

**B&Q BROADWAY RETAIL PARK, CRICKLEWOOD LANE,  
LONDON NW2 IE3**

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**CLOSING STATEMENT  
on behalf of the  
LOCAL PLANNING AUTHORITY**

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1. INTRODUCTION

- 1.1. 'Good design is indivisible from good planning'. So said the first ever iteration of the NPPF in 2012<sup>1</sup>, and this principle finds enhanced expression in the current version, which describes the creation of high quality, beautiful and sustainable buildings and places as 'fundamental to what the planning and development process should achieve.' Good design, it continues, 'is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'<sup>2</sup> The essential question for this inquiry has been whether or not the Application represents good design, whether it would bring the beauty which the Government has placed at the heart of national planning policy and whether it is something which the receiving community should be expected to accept.

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<sup>1</sup> Paragraph 56.

<sup>2</sup> Paragraph 126.

- 1.2. The London Borough of Barnet (“LBB”) has been on a long journey with this proposal, and it has changed its mind. That is a brave thing for a Local Planning Authority to do. Members have done it because, as Cllr Young explained, they believe that to be the right course, and this is too important a matter for convenient compromise. The original resolution to approve the scheme was only secured on a Chair’s casting vote.<sup>3</sup> The stance resolution in November 2022 was almost unanimous (6-1-1).<sup>4</sup> And Cllr Young, the current Chair of the Planning Committee, has given evidence to explain why the Council’s elected representatives believe the Application Scheme to be the wrong solution for the site. He and Mr Evans, the Heritage Officer, who always objected to the design of the scheme, have explained their reasons. Now the question lies with the Inspector, and, finally, the Secretary of State.
- 1.3. Despite the Applicant’s protestations, this is anything but an open and shut case, as the Secretary of State’s decision to call it in and the Examining Inspectors’ probing of the submitted site allocation independently demonstrate. The critical issue is whether this application, which proposes maximum height parameters for 7 Tall Buildings (“TBs”) and 5 Very Tall Buildings (“VTBs”), is good design and acceptable in the context of its surroundings, including the diminutive railway workers’ cottages so close by. Their Conservation Area (“CA”) designation acknowledges these cottages as special and they are an important part of the context. Other streets impacted by the proposals are characterised as ‘suburban’, a matter of pride for the Borough, as the Core Strategy recognises in its ‘Barnet – Voice of the

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<sup>3</sup> Cllr Young PoE, paragraph 6.1.

<sup>4</sup> CDD.02, page 2.

Suburbs' theme<sup>5</sup> and as recognised in the Emerging Barnet Local Plan's ("EBLP") description of Barnet's character as a 'successful London suburb.'<sup>6</sup> A glance at visualisation E demonstrates why the Council reached the right decision in November 2022. This is not good planning because it is not good contextual design. As such, paragraph 134 of the NPPF is clear: it should be rejected.

- 1.4. An underlying difficulty, which was manifest listening to Mr Rhodes' evidence after that of Cllr Young and the Rule 6 Parties, lies in the different ways in which the Applicant's team on the one hand and the local representatives at Borough and neighbourhood level on the other, have looked at the Site and its surroundings: a Growth Area suitable for TBs and even VTBs on the one hand or a place with special values and characteristics of its own which are domestic in scale and valued for their heritage and community attributes. LBB (and the R 6 Parties) embrace the notion that the Site should change and be intensified, but there is disagreement about the extent to which established context should be allowed to influence the form of that change. Helpfully, Mr Rhodes accepted that Good Growth policies require 'respectful change' and he was right to do so. Clearly, the benefits of the Scheme, principally housing delivery, are significant and important but, in our submission, the Scheme would not achieve good growth because its design is, simply, wrong for its context. Rather than respecting the receiving environment and its people, the Scheme would dominate and detract from the experience of its surroundings, in particular the Railway Terraces CA.

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<sup>5</sup> CDF.03, section 2.6.

<sup>6</sup> CDF.01, paragraph 2.3.1.

## 2. THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

- 2.1. The development plan is comprised of the London Plan 2021 (“the London Plan”), the Barnet Local Plan Core Strategy 2012 (“the Core Strategy”), the Barnet Local Plan Development Management Plan 2012 (“the Development Management Plan”) and the saved policies in Chapter 12 of the Barnet Unitary Development Plan (“the Unitary Development Plan”). The main material other policy considerations are the EBLP and the NPPF.
- 2.2. A consistent thread running through these policies is the requirement for a site specific assessment in each case, irrespective of strategic or local designation<sup>7</sup>.
- 2.3. Policy also requires an applicant for one or more TBs and/or VTBs to test alternative design options to such structures. London Plan Policy D3: ‘Optimising Site Capacity through 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’ – both elements that is, not just the growth one. London Plan Policy D9: Tall Buildings provides that proposals resulting in harm to heritage assets and their settings ‘will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm.’ For reasons set out below, our submission is that the proposals would cause harm to the significance of designated and

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<sup>7</sup> Rhodes Cross Examination (MEKC); see also Design and Historic Environment SOCG, paragraphs 2.6-2.12.

undesigned heritage assets, triggering the Policy D9 requirement in addition to that prescribed for all proposals in Policy D3. The point of the Policy D9 provision is, plainly, to assess whether harm could be avoided by adopting design solutions not involving TBs, while Policy D3 is more generalised but would clearly embrace the same purpose.

- 2.4. The ES has an Alternatives chapter<sup>8</sup>, but there is nothing in it about considering smaller schemes and/or alternatives not involving TB/VTBs. There is no evidence that the Applicant even considered a proposal of just TBs; VTBs were included right from the start. Mr Rhodes was not instructed at the time, so could not point to any testing of alternatives comprising smaller proposals, but there is a statutory requirement for reasonable alternatives considered to be described and evaluated in an ES<sup>9</sup> and no smaller scale alternatives are mentioned. The application, as submitted, was for 1100 residential units; it was subject to amendment, latterly down to 1049 units. The testing of alternatives now underway has been initiated by the EiP Inspectors who invited the Council's 'broader reflection on application of central density matrix to all Annex 1 sites (in particular, sites 7 (Bingo Site) and 8 (Application Site) and others).' <sup>10</sup>
- 2.5. The Submitted EBLP allocation is for 1007 units, 42 fewer than the Application, but, in response to the Inspectors, LBB have reconsidered and propose a Main Modification ("MM") to reduce its indicative capacity to 583 units. The associated Policy GSS04 provides for site-specific assessment

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<sup>8</sup> CDA.37.

<sup>9</sup> Schedule 4 of the EIA Regulations 2017.

<sup>10</sup> Cllr Young Supplementary PoE, Appendix 1, page 3.

and for principles to come forward via an Area Action Plan and / or SPD. Mr Rhodes was highly critical of this process, notwithstanding that it was triggered by the Examining Inspectors' request, but the evolving EBLP is a material consideration. Clearly, if the Inspectors accept the proposed MMs, this will be a strong indicator of a very different direction of travel. The merits of the proposed MMs versus the Submitted Plan are for the Examining Inspectors, but this emerging process casts doubt over an approach to capacity which strikes the balance between growth and context at 1000 plus residential units.

- 2.6. No part of the adopted development plan includes a specific allocation for the Application Site or any proposed development yield for it; designation as an Opportunity Area or, more recently, a Growth Area, does not equate to an allocation, as comparison between the northern and southern parts of the Area on the Proposals Map demonstrates.<sup>11</sup> The EBLP breaks new ground in this regard, but, as we know, the capacity figure has been reduced by the Council upon review.

#### *The London Plan*

- 2.7. The London Plan begins by discussing the concept of 'good growth'. The Mayor's Foreword makes it clear that good growth 'is not about supporting growth at any cost, which for too long has been the priority, leaving many Londoners feeling excluded and contributing to a lack of community

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<sup>11</sup> Allocations are marked with pale blue lines and are absent from the site and its surroundings, in comparison to areas further north.

cohesion and social integration.<sup>12</sup> It is not putting it too high to describe good growth as the unifying principle of the London Plan. Mr Rhodes accepted that all the Plan's growth initiatives and policies include within them this underpinning concept of good growth, and, thus, that of environmental appropriateness or acceptability across a range of considerations, including design and heritage. Good growth principles must, he agreed, infuse plan making and development management decisions. Specifically, S.39 Planning and Compulsory Purchase Act 2004 requires all involved in plan making to do so with the objective of contributing to the achievement of sustainable development and, in particular, to have regard to the desirability of achieving good design, which is highly relevant to the EBLP process. It is the Council's case that the Application is not an example of good growth or good design; it would work against rather than with the grain of the receiving environment, in particular the CA, but also other elements of its surroundings.

- 2.8. Policy GG1 on 'good growth' emphasises that those involved in planning and development must 'ensure that new buildings and the spaces they create are designed to reinforce or enhance the identity, legibility, permeability, and inclusivity of neighbourhoods.'<sup>13</sup> Along with delivering homes and other land uses, the supporting text states that it is essential to deliver 'built forms that work with local heritage and identity.'<sup>14</sup>

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<sup>12</sup> CDE.02, page xii.

<sup>13</sup> Policy GG1(G).

<sup>14</sup> CDE.02, paragraph 1.1.4.

- 2.9. Policy GG2 on ‘Making the best use of land’ likewise states that those involved in planning and development must ‘understand what is valued about existing places and use this as a catalyst for growth, renewal, and place-making, strengthening London’s distinct and varied character.’<sup>15</sup> The supporting text states that London’s heritage holds local and strategic significance for the city and for Londoners, and will be conserved and enhanced.<sup>16</sup>
- 2.10. This concept of ‘good growth’ is a prelude to Opportunity and Regeneration Areas, which are discussed in Chapter Two. Hence, Policy SD1 : Opportunity Areas states that boroughs, through their development plans and decisions, should ‘recognise the role of heritage in place-making’.<sup>17</sup>
- 2.11. In order for the Application Scheme to comply with the London Plan’s concept of ‘good growth’ it must therefore comply with all of the London Plan policies quoted above, which specifically emphasise the importance of heritage assets and preserving an area’s unique identity. ‘Good growth’ has to be the right growth in the right place, designed, site-specifically, in the right way.
- 2.12. The importance of heritage and good design is repeated in the London Plan chapter on design. Supporting text for Policy D1 states that ‘As change is a fundamental characteristic of London, respecting character and accommodating change should not be seen as mutually exclusive.’<sup>18</sup> Policy

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<sup>15</sup> Policy GG2(E).

<sup>16</sup> CDE.02, paragraph 1.2.7.

<sup>17</sup> Policy SD1(B)(4).

<sup>18</sup> CDE.02, paragraph 3.1.7.



D3(A) explains how to interpret Policy GG2 on ‘making the best use of land’:  
‘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.’ It is essential, when interpreting and applying the relevant policies of the London Plan, to remember that ‘optimisation’ and ‘making the best use of land’ are terms of art in the Plan, to be read in this context-led way.

- 2.13. Policy D3 also sets out development management requirements, providing that development should enhance local context, ‘with due regard to existing and emerging street hierarchy, building types, forms and proportions.’<sup>19</sup> Development should also respond ‘to the existing character of a place by identifying the special and value features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.’
- 2.14. Each case requires a scheme-specific judgment against these criteria and where the existing context includes designated heritage assets, then the ‘due regard’ referred to in Policy D3 will include application of statutory and national policy weightings for designated heritage assets. There is no warrant, in London Plan terms, for excluding context from consideration for proposals in Opportunity Areas, particularly when part of that context comprises heritage assets. We return to this matter later when considering the LBB parts of the development plan.

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<sup>19</sup> CDE.02, page 110.

2.15. The London Plan addresses TBs specifically in Policy D9. Policy D9(B) states that boroughs 'should determine if there are locations where tall buildings **may** be an appropriate form of development, subject to meeting the other requirements of the Plan'. (emphasis added) There is no dispute that the Application Site is such a location in principle, but that does not remove the requirement to carry out a scheme-specific assessment to determine whether the particular TBs in question are, indeed, appropriate. The Policy does not make this a foregone conclusion.

2.16. What all this means is that even if land has been identified as one that 'may' be suitable for tall buildings and even if it is in an Opportunity Area, a scheme-specific judgment is required of the decision-maker acting on the following agreed policy principles and questions<sup>20</sup>:

- a) Does the proposal meet the other requirements of the Plan?<sup>21</sup>
- b) Does the proposal make a positive contribution to the local townscape in terms of proportions (amongst other things)?<sup>22</sup>
- c) Does the proposal avoid harm to the significance of heritage assets and their settings; and, if not, has the Applicant, as a question of fact, demonstrated that alternatives to TBs have been explored?<sup>23</sup>
- d) Does the proposal positively contribute to the character of the area?<sup>24</sup>

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<sup>20</sup> Mr Rhodes XX.

<sup>21</sup> Policy D9(B)(1).

<sup>22</sup> Policy D9(C)(1)(a)(ii).

<sup>23</sup> Policy D9(C)(1)(d).

<sup>24</sup> Policy D9(C)(1)(d).

- 2.17. The Council's evidence, taken together with the site visit, makes it clear that these four principles are not met in this case; one of the reasons for the failure to accord with them is the preponderance, siting and form of the TBs for which the Application seeks outline permission up to specified maximum heights.
- 2.18. Policy HC1 sets out the crucial role that heritage considerations play in any such assessment, reflecting statutory duties and national policy. In simple terms, if a decision-maker finds on a scheme-specific assessment that a proposal is not sympathetic to a heritage asset's significance and the appreciation of it within its surroundings, that proposal does not accord with this policy.

*Barnet Development Plan Documents*

- 2.19. The same emphasis on scheme-specific judgment is present in Barnet's Core Strategy, Development Management Plan and Unitary Development Plan. Policy CS5 of the Core Strategy states that TBs **may** be appropriate in the Brent Cross-Cricklewood Regeneration Area ("the Regeneration Area"). Policy CS5 also states that proposals for TBs will be considered in accordance with Policy DM05. Policy DM05 states that proposals for TBs will need to demonstrate that they will not cause harm to heritage assets and their settings. The policy is clear that TBs will not be considered acceptable outside strategic locations; it does not state the reverse. Thus, it does not follow that all TBs will automatically be acceptable throughout strategic locations. Mr Rhodes accepted this point, but many of his answers on the

- presence of environmental constraints repeated reliance on identification of the Site within an area where TBs can or may – not must - be acceptable.
- 2.20. Policy DM01: ‘Protecting Barnet’s Character and Amenity’ states that development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. In order to protect character, Policy DM01 requires development to demonstrate a good understanding of the local characteristics of an area and states that proposals which are out of keeping with the character of an area will be refused.
- 2.21. Policy DM06 is a policy in favour of preservation or enhancement of the Borough’s Conservation Areas which also seeks evidence to inform the questions of significance, harm and benefits - the very evidence needed to reach a conclusion on a scheme-specific assessment.
- 2.22. Finally, supporting text to Policy C2 in the Unitary Development Plan states that proposals ‘should be sensitive to existing buildings and surrounding areas’ and that ‘Special consideration should be given to the desirability of preserving or enhancing the character and appearance of the Cricklewood Railway Terraces Conservation Area.’<sup>25</sup>
- 2.23. Like the London Plan, the development plan documents specific to Barnet therefore emphasises the need for site and proposal-specific assessment of a scheme’s impact on the character of the surrounding area and heritage assets, in particular the CA. There are also many policy commitments to the

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<sup>25</sup> CDF.02, para 12.3.9.

principle of respecting context and surrounding character, especially when that character is recognised by means of heritage designations.

### *Material Considerations*

- 2.24. It is agreed that the EBLP is a material consideration which should be afforded weight due to its advanced stage of preparation<sup>26</sup>, and the Planning Statement of Common Ground specifies that the EBLP will carry significant weight.<sup>27</sup> The EBLP, as noted above in the context of alternatives, is undergoing examination in public, and the questions about context posed by the Inspectors are highly relevant to the essential questions in this inquiry.
- 2.25. MMs 149, 161 and 163 which are proposed to Policy CH04, are particularly relevant to the determination of the called-in Application.<sup>28</sup> MM149 emphasises that, given the suburban nature of the Borough, TBs are not the Council's preferred model for delivering high densities.<sup>29</sup> MM161 likewise inserts a new first sentence to Policy CDH04, stating that the potential for TBs is highly constrained in Barnet. MM163 provides that VTBs will not be acceptable outside Growth Areas and that any proposal for a VTB must have a legible and coherent role, integrating effectively to its location.<sup>30</sup>
- 2.26. The EBLP has both strategic and non-strategic policies. The supporting text for Draft Policy GSS01, when discussing the concept of 'good growth', stresses the importance of reading policies on growth (including housing)

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<sup>26</sup> John Rhodes PoE, para 7.3.

<sup>27</sup> CDI03A, para 5.16.

<sup>28</sup> Cllr Young discussed these MMs during Re-Examination.

<sup>29</sup> CDF.01, PDF page 441.

<sup>30</sup> CDF.01, PDF page 449.

with cross-reference to other more thematic local plan policies such as character, design and heritage.<sup>31</sup> Paragraph 4.8.2 on the approach to growth in the Growth Areas, including Cricklewood, states that ‘Each of these growth locations is distinctive and the local plan will respond to these individual characteristics to ensure good place-making.’ The last paragraph of Draft Policy GSS01 is reminiscent of the London Plan, stating that ‘Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.’ The EBLP therefore requires that, in carrying forward Draft Policy GSS01, capacity has to be design-led and of a demonstrably appropriate form for the relevant site. Like the London Plan, therefore, the concepts of ‘good growth’ and ‘optimisation’ in the EBLP must be read and applied with reference to the contextual environmental principle espoused by both Plans. Moreover, location within a Growth Area does not automatically disapply development management principles.

- 2.27. Policy CDH04 of the Emerging Local Plan states that TBs may be appropriate in nine strategic locations, of which the Cricklewood Growth Area is one; and that VTBs (of 15 storeys or more) will not be permitted unless exceptional circumstances can be demonstrated. The Application contains 5 VTBs. One of the exceptional circumstances that an applicant must demonstrate is ‘appropriate siting’ within an Opportunity Area or Growth Area. The policy specifically does not say that siting within a Growth Area automatically amounts to exceptional circumstances which justify VTBs. Certain passages of the proofs of Messrs Everitt and Rhodes, as well as the

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<sup>31</sup> Paragraph 4.2.2.

revised Design and Access Statement, miss this important point, assuming that location within a Growth Area does equate to appropriateness.<sup>32</sup> Mr Rhodes accepted that application-specific assessment is essential, notwithstanding location in a Growth Area, but insisted on treating exceptionality as flowing from such location; his aside, to the effect that this hurdle of exceptionality would not be a high one for an applicant, demonstrated the fallacy of his argument. This point is important, because clearly the design approach taken here has been to regard TBs and VTBs as automatically appropriate – hence the omission to test other design solutions. In this case, the Growth Area abuts a CA whose special characteristics are the antithesis of TBs and VTBs – and this is the nub of the problem. The Applicant’s approach, however, was and is misconceived because it fails to arrive at a solution which is ‘respectful’; it does not constitute good growth. Far from being exceptional in the sense intended by the draft EBLP, the proposals would be out of all proportion to the local context - exceptionally over scaled.

2.28. The proper approach is set out in supporting text to Draft Policy CDH04. It states on TBs that ‘siting and design should be carefully considered so as not to detract from the nature of surrounding places and quality of life for those living and working around them’ and that ‘A design-led approach is essential to determine the most appropriate form of development that responds to existing context and capacity for growth.’<sup>33</sup> This advice, of

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<sup>32</sup> John Rhodes PoE, paras 7.27 and 7.29. See also Supplemental DAS CDI08, page 7 and PoE of James Everitt, para 7.15.

<sup>33</sup> Paragraph 6.18.3.

course, mirrors the policy of the strategic London Plan, with its commitment to 'good growth'. It is therefore entirely natural that the supporting text continues that proposals for TBs will need to demonstrate compliance with Policy D9 of the London Plan. Paragraph 6.8.10 states that while TBs offer the opportunity for more intensive use, 'it is essential that proposals occur in the most suitable and sustainable locations that can protect and enhance the existing character and townscape of the Borough.' Paragraph 6.8.11 also emphasises that new TBs 'should take account of, and avoid harm to, the significance of Barnet's and neighbouring boroughs' heritage assets and their settings'.

2.29. Paragraph 6.18.9 discusses Edgware Road and states that it is imperative that such design-led proposals should relate to the suburban streets behind the thoroughfare. Mr Rhodes stated that this passage was 'not irrelevant', but his position that the suburban character of the area is important when contemplating TBs on Edgware Road yet far less so for the Application Site just metres away is illogical. The point is that the surrounding area is suburban in character and scale, and this has to be recognised, respected and responded to by the Application Scheme.

2.30. The EBLP is, therefore, not requiring TBs; it provides numerous caveats and is careful to specify that each proposal must be assessed individually.

2.31. The subsequent Note to the EiP on Tall Buildings has reinforced this approach. Cllr Young highlighted passages of particular importance<sup>34</sup> which

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<sup>34</sup> Examination in chief.



recognise that, given Barnet's suburban and historical character it will be difficult for TBs to integrate successfully, and emphasise that TBs and VTBs are not the only way to optimise density. The Note also unequivocally reiterates that the design and townscape qualities of each proposal have to be assessed so as not to erode Barnet's predominant suburban and historic character.<sup>35</sup> The proposed wording change to Policy CDH04 is explicitly designed to maintain the need to demonstrate 'appropriate siting', as per London Plan Policy D9.<sup>36</sup>

2.32. The NPPF also stresses the need for development to be well-designed so as to respect the character and appearance of the surrounding area as well as designated heritage assets and the Government has made clear that its intention is to place beauty at the heart of the planning system.<sup>37</sup> Paragraph 134 emphatically states that development that is not well-designed should be refused. Great weight should be given to the conservation of designated heritage assets and any harm to significance requires clear and convincing justification.<sup>38</sup> The current consultation draft NPPF does not weigh in favour of the scheme. Rather, draft paragraph 11(b)(ii) states that strategic policies not meeting Objectively Assessed Need will be justified where the adverse impacts significantly and demonstrably outweigh the benefits, and one of the examples given of such an adverse impact is building at densities significantly out of character with the existing area. The direction of travel in terms of Government policy for plan making therefore reinforces the

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<sup>35</sup> ID19, pages 11-12.

<sup>36</sup> ID19, pages 12-13.

<sup>37</sup> NPPF paragraph 126: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

<sup>38</sup> Paragraph 199.

importance of sensitive design that respects local context, alongside its commitment to making best use of brownfield land. This principle is entirely in line with the London Plan concept of good growth and the Barnet Local Plan's commitment to the protection of local character.

### *Application Site Designations*

2.33. There is no development allocation for the Application Site within the Core Strategy. The Applicant has, however, repeatedly emphasised and relied on the designation of the site within the Regeneration Area, urging this as justification for introducing TBs on the Application Site. This approach is an oversimplification. Instead of invoking the designation in this blanket way, Cricklewood's place within the Regeneration Area needs to be properly understood so that appropriate weight can be given to the Application Site's presence within the designated area. A one size fits all approach runs counter to all the principles outlined in development plan and national policy, as explained above.

2.34. Saved policies of the Unitary Development Plan, together with the Core Strategy, refer to the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework, which was adopted as SPG in 2005 ("the SPG"). Paragraph 1.4.2 of the Core Strategy explains that the aim of the SPG was to achieve 'high quality comprehensive redevelopment of the area around a new sustainable mixed use town centre spanning the North Circular Road.' Paragraph 1.4.5 states that the SPG was prepared in parallel with the Unitary Development Plan, and Policy C1 of that Plan

provides that comprehensive development of the regeneration area will be in accordance with the SPG. In March 2008 a hybrid application was submitted for comprehensive regeneration of the area, and planning permission was granted in October 2010 (“the 2010 Planning Permission”).<sup>39</sup>

- 2.35. The Core Strategy and Unitary Development Plan do not provide any written or graphic guidance as to where particular forms of development will be located within the Regeneration Area. The Core Strategy relies on the 2010 Planning Permission to guide development, and the (pre-Permission) Unitary Development Plan relies on and refers to the SPG.<sup>40</sup>
- 2.36. The SPG provides that TBs will be acceptable providing they satisfy a series of tests including: heritage, relationship to the skyline and views.<sup>41</sup> The SPG also states that the positioning of tall buildings across the area defined by the SPG will be in response to the surrounding context.<sup>42</sup>
- 2.37. The SPG, like the development plan documents, therefore emphasises the need for a scheme-specific assessment. Figure 19 of the SPG provides a ‘building height profile’ for the Regeneration Area. This figure demonstrates that height within the Regeneration Area is focused firmly in the north, to the west of Brent Cross and next to the North Circular Road. There are no TBs indicated on, or near, the Application Site. The nearest taller buildings are shown as being 4-8 storeys. Similarly, the parameter plan for the 2010 Planning Permission shows that buildings up to 100m will be located in the

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<sup>39</sup> ID.08, paragraphs 3.1-3.4.

<sup>40</sup> CDF.03, page 40 and CDF.02, Policy C1.

<sup>41</sup> CDF.06, page 32.

<sup>42</sup> CDF.06, page 32.

north near Brent Cross, whereas the heights next to the Application Site are only 16m.<sup>43</sup> It is the same story for residential density, as figure 20 of the SPG demonstrates that there was no residential development proposed on Site and that the nearest residential was proposed across the railway line; at 100-200 units/ha, it was far below the 377 units/ha proposed in the Application. Chapter 7 of the SPG, 'The Way Forward', proposes four phases of development with illustrative visuals demonstrating when and where the development supported by the SPG will come forward. In these visuals, the focus of high-rise development is clearly to the north, and the Application Site is not even included on the photographs.<sup>44</sup>

2.38. Page 36 of the SPG refers to the 'heart of the regeneration area', a clear recognition that not all parts of the Regeneration Area are to be treated alike. Cricklewood is within the Regeneration Area, but it does not, on any analysis, lie at its heart. This distinction is crucial, as it reinforces the sensitive and contextual approach needed, rather than the Applicant's one-size fits all approach.

2.39. The only developments explicitly planned for in Cricklewood within the SPG are a rail freight facility, some pedestrian improvements along Cricklewood Lane and junction improvements at the corner of the Lane and the Broadway.<sup>45</sup> This position was substantially carried forward into the Proposals Map for the Core Strategy. There are no site allocations

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<sup>43</sup> ID08, Appendix 1.

<sup>44</sup> Cllr Young, Re-Examination.

<sup>45</sup> CDF.06, page 70.

(delineated in light blue edging) south of the freight facility and west of the railway line – ie. at or even in the vicinity of the Application Site.

2.40. Paragraph 12.3.26 of the Unitary Development Plan is consistent with the Proposals Map, the discussion on Cricklewood focussing on the need to provide passenger train stabling and freight facilities. Mr Rhodes stressed the underlying desire for regeneration to happen in Cricklewood as well as further north, but the fact remains that the SPG and succeeding Plans did not make allocations there. If it had been regarded as sufficiently important then the SPG could have sought to stimulate or encourage development on the Application Site.<sup>46</sup> It did not, and Mr Rhodes accepted that there were no site-specific policies relating to the Application Site. Its inclusion within the Regeneration Area is therefore not carte-blanche to develop TBs there. On the contrary, neither the SPG that underpins the Regeneration Framework nor the 2010 Planning Permission that underpins Policy CS5 envisages placing high-rise residential development anywhere near the Application Site.

2.41. The Applicant has also relied on the location of the Application Site within a London Plan Opportunity Area. This designation, however, covers Brent Cross as well as Cricklewood and there is no indication within the London Plan that TBs should be placed specifically in Cricklewood. There is, in fact, no supporting text on the Brent Cross/Cricklewood Opportunity Area, as there is for other Opportunity Areas. It is only now, with the advent of the EBLP, that attention has turned to allocations for Cricklewood. The

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<sup>46</sup> Mr Rhodes Cross Examination.

differences in character between Brent Cross and Cricklewood are apparent from a walk through the Regeneration Area. In the characterisation terms adopted by the EBLP, Cricklewood is not a central location. Mr Rhodes did not dispute the fact that it does not exhibit 'central' characteristics; instead, he took issue with the application of the methodology, but his clients did not seek to criticise the methodology when they approved of the output.

2.42. Upon review, the Council decided that the Application Site was best described as 'urban', justifying its conclusion as follows: 'The predominant heights of buildings within the locality are between three and four storeys; many of the current building footprints local to the site are traditional linear terraces; and the site does not fall within 800 metres walking distance of an International, Metropolitan or Major town centre. The site would therefore be more accurately characterised as being 'Urban' in its density classification.'<sup>47</sup> This quotation comes from a Note submitted to the EiP by Planning Officers acting under delegated authority.<sup>48</sup> The proposed Main Modifications would result in the reduction of 922 units overall, but this would not affect the Plan's ability to meet the housing target set by the London Plan.<sup>49</sup>

2.43. The reappraisal is informed by a design-led approach and is not a mechanistic application of the density matrix in the previous version of the London Plan. The EBLP as submitted has been scrutinised to ensure that it is compatible with the London Plan, and Cllr Young addressed London Plan Policy D3 in detail, explaining why the urban classification was appropriate

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<sup>47</sup> Cllr Young, Supplementary PoE, Appendix 1, page 9, paragraph 26.

<sup>48</sup> Cllr Young, Re-Examination.

<sup>49</sup> Cllr Young, Cross-Examination.

in light of the immediate context.<sup>50</sup> He added that the SPG photographs of the 'Way Forward' demonstrated that the vision was for a new town centre to come forward in Brent Cross, not in Cricklewood, which was intended to remain a district centre.

2.44. There has not yet been a consequential amendment to Policy GSS04 on the Cricklewood Growth Area, but this amendment is inevitable, as the indicative number of housing units for the Cricklewood Growth Area will decrease as a result of the proposed Modifications of the two allocated sites within the Growth Area. Cllr Young explained that a supplementary note outlining such consequential amendments is being prepared for submission to the EiP.<sup>51</sup>

2.45. The urban density matrix and the proposed indicative capacity of 583 units are more closely aligned with what Cricklewood's role within the Regeneration Area has always been. The scheme-specific assessment required by all relevant policy needs to recognise that the Application Site is in an urban location in need of regeneration rather than a central location in need of commensurate levels of development. Mr Rhodes sought to argue that the Application Scheme would be consistent with an allocation of 583 even if this formed part of the adopted development plan, but it is not tenable that a scheme delivering almost double the number of units assessed to be suitable on an indicative basis would accord with a newly adopted development plan allocation in these terms.

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<sup>50</sup> Cllr Young, Re-Examination.

<sup>51</sup> Cllr Young, Examination in Chief.

2.46. The EBLP, as proposed by the Council to be modified, provides a clear direction of travel for Cricklewood consistent with the SPG for the Regeneration Area, and it is not one with which the Application Scheme is consistent.

### 3. DESIGN

#### *Context*

3.1. The Barnet Characterisation Study 2010 (“the Study”) states that Barnet is predominantly suburban in character.<sup>52</sup> The character description for Brent Cross and Cricklewood covers a wide area, and whilst it identifies industrial and commercial uses, it also states that the housing in the area is predominantly of typology D, namely suburban terraces.<sup>53</sup> Mr Evans drew attention to the statement in the Study to the effect that, ‘The challenge with regard to scale and massing is to maintain the existing sense of small scale and fine grain development in the wide suburban areas of the borough.’<sup>54</sup>

3.2. During the RTS, the Inspector noted that the area surrounding the Application Site had often been described as low-rise. Dr Miele responded that this was a fair assessment of the broader area but that it did not capture a variety of scale as expressed in the size of buildings and differing uses; he pointed to a 9 storey block of flats to the west and an 8 storey development that on Claremont Road. Mr Evans, however, noted that these two developments were some distance from the Application Site, pointing out

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<sup>52</sup> CDF.016, page 6.

<sup>53</sup> CDF.016, pages 114-115.

<sup>54</sup> CDF.016, page 129.



that the model of the Application Scheme showed the predominantly low-rise nature of the surrounding development. Mr Tansley agreed, stating that the buildings referred to by Dr Miele were ‘wholly exceptional’ for the neighbourhood.

- 3.3. Whilst there are no disagreements on the character areas identified by Dr Miele at page 160 of his PoE, Cllr Young made the important point that there is a predominance of character areas 5, 8, 9 and 10. These character areas cover the vast majority of the surroundings, and they comprise low-rise residential development, giving the area a very low-rise feeling. Cllr Young noted that such bigger elements as exist are nestled within this generally low-rise development, as opposed to the area further north, where TBs are being built.
- 3.4. On the basis of the presence of Cricklewood Station, the Tall Buildings Update 2019 (“the TBU”) indicates that buildings of between 6-14 storeys may be appropriate in Cricklewood.<sup>55</sup> There are two main points to make on the TBU.
- 3.5. First, the TBU emphasises that its guidance on height is only an indicator of appropriateness and that ‘this is dependent on the individual site compliance with policy and visual impact assessment that should be conducted as part of the planning application process.’<sup>56</sup> Elsewhere, the document states that there is a presumption that TBs will not be suitable close to listed buildings and that within Barnet TBs are located some distance away from

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<sup>55</sup> CDF.012, page 31.

<sup>56</sup> CDF.012, page 31.

conservation areas.<sup>57</sup> These considerations are vitally important for any scheme-specific assessment. There is no indication within the TBU that VTBs would be appropriate in close proximity to the CA (which does not currently have TBs near it), and the guidance contained within the TBU actually cautions against such an approach.

3.6. Second, although Dr Miele stated that 6-14 storeys is not to be taken as a maximum because a qualitative assessment is required, it is notable that for other clusters such as Colindale Tube Station and Colindale Exchange, the indication is expressed as '6-14+'.<sup>58</sup> By contrast, there is no indication that buildings taller than 14 storeys would be appropriate in Cricklewood. The Application contains five buildings of 15 storeys or more, with one (D2) just 61 metres from the CA.<sup>59</sup>

3.7. Overall, therefore, the surrounding area is predominantly low-rise. There are no TBs nearby, and there is no study that concludes that buildings of the height and scale of those proposed in the Application would be appropriate for Cricklewood, let alone appropriate for the Application Site which sits next to the CA.

### *Impact*

3.8. As stated in the putative RfR, the Application Scheme, by virtue of its excessive height, scale and massing would result in a discordant and visually

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<sup>57</sup> CDF.012, page 21.

<sup>58</sup> CDF.012, page 31.

<sup>59</sup> The figure of 61 metres was provided by Mr Everitt during the RTS.

- obtrusive form of development that would demonstrably fail to respect the local context and its established pattern of development.
- 3.9. Mr Evans explained that view 5 is particularly important for demonstrating the negative impact of the Application Scheme on the character of the area.<sup>60</sup> The prevailing sense of low-rise development would be replaced by a dominating wall of tall development. Cllr Young reiterated this, especially as View 5 is one of the few views that is relatively close to the Application Scheme and is, together with View 14 and View E, the best for understanding how the proposals would be experienced within close proximity. Cllr Young also drew attention to View 11, where the predominantly low-rise, two storey surrounding development contrasts starkly with the Application Scheme, which is of a far larger scale and size.<sup>61</sup>
- 3.10. The Applicant has relied on the Design Code to mitigate the negative impact of excessive height and scale, but this reliance is misplaced. Mr Rhodes accepted that all the design coding in the world could not provide a remedy if the Scheme's fundamentals were wrong. Reserved matters applications will not change the fundamentals of the development, namely its relationship to the existing character of a low-rise, residential area. Moreover, the CGIs are only visual representations of how the Scheme *might* look. They can provide no certainty.
- 3.11. The Applicant has suggested that a landmark building in this location is justified, but no convincing rationale for this position has been provided.

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<sup>60</sup> CD.109, page 20.

<sup>61</sup> CD.109, page 44.

When the Inspector asked whether the Application Site needed a landmark building, Dr Miele could not provide an answer, preferring instead to say that the Inspector had asked the wrong question, as the real question is (for some reason) whether the Application Site can ‘sustain’ a landmark building. This obfuscation is in stark contrast to Mr Tansley’s common sense observation that a landmark is a common English term used to describe a building that shows people the way and helps them navigate. This is not needed for local inhabitants, and no convincing reason has been given as to why it is necessary for visitors to Cricklewood either.

3.12. In any event, as Mr Evans pointed out, following the amendments to the original application, the Scheme no longer contains a landmark building and no longer a genuine stepping down in heights towards the north. Building A2 is 18 storeys, building C2 is 17 storeys, building C3 is 16 storeys, building D1 is 16 storeys and building D2 is 15 storeys.<sup>62</sup> There are only three storeys between the ‘landmark building’ and the VTB 61m away from the CA. The effect is that the Application Scheme (as shown in View 5) presents an undifferentiated wall of development, with no variation to break up the effect. The original design rationale for the Application Scheme, which relied on a stepping down effect, no longer exists.<sup>63</sup>

3.13. Dr Miele said that this point was unfair, as the original 25 storey building had been decreased in response to criticisms over its excessive height, but he did not address the point that the Applicant at no point considered dropping

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<sup>62</sup> As shown by the diagram on CDI.08, page 4.

<sup>63</sup> See (for example) James Everitt PoE, paragraph 6.21 on the design rationale of heights stepping down to the north.

the heights of other buildings near the CA to maintain the stepping down effect.

#### 4. HERITAGE

##### *The CA: Significance*

- 4.1. The setting of a conservation area is not a statutory consideration, but the NPPF applies the same approach to all designated heritage assets.<sup>64</sup> The harmful impact of the Application Scheme on the setting of the CA therefore needs to be assessed and taken into consideration as a matter of policy.
- 4.2. As Mr Evans explains in his PoE, the significance of the CA derives primarily from its historical and aesthetic value.<sup>65</sup> Aesthetically, the ‘formal, regular streetscape and building layout, together with their unusual relationship between buildings, private and public open space, all help to give the area a distinctive, intimate but ordered feel. The area is characterised by small scale, dense development with regular building rhythms and designs. As such there has been little opportunity for house extension or infill building and the terraces have retained a consistent character.’<sup>66</sup> The original architecture has been retained, and anyone walking through the CA will immediately appreciate its beauty and charm.
- 4.3. The historic significance derives from the CA’s role as a railway village constructed for the employees of the Midland Railway. This historic purpose

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<sup>64</sup> NPPF, paragraphs 199 and 202.

<sup>65</sup> Paragraphs 2.13-2.16.

<sup>66</sup> CDF.013, para 5.1.

is still evident from the layout of the CA, and the differentiation between some cottages intended for higher-status employees.

4.4. Dr Miele was correct when he said that communal spirit in and of itself is not relevant to significance. A valued residential street does not become significant in heritage terms simply because its residents have communal spirit and love their neighbourhood. The Railway Terraces are not, however, standard residential streets, and, as Dr Miele fairly recognised, the fact that they were planned as a community means that their continued appreciation as a community is an aspect of the CA's historical significance. This is consistent with the NPPG, which (on the topic of historical significance) states that 'Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.'<sup>67</sup> The sense of community within the CA derives from the historic function of the CA as a planned community and therefore contributes to the historic significance of the asset.

4.5. Finally, Dr Miele noted in his PoE that before 1939, the allotments were used to grow food.<sup>68</sup> The current use of the allotments is therefore a continuation of the historic use of this area, and directly related to the CA's historic significance.

### *The CA: Setting*

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<sup>67</sup> CDE.012, paragraph 006.

<sup>68</sup> Chris Miele PoE, para 8.20.

4.6. The Applicant has sought to suggest that the CA is isolated and cut-off, effectively immune from any development nearby.<sup>69</sup> This assertion is, however, inconsistent with the Applicant's other claim that the Application Site currently detracts from the CA.<sup>70</sup> Likewise, the Railway Terraces Character Appraisal 2016 ("the Character Appraisal") notes that the timber warehouse on Kara Way fails to respect the character of the original buildings within the CA.<sup>71</sup> The timber warehouse is only a negative element because development bordering the CA is directly relevant to how its significance is understood and appreciated.

4.7. It is apparent on site that the tranquillity of the CA derives from the fact that one can see (both from within it and looking southwards on the boundary) an unbroken horizon with nothing projecting through it. The uncluttered horizon maintains the aesthetic beauty of the CA and also allows for a greater appreciation of its conservation value as a coherent railway village. The tranquil setting is fundamental to the CA's tranquil character .

#### *The CA: Harm*

4.8. A number of views demonstrate the harm that the Application Scheme would cause to this setting.

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<sup>69</sup> See, for example, the Applicant's Opening, ID.03, paragraph 55.2.6 on the CA's 'inward facing character'.

<sup>70</sup> James Everitt PoE, paragraph 4.57.

<sup>71</sup> CDF.013, paragraph 7.2.

- 4.9. First, the negative impact of the Application Scheme is obvious from View E.<sup>72</sup> Mr Evans explained that the current view of open space would be replaced by intrusive development. He acknowledged that any future development of the site would likely have an impact, but in this case the scale and size of the Application Scheme mean that it totally fails to relate to the existing fabric; this is inconsistent with the policy principle of good growth that is respectful towards its context and, especially, affected heritage assets.
- 4.10. View 14 also offers a significant demonstration of the negative impact of the Application Scheme on the setting of the CA.<sup>73</sup> Within the view, the Application Scheme is set against the silhouette of one of the gables, highlighting the discordant difference in form, bulk, height and scale of the proposed buildings compared to the Railway Terraces.<sup>74</sup> It is also notable that this view was taken during summer; the impact would be worse during winter without the screening provided by greenery and leaves. The current unbroken, tranquil view from the allotments towards the sky above the Site would be replaced by a wall of high-rise buildings unrelated in form, character and history to the Railway Terraces. This is the opposite of the contextual development sought by policy.
- 4.11. In Views 13, 15 and 16, the TBs of the Application Scheme would intrude on the currently unbroken horizon<sup>75</sup>, detracting from the CA's tranquil, secluded character.

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<sup>72</sup> CDI.09, page 81.

<sup>73</sup> CDI.0, page 53.

<sup>74</sup> Cllr Young, RTS.

<sup>75</sup> CDI.09, page 48, 56 and 60.



4.12. Mr Evans' opinion is that the Application Scheme would cause less than substantial harm to the setting of the CA, and on a scale of '1-10' it would amount to a '7'.<sup>76</sup> In light of the views discussed during the RTS, the contention that the Application Scheme would cause no harm is simply untenable; this was not the approach of officers in either Committee report. The experience of the CA as a tranquil, coherent community would be significantly diminished, permanently and irrevocably, and the Applicant has failed to acknowledge this.

*The Crown Public House*

4.13. The Council has consistently recognised that the Application Scheme would cause less than substantial harm to the setting of the Crown Public House<sup>77</sup>. The Planning (Listed Buildings and Conservation Areas) Act 1990, s.66 requires the decision maker to give such harm considerable importance and weight in the planning balance.<sup>78</sup>

4.14. Mr Evans explained that the Crown Public House is currently framed by open space to the north because the existing background development is quite low. View 8 demonstrates that block B of the Application Scheme would intrude into this space which currently contributes to the setting of the listed building. This openness emphasises the architectural quality of the

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<sup>76</sup> Mr Evans, RTS.

<sup>77</sup> CDD.01, paragraph 9.39-9.40.

<sup>78</sup> S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and CDG.10, Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137, [22]-[24].

flamboyant roof and the view of block B in the Scheme would cause harm to this aspect of the appreciation of its significance.

- 4.15. The harm is less than substantial, but needs to be given great weight in accordance with statute and NPPF paragraph 199. This impact is important and forms part of the cumulative harm of the Application Scheme.

## 5. PLANNING BALANCE

- 5.1. The Council accepts that at this stage and for the purposes of this Inquiry, it does not advance clear evidence on Category B sites in order to demonstrate a 5-year housing land supply. It is agreed, however, that if the Inspector finds that the Application Scheme does not accord with the development plan, the application of the tilted balance pursuant to NPPF paragraph 11d depends on whether or not footnote 7 applies.<sup>79</sup> Footnote 7 refers specifically to policies relating to designated heritage assets. In principle, therefore, if the Inspector and the Secretary of State agree with the Council in finding that there would be harm to designated heritage assets, the tilted balance would not be engaged. It would be open to the Inspector to recommend (and the Secretary of State to decide) that the harms outweigh the benefits such that planning permission should be refused. Mr Rhodes agreed with this formulation. The lack of a 5YHLS does change the fundamental question before the Inspector and the Secretary of State: do the harms of the Application Scheme in townscape and heritage terms outweigh the benefits?

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<sup>79</sup> ID06, para 2.1.

5.2. The Council acknowledges that there would be benefits associated with the Application Scheme. In his PoE, Cllr Young accepted that the delivery of housing should be given significant weight.<sup>80</sup> With regard to affordable housing, the Application Scheme would provide 382 affordable homes, but only 86 of these would be Affordable Rented Homes, for which there is the most pressing need in the Borough. The tenure split of 22:78 social rented homes to intermediate homes is also well short of the London and Borough policy tenure split of 60:40.<sup>81</sup> These considerations mean that the provision of affordable housing should be given moderate weight. With regard to the weight to attach to the absence of a 5YHLS, however, the Application would make little, if any, difference owing to its extended delivery period. Its outline form and the need for design review, coupled with the build time for such a large development make it unlikely that any occupations would occur within 5 years; Mr Rhodes could not positively say – he hazarded that he thought that 400 units might come forward within 5 years, but could not be certain, the more so because he was unsure even whether the Applicant or another entity would be the developer<sup>82</sup>.

5.3. The beneficial weight attributed to the redevelopment of a brownfield site needs to be tempered due to the adverse impacts caused by the height, scale and massing of the Application Scheme. This benefit should be given minor weight.<sup>83</sup> Likewise, the benefits of improving the public realm are reduced because (as explained by Cllr Young in Examination-In-Chief), the

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<sup>80</sup> Cllr Young PoE, para 9.5.

<sup>81</sup> Cllr Young PoE, para 9.6.

<sup>82</sup> Rhodes Cross Examination XX.

<sup>83</sup> Cllr Young PoE, para 9.4.

Application provides less open space than would normally be expected of a scheme of this size.<sup>84</sup> Moreover, whilst only some of the site lies within an Area of Open Space Deficiency, the walk to the nearest park is more than 400m because the scheme does not deliver a link across the railway.<sup>85</sup> Whilst not a RfR, this fact is clearly relevant to the weight to assign this benefit. The reduction in vehicle parking and movements and the ecological benefits should also be given minor weight, whilst the provision of CIL payments to offset the impact of the development should be given moderate weight.<sup>86</sup>

5.4. Cllr Young's weighting is more generous than the conclusion of the ES, which was that there would be a minor beneficial (not significant) effect for affordable housing.<sup>87</sup>

5.5. The harms that would be caused by the Application Scheme need to be weighed against these benefits. Its adverse impact on the character and appearance of the area, as well as on designated heritage assets, means that the Application Scheme does not comply with Policies D3, D4 and D9 of the London Plan, Policy CS5 of the Core Strategy and Policies DM01, DM05 and DM06 of the Development Management Plan. Therefore the Scheme does not comply with the development plan as a whole.

5.6. This approach to s.38(6) is conventional and unobjectionable, as exemplified by the Finchley High Street appeal decision.<sup>88</sup> The criticisms made during

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<sup>84</sup> Cllr Young PoE, para 9.10.

<sup>85</sup> Mr Rhodes Cross Examination.

<sup>86</sup> Cllr Young, PoE, paras 9.9, 9.11 and 9.12.

<sup>87</sup> CDA.47, para 14.6.35.

<sup>88</sup> ID02, [61].

Cross-Examination of Cllr Young's planning balance are misplaced. Cllr Young was presenting the Council's response to the call-in letter and addressed the most important policies relating to design, scale and massing, which was the issue about which the Secretary of State particularly wished to be informed.<sup>89</sup> The policies cited by Cllr Young are the ones that are of fundamental importance for this Application, and he cannot be criticised for focusing on those policies.<sup>90</sup>

5.7. Further, the Application Scheme does not comply with the EBLP or with paragraphs 130 and 134 of the NPPF, which are both material considerations that should be given significant weight.

5.8. Overall, the cumulative weight of the benefits is outweighed by non-compliance with the development plan as well as other material considerations. The Application Site represents an important opportunity for Barnet and for London as a whole. It is in need of regeneration, but this regeneration must be done in the right way. If it is not, the impact on the surrounding area and on the CA will be permanent and irrevocable. There is only one chance to get this right, and the Application Scheme does not do that. Its height, scale and massing mean that the Application Scheme represents incongruous over-development, out of context with the character of the area and harmful to nearby heritage assets. The Application Scheme is not good growth and does not represent the development that Cricklewood

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<sup>89</sup> CDC.02, paragraph 7.

<sup>90</sup> Cllr Young, Re-Examination.

needs. The Council therefore asks the Inspector to recommend that planning permission be refused.

MORAG ELLIS KC

MICHAEL FEENEY