



Quod

Design, and Historic Environment Statement of Common Ground

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

Planning application
reference 20/3564/OUT

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

Town and Country
Planning Act 1990 –
Section 77

24TH JANUARY 2023

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1 Introduction

The Relevant Parties

- 1.1 This Design and Historic Environment Statement of Common Ground ('SoCG') has been agreed between:
 - **The Applicant:** Quod of 8-14 Meard Street, London, W1FOEQ acting as agent on behalf of the Applicant Montreaux Cricklewood Developments Ltd ('Montreaux Limited')
 - **The Local Planning Authority:** The London Borough of Barnet (the 'Council' or 'borough')
- 1.2 The Applicant submitted an outline planning application to the Council on 31st July 2020, which was validated on 19th August 2020. The application was given planning reference number 20/3564/OUT (the 'Application').
- 1.3 The agreed description of development (the 'Development') is:

“Outline planning application (including means of access with all other matters reserved) for the demolition of existing buildings and the comprehensive phased redevelopment of the site for a mix of uses including up to 1049 residential units (Use Class C3), and up to 1200 sqm of flexible commercial and community floorspace (Use Classes A3/B1/D1 and D2) in buildings ranging from 3 to 18 storeys along with car and cycle parking landscaping and associated works”
- 1.4 Pursuant to the powers conferred under section 77 of the Town and Country Planning Act 1990, the Application was called in by the Secretary of State on 30 August 2022.
- 1.5 The purpose and scope of this SoCG is to identify areas of common ground between the Applicant and the Council in respect of the Application. The SoCG will also identify any matters that are in dispute.
- 1.6 The SoCG is prepared in accordance with Rule 14 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 and the Planning Inspectorate's Procedural Guide to Called-in Planning Applications – England (July 2020), as required in the letter from PINS dated 30 August 2022.
- 1.7 This SoCG also refers to documents which are agreed to be relevant to this case.
- 1.8 The measurements within this document have been prepared in accordance with the RICS Code of Measuring Practice (6th Edition).
- 1.9 This Design and Historic Environment Statement of Common Ground includes matters agreed, and not agreed, in respect of well-designed places and conserving and enhancing the historic environment.

1.10 It should be read alongside the Planning Statement of Common Ground which includes agreed matters in respect of the following:-

- Existing Site and Surroundings
- Planning Application Background and Process
- Proposed Development
- Overview of Relevant Planning Policy
- Local Plan Designations
- Matters Agreed - Housing
- Matters Agreed – Other Matters
- Public Benefits of the Application
- Application Drawings
- Planning Conditions
- Planning Obligations and CIL

1.11 Both Statements of Common Ground should also be read alongside the Transport Statement of Common Ground.

2 Matters Agreed - Well-Designed Places

2.1 This chapter sets out those issues that have been agreed between the Applicant and the Council as being non-contentious in respect of matters which the Secretary of State particularly wishes to be informed about for the purposes of his consideration of the Application relating to Government policies for achieving well-designed places (Framework Chapter No. 12) and in particular design, mass and scale.

A collaborative approach to design

2.2 The design has been through an extensive consultation process. The Application has been assessed proportionately to the outline nature of the application where all matters other than access, are reserved for consideration by the Council at a later stage.

2.3 The Application is informed by design control, and this control will inform the reserved matters applications.

2.4 The Design Code and parameter plans comprise the framework for which any reserved matters application will be submitted in respect of appearance, landscaping, layout, and scale.

2.5 At detailed design stage, required by planning condition, the reserved matters applications will be subject to design review by an independent and expert panel in accordance with LP Policy D4 and Framework Paragraph 129.

Tall Buildings

Location

2.6 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. CS para. 10.6.6 recognises the Edgware Road as a corridor suitable for tall buildings in principle, partly because it lies within a valley floor where tall buildings are less likely to have a significant impact on key views. In particular, Brent Cross Cricklewood is identified as a suitable location.

2.7 The BCC and WH Regeneration Framework proposed (p.31) that tall buildings would be located to define key activity areas and gateway locations – and these are important characteristics of the application site. The Regeneration Framework also proposed that opportunities for tall buildings exist particularly along the western boundary of the area – again promoting tall buildings at the application site is consistent with that approach.

2.8 In the same context, the saved UDP polices establish (at para 12.3.9) that tall buildings should perform a role in the regeneration as "*physical, social and economic markers of the borough and of London.*"

- 2.9 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.
- 2.10 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. Whilst the Application Site is designated within both the Brent Cross / Cricklewood Opportunity Area and the Cricklewood Growth Area, the policy includes an application-specific planning judgement test of 'appropriateness' which the council do not agree is met.
- 2.11 The Application Site is a development site allocated within the Growth Area: allocated for development under EBLP Site Allocation No.8. It is the principal site to which the intensification of development in the Growth Area relates, but subject, in each case, to application-specific assessment of suitability.
- 2.12 London Plan Policy D9 states that tall buildings should only be developed in locations that are identified as suitable in Development Plans.

The Site

- 2.13 It is agreed that:-
- The Application replaces and enhances the existing land uses and fulfils policy requirements to deliver a mixed use scheme with public benefits, in principle, subject to judgement as to satisfactory design.
 - 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 existing character of the site is varied, degraded, and makes no particular contribution to the character or environmental quality of the local area.
 - Planning policies are clear that high quality and high-density development is proposed in the Opportunity Area, generally and in Cricklewood specifically to support the regeneration of the area. As well as meeting pressing housing requirements, this involves transforming the degraded existing urban character, providing high quality new buildings to act as markers for the regeneration of the area, adding new high quality open space and public realm and creating activity which will help revitalise Cricklewood town centre.
 - It is agreed that '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', as stated in the GLA stage 2 report [CDB.02].
 - The Development has been the subject of evolution through discussion between the Applicant and Barnet Council.

- The scheme images show that the Development provides for particularly 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 allow good daylight and sunlight into the new homes and onto the external courtyards. It responds to the prevailing acoustic levels and helps create calm wind conditions appropriate for the proposed uses.

Site Layout

- 2.14 The plan form layout of the Development has been arranged to provide an improved pedestrian environment through and across the site to aid movements, whilst delivering an enhanced open space provision for Cricklewood. Development blocks are broadly aligned in response to the linear context of the site, screening the internal public space from the environmental constraints to the east. The primary frontages of Parcels A and B are set around the indicatively shown public town square.
- 2.15 The development will have high levels of natural surveillance through its use of active frontages. Other public areas within the site (such as the older children's' play area) will be well overlooked by a large number of homes.
- 2.16 As stated at paragraph 3.8.1 of the London Plan and at paragraph 9.16 of the November 2022 Planning Committee Report (CDD.03) 'tall buildings can help people navigate through the city by providing reference points and emphasising the hierarchy of a place such as its main centres of activity, and important street junctions and transport interchanges'.
- 2.17 As stated at paragraph 9.22 of the November 2022 Committee Report (CDD.03), 'Notwithstanding these views where major adverse impacts are identified [by the Council], 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'. However, in the putative reasons for refusal, members disagreed with the officers' planning judgment about appropriateness of the intensity and impacts on its surroundings of the proposal.

Detailed Design & Materiality

- 2.18 It is agreed that:
- the design and materiality conditions set out in the Design Code and November 2022 Design Code Addendum are acceptable with, the appropriate colour and architectural treatment to be secured by condition at reserved matters stage.
 - the grounding of the buildings and ground floor frontage to each building is appropriate.
 - the use of detailed elements set out in the Design Code and Addendum will be secured by condition.
 - the legibility of entrances and different uses and active frontages along Cricklewood Lane works well and is acceptable.

- The creation of substantial new public realm in an area lacking in open space including a new town square, and enhancements to Cricklewood Green, would be beneficial to the townscape context, the degree of such benefit, however, being a matter of planning judgement.

2.19 Full details will be submitted at the detailed design stage in accordance with the Design Code and Addendum and secured by planning condition which will also secure all external materials of the development with samples to be submitted for approval of the LPA prior to works commencing.

3 Matters Agreed - Conserving and Enhancing the Historic Environment

- 3.1 The following matters are considered to be non-contentious and relate to conserving and enhancing the historic environment (Framework Chapter No. 16).
- 3.2 Considerable importance and weight to the statutory duty with regard to the desirability of preserving the special interest and settings of listed buildings, as set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be given. It is agreed that if the policy approach set out in the Framework is followed then the statutory duty will have been fulfilled.
- 3.3 There is no statutory duty relating to the setting of conservation areas within the Planning (Listed Buildings and Conservation Areas) Act 1990 and, therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged.
- 3.4 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.
- 3.5 Great weight must be given to the conservation of the significance of the designated heritage assets, in accordance with paragraph 199 of the Framework.
- 3.6 In the case where 'less than substantial' harm would be caused to the significance of designated heritage asset(s), this should be weighed against any public benefits associated with the development proposals, in accordance with the requirements of paragraph 202 of the Framework, and in light of the relevant overarching statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Site

- 3.7 The existing buildings on the Application Site are of no intrinsic historic or architectural value, and do not make a positive contribution to the significance of any heritage assets within the surrounding area, as part of their respective settings and views.
- 3.8 The Application Site does not contain any designated or formally identified non-designated heritage assets. The Application Site does not contain any statutory listed buildings, and does not fall within the designated boundaries of a conservation area.
- 3.9 An assessment of the existing buildings on the Site is set out in the HTVIA Assessment submitted with the Application in July 2020.
- 3.10 The key baseline heritage findings were:
 - Conservation areas: Cricklewood Railway Terraces and Mapesbury require a full assessment.

- Listed Buildings: 4 listed buildings require a full assessment, including the Crown Public House (grade II).
- Non-designated heritage assets: 11 NDHA require full assessment.
- Registered Park and Garden: Hampstead Cemetery requires assessment.

3.11 The key baseline townscape findings related to 11 character areas. 17 viewpoints around the site were chosen.

3.12 It is agreed that the setting of the Crown Public House is primarily experienced from Cricklewood Broadway and the associated forecourt to the south, within the context of Cricklewood's busy commercial high street. Its setting, which includes views of the sky above and to the side of the building, is relatively enclosed, as it is set back from the main road and screened to the north, east and south by surrounding development.

3.13 CityDesigner undertook an independent assessment of the townscape of the illustrative scheme (the Original Scheme) in the 17 views used by Montagu Evans and added an additional 5 views (A-E).

The Development

3.14 It is agreed that:

- the site is well located for public transport;
- the principle of intensification of development on this site is compliant with the BLP, EBLP and LP, subject, in each case, to application-specific assessment of suitability.
- 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.

4 Areas of Difference between the Applicant and the Council

- 4.1 The areas of difference between the Applicant and the Council following the Council's resolution of the 8th November 2022 are set out below.

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.

- 4.2 The Applicant does not consider that the proposed development and the parameters sought result in excessive height, scale and massing. The Applicants do not consider that this 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.
- 4.3 The Applicant (and the GLA as confirmed in the Stage 1 and Stage 2 report) considers that that there will be no harm to the significance of designated heritage assets (both listed buildings and conservation areas), and no adverse impacts to townscape and visual receptors of the Development when account is taken of the parameter plans, Design Code and illustrative scheme.
- 4.4 The Applicant considers that even if less than substantial harm to the designated heritage assets was found to exist, it would be significantly outweighed by the benefits of the scheme notwithstanding the great weight to be attributed to any such harm as identified in the Framework.
- 4.5 The Applicant considers that the proposal would be high-quality development, a sustainable form of development and would be compliant with the provisions of the NPPF, London Plan 2021 and Barnet Local Plan Core Strategy and Development Management Policies 2012.
- 4.6 The Applicant considers that the bulk, scale and massing of the individual building envelopes vary to account for the proposed uses, and the scale of the spaces they frame or relate to, providing variation in character, visual interest, identify, place and way-finding across the masterplan, as set out at paragraph 4.107 of the Council's Statement of Case [CDI.02].
- 4.7 The Applicant considers that that the overall design approach is proposed to enrich the area, and that future architectural proposals can build on the overarching principle to deliver the envisaged environments of the masterplan. The overall character of the masterplan creates a

varied environment that predominantly stays lower on the northern edge to stitch to and respond to the Conservation Area.

- 4.8 The design team has managed to demonstrate minimum interruption to existing views, because of the topography and because the proposed building envelopes are sensitive with regards to the existing urban fabric, as set out at paragraph 4.116 of the Council's Statement of Case.

Tall Buildings

- 4.9 The Applicant considers that that the Development Plan identifies the Site as a location that may be suitable for tall buildings in accordance with London Plan Policy D9(B).
- 4.10 The Applicant considers that the Application Site is an appropriate location for tall buildings but subject, in each case, to application-specific assessment of suitability in line with the Development Plan. However, the parties do not agree on the outcome of the required planning judgement on appropriateness in the case of this scheme

5 Agreement

5.1 This Statement of Common Ground has been prepared jointly between the Council and the Applicant.

Signed on behalf of Barnet Council

Name	Signature	Date
James Evans		24 th January 2023

Signed on behalf of the Applicant

Name	Signature	Date
Ben Ford		24 th January 2023
