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## Proof of Evidence

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B&Q Broadway Retail  
Park, Cricklewood  
Lane, Barnet NW2 1ES

Planning application  
number 20/3564/OUT

The Planning  
Inspectorate reference  
APP/N5090/V/22/3307  
073

Town and Country  
Planning Act 1990 –  
Section 77

John Rhodes OBE  
BSc MRICS

APP/4/A

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10TH JANUARY 2023

Q220753



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# 1 Summary

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- 1.1 My name is John Stuart Rhodes, I have a BSc in Estate Management and I am a Member of the Royal Institution of Chartered Surveyors. I have over 35 years of experience in private sector planning consultancy.
- 1.2 I was first involved in the regeneration of the Brent Cross-Cricklewood area in 2003 acting on behalf of the Brent Cross Cricklewood Development Partners. I then worked as part of the consultant team who prepared, submitted and obtained planning permission for an outline planning application for the comprehensive regeneration of the 151-ha site.
- 1.3 I was first instructed by Montreaux Cricklewood Developments Limited (the 'Applicant') following the decision by the Secretary of State to call-in the decision made by the London Borough of Barnet on 30<sup>th</sup> August 2022.
- 1.4 Subsequent research in the preparation of my evidence has served to reinforce my initial impression that the Secretary of State should grant planning permission in line with the original decision made by the London Borough of Barnet on 9th September 2021, and the Mayor of London on 28th March 2022.

## Scope of Evidence

- 1.5 The appointed Inspector has identified the main issues as the effect of the proposed development on the historic environment and the character and appearance of the area; and the effect of the proposed development on local transport. The Inspector also considers that the inquiry will consider the public benefits of the proposal, as well as examining the effect of the proposed development on local infrastructure and services, and its compliance with adopted planning policy.
- 1.6 Mr James Everitt and Dr Chris Miele address the principal issue of historic environment, character and appearance, and Mr Richard Fitter transport matters. I consider the public benefits of the proposal, the effect of the proposed development on local infrastructure and services, and compliance with adopted planning policy.
- 1.7 Following call-in by the Secretary of State, on 8th November 2022 officers of Barnet Council sought direction from members of the Planning Committee on the Council's position on the development for the purposes of the Planning Inquiry process. Officers sought authorisation to present evidence to the inquiry in support of the application. Despite this recommendation, the previous resolution of the Council, the stated position of the Mayor of London, and no new evidence or information being presented to the planning committee, members resolved to oppose the application on grounds of excessive height, scale and massing.
- 1.8 Consequently, I have structured my evidence to address the informative matters raised by the Secretary of State and the Inspector alongside the Council's resolution on 8th November 2022. I have also considered the concerns raised by the Rule 6 Party.

- 1.9 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I provide an assessment of the proposals against the development plan, followed by a review of other relevant material considerations including public benefits of the Application.
- 1.10 My evidence considers the very real and significant opportunity and public benefits that would be realised through the grant of permission. This includes the provision of new homes, including affordable homes for Londoners and a development proposal that delivers a high-quality regeneration of the currently underutilised site in accordance with the relevant development plan policy tests, including the provision of transformative public realm. Maintaining the status quo of an under-utilised retail warehouse and car park would not be acceptable given the acute need for additional housing in London that should be delivered in the most sustainable locations.

## Development Plan Designation

- 1.11 The Application Site is not located within any specific land use designation within the London Plan ('LP') but is designated within the Brent Cross/Cricklewood Opportunity Area. LP Table 2.1 sets out the indicative homes and indicative jobs sought within all the OAs. For Brent Cross / Cricklewood, the LP suggests capacity for 9,500 homes and 26,000 jobs. This capacity is broadly similar to the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework SPG, which identifies capacity for 10,000 new homes and 20,000 new jobs. The Application Site abuts Cricklewood town centre, a LP designated 'District Centre', where 'high' residential growth and 'medium' commercial growth is expected over the twenty-year plan period to 2041 (LP Policy SD9 Table A1.1).
- 1.12 The Core Strategy 2012 ('CS'), Development Management Policies 2012 ('DMP'), the Proposals Map, and the Unitary Development Plan (saved policies 2006) ('UDP') designate the Application Site within the Brent Cross – Cricklewood Opportunity Area and Regeneration Area.
- 1.13 UDP Policy C9 seeks a minimum of 5,000 new homes in the Regeneration Area, and CS Policy CS1 5,510 homes by 2026. The Regeneration Area is recognised in the CS as a 'significant strategic growth area' for residential-led mixed use developments to which support is forthcoming for the optimisation of available sites to deliver new homes and employment growth.
- 1.14 The Application Site is designated within the Emerging Barnet Local Plan ('EBLP') at Cricklewood Growth Area (Policy GSS04); and Site Allocation: Broadway Retail Park (Cricklewood Growth Area) - Site No.8 (Annex 1). Site No.8 seeks the delivery of residential led mixed use development with commercial and community uses; an indicative capacity of 1,007 dwellings; and confirms that the potential for tall buildings mean that significant intensification of the site is possible.
- 1.15 My Appendix 1 includes a summary of the key policy maps relevant to the Site taken from the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework SPG; CS; EBLP and London Plan.

## Approach to decision making: Strategic Context

- 1.16 For the purposes of this inquiry, it is necessary to take a fair and balanced approach to the development with the necessary basis for determining planning applications, which is to start with the Development Plan.
- 1.17 The Council's Officer report to committee and GLA reports set out the appropriate policy background to provide the context for the Application. They considered the Application against that policy background and then weighed the benefits of the Application against any harm, having regard to the policy background as a whole. The Council's Statement of Case does not do that and does not appropriately weigh its concerns against the extensive policy background which establishes the principle of the nature of development acceptable on the site.
- 1.18 It is necessary to apply significant weight to the longstanding designation of the site as part of an important regeneration initiative, the consequence of which is that change through substantial development is directly encouraged; apply significant weight to compliance with the development plan in principle because the proposals fall within a location identified within existing and emerging policy as being suitable for tall buildings; and apply significant weight to the public benefits of the proposal particularly where those public benefits carry very substantial policy support.
- 1.19 In particular there are important strategic background issues in relation to three particular areas of policy, which are regeneration; intensification and tall buildings; and housing requirements.

### Regeneration

- 1.20 The Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework, December 2005; Opportunity Area Framework; and development plan have stood the test of time and set the regeneration agenda for the Site, informing the approach now proposed within the EBLP. Comprehensive regeneration of Brent Cross/Cricklewood is proposed to take advantage of its strategic location with boundaries deliberately including the Application Site.

### Intensification and tall buildings

- 1.21 The London Plan sets out the importance of making the best use of land given the scarcity of land in London relative to the forecast scale of its population and employment growth, specifically identifying Opportunity Areas and town centres for intensification, and it expects all stakeholders to proactively promote and enable growth. This approach complies with National Policy. The Framework sets out policies to support the Government's objectives of significantly boosting the supply of homes; to optimise the use of surplus brownfield land in accessible locations; optimise surplus brownfield land in accessible locations giving substantial weight and support to the development of under-utilised land and buildings where this would meet identified needs for housing. Developing surplus retail land and car parks for housing are given as specific examples.

- 1.22 In March 2020 the Secretary of State directed the Mayor of London to maximise site capacity for housing in locations such as this. The most up to date expression of national policy emphasises quite how important it is that our urban areas optimise their contribution to housing delivery in order to meet clear housing needs and to protect other more sensitive locations.
- 1.23 Unsurprisingly, this policy approach informs locations that are suitable for tall buildings and paragraph 3.9.1 of the London Plan seeks to make optimal use of the capacity of sites which are well connected by public transport and have good access to services and amenity. In this context, the LP identifies that tall buildings can help people navigate through the city by providing a reference point at such locations. Boroughs are required to identify locations where tall buildings may be an appropriate form of development and Barnet Council have undertaken that assessment. The Regeneration Area Development Framework recognises the suitability of the Brent Cross/Cricklewood area for tall buildings; the Barnet Core Strategy 2012 encourages higher density in the regeneration and development areas, designates the Edgware Road corridor as an important location for Barnet's consolidated growth, and identifies the first suitable location for tall buildings as Brent Cross/Cricklewood. Cricklewood Growth Area is identified in EBLP Policy CDH04 as an appropriate location for tall buildings and the policy makes clear that its status as an Opportunity Area and Growth Area means that very tall buildings can also be acceptable, subject to assessing their visual, environmental and other effects. Accordingly, the GLA Stage 2 report on the application proposals confirms (para 33) that the size of this Opportunity Area site provides an exceptional opportunity for high-density housing delivery, including tall buildings that do not unacceptably impact the surroundings.

### Housing requirements

- 1.24 London and Barnet face a housing crisis. The EBLP states that average local house prices in the borough are 15 times the medium household income, making Barnet one of the least affordable places in the country. The adopted Core Strategy confirms that Barnet is the most populous borough in London and that if the Council is to adapt successfully to Barnet's growing population and protect Green Belt and metropolitan open land, the Council need to make the best use of brownfield land.
- 1.25 It is important to understand the overall context for housing in London. The London Plan policies were informed by a Strategic Housing Market Assessment which confirmed the need for 66,000 homes per annum. The Secretary of State considered the then estimate of 65,000 homes a year an underestimate of the full extent of housing need in London to tackle affordability problems. The Secretary of State directed modifications to the London Plan to maximise the delivery of housing in London, including optimising new capacity above and around stations. Accordingly, the London Plan promotes a step change in housing delivery, including the imperative delivery in relation to delivering more genuinely affordable housing is a key strategic issue for London.
- 1.26 The EBLP is required as a minimum to plan for the London Plan target of 2,364 homes per annum, which is below the previous draft London Plan housing target of 3,134 homes per annum and Barnet's own SHMA requirement of 3,060 dwellings per annum. The Government's Standard Methodology equates to 5,361 dwellings per annum.

- 1.27 It is apparent from the Borough Council's published evidence base that delivery in the borough in the last 10 years has never met the Borough Council's calculation of its objectively assessed need. For Barnet, therefore, a step change in delivery is also required.
- 1.28 Housing need is acute. Indeed, the lack of affordability and the scale of need is as acute as anywhere in the country. In my opinion, based on historical annual delivery rates, the Council will find it challenging to deliver sufficient homes to meet its minimum annual housing requirement.
- 1.29 The proposed new housing is of high quality and will see new residents and Council residents living in high quality new housing in Cricklewood. The affordable housing will be secured in perpetuity by legal agreement.

## **The Proposed Development**

- 1.30 Whilst the Secretary of State wishes to be informed about the design, scale and mass of the Application, I consider that the Secretary of State's assessment should recognise the outline nature of the Application. Schemes of this nature are commonly considered as outline applications and the approach for this Application has the support of the Council and the Mayor of London.
- 1.31 Mr Everitt explains in his evidence that a function of an outline application is not to provide design detail. However, the Applicant in this case has provided an exemplary Design Code supported by a clear and coherent design rationale. Commitments in the Application and the proposed conditions show as far as reasonably practical in the context of an outline application, how design quality can be secured at the outline stage and inform future reserved matters. An illustrative design has been provided to give an example of what can be achieved within the application parameters. All future reserved matters application will be the subject of design review to ensure that high-quality design is achieved for all future phases of the development.

## **Compliance with Development Plan**

- 1.32 The development plan for this purpose comprises the LP 2021, and the CS 2012, DMP 2012, the Proposals Map 2012 and the UDP saved policies 2006. I consider that emerging local plan policy, the EBLP is also relevant and should be afforded weight due to its advanced stage of preparation.
- 1.33 Despite the Council's resolution on 8th November 2022, the officer's report to the Council's Planning Committee dated 9th September 2021 concluded that the Application does accord with the development plan and therefore should be granted planning permission. On 28th March 2022, the Mayor of London concluded in his Stage 2 report that outstanding matters had been satisfactorily addressed and that the application was acceptable in strategic planning terms. The Mayor did not raise any conflict with planning policies.
- 1.34 I have considered the Government's policy approach to the optimisation of underutilised brownfield land, car park and surplus retail sites and land next to stations and consider that the essential objectives of the Government's policy have been complied with.



- 1.35 Consistent with the Government's own strategic objectives, the Framework, and the Secretary of State's direction, the Mayor of London has adopted development plan policies within his LP which promote the redevelopment of underused accessible brownfield land for housing, and in particular edge of centre retail parks and surface car parks.
- 1.36 The Application complies with LP Policy GG1, GG2, GG4 and is directly in accordance with Policies SD1, SD6, SD7, Policy H1 and Policy E9 of the London Plan as the Application intensifies development in an edge of centre location for high density housing, capitalising on the sustainability advantages and specifically optimises development on a retail warehouse car park site.
- 1.37 The Council's BLP and EBLP are consistent with this approach. The Application conforms strongly with the local plan. The BLP sets out an agenda for change and improvement in Cricklewood on under-used opportunity sites. Policy provides a particular emphasis on providing new homes and increasing residential densities, good design, enhanced public realm, and providing new commercial and community floorspace whilst preserving and conserving heritage assets. The Application Site is identified not only because it has the capacity to contribute to acute housing needs but because its high-quality development can bring regeneration benefits to Cricklewood.
- 1.38 The Application complies with CS Policy CS1, CS2 and CS5 and UDP Policy GCrick, C1 and C5 as the Application proposes high-quality, high-density housing as part of the strategic Brent Cross Cricklewood Regeneration Area; and EBLP Policy BSS01, GSS04, CDH04 and Site Allocation No.8.
- 1.39 The evidence of Mr Everitt and Dr Miele sets out how the Development is well designed to respect local design policies and government guidance on design. This level of compliance is to be afforded significant weight by national policy. Mr Everitt and Dr Miele's evidence confirms that the Development is of outstanding design which promotes high levels of sustainability and helps to raise the standard of design in the locality, whilst fitting in with the overall form and layout of the surroundings. I believe that significant weight should be applied to such compliance in this case.
- 1.40 I consider that the Application is in accordance with policies LP GG1, D1, D3, D4, D5, D6 and D9; CS Policy CS5; DMP Policy DM01, DM02, DM03, DM04 and DM05; UDP Policy GCrick, C1, C2, C3 and C4 and supplementary planning documents CBCWH SPG; Barnet Sustainable Design and Construction SPD, 2016; and Residential Design Guidance SPD, 2016.
- 1.41 In his letter directing the call in of the Application, the Secretary of State did not specifically ask to be informed on matters related to the policies in the Framework for conserving and enhancing the historic environment. The Mayor of London in his Stage 1 and 2 report, and Dr Miele in his evidence, explain why the Application will not cause harm to heritage assets. Dr Miele in particular concludes that that there will be no harm to the character of the area. From the AVR views testing there will be some visibility from part of the Railway Terraces Conservation Area but this causes no harm to the setting and significance of the Conservation Area; and there is no harm to the setting and significance of the Railway Terraces Conservation Area.

- 1.42 The Development will have no impact on strategic views identified by the adopted London View Management Framework (LVMF), including LVMF View 5A.2 Greenwich Park, the General Wolfe Statue. I consider that the Development complies with the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; LP HC1; CS Policy CS5 and DPD DM01, DM05 and DM06.
- 1.43 Whilst I consider that no harm would arise to any heritage assets, even if it is considered that any harm does exist, I agree with the Council's previous assessment on 9th September 2021 that any such harm (giving it great weight under paragraph 199 of the Framework) is significantly outweighed by the considerable public benefits of the Application.
- 1.44 The public benefits of redevelopment are substantial, and the proposed redevelopment is supported by a raft of development plan policies. The public benefits of the proposal, including their compliance with development plan policies, would clearly outweigh any realistic assessment of harm, even if harm were found to arise and the balance was to be applied in accordance with paragraph 202 of the Framework.

### **Infrastructure – transport**

- 1.45 Transport matters were assessed by Council officers within the report to committee, as agreed in the Statements of Common Ground, finding all matters to be acceptable. Transport matters were also assessed by the Mayor of London and Transport for London and found to be acceptable. Mitigation proposed by the Council and Mayor of London is secured by condition and the s.106 legal agreement to be undertaken prior to implementation.
- 1.46 The Proof of Evidence of Mr Fitter considers matters specifically raised by the Inspector in the CMC with particular regard to sustainable travel, effects on the road network and highway safety, and the amount of parking to be provided. He demonstrates that the completed scheme will have no material impact on on-street parking demand. He concludes that the proposals are compliant with national, regional and local transport policy. The Application generates significant transport benefits, rather than impacts.
- 1.47 I conclude that there will be no conflict with LP policies T1, T2, T3, T4, T5, T6, T7 or CS Policy CS9, DMP Policies DM01, DM17 Policy and EBLP TRC01, TRC03.

### **Infrastructure – social**

- 1.48 The Application will contribute c.£29M of CIL towards infrastructure projects. Alongside the site-specific mitigation secured in the s.106 agreement, the overall package of contributions will mitigate any impact arising from the development. The Council confirm that Barnet's CIL will be used to pay for infrastructure required to mitigate any impact of development across the Borough. The Council confirm that Barnet CIL can be used to fund new or safer road schemes, schools, health and social care facilities, park improvements and leisure centres.
- 1.49 With regards to primary school provision, the EBLP confirms that demand is falling and there is an overall surplus of school places. At primary level, the demand has continued to fall and almost all school planning areas currently have an overall surplus. With regards to secondary school provision, the Council confirm that ongoing investment has not resulted in a shortfall of places. The Council and the Mayor of London do not raise concern regarding education

infrastructure and I consider that the Council has planned appropriately for education provision in the Borough. Should an unplanned shortfall exist the Applicant's significant Community Infrastructure Levy contribution could be used to mitigate any impact that might arise.

- 1.50 The CS seeks to plan for healthcare by proposing new facilities at Mill Hill East, Colindale and Grahame Park Way Regeneration Areas. The EBLP promotes new primary healthcare capacity at Brent Cross Growth Area (Policy GSS02).
- 1.51 In addition to the Applicant's CIL contribution, the Application proposes to provide healthcare provision on site as part of the 1,200sqm of commercial / community use (Class A3 / B1 / D1 and D2) floorspace. This is in addition to the adjacent planning permission at 1-13 Cricklewood Lane which secured the reprovision of the NHS Cricklewood GP Health Centre that is currently on site at Britannia Business Centre. I note from the Health Centre's website that they are still accepting new patients.
- 1.52 The legal agreement secures a health facility of not more than 145 sqm to be provided within Development Parcel A. Schedule 12 of the legal agreement requires a scheme plan of the area and a strategy for provision of the Healthcare Facility to be submitted to the Council for approval as part of the application for reserved matters approval in respect of Development Parcel A. The applicant will use reasonable endeavours to liaise with the local NHS body regarding the specification of the Healthcare Facility and the terms on which it is to be let (which shall be at a reasonable market rate). Occupation of the commercial floorspace shall not take place within Development Parcel A until the Council has approved the Healthcare Facility Strategy, and the applicant shall use reasonable endeavours to let the healthcare facility to the local NHS body in accordance with the approved Healthcare Facilities Strategy. I consider that the Application adequately addresses health infrastructure.

## Public Benefits

- 1.53 I consider that the Application accords with the Framework and is sustainable development within the meaning of the Framework. As such, it benefits from the statutory presumption set out in section 38(6) of the Planning and Compulsory Purchase Act 2004, taken with Section 70(2) of the Town and Country Planning Act 1990. The strategic aims and objectives of the Barnet local plan remain up to date as they comply with the objectives of the Framework and London Plan and the judgements reached in it, as a whole, remain sound. Further to paragraph 11 (c) of the Framework, it should be granted planning permission without delay.
- 1.54 Even if any conflict with the development plan was found, that conflict would need to be weighed in the planning balance against other considerations, including particularly the public benefits of the proposals.
- 1.55 The Council has identified conflict with the Framework, and Policies D3, D4, D9 and HC1 of the London Plan 2021 and Policies CS5, DM01, DM05 and DM06 of the Barnet Local Plan Core Strategy and Development Management Policies 2012 only in respect of heights, scale and massing and detriment to the character and appearance of the area and the setting of the adjacent Railway Terraces Conservation Area.

- 1.56 I disagree that the Application conflicts with these policies. Notwithstanding this, however, if conflict with the development plan was found, in my opinion material considerations and planning benefits weigh strongly in favour of granting planning permission.

### Common Ground

- 1.57 It is common ground with the Council and Mayor of London that the Application complies with a very significant number of development plan policies which carry full weight in favour of the Application.

### Compliance with the Core Principles of the Development Plan and Framework

- 1.58 The Application complies with the core principles of the development plan and the Framework which seek to locate major developments, and optimised them, on previously developed land in the most sustainable locations such as town centres and at transport nodes. This approach reduces development pressure on green open space, and helps to protect the Green Belt, a clear objective of the Government.
- 1.59 I apply significant weight to this benefit particularly because the Site is designated for high density residential led development in the development plan, tall buildings are considered acceptable in principle, and the Site has been specifically included within the Brent Cross – Cricklewood Opportunity Area for significant transformation and change.

### Housing

- 1.60 The Application delivers a significant quantum of much needed new housing. This will result in a meaningful contribution towards the Borough's housing need and housing choice, and the housing need of the Brent Cross Cricklewood Regeneration Area and the Cricklewood Growth Area. The Application will deliver a total of 1,049 new homes. Paragraph 120 (c) of the Framework applies significant weight to the value of using suitable brownfield land for homes and significant weight should be applied to this aspect of the proposal. Given the requirements of policy and the scale of need for housing, this is a substantial public benefit.
- 1.61 Paragraph 120 (d) of the Framework promotes and supports the development of under-utilised land and buildings to meet identified needs for housing on car parks; Paragraph 123 advises that a positive approach should be taken for using retail land for homes in areas of high housing demand which would not undermine the vitality and viability of town centres. Paragraph 125 of the Framework confirms that it is especially important that decisions avoid homes being built at low densities, and that developments make optimal use of the potential of each site. I consider that significant weight should be applied to the compliance of the Application with these aspects of the Framework, indeed, Part 11 of the Framework (Making effective use of land) could have been written with this site in mind.

### Affordable Housing

- 1.62 The provision of affordable homes will make a major contribution to acute housing need. 35% of the development will be affordable homes – that is c.382 homes for households in genuine housing need, of which 35% would be affordable homes secured by legal agreement. Of the affordable homes proposed 30% will be London Affordable Rent and 70% will be Intermediate

Homes – both types of homes respond to clearly evidenced needs. I consider the provision of affordable homes in this case warrants substantial weight.

### Economic Growth and Productivity

- 1.63 The existing building's social, economic and environmental contribution will cease in its current form as the DIY retailer has decided to dispose of the Site as it is surplus to requirements. The proposed development proposes 1,200m<sup>2</sup> (GIA) of flexible space to activate the ground floor and new pedestrian routes through the site. The space is to be used for purposes within the Use Classes A3 (Restaurants and cafés), B1 (Business), D1 (Non-residential institutions) or D2 (Assembly and leisure). Of the commercial floorspace offer, up to 145m<sup>2</sup> is proposed to be used as a new health care facility. Paragraph 81 of the Framework applies significant weight to this type of public benefit, and I agree that significant weight should be applied to this proposal.

### Design

- 1.64 The Application will deliver the exemplary physical transformation of a surplus retail warehouse and car park with a high-quality contemporary design that successfully responds to and enhances the townscape character of Cricklewood Town Centre and the wider Opportunity Area. The landscape-led masterplan has a well-justified rationale behind the layout of a series of open spaces, the distinctive character of which will add substantially to the character and enjoyment of the area. The approach to height in townscape terms focuses on height in the south-east part of the site, reflecting the more accessible location that will also frame the open space and successfully act as a wayfinding marker for Cricklewood Town Centre and Station.
- 1.65 The design of the Application has evolved in response to feedback from stakeholders and the scale and mass of the Development has been significantly reduced as a result.
- 1.66 The Developments is of outstanding quality and one which is supported by a proportionate level of design information including a Design Code, parameter plans and planning conditions. These controls will inform and secure the detailed design of the Application at the reserved matters application stage.
- 1.67 Paragraph 134(a) and 134(b) of the Framework applies significant weight to this compliance and I agree.

### Open space, greening and permeability

- 1.68 Currently, there is limited permeability across the Site and the vehicle movements in and out from Cricklewood Lane create a hostile environment to the front of the Application Site. New trees will be planted, and a significant amount of new open space and urban greening will be achieved. The public realm improvements and proposed open space component generate very significant benefits which would substantially add to the amenity of the area.

- 1.69 The Applicant proposes a new public square along Cricklewood Lane to be known as Arboretum Place; an expansion to Cricklewood Green, a registered Asset of Community Value (AVC) expanding the area of open space, and improving its usability; Wood Way, Cricklewood Lawn, and the Rail Side all active and ecologically diverse spaces, including large playable lawns and open space. I apply significant weight to this public benefit in accordance with the Framework and in particular paragraph 131 and 179(b).
- 1.70 The reduction in car parking numbers on site from 470 to 105 spaces is a positive reduction in car parking capacity. Redevelopment of the Site will lead to a net reduction of 4,229 daily two-way vehicle trips compared with the current retail use (92% reduction). I apply significant weight to this traffic and carbon reduction benefit.
- 1.71 These material considerations and public benefits weigh heavily in favour of a grant of planning permission.

### The Planning Balance

- 1.72 The Application accords with relevant policies within the BLP, and the EBLP, the London Plan and Framework when read as a whole. All relevant material considerations further reinforce the case for the grant of planning permission.
- 1.73 Even if any non-conformity with a policy was found, an approach that I do not agree with, it is necessary to consider this against compliance with the Development Plan as a whole. It is common ground with the Council and Mayor of London that the Application complies with a very significant number of development plan policies which carry full weight in favour of the Application.
- 1.74 Any alleged non-compliance would need to be balanced against the very substantial public benefits that would be generated by the development.
- 1.75 When read as a whole, I consider that the Application complies with the development plan and there are material considerations which weigh further and heavily in support of a grant of planning permission.

### Consultation on revisions to the NPPF

- 1.76 The Government consulted on proposed reforms to national planning policy on 22 December 2022 of. In principle they support the case for the grant of planning permission in this case.
- 1.77 The reforms recognise difficulties in rural areas playing their full part in contributing towards the Government's restated commitment to build 300,000 homes pa nationally. Accordingly, paragraph 4.14 of the Consultation underlines the importance of urban areas making the best use of their capacity for housing development. The paragraph makes clear:

*“Whilst important constraints need to be recognised when planning for homes, so too do the opportunities to locate more homes in sustainable urban locations where development can help to reduce the need to travel (thereby supporting sustainable patterns of development overall) and contribute to productivity, regeneration and levelling up.”*

1.78 The Consultation is a clear reminder that there is a national interest in ensuring that urban areas play their full part in meeting local, regional and national housing needs – not least because the country needs to increase its housing delivery, but other locations are likely to be more sensitive. In the rare circumstances that a site demonstrates exceptional characteristics for regeneration, the case for higher density development is compelling and the integrity of a planning system which is plan and policy led requires a positive approach to be taken.

1.79 The Consultation explains the Government’s strategy that such urban areas should deliver a 35% uplift on their housing needs assessed through the Standard Methodology and that:

*“The uplift supports our approach to making the best use of brownfield land. The method for calculating local housing need was amended in 2020 to apply an uplift of 35% for the 20 largest towns and cities<sup>1</sup>, in recognition of this potential. The government intends to maintain this uplift and to require that this is, so far as possible, met by the towns and cities concerned rather than exported to surrounding areas, except where there is voluntary cross-boundary agreement to do so (for example through a joint local plan or spatial development strategy).”*

1.80 The Consultation, therefore, serves to reinforce the principles embedded in planning policy in this case and to further emphasise the case for the grant of planning permission.

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<sup>1</sup> This includes London

## 2 Introduction

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- 2.1 My name is John Stuart Rhodes, I have a BSc in Estate Management and I am a Member of the Royal Institution of Chartered Surveyors. I have over 35 years of experience in private sector planning consultancy.
- 2.2 Between 2000 and 2010 I was responsible for the London office of RPS, the largest multi - disciplinary planning consultancy in the UK at that time. In 2010 I set up a new planning consultancy, Quod, which has grown rapidly and established itself as a leading consultancy in the fields of planning and regeneration. Quod advises a broad range of commercial and public sector clients, both within London and nationally.
- 2.3 I have been closely involved in formulating planning policy and was one of four members of the Practitioners Advisory Group, appointed in 2011 by the then Planning Minister Greg Clark to prepare a draft of the National Planning Policy Framework (the 'Framework'). I was subsequently appointed as a member of the Taylor Review, which was charged with overseeing a review of planning practice guidance and which led to the publication of the NPPG.
- 2.4 I chaired the Communities and Local Government's ("CLG's") Community Infrastructure Levy ("CIL") Working Group, which generated reforms to the CIL guidance and regulations. In 2016, I was appointed chair of the Local Plans Expert Group, appointed by the then Planning Minister Brandon Lewis MP to examine ways of enhancing the efficiency and effectiveness of local plans.
- 2.5 In January 2015 I was appointed an Officer of the Order of the British Empire for my contribution to the economy, planning and communities.
- 2.6 I was first involved in the regeneration of the Brent Cross-Cricklewood area in 2003 acting on behalf of the Brent Cross Cricklewood Development Partners (Hammerson PLC, Aberdeen Standard Investments and Cricklewood Regeneration Limited). I was closely involved in encouraging a joint approach between the principal landowners and I worked with the Borough Council and the GLA to help prepare the Brent Cross Cricklewood Regeneration Framework, which was adopted as planning policy by both authorities in 2004/5 and the boundaries of which include the application site.
- 2.7 I then worked as part of the consultant team who prepared, submitted and obtained planning permission for an outline planning application for the comprehensive regeneration of the 151 ha site to create a new town centre incorporating a transformed Brent Cross Shopping Centre, over 100,000sqm of retail floorspace, 7,500 residential homes, 300,000sqm of office floorspace, community uses, leisure uses, as well as substantial public realm and infrastructure improvements. In addition to some 27,000 jobs, a significantly improved shopping centre, a new commercial district and a new high street together with parkland and open space, the outline planning permission promoted substantial investment into transport and community facilities, including new schools, health facilities, public transport interchanges, bridges and road junctions. A key purpose of the work was to ensure deliverable regeneration and to make



sure that the benefits of that regeneration were felt by local communities. Quod has remained involved in aspects of the regeneration since that time.

- 2.8 Quod had no involvement in the preparation of the application which is before this inquiry.
- 2.9 I was first instructed by Montreaux Cricklewood Developments Limited (the 'Applicant') following the decision by the Secretary of State to call-in the decision made by the London Borough of Barnet on 30<sup>th</sup> August 2022 in respect of B&Q Broadway Retail Park, Cricklewood Lane, Barnet NW2 1ES (the 'Application Site').
- 2.10 I was aware that the application had been recommended for approval by officers of the Greater London Authority (the 'GLA'), and the Mayor of London, and at that time officers and elected members of the London Borough of Banet (the 'Council'). Nevertheless, I undertook my own assessment of the proposals before accepting instructions to act for the Applicant. It was clear to me that this was a very carefully thought out outline proposal which responds to a clear policy imperative to achieve residential-led regeneration and optimise the use of land of underutilised brownfield land in the Cricklewood Growth/Opportunity Area. It was also apparent that the proposals had evolved through detailed engagement with Barnet's planning officers and the Mayor of London and that the application optimised the development capacity of the Application Site responding to national, regional and local policies which promote high density sustainable forms of development in accessible and well served locations. I had also worked with the scheme architects EPR before and was aware of the quality of their work.
- 2.11 I advised that I was happy to act on the Applicant's behalf at this inquiry. Subsequent research in the preparation of my evidence has only served to reinforce my initial impression that the Secretary of State should grant planning permission in line with the original decision made by the London Borough of Barnet on 9<sup>th</sup> September 2021, and the Mayor of London on 28<sup>th</sup> March 2022.
- 2.12 In preparing this Proof of Evidence I have adhered to the RICS Code of Conduct and prepared evidence consistent with the rules and guidance to Part 35 of the Civil Procedure Rules and which govern the work of expert witnesses. The required affirmation concluding this evidence sets out my understanding of those duties. This includes confirmation that I am not paid under any contingency or success fee arrangements.

## 3 Scope of Evidence

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- 3.1 The Inspector's note following the CMC of 30th November 2022 (CDC.03) identified the main issues as follows:
- the effect of the proposed development on the historic environment and the character and appearance of the area; and
  - the effect of the proposed development on local transport, with particular regard to sustainable travel, effects on the road network and highway safety, and the amount of parking to be provided.
- 3.2 The Inspector's note also identifies that the inquiry will consider the public benefits of the proposal, as well as examining the effect of the proposed development on local infrastructure and services, and its compliance with adopted planning policy.
- 3.3 To inform the scope of my evidence, I have also considered the background history to the application.

### Background

- 3.4 The development comprises a planning application for outline planning permission with all matters reserved, except for access, submitted to the London Borough of Barnet ("the Council") and the Mayor of London on 31<sup>st</sup> July 2020 registered under application number 20/3564/OUT (the 'Application') [CDA]. The Application is for 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" ("the Proposed Development").
- 3.5 The Council officers first recommended that planning permission should be granted on 9<sup>th</sup> September 2021 [CDD.01]. The recommendation was accepted by elected members of the Council's Planning Committee. GLA officers also recommended that planning permission should be granted, and the Mayor of London agreed, issuing his Stage 2 response on 28<sup>th</sup> March 2022. This confirmed that the application was acceptable in strategic planning terms and therefore he was content to allow the local planning authority to determine the case itself [CDB.02].
- 3.6 Throughout the planning process, the Council have been undertaking a Local Plan review to which the application has been prepared in sight of the emerging Development Plan policy context and increasing applied weight as the Local Plan review was progressed to examination in public, which concluded in November 2022.
- 3.7 The Secretary of State wrote to the Council on 25<sup>th</sup> March 2022 to direct the Council not to grant permission under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3.8 On the 30<sup>th</sup> August 2022, the Secretary of State wrote to the Applicant confirming his intention to call-in the application in accordance with Section 77 of the Town and Country Planning Act 1990. The Secretary of State's letter does not identify any potential conflict with national policy and does not identify any matters raised by the Proposed Development of national significance. The letter does however include three specific matters that the Secretary of State wishes to be informed, namely design, scale, and massing "*and any other matters the Inspector considers relevant*".
- 3.9 Following call-in by the Secretary of State, on 8th November 2022 officers of Barnet Council sought direction from members of the Planning Committee on the Council's position on the development for the purposes of the Planning Inquiry process. Officers noted the lack of material change in circumstances since the original resolution to grant planning permission and sought authorisation that officers may 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.
- 3.10 In their report to members, officers noted the following matters.
- The policy framework that underpinned the September 2021 recommendation and the resolution to approve consisted of the Framework, the London Plan 2021 and the Barnet 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.
  - Full weight was awarded to the current Local Plan, and limited weight to the emerging local plan.
  - Is it likely that the Inspector's report on the local plan would have been received by the date of the call-in public inquiry (and certainly before the SoS decision). There will therefore 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.
  - 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<sup>2</sup>, 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.
- 3.11 Despite the officer recommendation, the previous resolution of the Council, the stated position of the Mayor of London, and no new evidence or information being presented to the planning committee, members resolved to oppose the application on the following grounds:

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<sup>2</sup> The legal advice presented to the Planning Committee comprised an Exempt Item and is not publicly available.

*The proposed development and the parameters sought, by virtue of the excessive height, scale and massing would result in a discordant and visually obtrusive form of development that would demonstrably fail to respect the local context and its established pattern of development, to the detriment of the character and appearance of the area and the setting of the adjacent Railway Terraces Conservation Area. The proposal would therefore not create a high-quality development, not constitute a sustainable form of development and would be contrary to the provisions of the NPPF, Policies D3, D4, D9 and HC1 of the London Plan 2021 and Policies CS5, DM01, DM05 and DM06 of the Barnet Local Plan Core Strategy and Development Management Policies 2012.*

- 3.12 The Council and Applicant have agreed a Statement of Common Ground on planning matters ('PSoCG'); and on Transport Matters ('TSoCG'). A Design and Historic Environment Statement of Common Ground ('D&HESoCG') has also been prepared for agreement with the Council. The Statements of Common Ground demonstrate significant areas of agreement between the Council and Applicant which are important material considerations which carry significant weight.
- 3.13 Local groups NorthWestTwo Residents' Association and Railway Terraces Residents' Association have been awarded Rule 6 status.
- 3.14 Consequently, I have structured my evidence to address the informative matters raised by the Secretary of State and the Inspector alongside the Council's resolution on 8<sup>th</sup> November 2022 and concerns raised by the Rule 6 Party.
- 3.15 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I provide an assessment of the proposals against the development plan, followed by a review of other relevant material considerations including public benefits of the Application.
- 3.16 The relevant development plan comprises the London Plan 2021, the Core Strategy 2012, the Development Management Plan 2012, the Proposal Map 2012 and the Unitary Development Plan Saved policies 2006 (all discussed in detail at Section 6 of this Proof of Evidence) and consider that the Application accords with relevant development plan policies, and the development plan when read as a whole. As a result, it benefits from the statutory presumption in favour of sustainable development, and it should be granted planning permission without delay.
- 3.17 In practice, the proposals do more than just accord with policy, they fulfil important strategic and local policy objectives on a site ideally suited (and identified) for that purpose.
- 3.18 My evidence considers the very real and significant opportunity and the considerable public benefits that would be realised through the grant of permission for the Application proposals. This includes the provision of new homes, including affordable homes for Londoners and a development proposal that delivers a high-quality regeneration of the currently underutilised site in accordance with the relevant development plan policy tests, including the provision of transformative public realm. Maintaining the status quo of an under-utilised retail warehouse and car park would not be acceptable given the acute need for additional housing in London that should be delivered in the most sustainable locations.

- 3.19 The Application will provide up to 1,049 new homes including of which 35% will be affordable; 30% London Affordable Rented (indicatively 86 homes) and 70% Intermediate tenure homes (indicatively 296 homes). Housing need is acute. Indeed, the lack of affordability and the scale of need is as acute as anywhere in the country. In my opinion, based on historical annual delivery rates, the Council will find it challenging to deliver sufficient homes to meet its minimum annual housing requirement. The proposed new housing is of high quality and will see new residents and Council residents living in high quality new housing in Cricklewood. The affordable housing will be secured in perpetuity by legal agreement.
- 3.20 In March 2020 the Secretary of State directed the Mayor of London to maximise site capacity for housing in locations such as this. The correspondence endorses the use of underutilised sites for housing, particularly in highly sustainable locations. The most up to date expression of national policy, set out in consultation on revisions to the NPPF emphasises quite how important it is that our urban areas optimise their contribution to housing delivery in order to meet clear housing needs and to protect other more sensitive locations.
- 3.21 My evidence complements and draws upon the evidence of:
- a) **Mr James Everitt** who describes and assesses the design of the Application scheme in its context;
  - b) **Dr Chris Miele** who considers heritage and townscape issues in the context of the Framework and related policy tests in the development plan; and
  - c) **Mr Richard Fitter** from Entran is providing transport evidence.
- 3.22 My evidence also refers to an expert statement (CDL01) provided by Mr Simone Pagani which considers the effect of the development in terms of daylight, sunlight and overshadowing on the living conditions of future occupiers and of neighbouring properties.
- 3.23 My evidence is structured as follows:
- **Section 3 (Factual Background)** includes a brief description of the site, surrounding area, and planning designations and relevant planning history.
  - **Section 4 (Application Context)** describes the purpose behind, effect and weight of strategic and local policy imperatives to optimise the development of sites like the application site.
  - **Section 5 (The Proposed Development)** provides a short overview of the proposals drawing principally on the description of development set out at Section 4 of the Statement of Common Ground.
  - **Section 6 (Compliance with the Development Plan)** assesses regional and local adopted and emerging policies and the broad range of development plan policies which relate to the Application, and its compliance with these.
  - **Section 7 (Housing)** assesses relevant housing policies which seek to boost the supply of housing, the need for housing and the contribution of the application proposals; policy issues relating to affordable housing; and housing mix.

- **Section 8 (Achieving Well Designed Places)** in conjunction with the evidence of Mr Everitt and Dr Miele, I consider the compliance of the Application with policies on design.
- **Section 9 (Conserving and Enhancing the Historic Environment)** in conjunction with the evidence of Dr Miele, I consider the policy compliance of the Application on heritage matters.
- **Section 10 (Other)** considers other planning considerations raised by the Inspector and other matters raised by third parties including transport, infrastructure and the section 106 legal agreement.
- **Section 11 (Public Benefits and the Planning Balance)** considers the public benefits of the Application and their relevance and weight when applying a planning judgement to the acceptability of the Application.
- **Section 12 (Summary and Conclusions)** conclusions are drawn.

3.24 The Appendices to my evidence are bound separately.

3.25 In my opinion, the Application benefits from the statutory presumption as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004, and other material considerations strongly support the grant of planning permission without delay.

## 4 Factual Background

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4.1 The Applicant has prepared three Statements of Common Ground with the Council which contain much of the background. In this section of my evidence, I set out only the most pertinent issues.

### The Application Site and Surrounding Area

4.2 The Application Site extends across an area of approximately 2.78 hectares and comprises the following existing uses:

- a part two, part two and half storey retail warehouse occupied by the DIY retailer B&Q including garden centre and bulk builders' yard; and a two-storey retail warehouse occupied by Poundstretcher and Tile Depot. The building comprises 7,990m<sup>2</sup> (GIA).
- a surface level car park comprising 470 car parking spaces, including 28 blue badge spaces.
- a left in only vehicular access point into the site from Cricklewood Lane; and a left out only vehicular egress point onto Cricklewood Lane.
- two points of access for service and deliveries into two service yards from Depot Approach.
- a vehicular access and egress point into the existing car park from Depot Approach.
- an existing gas governor station that is located to the south-eastern corner of the site adjacent to the vehicle access. The infrastructure apparatus will be retained as part of the proposed development.

4.3 The Application Site immediately abuts Cricklewood Town Centre, a designated District Centre identified for high residential growth and medium commercial growth in the London Plan. The Application Site is highly accessible by public transport benefiting from a Public Transport Accessibility Level ("PTAL") of 5 (where 6 is the highest rating) on the part of the site with the greatest proposed density and only reducing to 4 (good) at the part of the site furthest from the adjacent railway station.

4.4 The site is bound to the south by Cricklewood Lane, and Cricklewood Green public space, which is designated as an 'Asset of Community Value'. The entirety of the eastern boundary is contained by the Midlands Mainline railway line which serves Cricklewood Railway Station. The station is served by the Thameslink line, which provides regular services (every fifteen minutes) to St Albans in the north, and Sutton, via a central London stations such as St Pancras, Farringdon, City Thameslink, and Blackfriars in the south. Cricklewood Station is identified as a potential station for the potential West London Orbital Rail in the Mayor of London's Transport Strategy 2018 (updated 2022) to improve 'orbital' connections to Old Oak and across west London, between Hounslow and Brent Cross – Cricklewood via the Dudding Hill line. The northern edge abuts an area of surface level car parking that is used as overspill parking with a Jewson building merchants beyond which has large areas of open storage. Campion Terrace, part of the Railway Terraces Conservation Area is located to the northwest of the site boundary.

- 4.5 The western boundary abuts 1-13 Cricklewood Lane a range of commercial uses, and the development site of 194-196 Cricklewood Broadway which has been cleared of all buildings and structures and is enclosed by site hoarding. Both sites benefit from extant planning permissions under application reference 18/6353/FUL and 17/0233/FUL (amended by 19/5339/NMA). Further west is the two-storey commercial Beacon Bingo building.
- 4.6 The rest of the western boundary fronts Depot Approach (a privately owned road) and the Beacon Bingo car park. Adjacent to the car park lies Cricklewood Playground (also known as Kara Way playground), a 0.29ha playground comprising a Basketball Court, Multi Sports Court and a Play Area for Toddlers (2- 6 years); Play Area Junior (5-10 years); and Play Area Senior (7 -14 years).
- 4.7 Opposite the southern boundary of the site on the southern side of Cricklewood Lane is a row of two storey properties with retail units at ground floor and residential above. The retail element is identified as a Secondary Retail Frontage within the Barnet Local Plan Proposals Map (2012).
- 4.8 The Application Site is not located within a conservation area and does not contain any listed buildings or structures, or any nationally designated heritage assets. The nearest conservation area, the Cricklewood Railway Terraces Conservation Area is located c.75m to the north-west and contains seven locally listed buildings and allotment gardens. There are three Grade II listed buildings and structures situated within 500m of the Application Sites, which include the Milestone sited outside No. 3 and 4 Gratton Terrace (140m west), Three Lamp Standards outside the Crown Public House and the Crown Public House (150m south-west) itself. Descriptions of the Conservation Area and Listed Buildings are provided in the evidence of Dr Miele.
- 4.9 The surface level tarmacadam car park and existing commercial buildings contained within the Application Site make no contribution to the local townscape, and the building fabric across the site is of a limited quality and is generally tired. By virtue of the existing retail operations, the Application Site makes a limited contribution towards the vitality, viability and quality of life of Cricklewood and delivers no active or animated building frontages and a poor quality public realm with limited natural surveillance.
- 4.10 In short, the Application Site is in a highly sustainable location adjacent to Cricklewood Station but is presently underutilised, tired and in clear need of comprehensive regeneration.
- 4.11 Land along Cricklewood Lane and Cricklewood Broadway has been subject to regenerative proposals, benefitting from extant planning permission for their redevelopment including:
- 1-13 Cricklewood Lane obtained planning permission in June 2021 for a residential-led redevelopment containing three blocks up to 9 storeys comprising flexible retail (Class A1-A4 & D1) at ground and basement level and 145 residential units (18/6353/FUL).
  - 194-196 Cricklewood Broadway obtained planning permission in January 2018 for a residential led redevelopment of a building up to 6 storeys comprising 3,457sqm of Class A1 and 96 residential units (17/0233/FUL). The original consent was the subject of a non-material amendment application that was approved in October 2019, resulting in a minor increase in building height and an additional residential unit (19/5339/NMA).



4.12 Further west is the two-storey commercial Beacon Bingo building, which is allocated for a residential-led mixed development (Site 7) in the emerging Barnet Local Plan for c.132 new homes and re-provision of some of the existing bingo leisure floorspace

## Planning History

4.13 The Application Site's planning history relates to its current and historical operation as a retail park and associated car park. Planning permission was first granted in May 1987 (reference C00640S) comprising a retail shopping development comprising a superstore with warehouse and service yard, a builders' merchants, and car parking for approximately 550 cars.

4.14 Prior to the submission of the Application, there had been no previous applications made seeking the comprehensive redevelopment of the Application Site or any application seeking consent for non-retail uses.

4.15 A request for an Environmental Impact Assessment ('EIA') Scoping Opinion for the site (Ref: 19/6632/ESC) was submitted to the Council on 16<sup>th</sup> December 2019, which was made in the context of the current proposals. The Council concluded in the Screening Opinion provided on 19<sup>th</sup> February 2020 that the proposed development would constitute EIA development and therefore the Applicant would need to undertake an EIA to support any planning application for the proposed redevelopment of the site.

## The Development Plan Designations

4.16 The Development Plan for the site comprises the London Plan (2021) (the 'LP') [CDE.02], the Barnet Local Plan ('BLP') which comprises the Core Strategy (2012) [CDF.03], Development Management Policies (2012) [CDF.04], the Proposals Map (2012) [CDF.05] and the Unitary Development Plan (saved policies) (2006) [CDF.02].

4.17 There are also a range of Supplementary Planning Documents listed in the Statement of Common Ground including the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework SPG (December 2005)(CDF.06), adopted by the Mayor of London and the Council following designation of the Brent Cross/Cricklewood Opportunity Area in 2004, which comprises the de-facto Opportunity Area Planning Framework.

4.18 Emerging planning policy is also relevant given its advanced stage of preparation. Formal consultation on the Emerging Barnet Local Plan ("EBLP") [CDF.01] was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 28 June 2021 and 9 August 2021. At its meeting on 19 October 2021, the Full Council approved the EBLP for submission to the Secretary of State for examination with the plan submitted on the 26 November 2021. The Council issued Appendix A Table of Council's Proposed Modifications – June 2022 Schedule of Proposed Modifications to Draft Barnet Local Plan on 27<sup>th</sup> June 2022 [CDF.01]. Examination Hearings of EBLP commenced on 20 September 2022 and proceeded until 11 November 2022.

4.19 The Inspector's recommendations arising from the examination have yet to be published but the Inspector's report into the EBLP is very likely to be published by the time the Secretary of State's determination of this Application is made.

4.20 The Framework is an important material consideration that provides the national context for planning in England, including Central Government’s housing policy objectives. The Framework was last updated on 20<sup>th</sup> July 2021.

#### The London Plan (‘LP’)

4.21 Under Section 24(1)(b) of the Planning and Compulsory Purchase Act 2004 there is a legal requirement that all Development Plan documents must be in general conformity with the LP.

4.22 The Application Site is not located within any specific land use designation within the LP but is designated within the Brent Cross/Cricklewood Opportunity Area. LP Table 2.1 sets out the indicative homes and indicative jobs sought within all the OAs. For Brent Cross / Cricklewood, the LP suggests capacity for 9,500 homes and 26,000 jobs [CDE.02].

4.23 This capacity is broadly similar to the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework SPG, which identifies capacity for 10,000 new homes and 20,000 new jobs.

4.24 The Application Site abuts Cricklewood town centre, a LP designated ‘District Centre’<sup>3</sup>, where ‘high’ residential growth and ‘medium’ commercial growth is expected over the twenty-year plan period to 2041 (LP Policy SD9 Table A1.1).

#### The Barnet Local Plan (BLP)

4.25 The Core Strategy 2012 (‘CS’), Development Management Policies 2012 (‘DMP’), the Proposals Map, and the Unitary Development Plan (saved policies 2006) (‘UDP’) designate the Application Site within the Brent Cross – Cricklewood Opportunity Area and Regeneration Area.

4.26 UDP Policy C9 seeks a minimum of 5,000 new homes in the Regeneration Area, and CS Policy CS1 5,510 homes by 2026. The Regeneration Area is recognised in the CS as a ‘significant strategic growth area’ for residential-led mixed use developments to which support is forthcoming for the optimisation of available sites to deliver new homes and employment growth.

4.27 The Proposals Map identifies the designated primary shopping frontage of Cricklewood Town Centre extending along Cricklewood Broadway (the A5) at the junction with Cricklewood Lane (no. 152 to 192 (even)) and partly along Cricklewood Lane (no. 1 to 13 (odd), 1a, 2b, 2c, 10a, 12a 1 to 9, and 2 to 20), outside of the Application Site. The south side of Cricklewood Lane (no. 26 to 56 (even)) opposite the Application Site is designated as a secondary retail frontage of Cricklewood Town Centre. The Council’s primary shopping frontage designation relates to the strip of most popular, central shops. The secondary frontage includes the other shops and restaurants that border these.

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<sup>3</sup> District centres – distributed more widely than Metropolitan and Major centres, providing convenience goods and services, and social infrastructure for more local communities and accessible by public transport, walking and cycling. Typically, they contain 5,000–50,000 sqm of retail, leisure and service floorspace. Some District centres have developed specialist shopping functions.

4.28 The Council's Proposals Map does not identify any other designations affecting the Application site.

#### Emerging Barnet Local Plan ('EBLP')

4.29 The Application Site is designated within the Cricklewood Growth Area (Policy GSS04); and Site Allocation: Broadway Retail Park (Cricklewood Growth Area) - Site No.8 (Annex 1) [CDF.01].

4.30 The EBLP recognises the strategic LP Brent Cross Cricklewood Opportunity Area designation but seeks additionally to apply its own disaggregated designation by identifying three Growth Areas within the strategic designation - Brent Cross, Brent Cross West and Cricklewood Growth Area<sup>4</sup>. Cumulatively the three Growth areas seek to deliver 10,700 homes.

4.31 Site Allocation – Site No.8: Broadway Retail Park (Cricklewood Growth Area) includes the following requirements: -

- **Allocated Use:** Residential led mixed use development with commercial and community uses
- **Indicative Capacity:** 1,007 dwellings
- **PTAL Rating:** 5 (2019 and 2031 estimate)
- **Site Requirement and Development Guidelines:** The site is suitable for a residential-led scheme along with retail and community uses. Good public transport access, proximity to town centre facilities and the potential for tall buildings mean that significant intensification of the site is possible. Proposal design must also take into careful consideration the sensitive adjacent conservation areas in Barnet and Brent, and low-rise buildings to the southeast. The site should be subject to an archaeological assessment. The water supply and wastewater network capacity in this area may be unable to support the demand anticipated from this development. Where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required. The detailed drainage strategy should be submitted with the planning application. Good public transport access, proximity to town centre facilities and the potential for tall buildings mean that significant intensification of the site is possible. Tall buildings may be appropriate, however, all tall building proposals will be subject to a detailed assessment of how the proposed building relates to its surroundings (with height of neighbouring buildings being of foremost consideration) responds to topography, contributes to character, relates to public realm, natural environment and digital connectivity. Further guidance will be provided by the Designing for Density SPD.
- **Justification:** The low density buildings and surface car parking are in a high PTAL location, adjacent to town centre shops and services.

4.32 I consider relevant policies of the development plan further within Section 6 of my evidence.

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<sup>4</sup> EBLP Map 2 Key Diagram identifies the three Growth Areas within the LP Opportunity Area designation

# 5 Approach to decision making : Strategic Context

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## Introduction

- 5.1 There is a stark difference of approach to the consideration of the Application between that which was set out in the Officer's report to committee on 9 September 2021 and in the GLA Stage 1 [CDB.01] and Stage 2 reports [CDB.02] (all of which supported the application) and the Borough Council's Statement of Case (which explains that the Borough Council no longer supports the development and would have refused planning permission).
- 5.2 There are a number of observations which could be made about the change in the Council's position – not least that the scheme itself has not changed since it was recommended for approval and resolved to be approved by the Council and that the national, regional and local planning policy position also did not change between those events. The only thing that changed in that time period was the membership of the Council's planning committee following the local elections in May 2022. More importantly for the purposes of this inquiry, however, is that the Statement of Case does not take a fair or balanced approach to the development, weighing its concerns against the extensive areas of agreement set out in the Statements of Common Ground. Neither does it accord with the necessary basis for determining planning applications, which is to start with the Development Plan.
- 5.3 The previous Officer report and GLA reports set out the appropriate policy background in order to provide the context for the Application, considered the Application against that policy background and then weighed the benefits of the Application against any harm, having regard to the policy background as a whole. The Statement of Case does not do that. In particular:
- it contains no detail and certainly no weight is attached to the longstanding designation of the site as part of an important regeneration initiative, the consequence of which is that change through substantial development is directly encouraged;
  - the Statement of Case does not identify that the Application proposals accord in principle with the development plan because they fall within a location identified within existing and emerging policy as being suitable for tall buildings; and
  - the Statement of Case asserts harm from the development but does not then apply the policy approach required by national and local policy, i.e., to consider whether the public benefits of the proposal outweigh that harm – particularly where those public benefits carry very substantial policy support.
- 5.4 In this section of my evidence, therefore, I seek to remedy those deficiencies by setting out important strategic background issues in relation to three particular areas of policy:
- Regeneration;
  - Intensification and tall buildings; and
  - The need for housing, including affordable housing.

5.5 Development management policies for design, heritage and other matters are, of course, highly relevant – and I assess them in subsequent sections of my evidence. However, they need to be considered in context.

## Regeneration

5.6 The Foreword to the EBLP explains that Brent Cross is Barnet's largest and most significant area of regeneration, whilst the Vision for the EBLP is that growth has been directed into the most sustainable locations with good public transport and active travel choice. These include Brent Cross and Cricklewood.

5.7 Cricklewood is identified in the EBLP as both a part of the Brent Cross Cricklewood Opportunity Area and as a Growth Area in its own right.

5.8 There has been extensive history of concerted policy initiatives to achieve growth and regeneration in Cricklewood. This was perhaps first codified in the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework, December 2005 [CDF.06], although the Foreword to that document explains: "*Cricklewood has for a number of years been recognised both at strategic and local levels as requiring regeneration.*"

5.9 The Regeneration Framework sets out proposals for the transformation of the area including the development of a new town centre bridging the A406 North Circular Road and wide-ranging enhancements through the provision of new infrastructure, community facilities, landscaping, public realm. As the Mayor of London explained in the Foreword to the Framework, his vision was that of a new town centre at Cricklewood/Brent Cross which "*seeks to ensure that the commercial and economic success of Brent Cross has wider benefits locally and sub-regionally in a more sustainable manner.*"

5.10 The boundaries of the regeneration area stretch to the A5 Edgware Road in the west and Cricklewood Lane in the south so parts of Cricklewood (including the Application Site) were deliberately included within the Regeneration Area in order that coordinated regeneration could spread to and embrace Cricklewood, thereby delivering multiple environmental, social and economic benefits. The Framework identifies that Cricklewood town centre has "*little aesthetic quality as the majority of shops are currently in poor physical condition.*" It continues... "*due to narrow footways and high traffic levels, the pedestrian environment is uncomfortable, a problem exacerbated by the scale of the surrounding buildings. There are large bulky retail outlets and a timber yard between the High Street and the railway line.*"<sup>5</sup>

5.11 The Regeneration Framework was endorsed by the Mayor of London as an Opportunity Area Planning Framework. It was jointly prepared and endorsed both by the Mayor of London and by the London Borough of Barnet. "*To facilitate and underpin the regeneration of the area defined by this Framework.*"<sup>6</sup>

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<sup>5</sup> Regeneration Area Development Framework page 22

<sup>6</sup> Regeneration Area Development Framework page 6

- 5.12 The Opportunity Area Framework and its status have stood the test of time. The Framework is referred to and relied upon in the saved policies of the Barnet Unitary Development Plan 2006. In turn, the saved policies remain relevant and are relied upon in the adopted Local Plan which explains at paragraph 7.5.1 that the policy framework for Brent Cross/Cricklewood is for comprehensive redevelopment of the regeneration area to take advantage of its strategic location and facilitate the regeneration of the surrounding communities in Barnet and the adjoining boroughs.<sup>7</sup>
- 5.13 Accordingly, Policy CS2 of the Local Plan identifies that the Opportunity Area will be a major focus for the creation of new jobs and homes, building on the area's strategic location and its key rail facilities.
- 5.14 Chapter 12 of the UDP is dedicated to the Cricklewood, Brent Cross and West Hendon regeneration area and it confirms that the Council is committed to tackling the problems of social exclusion that can lead to inequalities in housing, health, employment and other aspects of the quality of life experienced by all sections of the community. In this context, the Council considers affordable housing to be crucial to Cricklewood's regeneration.<sup>8</sup>
- 5.15 This, therefore, is an agenda for change.

### Intensification and tall buildings

- 5.16 The LP sets out the importance of making the best use of land given the scarcity of land in London relative to the forecast scale of its population and employment growth. The LP explains (para 1.2.2) that this means creating places of higher density in appropriate locations and that *"making the best use of land means directing growth towards the most accessible and well-connected places, making the most efficient use of the existing and future public transport, walking and cycling networks."* (para 1.2.4). Accordingly, policy GG2 requires all those involved in planning to *"proactively explore the potential to intensify the use of land to support additional homes and work places, creating higher density development, particularly in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling."*<sup>9</sup>
- 5.17 Chapter 2 of the London Plan then explains:
- "the areas that will see the most significant change are identified as Opportunity Areas. Many of these Opportunity Areas are already seeing significant development, and they all have the potential to deliver a substantial amount of the new homes and jobs that London needs."* (para 2.0.4).
- 5.18 Policy SD1 of the LP seeks to ensure that Opportunity Areas fully realise their growth and regeneration potential.
- 5.19 Opportunity Areas are identified as significant locations with development capacity to accommodate new housing, commercial development and infrastructure and the London Plan

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<sup>7</sup> Barnet Local Plan paragraph 7.5.1

<sup>8</sup> Chapter 12 paragraph 12.1.15

<sup>9</sup> London Plan policy GG2 Making the best use of land, page 17

confirms Brent Cross/Cricklewood as an Opportunity Area with an indicative capacity for 9,500 new homes and 26,000 new jobs<sup>10</sup>. The spatial strategy for the London Plan includes the deliberate identification of Opportunity Areas on growth corridors (para 2.1.7), which are structurally important to London because of the accessibility that they provide and the inherent sustainability of their locations. Paragraph 2.1.7 of the London Plan makes clear that “*all stakeholders should seek to proactively promote and enable growth in these areas in line with the policies in this Plan.*” If necessary, the Mayor will encourage cross boundary working arrangements in order to “*unlock the full potential of the growth corridors within London*”.

- 5.20 Brent Cross/Cricklewood is identified at Figure 2.8 as falling within the High Speed 2/Thameslink Growth Corridor and para 2.1.57 explains the potential for the development of a new rail link from Brent Cross to Hounslow via Old Oak, known as the West London Orbital line which could unlock further significant growth in the area.
- 5.21 Additionally, the London Plan identifies strategic and local regeneration areas (policy SD10), a number of which lie within the 20% most deprived areas in England. Figure 2.19 shows that the Brent Cross Cricklewood area is defined as a Strategic Area for Regeneration for these purposes.
- 5.22 Another structuring principle of the London Plan is to focus development on town centres, both for their inherent sustainability but also because of the benefit of supporting town centres, including those suffering from declining demand. Annex 1 of the London Plan sets out the town centre network, identifying those which may be suitable for commercial or residential development. This is brought together in Table A1.1 which identifies that Cricklewood town centre is classified as a District Centre with medium commercial growth potential but high residential growth potential, as well as a Strategic Area for Regeneration.<sup>11</sup> The consequence, of course, is that Cricklewood has a full complement of designations to not only support but positively plan for change. Change is necessary not only to achieve the objectives of regeneration but also because Cricklewood is identified as an area with high potential to accommodate London’s residential and other needs.
- 5.23 Policies for making best use of land apply with particular force to sites with such a combination of designations.
- 5.24 In response to the Government’s commitment to delivering 300,000 homes a year by the mid-2020s, the Government published its report Fixing our Broken Housing Market (2017) which sought to make better use of available land for homes in the right places, by maximising the contribution from brownfield land<sup>12</sup>. It addressed the need to make efficient use of land by delivering higher-density housing in urban locations which are well served by public transport (such as around many railway stations); or provide opportunities to replace low density uses such as car parks and retail warehouses in areas of high housing demand; or which offer scope to extend buildings upwards in urban areas by making good use of the ‘airspace’ above them<sup>13</sup>.

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<sup>10</sup> London Plan Table 2.1

<sup>11</sup> London Plan page 478

<sup>12</sup> CD5.4 Fixing our Broken Housing Market (2017), Step 1 (page 18)

<sup>13</sup> Fixing our Broken Housing Market (2017) (page 32)

- 5.25 The Framework<sup>14</sup> subsequently set out policies to support the Government's objectives: of significantly boosting the supply of homes; to optimise the use of surplus brownfield land in accessible locations; that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed; and that land with permission is developed without unnecessary delay. It also establishes clear policy objectives to optimise surplus brownfield land in accessible locations and gives substantial weight and support to the development of under-utilised land and buildings where this would meet identified needs for housing. Developing surplus retail land and car parks for housing are given as specific examples.
- 5.26 London Plan policy D3 Optimising site capacity through a design-led approach confirms that higher density development should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. The supporting text explains that for London to accommodate the growth identified in this Plan every new development needs to make the most efficient use of land by optimising site capacity.<sup>15</sup>
- 5.27 Unsurprisingly, this policy approach also affects the suitability of locations for tall buildings and para 3.9.1 of the London Plan seeks to make optimal use of the capacity of sites which are well connected by public transport and have good access to services and amenities. In this context, the LP identifies that tall buildings can help people navigate through the city by providing a reference point at such locations. Boroughs are required to identify locations where tall buildings may be an appropriate form of development and states that, in large areas of extensive change, such as Opportunity Areas, the threshold for what constitutes a tall building should relate to the evolving (not just the existing) context.<sup>16</sup>
- 5.28 The Regeneration Area Development Framework recognises the suitability of the Brent Cross/Cricklewood area for tall buildings which it proposes should be strategically located to define key activity areas and gateway sites and that opportunities for tall buildings particularly arise along the western boundary of the regeneration area. The application site, of course, lies both on the western boundary but also at the southern gateway to the Regeneration Area.
- 5.29 The Barnet Core Strategy 2012 encourages higher density in the regeneration and development areas, at town centres and other locations accessible by public transport (paragraph 8.3.1). It explains that account has been taken of the Barnet Characterisation Study and of a separate Tall Buildings Study to identify locations in the borough suitable for tall buildings. Paragraph 10.6.6 identifies the Edgware Road corridor as a location for an important part of Barnet's consolidated growth in the next 15 years. The paragraph also explains that it lies in a valley floor so that taller buildings along the route are less likely to have a significant impact on key views from elevated vantage points. The first location identified as suitable for tall buildings is Brent Cross/Cricklewood.
- 5.30 The EBLP sets out a key objective to deliver growth to meet housing aspirations and needs (page 25) and then promotes a spatial strategy in order to meet its objective. For these purposes and also in order to better manage the impacts of development on climate change,

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<sup>14</sup> Framework Paragraph 59, 103 and 118

<sup>15</sup> London Plan paragraph 3.3.1

<sup>16</sup> London Plan paragraph 3.9.3



growth is to be concentrated in the Opportunity Areas, of which Brent Cross Cricklewood is the largest. These are explained as the most sustainable locations where there is recognised capacity for large scale development (policy BSS01 and paragraph 3.4.3).

- 5.31 Accordingly, Policy GSS 01 identifies Brent Cross Cricklewood Opportunity Area with a requirement for 9,500 homes but also Cricklewood town centre as an additional Growth Area, with proposals for 1,400 homes.
- 5.32 Map 3B shows the area around Cricklewood town centre that has been identified as a growth area – and that map contains a limited number of sites to the west of the railway line, north of Cricklewood Lane, of which the largest is the Application Site (Site 8). Paragraph 4.17.4 explains that whilst Cricklewood Broadway retains high quality historic frontages, there is unused and under used land between the Broadway and Cricklewood Station to the east. This includes the Broadway Retail Park, a site of extensive car parking and low rise buildings – but which has excellent public transport links from Cricklewood Station and bus routes along the A5 – and has considerable potential for intensification.
- 5.33 Policy GSS11 also confirms that the A5 Edgware Road has potential for residential led tall building development in certain locations optimising site availability and good public transport accessibility.
- 5.34 Paragraph 6.18.2 confirms that tall buildings of exemplary architectural quality can make a positive contribution to Barnet and become a valued part of the identity of places such as growth areas in town centres, including Cricklewood.
- 5.35 Barnet’s Tall Buildings Update (2019) [CDF.012] undertaken for the EBLP provides the basis for identifying where tall buildings may be appropriate. Para 6.18.5 confirms that these locations include Brent Cross/Cricklewood, as well as town centres and major thoroughfares. For these purposes tall buildings are defined as buildings of more than 8 storeys and the Local Plan Review introduces an additional category of Very Tall Buildings set at 15 storeys or more.
- 5.36 The EBLP provides that very tall buildings will not be permitted in strategic locations unless exceptional circumstances can be demonstrated. Such circumstances can include appropriate siting within an Opportunity Area or Growth Area. The EBLP explains that Opportunity Areas are areas of extensive change whilst Growth Areas are distinctive locations with good public transport accessibility. They have a supply of brownfield and under used land and buildings offer opportunities for inward investment. Growth Areas together with town centres provide identified developable and deliverable sites with substantial capacity for new homes, jobs and infrastructure. Accordingly, Cricklewood Growth Area is identified in Policy CDH04 as an appropriate location for tall buildings and the policy makes clear that its status as an Opportunity Area and Growth Area means that very tall buildings can also be acceptable, subject to assessing their visual, environmental and other effects.
- 5.37 Annex 1 of the EBLP provides a schedule of site proposals. The Annex contains a density matrix which applies higher densities to sites with greater accessibility in order to estimate the capacity of allocated sites. In that context, Broadway Retail Park (site 8) is identified for 1,007 indicative residential units, together with retail and community uses.

5.38 Accordingly, the GLA Stage 2 report on the application proposals confirms (para 33) that the current and emerging development plans identify the Application Site as appropriate for tall buildings and an exceptional opportunity for high-density housing. The report continues:

*“Further, the size of this Opportunity Area site provides an exceptional opportunity for high-density housing delivery, including tall buildings that do not unacceptably impact the surroundings. This is considered to meet the requirements for buildings above 15 storeys in the emerging Local Plan.”*

## Housing requirement

5.39 London and Barnet face a housing crisis. The EBLP states that average local house prices in the borough are 15 times the medium household income, making Barnet one of the least affordable places in the country.

5.40 The adopted Core Strategy confirms that Barnet is the most populous borough in London but that substantial areas of the borough are taken up by designated Green Belt and metropolitan open land so that:

*“if we are to adapt successfully to Barnet’s growing population and protect Green Belt and metropolitan open land, we need to make the best use of brownfield land.”<sup>17</sup>*

5.41 It is important to understand the overall context for housing in London. The London Plan policies were informed by a Strategic Housing Market Assessment (SHMA) [CDE.010] which confirmed the need for 66,000 homes per annum (para 4.1.1). The scale of housing provision in the London Plan was the source of close debate at the examination in public but also the subject of correspondence between the Government and the Mayor of London, details of which are set out in CDJ. It is apparent from the Secretary of State’s letter of 27 July 2018, that the Government considered the then estimate of 65,000 homes a year as an under estimate of the full extent of housing need in London to tackle affordability problems.

5.42 However, the London Plan only proposes the development of 52,000 homes per annum because the Panel examining the plan did not think it was credible for the plan to promote a higher target given the apparent lack of capacity of potentially suitable sites.<sup>18</sup> The correspondence from the Secretary of State sees this as a failure of the London Plan, leaving tens of thousands of homes a year needed but unplanned, exacerbating affordability challenges within and around the capital. As the correspondence explains:

- the Mayor should work constructively with ambitious London boroughs to encourage and support the delivery of more housing.
- the Mayor should consider reviewing the London Plan immediately in order to deliver a higher number of homes to meet housing needs in London.
- the Secretary of State directed modifications to the London Plan to maximise the delivery of housing in London, including optimising new capacity above and around stations

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<sup>17</sup> Core strategy para 8.1.2

<sup>18</sup> Add reference to Panel report

because “*Londoners need to be given the confidence that high density developments will be directed to the most appropriate sites, maximising density within this framework*”<sup>19</sup>

- 5.43 Accordingly, the London Plan promotes a step change in housing delivery (para 4.1.3) and policy H1 sets ten year targets for net housing completions in boroughs which include 23,640 homes for Barnet, the fourth highest borough target.
- 5.44 Policy H1 requires planning decisions to optimise the potential for housing delivery on all suitable and available brownfield sites (and with even greater relevance to this case):
- sites within 800m of a station or a town centre boundary; and
  - mixed use redevelopment of car parks and low-density retail parks and supermarkets.
- 5.45 The scale of the challenge is such that paragraph 4.1.3 explains that the Mayor recognises that development of this scale will require not just an increase in the number of homes approved but also a fundamental transformation in how new homes are delivered.
- 5.46 Accordingly, the London Plan sets out a number of measures to ensure delivery of the housing targets. The imperative of delivery is also emphasised in relation to affordable housing. Para 4.4.1 confirms that delivering more genuinely affordable housing is a key strategic issue for London. The 2017 SHMA identified a need for c.43,500 affordable homes per annum so that, even if the London Plan strategic target of 50% affordable housing in all new development was met, the requirement for affordable homes would not be satisfied. Maximising the delivery of affordable housing and making the most efficient use of available resources is said to be “*critical to enabling London to meet the housing needs of its workforce and maintain the function and resilience of the city.*” (para 4.4.1).
- 5.47 The EBLP is required to plan for the London Plan target of 2,364 homes per annum. The review explains, however, that the draft London Plan housing target had been 3,134 homes per annum until it was reduced by the Examination Panel (on grounds of apparent lack of capacity). It also explains that Barnet’s own SHMA identifies the housing requirement would be 3,060 dwellings per annum but that the review is addressing the lower levels set out in the London Plan housing target.
- 5.48 Whilst the review suggests that capacity in the borough may be greater, it is apparent from the Borough Council’s published evidence base that delivery in the borough in the last 10 years has never met the Borough Council’s calculation of its objectively assessed need. For Barnet, therefore, a step change in delivery is also required.
- 5.49 The context explained in this section describes matters of strategic importance to London, Barnet and the immediate local area which should substantially inform the approach to be taken to the development of the application site.

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<sup>19</sup> Secretary of State letter 13 March 2020

## 6 The Proposed Development

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- 6.1 In this section of my evidence, I consider the structure of the Application, and the key components of the development.
- 6.2 Whilst the Secretary of State wishes to be informed about the design, scale and mass of the Application, I consider that the Secretary of State's assessment should recognise the outline nature of the Application. An outline application, by definition, does not include, and is not required to include detailed design. The Application addresses matters of design, scale and mass through parameter plans, a Design Code, an indicative scheme and planning conditions.

### The Application Structure

- 6.3 The Application is submitted in outline. Schemes of this nature are commonly considered as outline applications and the approach for this Application has the support of the Council and the Mayor of London.

#### Use and Amount

- 6.4 The Town and Country Planning (Development Management Procedure) (England) Order 2015 ("DMPO") sets out the requirements and information that needs to be provided in support of an outline planning application. Further guidance is also provided in National Planning Policy Guidance (NPPG). They require information about the proposed use or uses, and the amount of development proposed for each use.
- 6.5 Amount for this Application is defined by the Application description of development, namely for up to 1,049 residential units (Use Class C3), and up to 1200m<sup>2</sup> (GIA) of flexible commercial and community floorspace (Use Classes A3/B1/D1 and D2).

#### Reserved Matters

- 6.6 The Application reserves matters of appearance, landscaping, layout, and scale for consideration at a later stage, subject to separate applications to be submitted to the Council. These applications will be consulted upon, assessed and determined by officers of the Council and the elected representatives of the Council. The reserved matters applications will be subject to their own detailed design analysis and scrutiny, and design review, required by the terms of the planning conditions agreed with the Borough Council.
- 6.7 In accordance with the DMPO definitions, the following detail is, by definition, reserved for future approval.

**Appearance:** *the aspects of a buildings or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.*

**Landscaping:** *the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass;*

*(c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.*

**Layout:** *the way in which buildings, routes and open spaces within the development are provided, situated, orientated in relation to each other and to buildings and spaces outside the development.*

**Scale:** *the height, width and length of each building proposed in relation to its surroundings.*

- 6.8 As I explain below, and Mr Everitt explains in his evidence, a function of an outline application is not to provide design detail. However, the Applicant in this case has provided an exemplar Design Code (appended to Mr Everitt's evidence), supported by a clear and coherent design rationale. Commitments in the Application and the proposed conditions show as far as reasonably practical in the context of an outline application, how design quality can be secured at the outline stage, and inform future reserved matters. An illustrative design has been provided by Mr Everitt to give an example of what can be achieved within the application parameters.

#### Additional Material to Achieve Well Designed Places

- 6.9 Whilst not a requirement of the DMPO, the proposed planning conditions agreed with the Council require that reserved matters applications should be submitted in accordance with the Design Code and development parameter plans, securing the design vision for the site, and ensuring that it will be a well-designed place.
- 6.10 All future reserved matters application will be the subject of design review<sup>20</sup> to ensure that high-quality design is achieved for all future phases of the development. This reflects the ambitions of the Council who have recently modified<sup>21</sup> the EBLP to recognise that good growth is also about good design. To help create well designed, beautiful and safe places the modification confirms that the Council intends to introduce a Design Review Panel. In recent years the council has not operated a Design Review Panel.
- 6.11 I agree with Mr Everitt and Dr Miele that these documents secure a high quality design outcome by adding an additional layer of design interrogation and assessment.

#### The Design Code

- 6.12 The Design Code (appended to Mr Everitt's evidence) accords with the Framework glossary definition and addresses the principles set out in the National Design Guide ('NDG') and National Model Design Code ('NMDC').
- 6.13 I consider the Design Code establishes a set of simple, concise design requirements that are visually and numerically represented to aid interpretation and implementation, and which provide specific, detailed parameters for the physical development of the Application Site.

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<sup>20</sup> Secured by draft planning condition 34

<sup>21</sup> EBLP MM07 Chapter 2 – Challenges and Opportunities New paragraph 2.2.1a

- 6.14 The Design Code includes design principles that have already been apparent in the Application design guidelines; the Application Design and Access Statement, and its addendum; the Application parameter plans, and the illustrative drawings referenced in condition 1 of the officer report to committee (as updated in the Statement of Common Ground), found acceptable to the Mayor of London, and (previously) the Council.
- 6.15 I consider that the Design Code can be awarded significant weight. It is a design document proportionate in detail to the outline nature of the Application, which demonstrates and secures the design quality of the Application. It is an enforceable document secured by planning condition 1, meeting the requirements of paragraph 55 of the Framework.

### Parameter Plans

- 6.16 Proposed Condition 1 confirms that the reserved matters pursuant to the permission shall be made in accordance with the following parameter plans:
- 10965-EPR-XX-XX-DR-A-TP-0100 P1 – Location Plan
  - 10965-EPR-XX-XX-DR-A-TP-0101 P1 – Parameter Plan Demolition
  - 10965- EPR-XX-XX-DR-A-TP-0102 P1 – Parameter Plan Development Parcels
  - 10965-EPR-XX-XX-DR-A-TP-0105 P1 – Parameter Plan Phasing
  - 10965-EPR-XX-XX-DR-A-TP-0106 P5 – Parameter Plan Maximum Heights
  - 10965-EPR-XX-GF-DR-A-TP-0200 P2 —Parameter Plan Ground Floor Use
  - Drawing ref: SK401 Proposed Site Access
- 6.17 It is proposed that each reserved matters submission should include a Statement of Compliance against each of the parameter plans and the Design Code to maintain design quality. This requirement will be secured via planning condition 1.
- 6.18 The parameter plans define the maximum extent of the development parcels, and the maximum extent of the building plots within the development parcels, ensuring a modulated of building scale and mass. The location of open space; public square; and ground floor flexible commercial uses are also identified for each development parcel.
- 6.19 Dr Miele has tested these parameter plans within his evidence and has found the heritage, townscape and visual effects to be acceptable.

### Illustrative Design

- 6.20 As Mr Everitt explains in his evidence, an illustrative design for the Application has been prepared demonstrating one way that the final design might come forward at reserved matters stage compliant with the Design Code, parameter plans, and planning conditions attached to the outline planning permission.
- 6.21 Mr Everitt's evidence explains how this represents a high quality design, and Dr Miele's evidence tests this illustrative scheme and has found the heritage, townscape and visual effects to be acceptable and beneficial. I agree with these assessments.

## The Application

- 6.22 As explained in further detail within Mr Everitt's proof, the Development has been the subject of evolution following discussions with the Council, the Mayor of London and local communities. The Applicant has worked closely with stakeholders and the local community to develop a design that takes account of the feedback received.
- 6.23 As shown by Development Parcels Parameter Plan [CDA.84], the Development comprises four development parcels known as Parcel A, B, C and D. Each development parcel is regulated by a maximum building height in mAOD, which is shown on the Illustrative Heights Parameter Plan [CDA.94].
- 6.24 The Application massing steps up from north to south with Development Parcel A the tallest and Building A2 comprising the pinnacle of height at a maximum of +119.050 m AOD, or an indicative 18 storeys.
- 6.25 The Development comprises up to 1,049 homes of which 35% (by habitable room) are proposed to be affordable (indicatively 382 homes). As set out in Table 1, the Applicant's proposed tenure split measured by habitable rooms is 30% London Affordable Rent (indicatively 86 London Affordable Rent homes) and 70% Intermediate (indicatively 296 Intermediate tenure homes) comprising Shared Ownership, Discount Market Rent, or London Living Rent homes. The proposed residential housing mix remains indicative and will be formalised at the Reserved Matters stage.

Table 1 - Indicative Residential Mix by Unit

Unit Type	London Affordable Rent (LAR)	Intermediate (shared ownership/DM R/LLR)	Market	Total
Studio	0 (0%)	44 (15%)	104 (16%)	148 (13%)
1 bed	11 (13%)	138 (47%)	264 (40%)	413 (38%)
2 bed	40 (47%)	114 (39%)	229 (34%)	383 (39%)
3 bed	35 (41%)	0	70 (10%)	105 (10%)
Total	86 (8%)	296 (28%)	667 (64%)	1,049

- 6.26 The Development will provide 1,200sqm (GIA) of flexible commercial and community floorspace for uses under Class A3/B1/D1 and D2 [Class E excluding sub-class E[a]&[b] from September 2020). The commercial and community floorspace will be distributed at ground levels within Parcels A and B to address and animate Cricklewood Lane and the new town square proposed as part of the Application. A smaller unit is proposed at the ground level of Block D and will help to activate this part of the development.
- 6.27 The layout of the Development has been arranged so that it will replace the barrier presented by the current development and create a new pedestrian environment to enable movements

through and across the site, whilst delivering significantly enhanced open space, public realm and play provision for Cricklewood.

- 6.28 The Applicant proposes new public realm and a new public square along Cricklewood Lane to be known as Arboretum Place, adjacent to Cricklewood Green, expanding the area of open space, and improving its usability. Wood Way, Cricklewood Lawn, and the Rail Side will comprise new areas of public realm, well vegetated, active and ecologically diverse spaces, including large playable lawns and open space. At upper levels there will be new podium gardens and communal roof terraces. Play facilities for 0 to 4, 5 to 11, 12 to 15, and 16+ age groups will be distributed across the site to meet on site requirements as required by the Design Code and in particular section 2.5.8 of the Design Code. Section 6.10 of the Design and Access Statement (July 2020) [CDA.03] demonstrated that there would be sufficient play provision above the minimum requirement. Mr Everitt confirms this to be the case in his Proof of Evidence.
- 6.29 The Proposed Development involves the net-reduction of 360 car parking spaces from the site based on the 470 surface level spaces that presently serve the retail park. No car parking provision will be made for the non-residential floorspace; however, the development does deliver a total of 105 car parking spaces for the use of residents only, of which 3% (32 spaces) will be allocated for disabled users with the remaining 7% (73 spaces) made available for non-disabled residents with the ability to be reallocated for disabled users in the future. The total maximum number of car parking spaces is to be controlled by planning condition and a Residential Car Parking Management Scheme (RCPMS) is to be submitted for approval by the Council. Further measures to reduce dependency on private car ownership have been secured as part of the Section 106 agreement including provision of a car club and restrictions on future residents from applying for parking permits on surrounding streets. Residential car parking will be distributed beneath the podium of each development parcel and throughout the public realm.



## 7 Compliance with the Development Plan

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7.1 In this section of my evidence, I consider the compliance of the Application with the development plan as a whole, before considering more detailed policies within the following sections of my evidence.

### Introduction

7.2 The development plan for this purpose comprises the LP 2021, and the CS 2012, DMP 2012, the Proposals Map 2012 and the UDP saved policies 2006.

7.3 I consider that emerging local plan policy, the EBLP, is also relevant and should be afforded weight due to its stage of preparation.

7.4 Before setting out my own analysis, it is important to recognise that despite the resolution by the Council on 8<sup>th</sup> November 2022, there remain numerous areas of agreement between the Applicant, the Council and the Mayor of London. These are set out within the Statements of Common Ground and supporting core documents but can be summarised as follows:

- the officer's report to the Council's Planning Committee dated 9<sup>th</sup> September 2021 endorsed by elected members at that time, concluded that the Application does accord with the development plan (CDD.01, paragraph 15.5 & 15.6) and therefore should be granted planning permission.
- the 8<sup>th</sup> November 2022 resolution of the Council identified conflict with the NPPF, Policies D3, D4, D9 and HC1 of the London Plan 2021 and Policies CS5, DM01, DM05 and DM06 of the Barnet Local Plan Core Strategy and Development Management Policies 2012 but only in respect of heights, scale and massing alleging detriment to the character and appearance of the area and the setting of the adjacent Railway Terraces Conservation Area. No other conflict has been identified with the development plan or other guidance.
- as is common, the Mayor of London's Stage 1 report dated 9<sup>th</sup> November 2021 identified four areas of non-compliance with the adopted LP, which included 1) Affordable Housing; 2) Urban Design and Historic Environment; 3) Transport; and 4) Climate Change and Environmental. It was noted that the satisfactory resolution of these issues, which primarily related to the submission of additional information rather than fundamental deficiencies would lead to the application being considered compliant with the LP. On 28<sup>th</sup> March 2022, the Mayor of London concluded in his Stage 2 report that the outstanding matters had been satisfactorily addressed and that the application was acceptable in strategic planning terms. The Mayor did not raise any conflict with planning policies.

## Assessment

- 7.5 I have considered the Government's policy approach to the optimisation of underutilised brownfield land, car park and surplus retail sites and land next to stations<sup>22</sup> in Section 4 of my evidence. I consider that the essential objectives of the Government's policy have been complied with.
- 7.6 Consistent with the Government's own strategic objectives, the Framework, and the Secretary of State's direction, the Mayor of London has adopted development plan policies within his LP which promote the redevelopment of underused accessible brownfield land for housing, and in particular edge of centre retail parks and surface car parks<sup>23</sup>. The Council's BLP and EBLP are consistent with this approach.
- 7.7 These policies are informed by the objective of improving the vitality and viability of London's varied town centres by encouraging strong, resilient, inclusive hubs with a diverse range of uses that meet the needs of Londoners. New homes are considered an important ingredient to vitality and viability<sup>24</sup> as well as meeting London's housing needs. As a result, the potential for new housing within and on the edges of town centres is expected to be realised through mixed-use or residential development that makes best use of land, capitalising on the availability of services within walking and cycling distance, and their current and future accessibility by public transport. Such an approach also limits the need to build on greenfield land.
- 7.8 The application proposals accord with LP Policy GG1 which seeks good growth through early engagement with stakeholders, changes to the physical environment to achieve an overall positive contribution to London, the provision of access to good quality community spaces, new streets and public spaces where everyone is welcome and the promotion of town centres and buildings that are designed to reinforce or enhance the identity, legibility, permeability.
- 7.9 LP Policy GG2 on making the best use of land seeks to create successful sustainable mixed-use places on brownfield land, particularly in Opportunity Areas and sites within and on the edge of town centres<sup>25</sup>. The Policy prioritises sites which are well-connected by existing or planned public transport and seeks to 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.
- 7.10 LP Policy GG4 seeks to create a housing market that works better for all Londoners recognising that developments must ensure that more homes are delivered.
- 7.11 Opportunity Areas are identified as focal points for intensification within LP Policy SD1. Brent Cross/Cricklewood is designated as an Opportunity Area at LP Table 2.1 which sets out the indicative number of homes and jobs to be delivered<sup>26</sup>. I consider that the Application complies

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<sup>22</sup> NPPF – Paragraph 125

<sup>23</sup> London Plan Policy H1 Increasing housing supply

<sup>24</sup> London Plan Policy SD6 Town centres and high streets

<sup>25</sup> London Plan Policy GG2 Making the best use of land (Part A&B)

<sup>26</sup> 9,500 homes and 26,000 jobs

with LP Policy SD1 as the Development contributes towards the Opportunity Area fully realising its housing growth and job regeneration potential.

7.12 The importance of Opportunity Areas to the implementation of the LP is set out at paragraph 2.0.4, which recognises that the areas that will see the most significant change in London are identified as Opportunity Areas, many of which, such as Brent Cross/Cricklewood, are already seeing significant regenerative development. Paragraph 2.1.1 recognises that Opportunity Areas are identified as significant locations with development capacity to accommodate new housing, commercial development and infrastructure (of all types) linked to existing or potential improvements in public transport connectivity and capacity. The LP considers Opportunity Areas to have the potential to deliver a substantial amount of the new homes and jobs that London needs. The Application meets this LP objective by delivering new homes and jobs in a location that benefits from good public transport connectivity and capacity.

7.13 The redevelopment of edge of centre retail parks and surface car parks for housing intensification comprises an integral component of the need to improve the vitality and viability of London's Town Centre. The scarcity of suitable land for development in the capital, which was found by the Panel examining the London Plan, means that it is sites such as the Application Site which must be utilised to full effect.

7.14 By way of example, in a recent call-in decision by the Secretary of State [CDG.01] for proposals which included tall buildings on the site of a surface level car park adjacent to Wembley Park Station, the Secretary of State's decision letter found:

*“Re-use of a surface car park next to an underground station should be afforded substantial weight.” (Decision letter para 33)*

7.15 The LP recognises the strategic intensification of London's town centres and edge of centre locations requiring boroughs to identify suitable sites for higher density, mixed use residential intensification capitalising on the sustainability advantages of the availability of services within walking and cycling distance and current and future public transport provision. Policy SD6(C), SD7(C)(6)(a) and E9(C)(6) specifically encourage comprehensive redevelopment for higher density mixed-use residential intensification of edge of centre retail parks and surface car parks.

7.16 If London is to accommodate the growth identified in the Plan in an inclusive and responsible way, LP Policy D3 requires every new development to make the most efficient use of land by optimising site capacity. All development is expected to 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. Supporting text explains that 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, to achieve sustainable densities. The Application complies with LP Policy D3 as it makes the best use of land following a detailed and thorough design led approach to optimise the capacity of the site, including having worked through design options which have been refined down from 25 storeys to 18 storeys to respond to the Application Site's context and consultation responses.

- 7.17 The principal housing policy within the LP is Policy H1. It seeks to increase housing supply having identified a need for 66,000 additional homes per year. The London Plan recognises that development of this scale will require not just an increase in the number of homes approved but also a fundamental transformation in how new homes are delivered. The Policy requires boroughs to optimise the potential for housing delivery and lists six sources of future supply. Part B(2)(a) refers to locations with existing or planned public transport access levels of 3 to 6 which are located within 800m distance of a station or a town centre. The Application Site complies with each of these locational characteristics benefiting from a public transport access level of 4 to 5, and being located adjacent to Cricklewood Station and District town centre. Policy H1 Part B2(b) seeks the mixed-use redevelopment of car parks and low density retail park sites as a strategic source of housing supply. I consider that the Application complies with LP Policy H1 and meets the locational tests for the strategic delivery of housing.
- 7.18 The Application complies with LP Policy GG1, GG2, GG4 and is directly in accordance with Policies SD1, SD6, SD7, Policy H1 and Policy E9 of the London Plan as the Application intensifies development in an edge of centre location for high density housing, capitalising on the sustainability advantages and specifically optimises development on a retail warehouse car park site.
- 7.19 CS Policy CS1 identifies Brent Cross – Cricklewood as a focus of housing and employment growth to which opportunities will be promoted for regeneration and development of 5,510 new homes by 2026. It confirms Barnet’s place shaping strategy seeks to concentrate and consolidate housing and economic growth in the most sustainable locations across the borough to provide opportunities to create high quality new environments that will have positive economic impacts on the deprived neighbourhoods that surround them. I consider by virtue of the significant new housing contribution in a sustainable location within the Brent Cross – Cricklewood Regeneration Area that the development complies with CS1.
- 7.20 The strategic vision as to how growth will be delivered in Brent Cross-Cricklewood is set out by CS Map 5 and Policy CS2 which identifies the site within the Brent Cross-Cricklewood Opportunity Area to which will be a major focus of new jobs and homes building upon the area’s strategic location and its key rail facilities. To accommodate the ambition for growth, Policy CS5 identifies Brent Cross – Cricklewood Regeneration Area as a location that may be an appropriate strategic location for tall buildings.
- 7.21 The saved policies of the UDP guide the form of uses across the Cricklewood, Brent Cross and West Hendon Regeneration Area and are consistent with the requirements of the London Plan in its intention to create a mixed-use, high-density development that maximise the potential of available sites. It is recognised that the Cricklewood railway lands and adjoining areas present the major opportunity for regeneration in the borough<sup>27</sup>.
- 7.22 UDP Policy GCrick and Policy C1 seek comprehensive development and identify Cricklewood, Brent Cross and West Hendon Regeneration Area as the major focus for the creation of new jobs and homes, building upon the area’s strategic location and its key rail facilities. UDP Policy C1(A) notes that mixed-use development within the Regeneration Area should comprise of high-density housing built to the highest design qualities. UDP Policy C9 seeks to achieve

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<sup>27</sup> UDP (2006) – Paragraph 12.1.1

minimum housing delivery targets including a mix of housing, including affordable housing in order to meet the needs of the borough.

- 7.23 I consider that the Application complies with CS Policy CS1, CS2 and CS5 and UDP Policy GCrick, C1 and C5 as the Application proposes high quality, high density housing as part of the strategic Brent Cross Cricklewood Regeneration Area.
- 7.24 The EBLP vision is to successfully demonstrate the benefits that good, well planned growth can deliver by 2036. Growth is directed into the most sustainable locations with good public transport and active travel choices which specifically includes Cricklewood. EBLP Policy BSS01 Spatial Strategy for Barnet seeks to achieve a minimum number of homes to meet Policy HOU01 and to concentrate growth in Barnet's Growth Areas and District Town Centres. These are identified as the most sustainable locations with good public transport connections and active travel provision.
- 7.25 The EBLP designates the site within the Cricklewood Growth Area (Policy GSS04) which is identified as providing an opportunity for regeneration and intensification supported by high existing PTALs and planned future transport infrastructure improvements<sup>28</sup>, along with the availability of substantial under-used sites to deliver at least 1,400 new homes within the Cricklewood Growth Area. The primary under-used site is the application site.
- 7.26 Cricklewood town centre lies on the A5 / Edgware Road major thoroughfare in the southwest of the Borough and is therefore an accessible and strategic location in the Borough well-connected with an overground station that provides trains directly to Central London, making this a good location for commuters<sup>29</sup>. Multiple bus routes provide links with the surrounding areas. The EBLP<sup>30</sup> recognises that whilst Cricklewood Broadway retains high quality historic frontages and vibrant town centre functions, there is unused and underused land between the Broadway and Cricklewood station to the east. The EBLP explains that this includes the Broadway Retail Park *"a site of extensive car parking and low-rise buildings - but which has excellent public transport links from Cricklewood Station and bus routes along the A5 – has considerable potential for intensification"*.
- 7.27 To achieve the Council's growth ambitions and optimise the underutilised land in Cricklewood, Policy CDH04 recognises that tall buildings may be appropriate in the Cricklewood Growth Area. The policy confirms that tall buildings of 15 storeys or more, as an exception, will be permitted in defined Growth Areas or an Opportunity Area. The Plan recognises<sup>31</sup> that tall buildings can form part of a strategic approach to optimising the capacity of sites through comprehensive redevelopment and that tall buildings that are of exemplary architectural quality can make a positive contribution to Barnet and become a valued part of the identity of places such as Cricklewood. Growth Areas, together with the District Town Centres, provide identified developable and deliverable sites with substantial capacity for new homes, jobs and infrastructure<sup>32</sup>.

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<sup>28</sup> The West London Orbital line has the potential to further increase capacity at Cricklewood

<sup>29</sup> EBLP paragraphs 4.17.1-2

<sup>30</sup> EBLP paragraph 4.17.4

<sup>31</sup> EBLP paragraph 6.18.2

<sup>32</sup> EBLP paragraph 3.4.3

- 7.28 One of the primary advantages of tall buildings is that they are less land intensive than traditional lower density style developments. This allows them to deliver more homes on comparatively smaller sites to meet housing needs, whilst often also delivering wider public benefits in the form of new public realm.
- 7.29 The Application Site is designated within both the LP Brent Cross / Cricklewood Opportunity Area and EBLP Cricklewood Growth Area, and therefore by default, is a location which benefits from exceptional circumstances, permitting buildings of 15 storeys or more to ensure underutilised land is fully optimised.
- 7.30 The EBLP designates the Application Site as Site Allocation Site No.8 Broadway Retail Park. The allocated use is residential led mixed use development with commercial and community uses with an indicative capacity of 1,007 dwellings. The site requirements and development guidelines recognise that the site has good public transport access, proximity to town centre facilities and the potential for tall buildings mean that significant intensification of the site is possible. This approach is justified due to the low-density buildings and surface car parking in a high PTAL location, adjacent to a rail station, town centre shops and services. The Allocation requires the proposed design to take into careful consideration the sensitive adjacent conservation areas in Barnet and Brent, and low-rise buildings to the southeast. All tall building proposals will be subject to a detailed assessment of how the proposed building relates to its surroundings (with height of neighbouring buildings being of foremost consideration) responds to topography, contributes to character, relates to public realm, natural environment and digital connectivity. In principle, however, there can be no doubt that planning policy finds tall buildings appropriate on the Application Site.
- 7.31 Further guidance will be provided by the Designing for Density SPD<sup>33</sup>, which the Council has yet to produce. Mr Everitt and Dr Miele consider these requirements in their evidence and find the Application to be acceptable in this regard. I agree.
- 7.32 The Application is therefore considered to be in conformity with EBLP Policy BSS01, GSS04, CDH04 and Site Allocation No.8.
- 7.33 The LP, BLP and EBLP contain many detailed policies which have some relevance to any new proposals, including policies relating to design and heritage. These policies are examined in the evidence of Mr Everitt and Dr Miele and I consider their analysis in the context of planning policies later in my evidence.
- 7.34 As demonstrated, the Application conform strongly with the development plan policies. The BLP sets out an agenda for change and improvement in Cricklewood on under-used opportunity sites. Policy provides a particular emphasis on providing new homes and increasing residential densities, good design, enhanced public realm, and providing new commercial and community floorspace whilst preserving and conserving heritage assets. The Application Site is identified not only because it has the capacity to contribute to acute housing needs but because its high quality development can bring regeneration benefits to Cricklewood.

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<sup>33</sup> EBLP MM328

7.35 The application proposals are a very positive response to the policy agenda, and they comply with the policies of the development plan when read as a whole.

## 8 Housing

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- 8.1 Whilst the need for housing was not identified in the call in letter from the Secretary of State, the Inspector's note of the CMC recognises that the provision of housing is likely to represent a benefit of the proposals to be weighed against any harm.
- 8.2 To understand the extent of that benefit, I have divided my assessment of housing issues under 3 headings:
- the need for housing and the contribution the application proposals make to meeting that need;
  - policy issues relating to affordable housing; and
  - housing mix.

### The need for housing and the contribution of the application proposals

- 8.3 The principle of development of the site for housing is rightly accepted by all parties. The Application is also consistent with, and strongly supported by national, regional and local policies which expect housing at higher densities to be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.
- 8.4 The Framework sets out policies to significantly boost the supply of homes (paragraph 60). It requires local plans, as a minimum<sup>34</sup>, to meet the full, objectively assessed needs for market and affordable housing. It requires<sup>35</sup> Council's to identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing against the adopted strategic housing requirement.
- 8.5 The Government's latest consultation on changes to national policy particularly rely on urban areas to meet the country's housing requirements.

#### Housing Requirement

- 8.6 At Table 2, I set out the increasing minimum housing needs identified for the borough below.

Table 2 - Minimum Housing targets for the Council

Source	Equivalent annual rate (dpa)	Time period
Core Strategy <sup>36</sup> (2012)	1,866	2011-2026
Draft London Plan (2017)	3,134	2019/20-2028/29

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<sup>34</sup> Framework paragraph 11

<sup>35</sup> Framework paragraph 74

<sup>36</sup> CS CS1 28,000 new homes to be delivered between 2011/12 and 2025/26 as Barnet's 15-year housing target



Barnet SHMA <sup>37</sup> (2018)	3,060	2021-2036
MHCLG Standard Methodology <sup>38</sup> (2020)	5,361	2021-2036
London Plan (2021)	2,364	2019/20-2028/29
EBLP <sup>39</sup> (2021)	2,364	2019/20-2028/29
EBLP <sup>40</sup> with 5% buffer to inform 5-year Housing Supply	2,566	

- 8.7 The London-wide Strategic Housing Market Assessment 2017 ('SHMA') identified a need for a minimum of 66,000 additional homes per year for at least twenty years across the whole of London. The Mayor's Strategic Housing Land Availability Assessment 2017 ('SHLAA') however only indicated capacity across London for 40,000 new homes a year on large sites, and 12,000 new homes a year on small sites, c.52,000 homes in total per annum. This resulted in an unplanned shortfall of 14,000 dwellings per annum in the Capital, or 140,000 homes over the ten year period of the plan.
- 8.8 The requirements identified in the London Plan was reduced across the boroughs. The submitted requirement for LB Barnet of 3,134 homes was cut to 2,364 homes (over a ten year period this represents a reduction of 7,700 homes). For reasons explained in Section 4 of my evidence, this did not, however, reflect any diminution in the actual need for housing in the borough.
- 8.9 Even the need set out in the submitted London Plan understated the true scale of need. The Secretary of State wrote to the Mayor of London on 27 July 2018 following publication of the revised National Planning Policy Framework advising the Mayor that the Government needed a London Plan in place that plans to meet London's housing needs in full. The Secretary of State welcomed the proposed increase of London's housing target in the draft London Plan to 65,000 homes a year as a helpful first step towards meeting London's housing needs. However, he was not convinced that even this assessment of need reflected the full extent of housing need in London to tackle affordability problems. The Secretary of State stated an expectation that, because identified housing need is not met, the Plan would be revised at the earliest opportunity, and required a review to begin immediately after publication.
- 8.10 As explained in Section 4 of my evidence, the reduced housing requirements were recommended reluctantly by the Panel who were strongly aware that the scale of housing need exceeded the identified capacity of land. As a result, the Secretary of State directed the Mayor of London to optimise density, taking advantage of opportunities around existing infrastructure and making best use of brownfield and underutilised land. Specifically, in committing to maximise housing delivery in London, the Secretary of State advised the Mayor of London that

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<sup>37</sup> EBLP Chapter 4 Table 4 (MM24)

<sup>38</sup> EBLP Chapter 4 Table 4 (MM24)

<sup>39</sup> EBLP Policy BSS01

<sup>40</sup> Local Plan CD7.26 Barnet 5 Year Supply November 2021 Report [CDF.015]

this must include actively encouraging appropriate density, including optimising new capacity above and around stations.

- 8.11 The current LP targets are set to be replaced after three years at most, and sooner if an early review is conducted as requested by the Secretary of State. The next LP will be subject to National Planning Practice Guidance (NPPG). The Housing and Economic Needs Assessment section of the NPPG (paragraphs 001 to 004) sets out a standard method for assessing housing need, including a 35% uplift for major urban areas (including London). For Barnet the EBLP at Table 4 (page 34) sets out the standard method which would equate to 5,361 dwellings per annum.
- 8.12 NPPG (Housing and economic needs assessment paragraph 010 Reference ID: 2a-010-20201216) notes that the standard method is the minimum starting point in determining the number of homes needed in an area.
- 8.13 It is clear from this that the annualised LP and EBLP housing requirement of 2,364 dwellings per annum is an absolute minimum requirement informed by housing capacity, rather than housing need, which is far greater. Table 2 shows that the Council's objectively assessed needs require at least 3,060 homes per annum; and the Government's Standard Methodology (2020) significantly more at 5,361 homes per annum.

#### *Affordable Requirement*

- 8.14 The need for housing in the borough, therefore, is substantially under-stated both in the LP and the emerging EBLP. In relation to affordable housing, the difference between planned provision and actual need is even greater.
- 8.15 My Appendix 2 sets out an analysis prepared by my firm of the extent of affordable housing need in London and Barnet and of the substantial contribution that the application proposals would make.
- 8.16 At the London level, of the 66,000 homes identified by the SHMA 2017 to be delivered annually across London, 43,000 (65%)<sup>41</sup> of these homes should be affordable if the needs of Londoners are to be met which explains the Mayor's strategic target of 50 per cent of all new homes being genuinely affordable. Paragraphs 4.4.1 and 4.4.5 of the London Plan makes clear the scale and importance of the need:

*“Delivering more genuinely affordable housing is a key strategic issue for London. Meeting the need for circa 43,500 affordable homes per year, as established in the 2017 Strategic Housing Market Assessment, will require an increase in affordable housing contributions from all sources. All schemes are expected to maximise the delivery of affordable housing and make the most efficient use of available resources. This is critical to enabling London to meet the housing needs of its workforce and maintain the function and resilience of the city.”*

*“Whilst the Plan sets out a clear approach for significantly increasing housing delivery in London, the London SHMA has identified that 65 per cent of London's need is for affordable housing. Therefore, it is crucial that residential and mixed-use development contributes directly*

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<sup>41</sup> LP paragraph 1.4.3

*towards the provision of affordable housing and other policy requirements that support the delivery of sustainable development.”*

8.17 The EBLP<sup>42</sup> refers to the Council’s SHMA and an identified need of a minimum of 10,600 new affordable homes by 2036 (706 homes per annum).

### Housing Delivery

8.18 The London Plan Annual Monitoring Report No.17 [CDK.07], published by the Mayor in November 2022 provides data on the total net-conventional housing completions at Table 2.4 and net-affordable housing completions at Table 2.5. I summarise these below at Table 3 and have included the annual London SHMA and SHLAA requirement, and the deficit against this, for context. The figures show a persistent, cumulative failure to meet housing needs in the capital.

Table 3 – Summary of London Plan AMR17 2019/20 (November 2022)

	2016/17	2017/18	2018/19	2019/20
Conventional completion	40,210	31,149	35,735	41,357
Shortfall against SHMA – 66,000	-25,790	-34,851	-30,265	-24,643
Shortfall against SHLAA – 52,000	-11,790	-20,851	-16,265	-10,643
Affordable Homes				
AH completion	6,229	3,957	6,958	8,391
% of conventional completion	15%	13%	19%	20%
Average	16.75%			

<sup>42</sup> EBLP paragraph 5.4.6

8.19 At a borough level, evidence available from the Council’s Annual Monitoring Report (2019/20)<sup>43</sup> submitted as evidence to the Barnet Local Plan Inquiry and Local Plan Barnet 5 Year Supply November 2021 Report [CDF.015] demonstrates that housing delivery in the Borough has also persistently failed to meet housing needs. Over the past 12 reported years, the evidence identifies the following completions in the Borough:

Year	Completions
2009/2010	1,496
2010/2011	1,139
2011/2012	1,469
2012/2013	1,409
2013/2014	1,031
2014/2015	1,464
2015/2016	1,735
2016/2017	2,227
2017/2018	2,360
2018/2019	2,230
2019/2020	2,009
2020/2021	2,369

8.20 On average there have been 1,749 homes completed per annum between 2009/2010 and 2020/2021. This is 615 homes per annum below the current minimum LP/EBLP requirement of 2,364 homes per annum. Past completions have consistently failed to reach the minimum London Plan Target.

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<sup>43</sup> CDF.014 – Brent Annual Monitoring Report

8.21 The new minimum housing requirement will therefore be a challenge for the Council in this context. The Council is now required to achieve this target, on average, every year between 2019/20 - 2028/29 and the target is likely to need to increase following the LP review.

8.22 For affordable homes, Table 8b [CDF.015] confirms that 1,496 affordable homes have been delivered in the borough at an average of 299 per annum or 17% of all affordable qualifying developments (10+ units) for the period 2015/16 to 2019/20.

**Table 8b: Affordable Housing Output as a proportion of Overall Conventional Housing Provision – 2015/16 to 2019/20**

	2015/16	2016/17	2017/18	2018/19	2019/20	Total
<b>10+ units</b>	1,403	1,920	2,064	1,778	1,638	<b>8,803</b>
<b>Affordable</b>	197	461	341	211	286	<b>1,496</b>
<b>Affordable %</b>	14%	24%	17%	12%	17%	<b>17%</b>

8.23 This is significantly below the Council’s EBLP requirement for a minimum of 10,600 new affordable homes by 2036 (or 706 affordable homes per annum). As the EBLP explains at para 5.4.1:

*“The delivery of affordable housing has never been more important and in greater demand. This is due to a number of factors including:*

- *The increasing affordability gap as housing costs continue to rise faster than household incomes.*
- *The limitations of mortgage availability as lenders have developed a more cautious approach on lending criteria. This has resulted in much lower income multiples being approved for mortgages, the knock-on effect of which is the increased need for larger deposits to secure a mortgage. Publication 85 June 2021*
- *Greater reliance on the private rented sector, making it more challenging for people to save for deposits with high rent costs.*
- *The housing choices of households on benefits have become more limited as changes to welfare reform make the private rented sector less accessible.*
- *A reduction in capital funding for housebuilding.*
- *The cautious approach of investors and housing developers following the economic downturn.*
- *An increased reliance on the planning system to deliver affordable housing through S106 requirements.”*

8.24 When calculating Barnet’s new 5-year housing supply target for the purposes of the EBLP, CDF.015<sup>44</sup> claims that, based on current consents and projected delivery of allocated sites, the Council can only claim a deliverable supply of 6.48 years of housing supply<sup>45</sup>.

<sup>44</sup> CDF paragraph 1.2

<sup>45</sup> CDF.015 Barnet’s Housing Trajectory and 5-Year Supply (November 2021) – Table 1

- 8.25 I have not interrogated the robustness of the supply on which the Borough Council relies as it is not necessary to demonstrate an additional presumption in favour of the application proposals. The evidence demonstrates, however, a persistent failure in the Borough (and across London) to build homes at a rate to meet identified housing requirements. As the London Plan explains, a step change in delivery is required and this requires bringing forward and optimising sites such as the Application Site.
- 8.26 The provision of 1,049 residential homes at the Application Site of which 35% would be in an affordable tenure, 30% London Affordable Rented (indicatively 86 homes) and 70% Intermediate tenure homes (indicatively 296 homes) will make a major contribution to alleviating a clear and pressing need for new homes in Barnet. The Council's 5 year supply relies upon the Development, and the delivery of 400 homes (of the 1049 total) within the five year period (2021/22 – 2025/26) .
- 8.27 The shortfall of affordable provision against the need outlined in the development plan demonstrates that there is a pressing need for more affordable homes in London, and in the London Borough of Barnet. The provision of 385 affordable homes would be an important contribution towards helping meet this need and should be given significant weight.
- 8.28 The Development will contribute towards meeting the minimum London Plan SHMA target of at least 66,000 homes per annum; the LP and EBLP borough wide target of 35,460 homes; the former Brent Cross-Cricklewood Regeneration Area target of 5,510<sup>46</sup> new homes; the Brent Cross/ Cricklewood Opportunity Area of 9,500 homes; and the Cricklewood Growth Area of 1,400 homes.
- 8.29 There is a clear need for housing and the application proposals will contribute to help meeting this need. In accordance with Framework Chapter 5 and paragraph 120, I consider that substantial weight should be given to the value of using the Application Site for new homes. I consider that the Application complies with LP Policy GG4, H1 (London Plan Table 4.1), SD1 (LP Table 2.1); CS Policy CS1 and CS3, and EBLP Policies BSS01, GSS01, GSS04.

### **Affordable Housing: Policy Compliance**

- 8.30 LP GG2 & H4 and EBLP HOU1 set a strategic target for 50% of all new homes delivered to be affordable.
- 8.31 Policies CS CS4 and DMP Policy DM10 seek a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings and an appropriate mix of affordable housing of 60% social rented and 40% intermediate. The maximum reasonable amount of affordable housing will be required on site, subject to viability.
- 8.32 LP Policy H5 creates a threshold level of affordable housing on residential development set at 35% by habitable room at the Application Site. Fast tracked applications are not required to provide a viability assessment at application stage. To ensure an applicant fully intends to build out the permission, the requirement for an Early-Stage Viability Review will be triggered if an

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<sup>46</sup> CS Policy CS1

agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough).

- 8.33 Policy H6 applies a split of affordable products to the 35% offer to meet the Fast Track Route. This comprises a minimum of 30% low-cost rented homes, as either London Affordable Rent or Social Rent; a minimum of 30% intermediate products which meet the definition of genuinely affordable housing, including London Living Rent and London Shared ownership; and the remaining 40% to be determined by the borough as low-cost rented homes or intermediate products based on identified need.
- 8.34 In accordance with London Plan Policy H4, H5 and H6, EBLP Policy HOU01 seeks a minimum of 35% affordable housing from all developments of 10 or more dwellings, calculated by habitable room. Barnet's affordable housing tenure split expects 60% Low Cost Rent products including Affordable Rent and 40% Intermediate including London Living Rent and London Shared Ownership. Any deviation from the minimum 35% provision that is not consistent with the required tenure mix will need to be fully justified through a policy compliant viability assessment.
- 8.35 The Application proposes 35% affordable housing by habitable room, compliant with LP H5 and EBLP Policy HOU01.
- 8.36 In respect of the tenure requirements of LP Policy H6, the application is considered Fast Track by the Mayor of London, as the Application delivers at least 30% low-cost rented homes; a minimum of 30% intermediate products; and the remaining 40% has been determined by the borough. I agree.
- 8.37 The Council's requirement for the remaining 40% of the overall 35% affordable offer was informed by CS Policy CS4, DPD DM10 and EBLP Policy HOU01 which seek 60% low cost homes and 40% intermediate homes unless viability evidence indicates otherwise.
- 8.38 The Applicant and Council, following discussions regarding viability, concluded agreement on private residential sales values; affordable housing revenue on affordable rent and shared ownership; ground rent; commercial revenue and yield; build costs; contingency; professional fees; disposal costs; developer profit (build to rent: commercial; and affordable housing); BLV and programme. These matters as well as the number and tenure of the affordable housing units will be secured by way of the Section 106 Agreement.
- 8.39 Some minor disagreement between the parties existed regarding the extent of the deficit (Montagu Evans on behalf of the Applicant -£8,955,594; and BNPP on behalf of the Council - £773,423 to -£1,998,667), but in each scenario I note that a deficit did exist. I consider that this demonstrates that the maximum viable quantum of affordable housing, and tenure of affordable housing, is proposed.
- 8.40 The Council's officer in his report to committee on 9<sup>th</sup> September 2021 considered that the affordable housing offer was fully justified by the viability evidence and is supported by the Council's appointed advisors.

*On this basis, it is clear that an affordable housing provision of 35% with a tenure split of 70% intermediate and 30% LAR is reasonable, is fully justified by the viability evidence and is*

*supported by the Council's appointed advisors. Given that this is an outline application with multiple phases, it is considered appropriate that an early stage review mechanism is secured in line with GLA policy. The provision of 35% affordable housing, including over 100 LAR homes for which there is a pressing need in the borough is a significant benefit of the scheme and should be afforded significant commensurate weight in the wider planning balance exercise<sup>47</sup>.*

- 8.41 The Mayor of London agreed with this position, confirming in his Stage 2 Report<sup>48</sup> that the Application followed the Fast Track Route of the threshold approach under LP Policy H5 and H6, as it delivers at least 35% affordable housing by habitable room and meets the tenure requirements of LP Policy H6, delivering the maximum reasonable amount of London Affordable Rent as demonstrated by the submitted viability evidence.
- 8.42 The Applicant has therefore responded to and in turn evidenced that the affordable housing offer represents the maximum reasonable level of affordable housing and is fully policy compliant. By any normal standards, the Applicant has stretched themselves in response to the LP's Fast Track approach to deliver a greater quantum of affordable homes than could ordinarily be expected in terms of viability. The development offers c.382 affordable homes, which is more affordable housing than has been delivered in any year across the Borough as a whole since 2016/2017.
- 8.43 The scheme would make a significant contribution to affordable housing delivery in Barnet. I consider that significant weight should be given to the significant number of affordable homes proposed at the Application Site compliant with LP Policies GG2 & H4, H5 and H6; CS CS4; DMP DM10; and EBLP HOU1.

## Housing Mix

- 8.44 As the Application is made in outline, the final unit mix will be confirmed and secured at the Reserved Matters stage. The Council<sup>49</sup> and the Mayor of London<sup>50</sup> were however both satisfied that the scheme was able to deliver a good number of larger family sized units. I consider this to be a major benefit of this proposal in line with development plan policy (as well as the Framework). I consider that there will be a genuine choice of housing.
- 8.45 LP Policy H10 considers that schemes should generally consist of a range of unit sizes. To inform the unit mix, applicants and decision-makers should have regard to: robust local evidence on need; the range of housing need and demand identified by the 2017 London Strategic Housing Market Assessment; and the aim to optimise housing potential on sites. Supporting text at paragraph 4.10.3 recognises that well-designed one-and two-bedroom homes in suitable locations can attract those wanting to downsize from their existing homes, and this ability to free up existing family stock should be considered when assessing the unit mix of a new build development.

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<sup>47</sup> Officer report to committee 9<sup>th</sup> September 2021 paragraph 9.8 and 9.9

<sup>48</sup> GLA Stage 2 Report paragraph 29

<sup>49</sup> Officer report to committee 9<sup>th</sup> September 2021 paragraph 7.4

<sup>50</sup> Mayor of London Stage 1 Letter dated 9<sup>th</sup> November 2020 paragraph 32.



- 8.46 The London wide SHMA (2017)<sup>51</sup> identifies a requirement for new homes across London (2016 to 2041) of 55% x 1 bed; 16% x 2 bed; 14% x 3 bed and 15% x 4 bed+.
- 8.47 LP Policy H10 explicitly recognises that the nature and location of the site is an important consideration, with a higher proportion of one and two bed units which are generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity. These characteristics apply to the Application Site.
- 8.48 Locally, DMP Policy DM08 expects developments to provide a mix of dwelling types and sizes with a priority across the borough for family sized homes, of which 3 bedroom social rent homes; 3 and 4 bedrooms intermediate homes, and 3 (medium) and 4 (highest) bedroom market sale homes are in greatest demand. CS Policy CS4 notes that to maintain housing supply, the Council will be flexible on the type and mix of housing having regard to financial viability, housing market and housing need.
- 8.49 EBLP Policy HOU02 further expands on the Borough's housing mix priorities stating that 3 bedroom market sales homes are the highest priority with 2 and 4 bedroom market sale homes a medium priority. For homes in affordable tenures, the highest priority is for 2 and 3 bedroom homes in Low Cost rent tenures; 3 bedroom homes in London Living Rent tenure; and 2 bedroom at affordable rent and low cost home ownership. All development's preferred housing mix will be considered in accordance with the site's context, size, character and PTAL rating, and the proposed mix of uses and tenure range.
- 8.50 The indicative housing mix for the application proposals is shown in Table 1, Section 5 of my evidence. That mix was considered by both the Borough Council and the Mayor of London and the respective reports found as follows:-

*Officer report to committee, 9<sup>th</sup> September 2021 - Whilst final mix would be agreed at reserved matters stage, based on the indicative details provided with the application, it is considered that the scheme has the potential to deliver a good mix of units with a good number of larger family sized accommodation.*

*GLA Stage 1 Report, 9th November 2020 - 32. As set out above, the indicative proposed unit size mix includes 10% family sized three-bed units, with the remainder studio, one and two-beds. Of the affordable rent units, 35 of the 86 units are proposed to be three-bed, which is welcomed. Considering the location, PTAL and characteristics and the density and form of the proposals, the proposed size mix is appropriate, with the final mix to be secured through reserved matters. The provision of family-sized units should be prioritised within the affordable component and the section 106 agreement should secure minimum provision.*

- 8.51 Given the locational characteristics of the site and its proximity to the town centre, adjacency to the station with high public transport access and connectivity, I consider that the development has struck the correct balance in terms of the indicative number of family sized homes and the need to optimise the site to deliver the policy objectives of the development plan and therefore, the housing mix complies with Policy LP H10; CS Policy CS4; DMP Policy DM08 and EBLP Policy HOU2.

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<sup>51</sup> SHMA (2017) - Table 1

## 9 Well-Designed Places

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- 9.1 In his letter directing the call in of the Application, the Secretary of State asked to be informed on matters related to the policies in the Framework for achieving well-designed places (Framework Chapter No. 12).
- 9.2 I have divided my assessment of well-designed place under four headings:
- Framework;
  - Design Context;
  - Support for the location of tall buildings; and
  - Other design matters.

### Framework

- 9.3 As discussed in Section 3 of my evidence, the Secretary of State has updated the Framework to put beauty at the heart of the planning system. The principal changes to the Framework relate to Chapter 12 achieving well designed places. National policy emphasises the importance of design codes, and consistency with the principles set out in the National Design Guide and National Model Design Code.
- 9.4 Framework paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (contained in the National Design Guide and National Model Design Code) taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, the Framework gives significant weight to a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 9.5 The evidence of Mr Everitt and Dr Miele set out how the Development does reflect local design policies, government guidance on design and does take into account local design guidance. This level of compliance, in my opinion, is to be afforded significant weight by national policy.
- 9.6 It is not a requirement to conform with Framework paragraph 134(b) if 134(a) has been addressed, i.e., to provide outstanding or innovative design. Nevertheless, Mr Everitt and Dr Miele's evidence confirms that the Development is of outstanding design which promotes high levels of sustainability and helps to raise the standard of design in the locality, whilst fitting in with the overall form and layout of the surroundings. The updated Framework applies significant weight to such compliance. I believe that significant weight should be applied to such compliance in this case.

- 9.7 The Framework<sup>52</sup> also recognises the need for visually attractive yet effective landscaping and important contribution to the character and quality of urban design that trees make. Planning decisions should ensure that landscaping is appropriate as well as effective and that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 9.8 The Development exemplifies these qualities and proposes high-quality public realm that runs throughout and across the site adding substantially to the scale, quality and connectivity of the pedestrian environment, whilst delivering an enhanced open space provision for Cricklewood including a new public town square - a generous area of new public realm that serves to extend the adjacent Cricklewood Green public space. Cricklewood Green is already an asset of community value but its benefit to the community will be greatly enhanced by the public realm in the proposals which is secured by obligations set out within the s.106 legal agreement. In my judgement this is an outstanding addition to the local area, the sort of transformative benefit that only high-quality regeneration can bring.
- 9.9 As part of the proposed landscaping there will be a significant uplift in street trees and landscaping/greening across the site which fully meets this newly stated requirement of national policy. The planting of the trees will enhance the treescape along Cricklewood Lane and Depot Approach. The planting and maintenance of these trees is secured by planning condition.

## Design Context

- 9.10 I have explained in Section 4, Section 6 and Section 7 of my evidence the significant ambition of the Government to boost the supply of homes at accessible sites, including retail and car park sites, next to stations at high densities. The Secretary of State has recently directed the Mayor of London to deliver this ambition recognising that there is clearly a place for tall buildings in London. LP, BLP and EBLP development plan policies reflect national policy and, and as I have explained in my evidence, include many policies which seek the best use and optimisation of land in sustainable locations to meet significant housing needs and to deliver jobs.
- 9.11 As a result of the development plan context analysed in Section 6 of my evidence, which promotes the Application Site for high density optimised housing in a highly accessible and sustainable location within an Opportunity Area and Growth Area next to a station and town centre, it would undoubtedly make very good planning sense to make the most of this opportunity and optimise development vertically. Doing so would help meet the shortfall in housing delivery in London and deliver the regeneration objectives of the Cricklewood Growth Area.
- 9.12 The Development on the Application Site would landmark Cricklewood Station and Cricklewood Green, and aid in wayfinding and legibility.

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<sup>52</sup> Framework paragraph 131

- 9.13 The proposals do not replicate the character and scale of buildings in the local area, although Mr Everitt explains how local character has informed their design and layout.
- 9.14 Whilst this appears to be a criticism of the proposals from some, it is not in itself an appropriate planning objection because it fails to have regard to planning policies for the area and the site, which create a deliberate agenda for significant change. The Borough Council has recognised that agenda through its planning policies including its allocation of the site in the EBLP and its estimate of site capacity, which responds to a clear need, but which can only be met through a development of a scale and density different from its neighbours.
- 9.15 That approach is appropriate on this strategic site which sits apart from its neighbours and which has for many years been of a different character – one which has for a long time detracted from the local area. The site requires a bespoke approach – one which adds to the amenity of the site and the contribution it makes to Cricklewood but which optimises the use of the site.
- 9.16 The Core Documents contain a number of appeal and call-in decisions, which although every proposal is different provide a helpful reference. The recent decision [CDG.02] of October 2022 to allow an appeal for a mixed development including 3 tall buildings (up to 32 storeys) on the Goods Yard site at White Hart Lane, Tottenham is helpful in its approach. The Inspector and his assessor found that the proposals represented an “abrupt change in scale” compared with the prevailing local townscape and that this would have an incongruous effect in a number of views and would diminish the spacious and modest character of the surrounding area (paragraph 14). Nevertheless, the appeal was allowed and the Inspector’s conclusions included the following:
- “The proposed tall buildings would in many views from High Road and White Hart Lane tower above the lower frontage development. The height, scale and modern appearance of the tall buildings would be prominent on the skyline and would appear incongruous against the modest 18<sup>th</sup> and 19<sup>th</sup> Century buildings of 2-4 storeys. Notwithstanding this, I consider that the impact of this would to a large degree be reduced by the set back of the tall buildings so that it would appear to form a different character area.”* (paragraph 23).
- 9.17 The Inspector found a number of public benefits in the proposals including that the 867 homes proposed responded to a clear market need, as did the regeneration of the area (paragraph 44).

## Support for the location of tall buildings

- 9.18 An assessment of the acceptability of tall buildings at the Application Site was undertaken by the officer in his report to the Council’s Planning Committee and by the Mayor of London.

### LB Barnet Policy

- 9.19 CS Policy Map 5 Brent Cross-Cricklewood Regeneration Area designates the Application Site within the Brent Cross-Cricklewood Regeneration Area. Policy CS5 states that tall buildings (8 storeys (or 26 metres) or more) may be appropriate in strategic locations including the Brent Cross – Cricklewood Regeneration Area.

9.20 EBLP Policy CDH04 Tall Buildings states that tall buildings (8 to 14 storeys) (26 to 46 metres above the ground level) may be appropriate in nine strategic locations. It includes Cricklewood Growth Area (Policy GSS04) as one of the nine locations. The policy confirms that tall buildings of 15 storeys or more ('Very Tall') will not be permitted unless exceptional circumstances can be demonstrated. Two examples are given: Appropriate siting within an Opportunity Area or a Growth Area. The Application Site is designated within both the Brent Cross / Cricklewood Opportunity Area and the Cricklewood Growth Area, and therefore these exceptional circumstances exist.

9.21 EBLP allocation Site No.8 confirms that tall buildings may be appropriate.

9.22 The BLP and EBLP both identify the Application Site as an appropriate location for tall buildings.

### London Plan

9.23 LP Policy D9 provides an up-to-date development plan policy framework for assessing the acceptability of a tall building proposal.

9.24 The LP<sup>53</sup> recognises that tall buildings can form part of a plan-led approach to facilitate regeneration opportunities and manage future growth, contributing to new homes and economic growth, particularly where it will make optimal use of the capacity of sites which are well-connected by public transport and have good access to services and amenities. Tall buildings can help people navigate through the city by providing reference points and emphasising the hierarchy of a place such as its main centres of activity and important street junctions. Transport interchanges, such as Cricklewood station are specifically referred to. Supporting text to the policy recognises that tall buildings that are of exemplary architectural quality, in the right place, can make a positive contribution to London's cityscape, and many tall buildings have become a valued part of London's identity.

9.25 This supporting context to the application of Policy D9 is important as it provides an explanation of the broad principles which govern the plan-led suitability for tall building locations in the Capital: - regeneration; growth; new homes; economic growth; optimal use of site capacity in well-connected locations; a tool for navigation; and an emphasis for place hierarchy (town centres; junctions; and transport interchanges).

9.26 Supporting text LP paragraph 3.9.1 recognises the challenges that can arise from the delivery of tall buildings, such as detrimental visual, functional and environmental impacts that can occur if tall buildings are proposed in inappropriate locations and/or of poor-quality design.

9.27 LP Policy D9 comprises four key components: Definition (A); Locations (B); Impacts (C); and Public Access (D). I address each in turn below to show as a whole why, the Application complies with LP Policy D9, both when read with the existing Local Plan and when read with the soon to be adopted EBLP.

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<sup>53</sup> LP paragraph 3.9.1

### LP Policy D9(A)

- 9.28 LP Policy D9(A) defines tall buildings as not being less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey. The Council defines tall buildings at CS para 10.6.2; and EBLP Policy CDH04 as being eight storeys or equivalent to 26 metres above ground level or more. The EBLP introduces a definition of 'Very Tall' buildings which are those over 15 storeys or more.
- 9.29 The Application proposes tall and very tall buildings across Plots A to D.

### LP Policy D9(B)

- 9.30 Part B of the policy relates to locations of tall buildings and is split into three limbs. The first two limbs require Boroughs to determine if there are locations where tall buildings may be an appropriate form of development. These locations and appropriate tall building heights should be identified on maps in Development Plans. Supporting paragraph 3.9.1 explains what might comprise inappropriate locations (those that cause detrimental visual, functional and environmental impacts), and paragraph 3.9.2 explains how Council's might identify appropriate locations based on areas identified for growth as part of LP Policy D1. The third limb, Part B(3) states that tall buildings should only be developed in locations that are identified as suitable in Development Plans. There is no supporting text within the LP to provide context to this limb.
- 9.31 The Council's Local Plan pre-dates the adoption of LP Policy D9 but identifies the site within the Brent Cross-Cricklewood Regeneration Area where tall buildings (excess of 8 storeys) may be appropriate subject to wider design, townscape, heritage and environmental considerations.
- 9.32 EBLP Policy CDH04 and Site No.8 post date the London Plan and confirm that tall buildings may be appropriate at the Application Site.
- 9.33 The Application is in full compliance with LP Policy D9(B).

### LP Policy D9(C)

- 9.34 LP Policy D9(C) considers the impacts of tall buildings and requires proposals to address visual impacts; functional impacts; environmental impacts; and cumulative impacts.
- 9.35 Mr Everitt and Dr Miele consider in their evidence the impacts arising from the proposed development as required by LP Policy D9 Part C. I agree with their assessment that the Proposed Development does not give rise to any visual, functional, environmental, or cumulative impacts which would result in conflict with LP Policy D9(C). Where mitigation is necessary planning conditions are proposed to secure the mitigation measures.

### LP Policy D9(D)

- 9.36 As the Proposed Development is predominately residential it would not be appropriate for security and management reasons to allow the public to enter free of charge to publicly accessible areas at the top of the tallest building, Plot A2 or any other building. It would also require additional floorspace to accommodate a viewing gallery reducing the overall housing provision in this highly sustainable location. In accordance with LP Policy D9, I do not consider that it would be appropriate to allow public access.

## Conclusion

9.37 I conclude that the development proposals fully comply with LP Policy D9, when read as a whole. This is a position with which the Mayor of London agrees.

## The Design Code

9.38 I have reviewed the Design Code and I consider that it will ensure that the Development will be visually attractive as a result of high-quality architecture and a high quality layout, and appropriate and effective landscaping. The Development provides for well-defined public and private amenity and play spaces, and landscaping elements that respond positively to the proposed distinctive character areas of the Application Site. Reserved matters applications will be required by condition to comply with the Design Code and will be the subject of further detailed design consideration for determination by the Council.

## Other design matters

9.39 DMP Policy DM05 requires tall building proposals to demonstrate compliance with the following five key tests (i) an active street frontage where appropriate; (ii) successful integration into the existing urban fabric; (iii) a regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline; (iv) not cause harm to heritage assets and their setting; and (v). that the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.

9.40 The Council's officer addressed these policy requirements in his report of the 9<sup>th</sup> September 2022 and Mr Everitt and Dr Miele assess DMP Policy DM05 in evidence. I agree with their assessment.

9.41 The evidence of Mr Everitt and Dr Miele considers the design of the Development, its mass and scale. I agree with their evidence that the Development will be visually attractive as a result of good architecture, building layout and appropriate and effective landscaping and public realm.

9.42 The Application responds to the site-specific constraints and opportunities of the Application Site itself and its local context, which is changing, informed by the grant of planning permission for major mixed use developments. It fulfils policy requirements to deliver a mixed use scheme with significant public benefits.

9.43 The Development has been the subject of evolution through discussion between the Applicant, the Council, the Mayor of London and local communities. The Applicant has worked closely with stakeholders and the local community to develop a design that takes account of the feedback received, consistent with paragraph 132 of the Framework. The original scheme proposal for 25 storeys at the tallest point was reduced to 18 storeys at the tallest point. The principal building marker, Building A1, has been reduced from 25 storeys to 13 storeys, to address stakeholder concerns.

9.44 The composition of the proposed development, the stepping of the building forms and their location within the Application Site will have a positive environmental impact. The Development will allow good daylight and sunlight into the new homes and onto the external courtyards as

explained in the expert statement from Mr Pagani in his evidence. It responds to the prevailing acoustic levels and helps create wind conditions appropriate for the proposed uses, mitigated by planning condition.

- 9.45 I consider that the materiality of the buildings is high quality, the appropriate colour and architectural treatment of the brick will be secured by condition. A planning condition is proposed to secure all external materials of the development with samples to be submitted for approval of the LPA prior to works commencing.
- 9.46 I agree with Mr Everitt that all homes provide for a high quality residential environment in accordance with LP D6 and the relevant sections of Barnet Sustainable, Design and Construction and Design Guidance SPD (2016). The design provides a high quality and intelligent response to an important opportunity site.
- 9.47 The Development considers local design guidance and is an appropriate design, scale and mass for the Application Site in accordance with policies LP GG1, D1, D3, D4, D5, D6 and D9; CS Policy CS5; DMP Policy DM01, DM02, DM03, DM04 and DM05; UDP Policy GCrick, C1, C2, C3 and C4 and supplementary planning documents CBCWH SPG; Barnet Sustainable Design and Construction SPD, 2016; and Residential Design Guidance SPD, 2016.



# 10 Conserving and Enhancing the Historic Environment

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- 10.1 In his letter directing the call in of the Application, the Secretary of State did not specifically ask to be informed on matters related to the policies in the Framework for conserving and enhancing the historic environment (Framework Chapter No. 16). The Inspector did however in their Case Management Conference Summary Note confirm the main consideration for the Inquiry to be the effect of the proposed development on the historic environment.
- 10.2 I do consider that compliance with these policies is a material consideration which carries significant weight in support of the Application.
- 10.3 The revisions undertaken to the Original Scheme which resulted in the Application Scheme materially reduce all impacts on heritage and visual amenity, leading to effects which meet the terms of the development plan.
- 10.4 The Mayor of London in his Stage 1 and 2 report, and Dr Miele in his evidence, explain why the Application will not cause harm to heritage assets.
- 10.5 Particular concern is expressed about the impact of the development on the Railway Terraces Conservation Area. The visual analysis presented by Dr Miele demonstrates the limited intervisibility between the railway terraces and the application proposals. Views from the terraces are principally channelled directly north and south by the orientation of the terraces themselves and this substantially accounts for the limited intervisibility, together with significant tree cover which exists within and immediately adjacent to the terraces.
- 10.6 On my visits, I have found the Railway Terraces to be a very particular, attractive but substantially enclosed and inward looking character area and I was interested to see that this analysis is shared in the Railway Terraces – Conservation Area Character and Management Proposals [CDF.013] produced by the Council in December 2016 (the Conservation Area Appraisal). The appraisal helpfully provides the following:
- the terraces were built following the opening of what is now Cricklewood Railway Station. In advance of the majority of urban development which has grown up around them (page 13).
  - important vistas and views are identified but these are contained to the terraces themselves, i.e., the setting of the Conservation Area is less important than its fabric and internal character (section 4.2 and page 15).
  - the Conservation Area has few access points and is therefore “*isolated and self-contained*”. (Section 4.4). Vegetative screening helps to filter noise, light and pollution, creating an unusual characteristic which contrasts with surrounding roads and railways.
  - “the railway terraces are a peaceful, tranquil island within a busy urban setting.” (Page 18)

- 10.7 Section 6.4 of the document summarises the positive characteristics of the conservation area and the list makes no reference to its setting or to the Application Site. In my view, this is explained by the “*self-enclosed nature of the Conservation Area*” (paragraph 7.8).
- 10.8 It is these characteristics and others which Dr Miele explains that enable him to conclude that there would be no harm to heritage assets as a result of the application proposals.
- 10.9 Dr Miele in particular concludes that that there will be no harm to the character area; from the views testing there will be some visibility from part of the Railway Terraces Conservation Area but this causes no harm to the setting and significance of the Conservation Area; and there is no harm to the setting and significance of the Railway Terraces Conservation Area.
- 10.10 I consider that the Development will have no impact on strategic views identified by the adopted London View Management Framework (LVMF), including LVMF View 5A.2 Greenwich Park, the General Wolfe Statue.
- 10.11 I consider that the Development complies with the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; LP HC1; CS Policy CS5 and DPD DM01, DM05 and DM06.
- 10.12 Whilst I consider that no harm would arise to any heritage assets, even if it is considered that any harm does exist, I agree with the Council’s previous assessment on 9<sup>th</sup> September 2021 that any such harm (giving it great weight under paragraph 199 of the Framework) is significantly outweighed by the public benefits of the Application (the test that would arise under paragraph 202 of the Framework) outlined in Section 11 of this Proof.
- 10.13 I consider that the public benefits of redevelopment are substantial, and that redevelopment is supported by a raft of development plan policies. The public benefits of the proposal, including their compliance with development plan policies, would clearly outweigh any realistic assessment of harm, even if harm were found to arise, in accordance with paragraph 202 of the Framework.

# 11 Other Matters

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- 11.1 I consider in this section of my evidence matters raised by the Inspector during the CMC in respect of the effect of the proposed development on local infrastructure and services.
- 11.2 I also consider the effect of the development on the living conditions of occupiers of neighbouring properties which is not a matter raised as a concern by the Council, Mayor of London or the Inspector in the CMC, but is an issue raised by third parties. This issue is also addressed by the expert statement (CDXX) provided by Mr Pagani which considers the effect of the Proposed Development on the living conditions of future occupiers and of neighbouring properties.
- 11.3 I consider the following issues within this section of my evidence:
- the effect of the proposed development on transport infrastructure and parking
  - the effect of the proposed development on local infrastructure and services
  - Section 106; and
  - the effect of the development on the living conditions of occupiers of neighbouring properties
- 11.4 I assess these issues in the context of the evidence set out within my proof and the Statement of Case. The Council and the Mayor of London have not raised any concern or objection to the proposal on any these grounds.

## The effect of the development on transport infrastructure and parking

- 11.5 The projected arrangement of buildings separated by Depot Approach will not result in adverse consequences for pedestrian permeability, road safety, and traffic conditions. To the contrary, the streetscape along Depot Approach (and Cricklewood Lane) will be significantly improved with widened and expansive public realm which I consider to be a significant public benefit of this development.
- 11.6 Transport matters were assessed by Council officers within the report to committee, as agreed in the Statement of Common Ground finding all matters to be acceptable. Transport matters were also assessed by the Mayor of London and Transport for London and found to be acceptable. Mitigation proposed by the Council and Mayor of London will be secured by condition and the s.106 legal agreement to be undertaken prior to implementation.
- 11.7 A comprehensive Transport Statement and Servicing Management Plan was submitted as part of the application, the content of which was agreed with the Council Transport Officer prior to submission.
- 11.8 In response to the particular concerns raised by the Rule 6 Party, the Proof of Evidence of Mr Fitter considers matters specifically raised by the Inspector in the CMC with particular regard to sustainable travel, effects on the road network and highway safety, and the amount of parking to be provided.

11.9 This demonstrates that the completed scheme will have no material impact on on-street parking demand. It concludes that the proposals are compliant with national, regional and local transport policy and would have negligible impact on the local highway.

11.10 I conclude that there would be no conflict with LP policies T1, T2, T3, T4, T5, T6, T7 or CS Policy CS5, CS9, DMP Policies DM01, DM17 Policy and EBLP TRC01, TRC03.

11.11 Neither the Council, nor the Mayor of London raise concern or object to the proposal on the grounds of sustainable travel, effects on the road network and highway safety, and the amount of parking to be provided.

## The effect of the development on local infrastructure and services

### Community Infrastructure Levy ('CIL')

11.12 Barnet CIL was adopted on 1<sup>st</sup> May 2013, and updated on 1<sup>st</sup> April 2022.

11.13 The purpose of Barnet's CIL is to secure funding to help address the gap in funding for local infrastructure.

11.14 The Council confirm that Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough. The Council confirm that Barnet CIL can be used to fund new or safer road schemes, schools, health and social care facilities, park improvements and leisure centres<sup>54</sup>.

11.15 The Application will contribute c.£29M of CIL towards infrastructure projects. Alongside the site-specific mitigation secured in the s.106 agreement, the overall package of contributions will mitigate any impact arising from the development.

### Education

11.16 The Rule 6 party and other residents have raised concern about the pressure that will be placed on local school provision.

11.17 Chapter 15 of the CS<sup>55</sup> confirms that within the major regeneration areas, the Council has researched the need for education facilities (both new and expanded schools) that will result from the growth in population, closely linked to the distribution and delivery of housing growth in the Council's housing trajectory.

11.18 The EBLP takes the same approach and confirms that school provision is linked to the Council's planned housing trajectory. I therefore consider that the indicative capacity for 1,007 homes<sup>56</sup> at the Application Site has been planned for by the Council<sup>57</sup>.

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<sup>54</sup> <https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>

<sup>55</sup> CS paragraph 15.7.2

<sup>56</sup> EBLP Site Allocation 8

<sup>57</sup> In accordance with paragraph 11, 34 and 57 of the Framework.

11.19 With regards to primary school provision the Council advise at EBLP paragraph 8.8 that demand is falling and there is an overall surplus of school places.

*At primary level, the demand has continued to fall and almost all school planning areas currently have an overall surplus. This will continue to be monitored to ensure sufficient capacity remains within the schools across the Borough, with forecast demand for each pupil planning area continuing to be reported to the appropriate Council committee.*

11.20 With regards to secondary school provision, the Council confirm that ongoing investment has not resulted in a shortfall of places<sup>58</sup>:-

*Barnet's secondary schools are now experiencing the increase in rolls as the primary school bulge classes move through education system. The Council has responded to the rising demand for secondary places through investing in the expansion of existing schools. At secondary level, Barnet is nationally one of the highest exporters of school places with children coming from outside the Borough to attend school. The Free Schools Programme, funded by Government, has helped to tackle the pressure and so far there has been no shortfall in the provision of secondary places. Forecast levels of demand for places within the Borough's school catchment areas will also continue to be monitored by the relevant Council committee.*

11.21 The EBLP does not identify a deficit in school places and plans to manage population growth and housing growth through investment, expansion and the provision of new schools.

11.22 Plans for new school provision includes new expanded schools within the Brent Cross Growth Area (Policy GSS02); renewal and upgrade of a primary school and secondary school at Grahame Park and a new primary school at Colindale Gardens (EBLP Policy GSS06 Colindale Growth Area). At Mill Hill East Growth Area, the supporting text to EBLP policy GSS07 Mill Hill East refers to planning permission for a new 3-form entry primary school. Planning permission also exists, as yet unimplemented, for a two form entry primary school at West Hendon, part of the Brent Cross Cricklewood Regeneration Framework Area. The EBLP does not plan for new education facilities in the Cricklewood Growth Area.

11.23 The conclusions of the EBLP reflect the findings of the Applicant's socio economic assessment<sup>59</sup>. For primary education the assessment concludes that "Overall, it is assessed that the effect on primary education provision from the increased demand generated by the Proposed Development will be direct negligible (not significant) permanent effect". For secondary school provision "Given the increase in demand arising for secondary school places is estimated to be fairly modest at 31 places, the large number of local secondary schools with capacity are likely to be able to easily absorb this demand. The Proposed Development is therefore likely to have a direct negligible (not significant), permanent effect on secondary education provision."

11.24 I consider that the Council has planned appropriately for education provision in the Borough. Should an unplanned shortfall exist the Applicant's significant Community Infrastructure Levy contribution can be used to mitigate any impact that might arise.

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<sup>58</sup> EBLP paragraph 8.9

<sup>59</sup> Environmental Impact Assessment 2020 Volume 1 Chapter 14: Socio Economics

## Health

- 11.25 The Rule 6 party and other residents have specifically raised concern about the pressure that will be placed on local health provision.
- 11.26 The CS seeks to plan for healthcare by proposing new facilities at Mill Hill East, Colindale and Grahame Park Way Regeneration Areas. The EBLP promotes new primary healthcare capacity at Brent Cross Growth Area (Policy GSS02). The EBLP recognises that predicted population growth coupled with housing growth locally will create additional demand on the existing health infrastructure<sup>60</sup>. EBLP Policy CHW 02 confirms that the Council will support the North Central London Estate Plan and the implementation of NHS Long Term Plan in responding to demand and integration of health and social care, including the use of developer contributions to support investment in healthcare infrastructure.
- 11.27 The Applicant considered the effect of the Application on health provision. The Environmental Impact Assessment 2020 Volume 1 Chapter 14: Socio Economics noted that there are seven GP surgeries within 1km of the Application site, with 22.3 FTE GPs and an average patient list size of 6,923. On average there are 2,177 Patients per FTE GP, which is above the 1,800 target ratio set by the Royal College of General Practitioners. The additional 2,132 residents estimated to be generated by the development, in a worst case scenario would increase the practice list size to 2,269 patients per GP, which will have a direct moderate adverse (significant) effect. The Assessment concludes<sup>61</sup> that improved medical facilities could be funded through CIL receipts to such an extent that the Proposed Development would result in the effect conclusion changing to a negligible (not significant) permanent effect.
- 11.28 The Applicant will make a significant Community Infrastructure Levy contribution, and in addition to this proposes to provide healthcare provision on site as part of the 1,200sqm of commercial / community use (Class A3 / B1 / D1 and D2) floorspace. This is in addition to the adjacent planning permission at 1-13 Cricklewood Lane which secured the reprovision of the NHS Cricklewood GP Health Centre that is currently on site at Britannia Business Centre. I note from the Health Centre's website that they are still accepting new patients.
- 11.29 The legal agreement secures a health facility of not more than 145 sqm to be provided within Development Parcel A. Schedule 12 of the legal agreement requires a scheme plan of the area and a strategy for provision of the Healthcare Facility to the Council for approval as part of the application for reserved matters approval in respect of Development Parcel A. The applicant will use reasonable endeavours to liaise with the local NHS body regarding the specification of the Healthcare Facility and the terms on which it is to be let (which shall be at a reasonable market rate). Occupation of the commercial floorspace shall not take place within Development Parcel A until the Council has approved the Healthcare Facility Strategy, and the applicant shall use reasonable endeavours to let the healthcare facility to the local NHS body in accordance with the approved Healthcare Facilities Strategy.

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<sup>60</sup> EBLP paragraph 8.18.1.

<sup>61</sup> Environmental Impact Assessment 2020 Volume 1 Chapter 14: Socio Economics, paragraph 14.7.2

11.30 I consider that the health centre facility obligation is necessary to make the development acceptable in planning terms; directly relates to the development; and fairly and reasonably relates in scale and kind to the development mitigating the effects of the development.

### Water Supply

11.31 EBLP Site Allocation 8 states that the water supply and wastewater network capacity in this area may be unable to support the demand anticipated from this development. The allocation states that where there is a potential wastewater network capacity constraint, the developer should liaise with Thames Water to determine whether a detailed drainage strategy informing what infrastructure is required. The detailed drainage strategy should be submitted with the planning application.

11.32 The Application was submitted with a Flood Risk Assessment, Surface Water Drainage Strategy, Foul Sewerage and Utilities Assessment and the Environmental Impact Assessment which considered water supply, surface water drainage and foul drainage<sup>62</sup>.

11.33 Planning condition 11 addresses surface water drainage requirements; Condition 12 a Foul Water Infrastructure / Wastewater strategy; and Condition 40 relates to existing water network requirements to accommodate the additional flows to serve the development.

11.34 I consider that water infrastructure has been addressed by the Application at outline stage with further investigation controlled by planning condition.

### Section 106 Legal Agreement

11.35 The terms of the Section 106 Agreement have been agreed with the Council and the Mayor of London.

11.36 The agreement is based upon the Heads of Terms provided to the 9<sup>th</sup> September 2021 Council Planning Committee, taking account of the individual characteristics of the site and the infrastructure needs of the site and the surrounding area. As such the proposals accord with LP DF1.

11.37 The Applicants prepared and shared with the Council and Mayor of London a draft S106 Agreement and a desire that this will be signed before the end of the inquiry.

11.38 In my view, the package of measures is comprehensive and will be appropriate to mitigate residual impacts and to secure the benefits of the proposals - particularly, to ensure that the proposals integrate physically, economically and socially with Cricklewood.

11.39 The legal agreement secures the affordable housing in perpetuity at the appropriate design standards; and a healthcare facility in Development Parcel A as discussed above. It also secures significant public realm and on site open space improvements and provision including the following benefits.

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<sup>62</sup> Environmental Impact Assessment 2020 Volume 1 paragraph 5.10, 7.5.12 - 7.5.17

- The provision of a new public square adjacent to Cricklewood Green.
- Public realm improvements to Cricklewood Green to include lighting improvements and/or provision of public art.
- Improvements to the underside of Cricklewood Lane Railway Bridge.
- Footway improvements to Cricklewood Station.
- Safeguarding of land for potential future connection to Cricklewood Station.
- The establishment of a community engagement group to oversee the curation, management and operation of the public activities including the events programme within Cricklewood Green and the Public Square.

### **The effect of the development on the living conditions of occupiers of neighbouring properties**

11.40 The effect of the development on daylight, sunlight and overshadowing in terms of the amenity of neighbouring properties is addressed in detail within the expert statement provided by Mr Pagani.

11.41 The internal daylight and sunlight for future residents of the development and internal overshadowing is considered in the officer's September 2021 report to committee at paragraph 7.15 to 7.20. It is deemed acceptable. The effect of the new development on neighbouring residents in terms of overshadowing and loss of light; daylight and sunlight; overshadowing to amenity space is summarised in the officer's report to committee at paragraphs 10.1 to 10.14.

11.42 I agree with the officer's conclusions and those of Mr Pagani that the proposed development is acceptable and would not result in any unacceptable loss of daylight and sunlight to adjoining neighbours. The proposal therefore complies with LP D6 and DMP Policy DM01 and Barnet SPD Residential Design Guidance and Sustainable Design and Construction (2.4).

11.43 Neither the Council, nor the Mayor of London raise concern or object to the proposal on this ground.

11.44 I do note, in the context of the consideration of these matters, that the Government made changes to national policy, as now in paragraph 125 of the Framework, to reflect the flexibility required when applying policies or guidance relating to daylight and sunlight.

*125. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances:*

*... c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).*



11.45 Paragraph 125 requires the resulting scheme to provide acceptable living standards, which of course is a necessary requirement of good design, but for councils such as Barnet where there is a shortage of housing, and land for housing, a flexible approach is necessary.

11.46A flexible approach to daylight and sunlight standards is also set out within the Mayor of London's Housing SPG 2016. Paragraph 1.3.45 of the Guidance states that:-

*1.3.45 An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.*

*1.3.46 The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.*

11.47 Any consideration of the effects of the proposed development on daylight, sunlight and overshadowing need to be considered in this context, however, I consider that the Proposed Development has the potential to provide suitable daylight and sunlight conditions for future occupants in line with the site's context.

11.48A further assessment of the daylight, sunlight and overshadowing effects of the development will be undertaken at the detailed design stage in accordance with Condition 1 and the Design Code. At that point full details of the proposed levels of daylight and sunlight amenity will be available for consideration of the Council.

# 12 Public Benefits & The Planning Balance

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- 12.1 In Section 4, 6, 7, 8 and 9 of my evidence I explained why, in my opinion, the Application accords with relevant development plan policies, and the development plan when read as a whole.
- 12.2 I also consider it accords with the Framework and is sustainable development within the meaning of the Framework<sup>63</sup>. As such, it benefits from the statutory presumption as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004, taken with Section 70(2) of the Town and Country Planning Act 1990. And further to paragraph 11 (c) of the Framework, it should be granted planning permission without delay.
- 12.3 Even if any conflict with the development plan was found, that conflict would need to be weighed in the planning balance against other considerations, including particularly the public benefits of the proposals. In my opinion material considerations and planning benefits weigh strongly in favour of granting planning permission.

## Public Benefits

- 12.4 National Planning Policy Guidance advises that public benefits may follow from many developments and could be anything that is relevant to paragraph 8 of the Framework.
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 12.5 Public benefits should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
- 12.6 Public benefits are a material consideration under section 38(6) of the Planning and Compulsory Purchase Act 2004, and case law and NPPG ties them into Framework Paragraph

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<sup>63</sup> Framework paragraph 7 and 8

8. Framework Paragraph 202 recognises that public benefits can outweigh less than substantial harm to the significance of a designated heritage asset.

## Weighting of Material Considerations & Public Benefits

12.7 To inform the weight that I award to the material considerations and public benefits that I identify in the planning balance in determining whether planning permission ought to be granted, I set out at Table 4, the weight that the Framework advises should be awarded.

Table 4 - Weighting of Planning Issues using the National Planning Framework

Issue	Framework Paragraph	Framework Weight	Framework Quote	Framework Weight
Economic growth and productivity	81	Significant weight	“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.	Significant weight
Suitable brownfield land for housing	120(c)	Substantial weight	“Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.”	Substantial weight
Design guides	129	Weight	“Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents”.	Weight
Design	134, (a) and (b)	Significant weight	<p>“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.</p> <p>Conversely, significant weight should be given to:</p> <p>a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or</p> <p>b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”</p>	Significant weight

Issue	Framework Paragraph	Framework Weight	Framework Quote	Framework Weight
Heritage	199	Great weight	When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.	Great weight

12.8 In the case where the Framework does not specifically direct the weight that should be applied, I have applied professional judgement as set out below.

### Public Benefits of the Proposed Development, and the Weight to be Applied

12.9 I consider that there are very significant material considerations and public benefits which weigh in favour of a grant of planning permission when undertaking a balanced planning judgement. I set these out below.

#### Common Ground

12.10 It is common ground with the Council and Mayor of London that the Application complies with a very significant number of development plan policies which carry full weight in favour of the Application.

#### Compliance with the Core Principles of the Development Plan and Framework

12.11 The Application complies with the core principles of the development plan and the Framework which seek to locate major developments, and optimise them, on previously developed land in the most sustainable locations such as town centres and at transport nodes. This approach reduces development pressure on green open space, and helps to protect the Green Belt, a clear objective of the Government.

12.12 I apply significant weight to this benefit particularly because the Site is designated for high density residential led development in the development plan; is in a location where tall buildings are considered acceptable in principle; and the Site has been specifically included within the Brent Cross Cricklewood Opportunity Area to achieve significant transformation and change.

12.13 The BLP is considered up to date because of its general compliance with the Framework and the LP in respect of delivering sustainable development in the right locations. The judgements that the BLP make with regards to growth, meeting current and future housing needs in the borough, and the location of major development, taking into account all policy objectives, remain sound. It is no surprise that the EBLP continues to maintain these core principles whilst seeking to meet its objectively assessed development needs.

#### Housing

12.14 The Application delivers a significant quantum of new housing. This will result in a meaningful contribution towards the Borough's housing need and housing choice, and the housing need

of the Brent Cross Cricklewood Regeneration Area and the Cricklewood Growth Area. The Application will deliver a total of 1,049 new homes.

12.15 Paragraph 120 (c) of the Framework applies significant weight to the value of using suitable brownfield land for homes and I agree that significant weight should be applied to this aspect of the proposal.

12.16 Paragraph 120 (d) of the Framework promotes and supports the development of under-utilised land and buildings to meet identified needs for housing on car parks; Paragraph 123 advises that a positive approach should be taken for using retail land for homes in areas of high housing demand which would not undermine the vitality and viability of town centres. Paragraph 125 of the Framework confirms that it is especially important that decisions avoid homes being built at low densities, and that developments make optimal use of the potential of each site. I consider that significant weight should be applied to the compliance of the Application to these aspects of the Framework.

### Affordable Housing

12.17 The provision of affordable homes will make a significant contribution to acute housing need.

12.18 35% of the development will be affordable homes – that is c.382 homes for households in genuine housing need secured by legal agreement. Of the affordable homes proposed 30% will be London Affordable Rent and 70% homes as Intermediate Homes – both types of homes respond to clearly evidenced needs.

12.19 I consider the provision of affordable homes in this case warrants substantial weight.

### Economic Growth and Productivity

12.20 The building's social, economic, and environmental contribution will cease in its current form as the DIY retailer has decided to dispose of the Site as it is surplus to requirements.

12.21 The proposed development proposes 1,200m<sup>2</sup> (GIA) of flexible space to activate the ground floor and new pedestrian routes through the site. The space is to be used for purposes within the Use Classes A3 (Restaurants and cafés), B1 (Business), D1 (Non-residential institutions) or D2 (Assembly and leisure).

12.22 Of the commercial floorspace offer, up to 145m<sup>2</sup> is proposed to be used as a new health care facility.

12.23 During the estimated 5 year and 7 month demolition and construction phase, the Application will provide for a total of 369 net additional jobs per annum<sup>64</sup>, and between 20 and 106 jobs when operational. B&Q has already decided to close the store and dispose of the site nullifying existing employment on site (estimated to be 94 jobs). There is therefore a net employment benefit from the Proposed Development.

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<sup>64</sup> ES Volume 1, paragraph 14.8.2

- 12.24 New high-quality ground floor flexible commercial units will be delivered and help to activate the frontage of the site and in particular Cricklewood Green and increase the commercial offer around Cricklewood Town Centre and Cricklewood Railway Station.
- 12.25 The proposal will also generate a total net benefit spending of approximately c.£16.6m per annum from the new residents, in addition to community infrastructure (c.£29M) and financial contributions to infrastructure improvements locally secured by the legal agreement.
- 12.26 Paragraph 81 of the Framework applies significant weight to this public benefit, and I agree that significant weight should be applied to this proposal.

### Design

- 12.27 The Application will deliver the exemplar physical transformation of a surplus retail warehouse and car park with a high-quality contemporary design that successfully responds to and enhances the townscape character of Cricklewood Town Centre and the wider Opportunity Area. The landscape-led masterplan has a well-justified rationale behind the layout of a series of open spaces, the distinctive character of which will add substantially to the character and enjoyment of the area. The approach to height in townscape terms focuses on height in the south-east part of the site, reflecting the more accessible location that will also frame the open space and successfully act as a wayfinding marker for Cricklewood Town Centre and Station.
- 12.28 The design of the Application has evolved in response to feedback from stakeholders and the scale and mass of the Development has been significantly reduced as a result.
- 12.29 The Developments is of outstanding quality – one which supported by a proportionate level of design information including a Design Code, parameter plans and planning conditions. These controls will inform the detailed design of the Application at the reserved matters application stage.
- 12.30 The Development has been designed to reflect local design policies and government guidance on design, taking into account any local design guidance. Paragraph 134(a) of the Framework applies significant weight to this compliance and I agree.
- 12.31 The Development is of outstanding design – one which helps raise the standard of design more generally in the area whilst responding to the overall form and layout of its surrounds. Paragraph 134(b) of the Framework applies significant weight to this compliance, and I agree that significant weight should be applied to this aspect of the Application.

### Open space, greening and permeability

- 12.32 Currently, there is limited permeability across the Site and the vehicle movements in and out from Cricklewood Lane create a hostile environment to the front of the Application Site.
- 12.33 New trees will be planted, and a significant amount of new open space and urban greening will be achieved. The public realm improvements and proposed open space component generate very significant benefits which would substantially add to the amenity of the area.
- 12.34 The Applicant proposes a new public square along Cricklewood Lane to be known as Arboretum Place; an expansion to Cricklewood Green, a registered Asset of Community Value

(AVC) expanding the area of open space, and improving its usability; Wood Way, Cricklewood Lawn, and the Rail Side all active and ecologically diverse spaces, including large playable lawns and open space.

12.35 The application will deliver the exemplar physical transformation of a surplus retail warehouse into a new part of Cricklewood.

12.36 The new areas of open space include the following created on site:

- intensive green roof or vegetation over structure. Vegetated sections only. Substrate minimum settled depth of 150mm
- extensive green roof with substrate of minimum settled depth of 80mm
- flower-rich perennial planting
- rain gardens and other vegetated sustainable drainage elements
- standard trees planted in individual pits with less than 25 cubic metres soil volume
- areas of lawn to mow

12.37 The Application is expected to achieve an urban greening factor of 0.41<sup>65</sup>, which is above the 0.4 required by the London Plan Policy G5. The biodiversity net gain is the subject of planning condition but is expected to far exceed the minimum 10% enhancement figure set out in the Environment Act 2021. The ecological benefits and contribution to local biodiversity will be increased through the provision of green and brown Roofs. The application will contribute to London's National Park City status<sup>66</sup> with the final urban greening factor and biodiversity net gain assessment secured via planning condition 29 thus representing a fundamental element of building design.

12.38 I apply significant weight to this public benefit in accordance with the Framework and in particular paragraph 131 and 179(b).

#### Reduction in Vehicle Movements

12.39 The reduction in car parking numbers on site from 470 to 105 spaces is a positive reduction in car parking capacity.

12.40 Redevelopment of the Site will lead to a net reduction of 4,229 daily two-way vehicle trips compared with the current retail use (92% reduction).

12.41 I apply significant weight to this traffic and carbon reduction benefit.

#### Air Quality Improvements

12.42 The development is Air Quality Neutral and will generate improvements as a result of the material reduction in vehicle movements to and from the previous retail warehouse use.

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<sup>65</sup> Exterior Urban Greening Factor Assessment issue date 09.11.2020

12.43 I apply significant weight to this public benefit.

### Conclusion

12.44 These material considerations and public benefits weigh heavily in favour of a grant of planning permission.

12.45 I consider that even if the Secretary of State were to agree with the Council that very slight less than substantial harm occurs to the Railway Terraces Conservation Area, or any other heritage asset, then such harm would be significantly and demonstrably outweighed by these public benefits anyway.

### Planning Balance

12.46 The Application accords with relevant policies within the BLP, and the EBLP when read as a whole.

12.47 Whilst the EBLP does not yet trigger the same statutory presumption set out in section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (“TCPA 1990”), as it does not yet form part of the development plan, I apply weight to it as a material consideration under paragraph 48 of the Framework.

12.48 Even if any non-conformity with a policy was found, an approach that I do not agree with, it is necessary to consider this against compliance with the Development Plan as a whole. For the reasons that I have addressed, I consider the proposal would comply with the development plan as a whole.

12.49 Even if there were considered to be conflict with the development plan as a whole (which I do not consider to be the case), I consider that the compliance with policy that I have demonstrated, and those set out in the Statements of Common ground, along with the public benefits that I set out in this section of my evidence, would represent other material considerations demonstrating why planning permission should be granted in any event.

12.50 When read as a whole, I consider that the Application complies with the development plan and there are material considerations which weigh heavily in support of a grant of planning permission.

### Consultation on revisions to the Framework

12.51 My evidence was principally drafted prior to the publication by the Government on 22 December 2022 of proposed reforms to national planning policy. Those potential reforms are currently draft and subject to consultation. In principle, however, they support the case for the grant of planning permission in this case.

12.52 The reforms recognise difficulties in rural areas playing their full part in contributing towards the Government’s restated commitment to build 300,000 homes pa nationally, where such development might be incompatible with the character of local areas or require a review of Green Belt boundaries. Accordingly, paragraph 4.14 of the Consultation underlines the



importance of urban areas making the best use of their capacity for housing development. The paragraph makes clear:

*“Whilst important constraints need to be recognised when planning for homes, so too do the opportunities to locate more homes in sustainable urban locations where development can help to reduce the need to travel (thereby supporting sustainable patterns of development overall) and contribute to productivity, regeneration and levelling up.”*

12.53 No doubt every urban development site has constraints and the scale of change necessary may generate some concern, but the Consultation is a clear reminder that there is a national interest in ensuring that urban areas play their full part in meeting local, regional and national housing needs – not least because the country needs to increase its housing delivery, but other locations are likely to be more sensitive.

12.54 Urban development is inherently sustainable and it is no surprise that all levels of planning policy particularly encourage higher density in locations that:

- benefit from the best levels of accessibility by public transport and sustainable modes;
- lie close to or within town centres with sustainable proximity to services and where development can best add to the vitality of centres;
- fall within defined growth corridors and are identified as being suitable for tall buildings;
- are underused, physically tired and in need of a new life;
- lie within areas in need of social regeneration, particularly where there is an acknowledged shortage of housing and affordable housing; and
- are identified in planning policy for housing-led, high-density development.

12.55 In the rare circumstances where a site has all those characteristics, the case for higher density development is compelling and the integrity of a planning system which is plan and policy led requires a positive approach to be taken.

12.56 Accordingly, the Consultation continues (in paragraph 4.14) by explaining the Government’s strategy that such urban areas should deliver a 35% uplift on their housing needs assessed through the Standard Methodology and that:

*“The uplift supports our approach to making the best use of brownfield land. The method for calculating local housing need was amended in 2020 to apply an uplift of 35% for the 20 largest towns and cities<sup>67</sup>, in recognition of this potential. The government intends to maintain this uplift and to require that this is, so far as possible, met by the towns and cities concerned rather than exported to surrounding areas, except where there is voluntary cross-boundary agreement to do so (for example through a joint local plan or spatial development strategy).”*

The Consultation, therefore, serves to reinforce the principles embedded in planning policy in this case and to further emphasise the case for the grant of planning permission.

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<sup>67</sup> This includes London

## 13 Summary and Conclusions

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- 13.1 My evidence has considered the special opportunity that this scheme presents to regenerate a tired, underutilised and highly accessible location, adjacent to a station and town centre, with a development of exceptional quality, whilst also delivering substantial public benefits both for Cricklewood and strategically for London.
- 13.2 I have demonstrated that the Development responds directly to this opportunity by creating new market and affordable homes, modern commercial floorspace, new public realm on a highly sustainable brownfield site. The proposals would fulfil policy aspirations to create a new high quality development for Cricklewood.
- 13.3 The Applicant has adopted a meticulous design-led approach to the redevelopment of the Site that responds to the Site's context and delivers a composition of individual buildings, set back from Cricklewood Lane, and taller buildings adjacent to the station to mark this important transport node at Cricklewood.
- 13.4 When compared with the existing poor quality of the Site and the absolute policy imperative that it should be reused for housing, the case for the scheme is unequivocal.
- 13.5 The Application proposals accord with the Development Plan; Sections 6 to 11 of my evidence sets out the assessment. My assessment identifies that each layer of planning policy confirms the need to achieve high quality growth and regeneration, i.e., at a national level, in London, in Cricklewood and on this site. The Application Site is identified as a major development opportunity, where tall buildings are appropriate.
- 13.6 Policies also identify that regeneration should achieve important public benefits including, particularly, the improved quality of public realm, attractive design quality and respect for the amenity of others. The assessment demonstrates that each of these requirements has been met through the careful evolution and design of the application proposals.
- 13.7 Evidence on the quality of design and compliance with local design policies is given by Mr Everitt. My evidence identifies the structure of the outline application and the proportionate assessment of design considering the parameter plans, design code and planning conditions.
- 13.8 Evidence of the impact of the proposals on townscape, heritage and visual assets is given by Dr Miele. My evidence identifies the relevant policy context for those assessments. Dr Miele concludes that in overall heritage terms, the evidence is clear that the Development does not harm heritage assets.
- 13.9 In accordance with the terms of the Framework, the Application should be approved. The proposals accord with the development plan and there are no material considerations which outweigh the presumption in favour of granting planning permission.

## 14 Statement of Truth

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14.1 The evidence which I have prepared and provide for this Application (ref: 20/3564/OUT) in this proof of evidence is true and I confirm that the opinions expressed are my true and professional opinions.

Signed:

A handwritten signature in black ink, appearing to read 'John Rhodes', written over a horizontal line.

John Rhodes OBE  
SENIOR DIRECTOR

Date: 10th January 2023



Quod

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**Proof of Evidence –  
Appendix 1 - Key  
Policy Diagrams**

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B&Q Broadway Retail  
Park, Cricklewood  
Lane, Barnet NW2 1ES

Planning application  
number 20/3564/OUT

The Planning  
Inspectorate reference  
APP/N5090/V/22/3307  
073

**APP/4/B**

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9TH JANUARY 2023  
Q220753



# 1. CDF.06 – 2005 Cricklewood, Brent Cross And West Hendon Regeneration Area Development Framework, SPG

Figure 14

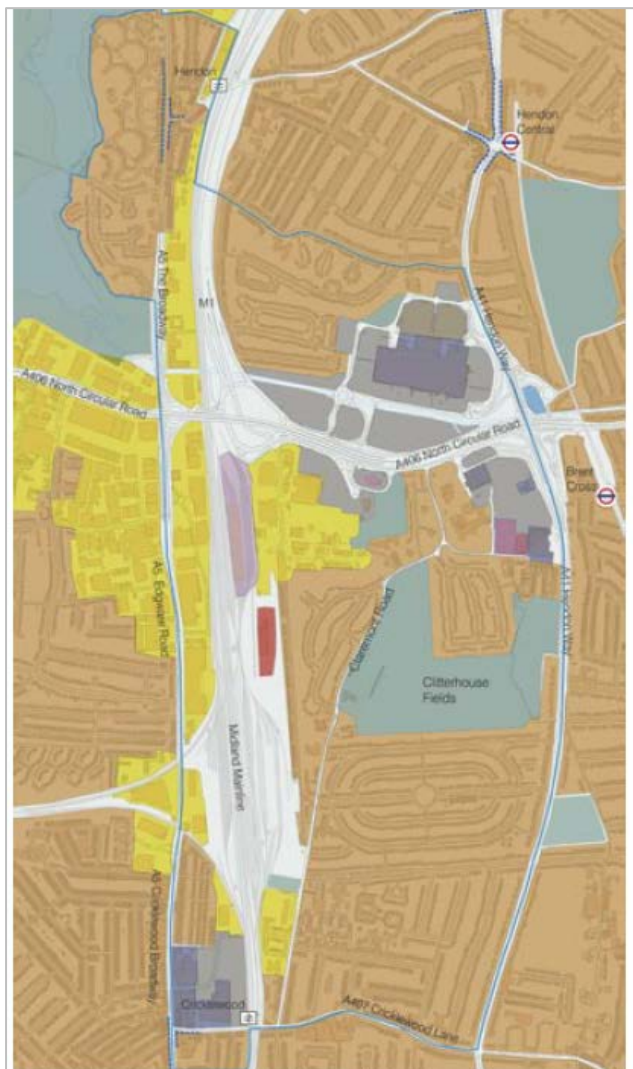


Figure 12: Existing land use

Key

Regeneration Area	Predominantly Residential
Existing Shopping Centre	Employment
Car Parks	Leisure/ Hotel
Open Space	Office
Retail	Rail Freight Facility
Neighbourhood Retail/ Bars/	Waste Transfer Station



Figure 16

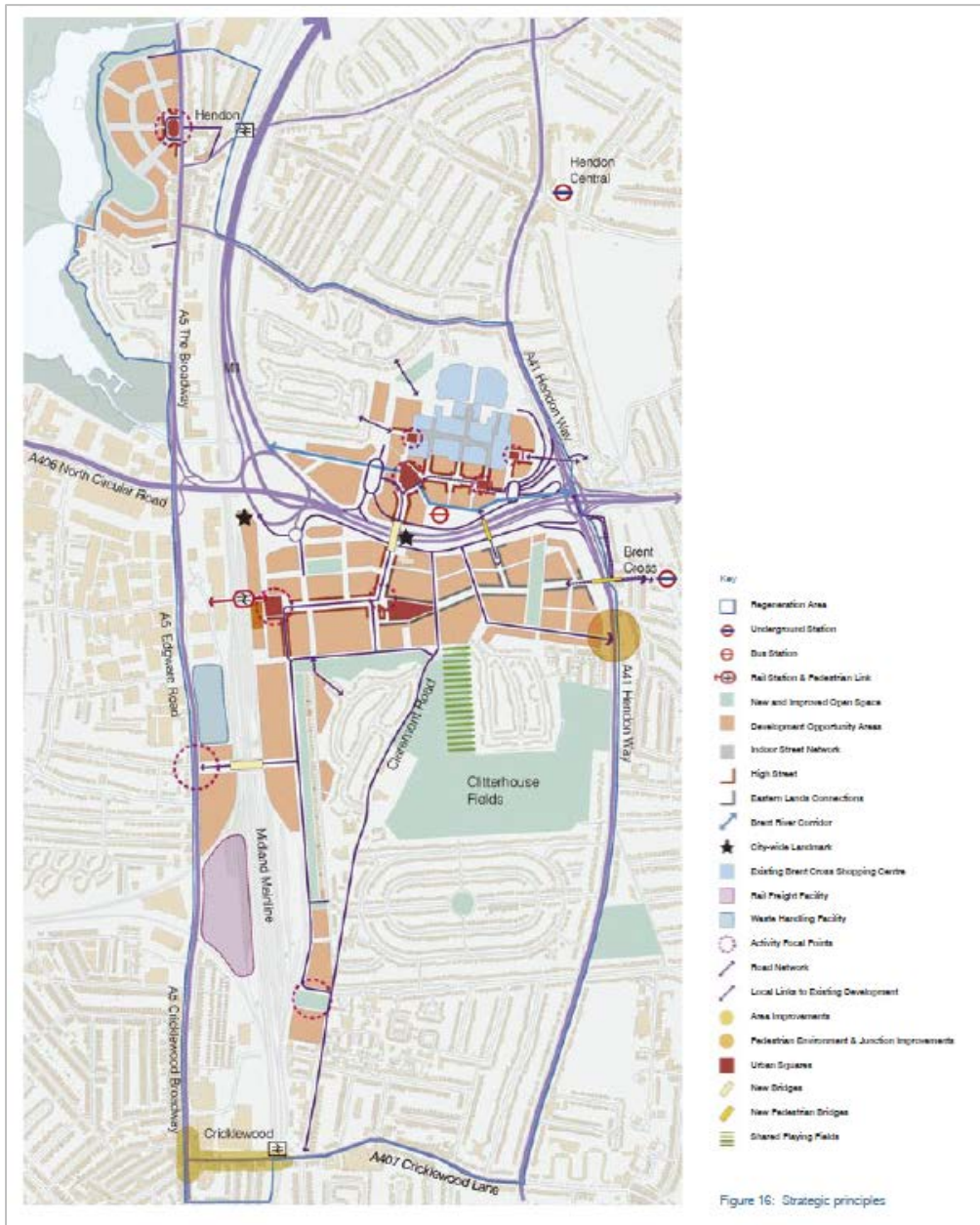
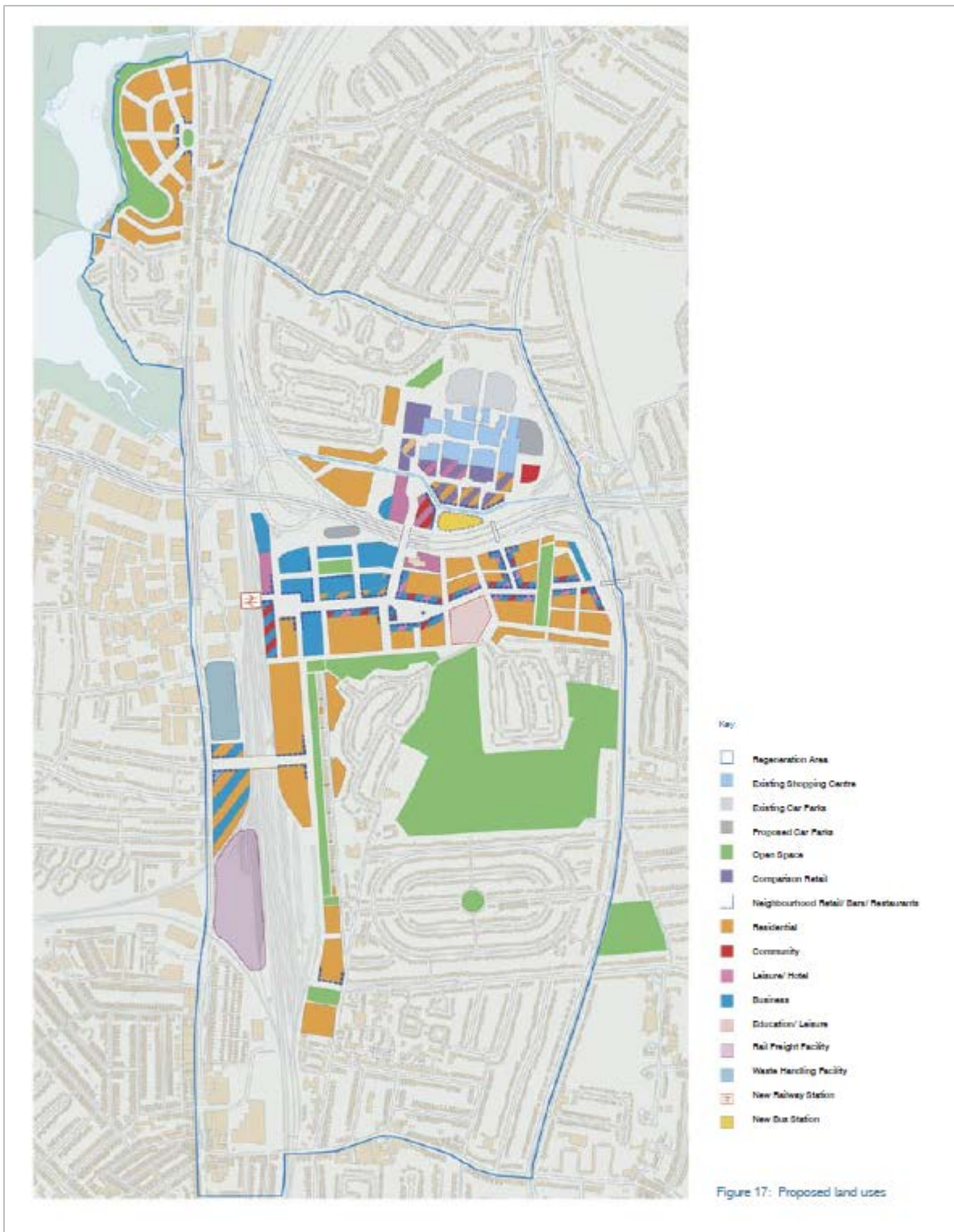




Figure 17

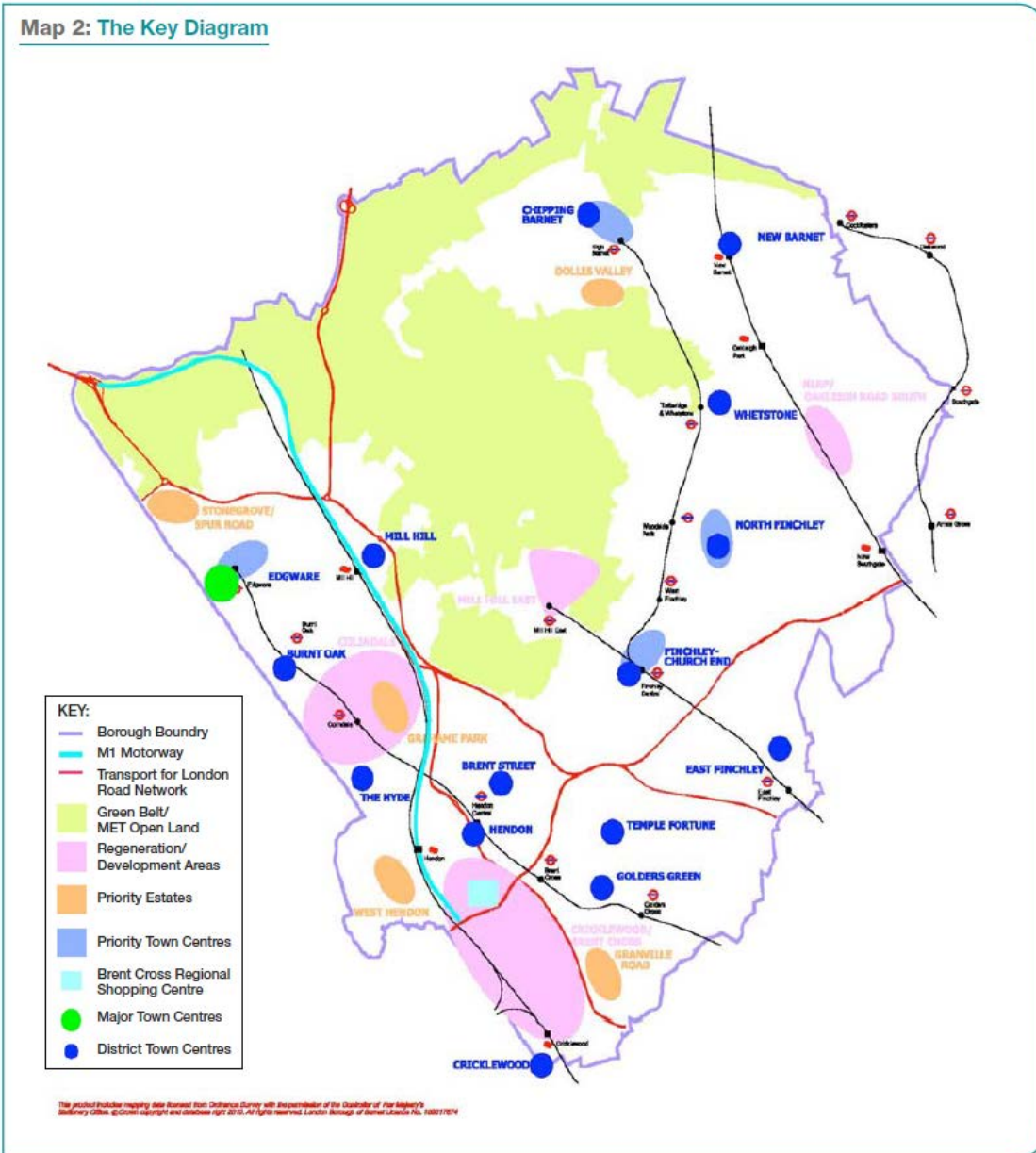






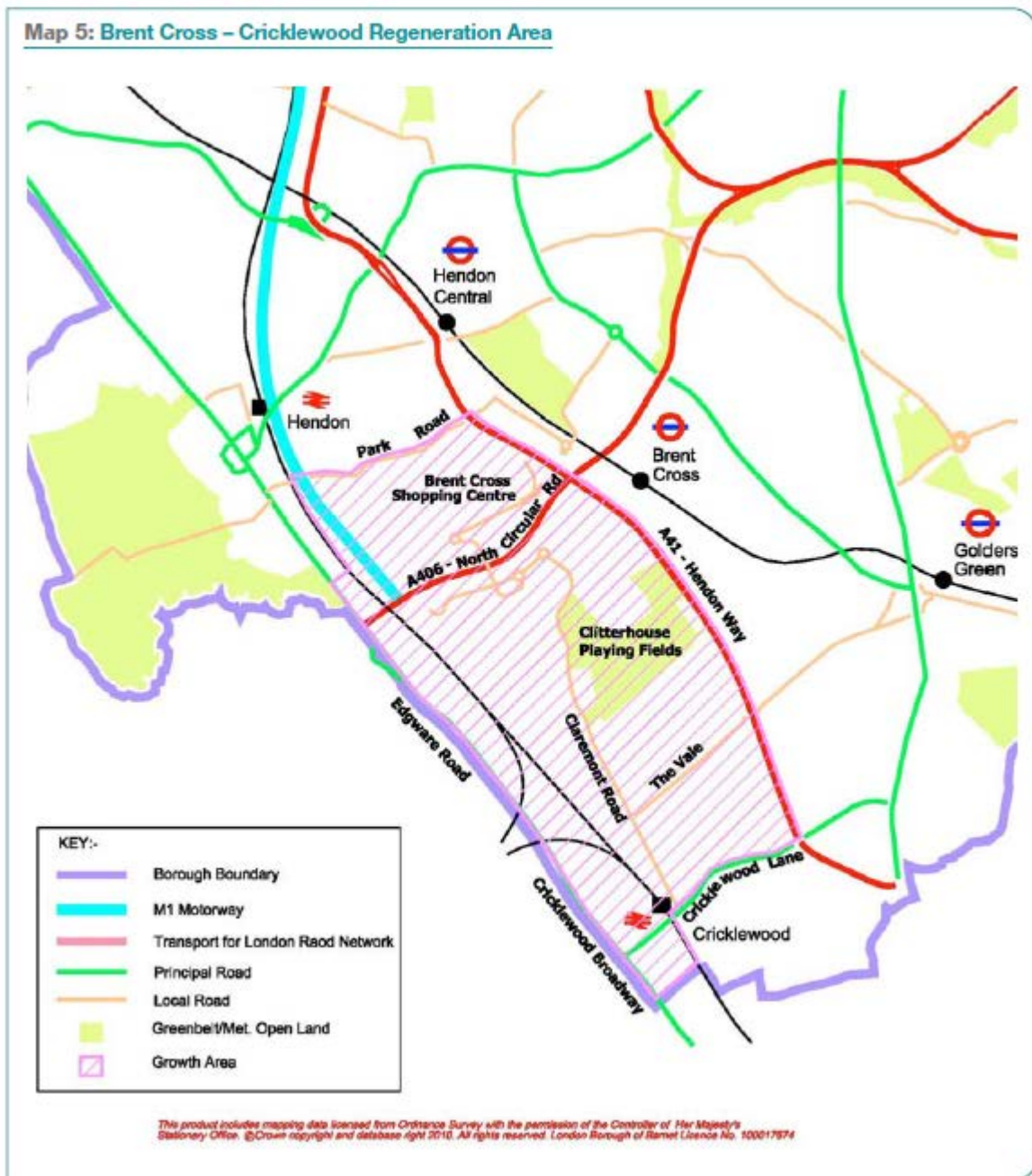
## 2. CDF.03 – 2012 Local Plan Core Strategy, September 2012

Map 2





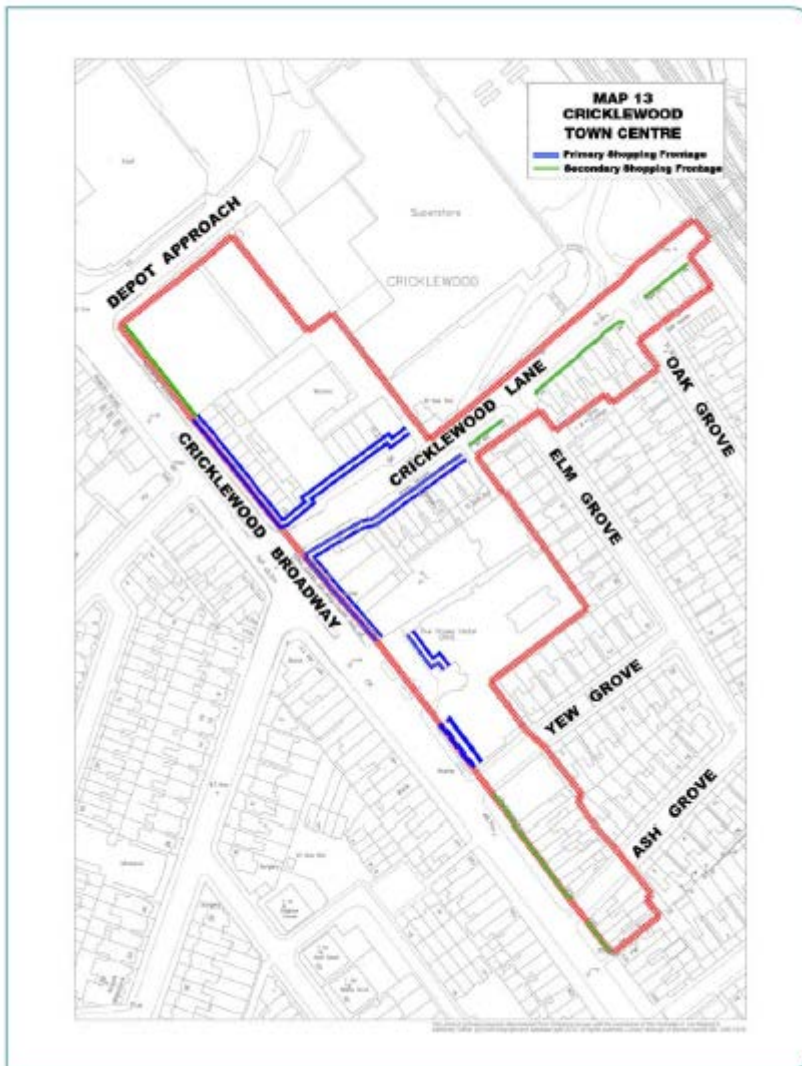
Map 5





### 3. CDF.04 – 2012 Local Plan Development Management Policies, September 2012

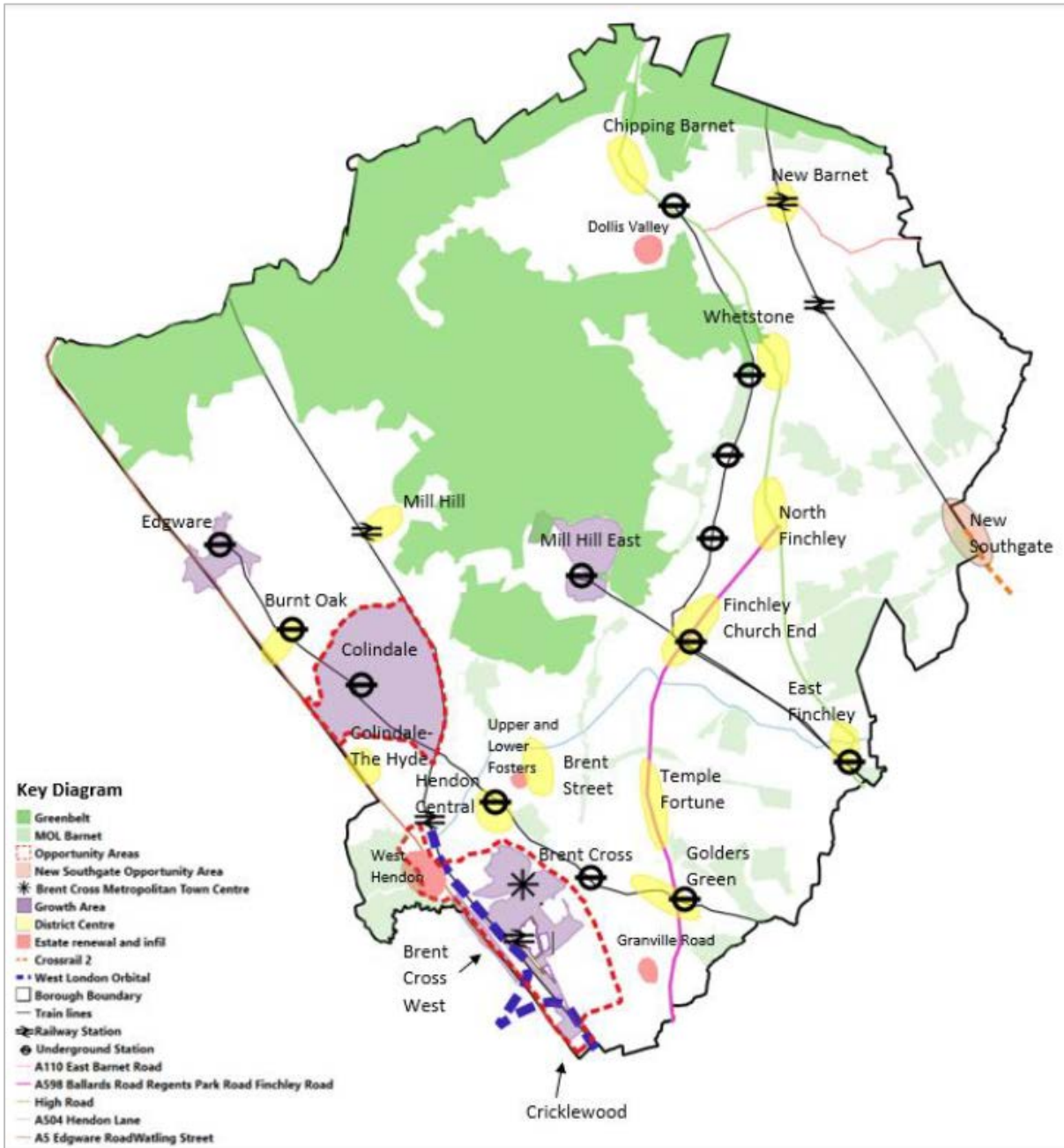
Map 13





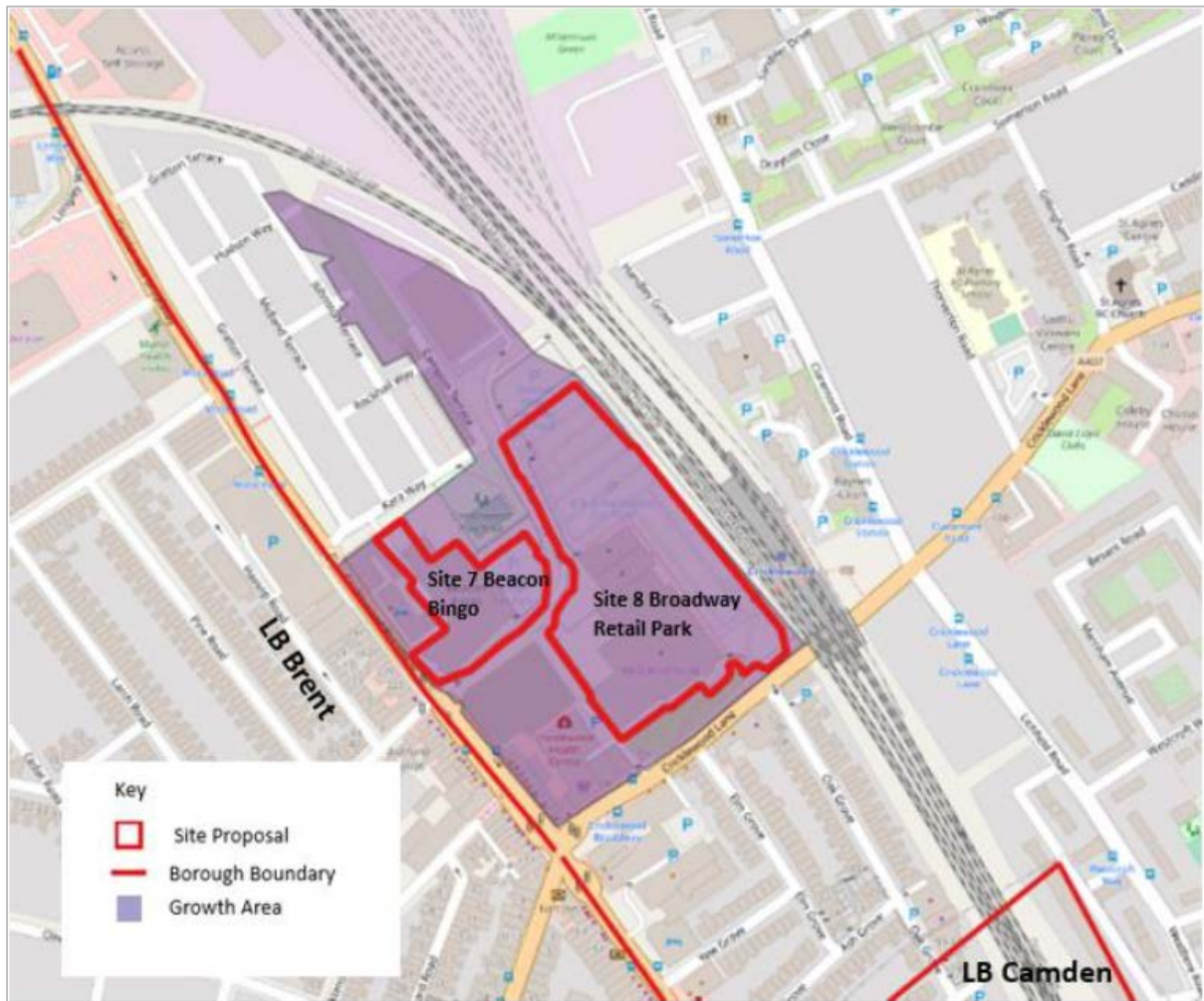
#### 4. CDF01 – 2021 Regulation 19 Barnet Local Plan (with June 2022 Modifications)

Map 2 (MM23)



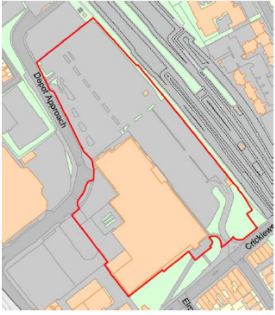



Map 3B Cricklewood Growth Area (MM79)





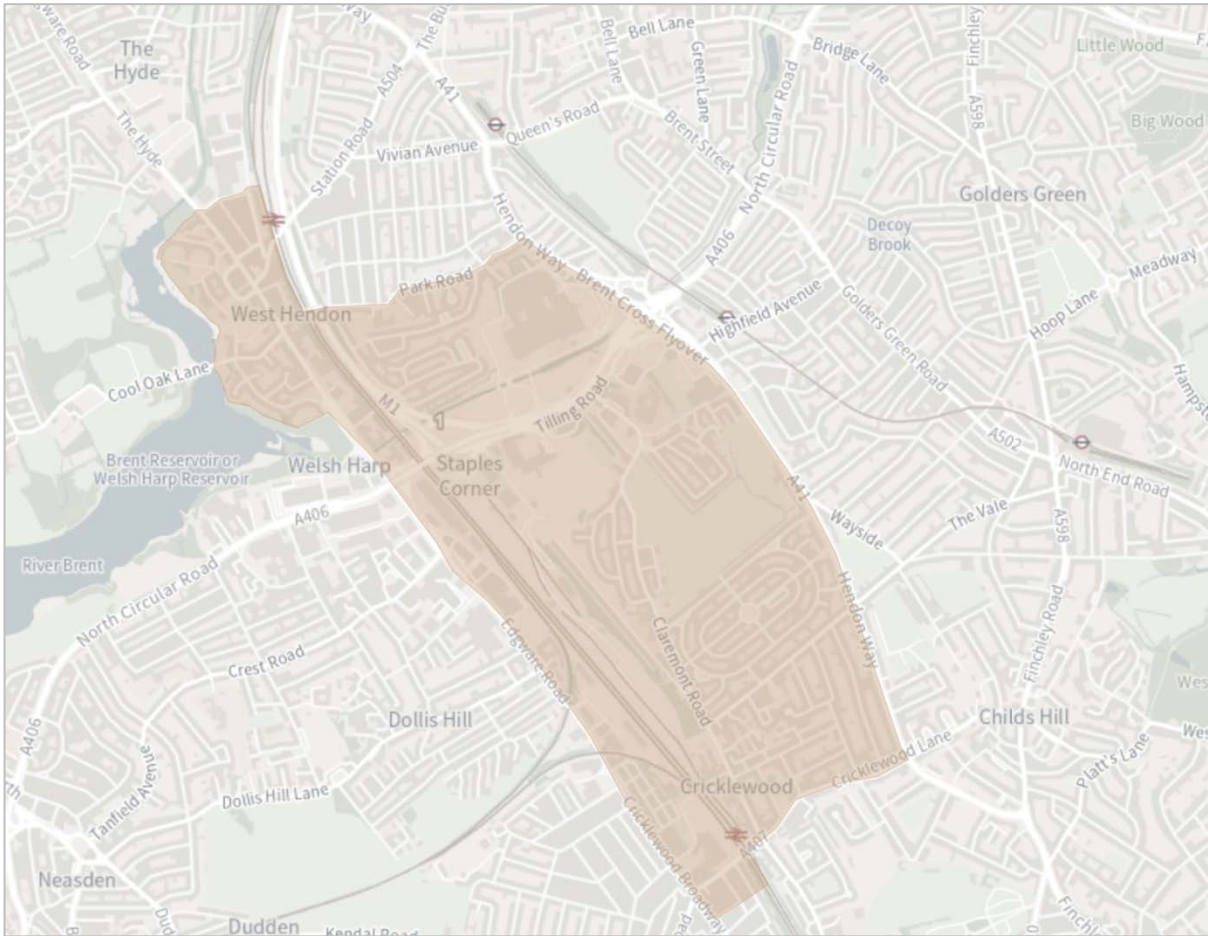
## Site 8

Site No. 8	Broadway Retail Park (Cricklewood Growth Area)		
Site Address:	Cricklewood Lane, Cricklewood, NW2 1ES		
	Ward:	Childs Hill	
	PTAL 2019:	5	
	PTAL 2031:	5	
	Site Size:	2.77 ha	
	Ownership:	Private	
	Site source:	Call for sites	
	Context type:	Central	
	Existing or most recent site use/s:	Retail and associated car parking	
	Development timeframe:	0-5 years	
	Planning designations:	None	
Relevant planning applications:	20/3564/OUT (refused) 1,100 residential units and mixed uses.		
			



## 5. CDE.03 – 2021 London Plan

### London Data Map – Brent Cross Cricklewood Opportunity Area



Protection      Good Growth      Context

- Brownfield Land Registers ▼
- Opportunity Areas ▼
- Town Centres ▼
- Areas of Intensification ▼
- Central Activities Zone ▼
- Strategic Housing Land Availability Assessment ▼
- Site allocations ▼
- Mayor's Community Infrastructure Levy 2019 ▼



Figure 2.8

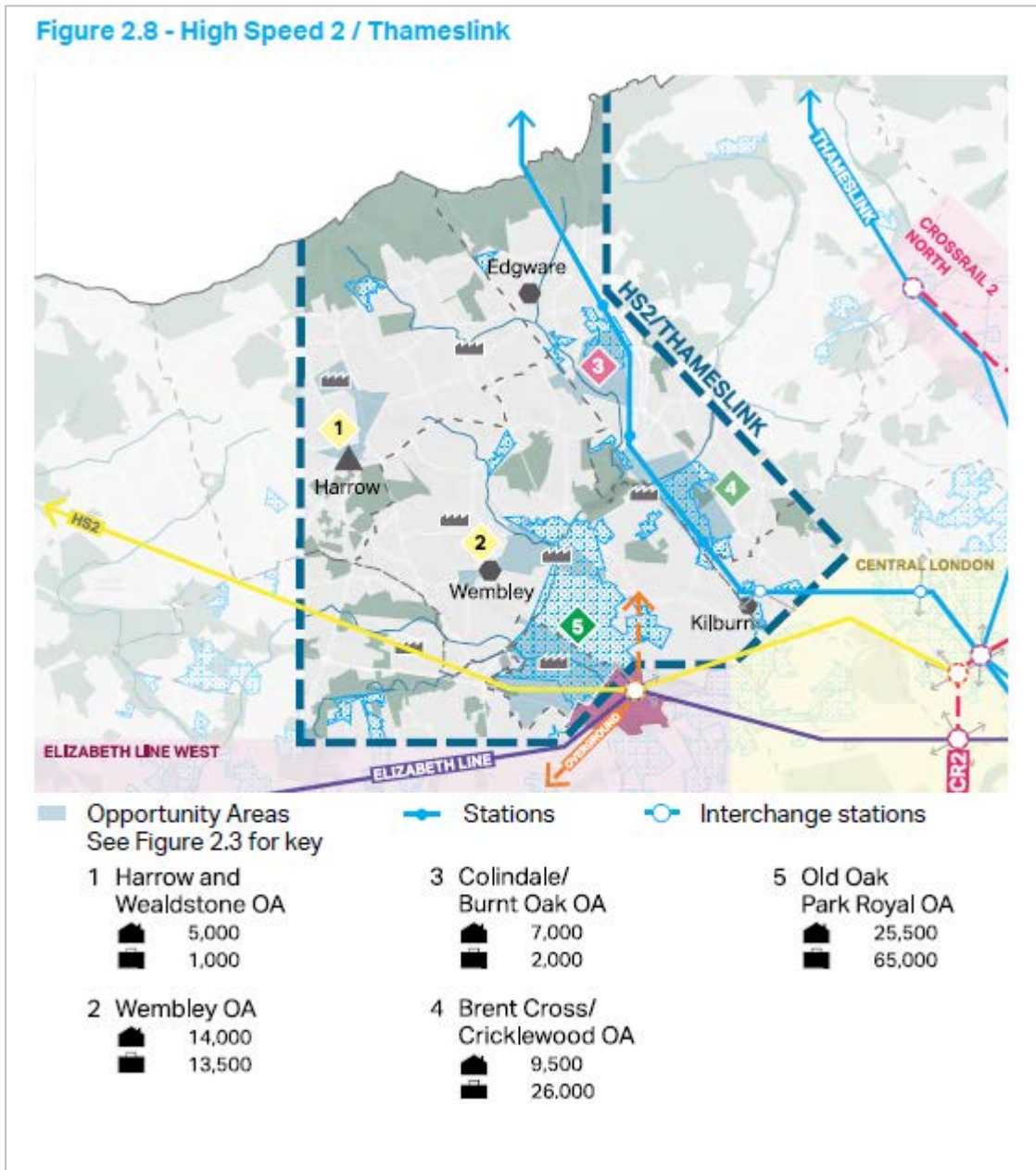






Table A1.1 - Town Centre Network

Ref	Centre	Borough	Network classification	Future potential network classification	Night-time economy classification	Commercial growth potential	Residential growth potential	Office guidelines	Strategic area for regeneration*
50	Tooting	Wandsworth	Major		NT3	Medium	High	C	Yes
51	Wandsworth	Wandsworth	Major		NT3	Medium	High	C	
52	Queensway/ Westbourne Grove	Westminster/ Kensington & Chelsea	Major		NT3	Low	Incremental	C	Yes
53	Dagenham Heathway	Barking & Dagenham	District			Low	Medium		Yes
54	Green Lane	Barking & Dagenham/ Redbridge	District			Low	Incremental		Yes
55	Chadwell Heath	Barking & Dagenham/ Redbridge	District			Low	High		
56	Brent Street	Barnet	District			Low	Medium		
57	Chipping Barnet	Barnet	District		NT3	Low	Medium	C	
58	Church End, Finchley	Barnet	District			Low	Medium	C	
59	East Finchley	Barnet	District			Low	Medium		
60	Golders Green	Barnet	District			Low	Incremental		
61	Hendon Central	Barnet	District			Low	Medium		
62	Mill Hill	Barnet	District			Low	High		
63	New Barnet	Barnet	District			Low	Medium		
64	North Finchley	Barnet	District		NT3	Low	High	C	
65	Temple Fortune	Barnet	District			Medium	Incremental		
66	Whetstone	Barnet	District			Low	Medium	C	
67	Colindale/ The Hyde	Barnet/ Brent	District			Low	High		
68	Cricklewood	Barnet/ Brent/ Camden	District		NT3	Medium	High		Yes
69	Camden	Barnet/ Brent/ Harrow	District			Low	High		Yes
70	Crayford	Bexley	District			Low	Medium		
71	Erith	Bexley	District			Low	High		Yes
72	Sidcup	Bexley	District			Low	Medium		
73	Welling	Bexley	District			Low	Medium		
74	Ealing Road	Brent	District			Low	High		



**Quod**

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**Proof of Evidence –  
Appendix 2 –  
Affordable Housing  
Note**

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B&Q Broadway Retail  
Park, Cricklewood  
Lane, Barnet NW2 1ES

Planning application  
number 20/3564/OUT

The Planning  
Inspectorate reference  
APP/N5090/V/22/3307  
073

**APP/4/C**

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9TH JANUARY 2023

Q220753



## Note

### B&Q Cricklewood – Affordable Housing Note

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#### 1 Affordable Housing Need: planning policy requirements

- 1.1 The GLA 2017 SHMA identified a need for 66,000 homes to be delivered annually across London, with 65% of these homes to be affordable if the needs of Londoners are to be met, equating to c.43,000 affordable homes. The SHMA takes account of population and household growth, households in backlog need, and affordability.
- 1.2 For reasons set out in Section 4 of John Rhodes' proof of evidence, the London Plan (2021) establishes a 10-year housing target over the period 2019/20 – 2028/29 of 522,870 new homes across on London equating to 52,287 per annum, which is acknowledged to be significantly less than the actual need – both for general and, particularly, for affordable housing.
- 1.3 The London Plan sets a strategic target for 50% of homes to be genuinely affordable, recognising that this is below the 65% need for c.43,000 affordable homes in London per annum as identified in the GLA 2017 SHMA.
- 1.4 Paragraphs 4.4.1 and 4.4.5 of the London Plan makes clear the scale and importance of the need:

*“Delivering more genuinely affordable housing is a key strategic issue for London. Meeting the need for circa 43,500 affordable homes per year, as established in the 2017 Strategic Housing Market Assessment, will require an increase in affordable housing contributions from all sources. All schemes are expected to maximise the delivery of affordable housing and make the most efficient use of available resources. This is critical to enabling London to meet the housing needs of its workforce and maintain the function and resilience of the city.”*

*“Whilst the Plan sets out a clear approach for significantly increasing housing delivery in London, the London SHMA has identified that 65 per cent of London's need is for affordable housing. Therefore, it is crucial that residential and mixed-use development contributes directly towards the provision of affordable housing and other policy requirements that support the delivery of sustainable development.”*

- 1.5 The target set out in the London Plan for Barnet is 23,640 over the 10 years, equating to 2,364 homes per annum. That target is less than the need identified in the London SHMA but all borough targets were reduced in the London Plan to reflect constraints on capacity, rather than need. The figure is expressed as a minimum target recognising that housing needs as evidenced in the SHMA and Government's Standard methodology would be far higher.
- 1.6 The submitted Barnet Local Plan Review explains at para 5.4.1:

*“The delivery of affordable housing has never been more important and in greater demand. This is due to a number of factors including:*



## Note continued

- *The increasing affordability gap as housing costs continue to rise faster than household incomes.*
- *The limitations of mortgage availability as lenders have developed a more cautious approach on lending criteria. This has resulted in much lower income multiples being approved for mortgages, the knock-on effect of which is the increased need for larger deposits to secure a mortgage. Publication 85 June 2021*
- *Greater reliance on the private rented sector, making it more challenging for people to save for deposits with high rent costs.*
- *The housing choices of households on benefits have become more limited as changes to welfare reform make the private rented sector less accessible.*
- *A reduction in capital funding for housebuilding.*
- *The cautious approach of investors and housing developers following the economic downturn.*
- *An increased reliance on the planning system to deliver affordable housing through S106 requirements.”*

1.7 This reinforces the need for the increased need for affordable housing and backlog in delivery evidenced overtime. Barnet’s Housing Strategy (2019-2024)<sup>1</sup> affirms the need for more affordable housing with increasing populations, housing demand remaining high and financial constraints making it more challenging to meet the needs of the borough.

## 2 Affordable Housing Delivery

2.1 London is falling significantly short of achieving both the 10-year overall housing delivery target and the strategic 50% affordable housing target. The latest London Plan Annual Monitoring Report (AMR) published in November 2022 evidences that over the period from 2015/16 to 2019/20, the city delivered only 30,170 affordable homes (equating to just 6,035 per annum and only 16.8% of the total homes delivered). Compared with an identified need of 43,000 affordable homes per annum, delivery has been severely constrained and the persistent, cumulative under-provision adds to the increasing need for affordable homes.

2.2 A similar picture is apparent in Barnet. Affordable housing completions in the past 5 reported years have averaged just 210 per annum, against a planning requirement of at least 706 affordable homes per annum. Figure 1 and Table 1 below illustrates the extent of the shortfall in affordable housing delivery in Barnet compared to the identified annual need (applied to the last five years), which equates to a cumulative shortfall of 2,480 affordable homes within this

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<sup>1</sup> Barnet Housing Strategy 2019-2024 published March 2019



## Note continued

period against the 2018 SHMA and 4,860 homes against the London Plan target. The shortfall against the actual need is even greater.

Figure 1: Barnet Affordable Housing Completions and Targets (GLA and Barnet Plans)

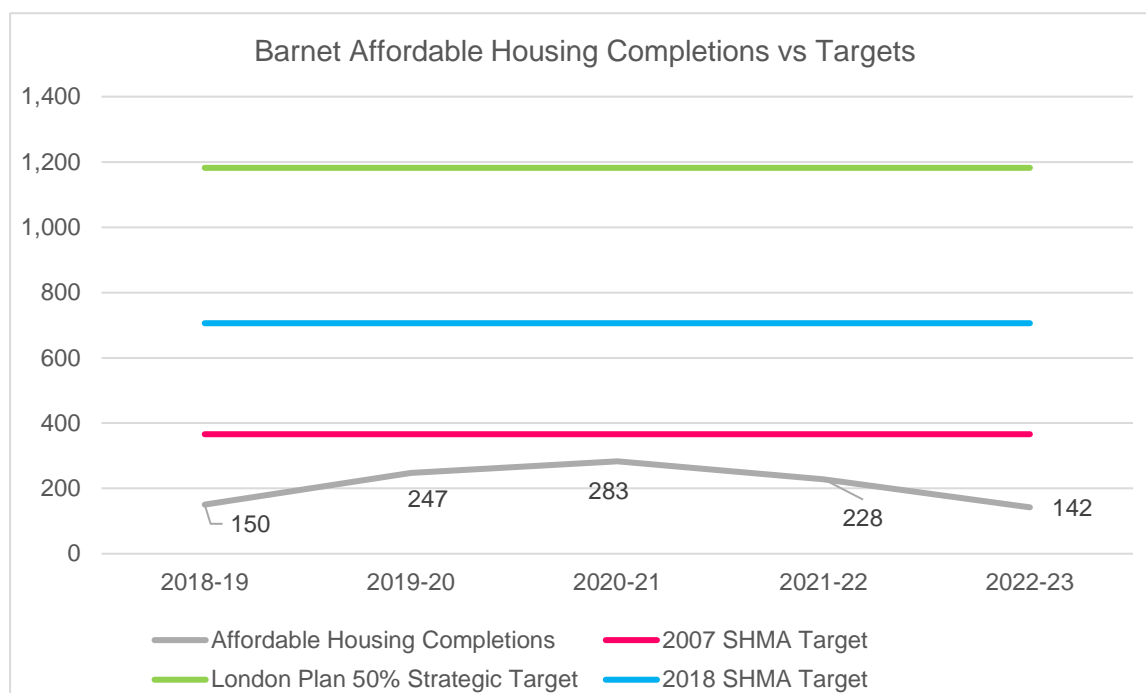


Table 1: Barnet Affordable Housing Completions and Shortfall

Year	Affordable Housing Completions	Identified Need (2018 SHMA)	Shortfall	LP 50% target	Shortfall
2018/29	150	706	-556	1,182	-1,032
2019/20	247	706	-459	1,182	-935
2020/21	283	706	-423	1,182	-899
2021/22	228	706	-478	1,182	-954
2022/23	142	706	-564	1,182	-1,040
<b>Total</b>	<b>1,050</b>	<b>3,530</b>	<b>-2,480</b>	<b>5,910</b>	<b>-4,860</b>



## Note continued

### Future Pipeline

- 2.3 Going forward, Draft Local Policy HOU01, in accordance with the London Plan, seeks a minimum of 35% affordable housing from all developments of 10 or more dwellings, calculated by habitable room.
- 2.4 Table 2 below sets out Barnet's residential approvals for the last five years which provides an indication of the current pipeline. The data evidences an average of 17% affordable housing secured as part of consented developments in the borough, with a significantly reduced level of approvals in 2021/22. This indicates that delivery is not anticipated to improve in the near future and it is therefore apparent that the shortfall across the plan period will increase.

Table 2: Barnet Residential Approvals as of 12<sup>th</sup> December 2022 (London Datastore<sup>2</sup>)

Tenure	2017/18	2018/19	2019/20	2020/21	2021/22	Total
Affordable	852	277	461	1,219	120	<b>2,929 (17%)</b>
Market	3,908	3,100	3,153	2,873	1,729	<b>14,763 (83%)</b>
Unknown	5	5	11	18	1	<b>40</b>
<b>Total</b>	<b>4,765</b>	<b>3,382</b>	<b>3,625</b>	<b>4,110</b>	<b>1,850</b>	<b>17,732</b>

## 3 The Brent Cross/Cricklewood Opportunity Area

- 3.1 The Brent Cross/Cricklewood Opportunity Area is identified in the London Plan with the potential for 9,500 new homes by 2041. The site is located within this Opportunity Area (OA) and data from the London Datahub<sup>3</sup> evidences that to date only 1,098 homes have been completed since the OA designation in 2004. Of the 1,098 homes completed only 215 homes were affordable, representing 20% of the total provision. Data also evidences that no affordable homes were completed in the Opportunity Area since 2018/19. This is shown in Figure 2 below extracted from the London Datahub.

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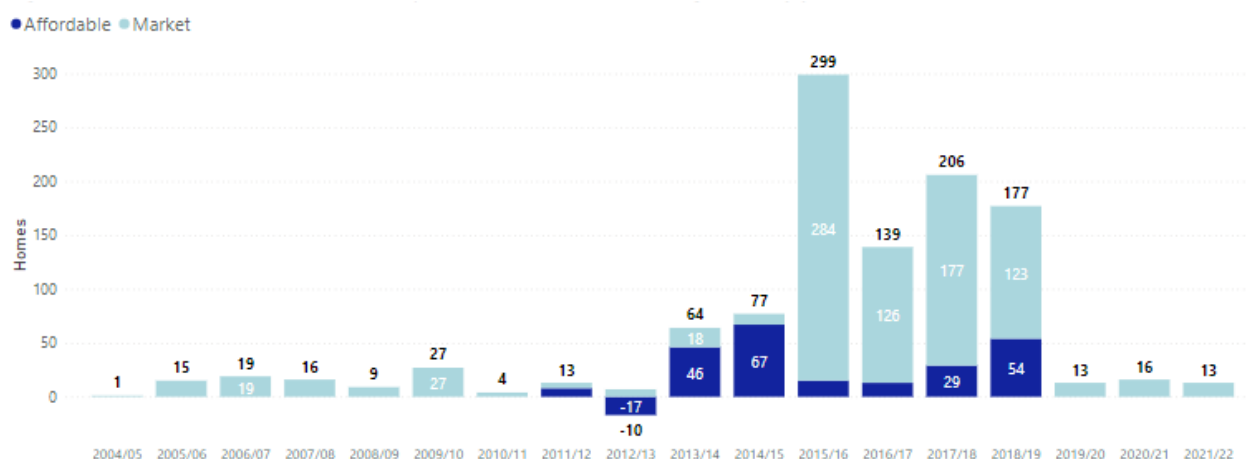
<sup>2</sup> The London Datastore is maintained by the GLA, providing access to data that the GLA and other public sector organisations hold.

<sup>3</sup> The London Datahub is the GLA's main source of development data, enabling the tracking of development progress across London. Data is supplied by applicants for planning permissions.



## Note continued

Figure 2: Number of affordable homes completed in the Brent Cross/Cricklewood OA since its designation by year

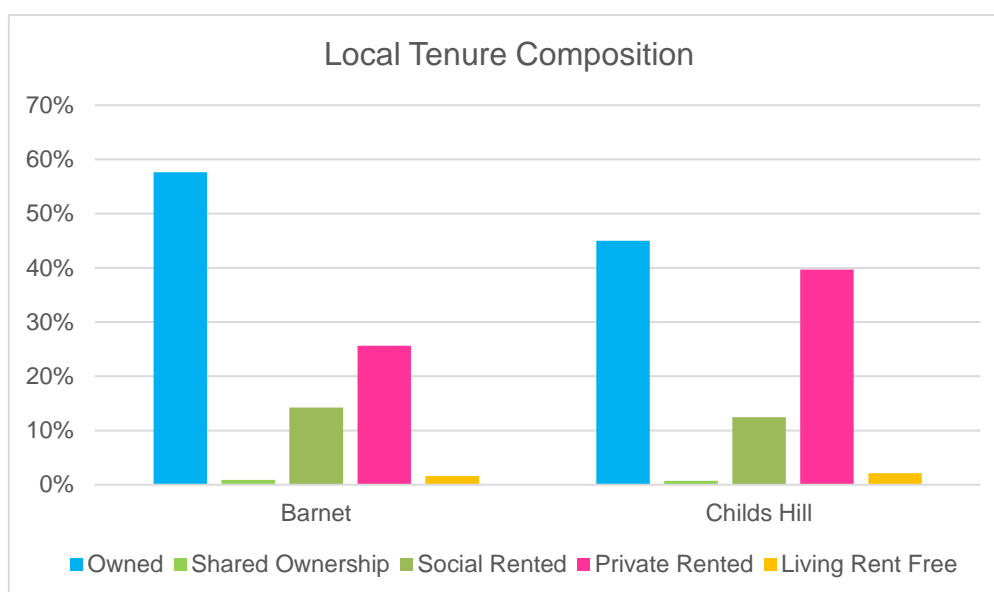


For more information on how the data is collected please see the [Planning London Datahub](#).

## 4 Housing Composition and Supply

4.1 The key characteristics of the dwelling stock are of significance when assessing the current and future housing requirement within the borough. Figure 3 outlines the household composition of Barnet and the Child's Hill ward. It should be noted that the site is located in Cricklewood ward, however the Census 2011 Data is based on old ward boundaries.

Figure 3 : Existing Tenure Composition in Barnet (Census 2011)



4.2 As illustrated above both Barnet and Childs Hill Ward have a high proportion of owner occupation (58% and 45% respectively), and there is also a significant proportion of private rented homes (28% and 40%). The proportion of affordable housing is low (15% and 13%), with the proportion of shared ownership less than 1% in both cases. This shows there is a lack of existing supply affordable housing and in particular intermediate housing, which in turn



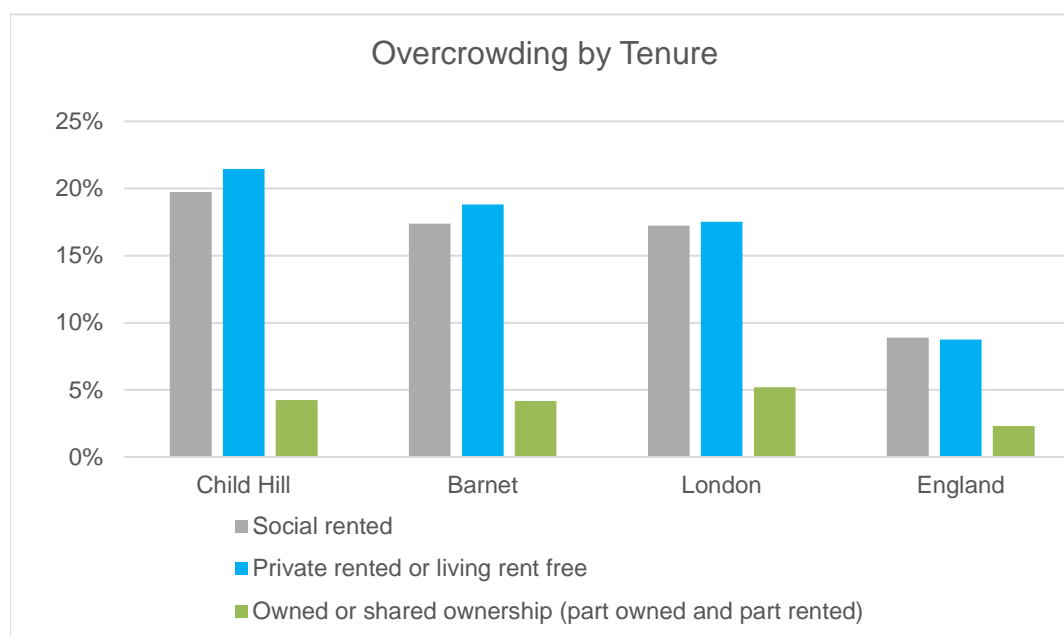


## Note continued

indicates the need for a high proportion of intermediate housing such as Shared Ownership, Discount Market Rent, and London Living Rent homes at the borough and ward level to meet pent-up and growing demand.

- 4.3 The 2011 Census also evidences that Barnet and Childs Hill have a high proportion of overcrowded private and social rented homes, which is illustrated in Figure 4 below. The data indicates that the demand for affordable and private rented housing is not being met by supply in the ward, resulting in overcrowding.
- 4.4 The English Housing Survey (2021) revealed that the Private Rented Sector had the highest proportion of inadequate housing, with 21% of homes failing to meet the Decent Homes<sup>4</sup> Standard nationally. Given that: i) a higher proportion of housing stock is privately rented in Barnet (and even more so in Childs Hill); and ii) levels of overcrowding are also particularly high, the prevalence of Non-Decent Homes is likely be even higher in Barnet than the national averages might suggest.

Figure 4 Overcrowding (Census 2011)



## 5 Housing Affordability

- 5.1 As identified in the SHMA (2018) and the Barnet Housing Strategy (2019 to 2024), housing affordability is a major issue within the Borough. It is also considered that housing affordability

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<sup>4</sup> The Decent Homes standard is the minimum benchmark standard for housing in the social and private rented sectors.

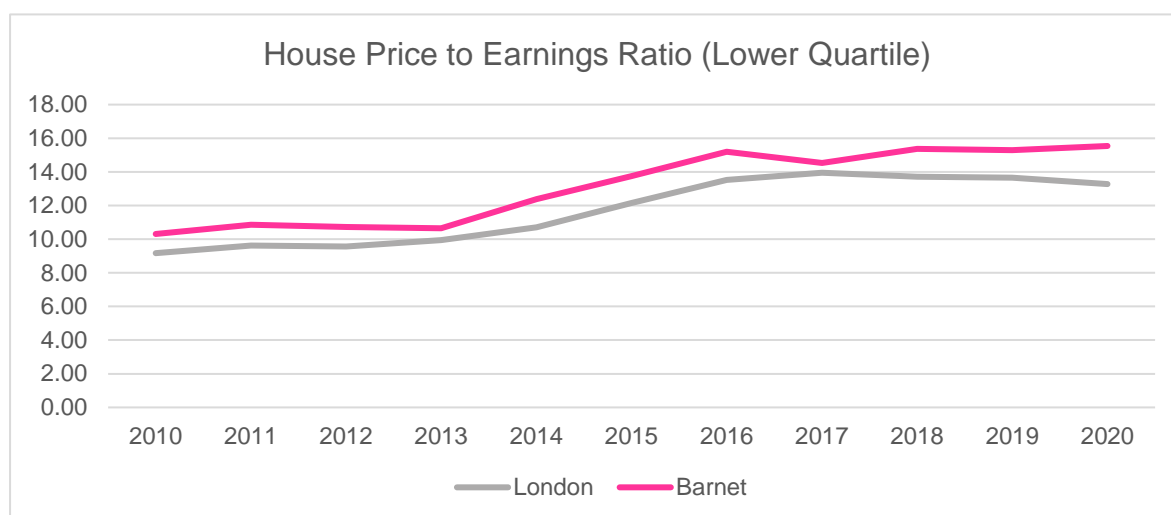


## Note continued

is likely to be an issue of even greater concern, recognising that the SHMA was undertaken on an out-of-date definition of local housing need (predates 2021 NPPF definition Annex 2).

- 5.2 Market sale housing requires a mortgage which is commonly capped as up to c.4-4.5x income and a large equity deposit in the region of 10%. Affordability issues in Barnet have been increasing sharply over recent years, particularly since 2012. Affordability ratios are calculated by dividing house prices by gross annual residence-based earnings. Based on the lower quartile of both house prices and earnings in England and Wales in 2021, the lower quartile house price in Barnet was c.16x the lower quartile income (see Figure 5). On this basis, Barnet is the 13<sup>th</sup> most unaffordable local authority in England and Wales.
- 5.3 This contrasts with London where there was an affordability ratio of c.14x the lower quartile income. These high house prices relative to earnings mean that many households, including first-time buyers and key workers, cannot afford to buy a home in Barnet. Pressure on home ownership affordability is also evidenced through the significant rise in households who are privately renting, which has been set out above.

Figure 5 Lower Quartile Affordability Ratio – London and Barnet (ONS 2022)



- 5.4 The 2018 SHMA reinforces this point regarding rising pressure on supply and affordability; the report states that market signals in Barnet indicate that the housing market is under more pressure than other parts of London and England. The report concludes a 20% uplift (which is the maximum allowed for in the NPPF and PPG) should be applied to the baseline housing need – which is based on household and demographic projections – due to the following market signals:
- the increase in lower quartile house prices over the previous 5 years has been greater than for London;
  - average monthly rents have increased;
  - affordability is worse than for Greater London; and



## Note continued

- the percentage of overcrowded households has increased by more than for Greater London.
- 5.5 Private rents in London continue to increase at unprecedented rates due to supply being unable to keep up with surging demand. According to Savills<sup>5</sup>, London rental growth was at 17.8% in July 2022. During Q3, there were 30% fewer rental homes available compared to the pre-pandemic average, whilst demand from prospective tenants has increased month by month since May 2020.
- 5.6 Affordability issues have substantially worsened since the time of preparation of the Council's 2018 SHMA. This means that additional households will have fallen into intermediate housing need.
- 5.7 The failure to address the housing needs of working Londoners has real consequences and these are highlighted in the GLA's Intermediate Housing Consultation (paragraphs 5.3-5.5 August 2020), for example:
1. the report by PricewaterhouseCoopers (PwC) 2019 found that the affordability of renting in London had fallen for seven key worker professions over the last five years and that in 2018-19 the average private rent in London was £341 per week (£1,477pcm), around twice the average rent outside London, suggesting that housing costs are likely to continue to be a key factor in the capital's recruitment and retention of these workers.
  2. the survey of London nurses by the Royal College of Nursing in February 2020 found that almost 60 per cent expected to leave the capital within five years due to the cost of housing.
  3. the 2017 survey by London Chamber of Commerce and Industry found 54% of London's 'blue light' emergency services frontline personnel now live outside London.
- 5.8 Figure 6 identifies that 41% of the borough would be eligible for intermediate products, unable to afford market sale, and would unlikely be allocated traditional affordable / social rented housing due to their household income exceeding that which would make them eligible for the housing waiting list.

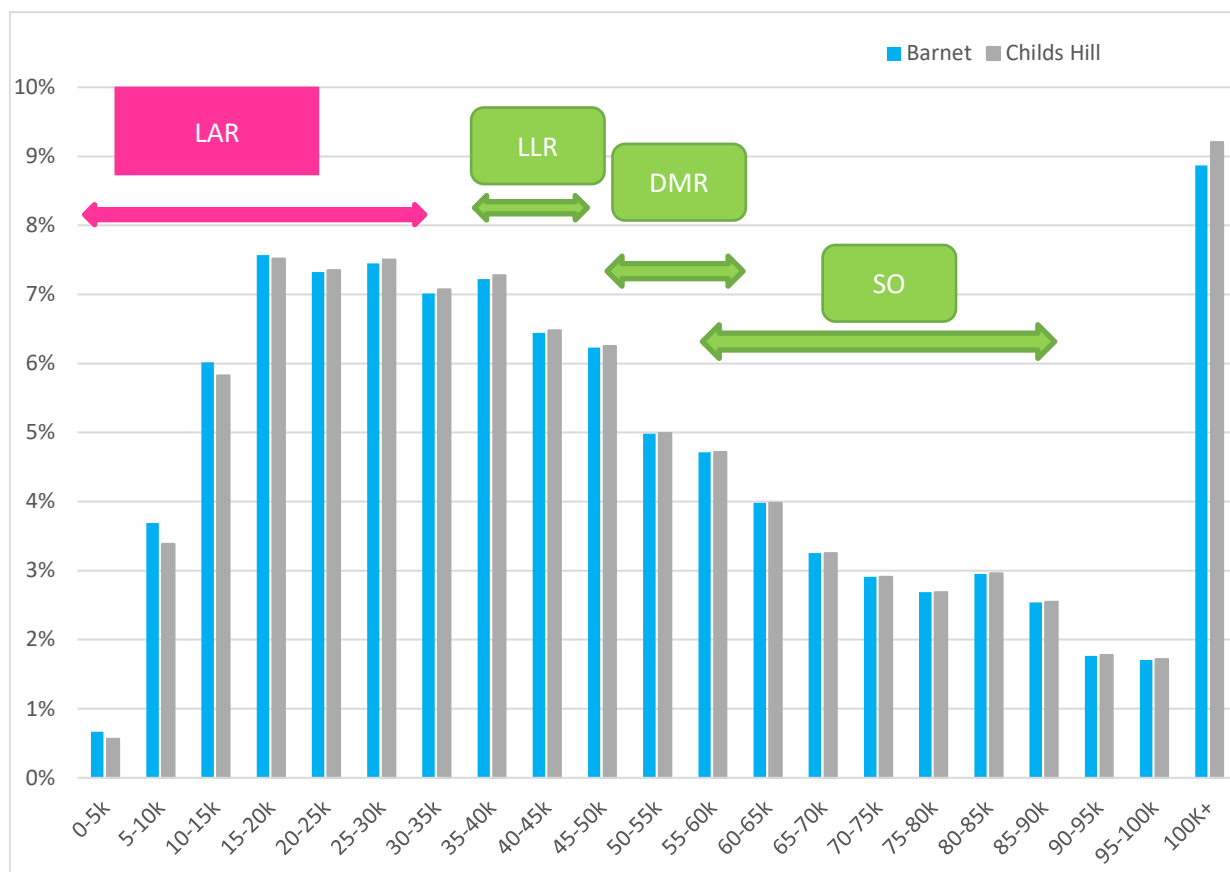
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<sup>5</sup> Savills Rental Forecast 2023-27 (3<sup>rd</sup> November 2022)



## Note continued

Figure 6: Barnet Income Distribution (CACI 2021 Data)



## 6 The Housing Waiting List

- 6.1 Increasing demand, affordability issues, and lack of supply is resulting in housing issues such as overcrowding, increasing numbers of households living in temporary accommodation and the loss of economically active people from the Borough. There are presently 2,014 households in Barnet living in temporary accommodation<sup>6</sup> (DLUHC 2022) and 55,610 households across London as a whole.
- 6.2 The majority of households in temporary accommodation have been placed under the main homelessness duty to secure suitable accommodation until the duty ends (DLUHC Statutory Homeless Data 2022). Barnet's Housing Strategy acknowledges that the most common reason for households becoming homeless in the Borough is the termination of a private rented tenancy. This shows that households are often unable to afford market rents which have increased rapidly, and there is therefore a need for alternative intermediate and affordable

<sup>6</sup> Households in temporary accommodation refer to households living in accommodation secured by a local authority under statutory homelessness functions.

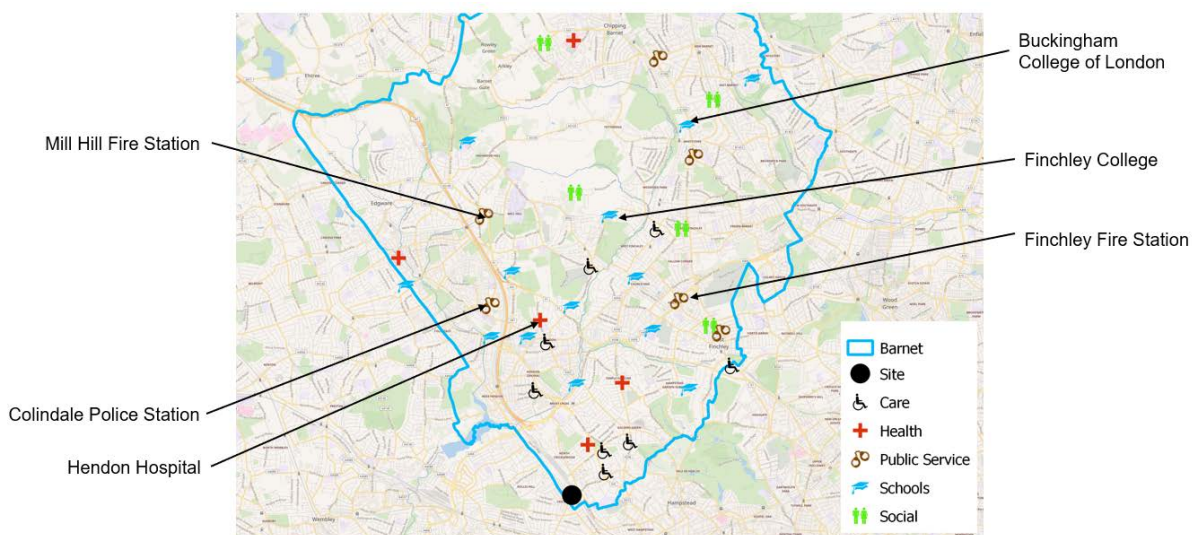


## Note continued

products such as Shared Ownership, Discount Market Rent, London Living Rent and London Affordable Rent.

- 6.3 The figure below outlines the Key Worker Institutions located within a 30-minute commute from the Application site. It reinforces the argument that there is a high proportion of people in the local area who are not eligible for traditional affordable housing as social/affordable rent but who cannot afford to purchase a property. These workers would be suitable for intermediate housing further reinforcing the need for more intermediate housing to be provided in the borough, potentially including those working at Barnet as well.

Figure 7:2 Barnet Key Worker Map (30 min commute from the site)



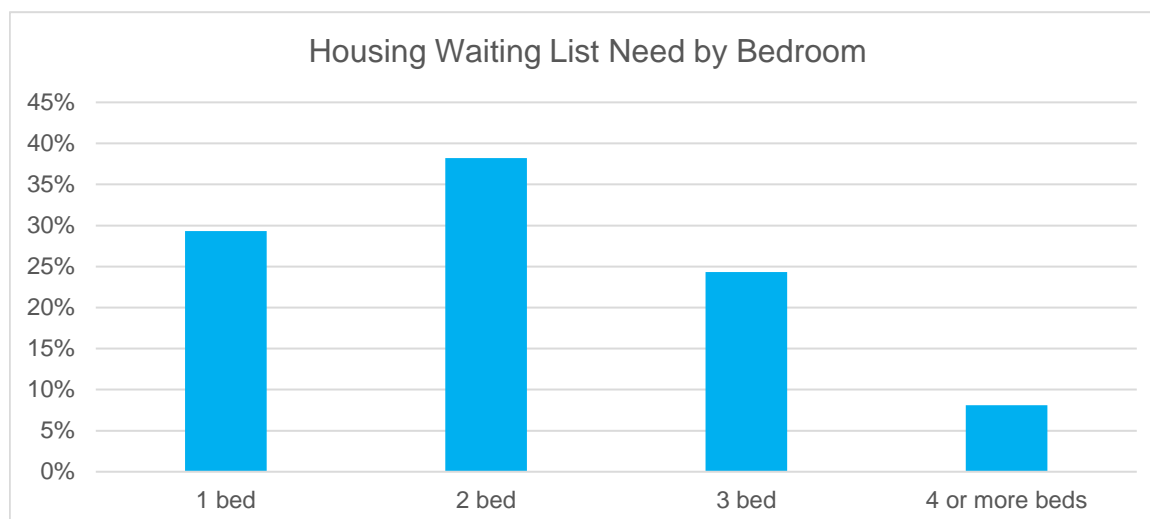
## 7 Demand by Unit Type

- 7.1 Local Authority statistics data (2020/2021) outlines that there are currently 3,171 households on Barnet's housing waiting list. The graph below outlines the level of demand for each unit type, evidencing significant demand for smaller homes with 1 and 2 beds (making up c.68% of the demand).



## Note continued

Figure 8 3 Barnet Housing Waiting List by Bedroom



## 8 Housing Need Conclusions

8.1 This report has provided an overview of the housing issues currently facing London and Barnet. A summary of the key conclusions is set out below:

- the affordability of market sale housing in Barnet is amongst the worst in England and Wales, with similar pressures evident in the private rented sector where rents continue to increase and there are genuine concerns regarding overcrowding and the condition of the existing stock.
- whilst the need continues to rise, the delivery of affordable housing is falling very significantly short of targets across London and in Barnet, with the future pipeline indicating the situation is not improving. Delivery of homes within the Brent Cross/Cricklewood OA has been extremely limited to date.
- the proposed affordable homes therefore present the opportunity to make a significant and meaningful contribution to meeting affordable housing targets in the Borough: the indicative 382 affordable homes exceed the entire annual delivery in the borough in recent years
- the London Affordable Rent homes proposed will make a meaningful contribution to providing safe and secure homes for many from the 3,171 households on the Council's Housing Waiting List.
- the proposed Intermediate Homes, which comprise a range of tenures including Shared Ownership, Discount Market Rent and London Living Rent, will provide housing options for a growing number of households, including first-time buyers and key workers, who are unable to purchase a property on the open market and are faced with increasing affordability pressures and dwindling supply in the Private Rented Sector, yet are not eligible for Low-Cost Rent housing.



## Note continued

- together, the mix of affordable and intermediate housing tenures will meet a variety of needs and support the creation of a truly sustainable, mixed and balanced community in Barnet.

8.2 It is therefore considered that the need for affordable housing across all tenures is high. The need for low-cost rental housing is high evidenced through the Council's waiting list requirements. The proposed intermediate housing offer will also meet the demands of those living and working in the borough and provides an opportunity for key workers to have access to housing close to where they live and work. The affordable housing proposals and proposed tenure mix should therefore be afforded substantial weight as part of the planning balance.