

POLICY AND RESOURCES COMMITTEE

1 September 2016

ADDENDUM TO SERVICE DIRECTOR OF DEVELOPMENT MANAGEMENT AND BUILDING CONTROL'S REPORT

This Addendum provides information relevant to Appendix 1 Pentavia Retail Park Planning Brief. Following consideration of this information as detailed below, no changes are recommended to the Planning Brief at this stage.

Changes Quod seek to the Planning Brief will be appraised as part of the consultation process and reported back to Policy and Resources Committee as part of adoption of the Planning Brief.

Pentavia Retail Park Planning Brief
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Quod acting on behalf of Meadow Residential, the owners of the Pentavia Retail Park site, have submitted a statement contesting the soundness of the proposed Planning Brief. This is on the grounds of presumed failure to meet the tests set out in paragraphs 153 and 182 of the NPPF.

Paragraph 153 states '*Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development*'.

Paragraph 182 states '*The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is "sound" – namely that it is:*

- *Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- *Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- *Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- *Consistent with national policy – the plan should enable the delivery of*

sustainable development in accordance with the policies in the Framework'.

Comments on behalf of the Local Authority

The two paragraphs from the NPPF apply to Local Plan documents and supplementary planning documents (SPDs). Planning Briefs are neither local plan documents nor supplementary planning documents but are rather supplementary planning guidance. Quod also make reference in their representation to the Brief not meeting Local Plan tests. Again this test is not relevant as the Brief is not a Local Plan document.

Irrespective of this, it is considered that this site specific Planning Brief is a necessary stepping stone between the provisions of the development plan and the requirements of a planning application. Due to the high number of constraints on and around the site including its sensitive relationship with adjoining residential properties and conservation areas, the Planning Brief is needed to give clear guidance to developers on how particular land uses and forms of development could address and overcome these constraints in order to make a successful application. This Brief was prepared with input from the Transport and Regeneration Manager who identified infrastructure improvements including new pedestrian, cycle and vehicle links. In this respect, therefore, the brief therefore complies with paragraph 153 of the NPPF. Quod consider that the briefs reference to the provision of floorspace for SMEs and lack of clarification regarding the 'unrestricted open' existing open A1 floorspace devalues the site. Planning Briefs do not assess viability issues. This will be considered at a later stage prior to the submission of a planning application. The Planning Brief therefore does not 'devalue' the site.

The appraisal of the compliance of the Planning Brief with paragraph 182 of the NPPF is below:

Positively prepared: The approach to redevelopment outlined in the Planning Brief is based on objective assessments of development made by Planning and Policy officers following review of policies and appraisal of constraints and opportunities on site. Infrastructure requirements have been identified following liaison with other built environment professionals including Highways Officers.

Justified: The Planning Brief considers a number of land uses for the site. The approach to development presented by the Planning Brief has been justified against the relevant policies

Effective: Appendix 2 of the Planning Brief clearly outlines the process for the consultation and adoption of the brief. It is considered that this Brief is clearly deliverable.

Consistent with national policy: The key objective as stated in the Planning Brief is for the sustainable redevelopment of the site. The objectives of the Planning Brief are in accordance with NPPF policies.

As outlined above, it is considered that, in any event, the brief does comply with the terms of paragraph 182 of the NPPF.

Changes sought by the landowner

Quod seek changes to be made to the Planning Brief which are summarised below. These proposed amendments will be appraised within the consultation report included as an appendix of the brief when returned to Policy and Resources Committee for adoption.

a) Existing use

The site is an unrestricted Open A1 Retail Park. This particular use is the most valuable of all non-residential uses.

b) Residential uses

The first bullet point of paragraph 1.2 be amended to state that redevelopment should be '**residential led**' rather than '**mixed use**'

c) Small and Medium Enterprises

The site is not identified as an existing employment site and is not located in Barnet's priority town centres. The delivery of lower value floorspace would not confirm with the NPPF paragraph 153.

d) Tall Buildings

The Brief confirms that as this site is not within a strategic location, tall buildings of 8 storeys or more in height will not be supported. Given the high existing use value, tall buildings at this location will make a positive contribution in the delivery of much-needed homes, affordable housing and jobs and will provide a viable and deliverable scheme. Reference should be made to paragraph 7.25 of the London Plan which states that 'Tall and large buildings are those that are substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for the referral of planning application to the Mayor'.

e) Roofline interest

The reference to monotonous roofline having a detrimental impact should be removed.