



Department for Levelling Up,
Housing & Communities

Juliet Munn
Town Legal LLP
10 Throgmorton Avenue
London EC2N 2DL

Our ref:
APP/N5090/W/22/3307073
Your ref: 20/3564/OUT

4 December 2023

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY MONTREAUX CRICKLEWOOD DEVELOPMENTS LIMITED
BROADWAY RETAIL PARK, UNIT 1 TO 3, CRICKLEWOOD LANE, CRICKLEWOOD,
LONDON, NW2 1ES
APPLICATION REF: 20/3564/OUT**

This decision was made by the Parliamentary Under Secretary of State for Local Government, Simon Hoare MP, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of G Rollings BA (Hons) MAUD MRTPI, who held a public local inquiry from 14 February to 24 February 2023 into your client's application for outline planning permission (including means of access with all other matters reserved) for the demolition of existing buildings and the comprehensive phased redevelopment of the site for a mix of uses including up to 1,049 residential units (Use class C3) and up to 1,200 square metres 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, in accordance with application Ref. 20/3564/OUT, dated 31 January 2020.
2. On 30 August 2022, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by Barnet Council as the Local Planning Authority (the LPA).

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the planning permission be granted subject to conditions.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with their recommendation. He has decided to grant planning permission. A copy of the Inspector's report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

Department for Levelling Up, Housing & Communities
Maria Stasiak, Decision Officer
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Environmental Statement

5. The Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the revisions that have been made since its original submission. Having taken account of the Inspector's comments at IR11 the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

6. A list of representations which have been received since the inquiry is at Annex A. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter.

Policy and statutory considerations

7. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In this case the development plan consists of the London Plan (2021) and the Barnet Local Plan which incorporates the Core Strategy (2012) (CS) and Development Management Policies (2012) (DMP) together with saved policies from the Unitary Development Plan (2006) (UDP). The Secretary of State considers that relevant development plan policies include those set out at IR30-45.
9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the documents set out at IR51-53. A new version of the Framework was issued on 5 September 2023; however as the changes relate solely to onshore wind development, and are not relevant to this application, the Secretary of State has not taken them into account in reaching his decision.
10. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

Emerging plan

11. The emerging plan comprises the Barnet Draft Local Plan (DLP). The Secretary of State considers that the emerging policies of most relevance to this case include those set out at IR46-49.
12. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The Secretary of State notes at IR194-201 that the LPA is proposing to move away from the previous version of the DLP, including making a revision to the proposed allocation of the application site which would substantially downgrade the proposed number of homes within the allocation, from 1,007 to 583 (IR197). The Secretary of State agrees at IR199 that such a modification could have a range of consequences which need consulting upon and this could be a protracted process (IR201). The Secretary of State considers that at this stage in the examination process, there is considerable uncertainty about what the final position will be, and that the emerging DLP should carry only limited weight in the determination of this application.

Main issues

The effect of the proposal on the character and appearance of the area

13. For the reasons given at IR150-163, the Secretary of State agrees that although the development would result in a significant change compared with the current view across the railway from Cricklewood Lane to the east, the varying heights of the buildings, together with their external treatment, would ensure that it would not appear bulky or unattractive (IR156). Like the Inspector, he is satisfied that the design code and parameter plans are together sufficiently robust to ensure the ultimate design would be of a high quality (IR158). He further agrees that the improvement of Cricklewood Green, which would be extended through the creation of new public space on the application site, is a benefit of the scheme (IR160). He further agrees at IR161 that although there was also some local concern that the site does not warrant a 'landmark' tall building, tall buildings around the station would provide legibility on approach routes and elsewhere, and also act as a marker promoting both the town centre and growth area of Cricklewood.
14. The Secretary of State agrees with the Inspector that overall, the principles of the layout are sound, the massing would be appropriate with the taller buildings relieved by lower elements, and although the proposal envisages tall buildings in a predominantly low-rise area, their quality, and their place in the surrounding London context of scattered clusters of tall buildings, together with their location in a town centre next to a railway station, warrants a development of tall buildings (IR162). He agrees at IR163 and IR236 that the proposal would not have a harmful effect on the character and appearance of the area and in this respect would not conflict with Core Strategy Policy CS5, DMP Policies DM01, DM05 and DM06, or with London Plan Policies D3, D4 and D9.

The effect of the proposal on the historic environment

15. The Secretary of State has considered the impact of the development on the Railway Terraces Conservation Area (RTCA). For the reasons given at IR165-174 he agrees that the allotments (view 14) may have a perception of built form intruding onto the space more than currently, which would negatively affect both the character and appearance of the space (IR169). He further agrees in the Needham Terrace view (as shown as view 13 in the applicant's proof of evidence in respect of townscape and heritage), the introduction of modern built elements in a current sky view would be disruptive, and this would draw the viewer's eye and harm the appearance of the street (IR170). He further agrees in the Kara Way view (view E of the same proof) the development would dominate the view, be immediate and incongruous to viewers emerging onto Kara Way, and would neither preserve nor enhance the character or appearance of the area (IR173). The Secretary of State agrees at IR174 that there would be no harm to the ability to appreciate the locally listed terrace buildings, or to their significance.
16. For the reasons given at IR175-177 the Secretary of State agrees that the Crown Public House's ability to be appreciated from the street frontage would not be harmed, nor would its setting or significance. He further agrees for the reasons given at IR178-179 that there would be no harm to the Mapesbury Conservation Area, and the development would preserve its character and appearance.
17. Overall, the Secretary of State agrees that in considering the cumulative effects of the harm on the RTCA, the development would detract from the appreciation of the historic architecture and the containment of the neighbourhood. He agrees it would fail to preserve the character and appearance of the RTCA, and there would be harm to the area's setting and significance (IR180 and IR233). He further agrees at IR233 that this harm is moderate in the gradient of harm within the less than substantial category. The Secretary of State notes that no part of the site is within a Conservation Area, and therefore considers that the provisions of section 72(1) of the LBCA Act do not apply (IR234). He considers that in line with provisions of paragraph 199 of the Framework, the less than substantial harm to the significance of the RTCA carries great weight. He agrees that the harm to the historic environment would conflict with London Plan Policies D9 and HC1, CS Policy CS5, and DMP Policies DM05 and DM06 (IR180). His conclusions on the heritage balance in paragraph 202 of the Framework are at paragraph 37 below.

The effect of the proposal on local transport and highway safety

18. For the reasons given at IR182-187, the Secretary of State agrees that in terms of sustainable travel, there would be improvements to bus services between Cricklewood and Kilburn (IR184); there would be local network improvements including pedestrian access to Cricklewood Station (IR185); the proposed north-south route through the development would be a useful link between the station and the north of the site (IR186); and appropriate travel plans are proposed for both the residential and commercial components of the scheme (IR187). He further agrees at IR237 that the proposal would mitigate the additional demand on transport generated by new residents, with capacity in the existing transport network to absorb increased demand.

19. For the reasons given at IR188 and IR237 the Secretary of State agrees that the proposal would have a noticeable reducing effect on local traffic levels, and the closure of the existing site access onto Cricklewood Lane would have a beneficial effect on highway safety. He agrees that the substantial reduction in road traffic compared with the existing site use attracts moderate weight (IR237). He further considers that the parking arrangements for the proposal as set out at IR189-190 are acceptable.
20. Overall, for the reasons given at IR191-192, the Secretary of State agrees that the proposed development would improve highway safety, provide high levels of accessibility and offer an appropriate degree of sustainable transport choices (IR191). He further agrees that the proposal would not have a harmful impact on local transport and highway safety, with particular regard to sustainable travel, effects on the road network, and the amount of parking to be provided. The Secretary of State agrees there would be no conflict with London Plan Policy T1, Core Strategy Policy CS9, or DMP Policy DM17 (IR192).

Other considerations and their effect on the planning balance

Policy framework including tall and very tall buildings

21. The Secretary of State has concluded on the weight to be attached to the emerging plan (IR194-195 and IR197-201) at paragraph 12 above, and he agrees with the Inspector's approach at IR202. He considers that the existing Local Plan and the London Plan, through their regeneration and growth area designations, provide a presumption in favour of the regeneration of this currently underused brownfield site (IR203). He agrees at IR240 that the proposal would contribute to the local and regional strategic aspirations for Brent Cross – Cricklewood (BCC) regeneration area, and that heritage considerations notwithstanding, the scheme effectively balances its role in the growth and regeneration of the site and area with the effects of its built form. He further agrees that the adopted plans require tall buildings to be sited in a narrow set of locations and very tall buildings to be subject to stringent assessment and that this has been done (IR203). Overall he agrees that the policy framework is generally favourable towards the proposed development (IR203 and IR240). He further agrees at IR236 that the scheme would rehabilitate the existing site and assist with the delivery of the BCC regeneration area, and these are benefits that carry moderate weight (IR236).

Housing supply

22. The Secretary of State acknowledges at IR204 that the LPA accepted at the Inquiry that it does not currently have a five-year housing land supply (HLS) and the applicant and LPA have agreed that it is not necessary for the decision-maker to make any further finding or recommendation on the lack of a five-year HLS.
23. The Secretary of State has taken into account the Inspector's conclusions at IR205-206 and IR231. He acknowledges the Inspector's concerns at IR206 that given the requirement for the approval of reserved matters and construction, the development would be unlikely to positively affect the five-year HLS. However, given the lack of a five-year HLS and the government's commitment to significantly boosting the supply of homes (paragraph 60 of the Framework), the Secretary of State agrees with the LPA and applicant that the delivery of housing should carry significant weight.

Affordable housing

24. For the reasons given at IR208-213 the Secretary of State agrees with the Inspector that given the poor local conditions and shortfall, the delivery of affordable housing in the numbers proposed would make a substantial impact on the delivery of affordable housing within the LPA area, and the delivery of affordable housing should be given significant weight (IR213).

Other matters

25. For the reasons given at IR214-216 the Secretary of State agrees that the design code and parameter plans would secure appropriate provision in terms of the amount, type and quality of open space and that the addition to Cricklewood Green would provide a benefit for the surrounding community. The Secretary of State agrees at IR216 that these considerations carry moderate weight.

26. The Secretary of State agrees at IR217 that the proposed scheme would also incorporate new street trees, amenity grassland, green roofs, shrubs, lowland meadows and hedgerow with a significant improvement in site biodiversity, and that this carries moderate weight.

27. For the reasons given at IR218-220 the Secretary of State agrees that the majority of facades would have acceptable levels of daylight and sunlight, with detailed design mitigation suggested for those areas such as inside corners that may not (IR219). He further agrees that outside the site there would be some minor to moderate adverse impacts on properties on Cricklewood Lane and the proposed Cricklewood Broadway development, but that affected properties would nonetheless retain good levels of visibility from windows and levels of daylight that are appropriate within an opportunity area and within reasonably dense urban built form, and that sunlight would not be affected (IR220).

28. For the reasons given at IR222 the Secretary of State agrees that the provision of a new medical centre would contribute to Barnet Council's improvement of healthcare facilities to support growth in the BCC regeneration area, and that this carries minimal weight.

29. At IR223 the Secretary of State agrees that concern amongst the local community that the pre-application discussions did not clearly represent the development as submitted to the LPA has no bearing on the outcome of his considerations.

30. For the reasons set out in IR229-230, the Secretary of State agrees that the employment provisions in the planning obligation carry moderate weight.

Planning conditions

31. The Secretary of State had regard to the Inspector's analysis at IR142-144, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

32. The Secretary of State has had regard to the Inspector's analysis at IR145 and IR221-222 and 224-230, the planning obligation dated 3 March 2023, paragraph 57 of the Framework and the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. For the reasons given at IR225-229, he agrees with the Inspector's conclusion at IR230 that the obligation complies with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 57 of the Framework.

Planning balance and overall conclusion

33. For the reasons given above, the Secretary of State considers that in respect of its impact on the designated heritage asset (RTCA), the application is not in accordance with London Plan policies D9 and HC1, Core Strategy Policy CS5 and DMP Policies DM05 and DM06 of the development plan. However, he has found that the policy framework is generally favourable towards the proposed development, and agrees with the Inspector that the proposal would comply with the development plan as a whole. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.
34. As there is no five-year HLS, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
35. Weighing in favour of the proposal is the delivery of market and affordable housing which each carry significant weight; the reduction in traffic, provision of open space, biodiversity improvements, regeneration benefits and employment provisions which each carry moderate weight; and improvement in healthcare facilities which carries minimal weight.
36. Weighing against the proposal is the less than substantial harm to the designated heritage asset which carries great weight.
37. In line with the heritage balance set out at paragraph 202 of the Framework, the Secretary of State has considered whether the identified less than substantial harm to the significance of the designated heritage asset is outweighed by the public benefits of the proposal. Taking into account the public benefits of the proposal as identified in this decision letter, overall, the Secretary of State agrees with the Inspector at IR238 that the public benefits outweigh the identified less than substantial harm to the significance of the designated heritage asset, and that the proposal would secure the optimum viable use of the site (IR235). He therefore considers that the balancing exercise under paragraph 202 of the Framework is favourable to the proposal.
38. In light of his conclusions on the heritage balancing exercise, the Secretary of State considers that there are no protective policies which provide a clear reason for refusing the development proposed. He further considers that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development therefore applies.

39. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that the accordance with the development plan and the material considerations in this case indicate that permission should be granted.

40. The Secretary of State therefore concludes that planning permission granted.

Formal decision

41. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for outline planning permission (including means of access with all other matters reserved) for the demolition of existing buildings and the comprehensive phased redevelopment of the site for a mix of uses including up to 1,049 residential units (Use class C3) and up to 1,200 square metres 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, in accordance with application Ref. 20/3564/OUT, dated 31 January 2020.

42. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act (TCPA) 1990.

Right to challenge the decision

43. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.

44. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the LPA fail to give notice of its decision within the prescribed period.

45. A copy of this letter has been sent to the LPA and Rule 6 party, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Maria Stasiak

Decision officer

This decision was made by the Parliamentary Under Secretary of State for Local Government, Simon Hoare MP, on behalf of the Secretary of State, and signed on his behalf

Annex A Schedule of representations

General representations

Party	Date
Matt Tack	27 September 2023

Annex B List of conditions

- 1) Applications for reserved matters pursuant to this permission (being scale, layout, appearance and landscaping) shall be made in accordance with the following approved plans and documents.
 - 10965-EPR-XX-XX-DR-A-TP-0100 P1 – Location Plan
 - 10965-EPR-XX-XX-DR-A-TP-0101 P1 – Parameter Plan – Demolition
 - 10965-EPR-XX-XX-DR-A-TP-0102 P1 – Parameter Plan – Development Parcels
 - 10965-EPR-XX-XX-DR-A-TP-0105 P1 – Parameter Plan – Phasing Plan
 - 10965-EPR-XX-XX-DR-A-TP-0106 P5 – Parameter Plan – Illustrative Heights
 - 10965-EPR-XX-GF-DR-A-TP-0200 P2 – Illustrative Masterplan – Ground Floor Uses Drawing SK401 Proposed Site Access
 - Design Code Rev 5

Each reserved matters submission shall include a statement of compliance against each of the Parameter Plans and the Design Code.

- 2) Applications for the approval of the reserved matters (being scale, layout, appearance and landscaping) shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall begin no later than two years from:
 - a. The final approval of the last Reserved Matters Application pursuant to Condition 2, or;
 - b. The final approval of any pre-commencement condition associated with the Development
- 4) No site preparation works for a phase of development shall commence until a Demolition Management, Environmental and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority for that phase. The Demolition Management, Environmental and Logistics Plan shall include the following information:
 - a. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - b. site preparation and construction stages of the development;
 - c. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - d. details showing how all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway;
 - e. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from demolition works;
 - f. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;

- g. noise mitigation measures for all plant and processors (BS 5228;2014);
 - h. details of contractor's compound and car parking arrangements;
 - i. details of interim car parking management arrangements for the duration of construction; and
 - j. details of a community liaison contact for the duration of all works associated with the development.
- 5) No phase of the development, other than Site Preparation Works shall commence until a Construction Management, Environmental and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority for that phase. The phase of development shall thereafter be implemented in full accordance with the details approved under this plan. The Construction Management, Environmental and Logistics Plan submitted shall include, the following information:
- a. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - b. site preparation and construction stages of the development;
 - c. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - d. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway;
 - e. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - f. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - g. noise mitigation measures for all plant and processors (BS 5228;2014);
 - h. details of contractor's compound and car parking arrangements;
 - i. details of interim car parking management arrangements for the duration of construction; and
 - j. details of a community liaison contact for the duration of all works associated with the development.
- 6) No phase of development other than Site Preparation Works, shall commence until the access / egress point from Depot Approach and has been provided in accordance with Entran drawing ref SK401. Any variation required to the detail(s) of the access shall be submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to the occupation of a phase of the development a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority for that phase. All servicing and delivery arrangements for that phase shall be carried out in accordance with the approved Plan. If changes are made a revised Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

- 8) Prior to the first occupation of a phase of development, a waste and recycling strategy for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the location, design and accessibility of refuse and recycling stores, details of the separation and collection of waste, storage of bulky waste and any chute systems or waste compactors. The waste and recycling strategy shall be implemented as approved for that phase, unless otherwise approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details, made available for use prior to the first occupation of the relevant phase of development, and managed and operated in accordance with the approved strategy in perpetuity.
- 9) Prior to occupation of a phase of development, a Residential Car Parking Management Scheme (RCPMS) to cover the residential use shall be submitted to and approved in writing by the Local Planning Authority for that phase. The RCPMS shall include a plan identifying no more than 105 residential car parking spaces across the whole site; residential disabled parking spaces (no less than 3% across the whole site) to be delivered clearly marked with a British Standard disabled symbol and residential disabled parking shall be retained for the use of disabled persons and their vehicles and for no other purpose. The RCPMS shall include details of electric vehicle charging points to be installed in the development with at least 20% of spaces (across the whole site) to have active charging facilities, with passive provision for all remaining spaces; and two car club spaces (on-street).
- 10) Part 1: Before a phase of the development commences, other than Site Preparation Works, the following investigative work shall be undertaken:
- a. A desktop study (Preliminary Risk Assessment) shall be carried out for that phase which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for that phase of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development of that phase shall not commence until approved in writing by the Local Planning Authority.
 - b. If the desktop study and Conceptual Model indicate any risk of harm for that phase, a site investigation shall be designed for that phase using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.
 - c. If the risk assessment and refined Conceptual Model indicate any risk of harm for that phase, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial

monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation of that phase being carried out on site.

Part 2: Where remediation of contamination for a phase of development is required completion of the remediation detailed in the method statement shall be carried out for that phase and a report that provides verification that the required works have been carried out shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

- 11) Prior to the commencement of a phase of development, other than Site Preparation Works, drainage plans and calculations reflective of the latest drainage scheme demonstrating that surface water can be managed appropriately on site shall be submitted to and approved in writing by London Borough of Barnet planning authority. The scheme shall subsequently be implemented for that phase in accordance with the approved details before development of that phase is completed.
- 12) No occupation beyond the 500th dwelling shall occur until confirmation has been provided that either:
 - a. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or
 - b. A development and infrastructure phasing plan has been agreed in writing by the Local Planning Authority to allow additional development (beyond 500 homes) to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.
- 13) Prior to the first occupation of a phase of the development, full details of the wind mitigation measures required for that phase (to include for the public realm, and any residential balconies and terraces) shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in full for that phase of development prior to the first occupation of that phase of development and thereafter shall be permanently retained as such.
- 14) Prior to the first occupation of a phase of the development, full details of the Energy Strategy for that phase to include Air Source Heat Pumps and Photovoltaic equipment in accordance with the Outline Energy Assessment (P4) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full prior to the first occupation of that phase of the development and thereafter shall be permanently retained as such.
- 15) Prior to the first occupation of a phase of the development, a strategy setting out how that phase of the development could enable future connection to any District Heating Network shall be submitted to and approved in writing by the Local Planning Authority. The phase of development shall be implemented in accordance with the details as approved and thereafter shall be retained as such.
- 16) Prior to the commencement of a phase of the development, other than Site Preparation Works, a Fire Safety Statement shall be submitted to and approved in writing by the Local Planning Authority for that phase in accordance with the Stage 2 Fire Strategy Issue 1 (29th January 2021), updated by the Mayor of London's Statement on Fire Safety dated 8th February 2023 and/or any subsequent further guidance on fire safety.

The phase of development shall thereafter be implemented in accordance with the approved details and retained as such.

- 17) Prior to first occupation of a phase of development, a management plan detailing the maintenance and repair of all buildings, estate management, access arrangements, access to resident's manuals, the provision of guidance on managing overheating, parking permits and community events for that phase shall be submitted to and approved in writing by the Local Planning Authority.
- 18) No phase of development other than Site Preparation Works shall take place until a detailed Circular Economy Statement and Operational Waste Management Strategy for that phase of development in line with the GLA's Circular Economy Statement Guidance has been submitted to and approved in writing by the Local Planning Authority. The relevant phase of development shall be carried out in accordance with the approved details.
- 19) Within 6 months of completion, a Post Completion Report for a phase of development setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement for that phase shall be submitted to the GLA at: circulareconomystatements@london.gov.uk, along with any supporting evidence as per the GLA's Circular Economy Statement Guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials for that phase. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the Local Planning Authority, prior to occupation of the phase of development.
- 20) Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:

The installation of any structures or apparatus for purposes relating to telecommunications on any part of the development hereby approved, including any structures or development otherwise permitted under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that order.
- 21) Within 6 months of first occupation of a phase of development that contains non-residential development, the Building Research Establishment shall have issued a Post Construction Review Certificate confirming that the non-residential development built within that phase has achieved a minimum BREEAM New Construction Shell Only rating of 'Very Good' and such certificate shall have been submitted to, and approved in writing by, the Local Planning Authority.
- 22) A minimum of 10% of all dwellings shall be built to comply with requirement M4(3) wheelchair user dwellings contained within Part M volume 1 of the Building Regulations. All other dwellings shall be built to requirement M4(2) accessible and adaptable dwellings contained within Part M volume 1 of the Building Regulations.
- 23) The commercial units (Use Classes A3, B1, D1 or D2 (Use Class E (excluding sub-class E[a] & E[b]) from September 2020) shall not be open to customers other than between the hours of 0700 and 2300 Mondays to Saturdays, and 0800 to 2200

Sundays and Public Holidays and at no other times, unless otherwise approved in writing by the Local Planning Authority.

- 24) No construction works shall occur on public holidays and outside of the following times unless otherwise approved in writing by the Local Planning Authority:
 - 08:00 - 18:00 hours weekdays;
 - 08:00 - 13:00 hours Saturdays.
- 25) Prior to the first occupation of a phase of the development, certification demonstrating compliance with Secured by Design standards (or any superseding accreditation) for that phase shall be submitted to and approved in writing by the Local Planning Authority.
- 26) Prior to the commencement of a phase of development, details of the sound attenuation to protect against externally generated (environmental) noise sources for that phase so as to achieve British Standard BS:8233 internal ambient noise levels shall be submitted to and approved in writing by the Local Planning Authority. The measured or calculated noise levels shall be determined in accordance with the latest British Standard Guidance on sound insulation and noise reduction for buildings. These criteria apply with windows shut and with an appropriate ventilation system installed. Any mechanical ventilation system shall not give rise to a noise level greater than the above internal noise standards.
- 27) Prior to commencement of a phase of development other than Site Preparation Works, details of cycle storage for that phase, including the number of spaces (which shall accord with London Plan 2021 standards, structures, layout, equipment, access, security and weather proofing appropriate to the type of cycle storage) shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be installed as approved and retained as such for the lifetime of the development.
- 28) Applications for the approval of Reserved Matters for a relevant phase of the development shall be accompanied by details of the provision of play and recreational space and any associated equipment within the communal parts of that phase of the development. The approved play and recreational space and any associated equipment situated within the relevant phase of the development site shall be implemented prior to first occupation of the relevant phase of the development. The playspace shall thereafter be permanently retained and maintained in accordance with the manufacturer's specifications.
- 29) No phase of the development shall take place until full details of both hard and soft landscape works and treatments for that phase have been submitted to and approved in writing by the Local Planning Authority.

The approved details shall be fully implemented prior to the earlier of first occupation or first use of the relevant phase of the development or in accordance with a programme approved in writing by the Local Planning Authority. The landscaping scheme shall include details of the following:

- a. a planting plan (including species, plant sizes and planting densities);
- b. details of root management systems for all retained and proposed trees;
- c. proposed walls and fences, indicating siting, materials and heights;

- d. any proposed contours and ground levels;
- e. areas of hard landscape works and external furniture, and proposed materials;
- f. provision of green/brown roof(s);
- g. lighting design;
- h. the Urban Greening Factor; and
- i. Biodiversity Net Gain.

Any trees or shrubs which die, are removed or become seriously damaged or diseased within five years from the completion of the landscaping works shall be replaced in the next planting season with the same species or an approved alternative approved in writing by the Local Planning Authority.

- 30) In accordance with the landscaping details controlled by Condition 29, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority for a phase of development prior to the occupation of a phase of development. The Landscape Management Plan shall include the long-term management responsibilities and maintenance schedules for all publicly accessible landscape areas of that phase. The landscape management plan shall be carried out as approved.
- 31) The plans and particulars submitted in accordance with condition 29 Landscaping shall include:
- a. any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;
 - b. the specification and position of fencing the protection of any retained tree from damage before or during the course of development;
 - c. a plan showing the location of, and allocating a reference number of each existing tree on site;
 - d. details of the species, diameter, and the approximate height, and an assessment of the general state of health and stability of each tree to be retained and removed as part of the development; and
 - e. details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.
- 32) Prior to the occupation of each building hereby permitted the post-construction tab of the GLA's whole life carbon assessment template shall be completed in line with the GLA's Whole Life Carbon Assessment Guidance. The post-construction assessment shall provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. This shall be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to the Local Planning Authority, prior to occupation of the relevant building.
- 33) The scheme hereby approved shall contain up to 1,200sqm of commercial floor space which shall be used for purposes within the Use Classes A3, B1, D1 or D2 (Use Class E (excluding sub-class E[a] & E[b]) from September 2020) only, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended)

(or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification).

- 34) Applications for the approval of reserved matters shall include details of the design review panel and the outcome of the design review.
- 35) Any mechanical plant and equipment within the development shall be designed and maintained for the lifetime of the development so that the rating level of noise does not exceed the typical measured background noise level (LA90, T) without the plant in operation as measured one metre from the nearest affected window of a habitable room in the nearest affected residential property. The rating level of the plant noise and the background noise level shall be determined using the methods from the version of BS 4142 current at the time of the granting final approval of reserved matters for a phase. Vibration from the plant hereby approved (when assessed as per advice of the version of BS 6472 current at the time granting of the planning permission) in the centre of any habitable room shall cause vibration no higher than the values equivalent to “low probability of adverse comment” in accordance with BS 6472 ‘Evaluation of Human Exposure to Vibration in Buildings’.
- 36) No phase of the development shall commence until a Stage 1 Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority for that phase of development, and no development shall take place other than in accordance with the approved WSI.
- 37) Prior to the commencement of a phase of development hereby permitted other than Site Preparation Works, a Dynamic Overheating Analysis for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the Overheating Analysis shall be fully implemented prior to occupation of that phase of development.
- 38) Prior to the commencement of a phase of the development, other than Site Preparation Works, an updated air quality assessment for that phase shall be submitted to and approved in writing by the Local Planning Authority.

All mitigation measures as identified within the approved air quality assessment shall be implemented and installed and maintained for the lifetime of the development in that phase.
- 39) Prior to the commencement of a phase of the development, other than Site Preparation Works, details of materials for external works for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include samples which shall be made available for viewing in an agreed location. The work shall be carried out in accordance with the approved details.
- 40) Prior to the occupation of a phase of development, other than Site Preparation Works, the Applicant shall demonstrate that all water network upgrades required to accommodate the additional flows to serve the development have been completed; or a development and infrastructure phasing plan has been agreed in writing by the Council to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

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Report to the Secretary of State

by **G Rollings BA (Hons) MAUD MRTPI**

An Inspector appointed by the Secretary of State for Communities and Local Government

Date 5 June 2023

TOWN AND COUNTRY PLANNING ACT 1990
COUNCIL OF THE LONDON BOROUGH OF BARNET

APPLICATION BY MR MATT WALTON
(MONTREAUX CRICKLEWOOD DEVELOPMENTS LIMITED)

Inquiry opened on 14 February 2023

Broadway Retail Park, Unit 1 to 3, Cricklewood Lane, Cricklewood, London, NW2 1ES

File Ref: APP/N5090/W/22/3307073

File Ref: APP/N5090/W/22/3307073

Broadway Retail Park, Unit 1 to 3, Cricklewood Lane, Cricklewood, London, NW2 1ES

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 30 August 2022.
- The application is made by Mr Matt Walton (Montreaux Cricklewood Developments Limited) to the Council of the London Borough of Barnet.
- The application Ref 20/3564/OUT is dated 31 January 2020.
- The development proposed is an 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 1,049 residential units (Use class C3) and up to 1,200 square metres 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.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: whether or not the proposal is in accordance with the development plan; the design, scale and massing of the proposal, and anything else the Inspector considers relevant.

Summary of Recommendation: That the application be approved, and planning permission granted subject to conditions.

List of abbreviations used in this report

AM	Assembly Member
BCC	Brent Cross / Cricklewood
CA	Conservation area
CD	Core document
CIL	Community Infrastructure Levy
Cllr	Councillor
CPZ	Controlled Parking Zone
DLP	Draft Local Plan
DMP	Development Management Policies Development Plan Document
EiP	Examination in Public
GLA	Greater London Authority
HLS	Housing Land Supply
LBCA Act	Planning (Listed Buildings and Conservation Areas) Act 1990
NPPF	National Planning Policy Framework
PH	Public house (pub)
PoE	Proof of Evidence
PPG	(National) Planning Practice Guidance
PTAL	Public Transport Accessibility Level
RADF	Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework Supplementary Planning Guidance
RTCA	Railway Terraces Conservation Area
SHMA	Strategic Housing Market Assessment
SoS	Secretary of State
SoCG	Statement of common ground
TfL	Transport for London
UDP	Unitary Development Plan

CONTENTS

Section	Page
Procedural matters	3
The site and surroundings	5
Planning history	6
The proposals	7
Planning policy	7
Matters agreed between the Council and the applicant	11
The case for Montreaux Cricklewood Developments Ltd, the applicant	12
The case for the Council of the London Borough of Barnet	19
The case for the residents' associations, the Rule 6 party	25
Other representations made in person	27
Other representations made in writing	29
Conditions	30
Obligations	30
Inspector's conclusions	32
Overall conclusions	47
Recommendation	49
Appendices	
A: Recommended Conditions	50
B: Appearances	61
C: Core Documents	62
D: Documents submitted during the Inquiry	71
E: Documents submitted after the close of the Inquiry	71
F: Other references	72

Procedural matters

1. The Inquiry opened on 14 February 2023 and sat for seven days, closing on 24 February 2023¹. An accompanied site visit was carried out on 15 February 2023.
2. The application was called in for a decision by the Secretary of State (SoS) by a direction dated 30 August 2022, in exercise of his powers under section 77 of the Town and Country Planning Act 1990. He advised that the matters on which he particularly wishes to be informed for the purposes of his consideration of the application are²:
 - whether or not the proposal is in accordance with the development plan;
 - the design, scale and massing of the proposal; and
 - any other matters that the Inspector considers to be relevant.
3. The application as originally submitted was described as:

*"Outline planning application (including means of access with all other matters reserved) for the demolition of existing buildings and comprehensive redevelopment of the site for a mix of uses including residential C3 and flexible commercial and community floorspace in uses classes A3/B1/D1 and D2; car and cycle parking; landscaping; and associated works."*³

The description evolved through various iterations during the course of the Council of the London Borough of Barnet's (hereafter referred to as the Council) consideration of the application, with its agreement. The description used in this report is the current version and this was confirmed with the parties participating in the Inquiry.
4. Three main parties were represented in the Inquiry: the Council, the applicant, and a party representing several local interest groups, and are hereafter referred to as the main parties. The latter was an equal trilateral participant within this Inquiry under Rule 6 of The Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (as amended) and is hereafter referred to as the Rule 6 party. The five residents' groups represented are NorthWestTwo Residents' Association, Cricklewood Railway Terraces Residents' Association, Mapesbury Residents' Association, The Groves Residents' Association, and the Golders Green Estate Residents' Association.
5. I held a virtual Case Management Conference via the Microsoft Teams platform on 30 November 2022. The procedure for the Inquiry, the main issues for consideration, and the timetable for the submission of documents were discussed at the meeting, which was attended by representatives of the applicant, the Council, and the Rule 6 party⁴.

¹ Sitting days were 14, 15, 16, 17, 22, 23 and 24 February 2023.

² CDC.02

³ CDA.01.

⁴ CDC.03.

6. Changes to the Use Class Order⁵ that took effect on 1 September 2020⁶ (the 2020 Regulations) revoked classes D1 and D2 and introduced a new class E relating to commercial, business and service uses. I confirmed at the Inquiry that the 2020 Regulations specify that applications made before this date retain their rights based on the use classes that existed at the time of application.
7. The name of the applicant company as used through this report was confirmed at the Inquiry to be correct, as opposed to the version used on the application form, which omits a letter.
8. I made an unaccompanied site visit prior the opening of the Inquiry to familiarise myself with the site and surrounding area, and a further one on the day of the close of the Inquiry, to revisit some of the areas that had been discussed. The formal site visit was undertaken on 15 February, in which I was accompanied by representatives of the main parties, together with local councillors from Barnet and Camden Councils. It followed a route agreed in advance with the parties, and included inspection of the site and surrounding area, its townscape, and the heritage assets described in this report.
9. During the Inquiry, evidence pertaining to design, heritage and transport was examined in round-table discussion sessions led by myself. Evidence on other planning matters was heard through formal examination including cross-examination of witnesses by advocates for each of the parties. Various interested parties made verbal submissions to the Inquiry, in addition to the large number of written submissions made to both the Council and the Planning Inspectorate. These matters are examined in detail within subsequent sections of this report.
10. The applicant submitted a draft section 106 agreement at the Inquiry that was the subject of discussion at a round-table session, in which its obligations and minor changes were agreed between the parties. The applicant was allowed additional time following the close of the Inquiry to submit the final version. This was received following the close of the Inquiry, on 3 March 2023⁷. The substance of the signed s106 agreement was in accordance with the changes discussed in the round-table session.
11. An Environmental Statement⁸ was submitted with the application and was reviewed by the Planning Inspectorate in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It was found to be adequate within the scope of schedule 4 of the Regulations. The applicant's most recent statement of conformity⁹ sets out the revisions that have been made since its original submission. I have taken account of the Environmental Statement in reaching my conclusions on the application.
12. This report contains a description of the site and its surroundings, an explanation of the proposal, identification of relevant planning policies, details of

⁵ The Town and Country Planning (Use Classes) Order 1987.

⁶ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

⁷ P/ID 01.

⁸ The documents forming the ES as originally submitted are numbered CDA.33 to CDA.71. CDA.33 is a non-technical summary.

⁹ CDL.02.

agreed matters, and the substance of the submissions made at the inquiry and in writing, followed by my conclusions and recommendation. All Inquiry documents including Proofs of Evidence were made available [online](#)¹⁰ to parties during the proceedings and remain available at the time of writing this report, and are listed in the appendices together with the list of recommended conditions.

13. The site is also known locally as “the B&Q site” and such references appear throughout the evidence.

The site and surroundings

14. The site is around 2.78 hectares¹¹ and is currently anchored by a B&Q hardware store of two storeys together with two other retail units and one vacant unit. A large car park takes up the remaining approximate two-thirds of the site. It is immediately to the west of Cricklewood Railway station. The station is accessed via a railway underpass on Cricklewood Lane, which runs alongside the site’s southern boundary, with the grassed bank of Cricklewood Green separating the road from the site. There is vehicular access to the site from this road and from Depot Approach, a street running partway along the site’s western boundary.
15. Across the remainder of the western boundary lie two sites. 1 to 13 Cricklewood Lane is occupied by buildings of up to three storeys with planning permission for a development of 145 flats and retail floorspace at lower levels in a building of up to nine storeys¹². 194-196 Cricklewood Broadway is a vacant site with planning permission for 96 flats with a food store at ground floor level in a six-storey building¹³. To the west of these sites is Cricklewood Broadway, part of the A5 (Edgware Road) route north from Central London and lined with a mix of commercial, retail and residential uses housed in a variety of building styles. Along the route of the A5 to the north are dense areas of development at Brent Cross and West Hendon, in which tall buildings are both present and under construction.
16. Other surrounding areas are generally low rise and residential in nature, with various isolated tall buildings within. Designated heritage assets close to the site include the Railway Terraces Conservation Area (RTCA), which is close to the site across Depot Approach, The Crown public house on the A5 to the south of the Cricklewood Broadway and Cricklewood Lane intersection, and the Mapesbury Conservation Area which is more distant to the south east¹⁴.
17. The site is in the southern corner of the Barnet Council area. Land west of the A5 is within the London Borough of Brent. The area beyond Ash Grove, which is a short distance to the south of the site, is within the London Borough of Camden.
18. Cricklewood station is on the Midland Mainline but served solely by a Thameslink local service. Potential future transport improvements include the development

¹⁰ The Council’s website maintained and updated during the Inquiry by Council officers.

¹¹ CDA.02 para 2.1.

¹² ID.17.

¹³ ID.18.

¹⁴ APP2A: The Heritage Asset Plan at p161 shows all designated and non-designated heritage assets in the area surrounding the application site.

of the West London Orbital, a local service that would operate from this station to areas to the west and southwest.

Planning history

19. The planning history of the site is set out in the planning Statement of Common Ground between the applicant and the Council (SoCG)¹⁵. Permission for the retail/commercial use of the site was granted in 1987. There are no extant permissions for the site.
20. Following lodgement of the current application with the Council in July 2020, revisions were made through 2020 and 2021 partly in response to the Mayor of London's initial comments¹⁶. In September 2021, following officer support¹⁷, the Council's planning committee recommended that the application be approved¹⁸, and the Mayor of London advised in March 2022 that he supported the application in strategic planning terms and was content for the Council to determine the application¹⁹.
21. The Secretary of State (SoS) issued a holding direction in March 2022 which prevented the Council from issuing a decision notice. Following the SoS's calling in of the application²⁰, the Greater London Authority (GLA) advised in October that it was content that the Mayor of London's aforementioned reports would suffice for its representation at the Inquiry.²¹ Council officers returned to the planning committee seeking direction on its own representation, with the recommendation that the Council would support the application at the Inquiry²². However, the committee resolved to oppose the application for the following reason²³:

"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."

22. The application was the subject of four pre-application meetings with the Council, a pre-application meeting with the GLA, and pre-application public consultation which was advertised to in excess of 5,000 local residents, businesses and community groups across the three local borough areas and

¹⁵ CDI.03A paras 3.4-3.10 for site history up to the current application, and paras 3.18-3.184 for a full history of the current application.

¹⁶ CDB.01.

¹⁷ CDD.01.

¹⁸ CDD.02 item 7.

¹⁹ CDB.02.

²⁰ CDC.02.

²¹ CDC.04.

²² CDD.03.

²³ CDD.04 item 8.

attended by 143 people. Seven further meetings were held with various local groups²⁴.

The proposals

23. This is an outline application, with access being the only detailed matter for consideration at this stage. Matters of layout, scale, appearance and landscaping would be considered at the reserved matters stage.
24. Existing structures on the site would be demolished and replaced with four blocks, each containing elements with varying heights, although each block would have two tower elements. The tallest of these would be up to 18 storeys, in Block A. Blocks A and B would be closest to Cricklewood Lane, with Blocks C and D aligning with Block A to form a line of development between the railway and depot approach.
25. Vehicular access would be from Depot Approach, with the existing access onto Cricklewood Lane removed. A pedestrian spine would run through the centre of the site, linking the two roads, with various activity spaces along the route linking with an enlarged Cricklewood Green. Detailed design would be within the parameters set out in the current application, which includes a design code to aid the design at the reserved matters stage. Additionally, parameter plans would establish the development parcels, phasing, ground floor uses and building heights. A condition could be imposed to ensure that the reserved matters conform with the parameters plans and the design code.
26. The current plan layout together with illustrative views of the scheme are set out in the Design and Access Statement addendum²⁵.

Planning policy

27. New versions of the *London Plan* and the *National Planning Policy Framework* (the NPPF) were adopted in 2021 during the Council's consideration of the application and supersede previous versions. The Development Plan for the area includes the *London Plan* and the *Barnet Local Plan* which incorporates the *Core Strategy* (2012) and *Development Management Policies* (2012) (DMP) together with saved policies from the *Unitary Development Plan* (2006) (UDP).
28. The Council has published a Draft Local Plan (DLP) on which an Examination in Public (EiP) has been held, although the Inspecting panel is yet to issue its findings. However, since its publication and arising from the EiP, the Council has modified its approach²⁶ and in January 2023 advised the panel of its intention to submit additional main modifications²⁷. At the time of the Inquiry, these were yet to be considered by the Panel, nor had they been subject to any consultation. I will discuss this matter in more detail in my considerations, later in this report.

²⁴ CDI.03A paras 3.11-3.17.

²⁵ CDI.08.

²⁶ ID.04 paras 2.7 and 2.8.

²⁷ LBBP2B.

29. A list of relevant planning policies from these documents are set out in the planning SoCG²⁸. The policies which are most relevant to the application are set out below, together with relevant supplementary planning guidance and documents. Of relevance also is the borough's Proposals Map²⁹.

*Barnet Core Strategy*³⁰

30. Policy CS1 sets the overall growth strategy for the borough and identifies the Brent Cross – Cricklewood (BCC) Regeneration Area, in which the application site is located, for 5,510 new homes by 2026.
31. Policy CS2 seeks the comprehensive redevelopment of the BCC area and identifies it as an Opportunity Area under the London Plan. It states that the area will be a major focus for the creation of new jobs and homes.
32. Policy CS5 requires development to respect the local context and distinctive local character of the Council's area and create places and buildings of high-quality design. Heritage assets including Conservation Areas should be protected and enhanced. Tall buildings are defined as those of eight or more storeys and may be appropriate in strategic locations including the BCC Regeneration Area.
33. Policy CS6 promotes development within Barnet's town centres, with Cricklewood identified (in Map 9) as a district town centre. The BCC area as a whole is designated as a metropolitan town centre proposed to accommodate substantial amounts of comparison and office floorspace.
34. Policy CS9 promotes delivery of appropriate transport infrastructure to support growth, relieve pressure on the network and reduce the impact of travel. It includes measures to ensure more efficient use of the local road network, deliver high-quality transport systems in regeneration areas and town centres, and provide more environmentally friendly transport networks.

*Development Management Policies*³¹

35. Policy DM01 requires development to be of high-quality design representing high levels of environmental awareness that contributes to climate change mitigation and adaptation. Proposals should be based on an understanding of local characteristics, preserving local character, and respecting the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Other considerations include safe and secure environments and living conditions.
36. Policy DM05 states that tall buildings outside the strategic locations identified in the Core Strategy would not be acceptable. Tall building proposals should demonstrate appropriate active street frontages, successful integration into the existing urban fabric, a regard to topography and no adverse impact on strategic or local views and skylines, no harm to heritage assets and their setting, and have regard to the microclimatic effects on the public realm.

²⁸ CDI.08 part 5.

²⁹ ID.28.

³⁰ CDF.03.

³¹ CDF.04.

37. Policy DM06 protects heritage assets in line with their significance, with all development to have regard to the local historic context. It should also preserve or enhance the character and appearance of conservation areas, with proposals required to demonstrate an understanding of impacts on heritage assets.
38. Policy DM17 seeks to ensure that the safety of all road users is taken into account when considering development proposals, and for major development proposals with potential for significant trip generation to be in locations which are highly accessible by a range of transport modes. Safe and suitable access to new development should be available for all road users, and suitable measures should be taken for provision of transport assessments, travel plans, parking management and improvement of cycle and pedestrian facilities.

*Barnet Unitary Development Plan (UDP)*³²

39. Saved Policy GCRICK covers the Cricklewood, Brent Cross and West Hendon Regeneration Area, which encompasses the site, and requires proposals to be built to the highest standards of design. The area will be a major focus for the creation of new jobs and homes and will include a new town centre.

*The London Plan 2021*³³

40. Policy SD1 supports the growth and regeneration potential of designated Opportunity Areas through the development of frameworks with measures for assisting in infrastructure delivery, affordable housing, and jobs, together with measures for promoting investment in such areas. It states that boroughs' Development Plans and decisions should set out how they would achieve these considerations.
41. Policy HC1 states that boroughs should develop evidence that demonstrates a clear understanding of London's historic environment, to be used to inform its integration in regenerative change. Development should conserve the significance of heritage assets through sympathy with their significance and appreciation of their surroundings, whilst avoiding harm and identifying enhancement opportunities.
42. Policy D3 encourages a design-led approach that optimises the capacity of all sites, to achieve the most appropriate form and land use. Higher density development should be promoted in areas close to jobs, amenities, and transport infrastructure.
43. Policy D4 supports the use of masterplans and design codes and the proper design scrutiny of proposals, with an aim of maintaining high design quality through to the completion of a scheme.
44. Policy D9 allows boroughs to determine locations in which tall buildings may be appropriate. Such proposals should address the views of buildings from different distances, with appropriate legibility and an exemplary architectural standard and materials, and an avoidance of harm to heritage assets and their settings.

³² CDF.02.

³³ CDE.02.

45. Policy T1 states that development proposals should support the delivery of the Mayor's strategic target of 80% of all trips to be made by foot, cycle or public transport by 2041, and facilitate strategic schemes including a West London extension of the Overground railway network. Development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future transport, walking and cycling routes, and ensure that any impacts on transport networks and infrastructure are mitigated.

*Barnet Draft Local Plan*³⁴

46. Policy GSS01 sets a sustainable growth strategy by directing new homes within growth areas such as Cricklewood town centre, which includes the site.
47. Policy GSS04 specifically relates to the Cricklewood growth area within which the site is located³⁵. It sets a target of 1,400 new homes with potential for additional homes on operation of the West London Orbital railway service. It proposes a planning framework for the area.
48. Policy CDH04 defines tall buildings as 8 to 14 storeys and states that they may be appropriate within the Cricklewood Growth Area. Very tall buildings of 15 storeys or more will not be permitted unless exceptional circumstances can be demonstrated, such as appropriate siting within a growth area. All tall buildings require careful consideration of their place in and relationship with their surroundings.
49. Additionally, the application site is the subject of a site allocation³⁶ which envisages development within 0-5 years and an indicative residential capacity of 1,007 homes. It notes that proposal design must sensitively consider the proximity of nearby heritage assets, and low-rise buildings to the southeast. The proposed modifications³⁷ seek a revision of the site's density context from "central" to "urban", and an indicative residential capacity of 583, with specific consideration to be given by any proposal to the proximity of the Railway Terraces Conservation Area.
50. The Council envisages that further modifications will be made to the DLP, and these are described later in this report.

Other documents

51. Saved policies of the UDP and the Core Strategy refer to the *Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework Supplementary Planning Guidance*, adopted in 2005³⁸ (the RADF). This was produced as a partnership between the Council and GLA, intended for a 20-year lifespan, and it remains relevant. It sets the framework for the large BCC regeneration area, identifying significant regeneration potential in the area, proposing a new town centre at Brent Cross, and associated improvements to infrastructure together with provision for 10,000 new homes. It encompasses the site and Barnet's portion of Cricklewood town centre. A more detailed

³⁴ CDF.01.

³⁵ A map of the area is at CDF.01 p55, with the application site marked as Site 8.

³⁶ CDF.01 p303, site no. 8.

³⁷ LBBP2B pp 8-10.

³⁸ CDF.06.

description of the RADF is provided by the applicant's planning proof of evidence (PoE)³⁹.

52. The *Characterisation Study of the London Borough of Barnet* (2010) (the Characterisation Study)⁴⁰ examines all areas in the borough and categorises their primary townscape and landscape features, to provide a detailed study of the borough's urban character.
53. The Council's *Tall Buildings Update* (2019)⁴¹ reviews an earlier similar document to provide information about the nature of tall buildings in the borough and the impact on their surroundings, together with the issues that should be considered in terms of new proposals and informing the DLP.

Matters agreed between the Council and the applicant

54. A main planning statement of common ground (SoCG) was agreed between the applicant and the Council, together with accompanying topic specific SoCGs for design and heritage, and transport. A further supplementary SoCG was issued during the Inquiry, concerning the Council's Housing Land Supply position. The Rule 6 party was not involved in the agreement of these SoCGs.
55. The following matters were agreed in the main SoCG⁴²:
 - A description of the site and its surroundings, together with the planning history of the application site and status of surrounding sites, and a summary of the application and consultation responses;
 - Planning policies and guidance;
 - The principle of the use of the site for housing, the housing mix and affordable housing provision, and community and commercial uses;
 - That housing quality, likely levels of private amenity space, play space and public realm quality would be appropriate and that there would be a biodiversity net gain;
 - That there would likely be no significantly harmful impacts on daylight, sunlight or overshadowing, either inside or outside the site;
 - That air quality, noise, energy and sustainability, flood risk, microclimate and archaeological impacts are likely to be acceptable and that any required mitigation could be achieved; and
 - The public benefits of the application, including the regeneration of the site, the delivery of new market and affordable housing and other uses, a reduction in vehicular parking spaces on the site, improvements to the public realm outside the site, ecological benefits and biodiversity net gain, and Council and London Mayoral Community Infrastructure Levy (CIL) contributions.

³⁹ APP4A paras 5.6-5.15.

⁴⁰ CDF.016.

⁴¹ CDF.012.

⁴² CDI.03.

56. The following additional matters were agreed in the supplementary SoCG submitted during the Inquiry⁴³:
- The Council cannot demonstrate that it has a five-year housing land supply (HLS); and
 - That for the purposes of this Inquiry, it is not necessary for any additional finding or recommendation to be made on the five-year HLS position, other than the application of the tilted balance in accordance with paragraph 11d of the NPPF.
57. The following additional matters were agreed in the design and historic environment SoCG⁴⁴:
- The policy framework guiding the development of tall buildings within Barnet and their applicability to the application site;
 - The use of a design code to inform detailed design;
 - Identification of relevant nearby heritage assets and the statutory duties; and
 - That the development would not be readily perceptible in the background view from Greenwich Park, as set out in the London View Management Framework (view 5A.2) of the London Plan.
58. The following additional matters were agreed in the transport SoCG⁴⁵:
- Existing transport conditions;
 - The methods of assessment used in modelling;
 - The proposed amounts of parking;
 - That there would be a significant net reduction in vehicle trips compared with the existing site use;
 - That there would be an improvement in highway safety conditions due to changes to site access compared with the existing;
 - Management plans dealing with construction, delivery and servicing, parking, and residents' and commercial travel; and
 - Other improvements to infrastructure outside the site to be delivered through planning agreements.

The Case for Montreaux Cricklewood Developments Limited, the applicant

59. This summary of the case for the applicant is based on the closing submissions⁴⁶, the proofs of evidence and other submissions to the Inquiry.

⁴³ ID.06.

⁴⁴ CDI.05.

⁴⁵ CDI.04.

⁴⁶ ID.27.

Design

60. The existing development on site is a design of its time. The proposed development would regenerate the site and its design process has been one of consultation and collaboration, with the scheme design changing in response to feedback, such as the reduction of the tallest element of the scheme from 25 to 18 storeys as well as changes to the three other proposed buildings. It has the support of Council and GLA officers and, until recently, Council members⁴⁷. The SoCG between the Council and applicant notes that it is “well thought through and well considered”, offering “well-designed” homes, “very high” quality amenity space and “generous public realm”⁴⁸. Its design accords with the development plan and NPPF and responds to and enhances the local townscape, including the Cricklewood town centre and growth area, and the wider opportunity area. The exemplary design code would inform the detailed design of the scheme at the reserved matters stage.
61. Only limited design harm has been identified by the Council and Rule 6 party, with minimal townscape evidence presented by the Council. The first matter of harm is said to arise from the scheme’s design, of which the Council’s concerns are limited to height, scale and massing⁴⁹. The Council’s assertion that the applicant failed to engage in proper pre-application discussions and consultation is at odds with its agreement that the scheme is the outcome of a design-led approach, and the evidence indicates that pre-application consultation was extensive⁵⁰. Through these, the Council’s response was consistently positive⁵¹. Extensive consultation was also undertaken with the local community, from which constructive feedback was received, and which resulted in scheme amendments including the reduction of the tallest element of the proposal from 25 storeys⁵².
62. Although the Council criticised the applicant for not presenting the scheme to a design review panel⁵³, the Council does not have such a panel in place and this was not suggested prior to the Inquiry. The design review undertaken by Council and GLA officers and others⁵⁴ is sufficient and was previously accepted by the Council as commensurate to an outline scheme. An undertaking for a panel review at the detailed design scheme has been made⁵⁵. The Council’s concerns about the quality of the detailed design⁵⁶ ignores the fact that it must approved the detailed phases, and the parameter plans, design code and conditions offer sufficient control.
63. Although the provision of open space was not part of the Council’s putative reason for refusal, it was raised the Council in evidence⁵⁷, despite the fact it

⁴⁷ ID.03 paras 11, 24,

⁴⁸ CDI.03 paras 7.72, 7.81, 4.18.

⁴⁹ Cross-examination of Cllr Young.

⁵⁰ ID.03 Appendix 1.

⁵¹ ID.27 para 38.2.1.4.6.

⁵² CDI.05 para 2.2 and CDA.15 para 1.36.

⁵³ LBBP2A para 8.21.

⁵⁴ CDD.01 p44, CDB.02 p3, CDA.28.

⁵⁵ CDI.05 paras 2.2 and 2.5.

⁵⁶ ID.04 para 2.4.

⁵⁷ LBB2A para 9.13.

accepted in SOCGs that the proposed public realm would be of an appropriate size and proportion, maximised in the scheme, of high quality, advantageous to the townscape and a public benefit⁵⁸. The proposal in this regard was also supported by the GLA and the Council at various stages of its assessment⁵⁹.

64. The Council's claim that the proposal would fail to respect the local context and established pattern of development is meaningless, because there is no established pattern⁶⁰. The surrounding area's scale is varied as expressed in building size and use, with notable deviations in the surrounding suburban scale of development including tall buildings to the west and east⁶¹. It would not be possible to deliver a significant number of homes without buildings of a certain mass, height and scale. To this end, the Council has accepted that, whatever the final indicative capacity emerging from the DLP adoption, there would be significant change on the site⁶². In any instance, given the site's current low townscape value, the scheme would (in the words of Council officers) "enrich the area"⁶³.
65. The Rule 6 party's claim that Cricklewood does not need a landmark building⁶⁴ is misplaced, as the height of the scheme would announce the regeneration of the wider area, to which the site acts as a gateway. The site warrants a landmark, given the major injection of housing and size of the site, and its proximity to the station⁶⁵.

Heritage

66. The Council accepts that proposal would not directly harm any heritage asset⁶⁶ and the only harms identified are indirect, to the RTCA and The Crown public house (PH), which is Grade-II listed. The potential impacts identified are to the settings of the heritage assets, and setting is only a part of what contributes to significance.
67. The significance of the RTCA "lies in its character as a cohesive planned estate for railway workers"⁶⁷ and it has a strong inward-looking character and is self-contained with a clear boundary. As an 'island' in the urban area it draws none of its special character from its setting. Although there is a strong community spirit described by objectors and the Rule 6 party, this is not an aspect of its significance. There is a narrowly defined setting deriving from its self-contained nature and the functional connection that previously existed between the railway and the area, although this ceased over time.
68. The development would not harm the RTCA. The visual impact of the scheme would be "limited, distant and peripheral" as demonstrated in the illustrative

⁵⁸ CDI.03A paras 7.83-7.84 and CDI.05 para 2.18.

⁵⁹ CDB.02 para 27 and CDD.01 paras 2.3, 6.3, 9.33, 13.13 and 5.2.

⁶⁰ APP2A para 3.21.

⁶¹ APP2A view 11, p98 and view D, p130.

⁶² Cross-examination of Cllr Young.

⁶³ CDD.01 p44.

⁶⁴ CDI.06 para 4.4.

⁶⁵ Oral evidence of Dr Miele and Mr Everitt in the design round-table session.

⁶⁶ LBBP1A paras 4.8 and 4.11.

⁶⁷ APP2A para 6.48.

views⁶⁸. Although there would be greater visibility across the allotments, these views are not sensitive and were not part of any planned design. A particular concern identified in the Inquiry round-table discussion on this issue was the view across the Kara Way playground beyond the RTCA's southern edge⁶⁹. However, this could benefit the area as development of a contrasting form can draw further attention to the special qualities of the historic place, particularly on its edges⁷⁰. Further scheme benefits would be derived from the redevelopment of the site, which at present detracts from the RTCA's setting, together with potentially better links and access through the site to the RTCA⁷¹.

69. If harm to the RTCA were to be found, the Council and applicant agree that it would be less than substantial. This categorisation contains a broad spectrum of harm as identified in other appeal decisions⁷² and any harm would be at the low end of this range. Even so, it would only be to one corner of the RTCA, looking in a specific direction. The RTCA does not derive a major proportion of its interest from its setting, which is similar to other appeal decisions with favourable outcomes⁷³, and each element of its interest would remain intact.
70. Although the RTCA is the only heritage asset mentioned in the Council's putative reason for refusal, potential harm to The Crown PH was raised as an issue in evidence at the Inquiry, despite not being an issue for Council members previously, nor raised in the Council's initial statement of case⁷⁴. There is broad agreement on the significance of this heritage asset, being that it is representative of a period of history of beer production and consumption, with a concentration of capital that led to the creation of the first 'super pubs'. Additionally, the asset has architectural interest, being an eclectic mix of Flemish Renaissance Revival and Elizabethan styles, with uncharacteristic materials used in its construction⁷⁵. The most significant element of its setting is the main road on its frontage, on which the building effectively acted as an advertisement for the brewer and communicated its purpose⁷⁶.
71. There would be, at worst, a transient effect on The Crown. The development would only be seen from the opposite side of the road to the pub, through a gap in existing buildings and in the distance⁷⁷. It would not be seen above the roofline of The Crown. Given that building's powerful architectural character, it is not credible to suggest that this transient effect would harm the ability to appreciate its special interest or significance. If the proposal were found to cause harm to the setting of The Crown, it could only be at the low end of less than substantial harm⁷⁸.

⁶⁸ APP2A para 1.30 and views 13-16, pp102-104.

⁶⁹ APP2A view E, pp134-136.

⁷⁰ Oral evidence of Dr Miele in the heritage round-table session.

⁷¹ ID.27 para 39.2.4.5.

⁷² ID.22.

⁷³ Such as CDG.08 para 12.50.

⁷⁴ CDI.02.

⁷⁵ Oral evidence of Dr Miele in the heritage round-table session.

⁷⁶ APP2A para 8.29.

⁷⁷ APP2A view 8, pp86-88.

⁷⁸ ID.27 paras 39.3.8-39.3.9.

72. Submissions from residents have suggested that the proposal would be visible from the Mapesbury Conservation Area (CA). It was confirmed in the Inquiry round-table discussion on heritage matters that there is no allegation of harm to the CA or to the Church of St Gabriel, which is within the area. There is no intervisibility between the CA and the site, as indicated in the relevant view, which is just within the CA boundary yet at least 700m from the application site. In this view, the development would be heavily screened⁷⁹.

Transport

73. The Council agrees with the applicant that an objection on transport grounds is unsustainable⁸⁰ and there are no objections from Transport for London (TfL) or neighbouring Councils. The applicant's highways witness provided the only expert evidence to the Inquiry and has shown that the main concerns raised on this issue are misplaced. Firstly, the proposal would not cause increased congestion on local roads, it would result in a net reduction of more than 4,200 trips per day⁸¹. Secondly, the proposal would not overwhelm the public transport network as there is sufficient bus and train capacity to accommodate the proposed development, with the predicted increase amounting to no more than four additional passengers per train carriage in the morning peak⁸². The development would safeguard land on the southwestern side of the railway for a future entrance to the Cricklewood Station and, in the meantime, there would be access improvements delivered by the planning obligation⁸³.
74. Thirdly, the proposal would not overwhelm pedestrian and cycle facilities because, when trips are distributed onto the network, the proposal would have no material effect⁸⁴. The proposal offers improved facilities for pedestrians and cyclists including new routes. Fourthly, the proposal would not generate unacceptable parking demand on surrounding streets, as the proposed number of parking spaces within the development would meet the needs of its users and future residents would not be able to apply for parking permits. Additionally, there would be a planning obligation for a review of the controlled parking zones in the surrounding area⁸⁵.

Other considerations and planning balance

75. The London Strategic Housing Market Assessment (SHMA) identified a need for 66,000 homes to be delivered annually, compared with the provision made in the London Plan for 52,287 homes, resulting in a shortfall of nearly 15,000 homes per annum⁸⁶. The 2018 Barnet SHMA identifies a per annum need of 3,060 homes, although the London Plan's allocation of 2,364 is significantly short of the standard methodology calculation of 5,361⁸⁷. Barnet's completions

⁷⁹ APP2A view 10, pp94-96.

⁸⁰ CDI.04 para 4.1.1.

⁸¹ APP3A para 4.4.4.

⁸² APP3A para 5.3.7.

⁸³ APP3A para 5.3.9-5.3.11.

⁸⁴ APP3A paras 5.3.12.

⁸⁵ P/ID.01.

⁸⁶ APP4A appendix 2, section 1.

⁸⁷ APP4A table 2, para 8.6.

are historically low, averaging 1,749 homes per year in recent times⁸⁸, and the Council accepted in the Inquiry that it is unable to demonstrate that it has a five-year HLS⁸⁹.

76. For affordable housing, only 210 homes are completed each year, against the DLP requirement of 760, which represents a significant undersupply. In the most recent year only 142 units were delivered, a shortfall of 564 units in a single year⁹⁰. These figures are set against the background of Barnet being the 13th least affordable local authority in England and Wales⁹¹, 2,014 households housed in temporary accommodation in the borough and 3,000 households on the housing list⁹², resulting in an immediate need for new housing. The limited supply of land for new housing in London was recognised during the production of the London Plan, where the housing capacity was downgraded given a lack of capacity of potentially suitable sites⁹³.
77. The application site is underutilised brownfield land in a highly sustainable location with a high Public Transport Accessibility Level (PTAL). The borough has a land area which is 28% Green Belt⁹⁴ and a shortage of housing and land for housing. This site has been identified for many years as a site suitable for housing and growth. Development of this site would clearly be in accordance with local, regional and national strategies in directing development to suitable locations. The failure to grant permission would be a fundamental blow that would risk bringing the planning system into disrepute. The Council considers that the site provides an exceptional opportunity for high-density housing and, being appropriate for tall buildings⁹⁵, it is rare to come across a site with such credentials and positive attributes for development⁹⁶.
78. The Brent Cross/Cricklewood (BCC) Regeneration Area and Opportunity Area designations have been in force for nearly two decades. It is in an area of greater than average deprivation and significant regeneration opportunities⁹⁷. The Cricklewood Growth Area is carried through to the DLP as one where there is an opportunity for intensification⁹⁸, with the area to provide 1,400 new homes predominantly composed of the application site. The proposal overwhelmingly complies with the development plan, the NPPF and emerging policy, in which for the first time Cricklewood is singled out as a growth area in its own right⁹⁹.
79. Council officers twice recommended that permission be granted¹⁰⁰ following extensive pre-application and post-application engagement and development. It was only after the SoS called in the application that the Council decided to

⁸⁸ APP4A paras 8.19-8.20.

⁸⁹ ID.06.

⁹⁰ APP4A appendix 2, para 2.2.

⁹¹ APP4A appendix 2, para 5.2.

⁹² APP4A appendix 2, para 6.1.

⁹³ ID.27 para 3.2.1 and CDJ.02 paras 174-176.

⁹⁴ CDF.01 para 2.3.2.

⁹⁵ CDI.05 para 2.13.

⁹⁶ ID.27 section 1, part 3.2 (Reason 2).

⁹⁷ CDF.06 p14

⁹⁸ CDF.01 para 4.9.1 and p56.

⁹⁹ CDF.01 policy GSS04, p56.

¹⁰⁰ CDD.01 para 15.6 and CDD.03 para 3.1.

depart from at least 12 favourable planning judgements¹⁰¹ when the only change in circumstances during this period was the political composition of the Council and its planning committee. The fact that the Council has not put forward planning or design evidence to the Inquiry, or any critique of the proposal, means that there is no suitable evidence to apply to the planning balance¹⁰².

80. The Council suggested changes to the DLP in a note sent to the EiP Inspectors on 7 February 2023, just prior to the start of the Inquiry. In this it suggested that the allocation pertaining to the application site be reduced from 1,007 to 583 units¹⁰³. This emerged four months after the putative reason for refusal and should be given extremely limited weight as it is at a very early stage, having not yet been approved by the relevant Council committee, nor published as a modification to the DLP, consulted on or commented on by the Inspectors. Furthermore, the implications of the modification have not been properly worked through as they would affect other DLP policies on which similar modifications have not been proposed. Moreover, the commensurate reduction in housing supply has not been applied to the overall status of housing supply in the DLP. It is therefore fundamentally flawed and there is no reason to expect that the modification will be adopted¹⁰⁴.
81. The proposed modification is based on the application of a density matrix which was found in the previous London Plan but was not carried through to the current version, which found its utility to be limited. It is not intended to be applied mechanistically. Its bluntness as an instrument is visible in the revision of the site's classification from 'central' to 'urban', in which more than 400 units are deleted from the site's indicative capacity, without any townscape or viability appraisals to support the revision, or no conditions changing on the ground. The fact that North Finchley – a similar district town centre but not within an opportunity or growth area, or one suitable for tall buildings – has kept its central classification is indicative of the Council's inconsistency¹⁰⁵.
82. The applicant's case does not require the decision-maker to find that any policies are out-of-date, but nonetheless the 'tilted balance' of NPPF paragraph 11d is applied due to the Council's lack of a five-year HLS¹⁰⁶. The proposal offers weighty benefits, which the Council has accepted to be (cumulatively) significant¹⁰⁷:
- The delivery of a significant quantum of new housing, which would make a meaningful contribution towards the Council's housing need and to which significant weight should be afforded;
 - That of these, 35% would be affordable (indicatively 382 homes) which is more homes than have been delivered in the borough in any single recent year, and to which substantial weight should be afforded;

¹⁰¹ ID.27 para 5.2.

¹⁰² ID.27 section 1, part 4 (Reason 4).

¹⁰³ LBP2B appendix 1.

¹⁰⁴ Examination in chief of Mr Rhodes and ID 27 paras 23.1.1-23.1.4.

¹⁰⁵ ID.27 paras 23.1.5-23.1.7.

¹⁰⁶ ID.06.

¹⁰⁷ CDI.03A para 9.2.

- The provision of flexible commercial and community floorspace to support economic growth and productivity, to which the applicant and Council agree that significant weight should be afforded¹⁰⁸;
- A net reduction in vehicular movements and associated carbon, and reduction of on-site car parking spaces from 470 to 105, to which significant weight should be afforded;
- The outstanding design of the scheme, to which significant weight should be afforded in accordance with paragraph 134 of the NPPF; and
- That 50% of the site would be open space and public realm, which would contribute to local amenity and a biodiversity net gain, in an area in which open space is sorely needed, and to which significant weight should be afforded.

83. The harm (as set out in the previous sections) is limited. If less than substantial harm was found with regard to heritage assets, this would need to be weighed against the public benefits, and these would outweigh any (limited) harm. Following this, there are no NPPF paragraph 11 footnote 7 reasons for refusal, and the Council's case does not show that the benefits of the proposal would be significantly and demonstrably outweighed by the harms.

The Case for the Council of the London Borough of Barnet

84. This summary of the case for the Council is based on the closing submissions¹⁰⁹, the proofs of evidence and other submissions to the Inquiry.

Design

85. The 2010 Barnet Characterisation Study states that Barnet is predominantly suburban in character, with terraced housing the most common form¹¹⁰. Although there are some taller buildings in the surrounding area, these are some distance from the application site and the model presented at the Inquiry demonstrated the predominantly low-rise nature of the area, as does the predominance of low-rise character areas within the applicant's study¹¹¹. Such tall buildings as those proposed would be exceptional within the area.

86. The 2019 Tall Buildings Update notes that buildings of up to 14 storeys could be appropriate in Cricklewood, based on the presence of Cricklewood Station. However, it considers that height is only an indicator of appropriateness and is dependent on site circumstances. It also has a presumption that tall buildings would not be suitable close to listed buildings and conservation areas and does not indicate that buildings taller than 14 storeys would be appropriate in Cricklewood¹¹². The application contains five buildings of 15 storeys or more, with one just 61 metres from the RTCA¹¹³.

¹⁰⁸ CDI.03A para 8.4.

¹⁰⁹ ID.26.

¹¹⁰ CDF.016 p6, p114-115.

¹¹¹ APP2A p160.

¹¹² CDF.012 p31.

¹¹³ Oral evidence of Mr Everitt in the design round-table session.

87. There are several views presented in the evidence which are important for demonstrating the negative impact of the scheme on the area. View 5 shows a dominating wall of tall development replacing low-rise buildings. Views 14 and E are also close to the site and useful in understanding how the proposals would be experienced in close proximity, together with view 11 where the application scheme starkly dominates its surroundings¹¹⁴. Although the applicant has relied on the design code to mitigate the impact of height and scale, the reserved matters applications would not alter the fundamental relationship of the development with its neighbours.
88. Following amendments to the scheme it no longer contains a tall landmark building, nor genuine stepping down to the north. The effect is a wall of development with little variation and the original rationale for the scheme, which relied on a stepping down effect, no longer exists¹¹⁵. In any case, a landmark building is not needed for local residents to assist with navigation, nor has any convincing reason been offered as to why it would be necessary for visitors.

Heritage

89. The setting of a conservation area is not a statutory consideration, although the NPPF applies the same approach to all designated heritage assets and the harmful impact of the development should therefore be taken into consideration as a matter of policy.
90. The significance of the RTCA derives primarily from its historic and aesthetic value¹¹⁶. Aesthetically, the layout of the streets, buildings, and private and open spaces give the area a unique feel that is distinctive, ordered, and intimate. The small scale of the plots enables minimal opportunity for extensions and thus the terraces have retained a consistent character¹¹⁷. Historically, its role as a village for Midland Railway employees is still evident from the layout and differentiation between some cottages intended for higher-status workers.
91. The evident communal spirit is not relevant to its heritage significance, but the fact that the RTCA was planned as a community means that its continued appreciation as such is an aspect of the historical significance. This is consistent with National Planning Policy Guidance (PPG) which recognises that heritage assets can provide meaning for communities, deriving from the collective experience of a place¹¹⁸. The sense of community therefore derives from the historic function of the RTCA as a planned community and contributes to the significance of the asset.
92. Prior to 1939, the allotments within the RTCA were used as an area to grow food¹¹⁹ and the current use is therefore a continuation of this historic use. As such, it is directly related to the historic significance of the RTCA.

¹¹⁴ CDI.09 view 5 p21, view 11 p45, view 14 p53, view E p81.

¹¹⁵ See for example, APP1A para 6.21.

¹¹⁶ LBBP1A paras 2.13-2.16.

¹¹⁷ CDF.013 para 5.1.

¹¹⁸ CDE.012 para 006.

¹¹⁹ APP2A para 8.20.

93. The applicant's assertion that the RTCA is an isolated, cut off area is inconsistent with its claim that the application site in its current condition detracts from the area¹²⁰. The tranquillity of the area derives from the fact that in views from within the area to the outside, one can see an unbroken horizon. This maintains the aesthetic beauty of the RTCA and allows for a greater appreciation of its conservation value as a coherent railway village.
94. Several of the views provided in evidence demonstrate the application scheme's harm to the setting. View E¹²¹ indicates that the current view of open space would be replaced by intrusive development. Although any development of the site would have some impact, in this instance the scale of the scheme means that it does not relate to the existing fabric. View 14¹²² is set against a silhouette of a terrace gable, highlighting the difference in form, bulk, height and scale of the RTCA buildings with the scheme. The sky visible in this view would be replaced by a wall of buildings unrelated in form, character and history to the terraces. Views 13, 15 and 16 indicate similar effects¹²³.
95. Although the proposal would cause less than substantial harm to the setting of the RTCA, this would be medium to high within this scale¹²⁴. The applicant's suggestion that the scheme would cause no harm is untenable and was not the view of Council officers through their assessment.
96. Regarding The Crown PH, the Council has consistently recognised that the application scheme would cause less than substantial harm to the setting of this building¹²⁵. It is currently framed by open space to the north due to the low height of existing background development. View 8¹²⁶ shows that the scheme would intrude into this space, which currently contributes to the setting. This openness emphasises The Crown's architectural quality, including its flamboyant roof. The view of the application scheme in the background would cause harm the ability to appreciate the pub's significance. The less than substantial harm should be given great weight in accordance with statute and the NPPF¹²⁷.

Other considerations and planning balance

97. The critical issue is whether the proposal represents good design and is acceptable in the context of its suburban and heritage surroundings. It would dominate and detract from these surroundings, particularly the RTCA. Tall and very tall buildings are proposed, and London Plan policies require such development to explore design options to determine the most appropriate form of development for the site¹²⁸. The Environmental Statement's Alternatives chapter does not consider smaller schemes or alternatives without tall buildings¹²⁹ and there is no evidence that the applicant considered a proposal

¹²⁰ ID 03 para 55.2.6, and APP1A para 4.57.

¹²¹ CDI.09 p81.

¹²² CDI.09 p53.

¹²³ CDI.09 p48, p56 and p60.

¹²⁴ Oral evidence of Mr Evans in the heritage round-table session.

¹²⁵ Oral evidence of Mr Evans in the heritage round-table session.

¹²⁶ CDI.09 p33.

¹²⁷ Including LCBA Act s66 and NPPF para 199.

¹²⁸ CDE.02 Policies D3 and D9.

¹²⁹ CDA.37.

- without tall buildings. The testing of alternatives is now underway by the DLP's Inspector Panel who invited the Council to reflect on the application of the 'central' density matrix classification to various site allocations¹³⁰. This emerging process casts doubt over an approach to capacity which strikes the balance between growth and context, given that the proposed modification reduces indicative site capacity from 1,007 to 583 units. There is no allocation for the site within the current local plan and its location within an opportunity area or growth area does not equate to an allocation.
98. The proposal does not reflect good growth as set out within the corresponding policies of the London Plan¹³¹. It would work against rather than with the grain of the receiving environment and would not deliver built forms that work with local heritage and identity. The Plan also requires development to recognise the role of heritage in placemaking and to preserve an area's unique identity, with respecting character and accommodating change not being mutually exclusive. Due regard should be given to existing building types, forms and proportions¹³².
99. The current local plan states that tall buildings may be appropriate within the BCC Regeneration Area, and that they must not cause harm to heritage assets and their settings,¹³³ but they are not automatically considered to be acceptable. Its policies also require development to demonstrate a good understanding of the local characteristics of an area, preserve or enhance conservation areas, and give special consideration to "the desirability of preserving or enhancing the character and appearance of the Cricklewood RTCA¹³⁴".
100. It has been agreed between the applicant and Council that the DLP is a material consideration that should be afforded significant weight due to its advanced stage of preparation¹³⁵. Main modifications are proposed in response to questions from the Inspector Panel that emphasise the suburban nature of the borough and that tall buildings are not the preferred building model, with their potential constrained within the borough. The proposed modifications would also require very tall buildings to have a legible and coherent role within their location¹³⁶. Other DLP policies bring forward London Plan concepts of good growth and site optimisation and would only allow very tall buildings to be sited when exceptional circumstances can be demonstrated. Location in a growth or opportunity area does not necessarily mean that such buildings should automatically be assumed to be appropriate¹³⁷. In this case, the growth area abuts the RTCA, whose special characteristics are the antithesis of tall and very tall buildings. The resulting scheme would be out of proportion, appearing exceptionally over-scaled.
101. The NPPF also requires good design according with the character and appearance of the surrounding area and heritage assets, considering the

¹³⁰ LBBP2B Appendix 1 p3.

¹³¹ CDE.02 p.xii, para 1.1.4 and Policy GG1(G).

¹³² CDE.02 Policies GG2(E), SD1(B)(4), D3, paragraphs 1.2.7 and 3.1.7.

¹³³ CDF.03 Policy CS5 and CDF.04 Policy DM05.

¹³⁴ CDF.04 Policies DM01 and DM06, and CDF.02 Policy C2.

¹³⁵ CDI.03A para 5.16.

¹³⁶ CDF.01 p441 and p449 (MMs 149, 161 and 163).

¹³⁷ CDF.01 Policies GSS01 and CDH04.

Government's intention to put beauty at the heart of the planning system¹³⁸. The current consultation draft of the NPPF considers that densities which are significantly out of character with the surrounding area could be considered as an adverse impact of such development. This represents the Government's direction of travel and reinforces the good growth policies of the London Plan and DLP¹³⁹.

102. The RADF emphasises the need for a scheme-specific assessment, with a graphic building height profile indicating that height within the area is focused in the north, around the North Circular Road with no tall buildings shown near or on the application site, and no residential development or density indication offered¹⁴⁰. There is no designation for the site within the current Core Strategy, which was informed by the RADF, and the latter considered the heart of the regeneration area to be concentrated to the north, with the indicative building heights reflecting this aspiration. Neither this, nor the 2010 outline application for the regeneration area, envisaged tall buildings on or around the site, and neither the SPG, nor succeeding local plans, made allocations for the application site¹⁴¹.
103. Likewise, there is no specific London Plan text referring to the BCC Opportunity Area, nor is there any indication that Cricklewood should be a specific location for tall buildings. The differences between Brent Cross and Cricklewood are evident from an observation of the two areas. The latter does not exhibit 'central' characteristics and would be best described as 'urban'. Although the proposed main modifications would result in the reduction of 922 units in this area, it would not affect the DLP's ability to meet the housing target set by the London Plan. Although there have not yet been consequential amendments put forward to supporting policies in the DLP, the proposed indicative capacity of 583 units is more closely aligned with Cricklewood's role within the regeneration area¹⁴². Additionally, the applicant sought to argue that the application scheme would be consistent with the DLP but is not tenable that the scheme would accord with the revised allocation. The scheme is not consistent with the Council's or DLP's direction of travel.
104. The Council accepts that it does not have a five-year HLS at the current time. It is agreed that if the decision-maker finds that the application scheme does not accord with the development plan, the application of the tilted balance pursuant to NPPF paragraph 11d depends on whether footnote 7 applies¹⁴³. It would be open for the Inspector to recommend that the harms outweigh the benefits such that planning permission should be refused.
105. The Council acknowledges that there would be benefits associated with the application scheme, including the delivery of housing which should be given significant weight. Of the 382 proposed affordable homes, only 86 would be of affordable rented tenure, for which there is the most pressing need in the borough. The tenure split of 22:78 social rented to intermediate homes is well

¹³⁸ NPPF para 126.

¹³⁹ ID.26 para 2.28.

¹⁴⁰ CDF.06 p33 Figure 19 and p35 Figure 20.

¹⁴¹ ID.26 para 2.40.

¹⁴² Cross-examination and re-examination of Cllr Young.

¹⁴³ ID.06 para 2.1.

short of the London and Council policy tenure split of 60:40 and, as such, the provision of affordable housing should be given only moderate weight¹⁴⁴. The weight given by the Council is more generous than that of the conclusion of the Environmental Statement, which is that there would be a minor (not significant) beneficial effect for affordable housing¹⁴⁵.

106. The application would have minimal impact on the restitution of the five-year HLS, as it is unlikely that any occupation would occur within five years. The applicant was uncertain regarding delivery quantity and timing, given that there is no guarantee that the applicant would be the developer¹⁴⁶. Likewise, only minor weight should be attributed to the redevelopment of a brownfield site, due to the adverse impacts of the scheme¹⁴⁷. The benefit of public realm improvement is also reduced as the scheme would provide less open space than would normally be expected of a scheme of its size. Although some of the site is within an area of public open space deficiency, the nearest park is more than 400m walking distance because the proposal would not deliver a link across the railway¹⁴⁸. Whilst not a reason for refusal, this fact is relevant to the weight to assign to this benefit. Other considerations to be given minor weight are the reduction in vehicle parking and movements and the ecological benefits, whilst the provision of CIL payments to offset the impact of the development should be given moderate weight¹⁴⁹.
107. The harms of the scheme must be weighed against the benefits. Its adverse impact on the character and appearance of the area and designated heritage assets means that it does not comply with development plan policies¹⁵⁰, nor the development plan as a whole. This approach to the planning balance is conventional, as demonstrated in a recent appeal decision tabled at the Inquiry¹⁵¹. The policies cited by the Council as being the most important relating to design, scale and massing are those which are the most relevant to the matters on which the SoS wishes to be informed, and the Council should not be criticised for focusing on those particular policies. Additionally, the application scheme does not comply with the DLP or paragraphs 130 and 134 of the NPPF, which are both material considerations that should be given significant weight.
108. Overall, the cumulative weight of the benefits is outweighed by non-compliance with the development plan as well as other material considerations. Although the application site is an important regeneration opportunity for Barnet and London as a whole, redevelopment must be done correctly, otherwise the impact on the surrounding area and RTCA would be permanent. The application scheme's height, scale and massing represent incongruous overdevelopment, out of context with the character of the area and harmful to nearby heritage assets. It is not good growth or the development that Cricklewood needs.

¹⁴⁴ LBBP2A paras 9.5-9.6.

¹⁴⁵ CDA.47 para 14.6.35.

¹⁴⁶ Cross-examination of Mr Rhodes.

¹⁴⁷ LBBP2A para 9.4.

¹⁴⁸ LBBP2A para 9.10 and cross-examination of Mr Rhodes.

¹⁴⁹ LBBP2A paras 9.9, 9.11 and 9.12.

¹⁵⁰ London Plan Policies D3, D4, D9; Core Strategy Policy CS5; and DMP Policies DM01 and DM06.

¹⁵¹ ID.02 para 61.

The Case for the Residents' Associations, the Rule 6 party

109. This summary of the case for the Rule 6 party is based on the closing submissions¹⁵², the proofs of evidence and other submissions to the Inquiry.

Design

110. This site, in the middle of Cricklewood, is a waste. The B&Q store is popular with local residents, but the carpark is mostly empty. It should be used for housing, and that consensus is loud and clear in the public comments on this application. It is wildly inappropriate to put 18-storey blocks there.

111. The development would be visible from streets and homes all around, and thoroughly disproportionate to them. It would dominate the town centre. Opposition to the development relates to the size of what is proposed, specifically the height, which we believe impacts negatively – despite Montreaux's denials - on the adjacent conservation area, The Groves roads and on the surrounding Victorian and Edwardian context of Cricklewood town centre.

Heritage

112. The site sits diagonally across the road from a conservation area that has inspired an outstanding sense of community. The applicant considers that it won't be harmful to the conservation area. However, the dense range of blocks up to 18 storeys high would confront a viewer at the south end of the RTCA, and blocks would protrude starkly over the rooftops and chimneys, from the gardens, even more so from the windows, and the allotments. We're told that's all acceptable and the development would make the area even more special, which cannot be accepted as reasonable or as a plausible forecast.

Transport and other considerations

113. The site at present contributes little to Cricklewood town centre (other than the useful B&Q store and garden centre, which would be a noticeable loss). Because Cricklewood is split between three boroughs, residents are potentially vulnerable to harmful developments in Barnet, Brent and Camden and have learned to communicate and act together across borough boundaries.

114. Neither this site nor any of the surrounding streets in Cricklewood were identified in any of the maps of 2005 as suitable for development to any height or density or purpose at all¹⁵³. There was a consultation exercise in 2007, but that was for the development of Brent Cross shopping centre plus the area immediately south of it across the North Circular and a tongue of land beside the railway stretching halfway to Cricklewood town centre. It was about the areas identified and mapped for development to various heights and purposes and densities in that 2005 document. When a planning application was launched in 2008 and another one in 2013¹⁵⁴, they were for the "comprehensive redevelopment of the Brent Cross Cricklewood Regeneration Area" and they did not include the application site, or the RTCA or anything else in Cricklewood that had been left unmarked in the 2005 document.

¹⁵² ID.25.

¹⁵³ CDF.06 including figure 19 (p33) and figure 20 (p35).

¹⁵⁴ CDA.01 paras 3.3-4.

115. Tall and very tall buildings would be built in the middle of a low-rise area, close together and in each other's shadow even in the middle of the day. Those shadowed windows might well be the only windows of the flats but it is frustrating that this is a reserved matter that can't be considered at this stage. The cycle route through the development might be unwanted by existing residents and of no public benefit but that's also a reserved matter too – it can be used to promote the development but not to criticise it¹⁵⁵. Evidence was heard that not many people would use the station, that there would be room on the trains, the busy narrow pavements would be fine with thousands more people, the roads are fine for cycling, bus services may be restored, Cricklewood residents won't drive through Cricklewood to another store when this one closes, and so it goes in this best of all possible worlds about which residents remain, due to local day-to-day experience and knowledge, deeply sceptical¹⁵⁶.
116. Likewise, the Brent Cross Cricklewood Regeneration has taught that some promoted features may never even be the substance of reserved matters applications, either never presented or allowed to lapse or be removed. If the applicant had engaged properly with local residents, it would have established common ground between all parties at an early stage and avoided mistrust, lost time and much expense.
117. The inquiry has been told that the Council's emerging policy on appropriate densities uses inappropriate categories¹⁵⁷. However, these make a useful distinction between major highly developed town centres and more humble district centres with their urban and suburban neighbourhoods. The rejection of these and the design-led optimising approach means that a plan of cramming 1,100 units onto the site was designed, and then bargained down by 5%, though it's not clear how either figure might have been the optimum or which building heights were optimal.
118. Perhaps the optimum capacity, or at least the determined capacity, is the capacity that compensates for the borough's historic failings to build enough affordable housing, or to build enough housing at all. This is no fault of the residents of the Brent half of Cricklewood, or the Camden portion, but Cricklewood's town centre would be hit by a massively disproportionate development to protect Barnet's suburbs. If the site was in Brent or Camden, if the boundary had been drawn ever so slightly differently, such development wouldn't be appropriate. But because it's in Barnet, down in its remote corner, it's suitable for intensive development.
119. Indeed, the Inquiry heard that the indicative site capacity of 1,007 in the regulation 19 draft of the Local Plan¹⁵⁸ must not be changed, whether well-founded or not, because Barnet needs that number to meet its targets¹⁵⁹. The neighbouring sites in the growth area at Nos 1-13 Cricklewood Lane and Nos 194-196 Cricklewood Broadway weren't described as central in officers' reports and recommendations on their planning applications, they were described as

¹⁵⁵ ID.05 para 4.

¹⁵⁶ Transport round-table session.

¹⁵⁷ CDD.03 para 6.1.

¹⁵⁸ CDF.01 p303.

¹⁵⁹ APP4A para 3.19.

urban and the densities assessed accordingly¹⁶⁰. Nothing has changed on the ground, but the designation as central allowed high figures to be derived from the derided density matrix.

120. It would be less wrongful if a local authority recognised its failings and aimed to take better decisions and achieve better outcomes. An opportunity, of sorts, arose in this case. The SoS called the application in for his decision and almost unanimously, the Council's planning committee agreed to oppose it. This, as was suggested in the Inquiry, was a volte-face and worse, political¹⁶¹.

Other representations made in person

Cllr Anne Clarke AM: Barnet and Camden Constituency Member of the Greater London Assembly, and Barnet Council ward Councillor for Cricklewood.

121. Cllr Clarke actively encouraged residents to engage with the pre-application process in good faith so that the applicant would have useful feedback to shape the development of the scheme. Thus she was surprised when the submitted application comprised tall buildings. The site is ideal for multi-use development, but the current application would provide minimal public benefit. Although development of the site is welcomed, it should not be any cost.
122. Local transport is limited. The train service from Cricklewood station is a simple north/south route with an infrequent service. The site would provide some benefits such as landscaping but these would be required from any development of the site. The scheme as proposed would dominate the area. The site does not require a 'civic heart' or a 'landmark' building as the area is already legible – it does not need a marker. It would be inappropriate within the local context, and would represent neither good design or good growth. It would be alien to the character of Cricklewood.
123. The proposal appears to be designed to provide maximum occupancy and capacity on what is a limited site. Although there are also issues with the site's proximity to the RTCA and listed building at The Crown PH, the effects of the proposal would affect all local residents.

Terry Weston, Mapesbury Residents' Association

124. The Association represents around 600 households, or around 15% of those in the Mapesbury Conservation area to the southwest of the application site. There were more than 350 objections to the application from these residents. The reasoned arguments against the scheme include its size and scale as well as its visual impact, the quality of the proposed design and the facilities that it would provide for the local community, the traffic that it would generate, and its effects on other infrastructure.
125. With regard to the size and scale of the proposal, the proposed buildings would be the largest in the area, and there is no support within the community for buildings of the intended height. They would dominate the area for miles around. This is not central London, and even the dense new development around Wembley Stadium has little over ten storeys.

¹⁶⁰ ID.17 para 6.3 and ID.18 para 5.7

¹⁶¹ ID.03 paras 32-33.

126. The design of the buildings would appear box-like and has no architectural merit. Not enough green space would be provided, and it would not meet London Plan requirements on open or play space. It would not provide needed community facilities such as a surgery or community hall. Existing infrastructure and play areas are overwhelmed because of other new development, and existing consented development will make this worse in any case.
127. The A5 is already a gridlocked traffic route, and more development and traffic adding to this busy north-south route would exacerbate existing congestion.

Anna Maguire, local resident

128. This resident only recently learned of the proposal despite living close to the site for around five years, and she was shocked at the proposed height of the development. Although Cricklewood requires more open space and affordable housing, it should not be at any cost. There are concerns about the type of affordable housing proposed and whether it would accord with local needs.
129. Cricklewood feels like it hasn't been completely regenerated, as other parts of London have been. It still has a local community spirit and development such as this would erode this character.

Neil Diamond, RTCA resident

130. Everyone within the RTCA knows everyone else and they care for each other, the community and the area. They are not 'NIMBYS' and recognise the need for housing. However, tower blocks do not induce neighbourliness. There is a growing sense of community in Cricklewood and this development would not enhance that. This form of development does not attract residents that love or care for their neighbourhood and homes.

Daniel Gilfoyle, RTCA resident

131. No-one in the area is against the provision of more affordable or other housing, but the scale of the proposed development is out of keeping with the surrounding area. It would add to the strain of already oversubscribed schools, surgeries and other local facilities.

Lara Faulkner, RTCA resident

132. The RTCA has a strong sense of community which is strengthened by the residents' association for the area. Ms Faulkner grew up in the terraces and has returned there with her family in recent years. The area is host to various events which reinforce residents' sense of belonging in this area.
133. Residents are strongly opposed to the development, which is on the doorstep of the RTCA. The terraces would be dwarfed by the scale and height of the proposed buildings; a comparison of heights between the terraces and the new buildings indicates the inappropriateness of the new development. Residents are also worried about the impact on the historic character of the RTCA and the effect that this would have on the community and its cohesion. Approaches into the terraces would also be affected, particularly as the wider surrounding area is a mix of Victorian and Edwardian development. This new development would be visible also from within these areas, towering over much-loved terraces of a far more appropriate scale.

134. Residents are also worried that the development would set a precedent for tall and very tall buildings in Cricklewood and surrounding areas. Whilst there is a desire for new homes, the development would be far too high and would harm the visual, architectural and heritage character of the area.

Representations made in writing

135. The material points of the cases for those interested parties who submitted written representations follow.

*Mike Freer, Member of Parliament for Finchley and Golders Green*¹⁶²

136. As the Member of Parliament for the area, Mr Freer has received many objections from residents regarding the proposals to redevelop the site. He personally objects to the proposed development, based on its scope and scale, which would push local services to breaking point. The size of the proposed development is entirely out of keeping with the local area in design and scale, given that this area is predominantly low-density suburban housing. The visual impact would be detrimental to the local area.

137. Adding 1,100 residential units in buildings ranging from 3 to 25 storeys would add significantly to the congestion that already exists on Cricklewood Lane and surrounding road network. There is also insufficient parking which would place further pressure on parking capacity in the nearby residential roads.

Statutory consultee responses:

138. Camden Council objected to the development on the basis of the substantial reduction in commercial space with the loss of the current use, the insufficient amount of community space and infrastructure proposed, the excessive scale and massing of the proposal (which had an upper height of 25 storeys at the time of consultation), and the proposed tenure split of affordable housing.

139. Network Rail expressed concerns about the existing restricted station access and crowding levels at Cricklewood Station, together with the potential impact on the safe operation of Cricklewood Station without suitable mitigation measures. It is also concerned that access to the station for mobility impaired people would be negatively affected. Contributions were requested for funding towards the remodelling of the station entrance, ticket office and ticket gate areas.

140. Of those notified by the Council at the application stage, the Mayor of London (GLA) sought further information but did not call in the application¹⁶³. Thames Water, the Secured by Design service, Brent Council and Natural England provided responses not objecting to the development and requesting conditions where appropriate. London Fire Brigade, British Telecom, the Twentieth Century

¹⁶² ID.09. Mr Freer's subsequent representations to the Council and Inquiry reiterated the issues first raised in this letter to the SoS, in which he also requested that the application be called in.

¹⁶³ See paragraph 21.

Society and UK Power Networks did not respond to consultation. No statutory consultees raised in-principle objections to the proposal¹⁶⁴.

Other representations

141. More than 2,700 objections were submitted from the local community in response to the application notifications by the Council, together with about 50 letters of support. In addition to the design, heritage and transport objections set out in the preceding section, matters raised included the effects of the proposal on local infrastructure such as medical and educational facilities, a loss of daylight, sunlight and outlook to neighbouring properties, access issues, that the development would not deliver genuinely affordable homes with a proposed housing mix that would be unsuitable for the local community, and the loss of trees.

Conditions

142. Prior to the Inquiry the Council and the applicant jointly submitted a schedule of conditions¹⁶⁵. At the Inquiry round-table session on conditions there was also further discussion and agreement between the parties, which resulted in a final schedule of 40 suggested conditions¹⁶⁶.

143. I have assessed the list of conditions proposed by the parties against the tests set out in the PPG¹⁶⁷. These were discussed at the Inquiry and subsequently refined. I have made minor changes for clarity. The conditions that I consider would be necessary if planning permission were granted are listed in Appendix A of this report, together with the reasons for their inclusion. There have been no additions or deletions of whole conditions.

144. Conditions have been included to ensure the design quality of the scheme in its detailed / reserved matters phases, through adherence to parameter plans and a design code. Various conditions would ensure the satisfactory inclusion or control of various environmental, economic and social matters, and the organisation of phasing together with the ongoing management of the site.

Obligations

145. The proposed obligations and legal agreement were discussed at an Inquiry round-table session. In summary, the s106 Agreement¹⁶⁸ contains planning obligations for:

- The provision of on-site affordable housing at a minimum rate of 35% of all residential units and not less than 30% of all habitable rooms within the scheme to be London Affordable Rented Housing, 70% as intermediate housing, with arrangements for review during the implementation of the scheme to determine whether any further affordable housing could be provided;

¹⁶⁴ A more detailed report of responses received by the Council can be found in the most recent Committee Report at CDD.03 section 4.0.

¹⁶⁵ CDI.03A Appendix 1

¹⁶⁶ ID.21.

¹⁶⁷ PPG reference ID: 21a-003-20190723; revision date: 23 07 2019.

¹⁶⁸ P/ID 01.

- Measures to ensure that parking permits are not issued to any resident of the proposed development, and a review of parking provisions in streets surrounding the site;
- A contribution towards the improvement of bus services between Cricklewood and Kilburn;
- Travel plans for future commercial and residential occupiers of the scheme;
- Provision of two on-site, street level car club spaces with potential for more;
- The provision of highways works to improve the footway between the site and Cricklewood Station, construction of a new pedestrian crossing on Cricklewood Lane, and removal of the existing vehicular access point on Cricklewood Lane with reinstatement of the footway;
- The provision of a community healthcare facility within the development;
- A contribution towards the cost of a feasibility study for road safety measures at a nearby school;
- An employment and training strategy for local residents to access opportunities in the construction and operational phases of the development; and
- Financial contributions for carbon offsetting, and monitoring of the agreement.

INSPECTOR'S CONCLUSIONS

146. Numbers in square brackets denote source paragraphs elsewhere in this report.

Main considerations

147. Taking into account the oral and written representations and the Secretary of State's reasons for calling in the application, I have identified the following main considerations in this case:

- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on the historic environment; and
- The effect of the proposal on local transport and highway safety, with particular regard to sustainable travel, effects on the road network, and the amount of parking to be provided.

148. There are also several other considerations including the effect of the proposal on the local housing supply, and the overall effect of all these considerations on my recommendation, which I will set out after the main considerations.

149. There was some discussion at the Inquiry as to whether the verified views cited in the evidence and referenced in this report could be considered authoritative. I consider that they have been compiled according to best industry practice and believe them to be accurate and representative of wider views around the area. This is bearing in mind that renders are of an illustrative scheme adhering to the design code, whilst wirelines are indicative and represent the maximum potential extent of development specified in the parameter plans.

Consideration 1: The effect of the proposal on the character and appearance of the area

150. The current development on site is representative of late-20th century 'big box' retail, being warehouse-type units served by a large expanse of asphalted car parking. It has no identified design merit and Inquiry participants agree that the redevelopment of the site, and subsequent loss of the existing building and site layout, is not objectionable. The current buildings and layout make poor use of the site and the redevelopment of the site has the potential to better integrate with Cricklewood town centre, present a more attractive welcome to the town for those arriving via the train station or nearby A5, and use the site more effectively [60, 110].

151. The reasons given by the SoS for calling in the application included an examination of the design, scale and massing of the proposal. These matters occupied the round-table discussion of design matters at the Inquiry. The architect's presentation provided a summary of pre-application consultation undertaken with the community and various participants, its post-submission evolution, the reasons for its ultimate design and layout, and its aspect from various vantage points around the surrounding area. Appropriate pre-application consultation was carried out amongst various stakeholders. The detailed design would be considered at the reserved matters stage and would be subject to further review by a design panel, as set out in the planning conditions [2, 61, 62, 116].

152. Although the scheme was originally proposed to decrease in height from a 25-storey building adjacent to Cricklewood Lane, with building heights falling to the north, the current iteration proposes a realignment of the height strategy, with most elements of the development having had their heights reduced. The most evident change is a reduction of the previously 25-storey building to 13 storeys. The tallest element would be 18 storeys, with other buildings along the railway edge of the site in a range of 15 to 17 storeys [20, 86].
153. Despite other tall buildings being present in the area, these are not visible from the site due to the prevailing topography, and the area surrounding Cricklewood town centre is generally low-rise in nature. This may change in the future, based on the extant approval for a nine-storey building adjacent to the application site¹⁶⁹. There are some exceptions, such as the very tall new buildings being built at Brent Cross, which is in the same regeneration area as the application site¹⁷⁰. Further afield, there are tall buildings north and south of the site along the A5 at Kilburn and West Hendon, either in clusters like those proposed in this application, or lone buildings. A short journey from the site in most directions will reveal that tall buildings are visible in many views and could be considered part of the established character throughout this densely-populated sector of London.
154. Nonetheless, there are noticeable changes in character between different streets in the area immediately around the application site. Discussion of heritage assets and the RTCA is reserved for the next section of this report, but the applicant's character study, which is derived from the Council's 2010 characterisation study,¹⁷¹ sets out the changes from the low-rise nature of the surroundings to the industrial nature of the site and railway lands, and the commercial and more built-up appearance of Cricklewood Broadway and Cricklewood Lane [64, 85].
155. The proposed buildings would be clearly visible from much of the surrounding area. The non-heritage view which attracted the most comment at the Inquiry was view 5, which shows an illustrative view of how the scheme could look, across the railway from Cricklewood Lane to the east. It would be viewed across the open land of the railway against low-rise neighbours. This would contribute to the change in built form character between the site and its surroundings being precipitous; however, this is not representative of how the development would be seen from other directions, in which it would be seen partly obscured amongst the existing townscape, or terminating views along streets¹⁷² [87, 111].
156. I heard that due to the aforementioned characteristics of the application site and adjoining land, any development of the site would result in a height disparity. Given the current open view across the land from Cricklewood Lane to the east of the station, I consider that this would be the case. This may not be as visible as the "wall" of development, which is how the currently proposed scheme has been described. Although the development would result in a significant change compared with the current view, the varying heights of the

¹⁶⁹ ID.17.

¹⁷⁰ Map of surrounding tall buildings at APP1A fig 4.16 p34.

¹⁷¹ APP2A p29 with discussion of the relevant areas on successive pages, and CDF.016 p115.

¹⁷² APP2A using view 6 pp78-80 and view 7 pp82-84 as examples.

- buildings, together with their external treatment, would ensure that it would not appear bulky or unattractive [64, 87].
157. Detailed design of the scheme would be considered at the reserved matters stage. This would include the layout and appearance of the proposed buildings, although the parameter plans that form part of the current application would set limits on building positions, general form, and the height of each building segment. A design code also forms part of the outline application and sets moderately detailed instructions for the site and each of the proposed buildings. The illustrative renders seen in some of the views presented to the Inquiry form a fair representation of how the ultimate development may look if detailed design adheres to the design code. Should different architects design the detailed stages of the development, the design code would enable the Council would have sufficient leverage to oversee the quality of detailed design, particularly in terms of layout, massing, appearance, and landscaping [60, 62, 87].
158. Although there is some local concern that the outline nature of the proposal does not provide sufficient detail to enable a critique of the scheme's design, I am satisfied that the design code and parameter plans are together sufficiently robust to ensure the ultimate design would be of a high quality. The adoption of these within the proposal forms part of the recommended conditions and thus adherence in the reserved matters stages would be assured [115].
159. The central north-south corridor through the development follows a perceived 'desire line' to the station from areas to the north. There is currently no direct formal route from the RTCA to the site although I saw evidence that the route is used informally, which appears to suggest at least some demand exists. Should the railway land to the north of the application site be developed in the future, the corridor would provide a useful function. It would also allow ground floor spaces along the corridor to be activated which would increase surveillance and activity along the route. Additionally, it would direct non-vehicular traffic away from the railway barrier along the site's eastern edge, and although there is no opportunity to create a link across the railway at present, passive provision has been made for a link should any future redevelopment of Cricklewood station present such an opportunity [73].
160. Other benefits of the scheme delivered through the design include the improvement of Cricklewood Green, which would be extended through the creation of new public space on the application site, at the south end of the corridor. This area is envisaged to serve as a civic square and focus of the existing and new communities, with adjacent active ground floor frontages and suitable landscaping to come forward as a detailed matter [63].
161. There was also some local concern that the site does not warrant a 'landmark' tall building. The 'landmark' element closest to the railway station entrance would, although lower in height than previously, retain a similar function through its angled alignment. This sets it apart from other buildings in the development, and marks both the entrance to the route leading through the site and the activity zone around Cricklewood Green. Tall buildings around the station would provide legibility on approach routes and elsewhere, and also act as a marker promoting both the town centre and growth area of Cricklewood [65, 88].

162. Overall, the principles of the layout are sound. The massing would also be appropriate with the taller buildings relieved by lower elements. The development would avoid a bulky appearance and the general design standard is high, with additional certainty provided by the design code. Although the proposal envisages tall buildings in a predominantly low-rise area, their quality, and their place in the surrounding London context of scattered clusters of tall buildings, together with their location in a town centre next to a railway station, warrants a development of tall buildings.
163. Taking these considerations into account, I find that the proposal would not have a harmful effect on the character and appearance of the area, and would not conflict with Core Strategy Policy CS5, DMP Policies DM01 and DM05 and DM06, or with London Plan Policies D3, D4 and D9.

Consideration 2: The effect of the proposal on the historic environment

164. Designated heritage assets close to the application site are indicated on a map within the evidence¹⁷³. Discussion at the Inquiry focused on the RTCA, the Crown PH and the Mapesbury Conservation Area. Within the RTCA the rows of historic terraces are 'locally listed', being undesignated heritage assets recognised as such by the Council. Having carried out an assessment of the various assets within around the site, I agree with the identification of the affected assets. I also consider that no other assets outside these, designated or otherwise, or their significance, would be harmed by the proposal.

Railway Terraces Conservation Area (RTCA)

165. The RTCA is a small conservation area with limited access points from the surrounding area, and this containment contributes to an inward-facing character. Terraced rows are separated by narrow streets onto which small yards face, and the traditional fronts of the terraces open onto either communal open space or pedestrian laneways lined by gardens and patios. In practice, occupiers use either the traditional front or backs of the houses as their main entrances. I have no doubt that the communal elements of the layout have contributed to the strong community spirit mentioned by several participants [91, 112, 132]. These features have resulted a pleasant, tranquil and highly individual character which is a calm oasis contrasting with the busy A5 running alongside the area.
166. The RTCA incorporates long, straight streets and areas of communal space in an approximate north-south orientation¹⁷⁴. These are tightly spaced between the terraced rows and result in long but narrow views through the RTCA. Its significance derives from these design features including its architecture, and its historic role and connection with the railway [67, 90].
167. Not all views within the RTCA are beneficial to its setting or significance, for example, particularly those on its edges that include the high acoustic walls close to the railway curve to the north. Other outward-looking views are limited by development bordering the RTCA. In the case of the timber yard on Kara Way, this development is unsympathetic to the character of the RTCA and

¹⁷³ APP2A Heritage Asset Plan p161.

¹⁷⁴ A map of the RTCA and its assets is at APP2A p163.

detracts from its significance. The views that would be most affected by the development are those looking approximately southwards and originating in the middle and south parts of the RTCA, particularly those from the allotments, Needham Terrace, Johnston Terrace, Rockhall Way Gardens, and Kara Way Playground¹⁷⁵.

168. The allotments (view 14) are visually enclosed by the terraces and high vegetation, and although generally peaceful, the noise of passing trains is regularly heard. In the identified view, there is currently no visible development outside the RTCA, and the illustrative render shows that development would be clearly visible above the vegetation [68, 92, 94, 112].
169. The new built form would be in the middle distance and visible only in one direction from the allotments. Nonetheless, there would be a moderate addition in a view where vegetation predominates. The overall sylvan nature of the allotments would remain, but users may have a perception of built form intruding onto the space more than currently, which would negatively affect both the character and appearance of the space.
170. In the Needham Terrace view (view 13) the upper storeys of a small part of the development would be visible above the terrace rows. Although there is some evidence of modification and additions to buildings abutting this street, the historic rooflines remain largely unbroken and unmodified, and the introduction of modern built elements in a current sky view would be disruptive. This would draw the viewer's eye and harm the appearance of the street [94, 112].
171. The development would also be visible above terraces in the Johnston Terrace view (view 15) but, unlike the previous view, would appear above rear building projections/extensions and amongst vegetation, and would not affect the viewer's ability to appreciate the more historic features of the terrace, such as its chimneys. Were the extant approved development at 1-13 Cricklewood Lane to be constructed, modern elements would be visible¹⁷⁶. The introduction of architecture from outside the RTCA being visible in a view where there is currently none would have a limited impact due to its distance from the viewpoint and its obscuration. Either on its own, or cumulatively with other development, the proposal would not be obtrusive in this view [94, 112].
172. The Rockhall Way Gardens view (view 16) is close to the southern boundary of the RTCA and the more modern buildings of the Kara Way timber yard are visible in contrast to the terraces lining the gardens. The development would project above yard building's roof and not interfere with the appreciation of the terraces' architecture. Garden vegetation would partly obscure the new building and the closed-in and semi-private character of this space would be preserved [94, 112].
173. The Kara Way view (view E) looks outside the RTCA across the playground, beyond which the development would be clearly visible at close range. The development would dominate the view, clearly making its presence felt within area, and the "unbroken horizon" referred to by the Council would no longer be

¹⁷⁵ APP2A respectively: view 14 p108, view 13 p104, view 15 p112, view 16 p116, view E p136.

¹⁷⁶ APP2A annotated view 15 p148.

visible. Although there are already elements that are unsympathetic to the setting of the RTCA in this view, including the site itself, the development would be immediate and incongruous to viewers emerging onto Kara Way, far more so than existing development on the site. It would neither preserve nor enhance the character or appearance of the area [68, 93, 94, 112].

174. The architectural significance of the locally listed terrace buildings is appreciated in views of each individual building, their rows, and within their street and garden surroundings. The harm that I have found above is to the RTCA as a whole. There would be no harm to the ability to appreciate the non-designated heritage assets, or to this significance.

The Crown PH¹⁷⁷

175. The significance of this grade-II listed public house is its connection with the brewing industry at the time of its construction and its architecture. The development would be visible above the northern gable of its roof.
176. The pub's road setback creates a space in front of the building which contributes to its ability to be appreciated from the busy road. In the identified view the building and its front space is flanked to the north by a similarly ornate building but the Crown remains clearly identifiable due to the aforementioned features. The two buildings are currently separated by a gap through which some background development is visible. The proposed development would add to this [71, 96].
177. The new development would be some distance from the pub and other foreground buildings and would be identifiable as such. Although the amount of sky visible in the gap would decrease, the features and silhouette of the pub and its roof would remain clearly legible. Its ability to be appreciated from the street frontage would not be harmed, nor would its setting or significance.

Mapesbury Conservation Area

178. This area is several hundred metres to the south-west of the application site and characterised by wide, tree-lined streets bordered by terraced and semi-detached houses with front gardens. Most streets are orientated away from the development, although the main thoroughfare of Chichele Road intersects these roads and leads towards the site. The verified view within the evidence (view 10)¹⁷⁸ is taken from one of the area's closest points to the site and indicates limited visibility [72].
179. The same can be said for most other points within the conservation area. Outside of the area, approaching the site, the development would become more visible. However, there would be no harm to the conservation area, and the development would preserve its character and appearance.

Heritage findings

180. In considering the cumulative effects of the harm on the RTCA, the development would detract from the appreciation of the historic architecture and the

¹⁷⁷ APP2A view 8 p88.

¹⁷⁸ APP2A view 10 p96.

containment of the neighbourhood. On this matter I therefore find that the proposal would fail to preserve the character and appearance of the RTCA. In terms of the NPPF, I conclude that there would be harm to the significance of the RTCA through development in its setting. The harm to the historic environment would conflict with London Plan Policies D9 and HC1, Core Strategy Policy CS5, and DMP Policies DM05 and DM06. There would be no harm to other designated heritage assets.

181. I will return to the balance required by Framework paragraph 202 later in this report.

Consideration 3: The effect of the proposal on local transport and highway safety

Sustainable travel

182. Evidence supporting the proposal includes an active travel zone assessment setting out detailed estimated trip routes generated by the development¹⁷⁹. There are about a dozen bus services within five minutes' walk of the site, operating to a wide range of destinations and most with a frequency of better than 12 minutes. Eight-carriage trains run from Cricklewood station on a 15-minute frequency to central and south London, and northwards to St Albans and destinations beyond. Trip modelling was undertaken using an industry-accepted multimodal database and the site has a high PTAL¹⁸⁰.

183. The modelling indicates that the development would generate a demand of 1,052 train trips per day, or 15% of all trips to the development, and 1,250 bus trips (17%). Journeys to work would account for 25% of all journeys¹⁸¹. Of the rail passengers, there would be 133 peak hour rail arrivals and departures. Using an assumption that two-thirds would travel southwards from the station, this would equate to an additional 2 to 3 passengers per carriage, or at most 4 passengers were there to be a greater share¹⁸². Future development of the West London Orbital Railway would increase the number of trains and passenger capacity operating from Cricklewood Station, opening new links to West London and increasing the accessibility of the area¹⁸³ [73].

184. Despite concern from residents about recently reduced and proposed further reductions to bus services, TfL and the Mayor of London have not objected to the outcomes of the modelling, and the applicant has committed to a contribution that would be used to improve bus services between Cricklewood and Kilburn [20, 115, 145].

185. The modelling indicates 87 cycle trips per day with the potential for an increased share in the future. When distributed across the cycle network, there would be no perceptible increase. Recent improvements to the Cricklewood Broadway / Cricklewood Lane junction have improved conditions for cyclists and pedestrians. Local network improvements, including pedestrian access to

¹⁷⁹ APP3A para 4.3.2.

¹⁸⁰ CDI.04 tables 2.1 and 2.2, and paras 3.3.1.

¹⁸¹ CDA.25A table 11.16 and figure 11.1 p39, and para 11.32.

¹⁸² APP3A para 5.3.7.

¹⁸³ ID.23.

Cricklewood station, are incorporated within the planning obligation¹⁸⁴ [74, 115].

186. The proposed north-south route through the development would be a useful link between the station and the north of the site, taking account of any future development to the north, despite the current lack of direct access between the site and the RTCA. There is local concern that the width of this route would not be sufficient to accommodate pedestrians and cyclists together. This is a matter that could be considered at the reserved matters stage. The proposed public space management plan would address any potential pedestrian/cycle conflicts¹⁸⁵ [115, 158].
187. Appropriate travel plans are proposed for both the residential and commercial components of the scheme, to ensure that future occupiers are aware of sustainable travel options [145].

Effects on the road network

188. The current use is a major contributor to traffic within the local road network, with surveys indicating 232 vehicle movements to and from the site during the AM peak, 232 during the evening peak, and a total of 4,591 trips per day. The development would result in a net reduction of 104, 152 and 4,229 trips respectively¹⁸⁶. Rather than adding to congestion, the proposal would have a noticeable reducing effect on local traffic levels. The closure of the existing site access onto Cricklewood Lane would have beneficial effect on highway safety¹⁸⁷ [73, 115].

Parking

189. There are 470 spaces in the existing car park on the site¹⁸⁸. These would be replaced by 105 car parking spaces for the use of residents of the proposed development, of which 3% would be for disabled users with provision of up to 10% if necessary. One-fifth of the spaces would be provided with electric vehicle charging points. Cycle parking is appropriate. These amounts were supported by Council officers and the Mayor of London¹⁸⁹ [74].
190. Controlled Parking Zones (CPZs) and/or waiting restrictions are in effect on most of the surrounding streets¹⁹⁰. There is capacity within the planning obligation for a review of the few streets in the vicinity of the sites not subject to restrictions, with potential for CPZ expansion if supported. Existing residents in CPZ areas require parking permits for on-street parking, and the planning obligation would restrict occupiers of the new development from holding a permit [74].

¹⁸⁴ APP3A paras 5.3.12-5.3.15.

¹⁸⁵ APP3A paras 5.3.16-5.3.18.

¹⁸⁶ APP3A para 4.4.4.

¹⁸⁷ CDI.04 para 3.4.8.

¹⁸⁸ CDI.04 para 2.1.8.

¹⁸⁹ CDI.04 para 3.4.10

¹⁹⁰ APP3A maps at Appendix A.

Transport summary

191. The reduction in daily trips to the site by 4,229 is significant and, together with the closure of the Cricklewood Lane site access, improve highway safety. Coupled with a substantial reduction in on-site parking numbers, restrictions to on-street parking for future occupiers, the high PTAL of the site and its location amongst a dense bus network and next to a railway station, the proposed development would provide high levels of accessibility and offer an appropriate degree of sustainable transport choices. Contributions would be made to improve access to the station and improve local bus routes, and potential future additions to the train network would further improve accessibility.
192. I find that the proposal would not have a harmful impact on local transport and highway safety, with particular regard to sustainable travel, effects on the road network, and the amount of parking to be provided. There would be no conflict with London Plan Policy T1, Core Strategy Policy CS9, or DMP Policy DM17.

Other considerations and their effect on the planning balance

193. In apportioning weight to be given within the planning balance, I use the terms “minimal”, “moderate” and “significant”.

Policy framework including tall and very tall buildings

194. The DLP has undergone examination by a panel of Inspectors, which at the time of this report had not yet issued its findings. It has, however, requested further investigation into the locational strategy of tall buildings in Barnet. Cricklewood has a triple allocation as a town centre, growth area, and London Plan-designated opportunity area. The borough’s topography, together with large areas of Green Belt and Metropolitan Open Space, create constraints and opportunities for the location of tall buildings. Together the existing and proposed local plans make clear that the acceptability of tall buildings depends on their site-specific effects and impacts, in addition to their location within the specified areas. [28, 36, 48, 99, 102].
195. The DLP also specifies very tall buildings (those over 15 storeys) as being distinct from tall buildings (those between 8 and 14 storeys). The DLP sets an exceptional approach by not specifying preferred locations for very tall buildings, but instead relying on site-specific assessments including their impact on heritage assets. The application complies with this approach. Notably, the proposed allocation for the site requires specific consideration of the RTCA by any proposed development [48, 49, 100].
196. The Council raised a concern that the Environmental Statement’s Alternatives chapter does not consider the possibility of development without tall buildings. The design and access statement and other design evidence indicates consideration of tall buildings from the outset. Given the site allocation and Council support for tall buildings existent from early stages in the design process, I do not consider this to be a failing of the scheme [97].
197. In response to the Panel’s request, the Council prepared a revised strategy which included a revision to the proposed allocation of the application site, which was submitted to the Panel just prior to the Inquiry and forms the basis

of the Council's supplementary proof of evidence¹⁹¹. This revision substantially downgrades the proposed number of homes within the allocation, from 1,007 previously to 583. Supporting policies and references within the DLP retain references to the former allocation figure. The site forms the largest part the DLP-designated Cricklewood Growth Area, which proposes a total of 1,400 new homes [47, 117, 119].

198. This revision relies in part on the use of a density matrix which formed part of the previous version of the London Plan but has been replaced in the extant version by an individualised design and site optimising approach to development. This has had the effect of downgrading the site from a 'central' classification in the examined DLP, to 'urban' within the revisions. There was discussion at the Inquiry and in the evidence about the merits of this approach and whether the use of a superseded approach was relevant. This, in my view, is a matter for the Inspector Panel. On this matter I am concerned with the application as submitted and its effects on the surrounding area as set out previously [49, 81, 101, 117, 119].
199. Should the Panel support the Council's revisions, the revisions would be subject to consultation as main modifications to the DLP. The DLP would also require additional supporting revisions, which would need to include a recasting of the growth area's housing potential. Such a revision may impact Barnet's wider housing delivery strategy, potentially requiring a higher allocation elsewhere in the borough. These changes would also require consultation [103].
200. A substantial amount of consultation has already occurred on the DLP as considered by the Panel, being the version without the revisions set out above. However, given that the Council is moving away from this version of the Document, I can give it only moderate weight in the balance.
201. Even though the revisions represent the Council's new 'direction of travel', the Panel has not issued its findings on these, and further extensive alterations and consultation to the DLP are likely. This could be a protracted process and would include consultation of the Mayor of London, who would consider the revisions with regard to delivery of the housing requirement of the London Plan [80]. As such, the revisions also attract moderate weight in my considerations.
202. In any instance, I have found that the proposal complies with the London Plan with regard to its policies on character and appearance, and transport. This is a recently adopted part of the development plan whereas the DLP in both published and intended forms, is a material consideration. Regardless of any weight that I have attributed to both forms of the DLP, this is outweighed by the primacy of the adopted development plan for the area.
203. The existing Local Plan, the London Plan and DLP as examined by the Panel, through their regeneration and growth area designations and proposed site allocations, provide a presumption in favour of the regeneration of this currently underused brownfield site. These plans require tall buildings to be sited in a narrow set of locations and very tall buildings to be subject to stringent assessment. This has been done, and the proposal has also been previously supported by the Council and currently by the Mayor of London. Accordingly, I

¹⁹¹ ID.19.

consider that the policy framework is generally favourable towards the proposed development.

Housing supply

204. The Council accepted at the Inquiry that it does not currently have a five-year housing land supply. The Applicant and Council have agreed that it is not necessary for the decision-maker to make any further finding or recommendation on the lack of a five-year HLS. They have also stated that in accordance with para 11 d) of the NPPF, if the SoS finds that the application scheme does not accord with the development plan, the 'tilted balance' under para 11 d) would be engaged, subject to the applicability of footnote 7 which includes reference to policies of the NPPF relating to designated heritage assets¹⁹² [82, 104].
205. The development would add up to 1,049 new homes. The borough's London Plan annual housing target is 2,364, or 2,566 with a 5% buffer. This figure is likely to be lower than actual need, given the 2018 Barnet SHMA figure of 3,060 and standard method outcome of 5,361. The applicant notes that adjustments made to the London Plan prior to its adoption were necessary due to a lack of suitable sites, and thus the housing target does not reflect the true need¹⁹³. The Council does not dispute these figures [75].
206. Housing completions within the borough in recent years have been averaging 1,749 homes per year between 2009/10 and 2020/21¹⁹⁴. This is substantially below the current target. However, the Council's most recently available trajectory considers that in future years, completions are expected to be greater than the target due to previously consented development¹⁹⁵. Given the requirement for the approval of reserved matters and construction, the Council's concerns that the development would be unlikely to positively affect the five-year HLS are valid [75, 106].
207. These considerations temper the lack of a five-year HLS. Consequently, although both parties consider that significant weight should be given to this consideration, I consider the weight apportioned to the development's ability to contribute to the improvement of the five-year HLS to be moderate. Later in this report I will consider whether the 'tilted balance' of NPPG paragraph 11 d) should be applied [82, 105].

Affordable housing

208. Of the homes to be delivered, 35% (indicatively 382 dwellings) would be affordable. 86 of these would be affordable rented tenure, with the remainder as intermediate, representing a 22:78 split. The proposed tenure split does not accord with Local Plan policy, which is set at 60:40 [82, 105].

¹⁹² ID.06.

¹⁹³ APP4a table 2 pp 47-48.

¹⁹⁴ APP4a para 8.19.

¹⁹⁵ CDF.015 figure 1 p4, tables 1 and 2 p3.

209. The applicant has carried out a substantial study of the affordable housing market in London and Barnet¹⁹⁶. This information was not challenged by the Council but was examined in more detail at the Inquiry. Key points are:
- The GLA 2017 SHMA identified a need for 43,000 affordable homes per year in London, which was carried through to the London Plan as a target of around 26,000 affordable homes to be delivered annually;
 - Only 6,035 affordable homes were delivered in London per year over the period 2015/16 to 2019/20;
 - The Council's 2018 SHMA need figure for Barnet is 706 affordable homes per year;
 - Barnet affordable housing completions 2015/16 to 2019/20 were 210 homes per year;
 - Development approvals from 2017/18 to 2021/22 included 17% affordable housing, or about 585 homes per year;
 - 20% of new homes approved in the BCC Opportunity Area since 2004 are affordable;
 - The local area has high levels of housing overcrowding in the rented sector, above the London average, and is the 13th most unaffordable local authority in England and Wales; and
 - There are 2,014 households in Barnet living in temporary accommodation, and 3,171 households on the affordable housing waiting list, with the greatest demand for one- and two-bedroom dwellings.
210. The difference between need and delivery in past years is 496 dwellings per year. Future years may improve slightly, given the higher rate of approvals, but even if all of these were to be delivered there would still be a need shortfall of around 121 homes per year on current levels. These figures do not take tenure need and delivery into account, but given the high numbers of overcrowding, unaffordability and temporary residents in Barnet, the effects of any shortfall are substantial.
211. Council officers previously considered the proposed affordable housing provision to be appropriate, noting its 35% overall provision level to be compliant with DLP policy¹⁹⁷. The Mayor of London noted that although the proposed tenure split does not accord with local policy, it accords with London Plan policy, and considered the development to be acceptable in strategic planning terms¹⁹⁸.
212. The applicant considers that the provision of affordable housing should be afforded significant weight, but the Council considers that this should be moderate due to the tenure split disparity. The Council also notes that the conclusion of the Environmental Statement considers that the weight should be minor [82, 105].

¹⁹⁶ APP4A Appendix 2.

¹⁹⁷ CDD.01 para 5.13.

¹⁹⁸ CDB.02 paras 29 and 58.

213. Given the poor local conditions and shortfall, I consider that the delivery of affordable housing in the numbers proposed would make a substantial impact on the delivery of affordable housing within the borough. The number of homes to be provided in this one development is greater than the borough's delivery in any of the recent years quoted above, and the planning obligation would ensure appropriate delivery. For these reasons, I consider that the delivery of affordable housing should be given significant weight.

Other planning considerations

214. Open space and play space: The Council considers that the proposal requires 3.4 hectares of publicly accessible open space, that the applicant's projections allow for 1.6ha of open space at ground level, and that the area is deficient in open space¹⁹⁹. This was not referenced in the Council's putative reason for refusal and not raised as a Council concern prior to the submission of evidence to the Inquiry [21, 106].

215. Nor does the SoCG agreed between the applicant and the Council raise this issue as a matter of concern or uncommon ground. It states that the effective extension of Cricklewood Green is a scheme benefit and considers "the proposed public realm to be of a high quality and of an appropriate size and proportion to accommodate a scheme of the proposed scale and setting"²⁰⁰. Additionally, Council officers have previously supported the amount and type of space to be provided, as has the Mayor of London. [63].

216. A factual note provided by the applicant during the Inquiry clarified the position by magnifying the unclear classification maps of the Local Plan. This shows that not all of the site is within an area of open space deficiency, but most is within the edge of the area, with the closest park more than 400m away, accessed underneath the railway²⁰¹. Whilst this is not ideal, I consider that the design code and parameter plans would secure appropriate provision in terms of the amount, type and quality of open space²⁰². This space would service the development and the addition to Cricklewood Green would provide a benefit for the surrounding community. These considerations therefore attract moderate weight.

217. Biodiversity: Ecological surveys found that the site in its current condition has low biodiversity value. Trees in the existing car park area are of moderate value. These would be replaced by more trees of higher quality. There are no notable habitats except those of nesting birds. The proposed scheme would also incorporate new street trees, amenity grassland, green roofs, shrubs, lowland meadows and hedgerow with a significant improvement in site biodiversity, to which I apportion moderate weight²⁰³.

218. Living conditions: The Rule 6 party and other respondents raised concerns regarding the amount of daylight and sunlight within the proposed development and the effects of the scheme on neighbouring properties. As a detailed matter,

¹⁹⁹ LBBP2A para 8.6.

²⁰⁰ CDI.03 paras 7.84 and 9.2.

²⁰¹ ID.24 pp 4 and 7.

²⁰² CDI.03 paras 7.85-7.87.

²⁰³ CDI.03 paras 3.166-3.167 and 7.90-7.92.

there were comments regarding the inability to debate effects at this outline stage of the design process [115, 141].

219. The applicant's modelling was carried in accordance with methodology set by the Building Research Establishment²⁰⁴, which is the best practice guidance in this field. I agree and note that neither the methodology nor the outcome of the surveys have been challenged. The model used for the assessment was that as originally submitted, being a taller scheme than that considered in this application. The majority of facades would have acceptable levels of daylight and sunlight, with detailed design mitigation suggested for those areas such as inside corners that may not²⁰⁵.
220. Outside the site, based on the effects of both the proposed development and allowed schemes at 1-13 Cricklewood Lane and 194-196 Cricklewood Broadway, there would be some minor to moderate adverse impacts on properties on Cricklewood Lane and the proposed Cricklewood Broadway development. Affected properties would nonetheless retain good levels of visibility from windows and levels of daylight that are appropriate within an opportunity area and within reasonably dense urban built form. Sunlight would not be affected²⁰⁶.
221. Other infrastructure including school places: The development's Community Infrastructure Levy (CIL) would contribute around £29m to mitigate the impact of development on the borough's local infrastructure, including schools and the creation of school places. Future demand for school places has been accounted for in the borough's population growth and there is currently an oversupply of primary school places, and no oversupply of secondary school places²⁰⁷.
222. The planning obligation provides for new medical centre. This would mitigate the demand for new healthcare provision created by the proposed development with little room for existing residents. This is a neutral factor in the balance. However, it would also contribute to the Council's improvement of healthcare facilities to support growth in the BCC area²⁰⁸ which attracts minimal weight [145].
223. Pre-application consultation: There is some concern amongst the local community that the pre-application discussions did not clearly represent the development as submitted to the Council. However, given that the application's current layout is understood by those who participated in and made submissions to the Inquiry, and that the application was amended following submission partly in response to community concerns, this has no bearing on the outcome of my considerations [61, 116, 121, 151].

Planning obligations

224. The section 106 agreement contains obligations that are necessary for the development to proceed²⁰⁹. A CIL compliance statement has also been provided,

²⁰⁴ CDE.019.

²⁰⁵ CDA.08 chapter 3: Conclusions pp6-7.

²⁰⁶ CDA.44 paras 11.10.8-11.10.76.

²⁰⁷ APP4A paras 11.16-11.24.

²⁰⁸ APP4A paras 11.25-11.30.

²⁰⁹ P/ID 01.

- which summarises the contributions and their accordance with the Local Plan²¹⁰ [145].
225. The agreement includes the provision of affordable housing as discussed above, which would contribute to meeting local housing need and would be provided in accordance with London Plan requirements. The agreement also provides the opportunity for an early-stage review of the scheme's viability to ensure that the maximum possible amount of affordable housing would be provided [208, 211].
226. The agreement would prevent the scheme's future residents from obtaining parking permits in the CPZs surrounding the application site, except for disabled users. This is necessary to mitigate the effects of potential parking demand and to preserve highway safety. Relevant contributions are proposed to alter local Traffic Management Orders to support the restriction, and to review surrounding streets to assess existing and potentially expanded CPZs. It also meets the requirements of development plan policies²¹¹, and I am satisfied that its provisions are a secure method of achieving car-free development.
227. Travel plans would alert users of the residential and commercial parts of the development to their travel mode choices and provide monitoring. A contribution of £100,000 would be paid via the Council to TfL to improve bus services between Cricklewood and Kilburn, and two on-street car club bays would be provided within the development, with the potential for future expansion if warranted. Each of these measures would encourage sustainable travel choices for future users, mitigate negative environmental effects and meet Local Plan policy requirements²¹².
228. The applicant would be required to use all reasonable endeavours to work with Network Rail to design improvements to the underside of Cricklewood Lane Railway Bridge including lighting and public art provision²¹³. The document also requires the parties to enter into an agreement²¹⁴ for works to secure alterations and improvements to Cricklewood Lane, being improvement of the pavement between the site and rail station, construction of a new pedestrian crossing in a location to be agreed, and removal of the existing vehicular access point²¹⁵. Additionally, due to the likely increased demand for school places at the nearby Childs Hill School, associated traffic may also increase, and the agreement proposes a contribution of £15,000 towards the cost of a feasibility study for road safety measures in the vicinity²¹⁶. Each of these measures would be fair and reasonable in scale and directly related to the application scheme and would meet the requirements of local policy.
229. The potential delivery of a new healthcare facility would contribute to meeting the needs of future occupiers and existing residents²¹⁷ [222]. Further policy

²¹⁰ CDH.02.

²¹¹ DMP Policy DM17 and London Plan Policy T6.

²¹² CMP Policy DM17 and London Plan Policies T3, T4 and T6.

²¹³ DMP Policies DM01 and DM17 and London Plan Policies D8, T1, T2 and T4.

²¹⁴ Under s278 and s38 of the Highways Act 1980.

²¹⁵ DMP Policy DM17 and London Plan Policies T2, T4 and T5.

²¹⁶ DMP Policy DM17 and London Plan Policies T1, T2, T4 and T5.

²¹⁷ DMP Policy DM13 and London Plan Policy S2.

compliance and mitigation of the development's effects arise from provisions requiring: the parties to seek to secure training and skills for local residents, and access to employment opportunities in the construction and operational phases of the development²¹⁸; a carbon offsetting contribution²¹⁹; and relevant monitoring fees to cover costs associated with ensuring compliance with the agreement. The latter is justified given the scale of the application proposal and the need to ensure that the development is carried out satisfactorily.

230. A signed and dated agreement has been provided. I consider that the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 are met in respect of all the obligations included in the planning agreement, and that its provisions are material considerations in this application. In addition to the benefits previously considered, I attach moderate weight in the planning balance to the employment and design provisions.

Implications of not proceeding with the scheme

231. No specific fallback position was put forward by the applicant if the scheme were not to proceed. However, as site is allocated for housing in the Local Plan, within a growth and opportunity area, failure to deliver the proposed number of dwellings would have implications for the Council's HLS and ability to deliver the strategic targets set out in the Local Plan, DLP and RADF.

Overall conclusions

232. Any harm to a designated heritage asset must be given considerable importance and weight. I have found that of the assets described above, one would be harmed by the application proposal. There would be no harm to any other heritage assets, either as single assets or cumulatively [173, 174, 177, 179, 180].

233. The proposed development would fail to preserve or enhance the character or appearance of the RTCA, and that there would be harm to the area's setting and significance. A previous appeal and SoS decision established the principle of a sliding scale or gradient of harm within the less than substantial categorisation of harm as set out in the NPPF²²⁰. Following discussion on this matter at the Inquiry, the applicant prepared a briefing note which summarised this position²²¹. Using the NPPF's terminology, the harm to the RTCA as a whole would be less than substantial. Using the gradient, I consider this harm to be moderate [180].

234. In balancing the harm against the benefits of the proposal, I have applied the statutory duty as set out in section 72(1) of the LBCA Act and paid special attention to the desirability of preserving or enhancing the character or appearance of the RTCA by attaching considerable importance and weight to that duty.

235. The NPPF states that when a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

²¹⁸ London Plan Policy E11.

²¹⁹ London Plan Policy SI 2.

²²⁰ NPPF para 202; CDG.08 SoS para 13 and Inspector's report para 12.49 p78.

²²¹ ID.22.

against the public benefits of the proposal²²². The proposal would deliver housing to the area, including affordable housing, which when considered in the context of the local need, would provide public benefits. Other public benefits include highway and station access improvements, biodiversity enhancements, the enlargement of Cricklewood Green and the provision of a new community health centre. The proposal would also secure the optimum viable use of the site, in accordance with the NPPF²²³.

236. The design principles are sound and the proposal would not have a harmful effect on the character and appearance of the area. It would rehabilitate the existing site and assist with the delivery of the BCC regeneration. These are benefits that hold moderate weight [162, 163, 203].
237. The proposal would mitigate the additional demand on transport generated by new residents, with capacity in the existing transport network to absorb increased demand. There would be improvements to Cricklewood Lane that would have some benefits for existing residents. The substantial reduction in road traffic compared with the existing site use attracts moderate weight [191, 192].
238. These benefits are substantial, measurable, and would be favourable for the housing situation across the borough and North London. I therefore find the less than substantial harmful effect on the RTCA would be outweighed by the public benefits of the proposal. The proposal would therefore accord with the policies of the NPPF relating to the historic environment.
239. Although I have identified harm to a designated heritage asset, the public benefits outweigh the harm and the scheme is in compliance with the policies of the NPPF relating to the historic environment. Therefore the 'tilted balance' set out in NPPG paragraph 11d, footnote 7, is engaged [204].
240. The planning policy framework supports the regeneration of the site and the proposal would contribute to the local and regional strategic aspirations for BCC area regeneration. The applicant has been directed by the existing and proposed policy framework prior to the revisions which have supported growth and regeneration within the BCC regeneration area for close to two decades. It has taken its time to develop a scheme which, heritage considerations notwithstanding, effectively balances its role in the growth and regeneration of the site and area with the effects of its built form. The late-stage change in the Council's 'direction of travel' expressed through proposed revisions to the DLP does not, in my view, override its acceptability or the fact that it does not conflict with the Local Plan as a whole, nor the version of the DLP examined by the Inspector Panel on which extensive consultation has already been undertaken [77, 78, 79].
241. I find that the proposal would comply with the development plan as a whole and consider that the proposal's material benefits have been appropriately balanced against the conflict with individual policies of the plan. Although the 'tilted balance' is engaged, I have found that there are sufficient reasons to

²²² NPPF para 202.

²²³ NPPF paras 125 and 130.

recommend that the application be allowed, and as such this does not alter my overall conclusions.

Recommendation

242. I recommend that the application be allowed, and that planning permission be granted subject to the conditions in Appendix A of this report.

G Rollings

INSPECTOR

Appendix A: Recommended conditions

- 1) Applications for reserved matters pursuant to this permission (being scale, layout, appearance and landscaping) shall be made in accordance with the following approved plans and documents.
 - 10965-EPR-XX-XX-DR-A-TP-0100 P1 – Location Plan
 - 10965-EPR-XX-XX-DR-A-TP-0101 P1 – Parameter Plan – Demolition
 - 10965-EPR-XX-XX-DR-A-TP-0102 P1 – Parameter Plan – Development Parcels
 - 10965-EPR-XX-XX-DR-A-TP-0105 P1 – Parameter Plan – Phasing Plan
 - 10965-EPR-XX-XX-DR-A-TP-0106 P5 – Parameter Plan – Illustrative Heights
 - 10965-EPR-XX-GF-DR-A-TP-0200 P2 – Illustrative Masterplan – Ground Floor Uses Drawing SK401 Proposed Site Access
 - Design Code Rev 5

Each reserved matters submission shall include a statement of compliance against each of the Parameter Plans and the Design Code.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the application as assessed in line with Policies DM01, DM02, DM05 of the Barnet Local Plan (2012) and the London Plan (2021).

- 2) Applications for the approval of the reserved matters (being scale, layout, appearance and landscaping) shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 3) The development hereby permitted shall begin no later than two years from:
 - a. The final approval of the last Reserved Matters Application pursuant to Condition 2, or;
 - b. The final approval of any pre-commencement condition associated with the Development

Reason: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 4) No site preparation works for a phase of development shall commence until a Demolition Management, Environmental and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority for that phase. The Demolition Management, Environmental and Logistics Plan shall include the following information:
 - a. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - b. site preparation and construction stages of the development;
 - c. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

- d. details showing how all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway;
- e. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from demolition works;
- f. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- g. noise mitigation measures for all plant and processors (BS 5228;2014);
- h. details of contractor's compound and car parking arrangements;
- i. details of interim car parking management arrangements for the duration of construction; and
- j. details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and the London Plan (2021).

- 5) No phase of the development, other than Site Preparation Works shall commence until a Construction Management, Environmental and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority for that phase. The phase of development shall thereafter be implemented in full accordance with the details approved under this plan. The Construction Management, Environmental and Logistics Plan submitted shall include, the following information:
- a. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - b. site preparation and construction stages of the development;
 - c. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - d. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway;
 - e. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - f. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - g. noise mitigation measures for all plant and processors (BS 5228;2014);
 - h. details of contractor's compound and car parking arrangements;
 - i. details of interim car parking management arrangements for the duration of construction; and
 - j. details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and the London Plan (2021).

- 6) No phase of development other than Site Preparation Works, shall commence until the access / egress point from Depot Approach and has been provided in accordance with Entran drawing ref SK401. Any variation required to the detail(s) of the access shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to ensure that a safe access can be provided from Depot Approach in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7) Prior to the occupation of a phase of the development a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority for that phase. All servicing and delivery arrangements for that phase shall be carried out in accordance with the approved Plan. If changes are made a revised Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8) Prior to the first occupation of a phase of development, a waste and recycling strategy for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the location, design and accessibility of refuse and recycling stores, details of the separation and collection of waste, storage of bulky waste and any chute systems or waste compactors. The waste and recycling strategy shall be implemented as approved for that phase, unless otherwise approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details, made available for use prior to the first occupation of the relevant phase of development, and managed and operated in accordance with the approved strategy in perpetuity.

Reason: To ensure adequate refuse storage is provided on site and can be readily collected, in accordance with Policy CS14 of the Barnet Local Plan (2012) and the London Plan (2021).

- 9) Prior to occupation of a phase of development, a Residential Car Parking Management Scheme (RCPMS) to cover the residential use shall be submitted to and approved in writing by the Local Planning Authority for that phase. The RCPMS shall include a plan identifying no more than 105 residential car parking spaces across the whole site; residential disabled parking spaces (no less than 3% across the whole site) to be delivered clearly marked with a British Standard disabled symbol and residential disabled parking shall be retained for the use of disabled persons and their vehicles and for no other purpose. The RCPMS shall include details of electric vehicle charging points to be installed in the development with at least 20% of spaces (across the whole site) to have active charging facilities, with passive provision for all remaining spaces; and two car club spaces (on-street).

Reason: To ensure that parking is provided and managed in line with Barnet Council standards in the interests of highway and pedestrian safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012. To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 10) Part 1: Before a phase of the development commences, other than Site Preparation Works, the following investigative work shall be undertaken:
- a. A desktop study (Preliminary Risk Assessment) shall be carried out for that phase which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for that phase of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development of that phase shall not commence until approved in writing by the Local Planning Authority.
 - b. If the desktop study and Conceptual Model indicate any risk of harm for that phase, a site investigation shall be designed for that phase using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.
 - c. If the risk assessment and refined Conceptual Model indicate any risk of harm for that phase, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation of that phase being carried out on site.

Part 2: Where remediation of contamination for a phase of development is required completion of the remediation detailed in the method statement shall be carried out for that phase and a report that provides verification that the required works have been carried out shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04

of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and the London Plan (2021).

- 11) Prior to the commencement of a phase of development, other than Site Preparation Works, drainage plans and calculations reflective of the latest drainage scheme demonstrating that surface water can be managed appropriately on site shall be submitted to and approved in writing by London Borough of Barnet planning authority. The scheme shall subsequently be implemented for that phase in accordance with the approved details before development of that phase is completed.

Reason: To ensure a satisfactory method of surface water drainage, and to prevent the increased risk of flooding to third parties in accordance with Policy CS13 of the Barnet Local Plan, Policy SI5 and SI13 of the London Plan (2021), and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non statutory Technical Standards for Sustainable Drainage Systems).

- 12) No occupation beyond the 500th dwelling shall occur until confirmation has been provided that either:
- a. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or
 - b. A development and infrastructure phasing plan has been agreed in writing by the Local Planning Authority to allow additional development (beyond 500 homes) to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: To ensure that wastewater from the site can be managed effectively parties in accordance with Policy CS13 of the Barnet Local Plan.

- 13) Prior to the first occupation of a phase of the development, full details of the wind mitigation measures required for that phase (to include for the public realm, and any residential balconies and terraces) shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in full for that phase of development prior to the first occupation of that phase of development and thereafter shall be permanently retained as such.

Reason: To ensure that the development does not create an unsafe microclimate in accordance with Policy CS5 and DM05 of the Barnet Local Plan.

- 14) Prior to the first occupation of a phase of the development, full details of the Energy Strategy for that phase to include Air Source Heat Pumps and Photovoltaic equipment in accordance with the Outline Energy Assessment (P4) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full prior to the first occupation of that phase of the development and thereafter shall be permanently retained as such.

Reason: To ensure that the development can achieve the Carbon Dioxide emissions reductions set out in the Sustainability Statement in accordance with the London Plan (2021).

- 15) Prior to the first occupation of a phase of the development, a strategy setting out how that phase of the development could enable future connection to any District Heating Network shall be submitted to and approved in writing by the Local Planning Authority. The phase of development shall be implemented in accordance with the details as approved and thereafter shall be retained as such.

Reason: In the interests of sustainable development and in accordance with the London Plan (2021).

- 16) Prior to the commencement of a phase of the development, other than Site Preparation Works, a Fire Safety Statement shall be submitted to and approved in writing by the Local Planning Authority for that phase in accordance with the Stage 2 Fire Strategy Issue 1 (29th January 2021), updated by the Mayor of London's Statement on Fire Safety dated 8th February 2023 and/or any subsequent further guidance on fire safety. The phase of development shall thereafter be implemented in accordance with the approved details and retained as such.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with Policy D12 of the London Plan (2021).

- 17) Prior to first occupation of a phase of development, a management plan detailing the maintenance and repair of all buildings, estate management, access arrangements, access to resident's manuals, the provision of guidance on managing overheating, parking permits and community events for that phase shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of delivering good design in line with Policy D4 of the London Plan (2021).

- 18) No phase of development other than Site Preparation Works shall take place until a detailed Circular Economy Statement and Operational Waste Management Strategy for that phase of development in line with the GLA's Circular Economy Statement Guidance has been submitted to and approved in writing by the Local Planning Authority. The relevant phase of development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable waste management and in order to maximise the re- use of materials in accordance with London Plan Policy SI 7.

- 19) Within 6 months of completion, a Post Completion Report for a phase of development setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement for that phase shall be submitted to the GLA at: circulareconomystatements@london.gov.uk, along with any supporting evidence as per the GLA's Circular Economy Statement Guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials for that phase. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the Local Planning Authority, prior to occupation of the phase of development.

Reason: In the interests of sustainable waste management and in order to maximise the re- use of materials in accordance with London Plan Policy SI 7.

- 20) Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-

enacting that Order), the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:

The installation of any structures or apparatus for purposes relating to telecommunications on any part of the development hereby approved, including any structures or development otherwise permitted under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that order.

Reason: To ensure that the development does not impact adversely on the character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies CS5 and DM01 and DM18 of the Local Plan.

- 21) Within 6 months of first occupation of a phase of development that contains non-residential development, the Building Research Establishment shall have issued a Post Construction Review Certificate confirming that the non-residential development built within that phase has achieved a minimum BREEAM New Construction Shell Only rating of 'Very Good' and such certificate shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of sustainable development and in accordance with policy SI 2 and SI 5 of London Plan 2021.

- 22) A minimum of 10% of all dwellings shall be built to comply with requirement M4(3) wheelchair user dwellings contained within Part M volume 1 of the Building Regulations. All other dwellings shall be built to requirement M4(2) accessible and adaptable dwellings contained within Part M volume 1 of the Building Regulations.

Reason: To promote housing choice for disabled and elderly households and ensure a socially inclusive and sustainable development, in accordance with Policies CS4, DM02 of the Barnet Local Plan (2012) and Policy D7 of the London Plan (2021).

- 23) The commercial units (Use Classes A3, B1, D1 or D2 (Use Class E (excluding sub-class E[a] & E[b])) from September 2020) shall not be open to customers other than between the hours of 0700 and 2300 Mondays to Saturdays, and 0800 to 2200 Sundays and Public Holidays and at no other times, unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring residents and future residents of the development.

- 24) No construction works shall occur on public holidays and outside of the following times unless otherwise approved in writing by the Local Planning Authority:

- 08:00 - 18:00 hours weekdays;
- 08:00 - 13:00 hours Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

- 25) Prior to the first occupation of a phase of the development, certification demonstrating compliance with Secured by Design standards (or any

superseding accreditation) for that phase shall be submitted to and approved in writing by the Local Planning Authority.

Reason: in the interests of community safety in accordance with paragraphs 8 and 11 of the NPPF.

- 26) Prior to the commencement of a phase of development, details of the sound attenuation to protect against externally generated (environmental) noise sources for that phase so as to achieve British Standard BS:8233 internal ambient noise levels shall be submitted to and approved in writing by the Local Planning Authority. The measured or calculated noise levels shall be determined in accordance with the latest British Standard Guidance on sound insulation and noise reduction for buildings. These criteria apply with windows shut and with an appropriate ventilation system installed. Any mechanical ventilation system shall not give rise to a noise level greater than the above internal noise standards.

Reason: To ensure that the development does not result in noise disturbance to neighbouring residents in accordance with policies DM04 and the London Plan (2021).

- 27) Prior to commencement of a phase of development other than Site Preparation Works, details of cycle storage for that phase, including the number of spaces (which shall accord with London Plan 2021 standards, structures, layout, equipment, access, security and weather proofing appropriate to the type of cycle storage) shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be installed as approved and retained as such for the lifetime of the development.

Reason: To ensure that a good quality of accommodation is provided for future residents in accordance with London Plan Policy T5.

- 28) Applications for the approval of Reserved Matters for a relevant phase of the development shall be accompanied by details of the provision of play and recreational space and any associated equipment within the communal parts of that phase of the development. The approved play and recreational space and any associated equipment situated within the relevant phase of the development site shall be implemented prior to first occupation of the relevant phase of the development. The playspace shall thereafter be permanently retained and maintained in accordance with the manufacturer's specifications.

Reason: To ensure that a good quality of accommodation is provided for future residents in accordance with London Plan Policy S4.

- 29) No phase of the development shall take place until full details of both hard and soft landscape works and treatments for that phase have been submitted to and approved in writing by the Local Planning Authority.

The approved details shall be fully implemented prior to the earlier of first occupation or first use of the relevant phase of the development or in accordance with a programme approved in writing by the Local Planning Authority. The landscaping scheme shall include details of the following:

- a. a planting plan (including species, plant sizes and planting densities);
- b. details of root management systems for all retained and proposed trees;
- c. proposed walls and fences, indicating siting, materials and heights;

- d. any proposed contours and ground levels;
- e. areas of hard landscape works and external furniture, and proposed materials;
- f. provision of green/brown roof(s);
- g. lighting design;
- h. the Urban Greening Factor; and
- i. Biodiversity Net Gain.

Any trees or shrubs which die, are removed or become seriously damaged or diseased within five years from the completion of the landscaping works shall be replaced in the next planting season with the same species or an approved alternative approved in writing by the Local Planning Authority.

Reason: To ensure that a good quality of accommodation is provided for future residents in accordance with Barnet Local Plan (2012) Policy CS5 and DM01.

- 30) In accordance with the landscaping details controlled by Condition 29, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority for a phase of development prior to the occupation of a phase of development. The Landscape Management Plan shall include the long-term management responsibilities and maintenance schedules for all publicly accessible landscape areas of that phase. The landscape management plan shall be carried out as approved.

Reason: To ensure that a good quality of accommodation is provided for future residents in accordance with Barnet Local Plan (2012) Policy CS5 and DM01.

- 31) The plans and particulars submitted in accordance with condition 29 Landscaping shall include:
- a. any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;
 - b. the specification and position of fencing the protection of any retained tree from damage before or during the course of development;
 - c. a plan showing the location of, and allocating a reference number of each existing tree on site;
 - d. details of the species, diameter, and the approximate height, and an assessment of the general state of health and stability of each tree to be retained and removed as part of the development; and
 - e. details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.

Reason: To ensure that a good quality of accommodation is provided for future residents in accordance with Barnet Local Plan (2012) Policy CS5 and CS7 and DM01, and NPPF paragraph 131.

- 32) Prior to the occupation of each building hereby permitted the post-construction tab of the GLA's whole life carbon assessment template shall be completed in line with the GLA's Whole Life Carbon Assessment Guidance. The post-construction assessment shall provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for

all life-cycle modules based on the actual materials, products and systems used. This shall be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to the Local Planning Authority, prior to occupation of the relevant building.

Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings in accordance with Policy SI2 of the London Plan (2021)/

- 33) The scheme hereby approved shall contain up to 1,200sqm of commercial floor space which shall be used for purposes within the Use Classes A3, B1, D1 or D2 (Use Class E (excluding sub-class E[a] & E[b])) from September 2020) only, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification).

Reason: To provide certainty and safeguard residential amenity, and in the interests of the character and appearance of the development.

- 34) Applications for the approval of reserved matters shall include details of the design review panel and the outcome of the design review.

Reason: To ensure a satisfactory standard of design in accordance with Policy D4 of the London Plan (2021) and paragraph 133 of the NPPF (2021).

- 35) Any mechanical plant and equipment within the development shall be designed and maintained for the lifetime of the development so that the rating level of noise does not exceed the typical measured background noise level (LA90, T) without the plant in operation as measured one metre from the nearest affected window of a habitable room in the nearest affected residential property. The rating level of the plant noise and the background noise level shall be determined using the methods from the version of BS 4142 current at the time of the granting final approval of reserved matters for a phase. Vibration from the plant hereby approved (when assessed as per advice of the version of BS 6472 current at the time granting of the planning permission) in the centre of any habitable room shall cause vibration no higher than the values equivalent to "low probability of adverse comment" in accordance with BS 6472 'Evaluation of Human Exposure to Vibration in Buildings'.

Reason: To ensure that the development does not result in noise disturbance to neighbouring residents in accordance with Barnet Local Plan (2012) Policy DM04 and Policy D14 of the London Plan (2021).

- 36) No phase of the development shall commence until a Stage 1 Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority for that phase of development, and no development shall take place other than in accordance with the approved WSI.

Reason: To ensure that archaeological remains are adequately recorded and preserved in accordance with Barnet Local Plan (2012) Policy DM06 and Policy HC1 of the London Plan (2021).

- 37) Prior to the commencement of a phase of development hereby permitted other than Site Preparation Works, a Dynamic Overheating Analysis for that phase of

development shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the Overheating Analysis shall be fully implemented prior to occupation of that phase of development.

Reason: To ensure that the development is suitably designed for the comfort of future occupants.

- 38) Prior to the commencement of a phase of the development, other than Site Preparation Works, an updated air quality assessment for that phase shall be submitted to and approved in writing by the Local Planning Authority.

All mitigation measures as identified within the approved air quality assessment shall be implemented and installed and maintained for the lifetime of the development in that phase.

Reason: To ensure local air quality and people's health is protected in accordance LP Policy SI 1, Policy CS13 and DMP Policy DM04.

- 39) Prior to the commencement of a phase of the development, other than Site Preparation Works, details of materials for external works for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include samples which shall be made available for viewing in an agreed location. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance of the development and that high quality materials and finishes are used.

- 40) Prior to the occupation of a phase of development, other than Site Preparation Works, the Applicant shall demonstrate that all water network upgrades required to accommodate the additional flows to serve the development have been completed; or a development and infrastructure phasing plan has been agreed in writing by the Council to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

Appendix B: Appearances

FOR THE APPLICANT

Sasha White, King's Counsel
Isabelle Buono, of Counsel

Instructed by Clare Fielding, Partner,
Town Legal LLP

He called

James Everitt
Dr Chris Miele IHBC MRTPI
Richard Fitter
IEng FCILT FICE FIHE
John Rhodes OBE BSc MRICS

Director, EPR Architects
Partner, Montagu Evans
Director, Entran Ltd

Senior Director, Quod

Other contributors

Ross Garty BSc

Transport Planner, Entran Ltd

FOR THE LOCAL PLANNING AUTHORITY

Morag Ellis, King's Counsel
Michael Feeney, of Counsel

Instructed by Baljeet Bhandal, Senior
Lawyer, HB Public Law

She called

James Evans

Senior Planning Officer, Urban Design and
Heritage Team, Barnet Council

Cllr Nigel Young
BSc(Hons) DipArch

Chair of the Strategic Planning Committee,
Barnet Council

Other contributors

Andrew Dillon
BA(Hons) DipTP MRTPI

Planning Manager, Major Projects Team,
Regional Enterprises Ltd

FOR THE RESIDENTS' ASSOCIATIONS (RULE 6 PARTY)

Ben Tansley

Treasurer, NorthWestTwo Residents'
Association

He called

Jessica Howey

Secretary, Railway Terraces Residents'
Association

INTERESTED PERSONS

Cllr Anne Clarke AM

Barnet and Camden Constituency Member of the
Greater London Assembly, and Barnet Council
Ward Councillor for Cricklewood

Cllr Richard Olszewski

Ward Councillor for Fortune Green, Camden
Council (site visit only)

Terry Weston

Mapesbury Residents' Association

Anna Maguire

Local resident

Neil Diamond

RTCA resident

Daniel Gilfoyle

RTCA resident

Lara Faulkner

RTCA resident

Appendix C: Core documents

CDA	Application Documents Original submission (July 2020)
CDA.01	Planning application forms
CDA.02	Planning Statement
CDA.03	Design and Access Statement
CDA.04	Design Guidelines (Rev 8)
CDA.05	Indicative Area Schedule
CDA.06	Arboricultural Impact Assessment
CDA.07	Archaeology Desk-Based Assessment
CDA.08	Daylight and Sunlight Assessment
CDA.09	Energy Assessment
CDA.10	Flood Risk Assessment
CDA.11	Foul Sewerage and Utilities
CDA.12	Framework Travel Plan
CDA.13	Health Impact Assessment
CDA.14	Operational Waste and Recycling Strategy
CDA.15	Statement of Community Engagement
CDA.16	Surface Water Drainage Strategy
CDA.17	Telecommunications Impact Assessment
CDA.18	Townscape Overview
CDA.19	Transport Assessment (Rev V2)
CDA.20	Viability Assessment (Rev 0)
	Additional submission information
CDA.21	Energy Assessment (GLA Energy Memo 2020) (November 2020)
CDA.22	Energy Assessment (GHA Overheating Tool) (November 2020)
CDA.23	Urban Greening Factor Assessment (November 2020)
CDA.24	Viability Assessment Update (January 2021)
CDA.25	Transport Assessment (Rev V3) (March 2021)
CDA.26	Viability Assessment Update (April 2021)
CDA.27	Fire Strategy Stage 2 (April 2021)

CDA.28	Townscape Overview (May 2021)
CDA.29	Transport Impact Assessment (Technical Note 5 and Covering Letter L6) (May 2021)
CDA.30	EIA Statement of Conformity (July 2021)
CDA.31	Design Guidelines (Rev 11) (August 2021)
CDA.32	EIA Statement of Conformity (August 2021)
	ES Volume 1 - Environmental Statement
CDA.33	Non-Technical Summary
CDA.34	Introduction
CDA.35	Planning Policy
CDA.36	Site and Surroundings
CDA.37	Alternatives
CDA.38	Proposed Development
CDA.39	Demolition and Construction
CDA.40	EIA Methodology
CDA.41	Archaeology
CDA.42	Air Quality
CDA.43	Climate Change
CDA.44	Daylight, Sunlight and Overshadowing
CDA.45	Ground Conditions
CDA.46	Noise and Vibration
CDA.47	Socio-economics
CDA.48	Traffic and Transport
CDA.49	Wind Microclimate
CDA.50	Effects Interactions
CDA.51	Mitigation
CDA.52	Residual Effects And Conclusions
	ES Volume 2 – Townscape, Visual and Build Heritage Impact
CDA.53	Main Report
	ES Volume 3 – Technical Appendices
CDA.54	Request for an Environmental Impact Assessment Screening Opinion for the Site (Ref: 19/6632/SEC), 16 December 2019

CDA.55	LPA Screening Opinion, 19 February 2020		
CDA.56	EIA Statement of Competence		
CDA.57	Dust Risk Assessment		
CDA.58	Archaeological Desk Based Assessment		
CDA.59	GLAAS Consultation		
CDA.60	Climate Change Resilience		
CDA.61	Daylight & Sunlight: Impacts On Neighbouring Properties		
CDA.62	Daylight & Sunlight: Overshadowing Assessments		
CDA.63	Envirocheck Report		
CDA.64	Capita Ground Investigation Report		
CDA.65	Site Walkover Photographs		
CDA.66	Asbestos Report		
CDA.67	Acoustic Terminology		
CDA.68	Noise and Vibration Monitoring		
CDA.69	Construction Noise Predictions		
CDA.70	Transport Assessment		
CDA.71	Wind Micro-Climate Technical Report		
	Drawings		
	Drawing Number	Drawing Title	Rev
	<u>Original Submission (June 2020)</u>		
CDA.72	10965-EPR-XX-XX-DR-A-TP-0100	Location Plan	P1
CDA.73	10965-EPR-XX-XX-DR-A-TP-0101	Parameter Plan - Demolition	P1
CDA.74	10965-EPR-XX-XX-DR-A-TP-0102	Parameter Plan - Development Parcels	P1
CDA.75	10965-EPR-XX-XX-DR-A-TP-0103	Parameter Plan - Key Points of Access and Circulation	P1
CDA.76	10965-EPR-XX-XX-DR-A-TP-0104	Parameter Plan - Development Heights	P1
CDA.77	10965-EPR-XX-XX-DR-A-TP-0105	Parameter Plan - Phasing Plan	P1
CDA.78	10965-EPR-XX-GF-DR-A-TP-0200	Illustrative Masterplan - Ground Floor	P1
CDA.79	EXA_1939_100	General Arrangement Plan - Ground Floor	D
CDA.80	EXA_1939_101	General Arrangement Plan - Podium Level	C
CDA.81	EXA_1939_102	General Arrangement Plan - Roof Floor	C
	<u>Revised Submission (July 2021)</u>		

CDA.82	10965-EPR-XX-XX-DR-A-TP-0106	Parameter Plan – Illustrative Heights	P3
CDA.83	SK401	Proposed Site Access	-
	Revised Submission (August 2021)		
CDA.84	10965-EPR-XX-XX-DR-A-TP-0106	Parameter Plan – Illustrative Heights	P4

CDB	Consultation Responses Mayor of London reports
CDB.01	Mayor of London – Stage 1 Letter and Officer Report
CDB.02	Mayor of London – Stage 2 Letter and Officer Report
	Statutory consultee responses (external)
CDB.03	LB Brent response
CDB.04	LB Camden response
CDB.05	Railway Terraces response
CDB.06	Thames Water responses
CDB.07	Natural England response
CDB.08	Metropolitan Police response ²²⁴
	Statutory consultee responses (internal)
CDB.09	Urban Design response
CDB.10	Transport and Highways responses
CDB.11	Heritage and Conservation response
CDB.12	Drainage and Flood Risk response
CDB.13	Trees and Arboriculture response
CDB.14	EHO response
CDB.15	Waste response
	Public comments
CDB.16	PDF of 2,709 public comments

CDC	Correspondence
CDC.01	Correspondence between Applicant's and Council's viability consultants (July 2020 - April 2021)

²²⁴ Not made available to the public due to sensitivity of counterterrorism advice

CDC.02	Secretary of State Call-In Letter to Applicant dated 30 August 2022
CDC.03	The Inspector's Case Management Conference (CMC) Note dated 07 December 2022
CDC.04	Correspondence between the GLA and the Applicant dated 31 October 2022
CDC.05	Letter to Planning Casework Unit prepared by Town Legal on behalf of the Applicant dated 28 March 2022

CDD	Committee reports and minutes
CDD.01	Officer report for Strategic Planning Committee meeting on 9 September 2021
CDD.02	Minutes of Strategic Planning Committee meeting on 9 September 2021
CDD.03	Officer report for Strategic Planning Committee meeting on 8 November 2022
CDD.04	Minutes of Strategic Planning Committee meeting on 8 November 2022

CDE	National and regional planning policy and guidance
CDE.01	National Design Guide (January 2021)
CDE.02	London Plan (March 2021)
CDE.03	The Mayor of London's Play and Informal Recreation SPG (2012)
CDE.04	The Mayor of London's Housing SPG (2016)
CDE.05	The Mayor of London's Affordable Housing and Viability SPG (2017)
CDE.06	Mayor's Housing Strategy (2018)
CDE.07	The Mayor's Transport Strategy (2018)
CDE.08	London Design Review Charter
CDE.09	The Mayor's Good Growth by Design
CDE.010	London Strategic Housing Market Assessment (2017)
CDE.011	Planning Practice Guidance – Design: Process and Tools (2019)
CDE.012	Planning Practice Guidance – Historic Environment (2019)
CDE.013	Planning Practice Guidance – Effective Use of Land (2019)
CDE.014	Intend to Publish London Plan (2019)
CDE.015	Superseded NPPF (2019)
CDE.016	Transport for London's Healthy Streets TA recommended Contents and Chapters (2019)
CDE.017	Transport of London – London Cycle Design Standards (2014)
CDE.018	Draft Housing Design Standards – London Plan Guidance (February 2022)
CDE.019	BRE Guidelines (2011) – 'Site layout planning for daylight and sunlight - A guide to good practice'
CDE.020	BRE Guidelines (2022) – 'Site layout planning for daylight and sunlight: a guide to good practice'

CDF	Local Planning Policy and Documents
CDF.01	Emerging Barnet Local Plan (2021) with Modifications (2022)
CDF.02	Saved Barnet UDP Chapter 12 – Cricklewood, Brent Cross and West Hendon Regeneration Area (2006)
CDF.03	Barnet Local Plan – Core Strategy (2012)
CDF.04	Barnet Local Plan – Development Management Policy Document (2012)
CDF.05	Barnet Local Plan – Proposals Map (2012) – Extract of Site
CDF.06	Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework SPG (2005)
CDF.07	Residential Design Guidance SPD (2016)
CDF.08	Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (October 2014)
CDF.09	Planning Obligations SPD (April 2013)
CDF.010	Sustainable Design and Construction SPD (April 2016)
CDF.011	Affordable Housing SPD (2007)
CDF.012	Tall Buildings Update (2019)
CDF.013	Railway Terraces Cricklewood Conservation Area – Character Appraisal and Management Proposals (14 December 2016)
CDF.014	Authorities Monitoring Report 2019/20 – Barnet’s Local Plan
CDF.015	Barnet’s Housing Trajectory and 5-Year Supply (November 2021)
CDF.016	Characterisation Study of London Borough of Barnet (2010)
CDF.017	Tall Buildings Study (2010)
CDF.018	Brent Local Plan 2019-2041 (2022)
CDF.019	Barnet Sites Housing Trajectory (August 2022)

CDG	Legislation, case law and appeal decisions
CDG.01	APP/T5150/V/21/3275338 – Wembley Park Station Car Park – Inspector Decision (Approach to re-use of a surface car park – see paragraph 33)
CDG.02	APP/Y5420/W/21/3289690 - The Goods Yard and Depot, White Hart Lane – Inspector Decision (Approach to a scheme making a change to the prevailing local townscape and assessment of public benefits – see paragraph 23)
CDG.03	APP/E5900/W/17/3191757 - Buckle Street - Inspector Decision (approach to the taken to the application of the BRE Guidelines – see paragraph 1.17)
CDG.04	APP/N5660/W/18/3211223- Graphite Square - Inspector Decision (approach to be taken to application of the BRE Guidelines – see paragraph 1.17)
CDG.05	APP/A3655/W/21/3276474 - Goldsworth Road - Inspector Decision (approach to be taken to application of the BRE Guidelines – see paragraphs 1.17, 4.49 & 5.12)
CDG.06	Rainbird, R (on the application of) v The Council of the London Borough of Tower Hamlets [2018] EWHC 657 (application of a two-stage process when assessing impacts of harm on neighbouring properties under the BRE Guidelines – see paragraphs 1.17 & 8.5)
CDG.07	City and Country Bramshill Limited v Secretary of State for Housing Communities and Local Government [2021] EWCA Civ 320 (approach to less

	than substantial harm under paragraph 200 of the National Planning Policy Framework – see paragraphs 69-80)
CDG.08	APP/H5390/V/21/3277137 – Edith Summerskill House – Inspector Decision (approach to assessing impact on the setting of a designated heritage asset – see paragraphs 12.11-12.63 and 12.76-12.99)
CDG.09	APP/J1915/W/19/3234842 – Hertford Gasworks, Land east of Marshgate Drive – Inspector Decision (approach to be taken to application of the BRE Guidelines – see Appendix 2)
CDG.10	Barnwell Manor Wind Energy Limited v East Northamptonshire District Council; English Heritage; National Trust; and Secretary of State for Housing Communities and Local Government [2014] EWCA Civ 137 (approach to which s.66 Planning (Listed Buildings and Conservation Areas) Act 1990 imposes on decision makers under ss. 70 and cognate sections under the Town and Country Planning Act 1990 – see paragraphs 16-29)
CDG.11	APP/N5090/W/22/3304952 – 679 High Road, London N12 0DA – Statement of Common Ground Addendum (Barnet 5 Year Housing Land Supply [December 2022 – see paragraph 1.1])

CDH	S106 agreements
CDH.01	Draft Section 106 Agreement
CDH.02	The Community Infrastructure Levy Regulations 2010 - Regulation 122(2) Section 106 Agreement - Statement Of Compliance

CDI	Statements of Case and Common Ground and Supporting Documents
CDI.01	The Applicant's Statement of Case with appendices (10 November 2022)
CDI.02	The Council's Statement of Case (10 November 2022)
CDI.03	Planning: Statement of Common Ground between Applicant and Council and appendices including draft list of conditions and daylight and sunlight report (13 February 2023)
CDI.04	Transport: Statement of Common Ground between Applicant and Council and appendices (06 January 2023)
CDI.05	Design and Heritage: Statement of Common Ground between Applicant and Council and appendices (24 January 2023)
CDI.06	Rule 6 Party – Residents Associations' Statement of Case
CDI.07	Rule 6 Party - Statement of Common Ground (PLACEHOLDER)
CDI.08	Design and Access Statement Addendum (November 2022)

CDI.09	Appendix 1 - November 2022 Addendum: Wireline July 2020 Original Scheme, November 2022 Application Scheme and November 2022 Application Scheme with Cumulative Schemes		
	Revised Drawings (November 2022)		
	Drawing Number	Drawing Title	Rev
CDI.10	10965-EPR-XX-XX-DR-A-TP-0106	Parameter Plan Maximum Heights	P5
CDI.11	10965-EPR-XX-DR-SK-0107 (Illustrative Only)	Building Plot Heights Diagram	-
CDI.12	10965-EPR-XX-GF-DR-A-TP-0200	Parameter Plan Ground Floor Use	P2
CDI.13	Schedule of plans and drawings submitted in accordance with planning application 20/3564/OUT		

CDJ	London Plan Correspondence
CDJ.01	Correspondence from the Secretary of State to the Mayor of London (27 July 2018)
CDJ.02	London Plan Inspector Report to the Mayor of London (October 2019)
CDJ.03	Correspondence from the Secretary of State to the Mayor of London (13 March 2020)
CDJ.04	Correspondence from the Secretary of State to the Mayor of London (10 December 2020)
CDJ.05	Correspondence from the Secretary of State to the Mayor of London (29 January 2021)

CDK	Additional Technical Guidance
CDK.01	Historic England - Guidance on the Setting of Heritage Assets: Planning Note 3 (2017)
CDK.02	Fixing Our Broken Housing Market (2017)
CDK.03	Government's August 2020 White Paper: Planning for the Future White Paper
CDK.04	The Government's Announcement (01 October 2018): New measures to support homebuyers, build more homes, improve building safety and create a Commonwealth Games legacy
CDK.05	Department for Transport Letter to the Mayor of London (01 June 2021)
CDK.06	Annual Monitoring Report 17 (AMR 17) 2019/20 - Mayor of London (November 2022)
CDK.07	Department for Levelling Up, Housing and Communities - Housing Delivery Test Results Measurement Test 2021 [Barnet Extract]

CDK.08	Historic England's Guidance on Tall Buildings – Advice Note 4 (2022)
CDL	Additional Documents
CDL.01	Actions arising during the course of Week 4 of the Examination
CDL.02	EIA Statement of Conformity (January 2023)

Appendix D: Documents submitted during the Inquiry

- ID.01 Applicant's list of appearances.
- ID.02 Appeal decision, ref: APP/N5090/W/22/3304952 679 High Road, London N12 0DA.
- ID.03 Applicant's opening statement.
- ID.04 Council's opening statement.
- ID.05 Rule 6 party's opening statement.
- ID.06 Supplementary SoCG on five-year HLS.
- ID.07 Inspector's questions for s106 round-table discussion.
- ID.08 Note on planning history for 1-13 Cricklewood Lane, 194-196 Cricklewood Broadway, and the BCC Regeneration Area.
- ID.09 Additional representation of Mike Freer MP.
- ID.10 Revised list of application plans.
- ID.11 Council's list of appearances.
- ID.12 Additional consultation responses not originally appearing on the Council's website.
- ID.13 Council's response to Inspector's s106 questions.
- ID.14 Draft s106 agreement dated 16 February 2023.
- ID.15 Comparison of 3 February and 16 February draft s106 agreements.
- ID.16 *Barnet Council Housing Allocations Scheme* (May 2019).
- ID.17 1-13 Cricklewood Lane Council committee report, ref: 18/6353/FUL.
- ID.18 194-196 Cricklewood Broadway committee report, ref: 17/0233/FUL.
- ID.19 Barnet Local Plan EiP note on tall buildings.
- ID.20 *Conservation principles, policies and guidance for the sustainable management of the historic environment*, English Heritage (2008).
- ID.21 Agreed final draft list of planning conditions.
- ID.21a Agreed final draft list of planning conditions with tracked changes.
- ID.22 Applicant's briefing note on the assessment of harm to heritage assets arising from the Inquiry round-table session.
- ID.23 *West London Orbital Strategic Narrative*, TfL (October 2021).
- ID.24 Applicant's Inquiry note on open space distribution and deficiency.
- ID.25 Rule 6 party's closing statement.
- ID.26 Council's closing statement.
- ID.27 Applicant's closing statement.
- ID.28 Barnet Local Plan proposals map (2012) extract.

Appendix E: Documents submitted after close of the Inquiry

- P/ID.01 Completed (signed and dated) version of the s106 agreement, submitted to the Planning Inspectorate on 4 March 2023.

Appendix F: Other references

Barnet Council – proofs of evidence

- LBBP1A Heritage and Design Witness: Proof of Evidence – Prepared by Mr Evans
- LBBP2A Planning Witness: Proof of Evidence – Prepared by Councillor Young
- LBBP2B Supplementary Planning Proof of Evidence – Prepared by Councillor Young

The Applicant – proofs of evidence

- APP1A Design Witness: Proof of Evidence – Prepared by Mr Everitt
- APP1B Design Code
- APP2A Townscape and Heritage Witness: Proof of Evidence – Prepared by Dr Miele
- APP2E Rebuttal of Chris Miele (Applicant's Heritage Witness)
- APP3A Transport Witness: Proof of Evidence – Prepared by Mr Fitter
- APP4A Planning Witness: Proof of Evidence – Prepared by Mr Rhodes
- APP5A B&Q Cricklewood - Applicant's Design Presentation

Rule 6 Party (The Residents' Associations) – proofs of evidence

- R6P1A Residents Associations' proofs: Extracts
- R6P2A Residents Associations' Proofs: Images
- R6P3A Railways Terraces Cricklewood Conservation Area – Character Appraisal Statement (2004)
- R63PB Railway Terraces Character Appraisal and Management Proposals (2016)
- R6P4A Mapesbury Conservation Area – Character Area (2006)
- R6P5A Cricklewood Railways Terraces – A Village History
- R6P6 Planning Witness: Proof of Evidence – Prepared by Ms Howey



Department for Levelling Up, Housing & Communities

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.