

**APPEAL BY COMER HOMES GROUP
REDEVELOPMENT OF NORTH LONDON BUSINESS PARK**

**OPENING STATEMENT
ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

1. This is now effectively a single-issue case: namely, whether the appeal scheme is just too big (height, scale and mass) in its suburban context and, if so, whether that harm is outweighed by the planning benefits or not. The answer to whether the scheme is too big or not is a matter of judgement, and a judgement upon which different decision-makers and advisors may legitimately hold different views.
2. Many of the parameters for exercising that judgement and the ultimate planning balance are not in dispute. There is an uncontroversial policy framework underlying the decision and facts pertaining to the site and surrounding area that cannot sensibly be in dispute.
3. As with much of LB Barnet, the surrounding area has a suburban context, most of it being low-rise inter-war housing.¹ The townscape in this part of Barnet is typical ‘Metroland’.
4. The North London Business Park site itself has always been large enough to have its own character², which is currently one of ‘campus type’ buildings which are set in spacious landscaped grounds and no more than three storeys in height.³

¹ The Appellant’s TVIA states (at 4.42): “The wider area around the site is overwhelmingly suburban and residential in character. Two storey housing, most of it from the inter-war period, is the predominant form of development.”

² As set out in the LB Barnet Planning Brief North London Business Park Planning Brief, 2016

³ The site falls within the Friern Barnet and Brunswick Park character area within the Characterisation Study of the LB Barnet, May 2010, which formed part of the evidence base for the Core Strategy. It is a “disparate area” including “campus and residential estate

5. The site has poor access to public transport⁴ and is not in a town centre. Whilst it is clearly in need of redevelopment and has been earmarked for mixed use redevelopment since at least 2006⁵, it has never been identified as a location suitable for tall buildings in planning policy. This remains the case with the emerging Local Plan, despite the Appellant's efforts to persuade the Inspector otherwise at examination.⁶
6. The Council accepts that that does not preclude tall buildings on the site as a matter of principle and each scheme must be judged on its own merits. However, the absence of identification at plan-making level reinforces the importance of respecting the local character of the surrounding area.
7. There is a lawful fallback to deliver up to 1,350 residential units as part of a mixed use scheme on the site with buildings up to 9 storeys in height.⁷ That scheme will deliver many of the planning benefits of the appeal scheme, and the Appellant does not say it is unviable.
8. Rather, it appears that, having obtained that permission, somewhat tentatively in light of the absence of identification of the site in the Local Plan for tall buildings⁸, the Appellant's architect advised that it was worth going further to see if more could be

typologies". The Secretary of State noted, in granting permission for the original scheme, that the surrounding area is predominantly two-storey residential dwellings, while the site is currently occupied by a low density campus-style business park." "The existing character of the site is entirely different to the surrounding area, it does not contribute to the character and appearance of the area" ([22])

⁴ The PTAL of the site is currently a mixture of 1-2 (see SOCG at [2.7])

⁵ The adopted Planning Brief of June 2006 promoted the development area of the NLBP for around 400 new homes (see Core Strategy Policy CS3)

⁶ See Mr Mills' PE at 4.24: his firm appeared at the EiP to discuss the NLBP site as a suitable location for tall buildings. Notwithstanding this, the site is not identified for tall buildings (see Barnet Local Plan EiP – Note on Tall Buildings at Appx 11 to the SOCG). Instead, the site has a draft allocation for 1,350 residential dwellings in line with the extant hybrid planning permission (see Mr Mills' PE at 4.34)

⁷ Ref: 22/1579/S73: s. 73 permission following grant of permission by the SoS on appeal on 24 February 2020. The appeal scheme, by contrast, will deliver up to 2,419 residential units

⁸ The Appellant's architect, Des Twomey, states that he was always of the opinion that taller buildings would be appropriate, but at the time of the design consultation of the original masterplan, there was no specific supporting local planning policy that allowed the original masterplan to confidently go forward with those building heights (see PE 3.1.3)

achieved.⁹ The critical question now is: is this optimisation, or even maximisation, or have the architects simply pushed the scheme too far?

9. Whilst recommending the scheme for approval, the Council's officers still considered there was a minor degree of harm to townscape (but this was outweighed by the scheme's benefits, in particular the proposed additional housing including affordable).¹⁰ Members unanimously disagreed. The GLA in their Stage 2 Report accepted that: "The proposed height and massing would have a relatively significant visual prominence in this suburban context" and that the development would be prominent in some views (e.g. view 16 (Fernwood Crescent), and 18 and 19 (Oakleigh Road)), altering the background context in the suburban street scene and representing a step change in height and massing within what is a suburban area. The proposed buildings would also significantly increase the quantum of built form in the backdrop of the view from within the New Southgate Cemetery.¹¹ However, they did not consider the development would cause a "significant" detrimental harm to the townscape character.¹² The degree of harm is a matter of judgement but some level of negative townscape impact has already been acknowledged on a professional level, before Mr Sallin's assessment as part of this appeal.
10. It is agreed that the changes from the approved scheme amount to a "difference of degree" rather than a "difference of kind", to use the Appellant's Mr Stewart's words.¹³ It is also agreed that the fundamental concept of locating the taller buildings further from existing housing has been maintained, as has an acceptable internal layout. However, there must be an upper acceptable limit on any increase in height. The Council's case is that the very upper limit was reached with the permitted scheme.¹⁴

⁹ He states that: "Whilst the granting of permission from the Secretary of State of the Original Masterplan did establish these maximum building height as acceptable, such grant does not preclude the consideration of additional height within the masterplan area. Accordingly, the process of analysis of the effect of such height increase commenced and was ultimately brought forward in the Appeal Scheme" (PE para 3.1.4)

¹⁰ See OR under 'Visual Impact and Views'

¹¹ Para 65

¹² Para 64

¹³ Mr Stewart's words in his PE at 5.28

¹⁴ And it should be noted that the Secretary of State stated that: "the proposal is designed in such a way as to respect the existing character of the area while maximising the potential of the site" (at [24])

That in itself started off at 11 storeys and was reduced in consultation with officers.¹⁵ To go beyond even the 11 storeys originally proposed is simply inflicting more than the local context can tolerate. Mr Sallin is a Principal Urban Designer at the Council and has provided a detailed analysis of the inherently stark, claustrophobic and imposing contrast which the appeal scheme's building have with the spacious and tranquil predominantly 2 storey suburban context. The Appellant sees their scheme as "appropriate contrast."¹⁶ The Council is not against different development typologies being introduced into an area or against intensification. However, increases in height must be designed in their wider context. This is not gentle intensification targeting a relatively sustainable location, but would instead be unwanted, aggressive and opportunistic intensification.¹⁷ Of course, all of this will best be appreciated on site and the impacts must be considered in the round and kinetically.

11. As with any major redevelopment scheme of this kind, there are significant planning benefits, in particular associated with the bringing forward of housing and affordable housing. However, the lawful fallback will deliver a large proportion of this in a viable and sustainable way. Whilst delivering a sufficient supply of homes is an important policy objective, the Council is not in a position of failing to meet its housing targets and the tilted balance is not engaged.

12. In due course, the Inspector will be invited to agree with the democratically elected Members and many of the local community, as well as Mr Sallin and Ms Sa Cordeiro, that Comer Homes Group's scheme is simply too much and the benefits of the increased housing delivery do not outweigh the townscape harm.

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¹⁵ See Officer's Report for this scheme under the heading 'Key Relevant Planning History', 'Recent Relevant History'

¹⁶ Mr Stewart PE 7.15

¹⁷ See Mr Sallin's PE at 6.7 - 6.8

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