

**London Borough of Barnet**



**APP/N5090/W/21/3289161**

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

**STATEMENT OF CASE FOR THE COUNCIL**

**PLANNING APPEAL BY: MATT WALTON**

**APPEAL SITE: B&Q, BROADWAY RETAIL PARK, CRICKLEWOOD  
LANE, LONDON, NW2 1ES**

**APPEAL REF: APP/N5090/V/22/3307073**

**COUNCIL REF: 20/3564/OUT**

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**CONTENTS**

- 1. INTRODUCTION**
- 2. APPEAL SITE DESCRIPTION**
- 3. PLANNING HISTORY AND BACKGROUND**
- 4. CONSULTATION AND REPRESENTATION**
- 5. PLANNING POLICY**
- 6. AREAS OF DISAGREEMENT AND REASONS FOR REFUSAL**
- 7. AGREED MATTERS**
- 8. PLANNING CONDITIONS, INFORMATIVES, OBLIGATIONS AND COMMUNITY INFRASTRUCTURE LEVY**
- 9. CONCLUSION**

**APPENDICES**

- Appendix 1.-** Officers Report to Strategic Planning Committee – 9<sup>th</sup> September 2021
- Appendix 2 –** Strategic Planning Committee Minutes – 9<sup>th</sup> September 2021
- Appendix 3 –** Stage 2 Report – Mayor of London
- Appendix 4 –** Secretary of State – Holding Direction
- Appendix 5 -** Secretary of State Call in Direction
- Appendix 6 –** Officers Report to Strategic Planning Committee – 8<sup>th</sup> November 2022

## 1. INTRODUCTION

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

*“Outline planning application (including means of access with all other matters reserved) for the demolition of existing buildings and the comprehensive phased redevelopment of the site for a mix of uses including up to 1100 residential units (Use Class C3), and up to 1200 sqm of flexible commercial and community floorspace (Use Classes A3/B1/D1 and D2) in buildings ranging from 3 to 25 storeys along with car and cycle parking landscaping and associated works (this application is accompanied by an Environmental Statement).”*

- 1.2 Following the initial consultation, assessment and discussion with Council officers, a further consultation was undertaken in May 2021 following the receipt and publication of a supplementary Urban Design Study. The additional consultation comprised the following description:

*“Outline planning application (including means of access with all other matters reserved) for the demolition of existing buildings and the comprehensive phased redevelopment of the site for a mix of uses including up to 1100 residential units (Use Class C3), and up to 1200 sqm of flexible commercial and community floorspace (Use Classes A3/B1/D1 and D2) in buildings ranging from 3 to 25 storeys along with car and cycle parking landscaping and associated works (this application is accompanied by an Environmental Statement) (ADDITIONAL INFORMATION RECEIVED - URBAN DESIGN STUDY).”*

- 1.3 Following additional assessment and discussion with Council officers, a further consultation was undertaken in July 2021 following the receipt and publication of an amended Parameter Plan. The revised scheme comprised the following description:

*“Outline planning application (including means of access with all other matters reserved) for the demolition of existing buildings and the comprehensive phased redevelopment of the site for a mix of uses including up to 1050 residential units (Use Class C3), and up to 1200 sqm of flexible commercial and community floorspace (Use Classes A3/B1/D1 and D2) in buildings ranging from 3 to 19 storeys along with car and cycle parking landscaping and associated works (this application is accompanied by an Environmental Statement) (REVISED PLANS RECEIVED - AMENDED DESCRIPTION - REDUCTION IN MAXIMUM HEIGHT FROM 25 TO 19 STOREYS AND REDUCTION IN RESIDENTIAL UNIT NUMBERS FROM 1100 TO 1050).”*

- 1.4 Following additional assessment and discussion with Council officers, a further consultation was undertaken in August 2021 following the receipt of a revised Parameter Plan, revised Design Guidelines Document and an EIA Statement of Conformity. The revised scheme comprised the following description:

*“Outline planning application (including means of access with all other matters reserved) for the demolition of existing buildings and the comprehensive phased redevelopment of the site for a mix of uses including up to 1049 residential units (Use Class C3), and up to 1200 sqm of flexible commercial and community floorspace (Use Classes A3/B1/D1 and D2) in buildings ranging from 3 to 18 storeys along with car and cycle parking landscaping and associated works (this application is accompanied by an Environmental Statement) (REVISED PLANS RECEIVED - AMENDED DESCRIPTION - REDUCTION IN MAXIMUM HEIGHT FROM 19 TO 18 STOREYS. REVISIONS TO BUILDING HEIGHTS AND REDUCTION IN RESIDENTIAL UNIT NUMBERS FROM 1050 TO 1049).”*

- 1.5 The application was then recommended for approval by officers to the Strategic Planning Committee meeting on 9<sup>th</sup> September 2021 where elected members endorsed officers recommendation and resolved to grant planning permission subject conditions, the satisfactory completion of a Section 106 Agreement and subject to Stage 2 Referral to the Mayor of London. **The original officers report is included as Appendix 1 and the minutes of the meeting are included as Appendix 2.**
- 1.6 The application was referred to the Mayor of London on 15<sup>th</sup> March 2022 and Stage 2 approval from the Mayor was subsequently granted on 29<sup>th</sup> March 2022. **The Stage 2 letter from Mayor is included as Appendix 3.**
- 1.7 Prior to the Council issuing planning permission a holding direction was issued by the Secretary of State on 31<sup>st</sup> March 2022. **The holding direction is included as Appendix 4..**
- 1.8 On 30<sup>th</sup> August 2022 the application was ‘called in’ by the Secretary of State under his powers in section 77 of the Town and Country Planning Act 1990. **The call-in direction is included as Appendix 5.**
- 1.9 In order for the Council officers to obtain the necessary delegated authority to represent the Council at the pursuant planning inquiry, a note was presented to the Council’s Strategic

Planning Committee on 8<sup>th</sup> November 2022. Members resolved, contrary to the original resolution, that they would be minded for Council officers to present evidence supporting the following purported reason for refusal:

- 1) The proposed development, by virtue of its excessive height, scale, massing and density would represent an over development of the site resulting in a discordant and visually obtrusive form of development that would demonstrably fail to respect the local context and established pattern of development, to the detriment of the character and appearance of the area, and the visual amenity of adjoining residential occupiers. The proposal would therefore not create a high-quality building, not constitute a sustainable form of development and would be contrary to the provisions of the NPPF, Policies D3, D4 and D9 of the London Plan 2021 and policies CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies 2012

1.5 A copy of the note presented to the Strategic Planning Committee on 8<sup>th</sup> November 2022 is included as Appendix 6.

## 2. SITE DESCRIPTION

- 2.1 The application site comprises a site of approximately 2.78 hectares within Cricklewood, immediately to the west of Cricklewood Station and to the north of Cricklewood Road. The site was previously occupied by retail uses, the largest of which was a B&Q retail store accommodated within a large warehouse style building. Aside from the buildings which accommodating the retail uses, the rest of the site is largely made up of hardstanding providing a large expanse of ground level parking.
- 2.2 Immediately to the south of the site is an area of green space which buffers the site from Cricklewood Road; Cricklewood Green. This area of greenspace is identified as an Asset of Community Value (ACV).
- 2.3 Immediately to the west of the site is a series of commercial buildings adjacent to Cricklewood Lane and further to the north, a Bingo complex with associated car park.
- 2.4 To the north of the site is a builders merchants and associated hardstanding. Also to the north and north-west of the site is the Railway Terraces estate which is a designated Conservation

Area. Kara Way playground is located to the north-west of the site which provides a children's play area for the local community.

- 2.5 Immediately to the east of the site is Cricklewood Station and the associated railway infrastructure. Given the proximity to the station and to nearby bus routes, the site has a Public Transport Accessibility Level (PTAL) of 4-5.
- 2.6 The site is located in the Brent Cross Cricklewood Growth Area and is designated within the Cricklewood and Brent Cross Opportunity Area as designated within the London Plan. The site is also located within the Brent Cross Cricklewood Regeneration Area as designated within the Barnet Local Plan.
- 2.7 There are no statutory designated heritage assets on the Site, however as well as the designated Railway Terraces Conservation Area, there are three Grade II listed structures located within a 500 metres radius of the Site. These include the Milestone Sited Outside Number 3 and 4 Gratton Terrace, three Lamp Standards in front of the Crown Public House and the Crown Public House itself.

### **3. PLANNING HISTORY AND BACKGROUND**

3.1 The following applications relate directly to the application site:

- 19/6632/ESC - Environmental Impact Assessment Scoping Opinion. Formal Scoping. Opinion issued: 19.02.2020
- 17/6211/ADV - Non illuminated and illuminated fascia signs. Approved: 31.01.2018.
- F/03051/10 - Retention of a mezzanine floor measuring 301 sq m for the purposes of storage ancillary to the existing retail units. Approved: 06.10.2010.
- C00640BD/01 - Erection of 2m high perimeter fencing and landscaping works. Approved: 24.12.2001.
- C00640AY/00 - Externally illuminated signs and pole sign. Refused: 17.05.2000.
- C00640AX/99 - Demolition of rear extension and rebuilding, new garden centre, sprinkler tank and pump house, and conversion of retail unit to B & Q Warehouse. Approved:

07.02.2000.

- 3.2 In addition to the aforementioned planning applications, the planning history of the surrounding sites and area is relevant to the consideration of the current application.
- 3.3 1-13 Cricklewood (18/6353/FUL) – Residential-led redevelopment of the site to include demolition of existing buildings and erection of three blocks ranging from 6 to 9 storeys with flexible retail (Class A1-A4 & D1) at ground and basement level and 145 residential units (Class C3) on upper floors, with associated parking, servicing arrangements, amenity space, public realm improvements and all necessary ancillary and enabling works. This application has a resolution to approve granted by committee in November 2019 however is awaiting signing of the S106 Agreement.
- 3.4 194 -196 Cricklewood Broadway (17/0233/FUL) – Redevelopment of site to provide a 6-storey building comprising 3,457sqm of Class A1 use (food store) at ground floor level and 96no. self-13 contained flats (Class C3) at first to fifth floor levels including basement car parking, cycle parking, refuse stores and a single storey car parking deck. This application was approved in January 2018 and is currently commencing on site.
- 3.5 In addition to the above, it should be noted that the application site is located within the Brent Cross Cricklewood Regeneration Area which has extensive planning history associated with the comprehensive Brent Cross redevelopment scheme

#### **4.0 CONSULTATION AND REPRESENTATION**

- 4.1 As part of the original consultation exercise, 2362 letters were sent to neighbouring occupiers. At the time of the report being written 2211 objections, 48 letters of support and 12 representations subsequently being received. These responses were received over four consultation exercises with one undertaken in August 2020, one undertaken in May 2021 following submission of additional information in the form of an Urban Design Study, one undertaken in July 2021 following the application being amended to reduce the maximum height from 25 to 19 storeys, and a final consultation being undertaken in August 2021 following the amendments to the scheme which informed the current proposals.

- 4.2 A copy of all neighbour consultation responses have been submitted under separate cover earlier in the appeal process.

### **External Representations**

#### **Greater London Authority**

- 4.3 Principle of Development - The development of this well-connected, under-utilised site within an opportunity area and town centre location for residential-led uses is strongly supported.
- 4.4 Affordable Housing: - The 35% affordable housing offer (by habitable room), is welcomed; however, the tenure of 30% affordable rent and 70% intermediate does not meet the Council's specified tenure mix; affordable rent units at 65% of market rent and all of the Build to Rent Discount Market Rent units at 80% of market rents do not meet affordability requirements. Assessment of the Financial Viability Assessment is ongoing.
- 4.5 Urban design and Historic Environment -The proposals would be a step-change in scale when viewed from the prevailing Victorian/Edwardian surrounding streets; however, the heights proposed are broadly in line with planning policy in this highly accessible town centre and Opportunity Area location.
- 4.6 The visual, functional, environmental, and cumulative impacts have been rigorously assessed and are acceptable. The size of the site provides an exceptional opportunity for high-density housing delivery, with tall buildings that do not unacceptably impact the surroundings. The illustrative scheme demonstrates that an appropriate design quality could be achieved, with no harm to the significance of heritage assets; however, this is subject to amendment of the Development Heights Parameter Plan, which does not give sufficient control over building heights. Example floor plans should also be provided and an outline fire statement.
- 4.7 Transport - The site is highly accessible with very good public transport access, and will result in a significant reduction in vehicle trips, which will benefit the adjoining road network. The proposal is supported; however further information is required on bus service impacts; active travel zone assessment; cycle parking; walking/cycling and public realm improvements; and step-free access to Cricklewood Station. Planning conditions and obligations are required. Climate change and environment: Further information is required on energy, the circular economy, water-related matters, and urban greening.



London Borough of Camden

- 4.8 Land Use - Concern is raised regarding the small proportion of commercial floorspace being proposed, especially the lack of a mix of uses which is proposed across the blocks with block C and D having no commercial offering which is considered to be contrary to chapters 2 and 6 of the National Planning Policy Framework 2019. 1,100 residential units are proposed with a small proportion of community infrastructure being proposed to support the development.
- 4.9 The planning statement draws on the creation of a 'civic heart' yet there is no community space offering which could support this. The commercial offer is 1,500sqm of all use classes (A1-A3, D1 and D2). Whilst the document states that it is unlikely that one use could occupy all of the commercial space, this is a possibility and therefore the lack of commercial floorspace is of a concern, especially due to the range of retail services which the existing site offers to the local community. This is further challenged through the lack of community infrastructure that the development is proposing.
- 4.10 Camden is concerned at the loss of the retail provision and lack of community space being proposed. This in turn would put further pressure on the community facilities in Camden and would fail to deliver a mixed and balanced sustainable development.
- 4.11 Of particular concern is the current pressure on GP services within the area. Within the submitted document ES Volume one Chapter 14, it states:14.4.31- At the eight practices there are 22.3 FTE GPs in total. The average number of patients per FTE GP across the practices (2,177) far exceeds the target ratio of 1,800 patients per FTE GP and therefore has no capacity for additional residents.' It is stated that one of the key objectives of the development is to "Provide a new civic space and community facilities, reflecting and building on Cricklewood local residents' civic aspirations and pride." (Page 30 of Design and Access Statement).
- 4.12 This is not achieved nor considered to be included within the current application and this is of considerable concern to Camden due to the pressure the development could put on Camden's health services.
- 4.13 Design and Bulk - Concern is raised regarding the bulk of block A. It is considered that it sits proud of block C and harms the visual links through the scheme which the development is trying to achieve. Due to the height of the proposed buildings, relief needs to be provided at

the ground floor level across the site, and currently this is not achieved. By reducing the bulk of Block A and lining it up with Block C, further connection through the site could be achieved and a further enhanced area of public open space delivered as demonstrated within an early sketch on page 34 of the DAS. This would break up the bulk and provide some meaningful open space which would reduce the pressure on open space in Camden.

- 4.14 Concern is raised regarding the proposed maximum building heights to allow for varying maximum amounts of plant, lift overruns, stair access to roof and building management units. This should all be contained within the building envelope and total maximum height. Through incorporating such additions within the design of the building, this would reduce a cluttered skyline and associated paraphernalia which would otherwise harm longer views of the proposal when viewed from Camden.
- 4.15 Affordable Housing - Camden would want to see the policy-compliant amount of Affordable Housing on site, which should be split between Social Rent and some Intermediate Housing affordable to working families (eg: key workers). On mixed tenure schemes, Camden would expect to see a larger number of homes for social rent, along with a smaller proportion of intermediate housing units.
- 4.16 In order to create mixed, balanced communities, a mix of sizes should be provided, including 1, 2, 3 and 4 bed homes, with a policy-compliant proportion to be family sized units. There are 105 three bedroom units with no 4 bed units. Consideration should also be given to child density. A policy-compliant percentage of wheelchair housing across the whole site should be provided. Proportions to be split between Fully Accessible (M4(3)(2)(b) and Adaptable (M4(3)(2)(a) wheelchair homes. Currently it is not considered that the proposed housing mix would deliver a mixed and balanced community.
- 4.17 Transport - The Transport Assessment states that the development will be secured as a car-free development via a S106 agreement. This would mean future residents would be unable to obtain residents parking permits to park on the public highway in the vicinity of the site. This is welcomed by Camden as it will encourage future residents to use active and sustainable means of transport. The development proposes to provide residents disabled parking for 3% of the proposed 1100 flats, with the ability to provide additional parking for a further 7% of flats. This is in line with the (intend to publish) London Plan. Eight operational and four disabled parking bays are proposed for the non residential uses, which is welcomed.

- 4.18 The Transport Assessment estimates that a total of 70 vehicles movements (40 Heavy Goods Vehicles and 30 Light Goods Vehicles) per day will occur from Jan 2023 to Dec 2024. This represents the peak vehicle movements of 4th the construction programme. Further details should be secured within a Construction Logistics Plan (CLP) if planning permission is granted. The CLP should be reviewed and approved prior to implementation. The TLRN should be used for construction vehicle movements, and local roads used only to access the site from the TLRN.
- 4.19 Amenity - Whilst the proposal is for an overly large development which would have an impact on the townscape, it is not considered that the development would harm the amenity of Camden residents in terms of daylight, sunlight, outlook or privacy.  
On the basis of the submitted information, the development is considered unacceptable due to the bulk of block A, the affordable housing provision, and the loss of retail floorspace and lack of community provision, therefore failing to provide a sustainable and appropriately designed development.
- 4.20 This would harm the local economy, vitality and viability of the local community, existing health services, and character and appearance of the surrounding townscape, which would be contrary to policies C1, C2, C3, D1, E1, E2, G1, H4, H6, H7, H8, TC1, TC4 and TC5 of the Camden Local Plan 2017. It is requested that the application is refused unless the above concerns can be adequately addressed.

#### London Borough of Brent

- 4.21 The London Borough of Brent, the Local Planning Authority, have considered the proposal and have NO OBJECTION.

#### Metropolitan Police (Design Out Crime Officer)

- 4.22 No objection to proposal but due to the reported issues affecting the ward and potential issues as highlighted, a planning condition is requested to be attached to any approval, whereby each development must achieve Secured By Design accreditation, prior to occupation.
- 4.23 Attention is also drawn to specific counter terrorism advice provided under separate cover. Due to the nature of this advice, it is not published in publicly available documentation and it is requested that the document is treated with the same sensitivity by the Inspectorate.

Thames Water

- 4.24 Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 4.25 Thames Water are currently working with the developer of application 20/3564/OUT to identify and deliver the off-site FOUL WATER infrastructure needs to serve the development. Thames Water have identified that some capacity exists within the foul water network to serve 500 dwellings but beyond that, upgrades to the waste water network will be required. Works are ongoing to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development doesn't outpace the delivery of essential infrastructure.
- 4.26 Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water would request that a condition be added to any planning permission.

Natural England

- 4.27 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Railway Terraces Community Association

- 4.28 The Railway Terraces Residents' Association objects strongly to this proposed development and we request Barnet's planning committee reject this application in its present form. Our main concerns are the height and density of the buildings, the total disregard for the present street scene and the increased stress on the local infrastructure.
- 4.29 We live in a Conservation Area. Very high tower blocks ranging from 15 to 25 storeys will be visible and overbearing and will destroy the important uninterrupted views in and out of the terraces, referred to in the 'Railway Terraces Conservation Area Character Appraisal'

document (reviewed in 2016 para 4.2 Views and Vistas). These tower blocks will be seen across the open space of the allotments (also in the conservation area) and over the roofs of our homes to Cricklewood and beyond. The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 72 states 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.' The proposed development is extremely detrimental to the character and appearance of the Railway Terraces.

- 4.30 Furthermore, page 21 of Barnet's Tall Buildings Update 2019, states, 'Historic England and CABI guidance on tall buildings notes that the effect on the historic context should be considered to '...ensure that the proposal will preserve and/or enhance historic buildings, sites, landscapes and skylines' and goes on to note that the impact on views to and from historic buildings should be considered over a wide area....Figure 4 shows the locations of existing tall buildings in the context of the conservation areas in Barnet. This highlights that most tall buildings are located some distance away from the conservation areas.' Why then are these massive tower blocks being put right next to the Railway Terraces Conservation Area?
- 4.31 The cottages are built on a near north south axis following the railway. It follows that we have approximately half a day of sunlight on either side of our homes. The side of the cottages opposite the development and which faces east, will be in the development's shadow and suffer a 20% loss of sunlight which is significant when that side of your home has sunlight for only half a day. Montreaux has dismissed this as negligible. We are also concerned about the loss of light to Kara Way Playground so important for the health of local children.
- 4.32 There are no very tall buildings in Cricklewood. Barnet planning committee reduced the storeys on the Co-op site to 9 storeys and Brent has reduced the buildings on the Matalan site to 7 storeys. Page 31 of 'Barnet's Tall Buildings Update 2019', states that 6 to 14 storeys is appropriate for buildings in Cricklewood. We would argue that since the site is on a hill, the buildings should be no higher than 6 storeys. The architecture in Cricklewood is predominantly Victorian and Edwardian, 2 to 4 storeys high. The proposed plans do not fit with local architecture and will destroy the street scene.
- 4.33 Cricklewood is one of the most densely populated areas in Barnet. 1,100 housing units will equate to some 3,000 or more new residents. This will put enormous pressure on local services, which are already stretched such as GP surgeries, transport, leisure facilities and local parks. The site is linked to the A5 by Depot Approach. All vehicular access to and from

the site (deliveries, services, visitors) will be via Depot Approach which runs alongside Kara Way playground, increasing pollution to the playground and increasing pollution and congestion on the A5, already one of the most polluted and congested roads in London.

- 4.34 The description of Cricklewood Station, as a convenient 'transport hub', is misleading. It is the only rail station in Cricklewood and serves only the City and South East London. We do not have an underground and links to the West End, West and North London are by bus and are already slow due to congestion.
- 4.35 Many of our residents attended the public consultation and spent a great deal of time studying and discussing the plans and diagrams with Montreaux representatives, who were told repeatedly that the buildings were too high and too dense for our area. Indeed communications with other local residents associations, lead us to believe that most, if not all, Cricklewood residents, who attended the consultation agreed. Yet no significant changes have been made to the plans. Montreaux has not listened to local residents and we have no alternative but to conclude the consultation process a sham and a tick-box exercise, and, as such, we ask the Council to disregard it.
- 4.36 In conclusion, there is a strong community in Cricklewood, across borough dividing lines, and residents view the application as an attack on their community. We are disappointed and insulted. Disappointed in that we feel this is a missed opportunity to develop, for the enhancement of all Cricklewood, a site, which few would disagree, needs developed. Insulted, in that, we have been ignored. Also, had Montreaux and Barnet Councillors included local residents in their Pre-application Workshops 2 and 3 on 24th June 2019 and 16th August 2019, when height, massing and public realm issues were discussed, the present and extensive conflict may have been avoided.

#### ADDITIONAL REPRESENTATION

- 4.37 As Secretary of the Railway Terraces Residents' Association, I confirm that all previous objections to the above development made by our association still stand and should be taken into account. Our association also objects very strongly to the way in which this planning application has been dealt with both by the developer and the LPA. There has been a lack of clarity and transparency and documents what showing the latest block plans have not been made publicly available on Barnet's planning portal. This is quite shocking.

- 4.38 It would appear from block plans inserted in an email from you that the block nearest the Terraces has been increased from 3 to 6 storeys. Why aren't these very important documents on the planning portal? Why are changes being made at the last minute?
- 4.39 Reducing the height of one of the buildings by one storey and increasing the building closest to the terraces by three storeys without ANY CONSULTATION is disgraceful. No doubt when Montreaux's representative speaks at the Strategic Planning Committee, he/she will announce yet another one or two storey reduction to convince the committee that they have listened and responded to local concerns about the height and density of the development. This is farce!
- 4.40 The message from the Railway Terraces and wider Cricklewood is very clear. No tower blocks in Cricklewood – nothing over 8 storeys. We are not 'nimbys' – we welcome housing on the site but this needs to be the right housing.
- 4.41 Barnet has a responsibility to protect the Railway Terraces Conservation area and should be seeking to enhance our conservation area, not destroy it. The view of the Terraces' roof and chimney pots will merge with the tall towers that will project above them so destroying the straight roof line that is an important characteristic of the whole of the Terraces. This special feature is referred to in the Conservation Area Character appraisal and the Heritage section of the report to the planning committee. It will be lost forever at the southern end of the Terraces if this development goes ahead with buildings of such a great height.
- 4.42 Please reject this application
- 4.43 Consultation letters were also sent to the parties listed below, with no responses being received:
- Network Rail - Infrastructure Protection
  - London Fire Brigade
  - British Telecom
  - Twentieth Century Society
  - UK Power Networks

4.44 Copies of all of the responses summarised above have been provided under separate cover earlier in the process.

### **Internal Representations**

#### Environmental Health

4.45 No objection subject to conditions and assessment of further information at reserved matters stage.

#### Transport and Highways

4.46 It is understood that the development will be up to 1,050 new homes (35% affordable) and 1,200sqm of commercial / community use (Class A3 / B1 / D1 and D2). It is understood that the residential element shall provide 35% affordable housing. Vehicle access shall be from Depot Approach, a private access road, with the closure of the existing vehicle access onto Cricklewood Lane.

4.47 The draft construction programme has been provided indicating the following:

- Phase 1: Block A shall be completed on March 2025 and Block B shall be completed on September 2024
- Phase 2: Block C shall be completed on December 2025
- Phase 3: Block D shall be completed on July 2026.

4.48 A detailed TA would need to be submitted to support each of the above Phases (secured by condition and provided as part of the reserved matters applications).

4.49 The closure of the existing vehicle access onto Cricklewood Lane will require a s278 Agreement and should include improvements to the pedestrian environment.

4.50 The proposed new landscaped routes through Cricklewood Green are expected to be secured by means of a legal agreement (s278/s106). Likely to be S106 as any works within the public highway will be covered in the S278 mentioned above.



- 4.51 The description of development proposes that the means of access is to be determined but layout is a reserved matter. Accordingly, the internal roads are illustrative only. The revised drawings of the two vehicle access points are noted (Dwg. No. SK305 Rev A and SK305 Rev A). Detail access design to be conditioned (reserved matters application).
- 4.52 It is noted that the layout is a reserved matter and full details will be provided as part of any reserved matters application. All vehicles should enter and exit the site in a forward direction with collections made in accordance with standard trolleying distances. A reversing movement of a large vehicle along the internal road and across a junction would be queried in terms of safety and operation. In any event, it is noted that the internal layout is a reserved matter.
- 4.53 The need for a Manage Waste Strategy is noted. A Delivery and Servicing Management Plan should be conditioned. This would include the dimensions of the largest vehicles permitted on site.
- 4.54 Parking - The TA states that as the layout is a reserved matter 'the total number of car and cycle parking spaces are not defined as part of this application.' We shall await the reserved matters applications for confirmation of numbers and design.
- 4.55 It is mentioned that there shall be a minimum of 1,846 long-stay and 28 short-stay cycle parking spaces for the residential use. At this stage, the non-residential uses are proposed to have 12 long-stay and 32 short-stay cycle parking spaces. The phased provision / design / location of long and short term cycle parking should be detailed as part of the reserved matters submissions.
- 4.56 Cycle parking provision should be provided in line with the London Plan (not Intend to Publish London Plan) and the London Cycle Design Standard guidance (via planning condition).
- 4.57 The TA mentions that the illustrative masterplan has been tested to demonstrate that it can accommodate 110 car parking spaces (suitable for disabled persons). Car parking should be provided in accordance with Barnet's Local Plan and the new London Plan and is a reserved matter (noting that accessible spaces are also required for non-residential uses and therefore more spaces than the 110 currently proposed may be required).

- 4.58 In addition to the above, reduced levels of parking proposed would only be supported if there is to be improved accessibility measures, suitable overspill parking control / protection and the provision of sustainable transport measures.
- 4.59 Future residents of the development should not be eligible for on-street parking permits. Noted that S106 cannot legally be used for this purpose (may need to use S16 of the GLCGPA 1974).
- 4.60 More than just the 1 car club space should be provided. The principle of a Car Club will be secured by condition (or S106); the number of spaces will be determined at the reserved matters stage in consultation with LBB and potential commercial operators. The uptake of Car Club membership will be monitored as part of the Travel Plan; this will inform the number of spaces in successive phases. This facility should be provided on-site in a visible location.
- 4.61 It is suggested that car and cycle parking provision will be controlled and regulated by means of a Parking Design and Management Plan (PDMP). A PDMP would need to be conditioned.
- 4.62 There appears to be potential for overspill on-street parking on Depot Approach. As it is a private road, the TA suggests that the developer / owner will be able to implement private enforcements measures. The suggested private parking enforcement measures on Depot Approach should be proposed and detailed further to support the lower levels of parking proposed. These measures will form part of the PDMP, secured by condition.
- 4.63 There are surrounding roads in vicinity of the site and within LBB boundaries that are not suitability protected by a CPZ. Therefore, there is concern that the proposed development with low on-site car parking provision would have potential for overspill parking onto the surrounding road network resulting a negative impact on the local amenity. Some roads such as Litchfield Road have no restrictions whilst others are protected from commuter parking with a weekday 1-hour restriction (Mon-Fri 10am-11am) which would not directly address residential overspill demand times. It is considered that the proposed development should help enable a review of the CPZ to address the above concerns.
- 4.64 The above issue has been discussed with the LB Barnet Parking Team who have confirmed that the surrounding area is under review and have noted that the control times may need to be revised to help manage parking stress as a result of the development. The LB Barnet Parking Team have requested a financial contribution of £42,000 towards a CPZ review /

upgrade (secured via s106 agreement). The Parking Team have provided further justification below.

- 4.65 The environment committee approved the development of a programme to create new and review existing controlled parking zones in January of this year. We have identified that the Cricklewood CPZ requires a review following an assessment of recent complaints, petitions, historical parking issues and forthcoming planned developments. Our programme will also take into account housing growth in the area, modal shift, new stations and the Ultra-Low Emission Zone.
- 4.66 Cricklewood CPZ area review - the zone was first introduced in July 2001 and this CPZ has had no wider review since that time. There was a small extension to the zone in May 2016, although there was no review of the surrounding area. The review will be an opportunity to ask residents and businesses if the CPZ is working well and if any amendments will help with their parking needs.
- 4.67 The vast majority of the CPZ operates Mon - Fri 10am - 11am, however there are a number of roads within the zone that has a mix of operational times. We will look to align the operational times and days where possible as this provides an opportunity to declutter the CPZ by removing unnecessary signage.
- 4.68 There are a number of roads in proximity to the development that do not have controls and we will consult residents and business to ascertain if there is support to extend the CPZ. As a result of this redevelopment, other adjoining CPZs may require reviews in the future.
- 4.69 Some of the keys drivers in terms of complaints is that the area experiences high parking occupancy due to the proximity to local shops. We have identified that there are weekend parking issues due to lack of controls.
- In terms of transport issues, we have Cricklewood Station which is a trip attractor, limiting parking opportunities outside of the controlled times.
  - And we have a new rail station, 'Brent Cross West' planned to open in 2022. It is expected that two million passengers will use the station in the first year.

- There is lots of development taking place in the area, such as the Brent Cross redevelopment. And this area likely requires a review due to associated commuter parking and construction site workers.
- Some of the other developments in the Cricklewood area are the Beacon Bingo, Broadway Retail Park and Granville Road Estate. So the area in all is expected to see significant housing growth for the next 2-3 years
- In this area we have 7 Primary and 1 prep school, and as we all know schools are the cause of some of the parking traffic congestion issues during school pick up and drop off
- And some of the shopping areas is that we have the Brent Cross and the new Brent Cross Town nearby and Finchley Road & Cricklewood Lane.
- Due to all of the reasons above and as previously expressed, a CPZ contribution, from this proposed development, towards the review and/or implementation of CPZ infrastructure is sought as follows:
  - o Scheme design = 8k
  - o Informal consultation = 8k
  - o TROs - stat consultation = 8K
  - o Implementation (infrastructure, signs, lines & stats) = 18K
  - o Total = 42k

4.70 Transport Implementation Strategy - The Framework Travel Plan (FTP), Delivery and Servicing Plan (DSP) and Construction Logistics Plan (CLP) should be secured by a planning condition. A Construction Worker Travel Plan (CWTP) should also be conditioned.

4.71 As stated in the FTP, individual TPs will be prepared for the residential and commercial elements of the development, based on the principles set out in the submitted FTP. These will be secured by appropriate condition.

4.72 Trip Generation - Technical Note 5 suggests that the forecast residential vehicle trips for the proposed development shall be 35 and 24 two-way trips in the AM and PM peak hour periods respectively (with a daily total of 265 vehicle trips). This compares with the original Transport

Assessment that forecasted 118 and 85 two-way vehicle trips in the AM and PM peak hour respectively (with a daily total of 898 vehicle trips). The new assessment now suggests forecasted vehicle trips that are approximately 30% of the original forecasts.

- 4.73 The methodology set out within Technical Note 5 is not a standard process. It is not clear why the combined 'Residential M - Mixed private / Affordable housing' land use was not selected as per the proposed development, but instead private and affordable were calculated individually. The reason given for calculating residential vehicle trip rates per parking space are noted. However, this is not standard practice when using the TRICS database. It is advised that 'trip rate calculations per parking space are only available for land uses where it can be considered with good confidence that the vast majority of parking takes place on-site and where it is also considered most relevant.' The TRICS trip rate parameters for residential land consist of site area, dwellings, housing density and bedrooms. It is also noted that the standard TRICS methodology uses weighted averages for the standard parameters and that the calculations undertaken within Technical Note 5 do not.
- 4.74 However, the LB Barnet Transport team have undertaken an initial assessment for comparison purposes and have concluded that the forecast vehicle trips are acceptable.
- 4.75 The proposed development is anticipated to generate 40 and 42 two-way vehicle trips during the weekday AM and PM peak hour periods respectively. This compares with the existing site that generates 144 and 194 two-way vehicle trips during the weekday AM and PM peak hour periods respectively. Therefore, it is anticipated that there shall be an overall net reduction in traffic as a result of the proposed development of 104 and 152 two-way vehicles trips during the weekday AM and PM peak hour periods. The proposed development is anticipated to result in a significant net reduction in peak hour traffic when compared to the existing retail park. It is also anticipated that there shall be a reduction in traffic using the Depot Approach / Cricklewood Broadway (A5) and the Cricklewood Broadway (A5) / Cricklewood Lane junctions.
- 4.76 The reserved matters applications would need to detail the cumulative impact assessment relevant to each of the respective Phases.

#### Tree Officer

- 4.77 The quality of the site is very low in terms of tree cover and bio-diversity as the vast majority of the land is hard surfacing or buildings.
- 4.78 There are trees on the site that merit retention G9, G10, T19 & T21 on the tree plan which is a row of London Plane trees along site the railway line. They provide vital screening to the railway lines. The trees will also provide screening from Cricklewood Station towards any development on the site. The proposal retains these trees.
- 4.79 Similarly, the mixed group of trees at the Cricklewood Lane entrance provide significant tree amenity (T48 to T74). Only 7 trees of this group will be retained in the outline proposal, the extent of tree loss is unacceptable. The extent of building A must be re-adjusted to ensure all the established trees are retained.
- 4.80 The remaining trees on the site are of little merit and new landscape will provide an acceptable level of replacement planting.
- 4.81 No detailed landscaping plans have been submitted. However, the indicative landscape plans for the ground floor, podium and roof areas appear to be providing a reasonable level of green infrastructure for the development. The development must meet the Urban Greening factor target of 0.4 as required in the forthcoming London Plan.
- 4.82 With buildings up to 25 stories the visual impact of the proposal on the street scene will be considerable. The proposed new. The applicants must look to Trees and Design Action Group's publication Trees in the Hardscape ([www.tdag.org.uk](http://www.tdag.org.uk)) for suitable systems to establish of trees within the scheme. Cricklewood Green is the only public open space in the vicinity of the development with Gladstone Park and Clairmont Parks some distance away. Due to the slope and the design, currently it appears to be under used by local residents. There must be considerable enhancement to this space to create a pocket park that will service the residents and visitors to Cricklewood. The retention of the mature trees in this space is essential.
- 4.83 No objection, subject to the alteration of block A to include all the established trees at the main entrance to the development.

#### Heritage and Conservation

- 4.84 Whilst there is no in-principle objection to the redevelopment of this site, it is clearly demonstrated within the applicant's own submissions, that in terms of the overall scale, density, massing, height, layout, and relationship to neighbouring buildings and the local area more generally, the proposal does not promote or reinforce local distinctiveness. It can clearly be considered that little thought has been given to the connections between people and places, the character of the surrounding vernacular and building typology in the local area and the integration of this gargantuan development into the existing built and historic environment.
- 4.85 It is interesting to note, looking through the applicant's Built Heritage, Townscape and Visual Impact Assessment (HTVIA), that the proposed development is merely outlined with a blue line, rather than fully blocked out, which would be a fairer representation of the impact of the development in views. It is clearly evident, even in long distance views such as 1,3 and 4 for example, the sheer scale, height and mass of the proposed development is visually intrusive. But view 5 truly demonstrates the vast disparity and inappropriateness of scale, height and massing between the existing built environment of the locality and the proposal.
- 4.86 There are two designated heritage assets which are in close proximity to the site and which are situated within Barnet.
- 4.87 The Crown Public House - This is a Grade II listed building, listed in 1981, situated on Cricklewood Broadway. The list description is as follows:

*The Crown Public House TQ 28 NW 7/11 20.11.81*

*Dated 1900. Grand "Jacobean" public house of 2 storeys with 2 dormered storeys in mansard roof. Three storey wing to right 4 bays faced in sandstone. Rusticated attached columns and pilasters flank 4 entrance doors to main block and 2 doors to wing, first floor projection of 16 lights with single flanking 2 light windows. Two windows to wing. Two bay decorative gabling at second floor with mullioned windows surmounted by blind archway. Second floor to wing battlemented with ornamental crest, pyramid roof and decorative finial.*

- 4.88 The building is set back from the pavement with a large forecourt to its front. It is connected, by a rear extension, to the neighbouring Clayton Crown Hotel, which sits forward of the pub in the street. Due to the difference in architectural appearance of both buildings, the pub appears in the streetscene as a standalone structure. It is a prominent building within the townscape, viewed and experienced as it is with its iconic roofscape and a clear sky above and around it.

- 4.89 The applicant's HTVIA clearly shows that due to the vast height of the proposed main tower, this block would be clearly visible in views from the public realm looking north. Another smaller block would be then be seen to "fill in" the existing space between the pub and its neighbour to the north.
- 4.90 It is clear therefore, that whilst no actual harm may be done to the heritage asset itself, its significance within the streetscape and Cricklewood town Centre would be diminished by the visual intrusiveness of the proposal.
- 4.91 The Cricklewood Railway Terraces Conservation Area: - The Railway Terraces, Cricklewood Conservation Area was designated by the Council in March 1998. Conservation Area status acknowledges the importance of an area, highlighting its real and potential attractiveness. It also means that the Council's efforts in the area are geared to preserving and enhancing its special character and appearance. The majority of historic buildings are also locally listed, so are undesignated heritage assets which need consideration. The formal, regular street scape and building layout, together with the unusual relationship between buildings, private and public open space all help to give the area a distinctive, intimate but ordered feel. The area is characterised by small scale, dense development with regular building rhythms and designs.
- 4.92 Views into and out of the conservation area are important. It is interesting to note that the original character appraisal for the area recognises that harm has been caused with "views from the Conservation Area to intrusive features such as the mast to the north east across the railway line and the new industrial building on Kara Way and glimpsed views of the ends of Gratton Road from Edgware Road."
- 4.93 The fact that these developments are considered intrusive pales into insignificance in relation to the scale of intrusiveness that the proposed development will have on views, particularly looking south and east. It should be pointed out that the various views submitted by the applicant from within the conservation area are taken at ground level and fail to recognise the views that resident will have of the development from within their properties at first floor level. However, nowhere more so is the vast disparity in scale, height mass and bulk and its impact demonstrated more clearly between the locally listed buildings within the conservation area and the proposed scheme than in view 14, taken from the allotments to the east.



- 4.94 It is quite clear in this view, despite the LPA's consistent message to the applicant that the blocks nearer the CA need to be more respectful in size and scale to the existing terraces, that whilst they do diminish in storey height the closer they come to the terraces, far greater significant reduction in storey height would need to happen in order for this to be achieved. Given that all the blocks are prominent in most views looking south this would need to be applied to all the mega tower blocks
- 4.95 The most recent appraisal states that "Chimneys are part of the historic streetscape, and an important visual feature because of their prominence as seen against the shallow pitch roofs, making a positive contribution to the conservation area. They usually have tall terracotta clay pots which are striking features against the skyline." These features are identified as positive characteristics within the conservation area. It is quite obvious that in views looking south towards the scheme, these positive features will disappear into the mass of the new development behind which adversely affects their significance in their contribution to the CA.
- 4.96 Conversely, the appraisal talks about inappropriate development. Certain development which borders the conservation area, such as the Cricklewood Timber warehouse on Kara Way, has failed to respect the character of the original buildings within the conservation area and careful consideration would need to be given to the scale, siting and design of any new development and a high standard of design and materials will be expected.
- 4.97 As such it can be considered that the proposed development, in terms of its excessive scale, mass, bulk and height will have a detrimental impact and cause less than substantial harm to the setting of both of these designated heritage assets, aside what other interested 3rd parties may identify in regard to other heritage assets further afield.
- 4.98 Conclusion:- Policy DM01 states that: Protecting Barnet's Character and Amenity states that development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. In order to protect character Policy DM01: Protecting Barnet's Character and Amenity requires development to demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused
- 4.99 Core Strategy Policy CS5 states that: Protecting and Enhancing Barnet's Character to Create High Quality Places highlights that development in Barnet should respect the local context and distinctive local character.

4.100 It is quite clear in terms of scale, mass, bulk and height that the proposed development does not concord with these policies.

4.101 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst officers may consider that the additional residential units and open space being provided creates public benefit, it should also be born in mind that there are also negative public impacts, often brought to the LPA's attention by objectors, such as the impact on existing local services and vehicular infrastructure, to name just a few, which need to be considered as weighing against the perceived public benefit of increased residential units.

#### ADDITIONAL REPRESENTATION

4.102 It is not considered that the reduction in height of the tallest block from 25 to 19 storeys overcomes any previous issues and objections raised in regard to heritage and therefore the comments below are as submitted previously.

#### ADDITIONAL REPRESENTATION

4.103 Objection to scheme is retained even with new amendments.

#### Urban Design

4.104 Design background 4.- We have engaged with the applicant on dedicated design workshops in 2019. The workshops covered the proposed masterplan on a plot by plot basis, landscape and overall masterplanning principles were discussed tested and scrutinised.

4.105 We need to stress at this point that this exercise did not involve any architectural discussion nor is the submitted relevant with architectural expression, the outcome is a masterplan which encloses building envelopes, open spaces and road network.

4.106 Masterplan Concept -The current masterplan has been designed to respond to the site-specific attributes such as the conservation area, existing retail environments and the improvement of the existing B&Q site. The overarching vision is to create a high-quality living

environment that is integrated into the wider context through a circulation network which is defined and overlooked by building frontages.

- 4.107 The proposed masterplan is based on a hierarchy of buildings and interconnected open spaces framed by varying scale height and density. There is no dominant architectural pattern here as the proposed consists of building envelopes as part of the masterplan. The perimeter of the development plots is designed to provide a positive pedestrian experience which will ensure future enjoyment of spaces by residents.
- 4.108 The masterplan demonstrates a seamless stitch with station facilities with a legible transition to residential areas. The focal point of a square associated with the Cricklewood Lane area is justified due to the footfall of the station and the need for public areas for people to enjoy while visiting.
- 4.109 Height, bulk, scale and massing - As mentioned above the proposed built form of the site comprises a series of building envelopes organised in a linear fashion. The bulk, scale and massing of individual building envelopes varies to account for the proposed uses and the scale of the spaces that they frame or relate to. This provides variation in character, visual interest, identity, place and way-finding across the masterplan.
- 4.110 The tallest element proposed by the square is envisaged to mark the station, while the tallest residential elements are located on the Eastern part of the site overlooking the rail lines. This is an acceptable move.
- 4.111 The overall design approach is proposing to enrich the area by creating diverse places within the masterplan. In order to achieve legible environments that are familiar, comfortable and easy to navigate, we envisage that future architectural proposals can build on this overarching principle in order to deliver through architecture the envisaged environments of this particular masterplan.
- 4.112 Character - The overall character of the masterplan is defined through the layout of buildings and related open spaces. It is a varied environment that predominantly stays lower on the Northern edge to stitch to and respond to the Conservation area.
- 4.113 This language manifests differently on the different typologies of buildings, further highlighting individual character but with a familiar design language. This attempt is welcome as it could

reinforce wayfinding, provide more robust edges where needed and differentiate between public and private spaces.

- 4.114 Visual impact and views - Under the Local Plan, the protection of existing amenity arrangements in any area is an important aspect of determining whether a proposal is acceptable or otherwise. The protection of existing residential amenity is required through good design in new developments which intern promotes quality environments. More specifically Policy DM01 states that proposals should seek to manage the impact of new developments to ensure that there is not an excessive loss of amenity in terms of daylight/sunlight, outlook and privacy for existing occupiers.
- 4.115 Separation distances internally and with regards to the neighbouring structures are taken in to account while designing, this is apparent by the proposed masterplan which specifically stresses the attention to separation distances of buildings. There is however increased sensitivity in terms of sunlight amenity, this however is an aspect highlighted by the masterplan for future designs to consider and mitigated.
- 4.116 The study on views and subsequent impact is very satisfactory as the design team managed to demonstrate minimum interruption to existing views, partly because of the manipulation of topography on site and partly because the proposed building envelopes are sensitive with regards to the existing urban fabric.
- 4.117 Layout and connectivity - The movement strategy creates optimum car flows without compromising the ability for pedestrians and cyclists to move around in an attractive environment, without interruptions, with minimal exposure to noise and air pollution and with clear and frequent views to destinations. This is achieved by the clarity of routes proposed within the masterplan, these are primary routes, emergency routes and most importantly pedestrian only routes.
- 4.118 These new links reinforce the connectivity depending on which part of the masterplan the journey starts. Vehicular movement is not a dominant feature throughout and is designed for minimum interaction with pedestrians, allowing for people to activate the streets and resulting in more outdoor areas for future residents to enjoy and use in a positive way.
- 4.119 The use and encouragement of alternative mobility such as cycling, carpooling or plainly encouraging walking should be applied on site. The rise in population will mean a significant

rise in demand for transport and infrastructure; this could put a strain on the local system if not supported by an alternative mobility strategy.

4.120 The improved connectivity and permeability of the site, which accords with the intent of London Plan and Barnet Core Strategy reconnects the site with its surrounding areas as well as improved access to adjacent public transport and the wider network.

4.121 Landscaping - The majority of the landscaping works such as open space and squares Will be presented in detail along with future applications for the development of plots.

- Proposed Plaza
- Residential garden areas (front and back)
- Street planting
- Car parking
- Play space

4.122 The proposed masterplan incorporates a variety of open spaces which are sufficient to provide a much needed balance between grey and green infrastructure at this point in time. Finally the play provision is also incorporated within the masterplan proposal, ensuring that it is a major design element, not to be overlooked in future applications. The proposed landscaping details largely adhere to these requirements.

4.123 Play space - According to Housing SPG standard 1.2.2, the development is required to make appropriate play provisions in accordance with a GLA formula and calculation tool, whereby 10sqm of play space should be provided per child, with under-5 child play space provided on-site as a minimum, in accordance with the London Plan 'Shaping Neighbourhoods: Play & Informal Recreation SPG and 'Providing for Children and Young People's Play and Informal Recreation' SPG'.

4.124 The proposed play space is therefore acceptable and we anticipate more detail on the designs when applications for the development of plots come forward.

#### Flood Risk and Drainage

4.125 No objection in principle subject to conditions.

4.126 All of the consultation responses outlined above have been provided under separate cover earlier in the process.

## **5.0 PLANNING POLICY**

5.1 The planning policy framework affecting the Site comprises the National Planning Policy Framework (2021), the London Plan (2021) and the Barnet Local Plan (2012),

5.2 The Local Plan comprises the following documents:

- Core Strategy (2012)
- Development Management Policy Document (2012)

5.3 The Council is in the process of reviewing and updating the Borough's planning policies in a document, known as the Local Plan. It forms a 15-year strategy which emphasises Barnet's many strengths as a place to live, work and visit. The Local Plan sets out a vision for how the Borough will change as a place over the next 15 years.

5.4 The Council's Local Plan - Reg 22 – Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. At the time of writing this statement, the Plan was in the process of going through Examination in Public (EiP). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan and as it may gain in weight prior to the date of the inquiry, subject to any response being received pursuant to the EiP.

5.5 The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and the Council continue determine applications in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

5.6 The Government's Planning Practice Guidance and numerous Supplementary Planning Documents (SPDs), Supplementary Planning Guidance Notes (SPGs) and prepared by the Council are relevant material considerations. This includes:

- The National Design Guide (2019);
- Delivering Skills, Employment, Enterprise and Training from Development through S106 (October 2014)
- Planning Obligations (April 2013)
- Sustainable Design and Construction (April 2016)
- Affordable Housing SPD (2007)
- Tall Buildings Update (2019) (Draft Local Plan)

## 6. REASONS FOR REFUSAL AND AREAS OF DISAGREEMENT

6.1 The areas of disagreement relate specifically to the putative reason for refusal directed by the Council's Planning Committee on 8<sup>th</sup> November 2022 and is set out below.

- 1) **The proposed development and the parameters sought, by virtue of the excessive height, scale and massing would result in a discordant and visually obtrusive form of development that would demonstrably fail to respect the local context and its established pattern of development, to the detriment of the character and appearance of the area and the setting of the adjacent Railway Terraces Conservation Area. The proposal would therefore not create a high-quality development, not constitute a sustainable form of development and would be contrary to the provisions of the NPPF, Policies D3, D4, D9 and HC1 of the London Plan 2021 and Policies CS5, DM01, DM05 and DM06 of the Barnet Local Plan Core Strategy and Development Management Policies 2012.**

6.2 The Council considers that the abovementioned proposed reason for refusal would have been supported by policy as set out below.

6.3 Policy CS5 of the Core Strategy states that (the Council) will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Developments should:

- address the principles, aims and objectives set out in the following national design guidance: By Design, Secured by Design, Safer Places, Inclusive Design, Lifetime Homes and Building for Life:
- be safe, attractive and fully accessible
- provide vibrant, attractive and accessible public spaces
- respect and enhance the distinctive natural landscapes of Barnet
- protect and enhance the gardens of residential properties
- protect important local views from places within Barnet (as set out in Map 8)

- enhance the borough's high quality suburbs and historic areas through the provision of buildings of the highest quality that are sustainable and adaptable.
- 6.4 The policy goes on to state that all development should maximise the opportunity for community diversity, inclusion and cohesion and should contribute to people's sense of place, safety and security.
- 6.5 Policy CS5 goes on to state in relation to heritage and character that The Barnet Characterization Study forms the baseline for the identification of places with consistent and coherent architectural character Within the typologies identified in the Characterization Study we will through our Development Management Policies DPD and Residential Design Guidance SPD develop a framework to protect and enhance those high quality suburbs in Barnet not protected by Conservation Area designations.
- 6.6 In specific relation to tall buildings, Policy CS5 states that Tall buildings (8 storeys (or 26 metres) or more) may be appropriate in the following strategic locations:
- Brent Cross – Cricklewood Regeneration Area
  - Colindale – Colindale Avenue Corridor of Change, Edgware Road Corridor of Change (in accordance with Policy 5.3 Building Heights in the Colindale Area Action Plan, 2010)
  - Grahame Park Estate
  - Stonegrove and Spur Road Estate
  - West Hendon Estate.
- And the Priority Town Centres of:
- Edgware
  - Finchley Church End and
  - North Finchley.
- 6.7 Proposals for tall buildings will be considered in accordance with DM05 – Tall Buildings, London Plan Policy 7.7 – Location and Design of Tall and Large Buildings and Guidance on Tall Buildings (2007) by English Heritage and CABE Outside of these specific locations, proposals for tall buildings will not be supported.
- 6.8 It is the Council's view that the appeal scheme fails accord with Policy CS5 when taken as a whole.
- 6.7 Policy DM01 of the Development Management Policies Document seeks to protect Barnet's character and amenity. The policy states the following which is of relevance to the appeal scheme:
- a) All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.



- b) Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets
- c) Development proposals should ensure attractive, safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls.
- d) Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.
- e) Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

6.8 It is the Council's view that the appeal scheme fails to accord with Policy DM01 when taken as a whole.

6.9 Policy DM05 states that tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable. The policy goes on to state that proposals for tall buildings will need to demonstrate:

- i. an active street frontage where appropriate
- ii. successful integration into the existing urban fabric
- iii. a regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- iv. not cause harm to heritage assets and their setting
- v. that the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.

6.10 Proposals for redevelopment or refurbishment of existing tall buildings will be required to make a positive contribution to the townscape.

6.11 It is the Council's view that the appeal scheme fails to accord with Policy DM05 when taken as a whole.

6.12 Policy DM06 of the Development Management Policies Document seeks to protect the boroughs heritage assets and states inter alia the following:

- a. All heritage assets will be protected in line with their significance. All development will have regard to the local historic context.
- b. Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

- c. Proposals involving or affecting Barnet's heritage assets set out in Table 7.2 should demonstrate the following:
- the significance of the heritage asset
  - the impact of the proposal on the significance of the heritage asset
  - the impact of the proposal on the setting of the heritage asset
  - how the significance and/or setting of a heritage asset can be better revealed
  - the opportunities to mitigate or adapt to climate change
  - how the benefits outweigh any harm caused to the heritage asset

6.13 It is the Council's view that the appeal scheme fails to accord with Policy DM06 when taken as a whole.

6.14 London Plan 2021 Policy D3 relates to optimizing site capacity through the design led approach and states the following:

- a) All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part D.
- b) Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 Infrastructure requirements for sustainable densities. Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs where appropriate. This could also include expanding Opportunity Area boundaries where appropriate.
- c) In other areas, incremental densification should be actively encouraged b Boroughs to achieve a change in densities in the most appropriate way. This should be interpreted in the context of Policy H2 Small sites.
- d) Development proposals should:

Form and layout

1. enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions

2. encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking, and legibly entrances to buildings, that are aligned with peoples' movement pattern and desire lines in the area
3. be street-based with clearly defined public and private environments
4. facilitate efficient servicing and maintenance of buildings and the public realm, as well as deliveries, that minimise negative impacts on the environment, public realm and vulnerable road users

#### Experience

5. achieve safe, secure and inclusive environments
6. provide active frontages and positive reciprocal relationships between what happens inside the buildings and outside in the public realm to generate liveliness and interest
7. deliver appropriate outlook, privacy and amenity
8. provide conveniently located green and open spaces for social interaction, play, relaxation and physical activity
9. help prevent or mitigate the impacts of noise and poor air quality
10. achieve indoor and outdoor environments that are comfortable and inviting for people to use

#### Quality and character

11. respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character
  12. be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well
  13. aim for high sustainability standards (with reference to the policies within London Plan Chapters 8 and 9) and take into account the principles of the circular economy
  14. provide spaces and buildings that maximise opportunities for urban greening to create attractive resilient places that can also help the management of surface water.
- e) Where development parameters for allocated sites have been set out in a Development Plan, development proposals that do not accord with the site capacity in a site allocation can be refused for this reason.

6.15 It is the Council's view that the appeal scheme fails accord with Policy D3 when taken as a whole.

6.16 Policy D4 of the London Plan 2021 relates to good design and states the following:

Design analysis and development certainty

- a) Masterplans and design codes should be used to help bring forward development and ensure it delivers high quality design and place-making based on the requirements set out in Part B of Policy D3 Optimising site capacity through the design-led approach.
- b) Where appropriate, visual, environmental and movement modelling assessments should be undertaken to analyse potential design options for an area, site or development proposal. These models, particularly 3D virtual reality and other interactive digital models, should, where possible, be used to inform plan-making and decision-taking, and to engage Londoners in the planning process.

Design scrutiny

- c) Design and access statements submitted with development proposals should demonstrate that the proposal meets the design requirements of the London Plan.
- d) The design of development proposals should be thoroughly scrutinized by borough planning, urban design, and conservation officers, utilising the analytical tools set out in Part B, local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process. Development proposals referable to the Mayor must have undergone at least one design review early on in their preparation before a planning application is made, or demonstrate that they have undergone a local borough process of design scrutiny, based on the principles set out in Part E if they:
  - 1. include a residential component that exceeds 350 units per hectare; or
  - 2. propose a building defined as a tall building by the borough (see Policy D9 Tall buildings), or that is more than 30m in height where there is no local definition of a tall building.
- e) The format of design reviews for any development should be agreed with the borough and comply with the Mayor's guidance on review principles, process and management, ensuring that:
  - 1. design reviews are carried out transparently by independent experts in relevant disciplines
  - 2. design review comments are mindful of the wider policy context and focus on interpreting policy for the specific scheme
  - 3. where a scheme is reviewed more than once, subsequent design review reference and build on the recommendations of previous design reviews
  - 4. design review recommendations are appropriately recorded and communicated to officers and decision makers

5. schemes show how they have considered and addressed the design review recommendations
6. planning decisions demonstrate how design review has been addressed.

Maintaining design quality

- f) The design quality of development should be retained through to completion by:
1. ensuring maximum detail appropriate for the design stage is provided to avoid the need for later design amendments and to ensure scheme quality is not adversely affected by later decisions on construction, materials, landscaping details or minor alterations to layout or form of the development
  2. ensuring the wording of the planning permission, and associated conditions and legal agreement, provide clarity regarding the quality of design
  3. avoiding deferring the assessment of the design quality of large elements of a development to the consideration of a planning condition or referred matter
  4. local planning authorities considering conditioning the ongoing involvement of the original design team to monitor the design quality of a development through to completion.

6.17 It is the Council's view that the appeal scheme fails accord with Policy D4 when taken as a whole.

6.18 Policy D9 of the London Plan 2021 relates to tall buildings and states the following:

Definition

- a) Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey. Locations
- b)
  1. Boroughs should determine if there are locations where tall building may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations.
  2. Any such locations and appropriate tall building heights should be identified on maps in Development Plans.

3. Tall buildings should only be developed in locations that are identified as suitable in Development Plans.

#### Impacts

- c) Development proposals should address the following impacts:
  1. visual impacts
    - a) the views of buildings from different distances:
      - i. long-range views – these require attention to be paid to the design of the top of the building. It should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views
      - ii. mid-range views from the surrounding neighbourhood – particular attention should be paid to the form and proportions of the building. It should make a positive contribution to the local townscape in terms of legibility, proportions and materiality
      - iii. immediate views from the surrounding streets – attention should be paid to the base of the building. It should have a direct relationship with the street, maintaining the pedestrian scale, character and vitality of the street. Where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building
    - b) whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding
    - c) architectural quality and materials should be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan
    - d) proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area
    - e) buildings in the setting of a World Heritage Site must preserve, and not harm, the Outstanding Universal Value of the World Heritage Site, and the ability to appreciate it
    - f) buildings near the River Thames, particularly in the Thames Policy Area, should protect and enhance the open quality of the river and the riverside public realm, including views, and not contribute to a canyon effect along the river

- g) buildings should not cause adverse reflected glare
  - h) buildings should be designed to minimise light pollution from internal and external lighting
2. functional impact
- a) the internal and external design, including construction detailing, the building's materials and its emergency exit routes must ensure the safety of all occupants
  - b) buildings should be serviced, maintained and managed in a manner that will preserve their safety and quality, and not cause disturbance or inconvenience to surrounding public realm. Servicing, maintenance and building management arrangements should be considered at the start of the design process
  - c) entrances, access routes, and ground floor uses should be designed and placed to allow for peak time use and to ensure there is no unacceptable overcrowding or isolation in the surrounding areas
  - d) it must be demonstrated that the capacity of the area and its transport network is capable of accommodating the quantum of development in terms of access to facilities, services, walking and cycling networks, and public transport for people living or working in the building
  - e) jobs, services, facilities and economic activity that will be provided by the development and the regeneration potential this might provide should inform the design so it maximises the benefits these could bring to the area, and maximises the role of the development as a catalyst for further change in the area
  - f) buildings, including their construction, should not interfere with aviation, navigation or telecommunication, and should avoid a significant detrimental effect on solar energy generation on adjoining buildings
3. environmental impact
- a) wind, daylight, sunlight penetration and temperature conditions around the building(s) and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces, including water spaces, around the building
  - b) air movement affected by the building(s) should support the effective dispersion of pollutants, but not adversely affect street-level condition
  - c) noise created by air movements around the building(s), servicing machinery, or building uses, should not detract from the comfort and enjoyment of open spaces around the building
4. cumulative impacts

- a) the cumulative visual, functional and environmental impacts of proposed, consented and planned tall buildings in an area must be considered when assessing tall building proposals and when developing plans for an area. Mitigation measures should be identified and designed into the building as integral features from the outset to avoid retro-fitting.

#### Public access

- D. Free to enter publicly-accessible areas should be incorporated into tall buildings where appropriate, particularly more prominent tall buildings where they should normally be located at the top of the building to afford wider views across London.

6.19 It is the Council's view that the appeal scheme fails accord with Policy D9 when taken as a whole.

6.20 Policy HC1 of the London Plan relates to heritage conservation and growth and states the following:

- A. Boroughs should, in consultation with Historic England, local communities and other statutory and relevant organisations, develop evidence that demonstrates a clear understanding of London's historic environment. This evidence should be used for identifying, understanding, conserving, and enhancing the historic environment and heritage assets, and improving access to, and interpretation of, the heritage assets, landscapes and archaeology within their area.
- B. Development Plans and strategies should demonstrate a clear understanding of the historic environment and the heritage values of sites or areas and their relationship with their surroundings. This knowledge should be used to inform the effective integration of London's heritage in regenerative change by:
  1. setting out a clear vision that recognises and embeds the role of heritage in place-making
  2. utilising the heritage significance of a site or area in the planning and design process
  3. integrating the conservation and enhancement of heritage assets and their settings with innovative and creative contextual architectural responses that contribute to their significance and sense of place
  4. delivering positive benefits that conserve and enhance the historic environment, as well as contributing to the economic viability, accessibility and environmental quality of a place, and to social wellbeing.
- C. Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development



proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

- D. Development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets.
- E. Where heritage assets have been identified as being At Risk, boroughs should identify specific opportunities for them to contribute to regeneration and place-making, and they should set out strategies for their repair and reuse.

6.21 It is the Council's view that the scheme fails to accord with Policy HC1 when taken as a whole.

6.22 Paragraph 130 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.23 It is the Council's view that the scheme would fail to adhere paragraph 130 of the NPPF when taken as a whole.

6.24 Paragraph 134 of the NPPF states that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design<sup>52</sup>, taking into account any local design guidance and supplementary planning

documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

6.25 It is the Council's view that it's intended refusal of the application would have been in line with paragraph 134.

6.26 Paragraph 202 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

6.27 It is the Council's view that the scheme would result in less than substantial harm to the setting of the adjacent Railway Terraces Conservation Area, and the Council will provide evidence in respect of the balancing exercise undertaken.

6.26 The National Design Guide (2019) seeks to provide planning practice guidance for beautiful, enduring and successful places.

6.23 It is the Council's view that the scheme would fail to adhere to the following parts of the National Design Guide:

- I1 - Respond to existing local character and identity
- I2 - Well-designed, high quality and attractive places and buildings
- I3 - Create character and identity
- 
- B2 - Appropriate building types and forms

### **Summary**

6.40 The Council will present evidence based on the above to demonstrate that the application should be refused ,

## **7. THE AREAS OF GENERAL AGREEMENT WITH THE APPELLANT**

7.1 A Statement of Common Ground will be submitted under separate cover.

## **8. PLANNING CONDITIONS, OBLIGATIONS AND COMMUNITY INFRASTRUCTURE LEVY**

### Planning Conditions and Informatives

- 8.1 A set of planning conditions were agreed as part of the original submission to committee in September 2021 however these are currently under review in order to ensure any conditions retained meet the relevant tests and are in accordance with current best practice. A draft list will be submitted as part of the Statement of Common Ground and a final list will be issued as soon as is practicable following further Council review.

#### Community Infrastructure Levy

- 8.2 The scheme would be subject to the Council's Community Infrastructure Levy (CIL). The purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough.
- 8.3 At the time the application was submitted, chargeable development was subject to a previous charging schedule which was superseded on 1<sup>st</sup> April 2022. Therefore any consented development would be subject to CIL at the following rates:
- Residential including C2, C3 and C4 use classes and sui generis HMOs and other sui generis residential uses - £300
  - Hotels C1. Proposed amount - £200.09
  - Retail (including former A1 to A5 uses). Proposed amount - £200.09
  - Leisure (including former D2 uses and sui generis leisure uses).- £0
  - Employment (including former B use classes and / or B2 and B8 uses) - £20
  - All other uses -£0

#### Mayoral CIL

- 8.4 Mayoral CIL Charging Rates of the Mayor's April 2013 SPG 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy', a flat rate charge of £35 applies to the application.

#### S106 Agreement

- 8.5 A Section 106 Agreement was substantively agreed in March 2022 prior to the holding direction. Further review will be undertaken and a final sealed version will be provided prior to the inquiry.

## **9. Conclusion**

- 9.1 For the reasons set out above, which will be amplified in evidence called by the Council, the proposed development is contrary to the development plan when taken as a whole. The Council will present evidence to this effect to demonstrate that the application should be refused. For the avoidance of doubt, the Council reserves the right to refer to other documents, in witnesses' evidence, as necessary