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Statement of Case

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

10TH NOVEMBER 2022

Q220753

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1 Introduction and Context

- 1.1 This Statement of Case is submitted on behalf of Montreaux Cricklewood Developments Ltd ('Montreaux'), the Applicant, in support of a planning application to be considered and determined by the Secretary of State pursuant to section 77 of the Town and Country Planning Act 1990 and in accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000. The Applicant proposes to bring the site forward for residential led mixed use development in accordance with the Development Plan and the National Planning Policy Framework (the 'Framework').
- 1.2 The Statement of Case sets out a written statement of the Applicant's case for why planning permission should be granted to enable the site to be redeveloped. It should be read in conjunction with the planning application, together with the supporting plans and other documents which accompany it (which have been supplied to the Planning Inspectorate), and the updated information contained within this Statement of Case and the Statement of Common Ground.
- 1.3 The Applicant submitted the planning application to the London Borough of Barnet (the 'Council') on 31st July 2020. The application was given reference number 20/3564/OUT (the 'Application'). It relates to the B&Q Broadway Retail Park, Cricklewood Lane, Barnet NW2 1ES (the 'Application Site').
- 1.4 The Application seeks outline planning permission (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 1200m² (GIA) 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 'Development').
- 1.5 There is agreement on the acceptability on many matters of the Application between the Applicant and officers and members of the Council; and full agreement with officers of the Greater London Authority (the 'GLA') and the Mayor of London:
 - The Council officers recommended that planning permission should be granted for the Development on 9th September 2021 and this recommendation was accepted by elected members of the Council's Planning Committee.
 - GLA officers also recommended that planning permission should be granted for the Development. On 28th March 2022, the Mayor of London reported on the case (GLA ref: 2020/6743/S2). He was content to allow the local planning authority to determine the case itself, subject to any action that the Secretary of State may take and did not therefore wish to direct refusal or to take over the application for his own determination.
- 1.6 Notwithstanding this, on 30th August 2022 the Minister of State for Housing, Marcus Jones MP Member of Parliament, on behalf of the Secretary of State for Housing, Communities and Local Government the Rt Hon Simon Clarke MP (the 'Secretary of State'), directed that the application should be referred to the Secretary of State for determination instead of being dealt with by the Council.

- 1.7 The Secretary of State has the power to take over planning applications rather than letting the local authority decide but will normally only do this 'if the application conflicts with national policy in important ways or is nationally significant'.
- 1.8 The Secretary of State's correspondence of the 30th August 2022 does not identify any potential conflict with national policy, and does not identify any matters of potential national significance. The letter only refers to matters on which the Secretary of State particularly wishes to be informed for the purposes of his consideration of the Application. In the order raised by the Secretary of State these are: design, scale and massing of the proposal. The Secretary of State's correspondence does not refer to policies of the Framework.
- 1.9 The Secretary of State also wishes to be informed about any other matter that the Inspector considers relevant.
- 1.10 It is therefore not clear to the Applicant on what basis the Application has been called in. The Council and the Mayor did not consider that the Application raised any issues of strategic importance. They both concluded that the Development, and in particular the design, scale and massing of the proposal was in accordance with the development plan.
- 1.11 Moreover, the Application accords with all relevant development plan policies, and the development plan when read as a whole along with the emerging development plan policies which are at an advanced stage. It also accords with the Framework and represents sustainable development within the meaning of the Framework. As such, it benefits from the statutory presumption as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004 and, further to paragraph 11 c) of the Framework, it is a Development that should be granted planning permission without delay.
- 1.12 Even if the Development were considered not to accord with the development plan as a whole (which the Applicant does not consider to be the case), it is clear that any adverse impacts arising would be significantly and demonstrably outweighed by the very many significant benefits that would be delivered by the Application.
- 1.13 On the 31st October 2022, the GLA confirmed that it had reviewed the application following the Secretary of State's letter of the 30th August 2022 and considered that the Stage 1 and 2 GLA reports suffice (See **Appendix 1**).
- 1.14 Elected members of Barnet Council's Strategic Planning Committee were presented with an officer report (see **Appendix 2**) on 8th November 2022 following the decision by the Secretary of State to call the application in for his own determination. Officers recommended that the Strategic Planning Committee note the lack of material change in circumstances since the original resolution of the Committee was made in September 2021 and authorise officers to represent the Council at the Public Inquiry on the basis of the original resolution and to present evidence to the inquiry in support of the application.
- 1.15 Contrary to the officer's recommendation, members resolved to resist the application on the following grounds: -

1) *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.*

- 1.16 As no new material was presented to councillors, it is not clear to the Applicant on what basis the Council resolved to overturn its previous resolution of September 2021.
- 1.17 This Statement of Case provides an explanation of the Application in the context of policy and the surrounding area and considers the issues which may affect the determination of the application. It includes updated supporting information which the Applicant considers will assist the Inspector in the determination of the Application. It also sets out the Applicant's case for the grant of planning permission.
- 1.18 It addresses the three areas identified by the Secretary of State as matters on which he particularly wishes to be informed for the purposes of his consideration of the Application and considers other matters relevant to determination of the Application including the recent resolution of Barnet Council.
- 1.19 A Case Management Conference (the 'CMC') is scheduled for 30th November 2022 at which the appointed Inspector will identify any other matter that he considers relevant. This meeting will be held after the deadline for the submission of this Statement of Case which is the 10th November 2022.
- 1.20 It may therefore be necessary for the Applicant to add to or amend the Statement of Case after the CMC if additional matters are raised by the Inspector that are not covered within this version of the Statement of Case.

2 The Approach to Optimising Surplus Retail Warehousing and Car Parks for Housing

- 2.1 The Development is proposed by Montreaux, a mixed use and residential development company which creates inspiring residential and mixed use property across London and Southern England.
- 2.2 Montreaux was chosen by B&Q Plc, the previous owners of the Application Site, to bring forward the site for redevelopment due to their expertise and experience. B&Q plc had resolved to dispose of the site as it was surplus to their retail and operational requirements.
- 2.3 Montreaux has significant experience in bringing forward underutilised land to meet housing needs in accordance with the development plan and the Framework. Montreaux has extensive experience in delivering complex urban regeneration schemes and a link to Montreaux's website is enclosed <https://montreaux.co.uk/>.
- 2.4 The Application seeks the delivery of highly sustainable and much needed new housing on what is indisputably an underutilised retail warehouse and car park site in an urban area, on the edge of a town centre, at an ideal location adjacent to a railway station. It represents an example of exactly the sort of development that needs to be strongly encouraged to deliver pressing housing requirements in London. It does so in a very high-quality scheme in an optimum location which will provide important regeneration to that area. The Applicant is seeking to deliver significantly beneficial development now. It is imperative that important and sustainable projects of this kind are approved without delay.

National Policy

- 2.5 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 more land available for homes in the right places, by maximising the contribution from brownfield land. It addressed the particular scope for higher-density housing in urban locations that are well served by public transport (such as around many railway stations); that provide opportunities to replace low density uses (such as retail warehouse and car parks) 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. That is exactly what this Development seeks to achieve.
- 2.6 The Framework establishes clear policy objectives to optimise the use of surplus brownfield land in accessible locations and gives substantial weight and support to the well-designed development of under-utilised land and buildings where this would meet identified needs for housing and refers specifically to developing surplus retail land and car parks for housing. Again, that is exactly what this Development delivers.
- 2.7 The London-wide Strategic Housing Market Assessment ("SHMA" 2017) identified a need for a minimum of 66,000 additional homes per year for at least twenty years across the whole of

London. As a result of this need, the December 2017 draft London Plan proposed a ten year housing target for Barnet Council of 31,340 homes (2019/2020-2028/29).

- 2.8 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 from 42,000 to 65,000 homes a year as a helpful first step towards meeting London's housing needs. However, he was not convinced that the Mayor's assessment of need reflected the full extent of housing need in London to tackle affordability problems. The Secretary of State concluded that the public interest lies with ensuring that the Mayor delivers the homes that London needs, including in the short term, as quickly as possible. In accordance with paragraph 33 and Annex 1 of the NPPF, the Secretary of State stated an expectation that because all identified housing need is not met, the Plan would be revised at the earliest opportunity, and for a review to begin immediately after publication.
- 2.9 In October 2019, the London Plan Panel Inspectors reported¹ that the London Plan failed to meet, by some margin, the identified annual need of 66,000 homes due to concerns over the site capacity. The consequence of this was a reduction in the ten year housing requirement for Barnet Council of 7,700 homes down to 23,640 homes (2019/20-2028/29) to reflect reduced site capacity, rather than a reduction in housing need.
- 2.10 The Panel reported their major concern that the housing targets were so far below the assessed need, and during the examination considered whether the London Plan should be paused for further work to be done; that it did not meet the tests of soundness; and so should be withdrawn. Despite these concerns, the Panel also recognised that there would be negative effects if the Panel delayed adoption of the Plan.
- 2.11 The Panel therefore urged boroughs to use all the tools at their disposal to ensure that homes are actually built and adopted a 10 year housing target of 52,285 homes per annum on the basis that it would be higher than the existing London Plan, above the 45,505 units completed in 2016/2017, and had been informed by the Strategic Housing Land Availability Assessment (SHLAA). The Panel did not make a recommendation for early or immediate review but noted that a new plan was in any case due to be in place by 2024/2025.
- 2.12 Following receipt of the Intention to Publish version of the London Plan, on 13th March 2020, the Secretary of State noted that housing delivery in London had been deeply disappointing and over the last three years preceding housing delivery had averaged just 37,000 homes per year. The Secretary of State noted the shortfall between housing need in London and the homes that the Plan seeks to deliver.
- 2.13 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

¹ London Plan Panel Report, paragraph 174 – 178, dated 8 October 2019,

Secretary of State advised the Mayor of London that this must include actively encouraging appropriate density, including optimising new capacity above and around stations.

2.14 The Secretary of State's correspondence and directions are enclosed at **Appendix 3**. Again, this Development represents exactly such an opportunity.

London Plan

2.15 Consistent with MHCLG's own strategic objectives, the Framework, and the Secretary of State's direction, the Mayor of London has adopted development plan policies within his London Plan which promote the redevelopment of underused accessible brownfield land for housing, and in particular edge of centre retail parks and surface car parks.

2.16 These policies have been 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. This includes residential uses. 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.

2.17 The redevelopment of edge of centre retail parks and surface car parks for housing intensification is directly in accordance with Policy SD6, SD7, Policy H1 and Policy E9 of the London Plan, particularly where these have good access to public transport connections.

2.18 The London Plan allocates the Brent Cross/ Cricklewood Opportunity Area, which includes the Application Site as a location suitable for intensification under LP Policy SD1 Opportunity Areas. The Mayor recognises that Opportunity Areas will see the most significant change in London and are identified as locations that can accommodate a substantial amount of the new homes and jobs that London needs.

2.19 This Development accords with all of these objectives in the London Plan.

Barnet Development Plan

2.20 The Council's adopted development plan precedes the Framework and London Plan. It locates the Application Site within the Cricklewood, Brent Cross and West Hendon Regeneration Area, which seeks comprehensive development and is identified as a location where tall buildings may be appropriate. Regeneration Areas are identified as locations where higher density development will be encouraged. Policies for the Regeneration Area make clear the intention to harness the economic strength of Brent Cross and its strategic location to reduce deprivation in surrounding communities, particularly Cricklewood, which has been recognised for many years as being in need of regeneration.

2.21 The emerging Barnet local plan, currently subject to local examination, is consistent with the Framework and London Plan, and specifically allocates the Application Site (as Site Allocation

No.8) as a residential led mixed use development, with indicative capacity of 1,007² homes, along with retail and community uses. The site allocation, and Policy CDH04 Tall Buildings, recognise that tall buildings may be appropriate at the Application Site.

2.22 The emerging local plan also allocates the Application Site within the Cricklewood Growth Area (Policy GSS04). The area provides an opportunity for regeneration and intensification, supported by high existing PTALs and planned future transport infrastructure improvements, along with the availability of substantial under-used sites. At least 1,400 new homes are proposed in the Growth Area. The Council will support planning proposals that optimise residential density on suitable sites in this area. Site Allocation 8 comprises the largest development opportunity within the Cricklewood Growth Area and is designated for at least 70% of its housing requirement. The Application Site is a fundamental part of the future success of the Cricklewood Growth Area (Policy GSS04) (See further the Planning Policy section of the Statement at Section 7).

Montreaux

2.23 Montreaux is a market-leader in providing high quality homes – focusing on excellence in design, construction and customer care.

2.24 Montreaux specialises in the procurement of land, continuing through to the planning and development of each site. Montreaux delivers; from inception to completion and is responsible for all aspects of the development and investment cycle - from land sourcing and acquisition, securing planning, design & build, through to sales & marketing and asset management.

2.25 Montreaux builds, designs and refurbishes high quality, aspirational properties that people are proud to call home. Its prestigious developments are known for their impeccable attention to detail. Its design ethics, cutting edge technology and flexible approach add up to properties of excellence. Montreaux's ethos is to combine classic architectural values with the latest interior trends, effortlessly blending practicality and style. Montreaux strives to deliver new homes in inspiring and well-connected locations, with excellent transport links and lifestyle amenities on hand.

2.26 Montreaux works in partnership with both the public and private sectors, delivering large-scale, complex, mixed-use developments. Some examples of these are set out below.

- **Colney Hatch, Barnet** - This project has delivered 204 new homes across two new buildings up to 7 storeys - 35% affordable housing (30% Affordable Rent/70% Shared Ownership) measured by habitable rooms and a new retail supermarket up to 1,726sqm (Class A1).
- **Middlesex Business Centre, Southall** – Outline permission was secured in October 2019 for this exciting mixed-use regeneration adjacent to the new Southall Elizabeth Line station comprising up to 2,083 new homes - 38% affordable (100% Intermediate), 7,199sqm of hotel floorspace (Class C1), 2,688sqm of flexible retail floorspace (Class A1-A5) and up to 10,076sqm of office and community floorspace (Class B1, D1 and D2).

² The submission Local Plan explains at paragraph 16.2 that site capacity estimates are based on the use of a standard density matrix informed by site area and PTAL score.

The outline consent comprises seven development plots ranging from 3 to 27 storeys in height.

- **Iford Retail Park, Redbridge** - Outline permission was secured in May 2022 for the comprehensive redevelopment of the town centre site in proximity to the new Elizabeth Line station. The permission comprises the demolition of all existing buildings and construction of up to 90,041sqm of residential, retail, office, leisure, community and health floorspace (Class A1, A2, A3, B1, C3, D1 and D2). The development is indicatively shown at height up to 29 storeys permits up to 672 new homes – 35.6% affordable by habitable room (30% Affordable Rent / 70% Shared Ownership) and 3,973sqm of mixed commercial land uses alongside 8,680sqm of new floorspace to accommodate a new three-form entry primary school (Class D1).

2.27 Montreaux has a sustained and significant reputation for housing delivery in London over many years and it does so in a collaborative and engaged manner working with local authorities to achieve the best form of development on each site, creating the best places that people want to live.

2.28 In the case of the Development, the Application has been through a detailed and comprehensive design evolution process in conjunction with all relevant public sector stakeholders and the local community to secure a very high-quality and deliverable scheme. The Application is submitted in outline and is subject to the design principles controlled by the parameter plans, design code and planning conditions.

2.29 The Applicant is committed to the delivery of the Application Site and has a proven-track record of delivering new homes. The Applicant is ready to commence detailed design following the grant of planning permission and if planning permission is granted, the Development will be delivered.

3 Site and Surroundings

3.1 The Application responds directly to the significant pressure for growth, and in particular housing growth, within London by redeveloping an important, highly sustainable brownfield location which is surplus to B&Q plc's retail and operational requirements in its current arrangement. The Development will deliver high quality new homes (including affordable homes), modern new commercial floorspace, and a high-quality public realm. The proposals also directly facilitate the need for this key site to contribute to the regeneration objectives of the Cricklewood Opportunity and Growth Area and, as such, it is unsurprising to see that there is clear support for the proposals at all levels of planning policy.

The Application Site

3.2 The 2.78ha site on which the Development is proposed to take place currently comprises:

- 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 Pounstretcher and Tile Depot. The building comprises 7,990m² (GIA).
- A surface level car park comprising 470 car parking 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.

3.3 The Application Site is located within the designated London Plan Brent Cross / Cricklewood Opportunity Area and the Barnet Local Plan Brent Cross-Cricklewood Regeneration Area. The Regeneration Area Development Framework for Cricklewood, Brent Cross and West Hendon (SPG) (Adopted 2005) informs and guides regeneration in the area. The emerging Barnet Local Plan designates the site within the Cricklewood Growth Area.

3.4 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.

3.5 Cricklewood Railway Station is located immediately to the east of the Application Site and is served by the Thameslink line, which provides regular services to St Albans in the north, and Sutton, via a number of central London stations such as St Pancras, Farringdon, City Thameslink, and Blackfriars in the south. Numerous and frequent bus services exist in the

area. Bus services 16, 32, 316, 332, 266, 189 and 226 are located on Cricklewood Broadway; 460, 245 and 260 on Thorverton Road; and the C11 on Lichfield Road.

- 3.6 The Application Site is under-utilised brownfield land in a highly accessible location. The surface level tarmac car park and existing buildings on the Application Site make no contribution to the local townscape, and much of the building fabric on the site is tired. The Application Site is undoubtedly a lost opportunity in its current state. As such, the existing arrangement is underutilising a brownfield site in a highly sustainable location adjacent to a town centre and transport networks.
- 3.7 The Application site is directly referenced in the Regeneration Area Development Framework for Brent Cross Cricklewood and West Hendon, 2005 (the Regeneration Framework). The text explains, in relation to Cricklewood town centre: *“The High Street has little aesthetic quality as the majority of shops are currently in poor physical condition. The buildings along the High Street are mainly three to four storeys high, with small shop fronts at ground level and offices and flats above. 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.”*
- 3.8 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.
- 3.9 The Application Site lies to the southeast of the Cricklewood Railway Terraces Conservation Area, which contains seven locally listed buildings and allotment gardens. The Brondesbury Conservation Area in the London Borough of Brent is located c.375m to the south. The Grade II Crown Public House and Three Lamp Standards are located c.125m to the south of the Application Site, and the Grade II Milestone is sited outside No.3 and No.4 Gratton Terrace 100m to the north west. The Locally Listed Cricklewood Tavern (No.75 Cricklewood Lane) is located c.610m to the east of the site. Hamstead Cemetery, a registered park and garden is located c.800m to the southeast of the site.
- 3.10 The Development will have no material harmful effect on any of these heritage assets.

The Surroundings

- 3.11 Directly to the south of the Application Site fronting Cricklewood Lane is an area of green space known as Cricklewood Green. Cricklewood Green is identified on a plan at **Appendix 4**. The area was registered as an Asset of Community Value (ACV) by the Council on 22nd November 2017 for a period of 5 years. Land may be designated as an asset of community value (ACV) if its main use is, or recently has been, to further the social wellbeing or social interests of the local community and if it could do so in the future. Designation as an ACV prevents the asset owner from selling the asset, for up to 5 years, without the nominating group being given the chance to bid for it. The asset is owned by the Council.
- 3.12 To the north of the site boundary is surface car parking, and a builders merchant with hardstanding bulk storage. To the west of the site is 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).

- 3.13 To the southwest are two proposed development plots. 194-196 Cricklewood Broadway benefits from an implemented planning permission ref: 17/0233/FUL dated 10th January 2018 for a 6 storey building comprising 3,457sqm of Class A1 use (foodstore) at ground floor level and 96³ no. self-contained flats (Class C3) above including basement car parking. This plot fronts both Cricklewood Broadway and Depot Approach. The second plot, 1- 3 Cricklewood Lane benefits from planning permission ref: 18/6353/FUL, dated 29 June 2021 for the erection of three blocks ranging from 6 to 9 storeys with flexible uses (Class A1-A4 & D1) at ground and basement level and 145 residential units (Class C3) on upper floor. This plot sits behind a row of period buildings fronting Cricklewood Broadway. Both plots sit on the western boundary of the Application Site.
- 3.14 The sites referenced to in paragraph 3.12 above are designated within the Brent Cross Cricklewood Opportunity Area, the adopted Local Plan Cricklewood, Brent Cross and West Hendon Regeneration Area, and the emerging Local Plan Cricklewood Growth Area. Beacon Bingo Cricklewood (200 Cricklewood Broadway, Cricklewood, NW2 3DU), west of the Application Site, to the north of Depot Approach fronting Cricklewood Broadway comprises the only other site allocation in the emerging local plan, known as Site 7, allocated for mixed use residential intensification with an indicative capacity for 132 homes.
- 3.15 To the east of the eastern boundary of the Application Site are the railway lines and passenger platforms that serve Cricklewood Station. The railway lines range from 45m to 55m in width creating a significant physical buffer to the residential land to the east of the site.
- 3.16 Cricklewood Town Centre lies to the southwest of the Application Site. It is a busy urban neighbourhood. The designated primary shopping frontage extends 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). 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. The Council considers that protecting shops in these frontages will help to maintain the vitality and viability of the district town centres.
- 3.17 The Application Site's immediate area has been subject to significant change in recent years – reflecting the wider development plan policy objectives for growth and site optimisation. Higher-density, residential-led proposals have been granted planning permission adjacent to the Application Site. The Applicant has carefully considered this emerging context, in seeking to complement the changing character and regeneration of the growth area as whole, represents a significant opportunity for good growth and site optimisation.
- 3.18 The surrounding area has a wide range of day-to-day facilities, including health, education, leisure and retail facilities, that can be easily accessed from the site by foot or cycle.

³ Subject to a s.96A NMA approval resulting in one additional home (19/5339/NMA)

3.19 The nature of the surrounding built environment will be presented in evidence and the local context and its established pattern of development.

4 The Development

- 4.1 The Application responds directly to the urgent need for redevelopment of the Application Site and for new homes in London. It represents the culmination of a long period of application consultation with the Council since 2019, as well as engagement with local communities and amenity groups including the Railway Terraces Residents' Community Association, local business associations, Councillors and other key stakeholders, including the GLA.
- 4.2 As required by planning policy, the Development makes effective use of land by promoting the development of under-utilised land and buildings to help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively. The Development replaces tired retail warehouses and a surface level car park with modern, flexible commercial floorspace within a scheme that is designed to provide the highest architectural and urban design quality. The design quality inherent in the outline planning application is secured by parameter plans, a design code and planning conditions which will also ensure that future applications for reserved matters also meet these high standards. An illustrative design for the development is presented offering an example of how the development could come forward at reserved matters stage.
- 4.3 The Applicant proposed 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+ year olds will be distributed across the site to meet on site requirements.
- 4.4 The Development contributes to alleviating the pressing need for more market and affordable housing both in London generally, and in the Council's area in particular, by providing up to 1,049 new residential homes on the Application Site. Of the homes provided, 35% (by habitable room) will be genuinely affordable. Of these affordable homes, 30% will be London Affordable Rent Homes; and 70% will be intermediate homes (Shared Ownership, Discount Market Rent, or London Living Rent) compliant with the Mayor's Fast Track Route of the threshold approach to affordable housing.
- 4.5 The proposed residential homes comprise a diverse range and mix of housing types appropriate for this location all of which meet relevant policy standards and would provide a high standard of amenity.
- 4.6 New commercial floorspace is proposed comprising 1,200m² (GIA) of flexible space to activate the ground floor and new pedestrian routes through the site space – to be used for purposes within the Use Classes A3 (Restaurants and cafés), B1 (Business), D1 (Non-residential institutions) or D2 (Assembly and leisure) to the frontage of Development Parcel A (southern), B (southern and eastern) and D (south facing) to help animate the space and deliver more modern commercial floorspace for Cricklewood Town Centre around Cricklewood Station. The siting of new commercial units within the Development will make an important contribution to the enhancement of quality public space, particularly in and around Cricklewood Green.

- 4.7 Other public benefits comprise securing the affordable housing provision in perpetuity completed in accordance with the London Housing Design Standards, an appropriate early stage review mechanism to secure additional on-site affordable housing; a Residential Travel Plan and a contribution per home for active travel, public transport, and car club incentives; contributions to bus improvements; Section 278 works, including footway improvements to Cricklewood Station; safeguarding of land for potential future connection to Cricklewood Station; Cricklewood Green public realm improvements; and improvements to the underside of Cricklewood Lane Railway Bridge; and the provision of a healthcare facility.
- 4.8 The Applicant has adopted a design-led approach to the redevelopment of the Application Site. That approach responds to the site-specific constraints and opportunities and delivers a composition of development parcels, within which individual building plots have been identified, designed indicatively, but subject to development parameters and a robust design code that will ensure a coherent development, with elegantly proportioned taller buildings. The Development will provide very positive additions to the skyline that will enhance the overall character of the area and act as a marker or way finder for Cricklewood town centre and rail station.
- 4.9 The Application’s relationship with its townscape and heritage context has been carefully developed, including by testing across 22 views from the surrounding area. The transition in scale of the linear arrangement in form from the north of the Application Site to south, with lower buildings along Cricklewood Lane, responds to local heritage assets including the Railway Terraces Conservation Area to the north, and the more domestic scaled buildings to the south. Within the immediate townscape context, the Development will enhance the character and setting of local conservation areas.
- 4.10 The design, scale and mass of the Development has responded to pre- and post application consultation and review and has been informed by stakeholder feedback. Whilst maintaining the principles of the masterplan (building footprint; access; permeability) the design, scale and mass of the Development has evolved since 2019. The original development parcels have evolved and are now presented with greater detail, with specific building plots and heights defined.
- 4.11 In July and then August 2021 the tallest element of the Development, previously 141.675m AOD (equivalent of 25 storeys) at Building Plot A1, was significantly reduced to 104.775m AOD (indicatively equivalent to 13 storeys, a reduction of 12 storeys) lowering building heights along Cricklewood Lane, and adjacent to the new public square and Cricklewood Green in a respectful manner. The significant reduction in height also responds to stakeholder comments and concerns from the Council’s officers about visual impacts from View 6 and 7, and the feedback from the Council’s Heritage and Conservation officer.
- 4.12 Building A2 now comprises the tallest element of the Development at 119.050m AOD (equivalent to 18 storeys), albeit this was originally proposed to be taller in the original, higher iteration of the application “the Original Scheme”⁴ at 141.675m AOD (indicatively 25 storeys).

⁴ Parameter Plan Development Heights 10965 XX DR TP-0104 P1 (31st July 2021)

The building creates a legible built form marking the key point of regeneration adjacent to Cricklewood Railway Station, the new public square and Cricklewood Green.

- 4.13 The creation of new public realm along Cricklewood Lane, Depot Approach and through the site will substantially enhance the existing street network and respond to pedestrian desire lines in this location associated with Cricklewood Station.
- 4.14 In determining that the Application Site is suitable for restricted car parking space, all 105 spaces will be of a size suitable for disabled drivers; 3% (32) will be allocated for disabled drivers from the outset with the residual 7% (73) available as standard spaces with the ability to be demarcated as parking for disabled residents in the future if demand exceeds the initial 3%. Consideration has been given to the excellent accessibility of the site by public transport and the wide range of facilities catering for day to day needs of residents within walking and cycling distance.

5 Consultation and Consideration of the Application

- 5.1 Following the appointment of Montreaux as a development partner by B&Q plc, the Applicant undertook extensive consultation with Barnet Council, the Mayor of London and local stakeholders having entered into a Planning Performance Agreement.
- 5.2 To ensure an exemplar design process, the Applicant appointed EPR as architects for the project. EPR is an international award winning practice with particular experience in achieving well-designed places in London. A link to EPR's website is enclosed <https://www.epr.co.uk/>.
- 5.3 The following dates summarise the various stages of consultation prior to the submission of the Planning Application:
- 24th May 2019: Pre-application meeting with officers of Barnet Council.
 - 25th June 2019: Pre-application meeting with officers of Barnet Council.
 - 16th August 2019: Pre-application meeting with Barnet Council.
 - 18th September 2019: Briefing to councillors of Barnet Council.
 - 3rd October 2019: Meeting with The Railway Terraces Residents' Community Association.
 - 11th November 2019: Meeting with Cricklewood Business Association.
 - 14th November 2019: Pre-application meeting with officers of the GLA.
 - 12th December 2019: Pre-application meeting with officers of Barnet Council.
 - 8th January 2020: Meeting with Cricklewood Town Team.
 - 8th January 2020: Meeting with Cricklewood Community Forum.
 - 10th January 2020: Meeting with NorthWestTWO Residents' Association.
 - 21st January 2020: Meeting with Cricklewood Groves Residents' Association.
 - 23rd January 2020: Meeting with Fordwych Residents' Association.
 - 29th January 2020: Meeting with The Railway Terraces Residents' Community Association.
 - 2nd and 3rd February 2020: Formal two-day drop-in public consultation held at Ashford Place, attended by 143 local people.
 - 22th June 2020: Meeting with officers of Barnet Council.
 - 13th July 2020: Meeting with Councillor Peter Zinkin, Councillor Shimon Ryde, Service Director of Planning and Building Control at LBB and Planning Manager at LBB.
 - 17th July 2020 Meeting with NorthWestTWO Residents' Association, Councillor Anne Clarke, Councillor Lia Colacicco and Councillor Arjun Mittra on behalf of the GLA Assembly Member for Camden and Barnet.

5.4 Following evolution of the Development, and the very significant extent of design consultation and public consultation undertaken, the Original Scheme was submitted for determination on 31st July 2020. The relevant stages of determination by the Council and GLA are summarised below with a round of further consultation with stakeholders held following the submission of the Application. Changes were made to the proposals in consequence of feedback received.

- 31st July 2020: The Application was submitted to the Council.
- 19th August 2020: The Application was validated.
- August 2020: The Council undertook its first public consultation exercise.
- 9th November 2020: The Mayor of London published his Stage 1 response having considered his officers Stage 1 Report.
- 9th November 2020: An Urban Greening Factor score, produced by Exterior, was submitted to the Council.
- 29th January 2021: A Stage 2 Fire Strategy, produced by Elementa, was submitted to the Council.
- March 2021: A Transport Assessment, produced by Entran Ltd, was submitted to the Council.
- May 2021: A Traffic Impact Assessment Note 5, produced by Entran, was submitted to the Council.
- May 2021: An independent Townscape Overview assessment, produced by CityDesigner, was submitted to the Council. This assessed an illustrative scheme and a wire line scheme in 22 viewpoints around the site.
- May 2021: The Council undertook its second public consultation exercise.
- July 2021: Revisions to the Application were considered (maximum heights reduced from 25 to 19 storeys).
- July 2021: The Council undertook its third public consultation exercise.
- August 2021: A Revised Design Guide (12th August 2021); Revised Parameter Plan Illustrative Heights (P4); and EIA Statement of Conformity (16th August 2021) were submitted reducing the number of homes to 1,049, and a maximum building height of 18 storeys.
- August 2021: The Council undertook its fourth public consultation exercise.
- 9th September 2021: The Planning Committee considered the Council officer's report to the Planning Committee which recommended approval. The Planning Committee resolved to grant planning permission.
- 25 March 2022: A Direction made under article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015
- 28th March 2022: The Mayor of London published his Stage 2 response having considered his officers Stage 2 Report with the draft planning obligation attached. The Mayor resolved to allow the local planning authority to determine the case itself.

5.5 The development which received a resolution to grant planning permission by Barnet Council and the Mayor of London is referred to as the 'Application Scheme'.

- 5.6 As can be seen above, the design evolved during post-application submission discussions. The principal strategic adjustments following comments raised are summarised and set out below. These include a revision to the maximum heights parameter plan, which originally proposed a single maximum building height for each development plot. Instead, individual building plots were created and heights were defined for each development building plot as a result of the Stage 1 response form the Mayor of London. The maximum building heights proposed for the building plots were reduced in July and August 2021.
- 5.7 The amendments to the Original Scheme, now reflected in the Application Scheme are summarised at Table 1 below.

Table 1 - Summary of Original Scheme and Application Scheme

	The Original Scheme, July 2020	The Application Scheme ⁵
Total number of residential homes	up to 1,100	up to 1,049
Residential parking provision	110 spaces	105 spaces
Affordable housing	35% by habitable room, of which 30% low cost rent (Affordable Rent levels of 65% of market value) and 70% intermediate	35% by habitable room, of which 30% is London Affordable Rent and 70% intermediate (Shared Ownership, Discount Market Rent, or London Living Rent).
Development Parcel A – maximum height	+141.675 m AOD, indicative height 25 storeys	<ul style="list-style-type: none"> ▪ A1 +104.775m AOD, indicative height 13 storeys ▪ A1/A2 Link +95.050m AOD, indicative height 11 storeys ▪ A2 +119.050m AOD, indicative height 18 storeys ▪ A3 +99.700m AOD, indicative height 12 storeys ▪ A4 +80.350m AOD, indicative height 6 storeys ▪ Podium +61.600m AOD, indicative height 1 storeys
Development Parcel B – maximum height	+100.300 m AOD, indicative height 12 storeys	<ul style="list-style-type: none"> ▪ B1 +90.475m AOD, indicative height 9 storeys ▪ B1 Shoulder +79.375m AOD, indicative height 6 storeys

⁵ As determined by Barnet Council in September 2021 & November 2022; and the Mayor of London in March 2022

		<ul style="list-style-type: none"> ▪ B1/B2 Link +76.000m AOD, indicative height 5 storeys ▪ B2 +93.850m AOD, indicative height 10 storeys ▪ B2 Shoulder +85.825m AOD, indicative height 8 storeys ▪ B2/B3 Link +76.000m AOD, indicative height 5 storeys ▪ B3 +100.300m AOD, indicative height 12 storeys ▪ B3 Shoulder +89.200m AOD, indicative height 9 storeys ▪ Podium B(A) +61.600m AOD, indicative height 1 storey ▪ Podium B(B) +61.600m AOD, indicative height 1 storey
Development Parcel C – maximum height	+119.850 m AOD, indicative height 18 storeys	<ul style="list-style-type: none"> ▪ C1 +96.825m AOD, indicative height 11 storeys ▪ C2 +116.475m AOD, indicative height 17 storeys ▪ C2/C3 Link +92.175m AOD, indicative height 10 storeys ▪ C3 +113.100m AOD, indicative height 16 storeys ▪ C4 +100.200m AOD, indicative height 12 storeys ▪ Podium C +62.100m AOD, indicative height 1 storey
Development Parcel D – maximum height	+113.900 m AOD, indicative height 16 storeys	<ul style="list-style-type: none"> ▪ D1 +113.900m AOD, indicative height 16 storeys ▪ D1/D2 Link +89.900m AOD, indicative height 9 storeys ▪ D2 +110.525m AOD, indicative height 15 storeys ▪ D3 +81.650m AOD, indicative height 6 storeys, with a 3 storey element ▪ Podium D +62.600m AOD, indicative height 1 storey

5.8 For reference, enclosed as **Appendix 5** is a new drawing by EPR Reference 10965-EPR-XX-DR-SK-0107 Building Plot Heights Diagram November 2022 (For Illustrative Purposes). This

drawing shows the development parcels; the building plot references, the maximum building heights in meters AOD; and the illustrative maximum building storey heights. It has been produced for ease of reference and to provide a clear explanation of the Application Scheme.

5.9 The housing mix and tenure presented indicatively is shown at Table 2 below.

Table 2 - Application Scheme Indicative Housing Mix and Tenure

	London Affordable Rent (LAR)	Intermediate (shared ownership/DMR/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	296	667	1049

GLA Stage 1 Report

5.10 When the Mayor of London issued his Stage 1 Report to the Council on the 9 November 2020, he advised that the principle of development is strongly supported. A number of strategic issues were raised, and these are summarised below:

- **Principle of development:** The development of this well-connected, under-utilised site within an opportunity area and town centre location for residential-led uses is strongly supported.
- **Affordable housing:** The 35% affordable housing offer (by habitable room), is welcomed; however, the tenure of 30% affordable rent and 70% intermediate does not meet the Council's specified tenure mix; affordable rent units at 65% of market rent and all of the Build to Rent Discount Market Rent units at 80% of market rents do not meet affordability requirements.
- **Urban design and historic environment:** The proposals would be a step-change in scale when viewed from the prevailing Victorian/Edwardian surrounding streets; however, the heights proposed are broadly in line with planning policy in this highly accessible town centre and Opportunity Area location. The visual, functional, environmental, and cumulative impacts have been rigorously assessed and are acceptable. The size of the site provides an exceptional opportunity for high-density housing delivery, with tall buildings that do not unacceptably impact the surroundings. The illustrative scheme demonstrates that an appropriate design quality could be achieved, with no harm to the significance of heritage assets.

- **Transport:** The site is highly accessible with very good public transport access, and will result in a significant reduction in vehicle trips, which will benefit the adjoining road network. The proposal is supported.

5.11 At that stage, the Mayor of London advised that the Application did not yet fully comply with the London Plan and the Mayor's intention to publish London Plan. However, he identified that the resolution of four issues could lead to the Application becoming compliant with the London Plan and Mayor's intention to publish the London Plan. The issues are summarised below:

- **Affordable housing:** Assessment of the Financial Viability Assessment was ongoing.
- **Urban design and historic environment:** Amendment of the Development Heights Parameter Plan, which did not give sufficient control over building heights. Example floor plans should also be provided and an outline fire statement.
- **Transport:** Further information was required on bus service impacts; active travel zone assessment; cycle parking; walking/cycling and public realm improvements; and step-free access to Cricklewood Station. Planning conditions and obligations were also required.
- **Climate change and environment:** Further information was required on energy, the circular economy, water-related matters, and urban greening.

5.12 These four issues were subsequently resolved as explained below.

Affordable Housing

5.13 The Council's independent assessor of affordable housing and viability, BNPP, entered into discussions with the GLA and the Applicant's consultant on financial viability, Montague Evans. BNPP issued three reports on 21st January 2021; 29th March 2021; and 11th May 2021, taking into account the GLA's representation of the 11th February 2021. BNPP concluded on the 11th May 2021 that the Application Scheme represented the maximum reasonable level of affordable housing.

Urban Design and Historic Environment

5.14 A Stage 2 Fire Strategy prepared by Elementa was submitted on 29th January 2021 and demonstrated compliance with Building Regulation guidance BS991.

5.15 The parameter plan detailing maximum building heights was revised to define specific building plots and maximum heights for those blocks in July 2021 (10965-EPR-XX-XX-DR-A-TP-0106 Rev P3), and then again in August 2021 Illustrative Height Parameter Plan 2021 reference 10965-EPR-XX-XX-DR-A-TP-0106 Rev P4.

Transport

5.16 An updated Transport Assessment prepared by Entran was submitted in support of the Application in April 2021, which considered the local transport network including the road network, bus provision, pedestrian and cycle facilities and rail station locations.

5.17 A Traffic Impact Assessment Technical Note 5 prepared by Entran was submitted in May 2021 as an update to the multi-modal vehicle trips assessment.

Climate change and environment

- 5.18 In November 2020 an Urban Greening Factor assessment (prepared by Exterior Architecture), and GLA Energy Memo and Early State Overheating Risk Tool (prepared by Meinhardt) were submitted in support of the application.
- 5.19 All other climate change and environmental details are proposed to be secured by planning condition.

Officer Report to the Council's Planning Committee, 9th September 2021

5.20 In resolving to grant planning permission for the Development, the Council agreed with the assessment of its officer on all key planning issues. The officer's assessment was set out in detail in the report to the Council's Planning Committee dated 9th September 2021. The key points contained in that assessment are set out below:

- **Retail and Commercial Use:** Policy CS6 and DM11 of the Local Plan seek to protect and enhance Barnet's town centres. The application site lies on the edge of the designated town centre and as such there is no policy prerogative for protection of retail floorspace in this location and no in principle objection in this regard. The 1,200m² of commercial floorspace proposed is considered to be appropriate, serving the needs of the development population and supporting the vitality of Cricklewood Green; the new public square; and commercial units opposite within the designated Cricklewood Town Centre Secondary Retail Frontage.
- **Residential Use:** The application site is located within the Brent Cross/ Cricklewood Opportunity Area and Brent Cross/ Cricklewood Regeneration Area. This site represents a highly sustainable, brownfield site. Given the location and designation of the site, there is strong policy support for the optimisation of the site for housing delivery. London Plan Policy GG2 'Making the best use of land' seeks to enable the development of brownfield land and sets out that sites which are well-connected by existing rail stations should be prioritised. Policy H1 also supports housing delivery on brownfield sites, especially those with PTAL ratings of 3-6 or those located within 800m of a station or town centre boundary. Policy CS1 plans to concentrate and consolidate housing and economic growth in well located areas specifically promoting the west side of the Borough including at Brent Cross – Cricklewood. The emerging local plan has identified the site as being capable of delivering 1007 homes, the proposed development proposes an uplift of only 4%. These homes form an important part of the Council's projected 15-year Housing Trajectory. The housing delivery should thus be given significant weight in the wider planning balance exercise.
- **Residential Standards and Living Quality:** Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02, DM03 and DM08 as well as the Barnet Sustainable Design and Construction SPD, Residential Design Guidance SPD; and London Plan Policy S4 and Table 3.1 seek a high quality built environment. Whilst the final housing mix and internal layouts 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 and achieve the requisite minimum housing standards set out at London Plan Table 3.1. 10% of the residential units would

be provided as wheelchair adaptable in line with the London Plan (Policy D7). The Application Scheme proposes that all homes will have access to private amenity space in the form of private balconies either recessed or projecting but all achieving the requisite space standard of Barnet's Sustainable Design and Construction SPD Table 2.3. All residents will benefit from access to areas of shared communal amenity space along with areas of landscaped public open; and the play requirements, based on the illustrative housing mix will be met on site.

- **Provision of new homes, in particular affordable homes:** Barnet Core Strategy Policy CS4 seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings. Policy H5 of the London Plan sets out a threshold approach to applications and states that a minimum of 35 per cent affordable housing should be provided on site. Schemes can benefit from the fast track route (whereby no financial viability appraisal is required) if a minimum of 35% affordable housing is provided which meets the boroughs prescribed tenure split which is 60% rented and 40% intermediate. As this tenure split was not proposed the application was subject to viability scrutiny by the Council's appointed consultants. Following review, the tenure of the affordable housing proposal was revised to 30% London Affordable Rent and 70% intermediate, which whilst showing a marginal deficit is fully justified by the viability evidence and is supported by the Council's appointed advisors. The provision of 35% affordable housing, including (illustratively) over 100 LAR homes (note: the correct figure is 86 homes illustratively) 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.
- **Principle of Tall Buildings:** The Barnet Local Plan defines a tall building as one which is 8 storeys or above, all building plots will be tall. London Plan Policy D9 (Tall Buildings) states that tall buildings should only be developed in locations that are identified in Development Plans. Core Strategy Policy CS5 of the Barnet Core Strategy identifies those areas of the borough where tall buildings will be suitable. The site is located within the Brent Cross Cricklewood Regeneration Area which is identified as being suitable for tall buildings. Given the compliance with Policy CS5 and D9, officers consider that the overarching principle of tall buildings in this location is acceptable.
- **Assessment of Tall Buildings:** It is necessary to carry out an assessment under Policy DM05 of the Local Plan which identifies 5 criteria which tall buildings would adhere to. An active street frontage; successful integration into the urban fabric; a regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline; not cause harm to heritage assets and their setting; and that the potential microclimate effect does not adversely affect existing levels of comfort in the public realm.
- **Active Frontages:** Whilst layout and design are reserved matters, outline details set out that residential core entrances would be located on the elevations facing the central public open space whilst flexible use commercial and community uses would be located on the elevations of Blocks A and B facing the new public square and Cricklewood Green.
- **Integration into the urban fabric:** In considering View 1, 2, 3, 4, 5, 6, 7, 9, 11 and 12; and View B, C, D and E officers considered that there are instances of adverse impacts,

most notably in Views 6 and 7 even with the reduced height⁶. Notwithstanding these views where major adverse impacts are identified, officers must take a view of the scheme in the whole and in the context of the strategic policy designations for the site. The site is identified as being suitable for tall buildings and as an area for intensification under its designation as a Regeneration Area/Opportunity Area. In this context and particularly in views 6 and 7, development of any scale which sought to align with these strategic objectives would represent a significant magnitude of change given the existing state of the application site and the low rise nature of the residential areas to the south. It is therefore largely inexorable that delivering a high-density scheme which delivered on the strategic objectives would result in harm in views from the south of the site. Officers have taken a holistic view of the townscape (excluding heritage assets) impact. Given the limited viewpoints from where major adverse impacts are identified, it is considered that taken as a whole, the development would result in less than substantial townscape harm which will be taken into account in the wider planning balance.

- **Local Viewing Corridors:** View 17 represents the London View Management Framework View 5A.2 which is taken from Greenwich Park adjacent to the General Wolfe Statue. The cumulative view shows that the development would not be readily perceptible in the view and as such there would be a negligible impact.
- **Heritage Assets:** In considering View 8, 10, 13, 14, 15, and 16; and View A the officer referred to the comments raised by the Council's Heritage and Conservation officer who identifies that in all of the assessed views (View 13, 14, 15, and 16) from the Railway Terraces Cricklewood Conservation Area, the development would be overly dominant and create a visual disparity in scale. The Council's Heritage and Conservation officer considered that the chimneys which make a positive contribution to the historic streetscape within the CA will disappear into the mass of the new development behind which adversely affects their significance in their contribution to the CA. With regards View 8 of the Crown Public House (Grade II listed) on Cricklewood Broadway, the height of the proposed main tower (Block A⁷) would be clearly visible in views from the public realm looking north, in the backdrop of the asset whilst another smaller block would be then be seen to "fill in" the existing space between the pub and its neighbour to the north. Whilst no actual harm may be done to the heritage asset itself, its significance within the streetscape and Cricklewood Town Centre would be diminished by the visual intrusiveness of the proposal. In this case, it is also concluded that this would constitute less than substantial harm. The HTVIA considers the impact on the assets at Church of St Gabriel (Grade II), Church of St Michael (Grade II), Hampstead Cemetery Mortuary Chapels, Monuments and Tombs (Grade II) and Mapesbury Conservation Area (LB Brent). In all cases, the impacts are considered to be negligible and no objection is raised to the impact on their setting by conservation officers. In balancing the views of the

⁶ At this point in time, the officer did not have the benefit of an up-to-date HTVIA assessment of the Application Scheme; or updated wirelines of the Application Scheme; or an updated Illustrative Application Scheme. The Council's Heritage and Conservation officer provided comments (set out at Page 36 of the Officer Report to Committee) on the Original Scheme wire lines, not the Application Scheme "It is interesting to note, looking through the applicant's Built Heritage, Townscape and Visual Impact Assessment (HTVIA), that the proposed development is merely outlined with a blue line, rather than fully blocked out, which would be a fairer representation of the impact of the development in views." The heritage officer updated his comments on 12th July 2021 following a reduction in height but made no substantive changes to his original comments, and still made reference to the Original Scheme HTVIA wirelines.

⁷ These comments relate to the Original Scheme.

Conservation Officer, the Council's planning officer confirmed that it is necessary to understand the policy context. The less than substantial harm needs to be balanced against the public benefits of the scheme. Most significant of these is the delivery of 1049 homes, 35% of which would be affordable. This must be afforded significant weight in any balancing exercise. Further public benefit is derived from the delivery of substantial new public realm, a new town square and enhancements to Cricklewood Green in an area lacking in open space. Officers consider that the cumulative weight of the public benefits, in particular the delivery of a significant number of affordable houses, outweighs the less than substantial harm identified by Conservation officers.

- **Microclimate effects:** A comprehensive assessment of baseline (existing) and likely pedestrian level wind conditions upon completion of the development was undertaken, based on wind tunnel testing of a physical scale model and the industry standard Lawson Comfort Criteria. The methodology and the scope of the assessment are considered to be acceptable by officers. Testing of the parameter plans demonstrates that post development (of the Original Scheme), the comfort criteria will be suitable for sitting and strolling in the worst-case scenario. There are some instances of strolling, walking and uncomfortable readings to the front of Development Parcel A, between A and C and C and D. The officer recognises that mitigation measures could improve likely wind conditions. Given the outline nature of the scheme and the lack of fixed detail on layout and landscaping, and the fact that the detailed design of the building will affect aerodynamics, the officer concluded that these details will be secured at reserved matters stage.
- **Design Guide:** Officers note that this document is provided as a secondary control document, with the aim to inform the detail design development of future RMAs so that a sense of coherence and continuity in design can be ensured. The DGD sets out fundamental principles to which the future RMA detail would adhere, including complementary variation in brick tones for individual development parcels and subtle variation in brick tone within individual parcels. In terms of materiality, the document state that RMA proposals should be of exemplary design, with the palette of materials limited to ensure a coherent architectural language. It is also state that the primary building material should be brickwork. Officers consider that the DGD provides a good basis for the design of the scheme to evolve and be fixed at RMA stage.

5.21 Taking the development plan as a whole, Council officers considered that the benefits of the scheme are considered to outweigh the harm. Officers consider that, when taken as a whole, the application is consistent with the development plan.

5.22 Officers proposed 24 planning conditions, and section 106 legal agreement heads of terms including the following matters:

- Affordable Housing - 35% affordable housing (by habitable room), split 30% London Affordable Rent, 70% intermediate (shared ownership, Discount Market Rent, or London Living Rent) and early stage review mechanism (definitions and Schedule 5)
- Affordable Housing Standards - the Owner shall complete the Affordable Housing Units in accordance with the London Housing Design Standards. The Mayor's design standards are expected to be adopted at the end of 2022; including the 2 stair per core proposal. Will the current proposal meet these standards?

- Residential Travel Plan - £312,000 (maximum) contribution for £300 per home for active travel, public transport, and car club incentives; £40,000 contribution to Travel Plan monitoring (definitions and Schedule 4 and 6);
- Bus contribution - £100,000 contributions to improved bus services.
- CPZ - £42,000 contribution to CPZ measures.
- School safety - £15,000 contribution towards a school safety feasibility study.
- Local Employment Agreement (apprentices, work experience.).
- Section 278 works, including footway improvements to Cricklewood Station.
- Cricklewood Station - Safeguarding of land for potential future connection to Cricklewood Station.
- Cricklewood Green public realm improvements.
- Improvements to the underside of Cricklewood Lane Railway Bridge.
- A carbon offset contribution based on an updated energy report prior to occupation, based on £95 per tonne of carbon over 30 years, and energy monitoring.
- Provision of a healthcare facility in Development Parcel A.

5.23 Officers recommended that members of the Barnet Planning Committee should approve the Application subject to a Stage II referral to the Mayor, planning conditions and completion of a Section 106 Agreement.

GLA Stage 2 Report

5.24 Within the GLA officers Stage 2 report to the Mayor of London, officers recommended that the Mayor approves the Application. The reasons given for this are summarised below:

- **Land use principles:** The residential-led uses proposed on this well-connected, under-utilised site, including large areas of surface-level retail car parking, within an Opportunity Area and adjacent to a town centre is strongly supported (London Plan Policies S1 and S2).
- **Affordable housing:** 35% (habitable room) made up of 30% London Affordable Rent, and 70% intermediate (shared ownership, Discount Market Rent, or London Living Rent). Affordability is secured in line with London Plan policies and the application meets the requirements of the fast track viability route, with an early stage viability review secured (London Plan Policy H6).
- **Urban design and historic environment:** The proposals, with amendments to reduce building heights to a maximum of 18 storeys, are supported. The size of the site provides an exceptional opportunity for high-density housing delivery in a location identified as appropriate for tall buildings, subject to assessment. The illustrative scheme demonstrates that an appropriate design quality could be achieved through reserved matters, with no harm to the significance of heritage assets. The proposals are supported in accordance with London Plan Policy D9.
- **Fire:** An updated outline fire statement was subsequently provided and meets the requirements of London Plan Policies D5 and D12. A full fire statement is secured by condition prior to commencement.

- **Transport:** The site is highly accessible with very good public transport access. The proposals will result in a significant reduction in vehicle trips, which will benefit the adjoining road network. Transport matters have been acceptably resolved, including a £100,000 contribution towards local bus services. These mitigations, alongside planning conditions and obligations for the provision of cycle parking, Delivery and Servicing Management Plan, Car Parking Management Plan, and Construction Management and Logistics Plan are sufficient to address transport issues raised at consultation stage.
- **Climate change and environment:** The proposals are in accordance with London Plan policies.

5.25 Officers of the GLA concluded that, the strategic issues raised at consultation stage with respect to the town centres, opportunity areas, housing, affordable housing, urban design, historic environment, inclusive design, transport, and climate change had been addressed and having regard to the details of the application, the matters set out in the committee report and the Council's draft decision, the application is acceptable in strategic planning terms, and there are no sound planning reasons for the Mayor to intervene in this case. It was therefore recommended that Barnet Council is advised to determine the case itself, subject to any action that the Secretary of State may take.

Officer Report to the Council's Planning Committee, 8th November 2022

5.26 Following call-in by the Secretary of State, officers of Barnet Council sought direction from members 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 of the Committee was made in September 2021 and sought authorisation 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.

5.27 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 NPPF, 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 2⁸, 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.

5.28 Despite the recommendation and the previous resolution of the Council, members resolve to oppose the application on the basis of the reason set out at paragraph 1.15 of this Statement of Case.

⁸ The legal advice presented to the Planning Committee comprised an Exempt Item and is not publicly available.

6 Application Structure

- 6.1 The Application is submitted in outline, one of two formats of planning application available to an applicant under the Town and Country Planning (Development Management Procedure) (England) (Order) 2015 ('DMPO').
- 6.2 Outline planning applications have a valid role in the English planning system and serve a clear purpose. 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.
- 6.3 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).

Use and Amount

- 6.4 The DMPO and NPPG requires information about the proposed use or uses, and the amount of development proposed for each use, to allow consideration of an application for outline planning permission.
- 6.5 Amount is defined by the Application description of development, and use, the parameter plans and Design Code.

Reserved Matters

- 6.6 Outline applications are granted subject to a condition requiring the subsequent approval of one or more reserved matters by the local planning authority.
- 6.7 In accordance with the DMPO definitions, the following matters can be 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.

Access: the accessibility to and within the Site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.

- 6.8 The Application reserves the 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 at the Council's planning committee. The reserved matters applications will be subject to their own detailed design analysis and scrutiny.
- 6.9 Access is not reserved for this Application and is to be controlled by condition and drawing SK401.

Additional Material to Achieve Well Designed Places

- 6.10 Whilst not a requirement of the DMPO, the Applicant commissioned additional design material to provide an explanation of the design vision for the site, and how it will be a well-designed place.
- 6.11 This information secures high quality design at the outline stage, adding an additional layer of design interrogation and assessment. It also directly informs the future applications for reserved matters in respect of appearance, landscaping, layout, and scale submitted to the Council for approval.

The Design Code

- 6.12 The Original Scheme was submitted with a document called Design Guidelines and Condition 1 of the officers report to committee requires the permitted development to be carried out in accordance with the Design Guidelines, dated July 2020 and updated July 2021. The final version of the Design Guide submitted is the '*Design Guidelines B&Q Cricklewood, Cricklewood Lane, July 2020 No.11 dated 12th August 2021*'.
- 6.13 It is proposed that this version of the Design Guidelines will be updated and submitted in evidence and called a Design Code in accordance with the Framework glossary definition and to address the principles set out in the National Design Guide (NDG) and National Model Design Code (NMDC). Submitted at **Appendix 6** of this Statement of Case is a draft version of the Design Code that will be submitted in evidence. This provides an early insight into the format and content of the document.
- 6.14 The Design Code establishes a set of simple, concise, illustrated design requirements that are visual and numerical and provide specific, detailed parameters for the physical development of the Application Site.
- 6.15 The Design Code includes design principles that have already been set out in the Application Design Guidelines; the Application Design and Access Statement; 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).

- 6.16 The Design Code is to be awarded significant weight. It is a design document proportionate in detail to the outline nature of the planning application and demonstrates the design quality of the Application. It is an enforceable document by planning condition, meeting the requirements of paragraph 55 of the Framework.

Parameter Plans

- 6.17 Condition 1 of the officer report to committee requires the planning permission to be granted in accordance with the following drawings:-

- drawing 10965-EPR-XX-XX-DR-A-TP-0100 – Location Plan
- 10965-EPR-XX-XX-DR-A-TP-0101 – Parameter Plan Demolition
- 10965- EPR-XX-XX-DR-A-TP-0102 – Parameter Plan Development Parcels
- 10965-EPR-XX-XX-DR-A-TP-0105 – Parameter Plan Phasing
- 10965 -EPR-XX-XX-DR-A-TP-0106 P4 – Parameter Plan Illustrative Heights
- 10965-EPR-XX-GF-DR-A-TP-0200 – Illustrative Masterplan
- ExA_1939_100 rev D – General Arrangement Plan – Ground Floor
- ExA_1939_101 rev C – General Arrangement Plan – Podium Level
- ExA_1939_102 rev C – General Arrangement Plan – Roof Level
- Drawing ref:SK401

- 6.18 Following a review of these drawings, some of the outline development parameters have been incorrectly combined with illustrative (but detailed) building layouts and landscape drawings.

- 6.19 To address this error, the Statement of Common Ground confirms that the reserved matters pursuant to the permission shall be made in accordance with the following approved plans and documents:

- 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
- Design Code Rev 1

- 6.20 These drawings are included at **Appendix 7**.

- 6.21 It is proposed that each reserved matters submission should include a statement of compliance against each of the Parameter Plans and the Design Code.

- 6.22 Parameter plan 10965 -EPR-XX-XX-DR-A-TP-0106 P4 has been revised to P5, the only change being to remove the term “illustrative”, to confirm that these are the proposed maximum building heights.
- 6.23 Parameter plan 10965-EPR-XX-GF-DR-A-TP-0200 has been revised to P2 to remove reference to “Illustrative Masterplan” and title the plan “Parameter Plan Ground Floor Use”. The detailed building layouts included on the drawings which show plant rooms and cycle stores have been removed, and instead the development parameters that the illustrative masterplan sought to identify and included on the correct parameter plan include the location of open space; public square; and ground floor flexible commercial uses; are identified for each development parcel.
- 6.24 The Parameter Plans are enforceable by planning condition meeting the requirements of paragraph 55 of the Framework.
- 6.25 The design principles set out in the following illustrative landscape drawings ExA_1939_100 rev D – General Arrangement Plan – Ground Floor; ExA_1939_101 rev C – General Arrangement Plan – Podium Level; ExA_1939_102 rev C – General Arrangement Plan – Roof Level are included in the Design Code. These drawings will be removed from Condition 1 as confirmed by the Statement of Common Ground.

Other Material

[Wirelines of the Application Scheme to reflect Parameter Plan 10965 -EPR-XX-XX-DR-A-TP-0106 P5 – Parameter Plan Maximum Heights](#)

- 6.26 The Applicant produced wirelines of the parameter plans for the Original Scheme, submitted in the July 2020 HTVIA. These wirelines represented an illustrative wireline scheme so not to simply present extrapolated blocks of Development Parcels A to D. Views 1 to 17 were used.
- 6.27 The Original Scheme was then tested again, with an illustrative rendered and wire line scheme, by the independent review undertaken by CityDesigner in May 2021. This tested Views 1 to 17 and added five additional Views A-E.
- 6.28 Submitted with this Statement at **Appendix 8** is a single set of wirelines showing the site baseline (no Application Scheme); the Original Scheme (July 2020); the Application Scheme which reflects Parameter Plan 10965 -EPR-XX-XX-DR-A-TP-0106 P5 – Maximum Building Heights as resolved to approve by Barnet Council in September 2021 and the Mayor of London in March 2022; and cumulative developments which were not subject to a grant of planning permission at the point of time of the earlier determination. Viewpoints 1 to 17 and A to E are used.
- 6.29 Wirelines of the Application Scheme were not available to the Council or Mayor of London at determination stage. The matter of reduced building scale (as a result of the July and August 2021 height reductions) was addressed qualitatively by the Applicant’s 16th August 2021 EIA Statement of Conformity, and by officers in their report to committee.

6.30 The inclusion of these wirelines, reflecting the reduced scale of the development, enable an updated assessment to be undertaken which will be submitted in evidence as part of the heritage townscape and visual impact evidence.

Other Documents

6.31 Condition 1 of the officer's report to planning committee requires the development permitted to be carried out in accordance with the following approved documents.

- Planning Statement July 2020
- Design and Access Statement July 2020
- Environmental Statement July 2020
- Transport Statement March 2021

6.32 It is considered that a planning condition which requires the development to be undertaken in accordance with these documents does not meet the tests of Paragraph 55 of the Framework.

6.33 The Applicant will therefore include in evidence mitigation necessary to offset the adverse effects of the development through new planning conditions.

6.34 A final draft list of conditions is included in the Statement of Common Ground.

Illustrative Design

6.35 The Applicant produced an illustrative design for the Original Scheme which was independently reviewed by CityDesigner in the Townscape Overview report dated May 2021.

6.36 Following amendments made to the Application prior to determination by the Council's planning committee, the illustrative design was not updated to reflect the reductions in building height.

6.37 Submitted with this Statement at **Appendix 9** is a Design and Access Statement Addendum which provides an explanation of the changes made to the Application, between the Original Scheme and the Application Scheme.

6.38 The addendum also includes an illustrative design of the Application Scheme which represents 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.

6.39 The Applicant will present the illustrative Application Scheme in evidence from the HTVIA viewpoints previously agreed with the Council.

Material to support the Secretary of State's wish to be informed about design, scale and massing

6.40 To ensure that all parties and interested people have the opportunity to comment at an early stage of the inquiry process we confirm the Applicant's intent to the production of material below at Table 3.

Table 3 - Application Scheme Material submitted with the Statement of Case, and in Evidence

	Statement of Case	Applicant Evidence	Comment
Date	10th November 2022	17th January 2023	
Updated Wire Lines of the Application Scheme for Views 1-17 and A-E and cumulative developments	Yes	Yes	Updated wire lines have been produced of the Application Scheme to supersede wirelines produced of the Original Scheme (July 2020 and May 2021)
HTVIA of the updated Wire Lines	No	Yes	The Applicant's HTVIA assessment of July 2020 and May 2021 will be updated in evidence.
DAS Addendum including updated illustrative design of the Application Scheme	Yes	Yes	The Applicant's illustrative design is submitted with this statement and will be expanded upon in evidence.
Illustrative design of the Application Scheme from HTVIA Viewpoints	No	Yes	From some selected viewpoints the Applicant's illustrative design will be tested and submitted in evidence.
Daylight, sunlight and overshadowing analysis (internal and external)	No	Yes	To provide a quantitative assessment of the qualitative assessment undertaken in the statement of conformity by Aecom 16 th August 2021, the Applicant will update the daylight, sunlight and overshadowing analysis of the Application Scheme and submit this in evidence.
Wind microclimate	No	Yes	To provide a quantitative assessment of the qualitative assessment undertaken in the statement of conformity by Aecom 16 th August 2021, the Applicant will update the wind microclimate analysis of the Application Scheme and submit this in evidence. A revised planning condition is also proposed.
Transport	No	Yes	A written statement will be produced of the Application Scheme.

7 Planning Policy

- 7.1 Relevant development plan documents comprise the London Plan 2021, and the Barnet Local Plan (the 'BLP'). The BLP comprises the following:
- Saved Barnet UDP Chapter 12 Cricklewood, Brent Cross and West Hendon Regeneration Area, 2006 (the 'UDP')
 - Core Strategy, 2012 (the 'CS')
 - Development Management Plan, 2012 (the 'DMP')⁹
 - Proposals Map, 2012
- 7.2 In addition to these development plan documents, there are a number of relevant supplementary guidance documents:
- Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework SPG, 2005 (the 'CBCWH SPG'). The Application Site is included within the CBCWH SPG.
 - The Mayor's Play and Informal Recreation SPG (2012)
 - The Mayor's Housing SPG (2016)
 - The Mayor's Affordable Housing and Viability SPG (2017)
 - Barnet Sustainable Design and Construction SPD, 2016
 - Barnet Residential Design Guidance SPD, 2016
- 7.3 Emerging planning policy is also relevant.
- 7.4 Examination of the emerging Barnet Local Plan (the "EBLP") is taking place during October and November 2022. The Inspector's recommendations arising from the examination will be published after the hearing sessions. Paragraph 48 of the Framework will be applied to the policies contained in the EBLP. The more advanced the preparation, the greater the weight that will be given.
- 7.5 The National Planning Policy Framework 2021 is an important material consideration.

⁹ DMP paragraph 1.4.3 states that "1.4.3 In view of the progress that has been made towards the implementation of the saved UDP policies on Brent Cross – Cricklewood we consider that it is inappropriate to replace them. In order to provide a policy framework to secure the future comprehensive redevelopment of Brent Cross Cricklewood these 'saved' policies will continue to operate until it is considered appropriate to replace them. It is intended that the Development Management policies in this DPD will not apply to the development of the Brent Cross Cricklewood Regeneration Scheme unless and until the Core Strategy or this DPD is reviewed (or a further local development document is adopted which has the effect of applying any such DM policies to that scheme) in accordance with the monitoring and review process outlined in the Core Strategy at Policy CS2 and at section 20.13. Any other planning applications not directly related to the comprehensive redevelopment of Brent Cross Cricklewood Regeneration area, will be considered against relevant policies in this DPD and any other material planning considerations. We consider that the DPD will apply to the Application Scheme."

7.6 The Mayor has issued guidance including the London Plan Guidance Good Quality Homes for all Londoners for consultation.

Barnet Council's Local Plan & Guidance

Cricklewood Regeneration and Growth Area

7.7 At the local level, the UDP¹⁰, CS, and DMP identify the Application Site within the Brent Cross Cricklewood Regeneration Area. The EBLP disaggregates the Brent Cross Cricklewood Regeneration Area into three growth areas including the Cricklewood Growth Area, which specifically includes the Application Site.

7.8 The London Plan designates the Application Site within the Brent Cross / Cricklewood Opportunity Area.

7.9 Adopted local development plan designations for the Application Site are summarised as follows:

- UDP Cricklewood, Brent Cross and West Hendon Regeneration Area
- CS Map 2: The Key Diagram
- CS Map 5: Brent Cross – Cricklewood Regeneration Area
- CS Policy CS2: Brent Cross – Cricklewood
- CS Policy CS5: Protecting and enhancing Barnet's character to create high quality places – Tall Buildings - Brent Cross – Cricklewood Regeneration Area

7.10 EBLP designations for the site are summarised as follows:

- Map 2 Key Diagram (updated by Modification MM23)
- Map 3B - Cricklewood Growth Area (updated by Modification MM79)
- GSS04: Cricklewood Growth Area¹¹ (updated by Modification MM80)
- CDH04 - Tall Buildings (updated by Modification MM161 – MM169)
- Site Allocation 8 (updated by Modification updated by Modification MM42, MM79, MM80, MM327, MM328)

7.11 The vision statement set out in the EBLP makes clear that growth has been directed to the most sustainable locations and that these include Brent Cross, Cricklewood and Cricklewood itself, which is identified as its own Growth Area. Growth Areas are defined as distinctive locations with good public transport, surplus brownfield, under-used land and substantial capacity for new development.

7.12 The Cricklewood Growth Area is identified as a focus of regeneration within Barnet and is an opportunity for intensification, supported by high existing PTALs and planned future transport

¹⁰ UDP Chapter 12 is informed by the CBCWH SPG

¹¹ The EBLP recognises the dual allocations of the Cricklewood Growth Area and the Brent Cross Cricklewood Opportunity Area at paragraph 1.3.3, and Map 2 Key Diagram

infrastructure improvements and an area where new development is necessary to contribute to the overdue need for growth and regeneration.

7.13 The site is also subject the policies of the CBCWH SPG, 2005.

Housing Capacity

7.14 UDP Policy C9 confirms that the council will grant planning permission for a minimum of 5,000 new homes within the Cricklewood and Brent Cross area between 2006 and 2016. CS Policy CS1 identifies capacity for 5,510 new homes by 2026 within the Brent Cross – Cricklewood Regeneration Area, and a borough wide range of 22,000 new homes to be delivered between 2011/12 and 2021/22 to meet the ten-year housing target (2,200dpa) in the London Plan, and 28,000 new homes to be delivered between 2011/12 and 2025/26 as Barnet's 15 year housing target (1,866dpa).

7.15 The BLP is based on lower housing expectations than those which are now required with the EBLP and London Plan. The logical consequence of this is the greater need for housing and intensification of sites, and the requirement for buildings of greater scale to meet this need.

7.16 In order to make the Council's vision for Barnet happen, EBLP Policy BSS01 increases the housing requirement for the Borough and seeks a minimum of 35,460 new homes across a fifteen year period, 2021 and 2036, equating to 2,364dpha. This exceeds the average rate of growth achieved in recent years.

7.17 EBLP Policy GSS01 and GSS04 propose 1,400 new homes within the Cricklewood Growth Area, with potential to increase further upon delivery of the West London Orbital. EBLP Site Allocation 8 identifies that the Application Site could accommodate 1,007 of these homes. It is the principal regeneration site in the Growth Area.

Tall Buildings

Tall Building Locations

7.18 CS Policy Map 5 Brent Cross-Cricklewood Regeneration Area designates the Application Site within the 'growth area'. Policy CS5 'Protecting and enhancing Barnet's character to create high quality places' states that tall buildings (8 storeys (or 26 metres) or more) may be appropriate in strategic locations including the Brent Cross – Cricklewood Regeneration Area.

7.19 In response to the age of the CBCWH SPG, UDP, CS and DMP, and the obligation on the Council to plan for significantly increased housing delivery, the Council has undertaken a review of its Local Plan. The EBLP is now at an advanced stage and will be further advanced at the point of the public inquiry, the Inspector's recommendation and the determination by the Secretary of State. It will carry significant weight as a result. It is expected that the Inspector's report to the local plan review will be published prior to the determination of this application, and the local plan may be adopted.

7.20 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 exceptional circumstances exist.

- 7.21 The Application Site is allocated for development under EBLP Site Allocation No.8. The Council's Major Modification to the EBLP (MM327) confirms the acceptability in principle for tall buildings at the site.

Tall Building Design

- 7.22 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.
- 7.23 EBLP Policy CDH04 Tall Buildings requires tall buildings to be assessed in accordance with London Plan Policy D9. It seeks particular attention to six specific matters (i-vi) and expects proposals to be of an exemplary standard of architectural quality.
- 7.24 The CBCWH SPG does not specifically identify the Application Site within Fig 19: Building height profile. The supporting chapter on building scale and density notes that tall buildings will be strategically located to define key activity areas and at gateway sites. Specifically, it recognises that 'Tall buildings will be acceptable providing they satisfy a series of tests including: design and safety, movement, effect on micro-climate, sustainability, heritage, relationship to the skyline, views, and appropriate methods of construction'. These tests are now addressed in the adopted and emerging development plan.

Design

- 7.25 UDP Policy GCrick, C1, C2, C3 and C4 seek the highest environmental, urban design and sustainable standards for the Cricklewood, Brent Cross and West Hendon Regeneration Area.
- 7.26 CS Policy CS5 ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design and seeks to protect important local views from places within Barnet (as set out in CS Map 8).
- 7.27 DMP Policy DM01, DM02, DM03 and DM04 set out the ambition for urban design and place making in the Borough. The policies seek to protect Barnet's character and amenity through high quality design, an understanding of local characteristics, and the provision of attractive and safe streets, public realm and hard and soft landscaping. Wheelchair, play, outdoor amenity space, minimum homes sizes, energy and environmental standards are expected to be complied with.
- 7.28 EBLP Policy CDH01, CDH02 and CDH03 promote high quality sustainable and inclusive design and high quality public realm.

7.29 The CBCWH SPG sets out design guidelines for eleven character areas. These do not include the Application Site.

Heritage

7.30 CS Policy CS5 confirms that the Council will work with partners to proactively protect and enhance Barnet's heritage including conservation areas, listed buildings, locally listed buildings, registered parks and gardens; scheduled monuments, areas of archaeological significance and London's only battlefield site.

7.31 DMP Policy DM06 and EBLP Policy CDH08 seek to protect all heritage assets in line with their significance. All development will have regard to the local historic context and development proposals must preserve or enhance the character and appearance of Conservation Areas in Barnet. Proposals should demonstrate the significance of the heritage asset, the impact of the proposal on the significance of the heritage asset, the impact of the proposal on the setting of the heritage asset, how the significance and/or setting of a heritage asset can be better revealed, the opportunities to mitigate or adapt to climate change, and how the benefits outweigh any harm caused to the heritage asset.

Affordable Housing

7.32 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.

7.33 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.

The London Plan

The Secretary of State's Direction to the Mayor of London, 13th March 2020

7.34 Prior to the adoption of the London Plan, the Secretary of State wrote the Mayor of London on 13th March 2020 asking him to make modifications to the London Plan. The Secretary of State advised that every part of the country must take responsibility to build the homes their communities need. This means build more, better and greener homes through encouraging well-planned development in urban areas; preventing unnecessary urban sprawl to protect the countryside for future generations. This means densifying, taking advantage of opportunities around existing infrastructure and making best use of brownfield and underutilised land.

7.35 The Secretary of State directed the Mayor of London to optimise density. Specifically, the Secretary of State stated that it is important that development is brought forward to maximise site capacity, in the spirit of and to complement the surrounding area, not to its detriment. Sites cannot be looked at in isolation and Londoners need to be given the confidence that high

density developments will be directed to the most appropriate sites, maximising density. Examples of this are gentle density around high streets and town centres, and higher density in clusters which have already taken this approach.

7.36 The Secretary of State directed the Mayor of London to ensure that such developments are consented in areas that are able to accommodate them. In committing to maximise delivery in London, the Secretary of State advised the Mayor of London that this must include actively encouraging appropriate density, including optimising new capacity above and around stations.

7.37 The London Plan was adopted following the Secretary of State's directions.

[Brent Cross / Cricklewood Opportunity Area](#)

7.38 Brent Cross / Cricklewood is designated as an Opportunity Area in the London Plan. Table 2.1 to the Plan sets out the indicative homes and indicative jobs sought within all the OAs. For Brent Cross / Cricklewood, the Plan suggests capacity for 9,500 homes and 26,000 jobs.

7.39 The importance of Opportunity Areas to the implementation of the London Plan is made clear at Policy GG2, SD1 and paragraph 2.0.4 which recognises that the areas that will see the most significant change are identified as Opportunity Areas. Many of these Opportunity Areas, such as Brent Cross / Cricklewood, are already seeing significant development. They are considered to have the potential to deliver a substantial amount of the new homes and jobs that London needs. 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.

[Housing Delivery](#)

7.40 London Plan Policy GG2 seeks to create successful sustainable mixed-use places on brownfield land, particularly in Opportunity Areas, on surplus public sector land, accessible sites and sites within and on the edge of town centres. Policy GG4 ensures that more homes are delivered with good quality homes that meet high standards of design and provide for identified needs.

7.41 If London is to accommodate the growth identified in the London Plan in an inclusive and responsible way, Policy D3 requires every new development to make the most efficient use of land by optimising site capacity.

7.42 Policy H1 Increasing housing supply requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites. It lists six sources, of which two sources are directly relevant to the Application Site. Part (a) refers to sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary and (b) refers to the mixed-use redevelopment of car parks and low density retail parks and supermarkets.

7.43 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. 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.

- 7.44 Table 4.1 sets a minimum requirement of 23,640 net housing completions (2019/20 -2028/29) for the Council, the 4th highest of the 35 planning authorities in London.

Affordable Housing

- 7.45 London Plan 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 agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough).
- 7.46 Policy H6 applies a split of affordable products to the 35% offer to meet the Fast Track Route. This comprises a minimum of 30 per cent 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.
- 7.47 The Application meets the threshold approach. The Development proposes 35% affordable housing by habitable room. This is split 30% London Affordable Rent and 70% Intermediate Shared Ownership tenure. This is compliant because the Council has determined that the 40% to be determined by the borough should be intermediate products based on the viability of the development.
- 7.48 The Application complies therefore with the requirements of Policy H6 as the Application proposes a minimum 30 per cent London Affordable Rent; a minimum of 30% intermediate products; and 40% to be determined by the borough, which for the Application, is 100% intermediate housing.

Design and Tall Buildings

- 7.49 London Plan Policy GG1 seeks good growth. Policy D1 seeks a design-led approach to establish optimised site capacities for site allocations. Policy D3 seeks a design-led approach that optimises the capacity of sites. It promotes higher density developments in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. It considers form and layout, experience and quality and character of developments. Policy D4 seeks to deliver good design and recognises that design codes should be used to help bring forward development and to ensure the delivery of high quality design. It promotes design analysis, scrutiny and maintaining design quality ensuring the wording of the planning permission, and associated conditions and legal agreement, provide clarity regarding the quality of design.
- 7.50 Policy D5 seeks to achieve inclusive design. Policy D6 sets out housing quality standards and includes Table 3.1 Minimum internal space standards for new dwellings, and Table 3.2 qualitative design aspects to be addressed in housing developments. Policy D7 supports the provision of accessible housing with at least 10 per cent of dwellings meeting Building

Regulation requirement M4(3) 'wheelchair user dwellings'; and all other dwellings meeting Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. Policy D8 promotes well-designed public realm.

- 7.51 London Plan Policy D9 states that tall buildings should only be developed in locations that are identified as suitable in Development Plans. Tall buildings should address visual; functional; environmental; and cumulative impacts.

Heritage

- 7.52 London Plan Policy HC1 seeks to conserve the significance of heritage assets, and their settings, by being sympathetic to the assets' significance and appreciation within their surroundings. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process. Policy HC3 advocates using the principles of Policy HC4 to manage local views, and Policy HC4 includes policies on the London View Management Framework.

Transport

- 7.53 Policy D2 Infrastructure requirements for sustainable densities states that the density of development proposals should be proportionate to the site's connectivity and accessibility by walking, cycling, and public transport to jobs and services (including both PTAL and access to local services).
- 7.54 Paragraph 10.6.2 of the London Plan states that maximum standards for car parking should take account of PTAL as well as London Plan spatial designations and use classes and acknowledges that developments in town centres generally have good access to a range of services within walking distance, and so car-free lifestyles are a realistic option for many people living there.
- 7.55 The maximum parking standards set out at Table 10.3 of the London Plan states that areas of PTAL 5-6 will be car free; whilst Outer London Opportunity Areas will be subject to a maximum car parking provision of up to 0.5 spaces per dwelling. The Council is defined as being located in outer London in London Plan Annex 2, Figure A2.1 and Table A2.2.

The Framework

- 7.56 Chapter 2 of the Framework achieves sustainable development through three overarching objectives, economic, social and environmental. The Framework applies a presumption in favour of sustainable development for planning decisions, approving development proposals that accord with an up-to-date development plan without delay.
- 7.57 Chapter 5 seeks to support the Government's objective of significantly boosting the supply of homes. Chapter 11 Making effective use of land requires that planning decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 120(c) confirms that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and paragraph 120(d) promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could

be used more effectively. The development of car parks is provided as a specific example of a suitable location for development. Paragraph 123(a) requires support for proposals that use retail land for homes in areas of high housing demand. The Framework supports development that makes efficient use of land and recognises that design codes can be used to help ensure that land is used efficiently whilst creating beautiful and sustainable places. Developments should make optimal use of the potential of each site.

- 7.58 Chapter 12 Achieving well-design places recognises that good design is a key aspect of sustainable design. It recognises that design codes provide a local framework for creating beautiful and distinctive places, with a consistent and high-quality standard of design, with the level of detail and degree of prescription tailored to the circumstances. Codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code.
- 7.59 Paragraph 130 expects developments to achieve design criteria a) -f). 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 NPPF 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.
- 7.60 The Framework paragraph 109 confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.61 An agreed list of the relevant policies in the Framework, London Plan and local policies is set out in the Statement of Common Ground.

Other Material Considerations

- 7.62 First Homes – following the written ministerial statement of Christopher Pincher MP on 24 May 2021, First Homes have been introduced in the NPPG. First Homes are a type of discounted market sale (DMS). To qualify as First Homes, homes must have a minimum discount of 30% to market value, secured in perpetuity through legal agreement. On first sale, these homes must have a purchase price that does not exceed £420,000 (in London) after the discount has been applied. The written ministerial statement states that First Homes should account for at least 25 per cent of affordable housing units delivered through planning obligations, which is a material consideration for decision making from 28th June 2021.
- 7.63 The Mayor of London issued a practice note on First Homes in July 2021 and advised that in many cases properties discounted by 30 per cent from market value are likely to exceed the £420,000 cap. Where the value is below the cap, homes are likely to be smaller or in lower value areas, and accessible to a limited proportion of households at the upper end of the eligible income range. In many cases a discount to market value in excess of 30 per cent would

be required to ensure that the cap was not exceeded. This would have a detrimental impact on development viability and the provision of other affordable tenures, particularly social rent and London Affordable Rent for which there is greatest need.

- 7.64 The Council and Mayor of London have not promoted or required First Homes at this site for the reasons set out above. The Application does not include the provision of First Homes, and the new intermediate tenure is not a feature of the draft S106 or the affordable offer.
- 7.65 Equality and Human Rights – the Application would accord with the principles set out in the Equality Act 2010 and the detailed consideration of the application has ensured compliance with the public sector equality duty and the Application and its consideration accord with the rights and duties contained in the Human Rights Act 1998. Officers consider that the application does not give rise to any concerns in respect of the Equality Act 2010.

8 Matters which the Secretary of State wishes to be particularly informed about for the purpose of consideration of the application

- 8.1 In the call-in letter dated 30th August 2022 the Secretary of State set out a list of the matters about which he particularly wishes to be informed for the purposes of the consideration of the Application. These matters are design, scale and massing, and any other matter the Inspector considers relevant.
- 8.2 The Applicant will present evidence at the inquiry to demonstrate that the Application is in compliance with and supported by the Framework policies in respect of the matters identified by the Secretary of State and that planning permission should be granted for the Development.
- 8.3 The first resolution to grant planning permission by the Council and the recommendation by the Mayor of London that planning permission should be granted were well founded. Particular weight should be given to these recommendations given the nature and extent of pre- and post-application engagement between the parties and the detailed analysis that the recommendations were based upon.
- 8.4 The resolution by Barnet Council on the 8th November 2022 is unclear as it is not based on new material and is contrary to the recommendation of officers of the Council.
- 8.5 The Applicant will present design and planning evidence which deals with the following matters that are set out in detail in the Application and accompanying documentation:
- The Application responds to the site-specific constraints and opportunities of the Application Site itself and its local context. It fulfils policy requirements to deliver a mixed use scheme with significant public benefits. This was agreed GLA officers and the Mayor of London, and previously by Barnet Council.
 - The character and appearance around the Application Site is changing, informed by the grant of planning permission for major mixed use developments. The evidence will provide examples of this change. The proposed development is acceptable in its context and evidence will be presented on how the scheme has been carefully formulated and designed to sensitively fit within its context.
 - The principle of intensifying uses on the Application Site at a highly accessible location through a residential-led, mixed use development is consistent with both strategic (London Plan) and local (Barnet Local Plan) planning policy.
 - The Application Site is a location identified as suitable for tall buildings in the BLP and EBLP. The Development complies with the locational requirements of London Plan D9.

- The Development meets the design tests for tall buildings set out at London Plan Policy D9 Part (C) visual, functional, environmental, and cumulative impacts; DPD Policy DM05, and EBLP Policy CDH04.
- 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 principle building marker, Building A1, has been reduced from 25 storeys to 13 storeys, to address stakeholder concerns.
- The Development, and in particular the tallest building forming part of the Development, has been designed to respond positively to key views agreed with the Council officers, and will sit comfortably in the views from the surrounding area.
- Submitted in outline, the Applicant proposes measures to 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, consistent with paragraph 130(b) and 131 of the Framework. This is achieved through the parameter plans and Design Code. These documents provide proportionate detail to inform the future submission of reserved matters. Reserved matters applications will be the subject of further design detail assessed and determined by the Council. 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. The Development will establish and maintain a strong sense of place, with the arrangement of spaces, building types and materials creating an attractive, welcoming and distinctive place to live, work and visit, consistent with paragraph 130(d) of the Framework. It will also create a place that is safe, inclusive and accessible, consistent with paragraph 130(e) of the Framework. These issues were also agreed by the Council and GLA officers and the Mayor of London.
- The Application will create a coherent built form informed by the illustrative scheme and Design Code rising north to south across the Application Site to define and landmark a regenerated and enhanced site linked to Cricklewood Station and Cricklewood Town Centre.
- The façade of the buildings have been developed to express the building's elegant proportions, with interventions to express its mix of uses and to respond to its location, orientation and context.
- 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. It responds to the prevailing acoustic levels and helps create wind conditions appropriate for the proposed uses, mitigated by planning condition.
- High quality materials have been selected that draw inspiration from the local historic context to create a streetscape that enhances the identity of this location.
- Crafted detailing has been developed across the proposed buildings and public realm to create an exceptional built environment that would endure over time.

- 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 Development responds to and reflects the principles advocated National Design Guide and the high quality design principles established by the National Model Design Code.
- The Development takes into account local design guidance UDP Policy GCrick, C1, C2, C3 and C4; CS Policy CS5; DMP Policy DM01, DM02, DM03, DM04 and DM05; EBLP Policy CDH01, CDH02, CDH03 and CDH04; London Plan GG1, D1, D3, D4, D5, D6 and D9; and supplementary planning documents CBCWH SPG; Barnet Sustainable Design and Construction SPD, 2016; and Residential Design Guidance SPD, 2016. In accordance with paragraph 134 of the Framework significant weight should be given to the Development as it reflects local design policies and government guidance on design, taking into account local design guidance and supplementary planning documents. The Development will also help raise the standard of design more generally in an area, fitting in with the overall form and layout of its surroundings to which significant weight is given.

8.6 The Applicant therefore fully agrees with the conclusions of:

- GLA officers, the Mayor of London and previous views of Barnet Council that the Development is well conceived and is consistent with relevant planning policies and guidance, meets policy objectives and complies with the Framework, London Plan and Barnet Local Plan policies requiring exceptional design;
- Barnet Council, GLA officers and the Mayor of London that the Application Site is a suitable location for tall buildings;
- GLA officers, the Mayor of London and previous views of Barnet Council that the proposed tall buildings would provide a high quality development for Cricklewood and would meet development plan policies for tall building design;
- Barnet Council, GLA officers and the Mayor of London that the layout principles of the Application are well-considered. The development will function well and add to the overall quality of the area for the lifetime of the development, consistent with paragraph 130(a) of the Framework;
- Consistent with paragraph 127(c) of the Framework, the Development is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- The Application optimises the potential of the Application Site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks, consistent with paragraph 127(e) of the Framework; and
- GLA officers, the Mayor of London and previous views of Barnet Council that the massing and layout responds to the Application Site's constraints and sensitivities including the significance of the wider conservation areas and listed buildings in proximity to the Application Site.

9 Other Matters

9.1 Whilst not matters that the Secretary of State wishes to be informed about, the Applicant proposes to present evidence in respect of the following national policies:-

- Chapter 5 of the Framework Delivering a sufficient supply of homes.
- Chapter 11 of the Framework making efficient use of land.
- Chapter 16 of the Framework Conserving and enhancing the natural environment.

Delivering a sufficient supply of homes and making efficient use of land

9.2 To demonstrate that the Application will meet the policies set out in Chapter 5 of the Framework, the Applicant will present planning evidence which deals with the following.

- The principle of development of the Application Site for housing is acceptable and strongly supported. The Application is consistent with the national, regional and local policies which expect higher density developments to be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. The Application Site is ideal for the Development.
- Barnet is a densely developed area of the country, where the supply of land for housing is limited and is constraining development, particularly against a policy background that protects existing green space and economic uses in order to make the borough a vibrant and successful place. The Application Site is brownfield land that is centrally located and highly accessible – such land is a very scarce resource, and it is essential that its development potential is optimised. The proposed redevelopment of under-utilised land and buildings at the Application Site, and in particular a retail warehouse and car park site, is entirely aligned with the ambitions of the Framework, in particular paragraphs 105, 120 and 123.
- The London-wide Strategic Housing Market Assessment (SHMA 2017) has identified need for a minimum of 66,000 additional homes per year for at least twenty years, however there is only capacity for approximately 40,000 new homes a year on large sites, and 12,000 new homes a year on small sites leaving an unplanned shortfall of 14,000 homes.
- Locally, the Council's minimum housing requirement is significant, and the Development will provide a very valuable contribution to meeting it. The London Plan ten year target of 23,640 homes (London Plan Table 4.1) results in an average minimum requirement of 2,364 homes. The EBLP adopts this requirement as a minimum policy target.
- For the Brent Cross/Cricklewood Opportunity Area, the Development will significantly contribute to the target of 9,500 homes required by the London Plan. The Development will also contribute to the EBLP Policy GSS01 and GSS04 requirement for 1,400 new homes within the Cricklewood Growth Area and achieves the indicative capacity of the site set out in EBLP Site Allocation No.8 of 1,007 homes.

- Whilst the Government's Housing Delivery Test Results confirms that the Council delivered on average 94% of its minimum requirement in 2020, increasing to 108% in 2021 (adjusted for Covid) this equated to a housing delivery of 2,221 (2018-19); 2,022 (2019-20); and 2,316 (2020-21), a shortfall against the current annual requirement of 2,364 homes. The increased target per annum is significant and is at a level that prior to 2020/21, has never been achieved by the Council. Barnet's Housing Trajectory and 5-Year Supply (November 2021) evidence base to inform the Local Plan confirms that over the last twelve years, the average delivery rate is 1749 homes per annum, 615 homes per annum below the current minimum requirement.
- The Development will contribute significantly towards meeting this increased housing requirement and the Council's 5-year supply of deliverable housing sites. Barnet's Housing Trajectory and 5-Year Supply (November 2021) confirms that the Council has not met its minimum requirement for the past plan period and has a shortfall of homes. The Council has had to include a buffer of +5% because of this shortfall of delivery since the beginning of the London Plan period, as required by the Framework. This increases the annual requirement to 2,556 homes per annum. Based on current consents and projected delivery of allocated sites, the Council can only claim a deliverable supply of 6.48 years. 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).
- The provision of 1,049 residential homes will accordingly make a major contribution to alleviating a pressing need for new homes in Barnet to help meet the minimum housing target set out in the London Plan (Policy H1 and Table 4.1 of the London Plan).
- The Development includes the delivery of much-needed affordable homes comprising 35% (by habitable room) of the proposed homes. This is the maximum reasonable viable amount that is required from the proposal, as agreed with the Council and the Mayor of London, responding to the needs of the borough. The Development is considered Fast Track compliant by the Council and Mayor of London in accordance with London Plan Policy H5 and H6.
- The affordable housing proposal comprises 30% London Affordable Rent Homes, and 70% intermediate homes (Shared Ownership, Discount Market Rent, or London Living Rent). Indicatively this could comprise 86 London Affordable Rent Homes, of which 41% are 3 bed homes providing family accommodation to meet local need, and 296 intermediate homes. The provision of 382 affordable homes is a substantial public benefit of the proposal, particularly in the context of the scale and severity of Barnet.
- During 2019/20 the Council only completed 286 affordable homes. The Council's Authorities Monitoring Report 2019/20 confirms that since 2010/11, no affordable homes have been completed in the Brent Cross – Cricklewood Regeneration Area. The saved policies of the UDP, however, make it clear that affordable housing is critical to the regeneration of Cricklewood.
- Across the Borough, the Councils affordable housing output is 14% (2015/16); 24% (2016/17); 17% (2017/18); 12% (2018/19); and 17% (2019/20).
- The viability of the development as set out in the Statement of Common Ground was agreed by the Council's consultants (BNPP) who concluding that the affordable housing offer represented the maximum reasonable quantum and mix of affordable housing based on an agreed benchmark land value; private sales revenues; affordable housing revenues; and build costs; amongst other matters.

Conserving and enhancing the natural environment

9.3 The Applicant will present design, heritage, townscape and planning evidence in accordance with the Application and supporting documentation which demonstrates that:

- The scale and massing of the Development responds very successfully to the existing local context and pattern of development and has been informed by the vision of the Development Plan. The Proposed Development achieves an attractive skyline composition, reinforces the legibility of Cricklewood Station and, importantly, provides a transition of scale towards areas of finer grain development outside the growth area.
- The design has evolved in response to a heritage townscape and visual impact analysis, including a reduction in absolute height at the southern boundary of the site along Cricklewood Lane and along the eastern boundary with the railway line. This has resulted in Building A1 being removed from the backdrop of the listed Grade II Crown Public House (View 8); and the effect of Building A1 in Views 4, 5, 6, 7, 9, 11, 13, 14, 15, 16, A, B, C, D and E being significantly reduced through a reduction in height from an indicative 25 to 13 storeys. As a consequence, this has sought to address the concerns of the Council's Heritage and Conservation officer, and the Council's officer in respect of View 6 and 7. Whilst comment was made in the report to committee in respect of the impact of the Development from these views, the officer did not have the material which is now enclosed with this Statement available to him. The Council's Heritage and Conservation officer comments, whilst updated in July 2021, principally reflected the original comments for the Original Scheme, and no comment was offered in respect of the illustrative design set out in the CityDesigner Townscape Overview (May 2021), the Design Guidelines or the Application Scheme which was subject to significant height reductions in response to specific comments made.
- 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.
- 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.
- The Development has been conceived throughout as an integral part of the townscape of the locality. It will have a distinctive character and sense of place, drawn from the location of the Application Site and the existing and emerging local identity. The high quality of the architectural and urban design proposals controlled by the Design Code, and planning condition, will significantly enhance the local townscape and the character and quality of Cricklewood. The proposed materials and details of the taller and lower set buildings that comprise the Development have been conceived as a specific response to the setting of the Application Site and will be of the highest quality.
- Overall, the architecture of the Development controlled by the Design Code and set out illustratively will provide visual interest to the local townscape and enhance the identity of Cricklewood, in accordance with objectives of the London Plan and Barnet Local Plan. Paragraph 190(c) of the Framework provides that in determining applications account should be taken of the desirability of new development making a positive contribution to local distinctiveness.

- The effects of the Development on any designated and undesignated heritage assets have been carefully considered and the Development ensures that there will be no material harm to any such assets.
- The Application Site itself does not contain any heritage assets, although there are heritage assets in the wider area. The Heritage Townscape Visual Impact Assessment for the Original Scheme identified effects on the Cricklewood Railway Terraces Conservation Area owing to the lack of detailed design available at that stage, but it was recognised that through the detailed design stage that the effect would likely be beneficial through the addition of high quality architecture. The independent Townscape Overview undertaken by CityDesigner assessed the illustrative architecture of the Original Scheme and found this to have beneficial effects. Since that assessment, the tallest element of the Development has been reduced from an indicative 25 to 18 storeys (Building A2) and Building A1 has been reduced from an indicative 25 storeys to 13 storeys materially reducing all impacts on heritage and visual amenity and removing the development from a number of views. When read with the parameter plans, the design code and the illustrative scheme, the Application Scheme does not cause harm to any designated heritage assets.
- The special interest of statutorily listed buildings identified in the study area is preserved in accordance with the statutory duty set out at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Special attention has been given to the desirability of preserving or enhancing the character or appearance of the conservation areas which may be affected by the proposed development in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There is no statutory duty relating to the setting of conservation areas within the Planning (Listed Buildings and Conservation Areas) Act 1990. There is no statutory duty relating to the special historic interest or setting of registered parks and gardens within the Planning (Listed Buildings and Conservation Areas) Act 1990.
- The significance of designated and non-designated heritage assets is preserved in accordance with the relevant policies of the development plan.
- GLA officers, the Mayor of London and the Applicant consider that there will be no harm to the significance of any designated heritage assets (both listed buildings and conservation areas).
- The Council previously agreed with those conclusions, save that they considered there would be some very limited less than substantial harm, albeit this assessment appears to be based on the wireline assessment of the Original Scheme, not the Application Scheme. The Council previously considered, however, that any such effect is very limited and the benefits of the Development significantly outweigh these effects.
- The 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 outweigh any harm even if it were found to arise, in accordance with paragraph 202 of the Framework. These benefits are summarised by Barnet officers in their September 2021 report to the planning committee and GLA officers in their Stage 1 and Stage 2 report to the Mayor of London as including: the provision of much-needed housing in a borough; the provision of additional homes

and affordable housing; new public realm, a new town square and enhancements to Cricklewood Green in an area lacking in open space.

The extent to which the proposed development is consistent with the development plan for the area

- 9.4 Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. Part (c) confirms that this means approving development proposals that accord with an up-to-date development plan without delay.
- 9.5 The Applicant will present evidence to demonstrate that, taken as a whole, the Development accords with an up-to-date development plan and should be approved without delay.
- 9.6 The Applicant will present evidence to demonstrate that there are no clear reasons for refusing the Development and that any adverse impacts of granting planning permission would not outweigh the benefits.
- 9.7 In the event that, contrary to the Applicant's case, the Application is found not to accord fully with the development plan, the weight given to the substantial public benefits that would be delivered by the Application are material considerations which indicate that planning permission should be granted nonetheless.

Other Matters the Inspector Considers Relevant

- 9.8 Statutory consultees have not objected to the Application, except for the neighbouring borough, Camden Council. The borough boundary is located 210m to the south of the site
- 9.9 The Applicant will address in evidence representations made by statutory consultees and third parties, including those received in respect of the Application and any further representations received as part of the inquiry process.
- 9.10 Third-party objections have been addressed in the officer's report to committee and the Statement of Common Ground.

S.106 Legal Agreement

- 9.11 At the time the Application was presented to Barnet Council's Planning Committee on 9th September 2021 heads of terms for planning obligations had been agreed between the Council and the Applicant. These were included in the officer's report to committee and are summarised at paragraph 5.15 of this Statement of Case.
- 9.12 The Applicant prepared a detailed draft legal agreement, as a requirement of the referral to the Mayor of London at Stage 2, which the Mayor found to be acceptable.
- 9.13 The Applicant remains at an advanced stage of discussion with the Council to conclude the detail of these planning obligations and the section 106 agreement is broadly agreed save for minor drafting points.

9.14 A draft of the final proposed legal agreement will be submitted to the Inspector at least 10 days prior to the opening of the inquiry as required by Appendix B.1 of the Planning Inspectorate's Procedural Guide (dated February 2021).

Planning Conditions

9.15 To address drafting errors and to ensure that the correct mitigation is applied to the Development, the planning conditions set out in Appendix 2 of the officer's report to committee have been updated in agreement with the Council.

9.16 The Applicant agrees to the conditions set out in the Statement of Common Ground.

10 Documents to be Referred to

10.1 The Applicant intends to refer to the following documents.

The Application Documents

10.2 Documents comprising or accompanying the Application (the "Application Documents").

10.3 Adopted and draft national, regional and local planning policy and guidance documents as referred to in the Application Documents; the Council officer's report to the Planning Committee (as updated); the GLA Stage 1 and 2 report; and the Applicant's Statement of Case.

10.4 Any documents submitted by third parties to the Application or received as part of the public inquiry (including, but not limited to, any statements of case, proofs of evidence and rebuttal proofs).

10.5 The documents referred to at Table 3 of this Statement of Case, which are as follows:-

- Appendix 5 - EPR Drawing Reference 10965-EPR-XX-DR-SK-0107 Building Plot Heights Diagram November 2022 (For Illustrative Purposes)
- Appendix 6 - EPR Draft Design Code
- Appendix 7 – Proposed drawings for inclusion in Condition 01:- 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
- Appendix 8 – Wirelines showing baseline; the Original Scheme (July 2020); the Application Scheme Parameter Plans Maximum Building Heights (March 2022); and cumulative developments from Viewpoints 1 to 17 and A to E
- Appendix 9 - EPR Design and Access Statement Addendum

10.6 The Applicant reserve the right to add to, amend or otherwise supplement this list.

Statement of Common Ground

10.7 The Applicant has prepared a draft Statement of Common Ground. There is significant common ground between the Council and the Applicant on a range of policy, planning, design, housing, heritage, highways and environmental matters. The Statement references a number of policy and evidence base documents that will be referred to.

Relevant Decisions on other cases

10.8 The Applicant will make reference to relevant decisions by the Council or Planning Inspector where relevant to this call-in.

11 Conclusion

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the Framework confirms that development proposals that accord with an up-to-date development plan should be approved without delay.
- 11.2 The Application proposals accord with the development plan and planning permission for the Development should therefore be granted.
- 11.3 There are no material considerations which indicate otherwise. If there had been any conflict with the development plan, there are many material considerations which support the grant of planning permission in any event.
- 11.4 The Planning Application will deliver significant public benefits. These are material benefits which weigh heavily in favour of a grant of planning permission. The principal benefits of the proposed development are summarised below.
- The delivery of very high quality new market and affordable housing on a brownfield site comprising surplus retail warehousing and car-parking land in an highly sustainable location which will secure the regeneration of the site and contribute significantly to the overdue regeneration of the wider area.
 - The opportunity to deliver a significant quantum of new housing, including affordable homes and family sized homes. This will result in a meaningful contribution towards the Borough's housing need and housing choice. The Application Site will deliver a total of up to 1,049 new homes, of which 35% by habitable room would be affordable homes. Secured by legal agreement the tenure of the new affordable homes will be London Affordable Rent (30%) and Intermediate Homes (70%).
 - The provision of new homes will make a substantial contribution to Barnet's borough wide housing need, and the housing need of the Brent Cross Cricklewood Regeneration Area and the Cricklewood Growth Area.
 - The delivery of a new high quality 1200m² ground floor flexible floorspace to activate the frontage of the site and in particular Cricklewood Green will help to animate the space and increase the commercial offer around Cricklewood Station. This floorspace includes the provision for a new healthcare facility.
 - The application will deliver the exemplar physical transformation of a car park into a new part of the Cricklewood neighbourhood. 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. 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.

- The Proposed Development will also provide opportunities for multiple economic and employment benefits to Barnet through the provision of new jobs and homes. The proposal will also generate new employment opportunities throughout the construction period and will provide further employment through the future management of the development once in occupation.
- Significant improvements to the public realm along Cricklewood Lane and Depot Approach making it greener, cleaner and a better place to live and work. There will be new planting, street furniture and new footpaths.
- The proposal delivers high quality contemporary design that successfully responds to the townscape character of Cricklewood, delivering an appropriate massing that will successfully act as a wayfinding marker for Cricklewood Station.
- This site will contribute to London's National Park City status, with urban greening a fundamental element of building design. Ecological benefits and contribution to local biodiversity will be increased through the provision of Green Roofs.
- Contribution of towards Mayoral CIL and Brent CIL.

11.5 The Applicant does not consider that the Development raises issues of national significance warranting call-in. The Application was found to be acceptable at a local level by the Council and at a strategic level by the Mayor of London.

11.6 The Applicant has been specifically selected to deliver housing on this underutilised surplus brownfield land in response to the Secretary of State's direction to release land for housing and optimise housing around stations.