intends to progress the joint area planning framework for NSOA as part of the review of the Local Plan. On the basis of this anticipated framework (and the evidence, including evidence on the potential for tall buildings that informs it), the appropriateness of New Southgate as a strategic location for tall buildings can be more firmly established. The Council therefore proposes that reference to New Southgate Opportunity Area be removed from Policy CDH04 and new supporting text added at 6.18.5A to clarify that, although the strategic objective to fully realise regeneration opportunities is to require all stakeholders to work together to unlock sites and drive the right sort of development. Proposals that come forward in advance of the Opportunity Area Framework will be considered in accordance with Policy GSS01 and London Plan Policy SD1 Opportunity Areas. Policy SD1 sets out 11 specific considerations for decision making by Boroughs in areas designated as Opportunity Areas.

Proposed Modification for CDH04a)

- ~~New Southgate Opportunity Area²⁷ (Policy GSS09);~~

~~Footnote 27— Subject to production of joint area planning framework with LB Enfield, LB Haringey and Mayor of London~~

6.18.5

~~Within the New Southgate Opportunity Area the Council will consider bringing forward a joint area planning framework with LB Enfield and LB Haringey. Consideration of the parameters for tall buildings in New Southgate will be a key feature of the area planning framework. The Council has signalled its intention at Section 1.7 to facilitate the early review of the Local Plan through formal publication of a new Local Development Scheme. As part of that review a strategic policy and joint area planning framework with LB Enfield and LB Haringey for the New Southgate Opportunity Area will be established. On the basis of this strategic policy parameters will be set for the consideration of tall buildings in the Opportunity Area.~~

18. Explain the purpose of MM149 and 169 in terms of tall buildings not being a preferred model. Need to clarify what is the Council's preferred method of delivery. If those statements are justified, should they be done in a more positively phrased manner and potentially be supporting text?

Tall buildings will be supported in the locations identified as appropriate if they meet the criteria for tall buildings. Outside these locations, given Barnet's suburban and historical character, it will be difficult for tall buildings to integrate successfully into the surroundings and positively respond to the local distinctiveness through their layout, scale, appearance and shape without eroding the existing character. It is more appropriate to say that tall buildings are not the only way to deliver higher-density, new homes as is noted in paragraph 3.9.1 of the London Plan. Here it is outlined that whilst high density does not need to imply high rise, tall buildings can form part of a plan-led approach to facilitating regeneration

opportunities and managing future growth, which is the approach that the Council have taken in terms of identifying the most appropriate areas in this context. There may be opportunities that windfall sites or other development opportunities come forward in locations that have not been anticipated through the plan-led process and, if policy compliant, could be built out in an area outside those identified in the Local Plan.

policy D9C and the Council has clarified with MM165, and further modifications as proposed in this Note, that its approach to proposals for tall buildings is fully consistent with Policy D9. Similarly, the Very Tall Building having a legible and coherent role, integrating effectively to its location is a key consideration addressed by London Plan policy D9C.

In order to improve the effectiveness of Policy CDH04 the Council proposes to withdraw MM163 and replace it with the following proposed modification

b) ~~Very Tall Buildings of 15 storeys or more (Very Tall) will not be permitted unless exceptional circumstances can be demonstrated, such as appropriate siting within an Opportunity Area or a Growth Area. Very Tall Buildings are not acceptable outside New Southgate Opportunity Area or a Growth Area identified as a strategic location in CDH04A. Very Tall Buildings are not acceptable outside an Opportunity Area or Growth Area identified as a strategic location in CDH04A. Any proposal for a Very Tall Building must have a legible and coherent role, integrating effectively to its location in compliance with part D.~~

20. Change to para 6.18.5 to reflect MM165 required to remove reference to SPD setting out parameters. Needs more emphasis on how SPD would provide guidance, not set out parameters. Potential for more detail to be given to decision-makers on tall buildings outside the locations in CDH04(a).

MM165 provided clarification within the policy (CDH04dc)) on the role of the Designing for Density SPD in terms of setting out guidance rather than parameters and therefore not intended to be prescriptive. The amendments below show the proposed changes already made in MM151 to paragraph 6.18.5 , with additional amendments to reflect MM165 and include consideration within the SPD of proposals for tall buildings outside the areas identified in the Local Plan. Paragraph 6.18.5 to read as follows:

Barnet's Tall Buildings Study Update informs Barnet's Local Plan, providing detailed contextual and spatial analysis to establish a design-led approach to future development of Tall Buildings in the Borough. The Study Update ~~investigates~~ investigates where this form of development may be appropriately sited ~~the potential opportunity for development of tall buildings,~~ and considers ~~ing~~ existing and approved development to help identify and establish the suitable locations and heights outlined in Policy CDH04. ~~these areas.~~ The Update ~~provides the basis for identifying strategic locations where proposals for tall buildings may be appropriate.~~ These locations include ~~Opportunity Growth Areas such as Brent Cross, -Cricklewood Brent Cross West (Staples Corner) and Colindale as well as town centres such as Cricklewood and Edgware.~~ Opportunity Growth Areas such as Brent Cross, -Cricklewood Brent Cross West (Staples Corner) and Colindale as well as town centres such as Cricklewood and Edgware. The Update also highlighted the long established association of the A5 and A1000 major thoroughfares which have a long established association with buildings of 8 storeys or more. The Update provides a contextual and spatial analysis of the A5 and A1000 corridors as well as Finchley Central Town Centre covering all ~~(with the exception of New Southgate Opportunity Area)~~ the identified strategic locations. It therefore helps ~~and~~ set the basis for a design led approach to provide guidance on covering parameters, scale, and height and key design considerations that will be established through a Supplementary Planning Document on Building Heights Designing for Density. The SPD will provide guidance on providing a well-

considered response to achieving higher density development that takes account of best practice, providing suitable examples and guidance to optimise land use and development capacity. The SPD will further articulate and visualise the implementation of Policy CDH04 and will distinguish between the character and context of each of the identified 'appropriate' locations to provide greater certainty around heights in sensitive townscapes such as Finchley Central, and North Finchley and along the Major Thoroughfares. Any applications that may come forward in locations that have not been anticipated within the Local Plan, will need to have strong justification of compliance with the London Plan and Policy CDH04 to help determine the appropriateness of tall buildings at a site specific level. Within the New Southgate Opportunity Area the Council will consider bringing forward a joint area planning framework with LB Enfield and LB Haringey. Consideration of the parameters for tall buildings in New Southgate will be a key feature of the area planning framework.

Additionally, to ensure consistency in terms of supporting text and to reiterate that the SPD will provide further guidance the following update to part c) of the policy is proposed.

c) The Council will produce ~~SPD on Building Heights~~ the Designing for Density SPD which will set out, within the identified strategic locations, ~~the parameters for tall and very tall buildings~~ guidance on how the Council will assess the appropriateness of Tall Building proposals. This will provide further guidance on address the impacts detailed in London Plan Policy D9C, setting out good practice design guidance on site-specific and character considerations including typologies related uses, views, form, public realm, safety, amenity and microclimates.

21. Consider merits of cross-reference to CDH08 instead of heritage requirements at CDH04(e)(iii) and reference to Historic England guidance.

The Council acknowledges the merits in making a cross-reference to CDH08 as proposed, which is outlined below at 22.

22. Clarify CDH04(d) (as updated in MM167) differences with London Plan D9 and highlight these more clearly in policy.

In order to demonstrate consistency with London Plan policy D9, each part of CDH04 has been considered in turn and suggested modifications outlined below. Part i. and ii. address D9 1) visual impacts part a) as two separate criterion. The Policy states that proposals will be assessed in accordance with Policy D9, with reference to visual, functional, environmental and cumulative impacts. The criteria listed sets out elements that should be given particular attention, which has a focus on visual impacts, as well as wider impacts of design, siting and topography, which is an important consideration in the Borough that could have significant impact on longer range views. The functional and environmental impacts as outlined in London Plan Policy D9, have been considered to be covered in other Local Plan policies such as CDH01-03 and ECC01-2. To help clarify this Policy CDH04 will be subject to a further modification to cross-reference to other policies within the Barnet Local Plan.

Part iii. of the Local Plan policy aligns to part d) of D9 to consider heritage assets and more generally the character of the area. Additionally, the Policy refers to Historic England guidance

on tall buildings, which is not part of the criteria but could be added, together with the text on architectural quality and townscape to reflect parts c) and b) of London Plan Policy D9. Paragraph 6.18.8 refers to the need for proposals to 'reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding. Varying heights, proportion, silhouette and facing materials at the design stage will help assess how to lessen any negative impacts including light pollution, reflected glare.' On reflection, this should be included within the policy to help ensure compliance with the London Plan.

In light of the Mayor's statement on fire safety¹ that took immediate effect following release in January 2023, it is also proposed that the Policy reflects the requirement for all residential buildings over 30 metres to have two staircases before they are referred to Stage 2 for the Mayor's final decision.

Part d) (as updated in MM167) of the policy should therefore be modified as follows:

~~e)-d) Proposals for Tall and Very Buildings must adequately address the criteria in London Plan policy D9C in terms of acceptable cumulative visual, environmental and functional impacts including siting, microclimate, wind turbulence, noise, daylight and sunlight, reflective glare, aviation, navigation and electronic communication or broadcast interference; set out in London Plan Policy D9 — Tall Buildings. Particular attention will be given to assessing the following:~~

- ~~i. how the building relates to its surroundings, both in terms of how the top affects the skyline and how its base fits in with the streetscape, and integrates within the existing urban fabric, contributing to pedestrian permeability and providing an active street frontage where appropriate,~~
- ~~ii. how the building responds to topography, with no adverse impact on longer range Locally Important Views (as shown in Map 4), as well as mid-range and intermediate views~~
- ~~iii. the buildings contribution to the character of the area. Proposals should take account of, and avoid harm to, the significance of Barnet's and neighbouring boroughs heritage assets and their settings.~~
- ~~iv. the relationship between the building and the surrounding public realm, ensuring that the potential microclimatic impact does not adversely affect levels of comfort, including wind, daylight, temperature and pollution~~
- ~~v. the relationship between the building and the natural environment, including public open spaces and river corridors. Taller elements should be set back from any rivers and water courses and designed so as not to cause harm to the wildlife, including directing artificial light away from the river corridor.~~
- ~~vi. buildings should not interfere with digital connectivity in compliance with Policy TRC04 nor have a possible negative impact on solar energy generation on adjoining buildings~~

Proposals for tall and very tall buildings will need to provide evidence of how they have complied with the criteria in this policy ~~as well as the~~ and London Plan Policy D9, as

¹ <https://www.london.gov.uk/programmes-strategies/planning/planning-applications-and-decisions/referral-process-lpas#statement-regarding-fire-safety-and-tall-buildings-title>

~~well as related policies (In particular CDH01, CDH08, ECC01, ECC02 and TRC04) contained within the Local Plan, and Historic England guidance on tall buildings. Proposals for redevelopment or refurbishment of existing tall buildings will be required to make a positive contribution to the townscape. Proposals should be of an exemplary standard in architectural quality and materials to ensure the appearance and architectural integrity of the building is maintained. Planning applications that involve residential buildings over 30 metres in height will need to provide two staircases to meet Building Regulations standards on Fire Safety.~~

23. Clarify “possible negative impact” on solar energy generation and is it appropriate to only consider adjoining buildings, or should wider impacts be included too? Re-check London Plan D9.

Policy D9 of the London Plan considers the functional impact on tall buildings, which refers, within part f), to avoidance of ‘significant detrimental effect on solar energy generation on adjoining buildings’. The Council has proposed further modifications as set out above to remove any ambiguity about compliance with the London Plan. The policy has been amended as outlined above, therefore removing this as a specific part of the policy.

24. Para 6.18.12 views from the top of the tall building and intermediate views. Are modifications needed to change this to immediate / “top of”?

Paragraph 6.18.12 should be modified to clarify how visual impact is addressed, ensuring that text is consistent with London Plan policy D9 part C1(a).

‘The Council requires that visual impact is addressed in terms of long range views ~~from~~ of the top of the building, mid-range views from the surrounding neighbourhood and intermediate views from the surrounding streets.’

25. Explain difference in approach between the Plan and Tall Buildings Update in terms of uses of corridors vs cones for Map 4.

The Council considers that cones are more representative of Locally Important Views than viewing corridors and that the Policies Map is the right platform on which to show them.

The Council refers to its Statement of Common Ground with LB Brent (EB_SoCG_01) which clarified that LB Barnet will show unverified cones rather than straight lines (as set out in Map 4 of the Reg 19 Local Plan) to represent the 4 Locally Important Views. The Council originally agreed that this would be best represented by a modification to Map 4. After further reflection the Council now considers that these Views can be more appropriately set out on the Policies Map. Such a depiction of views is also consistent with the approach taken by LB Brent in their Local Plan policies map. The Council proposes to remove Map 4 – see 27 below.

The new Local Plan Policies Map will include the Locally Important Views as depicted on Map 4 within the Local Plan. The Changes to the Policies Map will be made available for comment as part of the Main Modifications consultation.

26. Correct Map 4 discrepancies e.g. potentially exclude Mill Hill and include accurate boundaries of Growth Areas, Burnt Oak, Edgware, New Southgate Opp Area.

The Council proposes to remove Map 4 – see 27 below.

27. Make clear whether Map 4 or policy is definitive regarding potentially acceptable locations for tall buildings.

Policy CDH04 has proved to be one of the most contentious policies in the emerging Barnet Local Plan. It is therefore important for the policy and supporting text to be clear and unambiguous. The Council has reflected on the indicative value of Map 4 and considers that it is open to misinterpretation with regards to tall building locations and viewing corridors. The Policies Map is the best platform to provide more definition on tall building locations and viewing corridors. This is similar to the approach adopted by LB Brent in their local plan. The Council through a further proposed modification will make this cross-reference to the Policies Map in the supporting text for CDH04..

The Council has also considered that there are merits in clearly setting out within Policy CDH04 the site proposals along the Major Thoroughfares of the A5 and A1000, as well as those within the town centres of North Finchley and Finchley Central where tall buildings may be appropriate.

The Council considers that Map 4, by virtue of its scale cannot be definitive with regards to strategic locations for tall buildings as well as the 4 viewing corridors. The information provided in Map 4 with regards to Conservation Areas, Green Belt and existing tall buildings is already set out in 2020 Tall Buildings Update (EB_DH_04).

The Council proposes to delete Map 4 and remove the reference to Map 4 from para 6.18.12 and replace it with reference to the 4 locally important views which will be depicted on the Policies Map.

Proposed Modification to para 6.18.12

The Council requires that visual impact is addressed in terms of long-range views of the top of the building, mid-range views from the surrounding neighbourhood and intermediate views from the surrounding streets. The Council has identified 4 long established important local views within the Borough. These are: 1. from Mill Field towards Harrow-on-the-Hill; 2. from Golders Hill Park towards Harrow-on-the-Hill; 3. from Hampstead Heath Extension towards Hampstead Garden Suburb; and 4. from King George Fields, Hadley Green across Central London including Canary Wharf. ~~Map 4 shows locally important views, conservation areas in the Borough, Green Belt / MOL and the location of existing tall buildings together with the strategic locations (including Opportunity Areas) identified for tall buildings. The Council will seek to ensure that development is compatible with such views in terms of setting, scale and massing.~~ Proposals for buildings of height that the Council considers cause harm to these views will be resisted.

The Council also proposes to replace CDH04 (e ii) as follows:

(as shown in ~~Map 4~~ on the Policies Map)

The new Local Plan Policies Map will include Tall Building locations as discussed above. The Changes to the Policies Map will be made available for comment as part of the Main Modifications consultation.

28. Para 6.18.3 should it be changed to reflect D9 and “addressing”, rather than complying with.

The Council seek to endorse the approach outlined in the London Plan with regard to determining which locations within the Borough are most suitable for tall buildings. The supporting text in the Local Plan could reflect some of the key benefits of higher density development, which does not need to imply high right (as stated in para 3.9.1). It is also important to recognise the constraints that need to be considered when determining suitable locations and aspects of design when proposals come forward to help understand the impacts of development. It is therefore proposed that the following changes are made to paragraph 6.18.3. This includes MM150.

~~While tall buildings offer the opportunity for intensive use, their~~ The siting and design of tall buildings should be carefully considered ~~so not to detract from the nature of surrounding places and the quality of life for those living and working around them to make optimal use of the capacity of sites, which are well-connected by public transport and have good access to services and amenities.~~ A design-led approach is essential to determine the most appropriate form of development that responds to existing context and capacity for growth, with due consideration to existing and planned supporting infrastructure. Tall buildings of a high quality design, in the right location can make a positive contribution to the townscape; however they can also have detrimental visual, functional and environmental impacts. Due to their potential impact, development proposals that include tall buildings ~~will need to~~ must demonstrate compliance with address all relevant parts of Policy CDH04 as well as the requirements listed in the London Plan (Tall Buildings policy D9) which ~~emphasises that~~ outlines the issues that proposals for tall buildings should address to minimise the visual, functional and environmental impacts of such structures. Proposals are therefore as a minimum required to address site specific and character considerations including typologies related to proposed uses, views, form, public realm, safety, amenity and microclimate. Regard should also be made to Historic England’s guidance on tall buildings. Proposals for tall buildings of more than 30 metres in height (equivalent to 9 storeys) will be referred to the Mayor of London}.

Conclusion

The Council invites the Inspectors to consider and recommend that the Council makes the additional further modifications set out in this paper recognising that those considered to be Main Modifications will need to be formally consulted upon following the examination hearing sessions. The new Local Plan Policies Map will include the Locally Important Views and Tall Building locations and will be made available for comment through an update to the Changes to the Policies Map document as part of the Main Modifications consultation.

TABLE A

Proposal Sites in Annex 1 with reference to Policy CDH04				
Site Number	Location	Designation	Tall Building Location	
2	North London Business Park		NO	
5	Edgware Hospital	(Major Thoroughfare)	YES	
6	Watling Avenue car park & market	(Burnt Oak Town Centre)	NO	
7	Beacon Bingo	(Cricklewood Growth Area)	YES	
8	Broadway Retail Park	(Cricklewood Growth Area)	YES	
9	Colindeep Lane (adjacent to Northern Line)	(Colindale Growth Area)	YES	
10	Douglas Bader Park Estate	(Estate Regeneration and Infill)	YES	
11	KFC/ Burger King Restaurant	(Colindale Growth Area)	YES	(Colindale Growth Area) To be added as a proposed modification.
12	McDonald's Restaurant	(Colindale Growth Area)	YES	(Colindale Growth Area) To be added as a proposed modification.
13	Public Health England	(Colindale Growth Area)	YES	(Colindale Growth Area) To be added as a proposed modification.
14	Sainsburys The Hyde	(Major Thoroughfare)	YES	
15	Tesco Coppetts Centre	(Major Thoroughfares)	YES	
16	45-69 East Barnet Rd	(New Barnet town centre)	NO	
20	Fayer's Building Yard & Church	(New Barnet Town Centre)	NO	
22	Sainsburys	(New Barnet Town Centre)	NO	
24	East Finchley station car park	(East Finchley Town Centre)	NO	
25	East Finchley substation	(East Finchley Town Centre)	NO	
26	Park House	(East Finchley Town Centre)	NO	

27	Edgware Town Centre	(Edgware Growth Area)	YES	
28	Edgware Underground & Bus Stations	(Edgware Growth Area)	YES	
30	Finchley Central Station	(Finchley Central/ Church End Town Centre)	YES	
31	Brentmead Place	(Major Thoroughfare)	NO	
44	High Barnet Station	(Chipping Barnet Town Centre)	NO	
50	Watford Way & Bunns Lane	(Major Thoroughfare)	NO	
52	Kingmaker House	(New Barnet Town Centre)	NO	
53	Allum Way	(Whetstone Town Centre)	YES	
54	Barnet House	(Whetstone Town Centre)	YES	
55	Woodside Park Station East	(Existing Transport Infrastructure)	NO	
56	Woodside Park Station West	(Existing Transport Infrastructure)	NO	
57	309-319 Ballards Lane	(North Finchley Town Centre)	YES	
58	811 High Rd & Lodge Lane car park	(North Finchley Town Centre)	YES	
59	Central House	(Finchley Central Town Centre)	YES	
60	Finchley House (key site 3)	(North Finchley Town Centre)	YES	
61	Tally Ho Triangle (key site 1)	(North Finchley Town Centre)	YES	
62	Tesco Finchley	(Finchley Central Town Centre)	YES	
63	Philex House	(Major Thoroughfare)	YES	

64	744-776 High Rd	(North Finchley Town Centre)	YES	
66	East Wing (key site 4)	(North Finchley Town Centre)	YES	
67	Great North Leisure Park	(Major Thoroughfare)	YES	To be added as a proposed modification.