

**Appeal by Redrow Homes
265 Burlington Road**

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

1. As we approach the end of 2020, the difference between whether you live in a decent home, in a decent place with a good community spirit has never been more apparent. Bringing forward new housing is as important as ever. However, it must be done in a way which creates a high quality sense of place and a real community that will serve our future generations. This Redrow Homes scheme for 456 new homes, ranging in height between seven and 15 storeys, simply attempts to put too many flats on too small a site.
2. The consequence is that the scheme is of a significantly greater scale, height and massing than is characteristic of this outer London suburban area, but without any meaning which would justify this prominence. It will be overbearing on the lower scale context of the surrounding area, excessively prominent in views both locally and further afield, and have a significant detrimental impact on the character and setting of residential properties within the surrounding area.
3. Much of the street level interface would be dead frontage with plant rooms, cycle stores and views into, and access from, car parking areas. It is no surprise that the Design Review Panel, when looking at an earlier iteration of the scheme, but with the same fundamental principles, gave it a ‘red’ response. They noted a lack of a townscape or contextual justification for the heights chosen and a “worrying” lack of sense of place to the whole development. The Appellant tellingly chose to give no further presentation to the DRP.

4. The other consequence of overdevelopment is that there is simply nowhere near enough parking capacity for the number of additional residential vehicles that will be generated. The surrounding residential streets, in particular Claremont Avenue, are already suffering from high parking stress levels. The site has a PTAL of 2 or, at best, 3. The nearest railway station, Motspur Park, is several minutes walk away with a particular set of challenges to access, including the need to walk up and back down two separate flights of steps. There is no good reason to assume that the demand for residential vehicles will be significantly less than in the West Barnes ward as a whole, which is high.
5. The transport mitigation proposed (car club bays, cycle parking etc.) can never make up for the huge disparity between the level of parking provided (0.48 spaces per flat) and the likely demand. The introduction of further CPZs cannot be guaranteed and, in any event, would not solve the problem of new residents circumnavigating the area looking for parking spaces and being forced to park in compromised locations, thus impacting on highway safety and efficiency. That does not make for a good sense of community and the level of public objection to not only the scale of the scheme in and of itself but to the consequent highways impacts speaks for itself.
6. Of course, in every case there is a planning balance to be struck and the Inspector will need to weigh these objections against the benefits of the scheme, most notably the bringing forward of housing and affordable housing. However, there is no doubt that the site itself is suitable for residential redevelopment in some form. Thus, these benefits should be capable of being delivered through a better scheme which optimises housing potential whilst relating positively to local character and providing high quality development in relation to its context. Elected Members took a different view from the case officer, although the case officer noted that there is “a tension between the scale and height of the proposed buildings and the existing more low level suburban built form”¹. Different judgments are informative, but obviously not determinative.

¹ Committee Report at 8.2

7. I end with an important point of law which must be set out in opening so that there is no doubt as to the Council's position with regard to the 'tilted balance' before any evidence is called. It is not engaged in this case. The application should be determined in accordance with the development plan unless material considerations indicate otherwise.
8. The Council has a five year housing land supply as assessed against its adopted strategic policies (in Table 3.1 of the London Plan – 411 units per annum). NPPF para 73 provides that: "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old." In the Council's case, their adopted strategic policies are less than five years old, and so the housing requirement should be assessed against the adopted policies i.e. the adopted target of 411 units.
9. Footnote 37 of the NPPF relates solely to the final sub-clause of the sentence – the situation where strategic policies are more than five years old. It provides that the standard method will be used: "unless these strategic policies have been reviewed and found not to require updating", in which case the policies themselves can be relied on. It is of no relevance here since the Council's adopted strategic policies are less than 5 years old. This is confirmed by para 005 of the relevant part of the PPG which provides that: "Housing requirement figures identified in adopted strategic housing policies should be used for calculating the 5 year housing land supply figure where: the plan was adopted in the last 5 years OR the strategic housing policies have been reviewed within the last 5 years and found not to need updating."
10. The Council has a 198% supply measured as against the adopted strategic housing policies. It thus amply meets its housing target. Even if there is some dispute about the deliverability of individual schemes, there is a wide margin of error available.
11. Paragraph 11(b) of the NPPF applies the so-called 'tilted balance' to cases where the policies which are most important for determining the application are out-of-date. What is meant by 'out-of-date' is qualified by Footnote 7 which states that: "This includes,

for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.” Since the Council *can* demonstrate a five year supply of deliverable housing sites when measured against the correct target in the adopted strategic policies at the current time, the ‘tilted balance’ is not engaged in this appeal.

12. The Council acknowledges that the housing target is proposed to be dramatically increased under the emerging London Plan (the figure will be nearly doubled to 918 dwellings). The plan is at an advanced stage of preparation (at the Intend to Publish stage) and its policies should be given significant weight. The Council is in the process of consulting on revisions to its Local Plan to reflect the increased housing figure in the emerging London Plan and will be providing additional allocations to meet the necessary supply. It is acknowledged in the Intend to Publish London Plan at paragraph 4.1.10 that: *“The increase in housing delivery required by these targets may be achieved gradually and boroughs are encouraged to set out a realistic, and, where appropriate, stepped housing delivery target over a ten-year period. This should be supported by a clear articulation of how these homes will be delivered and any actions the boroughs will take in the event of under delivery.”* Accordingly, there is an acknowledgement that the new targets cannot simply be imposed on local authorities ‘overnight’ and they need time to respond to them through plan preparation and delivery.
13. It is accepted that the appeal scheme’s contribution to the supply of housing is a benefit which should be given significant weight in the planning balance. However, this cannot – and should not – detract from the basic policy position which is that the Council has an up-to-date Local Plan, it has a five year housing land supply, and thus the ‘tilted balance’ is not engaged.
14. The proposals are contrary to the development plan in that they would result in an overdevelopment of the site. There are no material considerations to justify granting permission for a poor scheme which has put commercial attractiveness above high-quality place-making. Even were the tilted balance to apply, the objections are such that they would significantly and demonstrably outweigh the benefits. Thus, the Council will in due course be inviting the Inspector to dismiss the appeal.

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