

MONTREAUX CRICKLEWOOD LTD

CALLED-IN PLANNING APPLICATION FOR THE REDEVELOPMENT OF THE B&Q SITE, BROADWAY RETAIL PARK, CRICKLEWOOD LANE, NW2 1 ES

PUBLIC INQUIRY – 14 TO 24 FEBRUARY 2023.

THE CASE IN OPENING FOR THE APPLICANT

Section 1 – Introduction

1. There is in the starkest terms a housing crisis nationally, regionally and in this authority.
 - 1.1 Nationally 300,000 houses need to be delivered annually and yet only 204,530 are being delivered: a shortfall of 85,000 units¹.
 - 1.2 Regionally the London SHMA identified 66,000 houses required² a year against a London Plan provision of 52,287³: a shortfall of nearly 15,000 units across the region.
 - 1.3 Barnet’s SHMA says the housing requirement is 3,060 per annum but the SM is 5,361 per annum against a London Plan target of 2,364, which leaves a shortfall of 3,000 units a year against the SM.
 - 1.4 Barnet’s historic delivery has been particularly poor, averaging 1,749 homes between 2009/10 to 2020/21.
 - 1.5 The provision of affordable housing has amounted to just 210 homes per annum⁴ against an emerging plan requirement of 706 affordable houses per year.
 - 1.6 In the most recent year just 142 affordable homes were delivered which amounts to a shortfall of 564 units or more pertinently only 20% of what was required was delivered.
 - 1.7 On every criterion however examined the delivery of housing is lamentable.
2. This failure has serious and profound consequences.
3. Barnet is now the 13th least affordable local authority in England and Wales. It is remarkable – there are only 12 places more expensive in this country to live now. Affordability and deliverability are critical and fundamental issues.
4. It is also true that this is not some academic debate but affects real people on the ground. Real people who are in desperate need for new housing, better housing, more affordable housing now – not in the future but now.

¹ ONS figures – 8 November 2022.

² Rhodes Appendix 2, paragraph 1.1.

³ Rhodes Appendix 2, paragraph 1.2]

⁴ Rhodes Appendix 2 paragraph 2.2, Table 1.

5. There are 2,014 households in Barnet currently living in temporary accommodation.⁵ That is households, not individuals. Therefore thousands are in temporary accommodation waiting for their housing needs to be met properly so they can have the security of a home which most of us take for granted. Security and permanence are critical to wellbeing and a sense of happiness.
6. The only way this crisis is and can be addressed is not by talking, debating, arguing but by bringing forward as a matter of urgency brownfield sustainable sites identified in the development plan for major redevelopment and regeneration, which is exactly what this site is.
7. Consequently for a country gripped by a housing crisis, the fundamental question is not if but where new housing should be located, and this question must be answered immediately and with the delivery of new housing. There is no other response.
8. Central Government's consistent answer through the formulation and application of policy is on sites just like the application site – those which are (a) in a town or city, (b) brownfield, (c) under-utilised, (d) sustainably located, and (e) identified for redevelopment in the statutory development plan.
9. It is the Applicant's conviction that this proposal meets the requirements of the Government's planning policy requirements in full. It frankly deserves the fullest support.
10. The applicant will show over the next two weeks that:
 - 10.1 It is a proposal which is overwhelmingly supported by existing policy at the local, regional and national levels.
 - 10.2 It is a proposal which is overwhelmingly supported by emerging policy at local and national level.
 - 10.3 Frankly it doesn't just meet policy requirements but brings them actually about.
 - 10.4 It is a proposal which offers huge and significant benefits, including the regeneration of an outworn site, the delivery of many much-needed new homes and the provision of substantial new public realm.
 - 10.5 It is a proposal which will cause no harm to the surrounding townscape, historic environment, or local transport – or to anything else.
 - 10.6 It is exactly the sort of proposal which must be consented if the housing crisis – faced not just in Barnet, but across London, and indeed the country – is ever to find relief.
 - 10.7 It will also be a huge investment in an area which needs it. It represents a substantial, fundamental and game changing regeneration project for Cricklewood.

⁵ Rhodes Appendix 2 paragraph 6.

Section 2 – The factual background

The site and its surroundings

11. The application site is currently occupied by a retail warehouse (7,990m²) and associated surface level car park (470 spaces). It is a design of its time. It has a utility of its time.
12. The existing character of the site is poor. Its appearance is tired, its buildings have no architectural merit, it turns its back on the existing centre, and its large areas of hardstanding are unrelieved. Its large, underused surface car park is a remnant of the unloved past when the car was king and is frankly an affront to sustainable land use planning, particularly in such a key site in a key location in the largest city on this island.
13. The site is bounded by the Midlands Mainline and the Thameslink railway line to the east and sits immediately adjacent to Cricklewood Station. It is served by several bus routes and benefits from good pedestrian facilities. It benefits from a Public Transport Accessibility Level (“PTAL”) of 5 (on a scale from 0 to 6) [CDI.03, §2.9] relating to the majority of the site.
14. Clearly, this is a highly sustainable location.
15. Unsurprisingly, it is a location which is identified as a focus for growth:
 - 15.1 The site lies within the Brent Cross/Cricklewood Opportunity Area, which is designated in the London Plan as having capacity to provide 9,500 homes and 26,000 jobs by 2041 [CDE.02, table 2.1].
 - 15.2 The site lies within the Brent Cross – Cricklewood Regeneration Area, which is identified in the Barnet Local Plan as a “primary focus of housing and employment growth” [CDF.03, §7.2.3].
 - 15.3 The site lies within the Cricklewood Growth Area, which is identified in the emerging Barnet Local Plan as providing an “opportunity for regeneration and intensification” (policy GSS04) [CDF.01]. The site is the “principal site” identified for intensification in this Growth Area [CDI.05, §2.11].
 - 15.4 The site is allocated for residential-led mixed use development, with a longstanding previous indicative capacity of 1,007 homes, together with retail and community uses, in the emerging Barnet Local Plan (site allocation no. 8) [CDF.01].
16. The site is also adjacent to Cricklewood Town Centre, which the London Plan expects to provide “high” residential growth and “medium” commercial growth [CDE.02, Policy SD9, Table A1.1].
17. The site is not located within a Conservation Area – it is 18.5m from the Railway Terraces Conservation Area at the nearest point. The site does not contain any listed buildings, or any designated or non-designated heritage assets.

The proposed development

18. The application is for outline planning permission for the comprehensive mixed-use redevelopment of the site.
19. The proposed development includes up to 1,049 residential units and up to 1,200 sqm of flexible commercial and community floorspace in buildings ranging from 3 to 18 storeys in height.

The development plan

20. The statutory development plan currently comprises the following documents:
 - 20.1 The London Plan (2021) [CDE.02], which sets out the spatial development strategy for London; and
 - 20.2 The Barnet Local Plan, which comprises the Core Strategy (2012) [CDF.03], Development Management Policies (2012) [CDF.04], the Proposals Map (2012) [CDD.05], and the Unitary Development Plan (saved policies) (2006) [CDF.02].
21. There is agreement as to the policies which are relevant to the determination of this application, recorded in section 5 of the Planning SoCG [CDI.03, §§5.3, 5.5-5.8, 5.11].
22. The emerging Barnet Local Plan does not form part of the statutory development plan, but it is at an advanced stage of preparation. The emerging policies agreed to be relevant to the determination of this application are set out in section 5 of the Planning SoCG [CDI.03, §§5.17-18]. It is however of note that the recent modifications have not yet been translated into an updated housing trajectory and have not yet been consulted upon.

Consideration of the application by the LPA, GLA and Secretary of State

23. The proposal is the product of extensive pre-application discussions and extensive community engagement. This work is summarised in section 6 of Mr Everitt's proof of evidence, and key dates are set out in the chronology appended to this opening speech. The most important points are these:
 - 23.1 Five formal meetings were held with the LPA's officers, and one with the GLA's officers, over the course of 2019. At these meetings, officers expressed support for the proposal. At no point did they suggest that tall buildings would be inappropriate.
 - 23.2 A two-day public consultation event was held in February 2020, advertised by flyers delivered to over 5,000 local residents, community groups and businesses.
 - 23.3 Nine further meetings were held with seven different stakeholder and community groups, including the R6 Parties, in 2019-2020.
24. This process has been one of genuine consultation and collaboration. The design of the scheme has evolved to take account of the LPA's vision for the site, and in response to feedback from the local community. In response to such feedback, the applicant listened and reduced the

tallest element of the scheme from 25 to 18 storeys and the respective heights of the three other proposed buildings.

25. It is this reduced scheme which is before this inquiry.
26. The application was reported to the LPA's strategic planning committee on 9 September 2021. Officers recommended that planning permission be granted. They identified "strong policy support for the optimisation of the site for housing delivery" and considered the "overarching principle of tall buildings in this location [to be] acceptable" [CD.01, §§5.6 and 9.6]. Although conservation officers suggested that less than substantial harm would be caused to the Railway Terraces Conservation Area and The Crown (a Grade II listed public house), urban design officers supported the proposal⁶ and planning officers found that that harm would be outweighed by the scheme's benefits [CDD.01, §§9.34 and 9.40].
27. The officers' recommendation was accepted by members, who resolved to approve the application [CDD.02].
28. GLA officers also recommended that planning permission be granted. They expressed "strong support" for the principle of the development in their Stage 1 and Stage 2 Reports [CDB.01, §89 and CDB.02, §26]. They recognised that the site is "highly accessible with very good quality public transport links" and that it provides "an exceptional opportunity for high-density housing delivery" [CDB.01, §89]. They considered that tall buildings of up to 25 storeys would be "broadly in line with planning policy" for this location [CDB.01, §89], and that the illustrative scheme (of up to 18 storeys) demonstrated that "an appropriate design quality could be achieved [at reserved matters stage], with no harm to heritage assets" [CDB.02, §34].
29. The Mayor agreed with his officers' assessment. On 28 March 2022, he declined to direct the LPA to refuse the application or to take it over himself [CDB.02].
30. The Secretary of State then called-in the application for his own determination on 30 August 2022, under section 77 of the TCPA 1990.
31. The Secretary of State did not identify any aspect of the proposal which might conflict with national policy or give rise to concerns of national significance, but he did state that he wishes to be informed of "the design, scale and massing of the proposal", as well as "any other matters the Inspector considers relevant" [CDC.02, §7].
32. It was only after the Secretary of State called-in the application that the LPA rescinded its support which in the politest way possible is inexplicable in the absence of any change to National Policy, any change to the development plan and any change to a material consideration which is relevant to this decision.

⁶ See very supportive comments from Urban design officer in the POR pages 42-47.

33. Frankly the only change that happened was a political change to the LPA and a change in composition of the Planning Committee. It is no more sophisticated or complex than that.
34. On 8 November 2022, officers sought authorisation to present evidence to this inquiry in support of the proposal. But members made a remarkable volte face and resolved to oppose it [CDD.04].
35. Members provided only one putative reason for refusal, which takes issue with the height, scale and massing of the proposed scheme which was identical to that resolved to be completely acceptable a year earlier.

Section 3 – The matters not in dispute

36. There is significant agreement between the applicant and the LPA in this case. The matters of agreement are recorded primarily in the Planning SoCG [CDI.03]. There are also separate SoCGs on Heritage and Design [CDI.05] and Transport [CDI.04].
37. The following matters of common ground are especially notable:
 - 37.1 The site provides an “exceptional opportunity for high-density housing delivery in a location identified as appropriate for tall buildings” [CDI.05, §2.13].
 - 37.2 The site is “highly accessible” and “well connected”, but currently “under-utilised” [CDI.03, §§2.6, 7.34 and 7.15].
 - 37.3 The application is “well thought through and well considered”, offering “well-designed” homes, “very high” quality amenity space, and “generous” public realm [CDI.03, §§7.72, 7.81 and 4.18].
 - 37.4 The proposal is acceptable in terms of daylight, sunlight and overshadowing [CDI.03, §7.117].
 - 37.5 The proposal is acceptable in terms of air quality [CDI.03, §8.8].
 - 37.6 The proposal is acceptable in terms of noise [CDI.03, §8.10].
 - 37.7 The proposal is acceptable in terms of flooding and drainage [CDI.03, §8.17].
 - 37.8 The proposal is acceptable in terms of microclimatic conditions, including wind [CDI.03, §§8.18-8.19].
 - 37.9 The proposal is acceptable in terms of ecology and biodiversity net gain [CDI.03, §§7.91-7.92].
 - 37.10 The proposal is acceptable in terms of transport, access and parking [CDI.04, §4.1.1].

- 37.11 The proposal will deliver significant benefits, including making optimum use of a suitable brownfield site, delivering a significant number of market and affordable homes, and creating substantial new public realm in an area lacking open space [CDI.03, §§7.48, 7.63 and 9.2].
38. The R6 Parties have not taken up the opportunity to contribute to the SoCGs, but it appears from their Statement of Case that they agree with the LPA and the applicant on many issues. They accept that housing is “sorely needed” in Barnet, and that the site is under-utilised and suitable for residential redevelopment [CDI.06, §1.1]. They do not dispute the acceptability of the proposal in terms of air quality, drainage, flooding, ecology, microclimatic conditions or noise.

Section 4 – The matters in dispute

39. There are two main issues in dispute between the LPA and the applicant, which are as follows:
- 39.1 Main issue 1: The effect of the development on the character and appearance of the area.
- 39.2 Main issue 2: The effect of the development on the Railway Terraces Conservation Area.
40. The R6 Parties’ case raises a third issue, which is:
- 40.1 Main issue 3: The effect of the development on local transport.

Section 5 – The proposal accords with the development plan

41. The proposal responds to the Mayor’s and LPA’s policy imperative for change in Cricklewood. It strongly accords with the development plan, read as a whole.
42. In contrast the LPA’s case is based purely on a small part of the development plan, namely the effect of the proposal on design and the Railway Terraces Conservation Area. That relies on a contrast between the development and the existing character of the area and judgments appear to be reached in the absence of any real consideration of the policy imperatives imposed by the plan relating to regeneration, provision of housing, optimisation, densities in such locations and the need for bringing the site forward. Those policies in essence seek to bring about the change required to meet established planning objectives.
43. In particular, as Mr Rhodes will explain in sections 7-11 of his proof of evidence:
- 43.1 The delivery of housing, including affordable housing, is an issue of strategic importance in Barnet and across London. The proposal will deliver a significant number of much-needed market and affordable homes. It accords with Policies H1, H4, H5, H6, H10, GG2 and GG4 of the London Plan, Policies CS1, CS3 and CS4 of the Barnet Core Strategy, and Policies DMO8 and DM10 of the Barnet Development Management Policies. In essence the need for housing is established, pressing, urgent and growing. Indeed although not brought to your attention the position is that this LPA signed a HLS statement in the

context of an appeal in December 2022 which willingly accepted that the LPA cannot show a 5 year HLS [CDG.11, §1.1].

- 43.2 Sites on which to meet that need are scarce. The spatial strategy for London and for Barnet is to focus growth in Opportunity Areas, in particular on sites which are previously developed and well-connected by public transport. The redevelopment of surface car parks and edge-of-centre retail parks is specifically encouraged. The proposal meets those policy imperatives. It accords with Policies H1, GG1, GG2, SD1, SD6, SD7, D3 and E9 of the London Plan, Policies CS1, CS2, CS3 and CS5 of the Barnet Core Strategy, Policy DM10 of the Barnet Development Management Policies, and saved Policies GCrick, C1 and C5 of the Unitary Development Plan.
 - 43.3 The development plan recognises that land should be used efficiently and that a site's potential for regeneration and growth should be optimised. The proposal makes the most of the exceptional opportunity presented by the site, recognising that low-density, low-rise development would represent an opportunity missed. It accords with Policies D3, GG2, H1, SD1 and SD6 of the London Plan and with Policy CS3 of the Barnet Core Strategy.
 - 43.4 The development plan identifies the site as appropriate for tall buildings, as the GLA recognised in its Stage 2 Report [CB.02, §33]. Policy CS5 of the Barnet Core Strategy states that tall buildings may be appropriate in strategic locations such as the Brent Cross – Cricklewood Regeneration Area, which includes the application site. This is accepted in the SoCG and by Cllr Young. The emerging LP [CD.Ho4] confirms that “very tall buildings” [15 storeys or more] may be appropriate in the growth areas and specifically allocates this site as the principal component of the Cricklewood Growth Area.
 - 43.5 The proposal offers high quality design which responds to and enhances the local townscape and causes no harm to surrounding heritage assets. It accords with Policies GG1, D1, D3, D4, D5, D6, D9 and HC1 of the London Plan, Policy CS5 of the Barnet Core Strategy, Policies DM01, DM02, DM03, DM04, DM05 and DM06 of the Barnet Development Management Policies, and Policies CGrick, C1, C2, C3 and C4 of the Unitary Development Plan.
 - 43.6 The proposal will generate significant transport benefits. It accords with Policies T1, T2, T3, T4, T5, T6 and T7 of the London Plan, Policies CS5 and CS9 of the Barnet Core Strategy, and Policies DM01 and DM17 of the Barnet Development Management Policies.
44. For much the same reasons, the proposal accords with Policies BSS01, GSS04, CDHo4, HOU1, HOU2, TRCo1 and TRCo3 of the emerging Barnet Local Plan. It brings forward the Broadway Retail Park allocation (site no. 8), which allocates the site for “residential-led mixed use development with commercial and community uses”. The allocation gives an indicative capacity of 1,007 dwellings for the site and confirms that tall buildings may be appropriate.

45. It is therefore the Applicant's powerful submission that the proposal overwhelmingly complies with the development plan and therefore in accordance with the provisions of Section 38(6) of the PCA 2004 the presumption is in favour of the development plan and granting permission unless material considerations indicate otherwise.

Section 6 – The proposal accords with other material considerations

46. It is the position of the Applicant that the relevant material considerations support completely the presumption in favour indicated by the development plan.

47. The NPPF is the primary material consideration, which strongly supports the proposal.

48. As Mr Rhodes explains in sections 8-10 and 12 of his proof of evidence:

48.1 Since 2012, Central Government's objective – now at para 60 of the NPPF – has been to significantly boost the supply of homes.

48.2 The NPPF requires that significant weight be applied to the use of brownfield land for housing (para 120(c)).

48.3 It encourages the redevelopment of car parks in particular (para 120(d)).

48.4 It recognises that optimal use should be made of sites, such that residential developments should not be built at low densities (para 125).

48.5 The proposal achieves each of those important policy objectives. It makes best use of an under-utilised brownfield site, including a large surface car park, to deliver a significant number of much-needed market and affordable homes.

48.6 The proposal will also support economic growth and prosperity, providing 1,200m² of enhanced commercial and community floorspace. Para 81 of the NPPF requires that this aspect of the proposal be given significant weight.

48.7 The proposal accords with the NPPF's policies on design. The scheme's design has evolved to take account of views expressed by the local community and other stakeholders (para 132) and reflects local and national design policies and guidance (para 134(a)). The result is a design which is genuinely outstanding – one which will help to raise the standard of design more generally in the area, whilst responding to the overall form and layout of its surroundings (para 134(b)).

48.8 The proposal will deliver a significant amount of new open space, urban greening, and biodiversity net gain. It accords with paras 131 and 179(b) of the NPPF.

48.9 The proposal will not cause harm to any heritage assets. It accords with Chapter 16 of the NPPF.

- 48.10 The proposal situates new housing in a highly sustainable location and will improve local transport conditions. It complies with Chapter 9 of the NPPF.
49. It is common ground [CDI.03, §§7.72, 7.76, 7.102] that the proposal will deliver well-designed homes that meet minimum space standards and separation distances, so as to comply with the Barnet Sustainable Design and Construction SPD (2016) [CDF.010] and the Barnet Residential Design Guidance SPD (2016) [CDF.07].
50. Finally in relation to the NPPF and paragraph 11 the position in Barnet is that the LPA cannot identify a five year supply of housing land. That of course invokes the tilted balance which means that the LPA have to show that the impacts significantly and demonstrably outweigh the benefits in such circumstances unless the tilted balance is disengaged by paragraph 202 which of course the Applicant does not accept [nor would the GLA].
51. These, too, are therefore material considerations which weigh in favour of the grant of permission and support the conclusion of the development plan that permission should be granted.

Section 7 – The benefits of the proposal

52. The benefits of the proposal are set out by Mr Rhodes in section 12 of his proof of evidence. They include:
- 52.1 The delivery of a significant quantum of new housing. The proposal will make a meaningful contribution towards the Borough's housing need and housing choice.
- 52.2 The provision of much-needed affordable homes. Barnet is one of the least affordable places to live in the country. The proposal offers 35% of homes as affordable – that's (indicatively) 382 homes for households in genuine housing need.
- 52.3 The use of under-utilised brownfield land in a highly sustainable location for high-density housing – as encouraged by local, regional and national policy. Bringing forward development on such sites reduces pressure on green open space and helps to protect the Green Belt – which is a clear and up to date objective of Central Government.
- 52.4 Economic benefits. The scheme's enhanced provision of flexible commercial and community floorspace (up to 1,200m²) will support economic growth and productivity. There will be a net increase in employment during demolition and construction (369 jobs), and once the site is operational (20-106 jobs).
- 52.5 The outstanding design of the scheme, which responds to and will enhance the townscape character of Cricklewood Town Centre and the wider Opportunity Area. The applicant has provided an exemplary Design Code, which will inform the detailed design of the scheme at the reserved matters stage.

- 52.6 The creation of new areas of open space and urban greening, which will add substantially to the amenity of the area, in both qualitative and quantitative terms. Permeability across the site will be much improved, transforming the usability of Cricklewood Green (a registered Asset of Community Value). Biodiversity net gain is expected to far exceed 10%. Finally by gathering the proposed floorspace into taller buildings the architect has freed up approximately 50% of the site area to contribute to landscaped open space and public realm in an area deficient currently in both.
- 52.7 A net reduction in vehicle movements and associated carbon. These benefits arise from the substantial reduction of car parking on the site (470 to 105 spaces).
53. The benefits are weighty and compelling. The LPA accepts they are significant [CDI.03, §9.2]
54. They are all “public benefits” to be weighed against any harm caused to heritage assets, under para 202 of the NPPF.

Section 8 – The alleged impacts of the proposal

55. On the other side of the scales, there is not a credible case that the proposal will cause any harm:

55.1 The alleged harm because of design

- 55.1.1 In its putative RfR, the LPA alleges that the height, scale and massing of the proposal is “excessive” and fails to respect the “established” character and appearance of the area.
- 55.1.2 This allegation is simply not made out.
- 55.1.3 Remember this is an LPA which is promoting now in its emerging development plan the provision of at least 582 units on this site. It could be asked; indeed it must be asked, what is the difference on a site of this size of the extra units proposed by this application? Are they truly the straw that breaks the camel’s back? Or is the emerging plan too ambitious? Or more properly and likely: the LPA simply have no point on the design but this is merely the most convenient reason of refusal that could be grabbed in the context of the inexplicable approach at the November 2022 committee meeting.
- 55.1.4 You will hear powerful evidence from two leading experts in the respective fields of architecture and Heritage/Townscape that what is proposed is suitable and not harmful.
- 55.1.5 The evidence of Mr Everitt – the architect of the proposal – is fully supported by that of Dr Miele and clearly demonstrates the detailed consideration that has gone into the design of the proposal and its compliance with the relevant policy objectives. That design will also be required to comply with the design code now proposed.

- 55.1.6 The LPA agrees that the design is the product of an “extensive” consultation process, that it has been assessed “proportionately”, and that there will be further review at the reserved matters stage [CDI.05, §§2.2 and 2.5].
- 55.1.7 As Dr Miele explains, there is no “established” pattern of development for the proposal to conform with. The character of the area is a varied one. On the whole, its visual quality is not noteworthy.
- 55.1.8 Even if there were an “established” pattern of development, the LPA’s adopted and emerging policy would require a significant departure from it. It would not be possible to deliver in excess of 582 homes on this site without incorporating buildings of a certain height, mass and scale.
- 55.1.9 In any case, rather than detracting from the existing townscape, the proposal will enhance it. The tall buildings will provide a landmark feature, emphasising the station and new town square, and signalling the wider regeneration of the area.
- 55.1.10 The design is a substantial benefit, not a harm.

55.2 The alleged harm to the Railway Terraces Conservation Area

- 55.2.1 In its putative RfR, the LPA refers to only one heritage asset: it alleges that the proposal will harm the setting of the Railway Terraces Conservation Area.
- 55.2.2 This allegation of harm is unfounded.
- 55.2.3 Firstly there is no direct impact. The application site lies completely beyond the area of the Conservation Area.
- 55.2.4 Therefore the only possible harm is to the significance of the Conservation Area, caused by a potential impact to the setting of the Conservation Area.
- 55.2.5 The reality is that the Conservation Area is strong and resilient. Its significance has completely survived the existing drab retail development which has laid to its south for over 30 years.
- 55.2.6 As always the significance of the Conservation Area must be focussed on and scrutinised. It is incredibly difficult to see how the significance will be harmed by putting the development here when much of its special interest derives from its inward facing character.
- 55.2.7 Of course that view is corroborated by the successive judgments within the development plans, both existing and emerging, that this site should and can

have very significant development without material harm to the Conservation Area.

55.2.8 Frankly it is a series of judgments that are right.

55.2.9 The applicant will demonstrate, through Dr Miele's evidence, that the proposal will not result in any harm to the Railway Terraces Conservation Area, or to any other heritage asset.

55.2.10 That was the conclusion reached by the GLA in its Stage 1 and Stage 2 Reports [CDB.01, §50 and CDB.02, §38].

55.2.11 Even if there were harm to the Conservation Area, or to any other heritage asset, the harm would be less than substantial and at the lower end of the spectrum of para 202. Such harm would need to be weighed against the benefits of the proposal, in accordance with para 202 of the NPPF. As set out above, the benefits are substantial. As the LPA's officers advised its members, the benefits would clearly outweigh any harm [CD.01, §15.4].

55.3 The alleged harm to local transport

55.3.1 In their Statement of Case, the R6 Parties raise a third issue: that the proposal might have an adverse effect on the existing transport network and infrastructure.

55.3.2 The LPA agrees with the applicant that this objection is unsustainable [CDI.04, §4.1.1].

55.3.3 There is no objection from neighbouring highways authorities or from TfL.

55.3.4 As Mr Fitter explains in his evidence, the proposal will result in a net reduction in vehicle trips through the very significant reduction in car parking provision and will therefore have a positive effect on local highway conditions. The predicted increase in cycle trips will be imperceptible to other highway users.

55.3.5 The proposal will also deliver a package of transport improvements, including new pedestrian and cycle routes, and a contribution towards the enhancement of the rail bridge.

55.3.6 Again, there is no harm, only benefits.

Section 9 – The planning balance

56. The proposal is overwhelmingly supported by planning policy at the national, regional and local levels. It does not merely comply with the development plan. It is positively demanded by it.

57. The application presents an exceptional opportunity which must not and cannot be missed.
58. The parties all agree that leaving the site as under-utilised brownfield would not be acceptable. The parties agree that residential-led regeneration is required.
59. The scheme before you would fulfil that shared aspiration. It would deliver considerable public benefits and not give rise to any harm.
60. Even if you were to find that the proposal would cause harm, that harm would clearly be outweighed by the benefits.
61. In short, this is a scheme which obviously should be permitted as the evidence will show– as the GLA has maintained throughout, and as the LPA maintained until only recently.

14 FEBRUARY 2023

**SASHA WHITE K.C.
ISABELLA BUONO**

LANDMARK CHAMBERS

APPENDIX 1 – CHRONOLOGY

- May 1987 – Planning permission granted for retail development on site comprising retail warehouse and car park. [Ref Coo64oS].
- March 1998 – Railway Terraces Conservation Area designated as Conservation Area.
- February 2000 – Planning permission granted for conversion of retail store to a B&Q store.
- December 2005 – The Regeneration Area Development Framework for Cricklewood, Brent Cross and West Hendon adopted as Supplementary Planning Guidance. [CDF.o6]
- 2012 – The Barnet Local Plan is adopted including the Core Strategy, the Development Management Policies, the proposals map and the saved Chapter 12 of the 2006 UDP dealing with Cricklewood, Brent Cross and West Hendon.
- March 2012 – NPPF 1 published.
- January 2018 – 194-196 Cricklewood Broadway Site obtained planning permission for 3457 of Class A1 use and 96 residential units [17/0233/FUL].
- June 2018 – NPPF 2 published.
- 27 July 2018 – The Secretary of State writes to the Mayor of London asserting that the proposed housing figure of 65,000 units per annum in an underestimate of Housing Need in London.
- February 2019 – NPPF 3 published.
- 24 May 2019 – First Pre-App with LPA.
- 24 June 2019 – Second Pre-App with LPA.
- 16 August 2019 – Third Pre-App with LPA.
- 27 September 2019 – Fourth Pre-App with LPA.
- October 2019 – NMA approved for 194-196 Cricklewood Broadway Site resulting in 97 residential units.
- 14 November 2019 – Applicant meets with the GLA.
- 12 December 2019 – Fifth Pre-App with LPA.
- 16 December 2019 – Request made to the LPA for an EIA scoping opinion.

- 2-3 February 2020 – 2-day public consultation held with the public with 143 local residents attending the event.
- February 2020 – The GLA provide a written response to the Applicant.
- 19 February 2020 – The LPA conclude that the proposed development is EIA development.
- 31 July 2020 – Outline Planning Application made to the LPA by Montreaux Developments for redevelopment of the site comprising 1100 new homes.
- 19 August 2020 – The LPA validate the application [Ref Number: 20/3564/OUT]
- 9 November 2020 – GLA provide Stage 1 letter and report.
- March 2021 – The London Plan is adopted. Housing figure of 52,000 per annum is adopted. The figure for Barnet is 23,640 amounting to 2360 per annum.
- March 2021 – Entran produce a Transport Assessment.
- May 2021 – Traffic Impact Assessment is produced by Entran.
- June 2021 – 1-13 Cricklewood Lane application receives planning permission for redevelopment for 145 residential units and retail at ground floor. [Ref Number 18/6353/FUL]
- July 2021 – The Applicant submits design changes to the application.
- 20 July 2021 – NPPF 4 is published.
- August 2021 – The Applicant submits further extensive design changes to the LPA reducing the total number of units to 1049 and affordable housing offer of 382 units.
- 2 September 2021 – The LPA's Planning Officers' Report is published recommending that planning permission be approved.
- 9 September 2021 – The LPA's planning committee consider the application and resolve to grant planning permission.
- 19 October 2021 – The Emerging Barnet Local Plan is submitted to the Secretary of State for examination.
- 25 March 2022 – The Secretary of State issued a formal holding direction under Article 31 of the Town and Country Planning Order 2015 preventing the LPA from granting permission.

- 28 March 2022 – The Mayor of London issues Stage 2 report [CDB.02].
 - 27 June 2022 – The LPA produces Schedule of Proposed Modifications to the emerging Barnet Local Plan.
 - 30 August 2022 – The Secretary of State calls in the application by way of Section 77 of the TCPA 1990.
 - 20 September – 11 November 2022 – EIP sessions held into Emerging Barnet Local Plan.
 - 31 October 2022 – The GLA confirmed that it had reviewed the application following the Secretary of State’s letter of 30th August and considered that the Stage 1 and 2 reports sufficed.
 - 8 November 2022 – The application is re-presented to members of the planning committee. Members resolve to oppose the application on the basis that the development is harmful by reason of its height, scale and massing and would also harm the adjacent Railway Terraces Conservation Area.
 - 30 November 2022 – Case Management Conference held virtually.
 - 17 January 2023 – Exchange of evidence between the parties and sent to PINS.
 - 14 February 2023 – Commencement of Public Inquiry.
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