

LONDON BOROUGH OF BARNET



**PROOF OF EVIDENCE FOR THE WITNESS OF LONDON BOROUGH OF
BARNET COUNCIL.**

**PLANNING INQUIRY UNDER SECTION 77 AND TOWN AND
COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND)
RULES 2000**

PREPARED BY COUNCILLOR NIGEL YOUNG

PLANNING INQUIRY: APPLICANT MATT WALTON

REF: APP/N5090/W/21/3289161

COUNCIL REF: 20/3564/OUT

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2.0 Qualifications and Experience

- 2.1 **My name is Councillor Nigel Young.** I hold BSc(Hons) degree in architecture and a post graduate Diploma in Advanced Architectural Studies from Robert Gordon University. I am an Associate Member of the Royal Institute of British Architects.
- 2.2 I have prepared this Proof of Evidence, not in my professional capacity, but as Chair of the Strategic Planning Committee at the London Borough of Barnet. My evidence supports the resolution of the Strategic Planning Committee on 8 November 2022. I was not present at the Committee Meeting as I had COVID.
- 2.6 The evidence I have prepared and now present is my Proof of Evidence for planning inquiry, reference APP/N5090/W/21/3289161 and is to the best of my knowledge truthful

3.0 Site Description and Surrounding Context

- 3.1 The application site is of approximately 2.78 hectares and is located within Cricklewood District Town Centre to the north of Cricklewood Lane. The site is occupied by retail uses, the largest of which is a B&Q retail store accommodated within a large warehouse style building. Aside from the buildings accommodating the retail uses, the rest of the site is largely made up of a large expanse of hardstanding laid out for car parking.
- 3.2 Immediately to the south of the site is a small area of green space on Cricklewood Lane; Cricklewood Green. This area of greenspace is identified as an Asset of Community Value (ACV). The southern side of Cricklewood Lane opposite the site is characterised by small shops and cafes occupying the ground floor of 2-3 storey residential properties with an expanse of two storey suburban residential properties behind.
- 3.3 Immediately to the west of the site are a series of commercial buildings. Adjacent to Cricklewood Lane these buildings have retail on the ground floor and two storeys of residential above. Further to the north is a three-storey commercial/community building and beyond this there is a three storey Bingo complex with associated car park that fronts onto the A5/Cricklewood Broadway.
- 3.4 To the north and north-west of the site is the Railway Terraces estate which is a designated Conservation Area comprising a tightly knit group of two storey terraced houses. Kara Way playground is located to the north-west of the site and provides a children's play area for this local community. To the north of the site is a builders merchants and associated hardstanding.
- 3.5 The east of the site is bounded by the Thameslink Railway Line with Cricklewood Station being accessed from the east of the railway with a link to the site under a railway bridge. Given the size of the site the Public Transport Accessibility Level (PTAL) varies across the site with PTAL 4 at the northern end rising to PTAL 5 at

the Cricklewood Lane end of the site with its proximity to the station and to nearby bus routes. The majority of the site is PTAL level 4.

- 3.6 The site is located in the Brent Cross Cricklewood Growth Area and is within the Cricklewood and Brent Cross Opportunity Area as designated within the London Plan. The site is also located within the Brent Cross Cricklewood Regeneration Area as set out in the Barnet Local Plan.
- 3.7 There are no statutory designated heritage assets on the Site, however as well as the designated Railway Terraces Conservation Area, there are three Grade II listed structures located within a 500 metres radius of the Site. These include the Milestone Sited Outside Number 3 and 4 Gratton Terrace, three Lamp Standards in front of the Crown Public House and of most significance the Crown Public House itself.

4.0 Planning History

- 4.1 There have been a number of applications on the site over the last 20 years, which relate to the commercial use of the site with the exception of the Formal Scoping Opinion in 2020. They are set out below for information;
- 19/6632/ESC - Environmental Impact Assessment Scoping Opinion. Formal Scoping. Opinion issued: 19.02.2020
 - 17/6211/ADV - Non illuminated and illuminated fascia signs. Approved: 31.01.2018.
 - F/03051/10 - Retention of a mezzanine floor measuring 301 sq m for the purposes of storage ancillary to the existing retail units. Approved: 06.10.2010.
 - C00640BD/01 - Erection of 2m high perimeter fencing and landscaping works. Approved: 24.12.2001.
 - C00640AY/00 - Externally illuminated signs and pole sign. Refused: 17.05.2000.
 - C00640AX/99 - Demolition of rear extension and rebuilding, new garden centre, sprinkler tank and pump house, and conversion of retail unit to B & Q Warehouse. Approved: 07.02.2000.
- 4.2 The planning history of surrounding sites is of relevance to the consideration of the current application.
- 4.3 1-13 Cricklewood (18/6353/FUL) – Residential-led redevelopment of the site to include demolition of existing buildings and erection of three blocks ranging from 6 to 9 storeys with flexible retail (Class A1-A4 & D1) at ground and basement level and 145 residential units (Class C3) on upper floors, with associated parking, servicing arrangements, amenity space, public realm improvements and all necessary ancillary and enabling works. This application has a resolution to approve granted by committee in November 2019 however is awaiting signing of the S106 Agreement.
- 4.4 The application was amended during the determination period from 15 storeys to 9 storeys. This reduction was undertaken to reduce the unacceptable visual impact of the proposals. A visual impact analysis was undertaken as a part of the

application, which showed that at 6-9 storeys the proposed development had a more acceptable impact on the surrounding area, in particular on views from the conservation area and from A5/Cricklewood Broadway with the listed Crown Public House. It is also of note that the Officer Report assessed the site as being *within an urban setting with a PTAL of 5, where the London Plan [at that time] density matrix suggests a residential density of between 200-700 habitable rooms/ha.* The site is within the Brent Cross – Cricklewood Regeneration Area and is identified on Map 5 of the Local Plan 2012 as being within the Growth Area.

- 4.5 194 -196 Cricklewood Broadway (17/0233/FUL) – Redevelopment of site to provide a 6-storey building comprising 3,457sqm of Class A1 use (food store) at ground floor level and 96no. self-contained flats (Class C3) at first to fifth floor levels including basement car parking, cycle parking, refuse stores and a single storey car parking deck. This application was approved in January 2018 and has commenced on site. The site is within the Brent Cross – Cricklewood Regeneration Area and is identified on Map 5 of the Local Plan 2012 as being within the Growth Area.

5.0 Development Proposals

- 5.1 Planning application 20/3564/OUT was submitted to the London Borough of Barnet (“the Council”) on 3rd August 2020. On submission, the description of development was as follows:

“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 1100 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 25 storeys along with car and cycle parking landscaping and associated works (this application is accompanied by an Environmental Statement).”

- 5.2 Following the initial consultation, assessment and discussion with Council Officers, a further consultation was undertaken in May 2021 following the receipt and publication of a supplementary Urban Design Study.
- 5.3 Following additional assessment and discussion with Council Officers, a further consultation was undertaken in July 2021 following the receipt and publication of an amended Parameter Plan.
- 5.4 Following additional assessment and discussion with Council officers, a further consultation was undertaken in August 2021 following the receipt of a revised Parameter Plan, revised Design Guidelines Document and an EIA Statement of Conformity. The revised scheme, which was the proposal reported to the Strategic Planning Committee, comprised the following amended description:

“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 (this application is accompanied by an Environmental Statement) (REVISED PLANS RECEIVED - AMENDED DESCRIPTION - REDUCTION IN MAXIMUM HEIGHT FROM 19 TO 18 STOREYS. REVISIONS TO BUILDING HEIGHTS AND REDUCTION IN RESIDENTIAL UNIT NUMBERS FROM 1050 TO 1049)."

6.0 Resolutions of the Strategic Planning Committee

- 6.1 The application (as set out in paragraph 5.4) was then recommended for approval by officers to the Strategic Planning Committee meeting on 9th September 2021. Elected members voted 6 in favour and 6 against the recommendation, which was agreed on the then Chair's casting vote and the committee resolved to grant planning permission subject conditions, the satisfactory completion of a Section 106 Agreement and subject to Stage 2 Referral to the Mayor of London (Core Doc CB 02).
- 6.2 The application was referred to the Mayor of London on 15th March 2022 and the Council was then allowed to determine the application, which was subsequently granted on 29th March 2022 (Core Doc CDD 01).
- 6.3 Prior to the Council issuing planning permission a holding direction was issued by the Secretary of State on 31st March 2022.
- 6.4 On 30th August 2022 after 5 months of consideration of the application, the Secretary of State decided to call-in the application under his powers in section 77 of the Town and Country Planning Act 1990 (Core Doc CDC 02). The letter referred to examples of relevant issues normally associated with a call-in. These are set out in the House of Commons Briefing Paper of 19 November 2019 and include those which in the Secretary of State's opinion;
- may conflict with national policies on important matters;
 - may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;
 - could have significant effects beyond their immediate locality;
 - give rise to substantial cross-boundary or national controversy;
 - raise significant architectural and urban design issues;
- 6.5 In his letter of 30 August, based on the information available to the Secretary of State, the matters which he particularly wished to be informed about for the purpose of consideration of the application were set out as:
- whether or not the proposal is in accordance with the development plan
 - the design, scale and massing of the proposal
 - anything else the Inspector considers relevant.

6.6 This was reported to the Council's Strategic Planning Committee on 8 November 2022 along with the Secretary of State's direction that the application should be referred to him instead of being dealt with by the Local Planning Authority. Given that the Council is now no longer the decision making authority for this application, a note was presented to the Council's Strategic Planning Committee in order for Council Officers to obtain the necessary delegated authority to represent the Council at the forthcoming planning inquiry. Members resolved by 6 votes in favour and one against that in relation to the Secretary of State's consideration of Development Plan and design, scale and massing of the proposal, they would be minded for evidence to be presented supporting the following resolution;

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.

7.0 The Development Plan and other material considerations

- 7.1 The planning policy framework affecting the Site comprises the National Planning Policy Framework (NPPF), the London Plan (2021) (Core Doc CDE 02) and the Barnet Local Plan (2014).
- 7.2 The Local Plan comprises the following documents:
- Core Strategy (2012) (Core Doc CDF 03)
 - Development Management Policy Document (2012) (Core Doc CDF 04)
- 7.3 The Council is in the process of reviewing and updating the Borough's Local Plan. It forms a 15-year strategy which emphasises Barnet's many strengths as a place to live, work and visit. The Local Plan sets out a vision for how the Borough will change as a place over the next 15 years.
- 7.4 The Council's Local Plan - Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. The Local Plan commenced Examination in Public in Autumn 2022. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan and is included as Core Document CDF 01.
- 7.5 The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and the Council will continue to determine applications in accordance with the 2012 Local Plan, while noting that

account needs to be taken of the policies and site proposals in the draft Local Plan and the advanced stage that it has reached; that the Examining Inspector will, over the coming months, be preparing a report for consideration by the Council.

8.0 The Main Issues

8.1 The main issue which I will cover as part of my evidence relates specifically to the resolution of the Strategic Planning Committee of November 2022 set out previously within this document and I will offer evidence, not in my professional capacity, but as Chair of the Strategic Planning Committee at the London Borough of Barnet. My evidence supports the resolution of the Strategic Planning Committee on 8 November 2022, which was as follows;

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.

8.2 In respect of the above resolution, Mr James Evans will be offering expert design evidence on behalf of the Council, which will cover the height, scale, massing and the context and established pattern of development. In my evidence, I will refer to the evidence of Mr Evans and offer further evidence related to the planning policies in the resolution and the over development of the site. I have set this evidence out in relation to the key policy frameworks/documents also referred to in the resolution of the Strategic Planning Committee.

National Planning Policy Framework 2021 (NPPF)

8.3 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are 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);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.4 The proposed scheme does not in my view comply with criteria (a), (c) and (e). For the other criteria, given that this is an outline application, there is insufficient evidence to fully assess compliance, though given the concerns outlined in the following paragraphs future compliance with these criteria will be challenging. Mr Evans' evidence demonstrates that the amount of development proposed is inappropriate by virtue of the manifestation of the form of development through its height, scale and massing. It provides compelling evidence that the proposed form of development does not 'add to the overall quality of development', is not 'sympathetic to local character and history, including the surrounding built environment' and does not 'accommodate and sustain an appropriate amount ... of development'
- 8.5 Criterion (e) specifically seeks to ensure that developments optimise rather than maximise the potential of a site and the wording also goes on to state that (development should) sustain "an appropriate amount and mix of development". The key word in my view is "appropriate" and it is the Council's case, that the excessive height and massing of development is inappropriate to its surroundings and district centre location with its fairly typical district centre scale of provision of shops, employment and local services.
- 8.6 Criterion (e) also provides an explanation of 'mix' of development as including green and other public space. The provision of open space has not been proposed as a reason for refusal, however, the level of open space provided relative to the new population is a product of the proposed high rise, over-development of the site. It is worth noting that the applicant suggests there will be 1.6 ha of open space at ground level, whereas the Local Plan Policy DM15 would require 3.4ha of publicly accessible open space for a new population of 2,100 people in an area deficient in open space
- 8.7 I consider that the scheme fails criterion (a), (c) and (e), as set out in my evidence and that of Mr Evans. It is therefore my opinion that the scheme fails paragraph 130 when taken as a whole.
- 8.8 Paragraph 134 of the NPPF 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given 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.

8.9 As Mr Evans sets out in his evidence, the Council considers that the scheme does not represent good design and as such should be refused in line with Paragraph 134. The scheme does not accord with local design policies as Mr Evans sets out and does not represent an innovative design which fits in with the overall form and layout of the surroundings. The scheme in my view does therefore not meet either criterion (a) or (b).

8.10 Paragraph 126 of the National Planning Policy Framework (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In this instance, as is clearly set out in Mr Evans' evidence, it is the Council's case that the scheme does not represent a high-quality development which is the relevant policy test. This arises from the parameters sought which would be excessive in terms of height, scale and massing.

London Plan 2021

8.11 Policy D3 of the London Plan also promotes and requires that the capacity of sites are optimised through a design-led approach. This policy has moved away from the previous London Plan 2016 approach to residential density and there was a clear change from a quantitative focus based on a matrix to a more qualitative focus to the assessment of density.

8.12 As Mr Evans will also set out fully in his evidence, it is the Council's view that in the case of the application scheme, the manifestation of the proposed density is harmful in terms of height, scale and massing. This would in my view mean that the scheme fails to adhere to the requirements of Policy D3.

8.13 Policy D3.A of the London Plan states inter alia that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations.

8.14 (((Policy D3.B states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 Infrastructure requirements for sustainable densities. Where these locations have existing areas of high-density buildings, expansion of the areas should be positively considered by Boroughs where appropriate. While it is accepted that the site is in a Growth Area, it is important to note that it is in a urban/suburban

area within a District Town Centre rather than a central area and major town centre where the highest development would be expected.

- 8.15 London Plan Policy D3 deals with design issues as set out in Policy D3.A and D3.D. Policy D3.A states that the design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. In the case of the appeal scheme, it is the Council's case, with which I agree, as set out fully in Mr Evans' evidence that the scheme does not respond to the site's context and results in a discordant form of development. The proposed excessive density not only has far reaching implications for local services, but ultimately results in a scheme that manifests itself in a form that is excessive in terms of height, scale, bulk and massing in its context, as is set out in detail in the evidence of Mr Evans.
- 8.16 Policy D3.D.1 states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. As Mr Evans sets out fully in his evidence, it is the Council's view that the scheme would demonstrably fail to enhance the local context through its scale, appearance, shape and it specifically does not have due regard to the existing street layout.
- 8.17 Policy D3.D.11 states that development proposals should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character. As Mr Evans sets out fully in his evidence, it is the Council's case, with which I agree, that the development would result in harm to the setting of the Railway Terraces Conservation Area as well as the Crown Public House (a Grade II listed building). I attach significant weight to the heritage harm identified by Mr Evans and I discuss this in more detail in the planning balance section of my evidence. It is also the Council's view that the scheme would demonstrably fail to respond to the existing character of its context and does not utilise the architectural features that contribute towards local character. This primarily arises from the excessive height, scale and massing of the development and its incongruity in its context as Mr Evans sets out fully in his evidence
- 8.18 I note that the instances of non-compliance outlined at paragraphs 8.17 and 8.18 constitute two out of the fourteen criteria of Policy D3.D and that the scheme may be broadly in compliance with the other twelve criteria. It is, however, important to note that the application is in outline and further detailed assessment of these criteria would be required at reserved matters stage. In addition, and most importantly, in assessing whether the application complies with Policy D3.D when taken in its entirety, I consider that not all of the criteria should be afforded equal weighting. The two instances of non-compliance go to the core of Policy D3. As the Council makes clear in the evidence from Mr Evans, the scheme fails in this regard and the result would be to cause harm to the character of the local context. The failure of these aspects of Policy D3 is a matter

I attribute significant weight to and in my view, compliance is required with all the criteria in Policy D3.D.

- 8.19 Taking Policy D3 holistically, I therefore consider that the scheme is not in compliance with Policy D3.A, D3.B or D3.D and as such fails to accord with the policy when taken as a whole.
- 8.20 Policy D4 of the London Plan 2021 relates to good design and part (d) of the policy states inter alia that “boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process. Development proposals referable to the Mayor must have undergone at least one design review early on in their preparation before a planning application is made, or demonstrate that they have undergone a local borough process of design scrutiny”.
- 8.21 The application was not subject to a Design Review Panel and as such cannot be said to be in compliance with Policy D4.
- 8.22 Policy D9 (a) of the London Plan states that Development Plans should define what is considered a tall building for specific localities and goes on to state at (b) that Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. In line with Policy D9, Policy CS5 of the Barnet Local Plan defines a tall building as one of 8 or more storeys (or 26 metres) or more and goes on to set out the strategic locations where tall buildings may be appropriate.
- 8.23 Further policy guidance is provided by Policy D9 of the London Plan, which goes on to set out the criteria against which tall buildings should be assessed at Part (c) 1 relating to Visual Impact. The Council’s case relating to the visual impact of the scheme is set out within Mr Evans evidence and based on that evidence, in my view the scheme fails to accord with criteria (a) (i, ii and iii) and (b) of Part (c) 1 of D9.
- 8.24 Policy D9 (c) 2, 3 and 4 go on to set out the criteria that tall buildings should address in terms of Functional Impact, Environmental Impact and Cumulative Impact respectively. In these regards, a number of these issues would require further assessment at the reserved matters stage, so I do not raise matters of compliance for these criteria at this stage. In my opinion, however, the extent of the failure to accord with Policy D9 (c) 1 outweighs this compliance with the other sections of the policy and as a result the scheme fails to comply with the policy when taken as a whole.
- 8.25 It is of note that Policy D9.B(2) states that locations and appropriate tall building heights should be marked on plans by Councils. Given the London Plan was published in July 2021, the earliest opportunity for the Council to respond to this policy requirement is in the emerging local plan, which completed the hearings part of its Examination in Public in December 2022. The emerging Local Plan identifies the application site as location for tall buildings and sets criteria for tall buildings as between 8-14 storeys in height. It is clear the proposed tall building would not comply with this criterion and, therefore, with Policy D9.B(2).

Although this is emerging policy, it does add further weight to my assessment that the proposals fail to comply with London Plan Policy D9 overall.

London Borough of Barnet Local Plan 2012 and Development Management Policies

- 8.26 Policy DM01 of the Barnet Local Plan seeks to protect Barnet's character and amenity and sets out a number of criteria to which development should adhere. It is the Council's case, with which I agree, that the scheme would fail to adhere to criteria (a) and (b) which state the following:
- a) All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.
 - b) Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets
- 8.27 The Council sets out evidence of the failure to accord with these criteria in Mr Evans' evidence. Based on the failure to accord with these criteria, I consider that the scheme fails to accord with the policy when taken as a whole.
- 8.28 Policy DM05 of the Barnet Local Plan – Development Management Policies Document sets out the local policy against which tall buildings should be assessed with 5 criteria established. Of the 5 criteria, it is the Council's case that the scheme would fail to accord with criteria ii and iii which relate to 'successful integration into the existing urban fabric' and 'a regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline' respectively. The Council sets out evidence of the failure to accord with these criteria in Mr Evans' evidence.
- 8.29 Again, it is my opinion that the failure to comply with criteria ii and iii of Policy DM05 results in the scheme failing the policy when taken as a whole. Through the failure to comply with DM05, the scheme would also fail to accord with Policy CS5 which states that in locations where tall buildings are appropriate, they should comply with DM05.
- 8.30 Policy CS5 of the Local Plan 2012, identifies that buildings of 8 or more storeys are tall buildings and that the site is an appropriate location for tall buildings, but does not in my view imply that buildings of 17 storeys would be appropriate in this location.

Emerging Local Plan

- 8.31 London Borough of Barnet Draft Local Plan (Reg 18) Site Selection Background Report sets out that the site has an indicative capacity of 1007 homes. This indicative capacity was derived from the now superseded approach to density as set out in the density matrix of the previous version of the London Plan of 2016 and included as an Annex to the Regulation 18 Local Plan. The Reg 18 assessment was based on an assumption that the site was in a 'Central' location.

Upon further review of the site and its surrounding context, the Council considers that an 'Urban' density classification for the site would be more accurate than the 'Central' density classification that has been applied. This is consistent with the approach set out for Proposal Site no. 8 – Beacon Bingo.

- 8.32 The predominant heights of buildings within the locality are between three and four stories; much of the current building footprints local to the site are traditional linear terraces; and the site does not fall within 800 metres walking distance of an International, Metropolitan or Major town centre. Accordingly, its location and surrounding context are not strictly synonymous with what would be expected within a 'Central' density area. The Council considers that site would therefore be more accurately characterised as being 'Urban' in its density classification. Adjusting the numbers within the density matrix model in light of the amended 'Urban' density classification would result in an overall net reduction of 360 units from the current figure – i.e. reducing from 1007 units down to 647 units.
- 8.33 The western part of the site sits diagonally adjacent to the Railway Terraces Conservation Area. The Council considers that there is a need for the site capacity to take account of the significance and special interest of the Conservation Area, which comprises of a large collective of Locally Listed dwellinghouses. A further reduction to the site capacity by 65 units (circa. 10%) is necessary, along with the proviso, as stated within the site-specific development guidelines of the Annex 1 – Schedule of Site Proposals, that the design must be mindful of local context. Heights in particular on the northern portion of the site should respect the adjacent heights of those properties in the Railway Terraces Conservation Area. The specific adjustment proposed for the Conservation Area as a site constraint results in a total site capacity of 582 units.
- 8.34 These proposed modifications to the submission version of the Local Plan are the subject of a note prepared by the Council, programmed to be with the Inspectors by the end of January 2023
- 8.35 In addition, the site and Brent Cross / Cricklewood Growth Area is identified as one of the locations considered suitable for tall buildings in the emerging Local Plan where Policy CDH04 states that Tall buildings (8 to 14 storeys (26 to 46 metres) may be appropriate in designated locations. The emerging local plan policy sets a limit on tall buildings of 14 storeys, which is exceeded by the application proposals. Although the Draft Local Plan has recently been through the hearing stage of Examination in Public, it carries limited weight not least because the issue of site specific density is to be the subject of further evidence, at the Examining Inspectors' request.
- 8.36 Policy CDH01 (Promoting High Quality Design) of the Council's Draft Local Plan is broadly consistent with London Plan Policy D3 and states in relation to density that "in order to make the most efficient use of land residential proposals must be developed at an optimum density. A design-led approach to determine capacity should deliver an optimum density. This approach should consider local context, accessibility by walking and cycling and existing and planned public transport as well as the capacity of infrastructure." The policy seeks to optimise rather than simply maximise housing density. This enables full consideration of

the local context, relating appropriate density ranges to existing building form and massing as well as the location (central, urban, suburban).

- 8.37 As I have set out in relation to Policy D3 and as fully set out in Mr Evans' evidence, it is the Council's view, with which I agree, that the scheme has failed to fully consider the local context which is an intrinsic part of ensuring a design-led approach to optimising site density. Policy CDH01 makes reference to location and by implication that the highest density of development as proposed in the application should be located in central areas rather than in the urban area of the Cricklewood District Centre. Again, while I acknowledge the status of the Draft Local Plan which is still subject to consideration following hearing stage of Public Examination it is of some significance as it exemplifies policy D3 within the London Plan.

Summary

- 8.38 My assessment of the application proposals is based on the evidence above, and draws substantively from the evidence provided by Mr Evans. In support of this evidence, I have considered the application documents and in particular the Environmental Statement Volume II: Heritage, Townscape and Visual Impact Assessment prepared by Montagu Evans on behalf of the applicant. In particular: view 4 from Cricklewood Lane; view 5 from Cricklewood Station; views 6-7 from 'the Groves' local streets; view 8 from the Grade II listed Crown Pub; Views 9 and 11 from the west and; views 13-16, which show impact on the Railway Terraces Conservation Area. With the exception of view 5, the views are from some distance away, but still show a very significant impact causing harm to the surrounding context. View 5, however, shows the overwhelming scale of the proposals that will be evident close to the site including along Cricklewood Lane, in closer views from 'the groves' residential streets and from closer views from in and around the Railway Terraces Conservation Area. Given this evidence it is my opinion that the scheme fails to accord with the policy framework I have set out.
- 8.39 I acknowledge that the site is located within an area identified as suitable for tall buildings. However, as I have set out and primarily based upon the evidence of Mr Evans, it is my view that the proposed over-development of the site manifests itself in a form that is excessive in terms of height, scale and massing and would be wholly incongruous within its surrounding context. The proposals constitute over-development of the site and are highly inappropriate to its district centre location within an urban/suburban setting.
- 8.40 Whilst the Council will draw primarily upon the evidence of Mr Evans in respect of this reason for refusal, it is my opinion that the scheme fails to accord with Paragraphs 126, 129, 130 and 134 of the NPPF, Policies D3, D4 and D9 of the London Plan 2021 and Policies CS5, DM01 and DM05 of the Barnet Local Plan.

9.0 Development Plan and the Planning Balance

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the statutory development plan unless material considerations indicate otherwise. In this case, I consider that the scheme fails in particular to adhere to Policies D3, D4 and D9 of the London Plan 2021 and Policies CS5, DM01 and DM05 of the Barnet Local Plan. I consider that the cumulative effect of non-compliance with these policies results in the scheme failing to accord with the development plan when taken as a whole, and therefore the decision in accordance with the development plan should be to refuse permission. The scheme also fails to adhere to paragraphs 130 and 134 of the NPPF, which are further material considerations indicating against the grant of permission.
- 9.2 The scheme provides new homes and affordable housing on an existing developed site. This is an important benefit as set out in the NPPF 2021, London Plan 2021 and the Barnet Local Plan 2012. It would provide an important contribution to the delivery of the housing target within the emerging local plan and the site is listed as one of over 60 sites in Annex 1- schedule of site proposals.
- 9.3 I acknowledge that the scheme would have benefits and in assessing the scheme against the development plan as a whole I have given weight to these benefits accordingly. The Statement of Common Ground sets out the agreed key benefits of the scheme and these are addressed in turn below.

The beneficial redevelopment of an existing brownfield site within an urban location in a high-quality way on out of centre retail park and associated car park which will regenerate the Application Site and the area generally

- 9.4 Given the concerns over the height, scale, massing and density of the proposed development and the limited 'mix' on the site, as set out in my evidence and that of Mr Evans I would attach limited weight to this benefit because of the unacceptable form of redevelopment. Sustainable development requires planning decisions to take account of their impact upon future generations as well as current occupants and users of the built environment. In my view the regeneration benefits of the application would be compromised by the impact of the over-development of the site and the height of the proposals and I would, therefore, attach minor benefit or weight to this.

The opportunity to deliver a significant quantum of new housing, including 35% affordable homes (by habitable room) and family sized units. This will result in a meaningful contribution towards the Borough's housing need and housing choice. The Application Site will deliver up to 1,045 homes of which up to 382 homes would be in an affordable tenure. The provision of up to 86 London Affordable Rent homes and 296 Intermediate tenure homes will make a significant contribution to Barnet's housing need

- 9.5 The scheme would provide 1045 homes towards the borough's housing targets. I accept that the delivery of housing must be afforded significant weight. The viability assessment submitted as part of the application sets out that the properties would range in average sale price from £315,000 for a single person studio flat up to £700,000 for a 3 bedroom flat. The median average wage in Barnet is approximately £30,000 per annum, so the private for sale flats would

be unaffordable for the majority of people in Barnet. While this is a concern in addressing housing need in Barnet, it does not detract from the importance of providing new housing in the Borough and London and overall I would give this moderate/significant weight. It is worth noting that the analysis in Chapter 14 of the Applicant's Environmental Statement – Socio Economics by AECOM, gives the delivery of housing moderate (significant) beneficial weight in meeting housing targets (paragraph 14.6.31).

- 9.6 The scheme would provide 35% of the homes as affordable, equating to 382 affordable homes. I accept that the provision of up to 86 London Affordable Rent homes and 296 Intermediate tenure homes will make a contribution to Barnet's housing need. However, the most pressing need in the borough is for London Affordable Rented homes and it is evident that only 86 of the 382 affordable homes would be provided in this tenure with the majority being provided as intermediate. This provision gives a split of 22:78 social rented to intermediate, which is well short of the London and borough, policy of 60:40 social rented to intermediate providing only 36% of the social rent required in the both the Barnet Local Plan and London Plan. While, given the viability assessment, this is not a reason for refusing the application, it does lessen the weight given to the delivery of housing. Overall I would give this minor beneficial (not significant) weight. It is worth noting that the analysis in the Applicant's Socio Economic Section of the Environmental Statement gives affordable housing provision minor beneficial (not significant) weight in meeting affordable housing targets (paragraph 14.6.35).

The indicative delivery of 1,200 sqm (GIA) of high-quality flexible commercial and community floorspace can accommodate a range of uses including a new health facility

- 9.7 I accept that the provision of 1200 sqm of commercial floorspace would benefit the vitality and vibrancy of the town centre and would provide local employment opportunities. The current commercial floor space is, however, 8,000 sqm, so the proposals would result in a net loss of 6,800 sqm of retail/commercial floor space. This would also result in a net loss of 68 jobs according to the Socio-economic analysis with the Environmental Statement. I attach minor adverse weight to this, which will result in the reduction of commercial floorspace and employment within the district centre and have a minor adverse effect on the local economy. This broadly accords with the conclusion set out in paragraph 14.6.21 of the Applicant's Socio Economic Chapter of the Environmental Statement.
- 9.8 The provision of the health facility would be subject to a cascade clause in the Section 106 and as such the space would not be specifically ringfenced for healthcare use. The provision of the healthcare unit in itself should not therefore be given additional weight. Indeed, the Environmental Statement concluded that the proposed development would have a moderate (significant) adverse effect on primary healthcare provision if this is not increased. I attach moderate (significant) adverse weight to this.

The development will deliver a significant reduction of vehicle parking compared to the existing commercial operation, which embraces the Mayor of London's

Healthy Streets Initiative by encouraging Londoners to use cars less and walk, cycle and use public transport more.

- 9.9 I accept that the reduction in parking below the baseline position of car parking spaces and vehicle trips per day would be of benefit in reducing vehicle movements on the local network and, combined with other measures, would promote sustainable modes of transport. I attach minor beneficial weight to this.

Improvements to the public realm along Cricklewood Lane and Depot Approach are proposed. There will be new planting, street furniture and an effective extension of Cricklewood Green open space.

- 9.10 Whilst I accept the works to the public realm along Cricklewood Lane and Depot Approach would bring public benefit, in my view the level of benefit is reduced because of the scale of the improvements are modest in comparison the very significant scale of the development (see paragraph 10.13) and as such I attach minor weight to this benefit

This site would deliver ecological benefits and a biodiversity net gain will be achieved via extensive landscaping, tree planting and green roofs.

- 9.11 I accept that the scheme would bring benefit in terms of energy and sustainability, biodiversity and urban greening (see paragraph 9.13) and accordingly I attach minor beneficial weight.

Contribution of circa £17.6M towards Mayoral CIL and Barnet CIL.

- 9.12 I recognise that this substantial CIL payment would be utilised in the borough to deliver community benefit. It should be noted, however that the Government define CIL as a tool for local authorities to use to help them deliver the infrastructure needed to support development in their area and as such I attach moderate weight to this as a benefit.

- 9.13 While accepting the benefits related to ecology, biodiversity and landscaping and public realm improvements, I remain concerned over the provision of open space. If this were to be provided at the level required by Local Plan Policy DM15 (as considered in paragraph 8.6) the benefits to ecology, biodiversity, landscape and the public realm would be significantly greater. It is likely that a significant proportion of the CIL payment would be required to offset the open space deficiency in the immediate area exacerbated by this development.

Summary

- 9.14 There are benefits that accrue from this application, the most important being the delivery of housing, including affordable housing, but both I and the applicant's socio-economic environmental statement attach modest (significant) benefit to the delivery of housing and minor benefit (not significant) to the delivery of affordable housing. Taken with the other benefits I have outlined above, however, it is my view and the view of the Strategic Planning Committee, that the cumulative weight of these benefits are significantly and demonstrably outweighed by the instances of non-compliance with the development plan and other material considerations that I have set out in my evidence. The impact of

the development on the character and appearance of its locality, and the impact on local heritage assets as amplified in Mr Evans evidence and in the visual impact of the views set out in the application, alongside the impact of the over-development of the site within a district centre would create major or very significant harm that outweighs the moderate or significant benefits of the application.

- 9.15 I acknowledge that the application would contribute to current housing targets and those set out in the emerging Local Plan, however, it is my opinion that the scheme should be refused as the major harmful impacts of the scheme on the surrounding context and heritage assets would significantly and demonstrably outweigh these benefits.
- 9.16 Accordingly, I consider that the scheme should be refused.