

**Appendix 1 – Assessment of the Appeal Scheme against the adopted development plan policies listed in RfR1**

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1.1 In the order that they are listed in the Reason for Refusal:

### London Plan (2021)

#### POLICY D3 - (OPTIMISING SITE CAPACITY THROUGH THE DESIGN-LED APPROACH)

Table 1 – Policy D3 (Optimising Site Capacity Through the Design-Led Approach)	
Policy D3	Proposal's Compliance
<p>All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part D.</p>	<p>The Appeal Scheme has followed a design-led approach, with the careful consideration given to the layout, scale and massing of development across the site, responding to site context and levels.</p>
<p>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. This could also include expanding Opportunity Area boundaries where appropriate.</p>	<p>The Appeal Scheme is located in a sustainable, brownfield location in the London Borough of Barnet. It is common ground that there is no issue regarding the density of the development.</p>
<p>Form and Layout</p>	

<p>1. Local context should be enhanced by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions</p>	<p>The site is located in a suburban location. The Appeal Scheme has been sensitively laid out such that the proposed buildings enhance the character of the site through its building type, form and proportion.</p>
<p>2. Active travel should be encouraged and facilitated with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking, and legible entrances to buildings, that are aligned with peoples' movement patterns and desire lines in the area</p>	<p>The design of the scheme has been centred around being pedestrian and cyclist led. The non-residential uses will create a hub within the masterplan and deliver those services and amenities necessary to create a highly active site at all times.</p>
<p>3. They should be street based with clearly defined public and private environments</p>	<p>This has been considered and provided, as part of the comprehensive landscaping strategy.</p>
<p>4. Efficient servicing and maintenance of buildings and the public realm should be facilitated, as well as deliveries, minimising negative impacts on the environment, public realm and vulnerable road users</p>	<p>The Appellant will be retaining the freehold of the site which mean that they can control the management of the buildings to ensure that safety and quality is preserved for future residents.</p>
<p>5. Safe, secure and inclusive environments should be achieved</p>	<p>The scheme has been designed in line with these principles, and reviewed by the Metropolitan Police as statutory consultee in this regard. The Metropolitan Police Crime Prevention Design Advisor concluded that Secure by Design requirements are achievable in this scheme and requested a condition securing the achievement of Secure By Design accreditation prior to occupation of each phase which the Appellant agrees to.</p> <p>The comprehensive masterplan transforms the site into a convenient, safe and welcoming space that facilitates social interaction and inclusion in line with this policy. As stated in the officers report, the proposals establish an inclusive design, providing an environment which is accessible to all.</p>

<p>6. Active frontages should be provided, and positive reciprocal relationships between what happens inside the buildings and outside in the public realm, to generate liveliness and interest</p>	<p>The ground floor of the blocks are carefully designed to ensure that they provide active frontage and natural surveillance of the street. This assessment is also reflected in the officers report.</p>
<p>7. Appropriate outlook, privacy and amenity should be delivered</p>	<p>The appeal scheme affords a good level of outlook and privacy to all units. In terms of residential amenity and living quality, the proposed units are well-designed and it has been demonstrated in submission documents that they will receive adequate light and will be appropriately ventilated, as well as shielded from any noise impacts.</p>
<p>8. Conveniently located green and open spaces should be provided for social interaction, play, relaxation and physical activity</p>	<p>Play space has been provided throughout the development, delivering a range of spaces. Areas for social interaction, play, relaxation and physical activity are provided.</p>
<p>9. They should help prevent or mitigate the impacts of noise and poor air quality</p>	<p>The technical reports submitted with the application demonstrate that any such impacts are appropriately mitigated, and these matters are not in contention.</p>
<p>10. Indoor and outdoor environments that are comfortable and inviting for people to use should be achieved</p>	<p>High quality private indoor and communal outdoor environments have been provided.</p>
<p>11. They 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</p>	<p>The site is located in a suburban location. The Appeal Scheme has been sensitively laid out such that the proposed buildings enhance the character of the site. The proposal would not result in any adverse demonstrable impact on heritage assets (or their setting) due to the distance and the limited visibility of the site in longer views.</p> <p>The high-quality of the scheme will result in a highly sustainable scheme.</p>

<p>12. They should be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well</p>	<p>The proposed architecture is of high quality, and the quality of the materiality can be secured via condition.</p>
<p>13. High sustainability standards should be aimed for (with reference to the policies within London Plan Chapters 8 and 9 – see paragraphs 3.43 to 3.53 of this statement) and take into account the principles of the circular economy</p>	<p>The proposal has high sustainability credentials as demonstrated by the submitted Energy Strategy which followed the energy hierarchy set out in the London Plan. The submitted Energy Statement was confirmed acceptable by both Council officers and the GLA.</p>
<p>14. Spaces and buildings should be provided that maximise opportunities for urban greening to create attractive and resilient plans that can also help the management of surface water</p>	<p>The proposal would achieve an above-policy-compliant Urban Greening Factor of 0.4, has a well-designed and considered landscaping strategy which maximises greening opportunities, as agreed with the relevant technical officers of the Council.</p>

1.2 With regard to Part E of Policy D3, the Appellant has made representations against the emerging site allocation in the draft Local Plan Review. A full analysis of my consideration to the draft site allocation is contained in my main Proof. The Inspector’s recommendations include ensuring the stated draft site capacity is not an indication of the maximum capacity. Therefore I consider the scheme complies with Part E.

1.3 In accordance with this policy, the proposed development represents the optimised capacity of the site which has been carefully thought out through a design-led approach.

#### POLICY D4 – (DELIVERING GOOD DESIGN)

1.4 In line with Policy D4, the design of the development proposals have been thoroughly scrutinised by LB Barnet planning, design and highways officers as well as having undergone an independent Design Review Panel. Amendments were made to the scheme prior to submission responding to these comments to ensure a high-quality designed proposal.

1.5 The proposed development represents a design-led scheme for residential led mixed use development . A design-led approach from the outset has resulted in the proposed high architectural design quality.

1.6 I consider that the proposed site optimisation has taken into consideration the surrounding context. As reflected in the officers report, the density of the proposed scheme follows a design based approach and is considered appropriate by officers and the GLA. I consider the proposed development represents an optimised high-quality design.

#### POLICY D9 - (TALL BUILDINGS)

- 1.7 This first paragraph of this policy explains that 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.
- 1.8 With regards to the location of tall buildings, this policy then goes onto to explain that:
- 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”*
- 1.9 However the Master Brewer Case set out tall building proposals in London do not necessarily have to be located within defined tall building zones in Local Plans and can be acceptable where they result in public benefit and are in accordance with the development plan as a whole. There is no wording which indicates that what is set out above are gateways, or pre-conditions, to the other parts of policy D9 which are considered further below.

Table 2 – Policy D9 (Tall Buildings)			
Policy D9			Justification
1) visual impacts	a) the views of buildings from different distances:	i) long-range views – these require attention to be paid to the design of the top of the building. It should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views	<p>A Townscape and Visual Impact Assessment (TVIA) was submitted with the application.</p> <p>The TVIA concludes that the proposed development would be visible in some longer views from the east and west as a result of the raised level of land in these areas. However it concludes that the scheme would clearly appear as part of a background layer of townscape and would provide visual interest through the variation in the heights of proposed buildings across the Site.</p> <p>The officers report explains that the proposed changes in scale would not significantly impact the townscape impact on the surrounding area.</p>
		ii) mid-range views from the surrounding neighbourhood – particular attention should be paid to the form and proportions of the	The TVIA notes that there would be limited visibility of the proposed development in shorter views from the streets of inter-war housing to the north, such as along Ashbourne Avenue and Weirdale Avenue. There would be greater visibility from the streets of largely post war housing immediately east of the site such as Howard Close,

		<p>building. It should make a positive contribution to the local townscape in terms of legibility, proportions and materiality</p>	<p>were gaps between existing buildings allow direct views towards the Site from some places.</p> <p>However generally speaking the visibility of the proposed development would be much less than shown within the illustrated views from these streets.</p> <p>In the views where the site is more visible, the proposed development would appear as a coherent, high quality scheme, and its scale would appear comfortable in relation to existing buildings. Retained and new trees would maintain and in some cases enhances the leafy quality of the Site in such views.</p>
		<p>iii) immediate views from the surrounding streets – attention should be paid to the base of the building. It should have a direct relationship with the street, maintaining the pedestrian scale, character and vitality of the street. Where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy</p>	<p>The TVIA notes that there would be limited visibility of the proposed development in shorter views from the streets of inter-war housing to the north, such as along Ashbourne Avenue and Weirdale Avenue. There would be greater visibility from the streets of largely post war housing immediately east of the site such as Howard Close, were gaps between existing buildings allow direct views towards the Site from some places.</p> <p>However generally speaking the visibility of the proposed development would be much less than shown within the illustrated views from these streets. In the views where the site is more visible, the proposed development would appear as a coherent, high quality scheme, and its scale would appear comfortable in relation to existing buildings. Retained and new trees would maintain and in some cases enhances the leafy quality of the Site in such views.</p>
	<p>b) whether part of a group or stand-alone, tall building should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding</p>	<p>The scheme would redevelop the site in a comprehensive manner, in line with an</p>	

		<p>ordered and logical masterplan. It would introduce a legible network of routes and spaces, including a new access point from the north which would enhance permeability, and it would enhance the sense of arrival at the other key entrance points to the Site. The TVIA concludes that the Site would be significantly better integrated with the local area around it as a result of the proposals.</p> <p>The officers report also notes that the proposed bulk, massing and scale of the development provides variation in character, visual interest, identity, place and wayfinding across the masterplan.</p>
	<p>c) architectural quality and materials should be of a exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan</p>	<p>The architecture of the buildings within Phase 1 would be relatively simple, and would have a calm, ordered appearance, whilst the predominant use of brick would relate well to many of the existing buildings in the area around the Site.</p> <p>This viewpoint is reflected in the officers report where it is explained that the proposals represents a <i>“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.”</i></p>
	<p>d) proposals should take account of, and avoid harm to, the significance of London’s heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area</p>	<p>As stated in the officers report, the proposal would not result in any adverse demonstrable impact on heritage assets (or their setting) due to the distance and the limited visibility of the site in longer views.</p>
	<p>e) buildings in the setting of a World Heritage Site must preserve, and not harm, the Outstanding Universal Value of the World Heritage Site, and the ability to appreciate it</p>	<p>The site is not within the setting of a World Heritage Site.</p>
	<p>f) buildings near the River Thames, particularly in the Thames Policy Area, should protect and enhance the open</p>	<p>The site is not situated near the River Thames.</p>



	quality of the river and the riverside public realm, including views, and not contribute to a canyon effect along the river	
	g) buildings should not cause adverse reflected glare	The design is primarily brick in construction and the detailed design will avoid any issues with adverse glare.
2) functional impact	a) the internal and external design, including construction detailing, the building's materials and its emergency exit routes must ensure the safety of all occupants	The design of Phase 1 received significant input from key members of the design and structural team and as well as a fire specialist to ensure that the design and materiality of the proposed scheme meets the necessary safety guidelines. This level of input will be applied to the later phases at Reserved Matters stage.
	b) buildings should be serviced, maintained and managed in a manner that will preserve their safety and quality, and not cause disturbance or inconvenience to surrounding public realm. Servicing, maintenance and building management arrangements should be considered at the start of the design process	The Appellant will be retaining the freehold of the site which mean that they can control the management of the buildings to ensure that safety and quality is preserved for future residents.
	c) entrances, access routes, and ground floor uses should be designed and placed to allow for peak time use and to ensure there is no unacceptable overcrowding or isolation in the surrounding areas	This has been an integral part of the masterplan evolution which centres around active ground floor uses. There will be two vehicular entrances to the site and a further pedestrian / cyclist only entrance which will assist in distributing access and egress to the site at peak times.
	d) it must be demonstrated that the capacity of the area and its transport network is capable of accommodating the quantum of development in terms of access to facilities, services, walking and cycling networks, and public transport for people living or working in the building	<p>The site is reasonably well located to public transport services including National Rail, the London Underground and local bus networks whilst there will be a series of public transport improvements achieved through the scheme and planning obligations.</p> <p>The design of the scheme has been centred around being pedestrian and cyclist led, with sufficient car parking contained within the basement to avoid any parking overspill onto the local road network. The non-residential uses will create a hub within the masterplan and deliver those services and amenities necessary to create a highly active site at all times.</p>

		The Transport Assessment and Travel Plan originally submitted with the application, and further evidence submitted, was agreed with TfL, the GLA and the highway authority.
	e) jobs, services, facilities and economic activity that will be provided by the development and the regeneration potential this might provide should inform the design so it maximises the benefits these could bring to the area, and maximises the role of the development as a catalyst for further change in the area	The masterplan has been carefully designed by the architectural team and includes a central, non-residential hub within the heart of the site which is integral to the scheme. These spaces, which will include offices, retail and community uses, are located in the taller buildings at the centre of the site adjacent to the linear parkland areas, which will attract visitors towards the heart of the scheme and assist with wayfinding to and through the site.
	f) buildings, including their construction, should not interfere with aviation, navigation or telecommunication, and should avoid a significant detrimental effect on solar energy generation on adjoining buildings	The proposed scheme, due to its orientation and location, is not anticipated to interfere with any aviation, navigation or telecommunication equipment, not impact upon solar energy generation on adjoining buildings. There are significant visual breaks within the scheme which allow light and other matters to permeate through the site and surrounding buildings.
3) environmental impacts	a) wind, daylight, sunlight penetration and temperature conditions around the building(s) and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces, including water spaces, around the building	The planning application was accompanied by a Wind and Microclimate Study prepared by RWDI which assessed the microclimate of the site based on the proposals. RWDI informed the detailed design of the scheme to ensure that the environment remains appropriate and welcoming for pedestrians.
	b) air movement affected by the building(s) should support the effective dispersion of pollutants, but not adversely affect street-level conditions	The technical documents submitted with the application included a Wind and Microclimate, and Air Quality Assessment which concluded that street level conditions would not be adversely affected by the proposals.
	c) noise created by air movements around the building(s), servicing machinery, or building uses, should not detract from the comfort and enjoyment of open spaces around the building	The technical documents submitted with the application included a Wind and Microclimate, and Air Quality Assessment which concluded that street level conditions would not be adversely affected by the proposals.

<p>4) cumulative impacts</p>	<p>a) the cumulative visual, functional and environmental impacts of proposed, consented and planned tall buildings in an area must be considered when assessing tall building proposals and when developing plans for an area. Mitigation measures should be identified and designed into the building as integral features from the outset to avoid retrofitting</p>	<p>The site is a large, standalone site within its wider context and the topography allows for height to be maximised without adversely affecting the surrounding character.</p> <p>There are no planned developments which include tall buildings within the local area which need to be taken into account in a cumulative assessment. Phase 1 of the scheme has been designed in detail to ensure a high quality accommodation can be provided which would avoid retrofitting in the future and the same approach will be taken for each phase latterly at Reserved Matters stage.</p>
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## Core Strategy (2012)

### POLICY CS5 – PROTECTING AND ENHANCING BARNET’S CHARACTER TO CREATE HIGH QUALITY PLACES

<b>Table 3– Policy CS5</b>	
<b>Policy clause</b>	<b>Compliance</b>
Address the principles aims and objectives set out in the following national design guidance: By Design, Secured by Design, Safer Places, Inclusive Design, Lifetime Homes and Building for Life:	<p>By Design: This publication was withdrawn as guidance in March 2014, while the design qualities of the scheme where relevant to the areas of disagreement to the parties are assessed in Section 3 of my Proof of Evidence, as well as being set out in the submitted Design and Access Statement and furthered in the expert evidence of Mr Twomey.</p> <p>Secure by Design: The scheme has been designed in line with these principles, and reviewed by the Metropolitan Police as statutory consultee in this regard. The Metropolitan Police Crime Prevention Design Advisor concluded that Secure by Design requirements are achievable in this scheme and requested a condition securing the achievement of Secure By Design accreditation prior to occupation of each phase which the Appellant agrees to.</p> <p>Safer Places: In complying with Secure by Design principles, the scheme complies with the principles of Safer Places. It should be noted that this guidance was adopted eighteen years ago.</p> <p>Inclusive Design: seven qualities are set out by the relevant document, as follows: inclusive, responsive, flexible, convenient, accommodating, welcoming and realistic. The appeal scheme embodies these qualities, in its complying with the provision of accessible units and accessible parking in line with the relevant development plan policies.</p> <p>Lifetime Homes: This has been effectively replaced by Building Regulations standard M4(2) entitled 'accessible and adaptable dwellings' – of which, at least 10% of the units will comply.</p> <p>Building for Life: See Table 3a</p>
Be safe, attractive and fully accessible	In according with Secure by Design principles, and providing a sufficient number of accessible homes, the Appeal Scheme complies with this clause. It's attractiveness and design quality is addressed in this time table further below, and evidenced by it's compliance with all relevant design policies.
Provide vibrant, attractive and accessible public spaces	In providing a number of open spaces as part of the Appeal Scheme, the proposal has maximised

	the provision of public amenity space throughout the phased development and improves the treatment of the site at all boundaries.
Respect and enhance the distinctive natural landscapes of Barnet	The taller elements of the Appeal Scheme will be relatively well-concealed from public view however, the Appeal Scheme will enhance the existing landscape within the site and enhance the entrances and permeability of the site.
Protect and enhance the gardens of residential properties	The Appeal Scheme includes the provision of new homes with high-quality private gardens. The landscaping masterplan will enhance the overall characteristics of the site and the wider residential area to provide greening and improving visual amenity. The layout of the proposed development is such that the adjoining neighbouring occupiers are closer to the low density, and building characteristics of those buildings to protect the existing character.
Protect important local views from places within Barnet	<p>Of the protected views shown on Map 8 of the Core Strategy, only that from King George Playing Fields is considered potentially relevant to the Site. This viewpoint is assessed (including all other relevant views) within the TVIA submitted with the application.</p> <p>The Townscape and Visual Impact Assessment demonstrates that the development would be of limited visibility from the surrounding area.</p> <p>As stated in the officers report, the proposed changes in scale would not significantly impact the townscape impact on the surrounding area.</p> <p>I refer to Mr Stewart's Proofs for a thorough assessment of the Appeal Scheme and its impact and level of protection towards important local views.</p>
Enhance the Borough's high quality suburbs and historic areas through the provision of buildings of the highest quality that are sustainable and adaptable.	The site is located in a suburban location. The Appeal Scheme has been sensitively laid out such that the proposed buildings enhance the character of the site. The high-quality of the scheme will result in a highly sustainable scheme. The Appeal Scheme includes a variety of residential unit sizes of various tenures to ensure the scheme meets the needs of future occupiers and is a sustainable scheme.

**Table 3a- Policy CS5 – Building for Life Criteria**

<b>Policy clause</b>	<b>Compliance</b>
Connections – Does the scheme integrate with its surroundings by reinforcing existing connections and creating new ones, while	Yes – the Appeal Scheme would redevelop the site in a comprehensive manner, in line with an ordered and logical masterplan. It would introduce a legible

<p>also respecting existing buildings and land uses around the development site?</p>	<p>network of routes and spaces, including a new access point from the north which would enhance permeability, and it would enhance the sense of arrival at the other key entrance points to the Site. The site would be significantly better integrated with the local area around it as a result of the proposals.</p>
<p>Facilities and Services – Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?</p>	<p>Yes – the detailed element of the Appeal Scheme proposes a 5 form entry secondary school, a gymnasium, a multi-use sports pitch and associated changing facilities and improvements to open space.</p> <p>The outlined element of the Appeal Scheme provides up to 7,148 sqm of further non-residential floor space (use Classes E and F) and approximately 20,250sqm of open space as well as associated landscaping.</p>
<p>Public Transport – Does the scheme have good access to public transport to help reduce car dependency?</p>	<p>Yes – the Appeal Scheme is well located to public transport services including National Rail, the London Underground and local bus networks whilst there will be a series of public transport improvements achieved through the scheme and planning obligations. The design of the scheme has been centred around being pedestrian and cyclist led, with sufficient car parking contained within the basement to avoid any parking overspill onto the local road network. The non-residential uses will create a hub within the masterplan and deliver those services and amenities necessary to create a highly active site at all times.</p>
<p>Meeting Local Housing Requirements – Does the development have a mix of housing types and tenures that suit local requirements?</p>	<p>Yes – the Appeal Scheme will provide a vast mix of housing types and tenures to suit local requirements.</p>
<p>Character – Does the scheme create a place with a locally inspired or otherwise distinctive character?</p>	<p>Yes – the Appeal Scheme has been designed to respect the existing character of the local area. The proposal is appropriate to the current character of the area and the taller buildings would not be visually obtrusive to those living around the site.</p>
<p>Working With the Site and its Context – Does the scheme take advantage of existing topography, landscape features (including water courses), wildlife habitats, existing buildings, site orientation and microclimates?</p>	<p>Due to the unique topography of the site, with a 24 metre level difference from the top of the site to the bottom, the scheme sits comfortably within the existing setting of the wider area. The lower density housing typology will be located to the north of the site to respond to nearby sensitivities of nearby existing residents whilst height is increased slightly in the more central areas where it is less sensitive. The sections submitted with the application confirm that the scheme responds sensitively to the surrounding area in terms of height.</p>

<p>Creating Well Defined Streets and Spaces – Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?</p>	<p>Yes, the layout of the Appeal Scheme has been designed to introduce a variety of high-quality public spaces throughout the site with a focus on creating a number of tree lined streets with associated vegetation and landscaping.</p>
<p>Easy to Find Your Way Around – Is the scheme designed to make it easy to find your way around?</p>	<p>Yes, the masterplan has been carefully designed by the architectural team and includes a central, non-residential hub within the heart of the site which is integral to the scheme. These spaces, which will include offices, retail and community uses, are located in the taller buildings at the centre of the site adjacent to the linear parkland areas, which will attract visitors towards the heart of the scheme and assist with wayfinding to and through the site.</p>
<p>Streets for All – Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?</p>	<p>Yes, the site layout has been designed to promote low traffic speeds, with a 30mph design speed on the main site access roads and 20mph on all cul-de-sacs and shared surfaces serving parcels of development.</p>
<p>Car Parking – Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?</p>	<p>Yes, the design of the scheme has been centred around being pedestrian and cyclist led, with sufficient car parking contained within the basement so that it does not dominate the street and avoids any parking overspill onto the local road network.</p>
<p>Public and Private Spaces – Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?</p>	<p>Yes, this has been considered as part of the comprehensive landscaping strategy.</p>
<p>External Storage and Amenity Space – Is there adequate external storage space for bins and recycling as well as vehicles and cycles?</p>	<p>Yes, this has been carefully considered in the final proposed design. The site can sustain the density proposed in terms of amenity space and parking provision, while delivering the optimum amount of homes on this currently under-utilised site.</p>

- 1.10 The policy also notes that proposals for tall buildings will be considered in accordance with DMO5 – Tall Buildings, London Plan Policy 7.7 – Location and Design of Tall and Large Buildings and Guidance on Tall Buildings (2007) by English Heritage and CABE. London Plan Policy 7.7 is superseded by the current London Plan with a new tall building policy, Policy D9 which I have assessed further below and within my main Proof. I consider the Appeal Scheme against Policy DMO5 below to the extent to which it is relevant and up-to-date further below.
- 1.11 Policy CS5 is listed within the Council's RfR1. The Appeal Scheme has been assessed against the policy's design criteria above.
- 1.12 With regard to heritage and character, as set out in Mr Stewart's Proof of Evidence, there is one listed building within 1km of the Site, the grade II listed Memorial to German First World War Internees, New Southgate Cemetery. This is seen in View 7 from New Southgate Cemetery. It is a small memorial, only appreciated when quite close to it. Development on the Site would have no effect on its significance, and it is not considered further in his evidence. Furthermore, Mr Stewart has confirmed in his Proof that he considers the Appeal Scheme would enhance the views in which it is seen. I therefore conclude based on Mr Stewart's findings that local heritage has been protected. Indeed, Mr Stewart concludes that the Appeal Scheme would add something positive to the area, with a well-planned, attractive scheme that seems likely to be a popular place to live.
- 1.13 For the reasons set out in the main body of my Proof of Evidence, I do not consider the "tall buildings" element of the policy is up-to-date and I consider it in conflict with precedent Policy D9 of the London Plan and the direction therein of the Master Brewer Judgement.
- 1.14 Based on the findings of Mr Stewart and Mr Twomey, I conclude the overall effect of the development would be to open up what is currently a relatively self-contained Site and integrate it better with its surroundings. The character of the proposed development would undoubtedly be different to that of surrounding areas, including in the density and scale of the development on it. However this is appropriate for a Site which has always been developed differently to that of its surroundings.
- 1.15 The Appeal Scheme would be neighbourly in its approach to the distribution of massing across the Site and the enhanced permeability and new public realm it would offer would be of significant benefit to the local and wider area in which the Site is located.



## Development Management Policies (2012)

### POLICY DM01 – PROTECTING BARNET’S CHARACTER AND AMENITY

<b>Table 4 – Policy DM01 – Protecting Barnet’s Character and Amenity</b>	
Policy Clause (a-k)	Compliance
a) All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation	The early design stages were informed by significant collaboration between the technical consultants to optimise the approved building footprints whilst delivering on energy and sustainability performance
b) Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets	The proposed development has thoroughly assessed the impact on the wider area. The SoS on the Original Scheme confirmed with the Inspector that the site has its own character and its appearance is entirely different to the that of the surrounding area. However, the proposed development has considered the character of the wider surroundings to determine the appearance, scale, mass, height and pattern of spaces and streets and has been designed as sensitively as possible to preserve the wider character.
c) Development proposals should ensure safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls	Given the size of the site, there is little restraint from providing a very well-designed scheme of street networks and building elevations to ensure ground floor frontage activation and a layout that promotes visual interest between buildings and the public realm. The scheme has worked hard with the level changes across the site, which represents a great improvement upon the existing site.
d) Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime	As noted in Table 1, the Appeal Scheme has been reviewed by the relevant consultees and will comply with the principles of Secure by Design.
e) Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users	The relevant technical report demonstrates that there would be adequate daylight and sunlight for future occupiers and users. With regards to privacy and outlook, the same would be true. There is no contention between parties regarding privacy.
f) Development proposals for lighting schemes should not have a demonstrably harmful impact on residential amenity or biodiversity	N/A
g) Development proposals should retain outdoor amenity space having regard to its character	The proposed development will provide a significant proportion of private outdoor amenity space as well as public spaces, the latter of which will be to the benefit of existing nearby, and future residents.
h) Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate	N/A
i) Loss of houses in roads characterised by houses will not normally be appropriate	N/A
j) (See Table 2a)	See Table 4a

<p>k) Trees should be safeguarded. When protected trees are to be felled the Council will require replanting with suitable size and species of tree where appropriate</p>	<p>The Officers Report to committee in December 2022 confirmed that “overall the proposed tree removal is considered acceptable in order to allow for the development of the site. Parks and areas of landscaping have been arranged in order to maximise tree retention, and in numerical terms the quantity of replacement planting is greater than the number of trees proposed and is considered acceptable”.</p> <p>There is no contention between the parties regarding the removal, retention and proposed trees as part of the Appeal Scheme.</p>
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<b>Table 4a – Policy DM01 (j)</b>	
Policy Clause (j)	Compliance
Development proposals will be required to include hard and soft landscaping that:	
1) Is well laid out in terms of access, car parking and amen	The size and layout of the Appeal Scheme allows for a well designed and uncompromised arrangement for access, car parking and landscaping.
2) Consider the impact of hardstanding on character	Hardstanding has been kept to a minimum and there is a significant level of greening throughout the detailed and outline phases of the Appeal Scheme.
3) Achieve a suitable visual setting for the building	This is explored further in the evidence of Mr Twomey and Mr Radmall.
4) Provide an appropriate level of new habitat including tree and shrub planting	The vast amount of proposed greening, landscaping and quality of open spaces throughout the phased development of the Appeal Scheme is a benefit of the scheme.
5) Make a positive contribution to the surrounding area	The Appeal Scheme is of a high-quality design, and the proposed hard and soft landscaping will vastly improve the character of the area and positively contribute to open spaces available to existing residents in the wider area.
6) Contributed to biodiversity including the retention of existing wildlife habitat and trees	<p>A net gain in biodiversity would be achieved as confirmed by the Biodiversity Impact Assessment submitted with the application (produced by Greengage Environmental Ltd 2021).</p> <p>The Councils ecologist recommended that the application be approved subject to conditions.</p>
7) Adequately protect existing trees and their root systems	This matters has been agreed with the Council's Tree Officer given the positive recommendation in terms of trees in the Officer's Report to Committee in December 2022.

- 1.16 As set out in my Proof of Evidence, I consider the first part of Policy DM05 is out-of-date and is not applicable to the determination of the Appeal.
- 1.17 I set out my assessment of the criteria that follows in the main body of Policy DM05 for completeness.

<b>Table 5 – Policy DM05: Tall buildings</b>	
Policy Clause	Compliance
Tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable. Proposals for tall buildings will need to demonstrate:	<p>The site is not located in one of these strategic locations, however this element of the policy needs to be considered against the High Court Judgment ‘London Borough of Hillingdon, R (On the Application Of) v Mayor of London [2021] EWHC 3387 (Admin) (15 December 2021)’.</p> <p>This High Court Judgment (‘The Master Brewer Case’) set out tall building proposals in London do not necessarily have to be located within defined tall building zones in Local Plans and can be acceptable where they result in public benefit and are in accordance with the development plan as a whole.</p>
i) an active street frontage where appropriate	Yes, the ground floor of specifically located blocks are carefully designed to ensure that they provide active frontage and natural surveillance of the street. This assessment is also reflected in the officers report.
ii) successful integration into the existing urban fabric	<p>In the Original Scheme Appeal Decision, the Inspector noted that:  <i>“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”.</i></p> <p>As described in Mr Stewart’s Proof at Paragraph 5.14, the buildings close to the Site’s boundaries nearest the existing residential properties (Building 1B, 2D, 2E, and 2F) are the lowest on the Site, at three storeys in height, appropriately reflecting and integrating with their location close to existing low scale housing near the edges of the site. Heights would, logically, increase away from these boundaries with the tallest buildings located in the centre of the Site, having less visual impact in the surrounding area. The taller buildings would be against the open space created by the adjacent railway lines.</p> <p>Paragraph 5.17 of Mr Stewart’s Proof goes on to explain that the location of the main school building on the eastern part of the Site would help</p>

	<p>to provide Brunswick Park Road with definition. The positioning and layout of other proposed buildings at the Oakleigh Road South entrance would help to enhance the sense of arrival. Overall, Mr Stewart concludes that the effect would be to open up the Site to a considerably greater degree than is currently the case and integrate it more closely with its surroundings.</p> <p>Mr Stewart concludes at Paragraph 7.10 that “while some of the building heights proposed are greater than those that prevail in the area today, this is a scheme that is very different from higher density schemes found in more densely developed contexts in inner London – the new buildings are set in generous green landscape that ensure that there is no sense of overdevelopment.”</p>
<p>iii) a regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline</p>	<p>As previously noted, and as noted in the Officers Report to the December Committee, 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.</p> <p>Paragraph 62 of the GLA Stage 2 Report also confirms that due to the overall site size and sloping topography and the proposed layout, there is limited visibility of the Appeal Scheme in the medium-long distance views to the east, south and north of the site. In terms of views from the west including Fernwood Crescent, and the two views from Oakleigh Road, Paragraph 64 of the GLA Stage 2 report states that whilst the Appeal Scheme would be “prominent in these views, ...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 and 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 the suburban context”.</p> <p>Paragraph 65 goes on to assess the impact on the New Southgate Cemetery, where again, GLA officers conclude that the harm caused to the overall visual character of the cemetery is considered to be, on balance, acceptable.</p>
<p>iv) not cause harm to heritage assets and their setting</p>	<p>I agree with the conclusions made by Mr Stewart at Paragraph A.38 of his Proof and in the officers report to committee at Page 79 “In respect of potential impact on Listed Buildings and</p>

	<p>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.”</p>
<p>v) that the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.</p>	<p>The application was accompanied by a Wind and Microclimate Study prepared by RWDI which assessed the microclimate of the site based on the proposals. RWDI informed the detailed design of the scheme to ensure that the environment remains appropriate and welcoming for users of the public realm.</p>

## **Appendix 2 – Assessment of the Appeal Scheme against other relevant development plan policies**

## 2 Appendix 2 – Assessment of the Appeal Scheme against other relevant development plan policies

### Core Strategy (2012)

#### POLICY CS NPPF

- 2.1 Policy CS NPPF is headed “National Planning Policy Framework – Presumption in Favour of Sustainable Development”. It states that when considering planning applications the Council will “take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework”.
- 2.2 The policy then explains how this will be achieved, stating that “planning applications that accord with policies in Barnet’s Local Plan...will be approved without delay, unless material considerations indicate otherwise” and that “where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant planning permission unless material considerations indicate otherwise – taking into account whether:
  - Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
  - Specific policies in the NPPF indicate that development should be restricted.”
- 2.3 The Council cannot demonstrate a 5-year housing land supply as was conceded in a recent appeal APP/N5090/W/22/3304952 (at 679 High Road, London N12 ODA) determined on 30 January 2023. The lack of a 5-year housing land supply in Barnet was also further confirmed by an Inspector in an appeal decision determined on 22 August 2023 (at 117 Station Road, Hendon, London NW4 4NL) under the appeal reference APP/N5090/W/22/3313797.
- 2.4 There are no policies within the NPPF to suggest development on this site should be restricted.
- 2.5 The proposed development represents the optimum use of previously developed land.

#### POLICY CS1 – BARNET’S PLACE SHAPING STRATEGY – PROTECTION, ENHANCEMENT AND CONSOLIDATION GROWTH – THE THREE STRANDS APPROACH

- 2.6 This policy clearly states Barnet’s place shaping strategy is to concentrate and consolidate housing and economic growth in well located areas that provide opportunities for development. The policy also highlights the protection of Green Belt and Metropolitan Open Land (covered further in Policy CS7) which covers over one third of Barnet. It is well established and agreed that the proposed development is on underutilised brownfield site.
- 2.7 The delivery of 2,419 new homes in this location will also make best use of an available, deliverable brownfield site in LB Barnet which is a Local Authority constrained by Green Belt land in the north west of the Borough. Sites of this size and layout are rare in this part of London, so development should be maximised to ensure that the Green Belt elsewhere in the Borough can be protected. I therefore consider the principle of residential-led redevelopment on the NLBP site is supported through Policy CS1.

#### POLICY CS3 – DISTRIBUTION OF GROWTH IN MEETING HOUSING ASPIRATIONS

2.8 The Council seeks to provide 28,000 new homes from 2011/12 to 2025/26. The policy states that the Council will seek to optimise rather than maximise housing density to reflect local context, public transport accessibility and social infrastructure provision. I consider the evidence put forward in my Proof of Evidence as well as by Mr Twomey and Mr Stewart demonstrates the optimisation of the site is supported by transport links and social infrastructure that will be supported and enhanced by the Appellant’s contributions to be secured via the S106 Agreement. Therefore, I consider the principle of residential-led development on the NLBP site is supported through Policy CS3.

#### POLICY CS4 – PROVIDING QUALITY HOMES AND HOUSING CHOICE IN BARNET

2.9 The Appeal scheme will deliver a significant variety of homes to meet the needs of first-time buyers and families, with a mix of affordable and market housing and including accessible homes. I therefore consider the Appeal Scheme’s optimisation of the site to deliver a choice of quality housing is supported through Policy CS4.

#### POLICY CS8 – PROMOTING A STRONG AND PROSPEROUS BARNET

2.10 The appeal scheme proposes a vibrant mixed-use scheme including 7,148 sqm of Class E and F floorspace. This would create new jobs as well as a re-provision of the type of B1 (under the former use class system) starter units currently occupying the Comer innovation Centre.

#### POLICY CS9 – PROVIDING SAFE, EFFECTIVE AND EFFICIENT TRAVEL

2.11 Discussions are ongoing between the Appellant and the Council in respect of the Section 106 agreement, and it is expected that a signed, agreed document will be provided to the Inspector by the time of Inquiry which will address the concerns subject to RfR2. The signed Section 106 will contain a number of obligations relating to transport and highways.

#### POLICY CS11- : IMPROVING HEALTH AND WELL BEING IN BARNET

2.12 The development will enhance the site, supporting healthier neighbourhoods by providing private, communal and public open spaces and playspace with added biodiversity and urban greening benefits. A health centre is also proposed as part of the development which will support **both existing and future residents in the area**. The proposals will therefore help improve health and well being in Barnet in accordance with this policy.

## Development Management Policies Document (2012)

#### POLICY DM02 – DEVELOPMENT STANDARDS

Table 1 – Policy DM02	
Criteria	Compliance
Where appropriate, development will be expected to demonstrate compliance with the following national and London-wide standards supported by the guidance set out in the Council’s suite of Supplementary Planning Documents:	
1) By Design, the CABE urban design principles	By Design: This publication was withdrawn as guidance in March 2014, while the design qualities of the scheme where relevant to the areas of disagreement to the parties are assessed in Section 3 of my Proof of Evidence.
2) Lifetime Homes, the 16 design criteria required by the London Plan Policy 3.8	Lifetime Homes: This has been effectively replaced by Building Regulations standard M4(2) entitled ‘accessible and adaptable dwellings’ of which at least 10% of the units will comply.



3) Code for Sustainable Homes, the national standard for sustainable homes.	This was withdrawn in April 2015. The proposed development complies with sustainability policies and there is no contention between parties on this matter.
4) BREEAM, the environmental assessment method for non-residential development	I refer to the submitted energy report which confirms that the proposed development is targeting a BREEAM rating of 'Very Good' for both assessment demonstrating the scheme incorporates exemplary standards of sustainable and inclusive urban design and architecture.
5) Wheelchair accessibility, the London Plan Policy 3.8	This London Plan policy is superseded however the proposed residential element of the proposals accords with the standards set out in Policy D7 of the London Plan 2021.
6) Minimum floor space, the London Plan Policy 3.5	This London Plan policy is superseded however the proposed floorspace to each residential unit exceeds the standards set in the London Plan 2021
7) Outdoor amenity space, the Sustainable Design and Construction SPD	Barnet's Sustainable Design and Construction SPD (2016) Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. The Appeal Scheme significantly exceeds these minimum standards and is therefore acceptable.
8) Secured by Design, the national Policy initiative	As confirmed in the Officer's Report to Committee in December 2022, the Appeal Scheme was subject to consultation with the Metropolitan Police Service who raised no objections subject to a standard condition. Therefore, a condition would be included in the event of planning permission being granted requiring the proposed development to achieve Secure By Design accreditation.
9) Play space, the London Plan Policy 3.6	This London Plan policy is superseded however the proposed playspace strategy for the Appeal Scheme exceeds the standards set in the London Plan 2021 and the play requirement set out in the Mayor's SPG 'Providing for Children and Young People's Play and Recreation.

## POLICY DM03 – ACCESSIBILITY AND INCLUSIVE DESIGN

- 2.13 This policy relates to meeting the highest standards of accessible and inclusive design. The proposed development will meet Building Regulation requirement M4(2) and at least 10% of all units will be wheelchair home compliant. The comprehensive landscaping strategy has carefully considered the needs of different users and details how each space has been designed to create a sense of place and removing barriers to movement, whilst also transforming the site into one which encourages pedestrian movements through the site, supported by natural surveillance, well landscaped areas, trees and vegetation.
- 2.14 In the event that planning permission is granted, a condition will secure this for the detailed phase of the Appeal Scheme and will be dealt with in Reserved Matters for later phases.

## POLICY DM04 – ENVIRONMENTAL CONSIDERATIONS FOR DEVELOPMENT

Table 2 – Policy DM04 – Environmental Considerations for Development	
Policy Clause	Compliance
1) All major development will be required to demonstrate through an Energy Statement compliance with the Mayor’s targets for reductions in carbon dioxide emissions within the framework of the Mayor’s energy hierarchy.	The submitted Energy Statement was confirmed acceptable by both Council officers and the GLA.
2) Where Decentralised Energy (DE) is feasible or planning, major development will either provide: i. suitable connection ii. the ability to connect in future iii a feasibility study iv a financial contribution to a proposed feasibility study	<p>The feasibility of supplying decentralised energy to the scheme has been assessed, in the Energy Statement, 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.</p> <p>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</p>
3) i: Where there is a localised source of air pollution, buildings should be designed and sited to reduce exposure to air pollutants. ii) Development proposals will ensure that development is not contributing to poor air quality and provide air quality assessments where appropriate.	<p>An Air Quality Assessment has been agreed with the Council’s Environmental Health team. As reflected in in the planning officers report, suitable conditions are attached regarding ventilation and the submission of details of proposed plant and equipment.</p> <p>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.</p>
4) Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.  Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout and insulation will be expected where appropriate.	The proposed uses include noise sensitive uses and is in keeping with the local area and therefore will not generate unacceptable levels of noise.
5) Proposals on land which may be contaminated should be accompanied by an investigation to establish the level of	A Contamination Assessment has been agreed with the Council’s Environmental Health team with

contamination in the soil and/or groundwater/surface waters and identify appropriate mitigation. Development which could adversely affect the quality of groundwater will not be permitted.	appropriate contamination remediation conditions recommended.
6) Proposals for Notifiable Installations or developments near to existing Notifiable Installations will only be permitted provided that:  There is no unacceptable risk to an individuals health and safety; and  There will be no significant threat to environmental quality.	N/A
7) Development should demonstrate compliance with the London Plan water hierarchy for run-off especially in areas identified as prone to flooding from surface water run-off. All new development in areas at risk from fluvial flooding must demonstrate application of the sequential approach set out in the NPPF. (paras 100 to 104) and provide information on the known flood risk potential of the application site.	The NPPF has been updated since this criteria was published. In any event, a Flood Risk Assessment was submitted with the application. The Lead Local Flood Authority and Thames Water were consulted and raised no objection. Thames Water requested the imposition of a condition.
8) Development proposals will wherever possible be expected to naturalise a water course, ensure an adequate buffer zone is created and enable public accessibility. Where appropriate, contributions towards river restoration and de-culverting will be expected.	N/A.

## POLICY DM06: BARNET'S HERITAGE AND CONSERVATION

- 2.15 As explained in the officers report, in respect of 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, the proposal would not result in any adverse demonstrable impact due to the distance and the limited visibility of the site in longer views. A condition has also been agreed for a watching brief to be undertaken to record the air raid shelter and industrial heritage on the site. The proposals are therefore fully in accordance with the policies of DM06.

## POLICY DM08 – (ENSURING A VARIETY OF SIZES OF NEW HOMES TO MEET HOUSING NEED)

- 2.16 This policy seeks to provide an appropriate mix and size of dwellings to deliver choice to the growing diverse population. The proposed development will deliver a mix of affordable and market housing units in a range of sizes, including accessible homes which I consider satisfies this policy. The total percentage of family housing represents 66% of all units and at least 10% of all units across the site will be wheelchair home compliant.

## POLICY DM10 – (AFFORDABLE HOUSING CONTRIBUTIONS)

- 2.17 The proposed development provides around 21% affordable housing by both unit and habitable room. A Financial Viability Assessment was submitted in support of the application which was independently assessed by Carter Jonas on behalf of the council as well as by GLA viability officers and it has been agreed (as reflected in the officers report) that the affordable housing offer is the maximum viable amount which can be provided. Early, mid and late stage review mechanisms will be secured in the event that planning permission is granted to ensure any improvement to viability is captured.

#### POLICY DM13: COMMUNITY AND EDUCATION USES

- 2.18 The proposal would help to meet Barnet's education needs by providing a purpose built Secondary School which would replace the existing substandard accommodation which St Andrew's the Apostle is utilising at the moment. The proposals are also to provide 1908 sqm of Community floorspace and 960 sqm of childcare space, according with the requirements of policy DM13.

#### POLICY DM14 – (NEW AND EXISTING EMPLOYMENT SPACE)

- 2.19 This policy seeks the protection of designated employment sites and that evidence is required for the loss of office floorspace outside of these locations.
- 2.20 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/O7932/OUT). The appeal scheme proposes a vibrant mixed-use scheme including 7,148 sqm of Class E and F floorspace. This would include a reprovision of the type of B1 (under the former use class system) starter units currently occupying the Comer innovation Centre along with a proposed health centre and multi faith community space.

#### POLICY DM16 – (BIODIVERSITY)

- 2.21 This policy seeks the retention, enhancement, or creation of biodiversity. The original application was accompanied by an Ecological Appraisal together with updated Bat, Badger, Reptile and Great Crested Newt surveys. These reports and surveys have made a number of recommendations to mitigate the potential for any harm to protected species. The Biodiversity Impact Assessment submitted with the application (produced by Greengage Environmental Ltd 2021) 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.

#### POLICY DM17 – (TRAVEL IMPACT AND PARKING STANDARDS)

- 2.22 This policy explains that council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.
- 2.23 The site is reasonably well located to public transport services including National Rail, the London Underground and local bus networks whilst there will be a series of public transport improvements achieved through the scheme and planning obligations. The design of the scheme has been centred around being pedestrian and cyclist led, with sufficient car parking contained within the basement to avoid any parking overspill onto the local road network. The non-residential uses will create a hub within the masterplan and deliver those services and amenities necessary to create a highly active site at all times.
- 2.24 The masterplan has given consideration to accessibility and legibility. Playspace has been designed with safety in mind and all outdoor spaces are well designed. The Transport Assessment and Travel Plan originally submitted with the application, and further evidence submitted, was agreed with TfL, the GLA and the highway authority.

## London Plan 2021

### POLICY GG1 – BUILDING STRONG AND INCLUSIVE COMMUNITIES

<b>Table 3 – Policy GG1 (Building strong and inclusive communities)</b>	
<b>Policy GG1</b>	<b>Compliance</b>
Good growth is inclusive growth. To build on the city’s tradition of openness, diversity and equality, and help deliver strong and inclusive communities, those involved in planning and development must:	
A. encourage early and inclusive engagement with stakeholders, including local communities, in the development of proposals, policies and area-based strategies	Compliance. A statement of community involvement was submitted with the Planning Application which outlined the consultations which the appellant team 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.
B. seek to ensure changes to the physical environment to achieve an overall positive contribution to London	Compliance. By seeking to optimise and reconfigure the use of this key site, there is an opportunity to significantly enhance the contribution that it makes to the vitality of both LB Barnet and more strategically to London.
C. provide access to good quality community spaces, services, amenities and infrastructure that accommodate, encourage and strengthen communities, increasing active participation and social integration, and addressing social isolation	Compliance. A number of improvements and enhancements will be made to the site to ensure the development creates an inclusive community ensuring inclusive design principles have been weaved into the design wherever possible. The development will provide high quality people focused spaces, with sufficient infrastructure, amenity and community space to ensure a socially integrated community can be created.
D. seek to ensure that London continues to generate a wide range of economic and other opportunities, and that everyone is able to benefit from these to ensure that London is a fairer, more inclusive and more equal city	Compliance. The proposed development includes provision of 7,148 sqm of non-residential floorspace, falling within Classes E & F, including 2,552sqm of office and 1,728sqm of retail to the providing local employment opportunities and benefiting the local economy.
E. ensure that streets and public spaces are consistently planned for people to move around and spend time in comfort and safety, creating places where everyone is welcome, which foster a sense of belonging, which encourage community buy-in, and where communities can develop and thrive	Compliance. A high-quality public realm will be created a part of the proposed development which will greatly enhance the accessibility, safety and usability of the area. The area will be transformed into an area that is inviting to everyone, not just future occupiers and is a significant improvement on the existing situation.

<p>F. promote the crucial role town centres have in the social, civic, cultural and economic lives of Londoners, and plan for places that provide important opportunities for building relationships during the daytime, evening and night time</p>	<p>Compliance. The proposed mixed-use development will bring social and economic benefits.</p>
<p>G. ensure that new buildings and the spaces they create are designed to reinforce or enhance the identity, legibility, permeability, and inclusivity of neighbourhoods, and are resilient and adaptable to changing community requirements</p>	<p>Compliance. Yes - the scheme would redevelop the site in a comprehensive manner, in line with an ordered and logical masterplan. It would introduce a legible network of routes and spaces, including a new access point from the north which would enhance permeability, and it would enhance the sense of arrival at the other key entrance points to the Site. The site would be significantly better integrated with the local area around it as a result of the proposals.</p> <p>The proposals have also been sustainably designed in order to be adaptable to changing community requirements.</p>
<p>H. support and promote the creation of a London where all Londoners, including children and young people, older people, disabled people, and people with young children, as well as people with other protected characteristics, can move around with ease and enjoy the opportunities the city provides, creating a welcoming environment that everyone can use confidently, independently, and with choice and dignity, avoiding separation or segregation</p>	<p>Compliance. The masterplan has given consideration to accessibility and legibility. Playspace has been designed with safety in mind and all outdoor spaces are well designed.</p>
<p>I. support and promote the creation of an inclusive London where all Londoners, regardless of their age, disability, gender, gender identity, marital status, religion, race, sexual orientation, social class, or whether they are pregnant or have children, can share in its prosperity, culture and community, minimising the barriers, challenges and inequalities they face.</p>	<p>Compliance. The proposed development will create a high-quality development and will deliver a high-quality mix of affordable and market housing units in a range of sizes, including accessible homes.</p> <p>The proposed development will enhance the area to for all local Londoners to enjoy and benefit from.</p>

## POLICY GG2 – MAKING THE BEST USE OF LAND

<b>Table 4 – Policy GG2 (Making the best use of land)</b>	
<p>To create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must:</p>	
<p>A. enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land, and sites within and on the edge of town centres, as well as utilising small sites</p>	<p>Compliance. The site is located on underutilised brownfield land. Barnet Council previously occupied over 55% of the total floorspace on the site, however they have recently relocated their services to Colindale, vacating the site in November 2017 and since this date employment levels across the site have since reduced significantly.</p>

<p>B. prioritise sites which are well-connected by existing or planned public transport</p>	<p>Compliance. The Appeal Scheme is well located to public transport services including National Rail, the London Underground and local bus networks whilst there will be a series of public transport improvements achieved through the scheme and planning obligations.</p>
<p>C. proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling</p>	<p>Compliance. The proposals use a design based approach that involves extending upwards from the approved extant permission to optimise the site and increase density which would equate to 147 units per hectare.</p> <p>The density proposed is found to be acceptable in the officers report and by the GLA.</p>
<p>D. applying a design-led approach to determine the optimum development capacity of sites</p>	<p>Compliance. As set out above, the proposals use a design based approach that involves extending upwards from the approved extant permission to optimise the site and increase density.</p>
<p>E. understand what is valued about existing places and use this as a catalyst for growth, renewal, and placemaking, strengthening London's distinct and varied character</p>	<p>Compliance. The proposed development has carefully designed with regard to these considerations and have been thoroughly scrutinised by LB Barnet planning, design and highways officers as well as having undergone an independent Design Review Panel.</p>
<p>F. protect and enhance London's open spaces, including the Green Belt, Metropolitan Open Land, designated nature conservation sites and local spaces, and promote the creation of new green infrastructure and urban greening, including aiming to secure net biodiversity gain where possible</p>	<p>Compliance. Given a third of Barnet is covered by Green Belt or Metropolitan Open Land designations, I consider this site to be in a sustainable location for residential led development to make best use of land.</p> <p>The landscaping masterplan has strongly demonstrated the incorporation of green infrastructure</p>
<p>G. plan for good local walking, cycling and public transport connections to support a strategic target of 80 per cent of all journeys using sustainable travel, enabling car-free lifestyles that allow an efficient use of land, as well as using new and enhanced public transport links to unlock growth</p>	<p>Compliance. The design of the scheme has been centred around being pedestrian and cyclist led, with sufficient car parking contained within the basement to avoid any parking overspill onto the local road network. The non-residential uses will create a hub within the masterplan and deliver those services and amenities necessary to create a highly active site at all times.</p>
<p>H. maximise opportunities to use infrastructure assets for more than one purpose, to make the best use of land and support efficient maintenance.</p>	<p>Compliance. The proposed development makes the best use of land will make a number of contributions to be secured by Section 106 agreement.</p>



2.25 The development will also enhance the site, providing private, communal and public open spaces and playspace with added biodiversity and urban greening benefits. I consider the scheme therefore complies with Policy GG3.

#### POLICY GG4 – (DELIVERING THE HOMES LONDONERS NEED)

2.26 In line with the aims of this policy, the scheme will deliver a high-quality mix of affordable and market housing units in a range of sizes, including accessible homes.

#### POLICY GG5 – (GROWING A GOOD ECONOMY)

2.27 I consider, in line with this policy, that the proposals provide a sufficient and most appropriate type of employment floorspace for this area. As stated in the officers report, the proposal provides the opportunity to deliver a mixed use development that *"reflect the needs of the local community, whilst retaining some SME/incubator employment to serve local start-up businesses."*

#### POLICY GG6 – (INCREASING EFFICIENCY AND RESILIENCE)

2.28 In line with this policy, the proposed development will improve energy efficiency across the site and has been masterplanned and designed to be resilient to climate change.

#### POLICY D1 – (LONDON'S FORM, CHARACTER AND CAPACITY FOR GROWTH)

2.29 As reflected in the officers report, the density of the proposed scheme follows a design based approach and is considered appropriate by officers and the GLA. I consider the proposed development evidences and represents the optimised capacity of the site.

#### POLICY D2 - INFRASTRUCTURE REQUIREMENTS FOR SUSTAINABLE DENSITIES

2.30 In line with the policy, as part of the planning application, a Socio Economic Assessment was submitted which assessed the impacts of the scheme on local infrastructure. CIL payments and a s106 agreement will secure the necessary and requested obligations to ensure the proposed development is supported by and contributes to local infrastructure.

2.31 In addition, in line with the policy, I consider the density of the development proposals are proportionate to the site's connectivity to public transport and other sustainable travel modes.

#### POLICY D5 – (INCLUSIVE DESIGN)

2.32 The comprehensive masterplan transforms the site into a convenient, safe and welcoming space that facilitates social interaction and inclusion in line with this policy. As stated in the officers report, the proposals establish an inclusive design, providing an environment which is accessible to all.

#### POLICY D6 – (HOUSING QUALITY AND STANDARDS)

2.33 All the dwellings within the development meet the minimum standards in relation to the unit and room sizes as such the proposal is fully in accordance with this policy.

#### POLICY D7 – (ACCESSIBLE HOUSING)

2.34 I consider the scheme accords with this policy, providing at least 10% accessible homes.

#### POLICY D8 – (PUBLIC REALM)

- 2.35 The Landscaping Statement (submitted with the application) demonstrates compliance with this policy and details the how each space has been designed to create a sense of place and removing barriers to movement, whilst also transforming the site into one which encourages pedestrian movements through the site, supported by natural surveillance, well landscaped areas, trees and vegetation.

#### POLICY D11 - SAFETY, SECURITY AND RESILIENCE TO EMERGENCY

- 2.36 As explained in the officers report, pursuant to London Plan policy D11, the scheme would enhance safety and security and mitigate the potential of crime over and above the existing estate. The Metropolitan Police were also consulted on the application and did not raise any objections, but requested a condition is attached to ensure that the development secures secured by design accreditation.

#### POLICY D12 – (FIRE SAFETY)

- 2.37 A fire statement was submitted with the application which demonstrates 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. The proposals a therefore fully compliant with this policy with a condition also agreed to ensure its satisfactory implications.

#### POLICY D14 – (NOISE)

- 2.38 I consider the technical reports submitted robustly demonstrate compliance with acoustic standards and mitigation measures have been incorporated into the design of the scheme to avoid the potential for harmful noise impacts.

#### POLICY H1 – (INCREASING HOUSING SUPPLY)

- 2.39 Barnet has a 10 year target for net housing completions between 2019/20–2028/29 for 23,640 homes. I consider the scheme will make a significant contribution to the housing supply in London and Barnet. Given a third of Barnet is covered by Green Belt or Metropolitan Open Land designations, I consider this site to be in a sustainable location for residential led development to make best use of land.

#### POLICY H4 – (DELIVERING AFFORDABLE HOUSING), POLICY H5 – (THRESHOLD APPROACH TO APPLICATIONS) AND POLICY H6 – (AFFORDABLE HOUSING TENURE)

- 2.40 London Plan Policy H4 states that affordable housing should be provided on site and requires major developments that trigger affordable housing requirements to provide this through the threshold approach of Policy H5. Policy H6 sets out the split of housing tenure the Mayor expects on affordable products.
- 2.41 The proposed development will deliver a mix of affordable and market housing units in a range of sizes, including accessible homes which I consider satisfies this policy.

#### POLICY H10 – (HOUSING SIZE MIX)

- 2.42 The scheme will deliver a mix and range of unit sizes, including family sized units in various tenures. The proposed development provides around 21% affordable housing by both unit and habitable room, being the maximum viably achievable.

#### POLICY S3 - (EDUCATION AND CHILDCARE FACILITIES)

- 2.43 The proposal would help to meet Barnet's education needs by providing a purpose built Secondary School which would replace the existing substandard accommodation which St Andrew's the Apostle is utilising at the moment. The proposals are also to provide 960 sqm of childcare space.

#### POLICY S4 – (PLAY AND INFORMAL RECREATION)

- 2.44 The quality and quantity of play space provision is fully compliant with local and London Plan policies.

#### POLICY G1 – (GREEN INFRASTRUCTURE)

- 2.45 I consider the landscaping masterplan has strongly demonstrated the incorporation of green infrastructure and is therefore compliant with this policy.

#### POLICY G5 – (URBAN GREENING) AND POLICY G6 – (BIODIVERSITY AND ACCESS TO NATURE)

- 2.46 London Plan Policy G5 requires major development proposals to contribute towards the greening of London through the inclusion of urban greening through building design including high quality landscaping, tree planting, green roofs, green walls and nature-based sustainable drainage.
- 2.47 London Plan Policy G5 sets a target Urban Greening Factor (UGF) score of 0.4 for developments that are predominantly residential and 0.3 for predominantly commercial developments, through a range of green infrastructure options such as street trees, green roofs, sustainable drainage systems and the like.
- 2.48 The scheme would achieve an Urban Greening Factor score of 0.42 across the completed masterplan, this exceeds the target of 0.4, complying with policy G5.
- 2.49 A net gain in biodiversity would also be achieved, in accordance with policy G6.

#### POLICY G7 – (TREES AND WOODLAND)

- 2.50 The 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. The proposed development is therefore in accordance with policy G7.

#### POLICY SI1 – (IMPROVING AIR QUALITY)

- 2.51 An Air Quality Statement was submitted with the application. In respect of air pollution, no significant impacts are identified by the council's environmental Health Team. Suitable Conditions are proposed regarding ventilation and the submission of details of proposed plant and equipment.
- 2.52 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.

#### POLICY SI2 – (MINIMISING GREENHOUSE GAS EMISSIONS), POLICY SI3 – (ENERGY INFRASTRUCTURE) AND POLICY SI4 (MANAGING HEAT RISK)

- 2.53 An energy statement was submitted with the original application following the energy hierarchy set out in the London Plan. The submitted Energy Statement was confirmed acceptable by both Council officers and the GLA.

#### POLICY SI5 – (WATER INFRASTRUCTURE)

2.54 The Lead Local Flood Authority and Thames Water were consulted on the application. Neither groups raised an objection, however Thames Water requested the imposition of a condition.

POLICY SI12 – (FLOOD RISK MANAGEMENT) AND POLICY SI13 – (SUSTAINABLE DRAINAGE)

2.55 London Plan Policy SI13 states that development proposals should aim to achieve greenfield runoff rates and ensure that surface water run-off is managed as close to its source as possible. Drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality, and enhanced biodiversity, urban greening, amenity and recreation.

2.56 The application site is located in a low risk flood zone 1, which has a low probability risk of experiencing flooding from fluvial or tidal sources. The development is also at a low risk of flooding from groundwater, surface water run-off and infrastructure failure. The proposed surface water drainage strategy demonstrates a system of SuDS and attenuation features to provide sufficient storage to avoid flooding within the site during the 1 in 100 year storm event and 40% allowance for climate change. Overall flow paths will be taken into account in design of levels for the proposed development to direct overland flows away from buildings.

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) AND POLICY T6 (T6.1, T6.2, T6.5) – (CAR PARKING)

2.57 In line with this policy, the proposed development has demonstrated it is making the most effective use of land in a location well connected by sustainable transport links. The Transport Assessment and Travel Plan originally submitted with the application, and further evidence submitted, demonstrate compliance with these policies as was agreed with TfL, the GLA and the highway authority.

**Appendix 3 – Assessment of the Appeal Scheme against the National Planning Policy Framework (December 2023)**

## **3 Appendix 3 – Assessment of the Appeal Scheme against the National Planning Policy Framework (December 2023)**

- 3.1 The appeal scheme achieves sustainable development by meeting the three objectives of Paragraph 8 being economic, social and environmental. The economic benefits during construction and operational phases are significant and the proposed development includes provision of 7,148 sqm sqm of non-residential floorspace, falling within Classes E & F, including 2,552sqm of office and 1,728sqm of retail to the providing local employment opportunities and benefiting the local economy. The scheme will deliver a significant variety of homes to meet the needs of first-time buyers and families, with a mix of affordable and market housing and including accessible homes, and is of the highest architectural and landscape quality meeting the social objective. Significant environmental enhancements are delivered through additional tree planting, urban greening and biodiversity net gain.
- 3.2 I discuss Paragraph 11, 12 and 47 in the main body of my Proof, so it is not repeated here.
- 3.3 The appeal scheme evolved through extensive pre-application engagement with the Council and GLA, in line with Paragraph 39.
- 3.4 In line with Paragraph 63 and 64, the scheme will deliver a mix of size, type and tenure of housing to meet the needs of the community including affordable housing which will be delivered on site.
- 3.5 The economic benefits during construction and operational phases are significant and the proposed development includes provision of 2,552 sqm of flexible office floorspace alongside community, retail and childcare floorspace providing a variety of local employment opportunities and benefiting the local economy. This should be afforded significant weight in line with Paragraph 85.
- 3.6 The appeal scheme incorporates significant public realm and landscaping enhancements promoting social interaction and creating opportunities for people to meet in a safe, accessible location, in line with Paragraph 96.
- 3.7 In line with this Paragraphs 108, 110, 112, 115 and 116, the proposed development has been developed following consultation with LBB Highways and TfL and there is no objection to the application on highways grounds.
- 3.8 The appeal scheme optimises the use of a underutilised, brownfield site in a sustainable location, in a way which safeguards and improves the environment and living conditions, in line with Paragraph 123.
- 3.9 The development uses suitable brownfield land within a settlement for homes and other identified needs, alongside achieving significant environmental improvements, in line with Paragraph 124.
- 3.10 In line with Paragraph 128 and 129 of the Framework, the appeal site is an optimal location for a scheme like that proposed through this appeal given the direction to make as much use as possible of brownfield, under-utilised land where it would help meet identified needs for housing.
- 3.11 In line with Paragraphs 131, 135, 136, 137 and 139, the appeal scheme creates a high quality beautiful and sustainable place to live, work and socialise, improving the overall quality of the site.
- 3.12 The proposed development is in a sustainable location, making efficient use of brownfield land and supports the aims of Paragraph 142 in reducing the need to develop in the Green Belt.
- 3.13 In line with Paragraph 159, the appeal scheme follows sustainable design and construction guidance and includes a significant amount of green infrastructure, encouraging sustainable transport methods to reduce emissions.

3.14 In line with Paragraph 162, the appeal scheme follows the London Plan energy hierarchy, an approach supported by the council subject to conditions.

## **Appendix 4 – Assessment of the Appeal Scheme against emerging development plan policies**



## 4 Appendix 4 – Assessment of the Appeal Scheme against emerging development plan policies

### Emerging Local Plan Review

- 4.1 Paragraph 48 of the Framework assesses the weight to be given to relevant policies in emerging plans, stating that decision makers may give weight according to:
- a. “the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b. b. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 4.2 LBB is currently in the process of updating their Local Plan with the Local Plan Review currently in Examination in Public stage (regulation 24) and expecting to consult on Main Modifications to the Plan in early 2024. Adoption expected Summer 2024. This Plan has been through two rounds of public consultation.
- 4.3 I have undertaken an assessment of all relevant policies in the draft Local Plan Review which are set out below.

#### POLICY BSS01 – (BARNET’S SPATIAL STRATEGY) AND POLICY GSS01 – (DELIVERING SUSTAINABLE GROWTH AND SITE ALLOCATION)

- 4.4 Policy BSS01 states that the Local Plan seeks to deliver between 2021 and 2036, a minimum of 35,460 new homes, including affordable housing. 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.
- 4.5 The delivery of 2,419 new homes, including 21% affordable, in this location will make best use of an available, deliverable brownfield site in LB Barnet which is a Local Authority constrained by Green Belt land in the north west of the Borough. Sites of this size and layout are rare in this part of London, so development should be maximised to ensure that the Green Belt elsewhere in the Borough can be protected. I therefore consider the proposed development provided much needed homes to help meet the housing requirements set out in this emerging policy.

#### POLICY HOU01 – (AFFORDABLE HOUSING)

- 4.6 The proposed development provides around 21% affordable housing by both unit and habitable room. A Financial Viability Assessment was submitted in support of the application which was independently assessed by Carter Jonas on behalf of the council as well as by GLA viability officers and it has been agreed (as reflected in the officers report) that the affordable housing offer is the maximum viable amount which can be provided. Early, mid and late stage review mechanisms will be secured in the event that planning permission is granted to ensure any improvement to viability is captured.

#### POLICY HOU02 – (HOUSING MIX)

- 4.7 Policy HOU02 relates to housing mix. The mix of housing proposed through the scheme is appropriate in providing a mix and size of dwellings to deliver choice to the growing diverse population. The proposed development will deliver a mix of affordable and market housing units in a range of sizes, including accessible homes which I consider satisfies this policy. The total percentage of family housing represents 66% of all units and at least 10% of all units across the site will be wheelchair home compliant.

#### POLICY CDH01 – (PROMOTING HIGH QUALITY DESIGN)

- 4.8 Policy CDH01 promotes high quality design. The policy states that:

*“a. In order to make the most efficient use of land residential proposals must be developed at an optimum density. A design-led approach to determine capacity should deliver an optimum density. This approach should consider local context, accessibility by walking and cycling and existing and planned public transport as well as the capacity of infrastructure.*

*b. All new development should be of a high architectural and urban design quality and have regard to the National Model Design Code, Barnet’s Sustainable Design Guidance SPD, and Design Code for Small Sites. This will ensure the resulting homes and local environment are of a high standard and biodiversity, water management and sustainable drainage measures are incorporated.*

*The Council will expect development proposals to:*

*i. Respond sensitively to the distinctive local character and design, building form, patterns of development, scale, massing, roof form and height of the existing context.*

*ii. Use materials of a suitable quality and appearance to respect local character and setting.*

*iii. Ensure attractive, safe and, where appropriate, vibrant streets which are designed in accordance with the Healthy Streets Approach, and active frontages that provide visual interest, particularly at street level.*

*iv. Adopt Secured by Design to create safe and secure environments that reduce opportunities for crime and help minimise the fear of crime.*

*v. Apply the requirements set out in Tables 9 and 10 for the internal layout and design of new homes, in accordance with national residential space standards and the London Plan.*

*vi. Allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.*

*vii. Provide accessible outdoor amenity space to comply with Policy CDH05.*

*viii. Mitigate noise impacts through design, layout, and insulation in accordance with the Agent of Change principle introduced through London Plan Policy D13.”*

- 4.9 The proposed development fully optimises the site for residential led mixed use development . A design-led approach from the outset has resulted in the proposed high architectural design quality which follows on from consultation with LBB and the GLA.

- 4.10 I consider that the proposed site optimisation has taken into consideration the surrounding context. As reflected in the officers report, the density of the proposed scheme follows a design based approach and is considered appropriate by officers and the GLA. I consider the proposed development represents an optimised high quality design.

## POLICY CDH02 - SUSTAINABLE AND INCLUSIVE DESIGN

- 4.11 This policy relates to meeting the highest standards of accessible and inclusive design, aswell as sustainability. The proposed development will meet Building Regulation requirement M4(2) and at least 10% of all units will be wheelchair home compliant. The comprehensive landscaping strategy has carefully considered the needs of different users and details how each space has been designed to create a sense of place and removing barriers to movement, whilst also transforming the site into one which encourages pedestrian movements through the site, supported by natural surveillance, well landscaped areas, trees and vegetation.
- 4.12 In the event that planning permission is granted, a condition will secure this for the detailed phase of the Appeal Scheme and will be dealt with in Reserved Matters for later phases.
- 4.13 The proposal also has high sustainability credentials as demonstrated by the submitted Energy Strategy which followed the energy hierarchy set out in the London Plan. The submitted Energy Statement was confirmed acceptable by both Council officers and the GLA.

## POLICY CDH03 – (PUBLIC REALM)

- 4.14 Policy CDH03 relates to public realm. I consider the proposed development accords with this policy as a high-quality public realm is being offered throughout the site. The Landscaping Statement (submitted with the application) demonstrates compliance with this emerging policy and details the how each space has been designed to create a sense of place and removing barriers to movement, whilst also transforming the site into one which encourages pedestrian movements through the site, supported by natural surveillance, well landscaped areas, trees and vegetation.

## POLICY CDH04– (TALL BUILDINGS)

- 4.15 This policy explains that tall buildings (8 to 14 storeys) may be appropriate in certain strategic locations. The site is not located in one of these strategic locations, however the Master Brewer Case set out tall building proposals in London do not necessarily have to be located within defined tall building zones in Local Plans and can be acceptable where they result in public benefit and are in accordance with the development plan as a whole.
- 4.16 The policy goes onto explain that proposals for Tall and Very Buildings will be assessed in accordance with the visual, functional, environmental and cumulative impacts set out in London Plan Policy D9 – Tall Buildings (which I have assessed in Appendix 1). The other elements of this policy I consider further below:

<b>Policy D9</b>	<b>Compliance</b>
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	The scheme would redevelop the site in a comprehensive manner, in line with an ordered and logical masterplan. It would introduce a legible network of routes and spaces, including a new access point from the north which would enhance permeability, and it would enhance the sense of arrival at the other key entrance points to the Site. The site would be

	<p>significantly better integrated with the local area around it as a result of the proposals.</p> <p>The ground floor of the blocks are also carefully designed to ensure that they provide active frontage and natural surveillance of the street. This assessment is also reflected in the officers report.</p>
<p>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</p>	<p>A Townscape and Visual Impact Assessment (TVIA) was submitted with the application.</p> <p>The TVIA concludes that the proposed development would be visible in some longer views from the east and west as a result of the raised level of land in these areas. However it concludes that the scheme would clearly appear as part of a background layer of townscape and would provide visual interest through the variation in the heights of proposed buildings across the Site.</p> <p>The officers report explains that the proposed changes in scale would not significantly impact the townscape impact on the surrounding area.</p>
<p>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</p>	<p>The proposals would open up what is currently a relatively self-contained Site and integrate it better with its surroundings. The proposed development is similar to the previous application on the site approved by the Secretary of State (LPA ref:15/O7932/OUT) following a recommendation of approval by an inspector following a public inquiry held on 9 -11 October and 9 November 2018.</p> <p>For this application, the inspector noted that:  <i>"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"</i>.</p> <p>This proposed development is taller in certain parts but the increases in height are not in those sections of the site directly adjoining neighbouring suburban housing and therefore the proposed changes in scale would not significantly impact the townscape impact on the surrounding area. This viewpoint is also echoed in the officers report.</p> <p>Furthermore, as stated in the officers report, the proposal would not result in any adverse demonstrable impact on heritage assets (or their</p>

	setting) due to the distance and the limited visibility of the site in longer views.
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	The application was accompanied by a Wind and Microclimate Study prepared by RWDI which assessed the microclimate of the site based on the proposals. RWDI informed the detailed design of the scheme to ensure that the environment remains appropriate and welcoming for users of the public realm.
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	Due to the unique topography of the site, with a 20+ metre level difference from the top of the site to the bottom, the scheme sits comfortably within the existing setting of the wider area. The lower density housing typology will be located to the north of the site whilst height is maximised to the south. The sections submitted with the application confirm that the scheme responds sensitively to the surrounding area.
vi. buildings should not interfere with digital connectivity in compliance with Policy TRCO4 nor have a possible negative impact on solar energy generation on adjoining buildings	The proposals will not effect this.

## POLICY CDH07 - (AMENITY SPACE AND LANDSCAPING)

- 4.17 Policy CDH07 relates to amenity space and landscaping. In line with the policy, the development conforms with the amenity space standards set out in Table 11 and complies with the London Plan on play space requirements. I consider part (a) of the policy is therefore satisfied. With regard to hard and soft landscaping, the Appeal Scheme is of a high-quality design, and the proposed hard and soft landscaping will vastly improve the character of the area and positively contribute to open spaces available to existing residents in the wider area.
- 4.18 I consider the development scheme wholly complies with Policy CDH07 and that the proposed amenity space and landscaping strategy is supported by LBB.

## CHW01 - (COMMUNITY INFRASTRUCTURE)

- 4.19 Policy CHW01 relates to community infrastructure. The proposal would help to meet Barnet's education needs by providing a purpose built Secondary School which would replace the existing substandard accommodation which St Andrew's the Apostle is utilising at the moment. The proposals are also to provide 1908 sqm of Community floorspace and 960 sqm of childcare space, according with the requirements of emerging policy CHW01.

## CHW02 – (PROMOTING HEALTH AND WELLBEING)

4.20 The development will enhance the site, supporting healthier neighbourhoods by, providing private, communal and public open spaces and playspace with added biodiversity and urban greening benefits. A health centre is also proposed as part of the development which will support both existing and future residents in the area. The proposals will therefore help improve health and well being in Barnet in accordance with this emerging policy.

#### ECY01 – (A VIBRANT LOCAL ECONOMY)

4.21 The Council's emerging allocation for NLBP recognises the unsuitability and shortcomings of the existing employment floorspace and recognises the recent planning permission by allocating the site for residential uses with a school, multi-use sports pitch, employment and associated car parking.

4.22 The appeal scheme proposes a vibrant mixed-use scheme including 7,148 sqm of Class E and F floorspace. This would include a re-provision of the type of B1 (under the former use class system) starter units currently occupying the Comer innovation Centre along with a proposed health centre and multi faith community space.

#### ECY03 - (LOCAL JOBS, SKILLS AND TRAINING)

4.23 The Appellant will be obligated via a Section 106 Agreement to provide local jobs, skills and training which I consider meets the aims of this policy.

#### POLICY ECC01 – (MITIGATING CLIMATE CHANGE) AND POLICY CDH02 – (SUSTAINABLE AND INCLUSIVE DESIGN)

4.24 The submitted Energy State submitted at application stage demonstrate the highest environmental standards have been sought across the proposed development, realising a significant improvement in energy efficiency and sustainable practices compared to the existing site.

4.25 The submitted Energy Statement was confirmed acceptable by both Council officers and the GLA.

#### POLICY ECC02 – (ENVIRONMENTAL CONSIDERATIONS)

4.26 An Air Quality Statement was submitted with the application. In respect of air pollution, no significant impacts are identified by the council's environmental Health Team. Suitable Conditions are proposed regarding ventilation and the submission of details of proposed plant and equipment.

4.27 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.

4.28 An energy statement was also submitted with the original application. The submitted Energy Statement was confirmed acceptable by both Council officers and the GLA.

4.29 Owing to the above, I consider emerging policy has been complied with.

#### POLICY ECC02A – (WATER MANAGEMENT)

4.30 The application site is located in a low risk flood zone 1, which has a low probability risk of experiencing flooding from fluvial or tidal sources. The development is also at a low risk of flooding from groundwater, surface water 31 run-off and infrastructure failure. The proposed surface water drainage strategy demonstrates a system of SuDS and attenuation features to provide sufficient storage to avoid flooding within the site during the 1 in 100 year storm event and 40% allowance for climate change. Overall flow paths will be taken into account in design of levels for the proposed development to direct overland flows away from buildings.

#### POLICY ECC06 – (BIODIVERSITY)

4.31 Emerging Local Plan Policy ECC06 seeks the retention and enhancement, or the creation, of biodiversity in development proposals, ensuring that development makes the fullest contributions to enhancing biodiversity and protects existing site ecology, both through on-site measures and by contribution to local biodiversity improvements and meeting the Urban Greening Factor targets. I consider the proposed scheme has sought to maximise the UGF rating and exceeds the Urban Greening requirements of the emerging Local Plan through a range of measures adopted across the site. The scheme would achieve an Urban Greening Factor score of 0.42 across the completed masterplan.

4.32 The Biodiversity Impact Assessment submitted with the application (produced by Greengage Environmental Ltd 2021) confirms that the site has the potential to achieve 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.

4.33 The Council's ecologist recommended that the application be approved subject to conditions.

#### POLICY TRC01 – (SUSTAINABLE AND ACTIVE TRAVEL), TRC02 – (TRANSPORT INFRASTRUCTURE) AND POLICY TRC03 – (PARKING MANAGEMENT)

4.34 In line with this policy, the proposed development has demonstrated it is making the most effective use of land in a location well connected by sustainable transport links. The Transport Assessment and Travel Plan originally submitted with the application, and further evidence submitted, was agreed with TfL, the GLA and the highway authority.

4.35 I consider the evidence submitted and the obligations to be agreed in the Section 106 Agreement are in accordance with Policy TRC01 and TRC02.

**Appendix 5 – Response to Third Party Representations**



## 5 Appendix 5 – Response to Third Party Representations

- 5.1 There have been a number of third-party representations to the Appeal which raise several matters associated with the Appeal Scheme. These representations include matters regarding height, scale and massing which form part of the matters disputed by the Council. These are responded to in the evidence of Mr Twomey and Mr Stewart.
- 5.2 I set out an assessment of representations below, a number of which mirror the concerns raised at application stage, a response to which was provided in Table 2 of Appendix 7 of the Appellant’s Statement of Case.

Table 1: Response to Third Party Representations

Comment	Response to Third Party Representations
Overdevelopment, density, height, scale and massing. Contrast with the character of the area.	The Appellant will demonstrate evidence at the Inquiry that the Appeal Scheme is appropriate in respect of its height, scale and massing which is the only area of disagreement between the Council and the Appellant.
Increased traffic and pressure on road network and local parking provision.	<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 strategies:</p> <ul style="list-style-type: none"> <li>• Providing a mix of land uses on site to encourage people to live and work, promoting walking and cycling within the site;</li> <li>• Locating a significant volume of housing within easy walking and cycling distance of local</li> <li>• employment and retail facilities as well as on a bus route to key areas and rail connections;</li> <li>• Providing additional employment and education services within walking and cycling distance of existing residential development and on an existing bus route;</li> <li>• 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;</li> <li>• Providing financial contributions towards off-site improvements to sustainable transport infrastructure;</li> <li>• 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</li> <li>- Enabling home working and access to online retail and home deliveries by providing access to broadband services for residents, businesses and pupils.</li> </ul> <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</p>

	<p>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>
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 a substantial contribution to affordable housing provision, modern flexible employment (office) 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> <p>With regard to water usage and impact on the local network, 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.</p> <p>The Appeal Scheme will fully comply with the drainage strategy submitted with the application to ensure there is sufficient capacity in the drainage system to cope with the new development and to avoid sewage flooding.</p>
Impact on Trees	<p>The tree removals identified in the arboricultural reports submitted are entirely necessary to allow the development to progress, however the landscape proposals show that there will be a 74% increase in trees across the site as a result of the Appeal Scheme.</p>
Impact on local wildlife	<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</p>

	<p>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>
Impact on natural light and invasion of privacy	<p>As set out in the Officers Report to Committee (December 2023), 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.</p> <p>As with the Original Scheme, 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.</p>
Noise Impact	<p>As set out in the Officers Report to Committee (December 2023), <i>"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."</i></p>
Creating an unsafe development	<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"> <li>• 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</li> <li>• 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</li> <li>• 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</li> <li>• 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</li> <li>• 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</li> </ul>

	<p>Officer has provided advice on achieving Secured by Design accreditation for the scheme</p> <ul style="list-style-type: none"><li>• 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</li></ul> <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>
Request for archaeological condition	The Appellant confirms that they will accept the recommended condition as drafted in the Officers Report to Committee (December 2022) relating to
Development on contaminated land	A desktop study was included in the submitted Environmental Statement. A condition was attached to the Original Scheme regarding archaeological investigation and recording which is also attached to the current application. The Appellant agrees to a suitably worded condition.