

	<h2>Strategic Planning Committee</h2> <h3>8 November 2022</h3>
<p style="text-align: center;"><b>Title</b></p>	<p style="text-align: center;"><b>Planning Appeal Report</b></p>
<p style="text-align: center;"><b>Report of</b></p>	<p>Strategic Planning Committee</p>
<p style="text-align: center;"><b>Wards</b></p>	<p>Childs Hill</p>
<p style="text-align: center;"><b>Status</b></p>	<p>Call In Update Report</p>
<p style="text-align: center;"><b>Enclosures</b></p>	<p>Appendix A – Officer Recommendation Report                  Appendix B – Mayoral Stage 2 Report                  Appendix C – Secretary of State Call in Letter</p>
<p style="text-align: center;"><b>Officer Contact Details</b></p>	<p>Fabien Gaudin – Service Director   Planning and Building Control  <a href="mailto:Fabien.Gaudin@barnet.gov.uk">Fabien.Gaudin@barnet.gov.uk</a></p>

### Summary

Strategic Planning Committee resolved to approve application reference 20/3564/OUT on September 9th, 2021, comprising of the following development:

*“Outline planning application (including means of access with all other matters reserved) for the demolition of existing buildings and the comprehensive phased redevelopment of the site for a mix of uses including up to 1049 residential units (Use Class C3), and up to 1200 sqm of flexible commercial and community floorspace (Use Classes A3/B1/D1 and D2) in buildings ranging from 3 to 18 storeys along with car and cycle parking landscaping and associated works (this application is accompanied by an Environmental Statement) (REVISED PLANS RECEIVED - AMENDED DESCRIPTION - REDUCTION IN MAXIMUM HEIGHT FROM 19 TO 18 STOREYS. REVISIONS TO BUILDING HEIGHTS AND REDUCTION IN RESIDENTIAL UNIT NUMBERS FROM 1050 TO 1049).”*

Following the resolution to approve the application, the application was referred to the Mayor of London on 15th March 2022 and Stage 2 approval from the Mayor was subsequently granted on 29th March 2022 (Appendix B).

Prior to the Council granting formal planning permission, the application was ‘called in’ by the Secretary of State under his powers in section 77 of the Town and Country Planning Act 1990 (Appendix C).

Pursuant to the call-in, a Planning Inquiry is scheduled for February 2023 where the Council is expected to participate, explaining its position.

This note seeks direction from members on the Council's position on the development for the purposes of the Planning Inquiry process.

## Recommendation

**That the Strategic Planning Committee:**

- 1. Note the lack of material change in circumstances since the original resolution of the Committee was made in September 2021;**
- 2. Authorise officers to represent the Council at the Public Inquiry on the basis of the original resolution and to present evidence to the inquiry in support of the application.**

### 1. POLICY CONTEXT

- 1.1 In September 2021, the policy framework that underpinned the recommendation and the resolution to approve consisted of the NPPF 2019, the London Plan 2021 and the Barnet Local Plan 2015. Reference was made to the emerging Barnet Local Plan as follows:

*“Barnet’s Local Plan -Reg 19 Preferred Approach was approved for consultation on 6th January 2020. The Reg 19 document sets out the Council’s preferred policy approach together with draft development proposals for 67 sites. It is Barnet’s emerging Local Plan.*

*The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.”*

- 1.2 The report also made specific reference to emerging Local Plan policies within the main text, whilst noting the limited weight and attributing full weight to the current Local Plan.
- 1.3 As of October 2022, the Local Plan is currently going through Examination in Public, however there has been no material change in the weight to be attributed to the document.

### 2. CONSULTATIONS

- 2.1 No consultation has been undertaken pursuant to this note, over and above that which was undertaken as part of the original application.
- 2.2 As part of the original consultation exercise, 2362 letters were sent to neighbouring occupiers. 2211 objections, 48 letters of support and 12 representations subsequently were received. These responses were received over four consultation exercises with one undertaken in August 2020, one undertaken in May 2021 following submission of additional information in the form of an Urban Design Study, one undertaken in July 2021 following the application being amended to reduce the maximum height from 25 to 19 storeys, and a final consultation being undertaken in August 2021 following the amendments to the scheme which informed the final scheme.

### **3. ASSESSMENT**

- 3.1 The scheme remains the same as that which was approved in September 2021 and the original recommendation report is appended as Appendix 1. There has been no material change to the weight attributed to the emerging Local Plan document and the statutory development plan policies are substantively the same as in September 2021.
- 3.2 Is it likely, however, that the inspector's report on the local plan would have been received by the date of the inquiry (and certainly before the SoS decision)? If so, then there will be a change in weight emerging during the determination process. If the inspector's report is favourable to the allocation and if the scheme reflects and conforms to that allocation, then the weight for the scheme would increase considerably, because of the likelihood of the plan being adopted in the submitted form and therefore becoming the statutory starting point of the development plan.
- 3.3 Nevertheless, in light of the call-in from the Secretary of State and the requirement for officers to represent the Council's position in the Planning Inquiry process, direction is required from members
- 3.4 Having regard to the lack of any material change in circumstances which could justify a change in the Council's position, and in light of legal advice set out in Part 2, it is officers recommendation that members resolve that officers represent the Council at the Public Inquiry on the basis of the original resolution and to present evidence to the inquiry in support of the application.

### **4. EQUALITIES AND DIVERSITY**

- 4.1 No assessment is required at this stage, as requisite assessment was done in respect of the planning application when it came before the committee in September 2021.
- 4.2 As a result of the call-in the decision to grant or refuse permission has been taken out of the hands of the Council and lies with the SoS. The SoS will make his decision after hearing representations from all parties at the public inquiry.

