

# B&Q Cricklewood Environmental Impact Assessment (EIA) Statement of Conformity

Pursuant to Outline Planning Permission (ref: 20/3564/OUT)

Prepared for Montreux Cricklewood Developments Ltd

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# 1. Introduction

- 1.1.1 This Environmental Impact Assessment (EIA) Statement of Conformity (SoC) has been prepared by AECOM on behalf of Montreux Cricklewood Development Ltd ('the Applicant'), in support of a planning application to be considered and determined by the Secretary of State pursuant to section 77 of the Town and Country Planning Act 1990 by way of a public inquiry in accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000. This SoC refers to the Core Documents prepared for the purpose of the Inquiry in the format CD[ ].[ ] as well as evidence lodged by the Applicant's witnesses in the Inquiry.
- 1.1.2 The Applicant proposes to bring the Site forward for residential led mixed use development in accordance with the Development Plan and the National Planning Policy Framework. The Applicant submitted the planning application including an Environmental Statement to the London Borough of Barnet (LBB) on 31st July 2020 (CDA.33-53) (hereafter referred to as the "2020 ES"). The application was given reference number 20/3564/OUT (the "Application"), and relates to the B&Q Broadway Retail Park, Cricklewood Lane, Barnet NW2 1ES (the 'Site').
- 1.1.3 The Application seeks outline planning permission (including means of access with all other matters reserved) for the demolition of existing buildings and the comprehensive phased redevelopment of the site for a mix of uses including up to 1049 residential units (Use Class C3), and up to 1200m<sup>2</sup> (GIA) 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 (the 'Proposed Development').
- 1.1.4 Following a consultation period with LBB and stakeholders, design changes were made in July and August 2021 to the scheme design and re-submitted to LBB along with an EIA SoC (July 2021 (CDA.30) and 16<sup>th</sup> August 2021 (CDA.32)).
- 1.1.5 Following a review of the updated proposals, the Council officers recommended that planning permission should be granted for the Proposed Development on 9th September 2021 and this recommendation was accepted by elected members of the Council's Planning Committee (CDD.01 and CDD.02).
- 1.1.6 However, on 30th August 2022 the Minister of State for Housing, Marcus Jones MP Member of Parliament, on behalf of the Secretary of State for Housing, Communities and Local Government the Rt Hon Simon Clarke MP (the 'Secretary of State'), directed that the Application should be referred to the Secretary of State for determination instead of being dealt with by the Council (CDC.02). A public inquiry has been scheduled to commence on the 14<sup>th</sup> February 2023 in front of a planning inspector appointed by the Secretary of State. The Secretary of State's correspondence of the 30th August 2022 does not identify any potential conflict with national policy, and does not identify any matters of potential national significance. On the 31st October 2022, the GLA confirmed that it had reviewed the Application following the Secretary of State's letter (CDC.04). Following a review of an officer report by elected members of Barnet Council's Strategic Planning Committee, members resolved to resist the application(CDD.04).
- 1.1.7 The previous EIA SoCs were submitted over a year ago, and at that time due to programme, updated modelling was not undertaken, instead our professional judgement informed the SoCs. Following call-in of the Application, and with further time available, further modelling (principally in respect of the Townscape, Heritage and Visual Assessment) has been undertaken to confirm that the conclusions of the August 2021 SoC and the 2020 ES remain valid. The purpose of this EIA SoC is therefore to provide the Inspector and those participating in the public inquiry with an up to date SoC in respect of the 2020 ES.
- 1.1.8 The EIA SoC is structured as follows:
- Section 1 – Introduction;
  - Section 2 – Proposed Development;
  - Section 3 – Review of Environmental Effects;
  - Section 4 – Cumulative Schemes; and

- Section 5 – Conclusion.

## 2. Changes of the Revised Development

- 2.1.1 In July and then August 2021 the tallest element of the Proposed Development, previously 141.675m AOD (equivalent of 25 storeys) as assessed within the 2020 ES at Building Plot A, was reduced to 104.775m AOD (a reduction of 12 storeys) lowering building heights along Cricklewood Lane, and adjacent to the new public square and Cricklewood Green in a respectful manner. The reduction in height also responds to stakeholder comments and concerns from the Council's officers about visual impacts, and the feedback from the Council's Heritage and Conservation officer. As a result of the reduction in height and massing, the total number of residential units decreased from up to 1,100 to up to 1,049 residential units, a decrease of 51 units. Car parking was also reduced from 110 to 105 car parking spaces.
- 2.1.2 Building A2 now comprises the tallest element of the Proposed Development at 119.050m AOD (equivalent to 18 storeys). There was also a reduction in the maximum height of Building Plot C, which was reduced from 119.850 m AOD to 116.475m AOD. The changes are referred to as the "**Design Changes**". The scheme incorporating the Design Changes is referred to hereafter as the '**Revised Development**'. The Design Changes are explained in the Section 3 of the Application Statement of Common Ground and summarised at Table 1 – Comparison of the Original Scheme (July 2020), and the Application Scheme (CDI.03). No Design Changes have been made since August 2021.
- 2.1.3 As part of the public inquiry, and in order to assist the Inspector, the Applicant has submitted an updated Design Code as an appendix to the Proof of Evidence of Mr James Everitt which takes into account the Design Changes. The Planning Statement of Common Ground (CDI.03) sets out at Schedule 1 a proposed list of condition agreed between the Applicant and the Council. Proposed Condition 1 requires that any reserved matters approval be made in accordance with, amongst other documents, this Design Code. . The Design Code has been prepared in line with the requirements of the National Design Guide and National Model Design Code and sets out the guiding principles and key standards in relation to the 1) appearance; 2) landscaping; 3) layout; and 4) scale of the development.
- 2.1.4 Condition 1 also requires the reserved matters to be made in accordance with the following approved plans.
- 10965-EPR-XX-XX-DR-A-TP-0100 P1 – Location Plan
  - 10965-EPR-XX-XX-DR-A-TP-0101 P1 – Parameter Plan – Demolition
  - 10965- EPR-XX-XX-DR-A-TP-0102 P1 – Parameter Plan – Development Parcels
  - 10965-EPR-XX-XX-DR-A-TP-0105 P1 – Parameter Plan – Phasing Plan
  - 10965 -EPR-XX-XX-DR-A-TP-0106 P5 – Parameter Plan – Illustrative Heights
  - 10965-EPR-XX-GF-DR-A-TP-0200 P2– Illustrative Masterplan – Ground Floor Uses
  - Drawing SK401 Proposed Site Access
- 2.1.5 The list of planning conditions set out at Schedule 1 of the Planning Statement of Common Ground will, if planning permission is granted by the Secretary of State in the form proposed, control the proposed development and all future Reserved Matters applications. As part of the public inquiry process additions have been made to reflect the outline nature of the Application; account for statutory consultation responses received during determination of the Application that were not previously included; and to reflect recent changes to the Development Plan and other technical guidance.

### 3. Review of Environmental Effects

3.1.1 The 2020 ES assessed the following topics:

- Air Quality.
- Archaeology.
- Climate Change.
- Daylight, Sunlight and Overshadowing;
- Ground Conditions;
- Noise and Vibration.
- Socio-Economics.
- Townscape, Visual and Built Heritage Impacts.
- Traffic and Transport.
- Wind Microclimate.

### 3.2 Technical topics unaffected by the Design Changes

3.2.1 A qualitative review of the Design Changes has been undertaken to consider their implications on the findings of the 2020 ES and the potential for any new significant effects to arise as a result of the Design Changes.

3.2.2 It remains our opinion as set out in the July 2021 and August 2021 SoC that as Design Changes only relate to the height, mass, number of homes, and car parking numbers and that no changes have been made to the ground floor it is considered the following assessments of the 2020 ES remain unchanged, and the findings remain valid:

- Air Quality.
- Archaeology.
- Climate Change.
- Ground Conditions.
- Noise and Vibration.

3.2.3 For those assessments where it is considered there is potential for new significant environmental effects to arise as a result of the Design Changes, an updated review has been undertaken by the technical authors of the relevant parts of the 2020 ES, which are described below.

3.2.4 As the Design Changes do not alter the conclusions of the demolition and construction effects within the 2020 ES, only the complete and operational impacts for each topic are discussed below.

## 4. Daylight, Sunlight and Overshadowing

### 4.1 Findings of the 2020 Environmental Statement

- 4.1.1 GIA prepared an ES Chapter on daylight, sunlight and overshadowing (DSO) impacts which formed part of the 2020 ES (CDA.44).
- 4.1.2 The ES Chapter demonstrated that while some impacts to neighbouring windows and rooms would fall outside the recommendations of the BRE Guidelines, the impact to the daylight and sunlight amenity of adjoining occupiers would nonetheless not be unacceptable given the site-specific context. In relation to daylight, 12 sensitive receptors experience a Negligible (not significant) effect. Seven properties experience Minor Adverse (significant) effects, these being 2 Champion Terrace, 26-28 Cricklewood Lane, 32A Cricklewood Lane; 34-40 Cricklewood Lane; 1-8 Oak House; Raynes Court; Lansdowne Care Home. Two properties experience Moderate Adverse (significant) effects, these being 42-48 Cricklewood Lane and Dairyman Close.
- 4.1.3 In relation to sunlight, 19 sensitive receptors experience a Negligible (not significant) effect. Lansdowne Care Home experiences Minor Adverse (significant) effects. Dairyman Close experiences Moderate Adverse (significant) effects.
- 4.1.4 A Daylight & Sunlight Report (CDA.08) was submitted with the application documents to assess the daylight and sunlight potential of the Proposed Development in its outline form. Owing to the outline nature of the Application, the façades and internal layouts were yet to be designed, therefore at that stage the assessments were focussed on the Maximum Parameter massing. It was concluded that the Proposed Development would offer adequate daylight amenity to its future occupants and whilst there are a few areas of lower daylight availability (as is typical of any scheme of this size and density), those could be addressed through a careful detailed design of the internal layouts and facades at Reserved Matters stage.

### 4.2 Findings of the August 2021 Statement of Conformity

- 4.2.1 The August 2021 SoC was prepared in consultation with GIA who confirmed that given the proposed changes to the height, the conclusions of the original DSO ES Chapter would not be materially altered and there could potentially be marginal isolated improvements to neighbouring properties. As such, a technical assessment of the reduced scheme was not undertaken at that time. The results presented in the DSO ES Chapter therefore presented a worst-case of the likely effects and were determined by the planning committee in September 2021 to be acceptable.
- 4.2.2 As with the assessment of impacts to neighbouring properties, GIA did not update the analysis of the Proposed Development following the Design Change. The amendments were not considered to alter the conclusions of the assessment on internal daylight and sunlight amenity and were likely to result in marginal improvements to the results as a consequence of the reduced massing of the buildings.

### 4.3 Conformity of the Revised Development with the 2020 Environmental Statement – updated analysis

- 4.3.1 In light of the revised BRE Guidelines, published in June 2022, GIA have undertaken a more detailed assessment analysing the conformity of the Revised Development compared to the 2020 ES. This can be found at Schedule 2 of the Planning Statement of Common Ground (CDI.03) but for ease is reproduced at Appendix A.1 of this SoC.
- 4.3.2 Since completing the technical assessments enclosed within the 2020 ES on daylight, sunlight and overshadowing to support the 2020 planning application, updated information on the layouts of neighbouring properties has been received and the context model has been updated accordingly.



- 4.3.3 A three-dimensional computer model of the Revised Development and surrounding properties was produced based on a measured survey undertaken in 2018. Where available, floor plans of the relevant properties have been included and this context model has been used to carry out the technical assessments.
- 4.3.4 Eight groups of residential properties were identified which are considered to be relevant for daylight and sunlight assessment. These properties are listed below:
- 1-11 Champion Terrace;
  - Crown Terrace;
  - 26-48 (odd) Cricklewood Lane - excluding 30 Cricklewood Lane;
  - 1-8 Oak House;
  - 1-6 Raynes Court;
  - Dairyman Close;
  - 1-6 Kemps Close; and
  - Lansdowne Care Home.
- 4.3.5 Appendix A.1 of this SoC provides the full analysis of the impact of the Revised Development on assessed properties described above. In summary, the two stage analysis concludes based on the location and setting of the Revised Development and the resulting level of impact, that the Revised Development is appropriate in its context.
- 4.3.6 The implementation of the Revised Development does not result in “unacceptable harm” and there are “adequate” daylight and sunlight levels for adjoining occupiers.
- 4.3.7 With regards to comparing the effects of the Revised Development to those presented within the 2020 ES, the 12 storey reduction of the tower block within Building Plot A respectively would result in near identical results in terms of daylight, sunlight and overshadowing within the vast majority of neighbouring receptors. In relation to the 12 storey reduction to A1, for those few receptors in closer proximity to the tower, which would experience greater alterations in the results previously presented, the overall impact would be the same, or marginally reduced when compared to the results of the 2020 ES. Those properties located to the north east which overlook the Site may see marginal improvements as a result of the one storey reduction however these would not significantly affect the conclusions of the 2020 ES.
- 4.3.8 Similarly, the overshadowing pattern would remain virtually identical, albeit with the shadow cast by Building Plot A becoming moderately shorter. Given the height of the building, the shadows cast by the top 12 storeys travel west to east across the urban landscape relatively quickly. Therefore, they are only casting shadows over individual areas for very short periods of time.
- 4.3.9 The one storey reduction Building Plot C would not result in a noticeable difference in the level of overshadowing at sensitive amenity areas, which were found to be compliant with BRE Guidance in the 2020 ES.

## 4.4 Conclusions

- 4.4.1 Overall, the proposed changes to the heights do not materially alter the conclusions of the 2020 ES. Furthermore, as the detailed massing which will be brought forward at the Reserved Matters Application (RMA) stage is to be comprised within the maximum parameters of the Revised Development, the conclusions of the 2020 ES remain valid representing a worst case of the likely effects of the Revised Development.

## 5. Socio-Economics

### 5.1 Findings of the 2020 Environmental Statement

5.1.1 The 2020 ES found the following conclusions for Socio-economics (CDA.47):

1. Generation of 369 net additional jobs per annum during the construction and demolition phases, resulting in a long term (not significant) **minor beneficial** effect on the Greater London economy;
2. As a worst case, the Proposed Development may result in 68 fewer jobs than currently provided. This was forecast to create a permanent (not significant) **minor adverse** effect on employment in Greater London.
3. New residents of the Proposed Development were projected to spend approximately £16.6 million locally, which is estimated to have a permanent (not significant) **minor beneficial** effect on the Greater London economy;
4. The Proposed Development would provide up to 1,100 net additional dwellings, equating to 4.7% of LBB's (London Borough of Barnet) ten year target, outlined in the 2016 London Plan. This is projected to have a permanent (significant) **moderate beneficial** effect on housing needs. It will also have a **minor beneficial** effect on the provision of affordable housing in the LBB.
5. It was also projected that the Proposed Development would have a permanent (non significant) **negligible** effect on primary school education within 2.1km of the Site and also on secondary education within 4.7km of the Site.
6. Primary Healthcare facilities were in 2020 over capacity and it was projected that the GP per residential patients would rise to 2,269 (with a recommended ratio of 1 GP: 1,800 patients). This was projected to have a permanent (not significant) **minor adverse** effect on facilities within 1km of the Site, but was proposed to be mitigated through CIL receipts, which would result in a permanent (not significant) negligible effect.
7. The new development was also forecast to provide approximately 2.49ha of open space, a significant contribution to the targeted 8ha of open space within the Brent Cross-Cricklewood Opportunity Area (as identified in the LBB Core Strategy<sup>1</sup>). This was assessed to have a permanent (significant) **moderate beneficial** effect on access to open space.
8. The Proposed Development was also forecast to provide up to 3,614m<sup>2</sup> total surface area of playable space, exceeding the recommended provision in the Greater London Authority's Supplementary Planning Guidance (GLA SPG<sup>2</sup>). There are also planned to be multiple publicly accessible play spaces within close proximity of the site for all age groups. This was assessed to have a permanent (non-significant) **minor beneficial** effect.
9. Additional retail, office and leisure facilities will also be provided for within the local area, which is assessed to have a permanent **moderate beneficial** effect on the supply of retail, office and leisure facilities.

<sup>1</sup> London Borough of Barnet (2012), Barnet's Local Plan (Core Strategy), Development Plan document (CDF.05)

<sup>2</sup> GLA (2012); Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation SPG.

## 5.2 Findings of the August 2021 Statement of Conformity

- 5.2.1 The August 2021 SoC concluded that the reduction in residential unit numbers would result in a decrease in the number of residents projected to live in the Proposed Development. This decrease in residents was predicted to reduce education, health, open and play space requirements resulting in no worsening of any effects reported in these assessments (negligible, moderate adverse, moderate beneficial and minor beneficial respectively). There would also be a decrease in the additional local spending generated which would not result in a worsening of the effect reported (minor beneficial). As these changes would not result in any worsening of effects reported in the assessment of residual significance relating to socio-economic effects, or to the conclusion assessed for the Proposed Development as a whole, the ES conclusions remain valid.

## 5.3 Conformity of the Revised Development with the 2020 Environmental Statement – updated analysis

### Review of changes to legislation, planning policy and guidance

- 5.3.1 Planning policy changes of relevance to socio-economics since the July 2020 ES include the latest NPPF updated in July 2021<sup>3</sup> and the adoption of the latest London Plan (published in March 2021<sup>4</sup>).
- 5.3.2 The London Plan provides the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years. The 2021 London Plan sets the ten-year housing target in LBB at 23,640 homes between 2019-20-2028-29, equating to 2,364 homes per annum. This is slightly higher than the 2,349 new homes per annum target which was reported in the 2020 ES, in the 2016 London Plan.
- 5.3.3 The 2020 ES also considers the Regulation 18 Draft Local Plan<sup>5</sup>, prepared in 2020. This has a target of 1,400 homes to be built within Cricklewood Town Centre, between 2021 and 2036. As more recently set out in the Regulation 19 Local Plan<sup>6</sup> published in November 2021, it is proposed to instead meet the 2021 London Plan target of 35,460 new homes over the plan period up to 2036 (from 2021), while providing a supply of sites for up to 46,000 new homes. This therefore equates to 2,364 new homes per annum.
- 5.3.4 The Barnet Corporate Plan<sup>7</sup> has also been refreshed since the publication of the original ES in 2020, setting out the borough's key priorities from 2021-2025. This is focused around six key priorities: Clean Safe and Well Run; Family Friendly; Healthy; Thriving; Prevention and Equality. The policy which is of most relevance is 'Thriving', which sets out the ambition to implement the Borough's Growth Strategy, including to deliver more affordable homes.
- 5.3.5 Whilst of relevance to the context for development at the site, it is considered that these updates do not change the methodology or approach applied in the 2020 ES, and it is considered to remain valid and appropriate to the current proposals. Although the London Plan has been updated since preparation of the ES, the assessment methodology took into consideration many of the same principles that were later adopted in the 2021 London Plan, and therefore is considered valid.

### Review of baseline conditions

- 5.3.6 A review of changes to baseline conditions since the publication of the 2020 ES has also been undertaken. The main changes since the preparation of the original ES are summarised below:

<sup>3</sup> Ministry of Housing, Communities and Local Government (2021), National Planning Policy Framework

<sup>4</sup> Mayor of London (2021), The London Plan: The Spatial Development Strategy for Greater London (CDE.02)

<sup>5</sup> London Borough of Barnet (2020), Barnet Draft Local Plan (Reg 18)

<sup>6</sup> London Borough of Barnet (2021), Barnet Draft Local Plan (Reg 19) 2021-2036

<sup>7</sup> London Borough of Barnet (2021), The Barnet Plan 2021-2025

- 5.3.7 The latest available information on population demonstrates that this has marginally reduced in LBB from 392,140 in 2018 to 388,633 in 2021<sup>8</sup> (approximately reduced by 0.9%). When considering this over a ten year period however, the population level has increased by 9.2%<sup>9</sup> between 2011 and 2021 (the same rate as in Greater London), which is much higher than the rate seen across England as a whole (6.6%). LBB is also host to a more diverse community of residents, where in 2011, 64.1% of the local population identified as white ethnicity (compared to 59.8% across London<sup>10</sup>). This has reduced to 57.7% in LBB as of 2021 and a large Asian community is also now present (25.1% of residents)<sup>11</sup>. The number of residents in LBB who have obtained a degree level qualification or higher (National Vocational Qualification [NVQ] Level 4) has also increased markedly from 51.5% in 2018 to 56.5% in 2021. This is much higher than the national average, where 42.9% of residents have obtained this level of qualification, but is comparable to London at 58.9% in 2021<sup>12</sup>.
- 5.3.8 For the labour force, the unemployment rate has risen to 4.8% in LBB in 2022<sup>13</sup> (increasing from 2.5% in 2019), however has reduced in London from 4.8% in 2019 to 3.8% in 2022 and across England and Wales has reduced from 4.2% to 3.1% across the same time period<sup>14</sup>. In LBB, the number of dwellings has also increased from 150,740 in 2018 to 157,186 in 2021, an increase of 4.3%, which is higher than the increase seen across the capital as a whole (3.2% since 2018). The tenure mix between private and socially rented properties remains consistent with the 2018 findings.
- 5.3.9 In respect of education places provision, the number of local primary schools reflects the findings of the 2020 ES, with 21 schools within 2.1km of the Site in LBB and London Borough of Brent. The data utilised in the 2020 ES remains the most current source of information on school capacity, suggesting that 510 places are available in these primary schools, though some schools are over capacity.)<sup>15</sup>. If it is assumed that 95% occupancy should be planned for, as per the National Audit Office guidance<sup>16</sup>, and therefore a 95% occupancy means that a school has no further capacity, there would be a surplus of 164 places at primary schools within 2.1km of the Site.
- 5.3.10 The number of secondary schools has also remained the same since the publication of the 2020 ES, with 12 secondary schools within 4.7km of the Site within LBB or London Borough of Brent. The data utilised in the 2020 ES is also the most recent for secondary school provision, where a total surplus of 2,387 secondary school places were found, though some schools are over capacity. If it is assumed that 95% occupancy should be planned for, there is a total surplus of 1,754 places for secondary school children at schools within 4.7km of the Site in LBB or London Borough of Brent.
- 5.3.11 There are still seven GP Practices within a typical walking distance (1km) of the Site<sup>17</sup>. At these practices, there are 23.02 FTE GPs in total (increased from 22.3 in 2019). Despite the increase in GPs, the average number of patients per FTE GP across the practices has also risen to 2,223 (increased from 2,177 per FTE GP in 2019), which far exceeds the target ratio of 1,800 patients per FTE GP<sup>18</sup> and therefore has no capacity for additional residents<sup>19</sup>.

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<sup>8</sup> ONS (2021); Mid Year Population Estimates 2021

<sup>9</sup> ONS (2021); Census 2021

<sup>10</sup> ONS (2011); Census 2011

<sup>11</sup> ONS (2021); Census 2021

<sup>12</sup> ONS (2021); Annual Population Survey

<sup>13</sup> ONS (2022); Annual Population Survey (June 2021-June 2022)

<sup>14</sup> MHCLG (2021); Number of Dwellings by Tenure and District 2021

<sup>15</sup> Department for Education (2019); Schools in England

<sup>16</sup> National Audit Office (NAO), (2013); Capital funding for new school places, 2013

<sup>17</sup> NHS Digital (2022); Find a GP

<sup>18</sup> Royal College of General Practitioners, (2005); Information Paper 20, Royal college of General Practitioners.

<sup>19</sup> NHS Digital (2022); General Practice Workforce, 30 November 2022

## Assessment of Effects

- 5.3.12 The Revised Development proposes the same changes to the Proposed Development as demonstrated in 2021, that is, a reduction in the estimated number of dwellings by 51 units. According to the GLA population calculator<sup>20</sup>, the Revised Development is projected to consist of approximately 1,970 new residents (162 less residents than previously calculated in the 2020 ES). As a result of this, the main changes to the socio-economic assessment are presented below:
- 5.3.13 The Revised Development does not result in a material change to the total net direct demolition, construction or operational employment generated. Consequently, for all Employment related effects, the conclusions discussed in the 2020 ES remain valid.
- 5.3.14 The decrease in the estimated number of units by 51 results is a decrease in the number of residents of 162. This reduces additional local spend per annum by residents very modestly and is still assessed to result in an overall moderate beneficial effect.
- 5.3.15 Demand for education places also decreases as a result of there being fewer homes. Of the 1,976 residents projected to reside in the development, 80 are estimated to be primary school age and requiring places, a reduction on that recorded previously (106). There is currently a surplus of 164 places within local primary schools, enough to accommodate the additional residents from the Revised Development. As also stated within the planning proof of evidence, local demand for primary school places has been falling in recent years, as the majority of school planning areas are experiencing a surplus, which is expected to reduce pressure on local Primary School facilities. This will continue to be monitored to ensure sufficient capacity is provided for within schools across LBB.
- 5.3.16 Of the residents, 27 are projected to be secondary school age and requiring school places, a slight reduction on that assessed for the previous scheme iterations (31). As also set out in the planning proof of evidence, LBB's secondary schools are experiencing increases in rolls as a large number of students progress from primary level. This has been responded to through an investment by the Council in the expansion of existing schools. The number of secondary school places required is considerably fewer than the current assessed surplus places (1,754) indicating that there will be capacity to accommodate this within schools locally.
- 5.3.17 Therefore, as there is considered to be sufficient capacity in both local primary and secondary schools to accommodate place requirements when demand arises, the findings of the 2020 ES still remain (assessed as permanent (not significant) negligible), but will continue to be monitored.
- 5.3.18 For primary healthcare, the Revised Development is projected to put more pressure on local healthcare services, potentially rising to 2,309 patients per GP when residents within the Revised Development are accounted for. This is slightly higher than the ratio first predicted in the 2020 ES (2,269 residents per GP). It is therefore anticipated to have a permanent (not significant) moderate adverse effect on primary healthcare services within 1km of the site. A new medical centre will be provided as part of the Revised Development (145m<sup>2</sup> of a total 1200m<sup>2</sup> flexible commercial floorspace). This facility will be secured by the Section 106 Agreement and would provide space for an additional 2 GPs in the local area which, when the Revised Development is also accounted for, would reduce the GP: Patient ratio to 2,124. Despite this being higher (i.e. worse) than the recommended ratio of 1:1,800, it is still better than the current baseline scenario (2,223) and also allows for increased demand from additional residents from the Revised Development. As a result, a permanent (not significant) negligible effect is concluded under this new provision.
- 5.3.19 In respect of affordable housing provision, there will be 56 fewer private units for sale, and an increase of 7 units which will be available to rent or of intermediate tenure (shared ownership/DMR/LLR). The Revised Development is still providing a range of sizes and types of tenures for new residents, and therefore housing provision is likely to still have a major beneficial effect, permanent effect on market and affordable housing provision within the LBB.
- 5.3.20 The amount of open space and child play space being provided remains unchanged, and as such the permanent moderate beneficial effect as a result of increased open space and minor beneficial effect on provision of play space remain valid for the Revised Development.

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<sup>20</sup> GLA (2019), Population Yield Calculator (v3.2).

- 5.3.21 The committed developments will provide additional retail, office, leisure and medical facilities within the local area. As such, these are still assessed to have a permanent moderate beneficial effect when considered alongside the Revised Development.

## **5.4 Conclusions**

- 5.4.1 Overall, the Design Changes do not materially alter the conclusions of the 2020 ES in respect of Socio-Economic effects. Therefore, the conclusions of the 2020 ES remain valid representing a worst case of the likely effects of the Revised Development.

## 6. Townscape, Visual and Built Heritage Assessment

### 6.1 Findings of the 2020 Environmental Statement

- 6.1.1 Montagu Evans LLP prepared the built heritage, townscape and visual impact assessment (HTVIA) that accompanied the Application. The HTVIA formed a chapter of the 2020 ES (CDA.53).
- 6.1.2 Regarding heritage, the 2020 ES found a Minor Adverse effect (not significant) on the Railway Terraces Conservation Area as a result of the Proposed Development during the completed development phase, with the effect likely to be reversed to beneficial at detailed design stage. All other heritage receptors presented within the 2020 ES experience a negligible adverse (not significant effects), including the Crown Public House (grade II listed).
- 6.1.3 The 2020 ES concluded that there would be a major beneficial townscape effect on the Railway Infrastructure and Commercial Warehouses, and a minor beneficial effect upon the Railway Terraces. All other receptors would experience a negligible beneficial effect as a result of the Proposed Development.
- 6.1.4 Regarding the visual effects on sensitive receptors presented within the 2020 ES, these ranged from moderate beneficial to moderate adverse. The 2020 ES concluded that minor to moderate beneficial effects would be experienced by:
- Clitterhouse Playing Fields looking South (view 1);
  - Claremont Road/The Vale Junction looking South (view 2);
  - Cricklewood Lane (The Tavern) looking West (view 4); and
  - Cricklewood Station looking South-West (view 5).
- 6.1.5 Negligible effects were identified upon:
- Cricklewood Broadway (The Crown Pub) looking North (view 8);
  - Walm Lane/St Gabriel's Church looking North-east (view 10);
  - Railway Terraces Needham Terrace looking South-east (view 13);
  - Railway Terraces Allotments looking South-east (view 14);
  - Railway Terraces Johnston Terrace looking South-east (view 15); and
  - LVMF View Railway Terraces Rockhall Way Gardens looking South-east (view 17).
- 6.1.6 Minor adverse effects would be experienced by:
- Hampstead Cemetery looking West (view 3); and
  - Railway Terraces Rockhall Way Gardens looking South-east (view 16).
- 6.1.7 Moderate adverse (significant) effects were identified upon:
- Oak Grove looking North-west (view 6);
  - Elm Grove looking North-west (view 7);
  - Chichele Road looking North-east (view 9); and
  - Ashford Road looking North-east (view 11).
- 6.1.8 Updated illustrative scheme renders of the viewpoints discussed incorporating the Design Changes have been prepared to assist the Inspector and can be found appended to the Proof of Evidence of Mr Chris Miele.

## 6.2 Findings of the August 2021 Statement of Conformity

- 6.2.1 The August 2021 SoC argued that the reduction in height to the tallest element of the Revised Development will reduce the visibility of this element from a number of the viewpoints that were identified in the ES HTVIA. The reduction in height of the tallest element would reduce the visibility of the Revised Development from the majority of the visual receptors. In particular it would reduce the visibility of the tallest element from locations from the surrounding residential streets that are of a consistent small scale. Therefore, it concluded that the significance of the effects on the visual receptors will not change as a result of the changes to the Revised Development.
- 6.2.2 Regarding heritage, the change to the Revised Development would reduce the visual prominence of the scheme in the setting of heritage receptors. The 2021 SoC noted that the visual interaction with the roofline of the Crown Public House would be reduced and from some locations also in the Railway Terraces Conservation Area. Elsewhere, the Revised Development would be less visible from within the setting and wider experience of the heritage receptors. The significance of the effects on heritage receptors would therefore not change as a result of the changes to the Revised Development.
- 6.2.3 Lastly, the 2021 SoC concluded that there would be no change to the identified effects on the townscape receptors. The composition of the development parcels across the Site would not change materially, nor would the effects resulting from the Revised Development as a whole. Townscape Character Area 1 (TCA 1), the character area within which the Site is located, would not change as a result of the Revised Development. Therefore, the significance of the effects on townscape receptors would not change as a result of the changes to the Proposed Development.

## 6.3 Conformity of the Revised Development with the 2020 Environmental Statement – updated analysis

- 6.3.1 Appendix A2 of this EIA SoC provides an updated assessment of the effects of the Revised Development on heritage, townscape and visual receptors. Also as aforementioned, the Applicant has submitted an updated Design Code that is the subject of Condition 1 and requires all future Reserved Matters applications to be prepared in accordance with the details as set out.

### Heritage

- 6.3.2 The 2020 ES found a Minor Adverse effect on the Railway Terraces Conservation Area as a result of the Proposed Development, with the effect likely to be reversed to beneficial at detailed design stage.
- 6.3.3 Turning to the Revised Development, the views from within the Conservation Area will be limited to its edges. There will be no impact on the whole of the Conservation Area, none of the architectural characteristics of the properties and their settings will be affected, and none of the spatial qualities of the Conservation Area will be impacted. The greatest visual impacts on the Conservation Area will be experienced from the allotments on the eastern boundary.
- 6.3.4 The allotments were historically part of the goods yard and then later converted and used before 1939 as areas to grow food. The area contributes something to an understanding of the historic interest of the Conservation Area but the qualities and productivity of the land is not dependent on the preservation of views from it.
- 6.3.5 In effect there would be no harm to the setting and significance of the Conservation Area as a result of the Revised Development. Rather, there would be an enhancement to setting through the replacement of land with poor amenity value with attractive landscape and residential uses complementing the area. Therefore, a Minor Beneficial effect is identified upon the Railway Terraces Conservation Area as a result of the Revised Development. This effect would be direct, local and permanent.



- 6.3.6 The 2020 ES found a Negligible Adverse significance of effect as a result of the Proposed Development upon the Crown Public House (grade II). There is some intervisibility between the Crown and the Revised Development, as demonstrated by view 8 of the 2020 ES TVHIA chapter from Cricklewood Broadway, but this impact is not considered to be intrusive. There is no planned view from the street looking north-east obliquely across the Crown PH, this is an incidental view and experienced as part of a sequence through the commercial area. The Design Changes result in the removal of Building A from this view, and there is no harm to the setting or significance of the public house from this intervisibility. The effect would be Negligible Neutral. This effect would be direct, local and permanent.
- 6.3.7 The ability to appreciate the heritage value of other heritage receptors in the study area would not change. A full list of the effects upon the other heritage receptors can be viewed within Appendix A2.

## Townscape

- 6.3.8 The Design Changes would not affect the contribution made by the Proposed Development to the wider townscape context of the Site. The uses, functioning of the area, wayfinding and landmarking would be unaffected. The Revised Development would create a point of townscape prominence, appropriate to its location adjacent to a major transport infrastructure node. The height and scale of the new buildings would mark the location and function as a point of connection linking key routes through the area. The effects identified in the 2020 ES therefore would remain the same for the Revised Development.

## Visual

- 6.3.9 There is no material visibility in views 1, 2 and 16 within the 2020 ES, which are medium to long distance views looking south towards the Site. The composition and balance of the view are unaffected by any intervisibility in these views. Where the scheme is visible it does not distract from the enjoyment of the open space. We therefore identify a Negligible Beneficial effect for these views. This effect would be direct, local and permanent. The effect classification is not considered to be 'worse' for view 1 and 2 as the effect remains beneficial, rather the Magnitude of Impact experienced by those visual receptors has decreased.
- 6.3.10 Views showing the Site approached from the east include views 3 and 5. Whilst the Revised Development would be a perceptible element, it would not materially affect visual amenity. For this reason, a Negligible Beneficial effect for view 3 and a Negligible Beneficial / Minor Beneficial effect for view 5 is identified. The effect would be direct, local and permanent. The effect classification is not considered to be 'worse' for view 5 as the effect remains beneficial, rather the Magnitude of Impact experienced by that visual receptor has decreased.
- 6.3.11 For view 6, the effect is reduced from that identified in the 2020 ES as a result of the decrease in scale at the south western extent of the Site. There would be a change to the scale of development in the view, with the introduction of a new terminating landmark, though the residential character of the fore and middle ground would remain appreciable. The distance over which the Revised Development would be seen would, in practice, mean the two were understood separately, and the stepping in height away from the boundary would reduce the Magnitude of Impact from High to Low, and the effect would be Minor Adverse. This would be direct, permanent and local.
- 6.3.12 In views from the west (9-11), the impact is notably reduced for the Proposed Development owing to the reduction in height, and the step-up in massing from the boundary towards the centre of the Site creates a more comfortable transition from the existing built environment. For this reason, views 9 and 11 would reduce to a Low magnitude of impact, and a Minor / Moderate Adverse significance of effect. This effect would be direct, local and permanent.
- 6.3.13 The effects of the remaining views would be the same as for the Proposed Development.

## 6.4 Conclusions

- 6.4.1 Overall, whilst the Design Changes do not result in any new significant effects, the reduction in heights are considered to slightly alter the conclusions of the 2020 ES. A heritage effect upon the Railway Terraces Conservation Area has improved from an adverse to a beneficial (not significant) effect, whilst the level of beneficial visual effect of the Revised Development upon views 1, 2 and 5 is slightly reduced compared to the Proposed Development, although still remaining beneficial overall. Lastly, the visual effects of the Revised Development upon views 6, 9 and 11 is slightly improved compared to the Proposed Development, whilst still remaining adverse in nature.

## 7. Traffic and Transport

### 7.1 Findings of the 2020 Environmental Statement

- 7.1.1 Entran Ltd prepared an ES Chapter on Traffic and Transport impacts which formed part of the 2020 ES (CDA.48).
- 7.1.2 The 2020 ES Chapter demonstrated that when compared to the baseline conditions the Proposed Development would result in a substantial reduction in daily vehicle trips of 3,596 vehicle trips per day on the local highway network. Whereas the absolute reduction in vehicle numbers would be substantial, the reduction as a percentage of baseline traffic flow would be less than 30% on any road link. The effect on severance, purely in terms of vehicle movements would therefore be negligible. The Proposed Development will provide a new traffic-free pedestrian and cycle route between Depot Approach and Cricklewood Lane. This will serve not only the Proposed Development, but will provide a more direct link between Cricklewood Station and land to the north-west of the Site. This will reduce walking distances for any future development on that land and could also serve as a traffic-free link for The Railway Terraces. The new public realm will also provide a route to Kara Way playground for those living to the north and east of the Site. The overall effect of the Proposed Development will be a permanent local moderate beneficial effect on Severance.
- 7.1.3 With regards to public transport delay, the 2020 ES chapter considered bus and rail usage. The 2020 ES chapter noted that the existing bus services are within easy walking distance of the Proposed Development and would provide 84 buses during each peak hour and 1008 across the day as a whole. The gross travel demand from the Proposed Development would therefore constitute an average of 1.5 additional passengers per bus during the peak hour and 1.24 per bus across the day as a whole (gross travel demand, not the net increase when compared to the existing use of the Site). This would therefore not affect bus capacity and would have a medium term local negligible effect on bus passenger delay.
- 7.1.4 With regards to rail usage, the existing rail services provide 16 trains (160 carriages) during each peak hour and 288 across the day as a whole. The gross travel demand from the Proposed Development would therefore constitute 8 additional passengers per train during the AM peak hour (less than 1 per carriage) and 7 per train in the PM peak. The gross travel demand from the Proposed Development would comprise an average of 3 to 4 additional passengers per train across the day as a whole. This would have no material effect on rail capacity and would therefore have a temporary (medium term) local negligible effect on rail delay.
- 7.1.5 The 2020 ES determined that the result in changes to the local network would beneficially affect perceptions of amenity, fear and intimidation during operation. The reduction in traffic flow and new pedestrian connections along with the overall public realm enhancements it was argued created a substantially more permeable and attractive place to travel to, from and through. The Proposed Development has been developed in accordance with Secure by Design standards throughout and the increase in pedestrians and cyclists should improve passive surveillance in the area. The overall effect of the Proposed Development on amenity, fear and intimidation is therefore shown to be permanent local major beneficial (significant) effect.

### 7.2 Findings of the August 2021 Statement of Conformity

- 7.2.1 Following the reduction of the total residential units from up to 1,100 to up to 1,049 the residential parking provision will comparatively reduce from 110 to 105 spaces. Therefore, the reduction in dwelling numbers would result in a minor reduction in travel demand compared to those reported in the 2020 ES assessment, during the highway peak periods and across the day as a whole. The 2020 ES assessment concluded that the Revised Development would result in a net reduction in vehicle trips. The Revised Development would result in a slightly greater reduction of vehicle trips than originally assessed.

- 7.2.2 The 2020 ES assessment included a review of the effects of additional passengers on bus and rail services. The Revised Development would therefore result in slightly reduced impacts on those services. Consequently, the August 2021 SoC concluded that the results and conclusions relating to traffic and transport presented within the 2020 ES remained valid.

### 7.3 Conformity of the Revised Development with the 2020 Environmental Statement – updated analysis

- 7.3.1 The findings described in the section above are still considered to be valid. The reduction in unit numbers and reduction in parking provisions would result in a minor reduction in travel demand compared to the 2020 ES. Therefore the conclusions presented within the 2020 ES remain valid.
- 7.3.2 It should be noted for completeness that following receipt of the consultation response from LBB Transport Team and GLA Stage 1 report, further work was carried out and a revised TA (March 2021) was submitted including an Active Travel Assessment; and a Traffic Impact Assessment (TN5). The revised TA and TN5 (Traffic Impact Assessment) also demonstrate that the Revised Development would result in a net reduction in traffic on the local highway network and thereby have a positive net effect on local highway capacity. This has been agreed by the LBB Transport Team and TfL. The scope of the revised TA is discussed in detail in the Proof of Evidence of Mr Richard Fitter which for ease is set out at Appendix A3 of this SoC.
- 7.3.3 Furthermore, since the submission of the 2020 ES, additional traffic and transport mitigation has been committed to which would further secure the effects presented within the 2020 ES as a reasonable worst case scenario. For clarity, the operational phase three-part Transport Implementation Strategy mitigation presented within the 2020 ES comprised:
- Framework Travel Plan (FTP);
  - Car Park Management Plan (CRMP); and
  - Delivery and Servicing Plan (DSP).
- 7.3.4 Since submission of the 2020 ES, additional mitigation in the form of S106 obligations and planning conditions are being committed to by the Applicant, further mitigating against adverse traffic and transport effects. These are as follows:
- Residential Travel Plan (RTP) [S106];
  - RTP Incentive fund up to £330,000 [S106];
  - Commercial Travel Plan (CTP) [S106];
  - Improvements to public realm including Cricklewood Green enhancements [S106];
  - Land safeguarded so as not to preclude future southern access into Cricklewood Station [S106];
  - Contribution towards improvements to the underside of the rail bridge [S106];
  - Contribution to upgrade an uncontrolled crossing on Cricklewood Lane to a Puffin crossing [S106];
  - New Car Club parking for new residents and wider local community [condition];
  - Construction Logistics Plan (CLP) [condition];
  - Car Parking Design and Management Plan (CPDMP) [condition];
  - New pedestrian/cycle routes between Depot Approach and Cricklewood Lane [condition];
  - New public realm designed on Healthy Streets principles [condition];
  - Removal of existing vehicle access from Cricklewood Lane [S278]; and
  - Improve footway between Site and Cricklewood Station [S278].

## 7.4 Conclusions

- 7.4.1 Overall, the Design Changes are not considered to materially alter the conclusions of the traffic and transport chapter of the 2020 ES. Therefore, the conclusions of the 2020 ES remain valid representing a worst case of the likely effects of the Revised Development.

## 8. Wind Microclimate

### 8.1 Findings of the 2020 Environmental Statement

- 8.1.1 The wind assessment within the 2020 ES considered the Proposed Development within the context of the existing surrounding buildings (configuration 2) (CDA.49).
- 8.1.2 The wind microclimate was initially assessed with the existing landscaping only to provide a worst-case scenario. The proposed landscaping submitted as part of the Application was expected to improve wind conditions in the gap between Development Parcels A and C, Development Parcels C and D, podiums and roof terraces, however, the wind environment was likely to remain windier than suitable for the intended use in certain areas.
- 8.1.3 Given the nature of the outline planning application, the additional mitigation below identified ways in which adverse effects could be mitigated at the future RMA stage. Due to the presence of strong winds, the RMA would need to be quantitatively assessed by an experienced wind engineer to confirm that these measures would be effective, based on the final massing. These additional measures include:
- Ground Level: additional landscaping such as shrubs and planters, additional trees and elevated porous screens in areas identified requiring additional wind mitigation;
  - Podium Level and Rooftops: solid balustrades at least 1.5m high along the perimeter of each roof terrace or podium, landscaping elements 1-2m high distributed throughout the roof terraces, designated seating should only be located in areas which would be suitable for sitting, or if seating is located in areas suitable for standing use then this would require localised shelter in the form of shrubs in planters totalling a height of 1.5m or screens of similar size placed at two locations of each seating area;
  - General Ground Level Amenity: mixed-use amenity areas must be located in areas with wind conditions suitable for standing (or calmer) use during the summer season. If they are located in windier locations, mitigation will be required to ensure they are suitable for their intended use. If located in areas with conditions suitable for standing use, additional localised shelter at least 1.5m in height would be required in the windward and leeward prevailing wind direction; and
  - General Entrances: these must not be located in areas with unsuitable wind conditions. Entrance to the Proposed Development must be located in areas with wind conditions suitable for standing (or calmer) use during the windiest season. If they are located in windier locations, mitigation will be required to ensure they are suitable for their intended use. Mitigation measures could include recessing the entrance or providing some shelter through landscaping or screens on either side of entrances;
- 8.1.4 The 2020 ES notes that the specific mitigation measures that will need to be implemented should be determined and tested at the reserved matters application stage. The measures above would be expected to reduce the occurrence of strong winds and it is likely that comfort conditions would be improved as the safety exceedances are mitigated to a suitable wind environment.
- 8.1.5 Furthermore, the detailed design would alter the aerodynamic effects and wind conditions presented in the outline assessment, meaning refinement of a mitigation scheme should be undertaken at that stage.
- 8.1.6 With these wind mitigation measures in place, wind conditions would be expected to improve such that the locations exceeding the comfort and safety criteria would be safe and suitable for the intended pedestrian use. The 2020 ES concluded that all locations on-site and off-site would therefore have Negligible residual effects (roof terrace amenity – mixed use, podium amenity – mixed use, railway platform receptors and some throughfare receptors) to Moderate Beneficial residual effects (throughfare receptors).

## 8.2 Findings of the August 2021 Statement of Conformity

- 8.2.1 The August 2021 SoC stated that the Design Changes would be expected to be advantageous to wind effects established in the 2020 ES, due to a reduction in the amount of higher speed wind being directed to ground level and thus a potential decrease in wind speeds experienced at the base of the building.
- 8.2.2 It continued that other potential rooftop spaces of Block A that remain unchanged may become less sheltered as a result of the reduction in height, however these aspects were already noted to be subject to wind conditions requiring development of further mitigation at the Reserved Matters Application (RMA) stage and this requirement would remain.
- 8.2.3 Development Parcel C would also see a reduction in height of approximately one storey (3.375m), which is not significant to wind microclimate.
- 8.2.4 It concluded that the proposed changes do not alter the types of land use within the Proposed Development, nor their arrangement and location. This means that the proposed mitigation referenced within the 2020 ES which is to be developed and brought forward with further assessment at the RMA stage would be expected to remain relevant. Therefore, the results and conclusions relating to wind microclimate presented within the 2020 ES would remain valid.

## 8.3 Conformity of the Revised Development with the 2020 Environmental Statement – updated analysis

- 8.3.1 A qualitative assessment was carried out by RWDI to review these Design Changes in support of the 2021 Statement of Conformity which concluded that there would be no adverse effects introduced by these amendments.
- 8.3.2 This conclusion remains the same. The proposed Design Changes do not alter the types of land use within the Revised Development, nor their arrangement and location. This means that the proposed mitigation referenced within the 2020 ES, which is to be developed and brought forward with further assessment at the RMA stage, would be expected to remain relevant. The results and conclusions relating to wind microclimate presented within the 2020 ES and the 2021 Statement of Conformity remain valid.

## 8.4 Conclusions

- 8.4.1 The proposed changes to the heights are not considered to materially alter the conclusions of the 2020 ES in respect of wind microclimate effects. Furthermore, as the detailed massing which will be brought forward at the Reserved Matters Application (RMA) stage is to be comprised within the Maximum Parameters of the Revised Development, the conclusions of the 2020 ES remain valid representing a worst case of the likely effects of the Revised Development.

## 9. Cumulative Schemes

9.1.1 A review of the list of cumulative schemes assessed in the 2020 ES has identified that one scheme from the list has a non-material amendment scheme now approved for 194 - 196 Cricklewood Broadway London. Using the London Borough of Barnet planning portal, an updated review of the surrounding context was undertaken and an additional scheme at Garages & 1-30 Claire Court, Shoot Up Hill and 1-135 Watling Gardens, London, NW2 (Watling Gardens) was consented in April 2022. However, the distance of this scheme is over 1km from the Revised Development Site boundary and therefore does not fall within the project specific criteria for a cumulative scheme within the 2020 ES for topics other than the visual aspect of TVBHIA.

9.1.2 The Watling Gardens scheme would see the development of 125 new flats within three new buildings that range between 3-14 stories in height. The scheme is located directly south of the Revised Development, and therefore has the potential to feature within views 2, 13, 14, 15 and 16 which are from the north of the Revised Development looking south. The scheme is too far south of the Revised Development to feature within any of the viewpoints south of the Revised Development looking north, and would also not feature within viewpoints 3 and 4 which are from the east of the Site looking west.

### Viewpoint 2 Claremont Road/The Vale Junction looking South

9.1.3 In this view within the 2020 ES, the black wireline shows the consented masterplan for the Brent Cross Cricklewood Regeneration Area (cumulative scheme no.3 within the 2020 ES) will completely occlude the Revised Development and any other cumulative schemes from view. As such, the likely effect is not significant and is unchanged by the addition of this cumulative scheme.

### Viewpoint 13 Railway Terraces Needham Terrace Looking South East

9.1.4 This view is taken approximately 500m from the Site within the Railway Terraces Conservation Area, which is an area of high quality, consistent townscape character to the north of the Site. Within this view the Revised Development and any structures south of it are obscured from view by the Railway Terraces. The addition of the Watling Gardens cumulative scheme would not affect the conclusions of the 2020 ES.

### Viewpoint 14 Railway Terraces Allotments Looking South East

9.1.5 This view is located approximately 30m to the north of the Site, in the north section of the allotments. Only the higher elements of the Revised Scheme are visible above the foliage of the established tree line and the additional cumulative scheme would be completely obscured from view. Therefore the addition of the Watling Gardens cumulative scheme would not affect the conclusions of the 2020 ES.

### Viewpoint 15 Railway Terraces Johnston Terrace Looking South East

9.1.6 This view is taken approximately 150m to the north of the site in the Railway Terraces Conservation Area. This viewpoint is taken looking down the street between Nos.1-40 Johnston Terrace and Nos.1-38 Needham Terrace, from a viewpoint closer to the Site. The 2020 ES shows that the Revised Development would only just be visible behind the row of terraced buildings. The recently consented 'Co'op' scheme at 1-13 Cricklewood Lane may be glimpsed to a minor extent in front of the Revised Development however Watling Gardens would be too far south to be observed from this view. Therefore the addition of the Watling Gardens cumulative scheme would not affect the conclusions of the 2020 ES.



### **Viewpoint 16 Railway Terraces Rockhall Way Gardens Looking South East**

- 9.1.7 The view is taken from a location 150m from the site and from a location within the CA and between the terraced dwellings within the gardens. This location is taken from Rockhall Way Gardens between terraces 1-40 Johnston Terrace and 1-44 Midlands Terrace. Some of the taller elements of the proposed development will be visible from this location in the internal garden. No cumulative schemes were observed within the 2020 ES and Watling Gardens would be obscured from view by the Railway Terraces and Revised Development. Therefore the addition of the Watling Gardens cumulative scheme would not affect the conclusions of the 2020 ES.
- 9.1.8 To conclude, the addition of the Watling Gardens scheme would not alter any of the conclusions within the 2020 ES. Furthermore, any scheme consented since the submission of the Application would have needed to take into account and assess cumulatively the Proposed Development and to have identified any mitigation, if required.
- 9.1.9 Therefore, no significant cumulative effects are considered likely and the conclusions of the 2020 ES remain valid.

## **10. Conclusion**

- 10.1.1 The Revised Development is not considered likely to result in new or different significant environmental effects compared to those identified within the 2020 ES. The only change compared to the 2020 ES would be a slight improvement of the effect classifications with regards to heritage and a slight alteration of the visual effects resulting from the Revised Development's reduction, and slight improvement to the travel demand of the Revised Development due to the reduction in units being provided.
- 10.1.2 Therefore, the conclusions of the 2020 ES remain valid.

## **A.1 Daylight, Sunlight and Overshadowing Technical Report**

## **A.2 Townscape, Visual and Built Heritage Technical Note**

## **A.3 Traffic and Transport Proof of Evidence**



**B&Q  
BROADWAY RETAIL PARK  
CRICKLEWOOD LANE**

DAYLIGHT & SUNLIGHT REPORT

**Simone Pagani**

Montreaux Cricklewood Limited

**17 January 2023**

Planning Appeal Reference: **APP/N5090/V/22/3307073**  
Planning Application Reference: **20/3564/OUT**

PROJECT DATA:

Client **Montreaux Cricklewood Limited**  
Architect **EPR Architects**  
Project Title **B&Q, Broadway Retail Park, Cricklewood Lane**  
Project Number **15075**

REPORT DATA:

Report Title **Daylight and Sunlight Report**  
Dated **17 January 2023**  
Prepared by **Simone Pagani**  
Assisted by **Jacopo Francisconi / Katie Harley**

## Simone Pagani

This document has been prepared by Simone Pagani to assist the Public Inquiry at B&Q, Broadway Retail Park, Cricklewood Lane.

Planning Appeal Reference: **APP/N5090/V/22/3307073**  
Planning Application Reference: **20/3564/OUT**

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## APPENDICES (BOUND SEPARATELY)

APPENDIX 01  
**ASSUMPTIONS**

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APPENDIX 06  
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# EXPERT DECLARATION

My name is Simone Pagani. I hold a MSc in Architecture, Energy and Sustainability and I am a member of the Society of Light and Lighting ("SLL"), which is part of the Chartered Institute of Building Services Engineering ("CIBSE"). I am a Senior Partner of GIA (Gordon Ingram Associates), a company that specialises in daylight and sunlight matters, both nationally and internationally. GIA is based at The Whitehouse, Belvedere Road, London, SE1 8GA. The Practice has dealt with thousands of projects over the last two decades.

I specialise in dealing with daylight and sunlight (both internal and external), overshadowing, solar glare, and light pollution. I have given numerous seminars and presentations on these subjects, as well as appearing as an expert witness at Public Inquiries.

I have personally advised many developers and institutions on these disciplines, in relation to major schemes and masterplans, since I started practising in 2007. I was also asked by the Greater London Authority ("GLA") to provide advice in relation to daylight matters for the Housing SPG (CDE.04) and the text I provided forms a part of those guidelines.

In 2019, my company was instructed by Montreaux Cricklewood Developments Limited ("Montreaux") to provide daylight, sunlight and overshadowing advice in relation to the emerging proposals for the redevelopment of the former B+Q site in Cricklewood ("the Site").

My department was engaged during the design development and continued its role to support the planning application which was recommended for approval by the Barnet Strategic Planning Committee on 9th September 2021. I am therefore familiar with the application proposals, the application site, and the surrounding area.

After the Council resolved to grant planning permission on 9 September 2021 subject to a s106 legal agreement, the application was called in on 30 August 2022 by the Secretary of State under his powers in section 77 of the Town and Country Planning Act 1990.

The main considerations set out by the Inspector in his post-Case Management Conference note and also the Council's putative reasons for refusal given on 8th November 2022 after the application was called in do not reference daylight and sunlight amenity. I will however address any matters which the Secretary of State particularly wishes to be informed about so far as they relate to neighbouring daylight and sunlight amenity and overshadowing.

I understand my duty to the Inquiry (PINS Ref: APP/N5090/V/22/3307073) is to help the Inspector on matters within my expertise and that this duty overrides any obligation to the person from whom I have received instructions or by whom I am paid. I have complied, and will continue to comply, with that duty. I confirm that the information within this document identifies all facts which I regard as being relevant to the opinion that I have expressed, and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this report are true and that the opinions expressed are correct, irrespective of by whom I am instructed.



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SECTION 1  
**EXECUTIVE SUMMARY**



# 1 EXECUTIVE SUMMARY

## INSTRUCTION FROM MONTREAUX CRICKLEWOOD DEVELOPMENTS LIMITED

- 1.1 GIA was originally appointed by Montreaux to address daylight and sunlight matters in respect of the development the subject of Planning Application Ref: 20/3564/OUT ("the Proposed Development") located at the B+Q store, Broadway Retail Park, London NW2 1ES ("the Site").
- 1.2 Prior to the Council granting formal planning permission following a positive recommendation from the planning officer and the resolution by the Strategic Planning Committee on 9th September 2021 in favour of approval, the application was called in by the Secretary of State under his powers in section 77 of the Town and Country Planning Act 1990. I was instructed in November 2022 to address the matters the Secretary of State particularly wishes to be informed about so far as they relate to neighbouring daylight and sunlight amenity and overshadowing.
- 1.3 Since my instruction by Montreaux in relation to the called in application, the application returned to the Barnet Strategic Planning Committee for direction from Members on the Council's position on the development for the purposes of the forthcoming planning inquiry. The recommendation by Members was to object to the called-in application.
- 1.4 GIA prepared an ES Chapter on daylight, sunlight and overshadowing impacts which formed part of the Environmental Statement dated February 2020 (CDA.44 and CDA.61-62) which was based on the maximum parameter scheme ("the Maximum Parameters") (as per drawings CDA.72-84). The Proposed Development was amended during the course of the planning application with the reduction in height of buildings A1, A2, C2 and C3.
- 1.5 The ES Consultant ("Aecom") prepared a Statement of Conformity (dated August 2021) (CDA.30) in consultation with GIA confirming that given the proposed changes to the height, the conclusions of the original ES Chapter (CDA.44) would not be materially altered and there could potentially be marginal isolated improvements.
- 1.6 As such, a technical assessment of the reduced scheme was not undertaken at that time. The results presented in the ES Chapter (CDA.44) therefore presented a worst-case of the likely effects and were determined by the planning committee in September 2021 to be acceptable.
- 1.7 The ES Chapter (CDA.44) demonstrated that while some impacts to neighbouring windows and rooms would fall outside the recommendations of the BRE Guidelines (CDE.019), the impact to the daylight and sunlight amenity of adjoining occupiers would nonetheless be acceptable given the site-specific context. This work was undertaken by myself and my team. I have reviewed the ES Chapter (CDA.44) in preparing this report and I stand by its content and conclusions.
- 1.8 A Daylight & Sunlight Report (February 2020) (CDA.08) was submitted with the application documents to assess the daylight and sunlight potential of the Proposed Development in its outline form. Owing to the outline nature of the application, the façades and internal layouts are yet to be designed, therefore at this stage the assessments were focussed on the Maximum Parameter massing.

- 1.9 It was concluded that the Proposed Development had the potential to offer adequate daylight amenity to its future occupants and whilst there are a few areas of lower daylight availability (as is typical of any scheme of this size and density), these can be addressed through a careful detailed design of the internal layouts and façades at reserved matters stage.
- 1.10 As with the assessment of impacts to neighbouring properties, GIA did not update the analysis of the Proposed Development following the amendments to the scheme to reduce the height of buildings A1, A2, C2 and C3. The amendments were not considered to alter the conclusions of the assessment on internal daylight and sunlight amenity and were likely to result in marginal improvements for the neighbours as a consequence of the reduced massing.
- 1.11 Both the assessments of impact to daylight and sunlight in neighbouring properties and the potential for daylight and sunlight amenity within the Proposed Development were carried out in accordance with the BRE Guidelines 2011 (CDE.019). During the course of the determination of the planning application, the BRE updated its guidance in June 2022 (CDE.020). I have therefore updated the assessments of the Proposed Development against the latest 2022 guidance. These can be found in Appendices 04-07.
- 1.12 The latest work I have undertaken aligns with my original conclusions on these matters. My conclusions in relation to the Proposed Development remain unchanged. I therefore conclude that the Proposed Development should not be refused on the grounds of daylight, sunlight or overshadowing.

## SCOPE AND STRUCTURE OF THE REPORT

- 1.13 The relevant statutory plans for the site include the London Plan 2021 (CDE.02); the Barnet Core Strategy DPD 2012 (CDF.03) and the Development Management Policies DPD 2012 (CDF.04). Further detail on daylight and sunlight is contained in the Sustainable Design and Construction SPD (October 2016) (CDF.010).
- 1.14 Part D of Policy D6 (Housing Quality and Standards) of the New London Plan (2021) states that the design of development “*should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.*” (my emphasis). This up to date policy echoes the important degree of flexibility in daylighting matters which is also called for by the NPPF and the PPG (CDE.013) (see below).
- 1.15 Policy DM01e (Protecting Barnet’s character and amenity) of the Development Management Policies DPD 2012 seeks to ensure that development proposals “*should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users*”.
- 1.16 The Sustainable Design and Construction SPD (October 2016) text states that the British Research Establishment (BRE) Guidelines (CDE.019) provide further details on the methodologies for measuring daylight and sunlight levels. It does however refer to the now replaced 2011 guidelines. I have used the most up to date version of the Guidelines issued in June 2022 (CDE.020) as a starting point in my analysis.

- 1.17 The approach to be taken in relation to daylight issues in the context of London and outside of the city has been considered carefully by a number of recent decisions from the Inspectorate. Thus, as in the Buckle Street decision (PINS Ref: APP/E5900/W/17/3191757) (CDG.03) and at Graphite Square (PINS Ref: APP/N5660/W/18/3211223) (CDG.04), a two-stage process reflecting the provisions of national and London policy has been adopted. This was examined more recently at the appeal at Goldsworth Road, Woking, with the Inspector fully endorsing the two stage approach (PINS Ref: APP/A3655/W/21/3276474) (CDG.05). This approach stems from the High Court decision on the application of Melanie Rainbird and The Council of the London Borough of Tower Hamlets<sup>1</sup> (CDG.06).
- 1.18 At stage one, the question to ask is whether there is a noticeable impact on daylighting, and at stage two it is necessary to consider whether any noticeable impact would be acceptable.
- 1.19 In order to answer the stage one question, the BRE's nationally applicable numerical guidelines can be applied. In answering the stage two question, wider considerations are to be taken into account in arriving at a balanced judgement on amenity.
- 1.20 As mentioned above, such a judgement then fits into the overall planning balance exercise and involves a wider number of issues many of which fall out of my area of expertise and within the realm of planning judgment.
- 1.21 When considering Policy D6 of the London Plan 2021, I have assessed whether "sufficient" or retained daylight and sunlight amenity is provided which is "appropriate for" the context of the Site. When considering Policy DM01e, I have considered whether the Proposed Development will allow for "adequate" daylight and sunlight "for adjoining...occupiers and users".
- 1.22 The daylight and sunlight effects of the Appeal Scheme and potential for good daylight and sunlight within it are entirely reflective and, in my experience, expected of an urban location where there is an identified and planned requirement for transformation.
- 1.23 My report is structured as follows:
- Section 2 (Committee Report and SoS Call In) provides a short review of the planning application, the planning committee report and meeting, the SoS Call In, the Council's Statement of Case and the Inspector's Case Management Conference in so far as it relates to daylight and sunlight amenity.
  - Section 3 (The Site, Proposed Development and Wider Context) includes a brief description of the site, surrounding area and the emerging consented developments which neighbour the Appeal Site.
  - Section 4 (Policy Context and Guidance) details the sections from national, regional and local policy documents and relevant guidance which are, in my opinion, the most pertinent in relation to daylight and sunlight matters and how I have approached the effects of the Proposed Development.
  - Section 5 (Daylight and Sunlight: Impact on Neighbours) considers the daylight and sunlight impacts to the neighbouring properties.

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1 Rainbird, R (on the application of) v The Council of the London Borough of Tower Hamlets [2018] EWHC 657

- Section 6 (Daylight and Sunlight: Amenity within the Proposed Development) considers the quality of the Proposed Development in terms of the provision of daylight and sunlight amenity.
- Section 7 (Other Matters) considers the impacts on neighbouring photovoltaic panels and overshadowing within neighbouring amenity spaces.
- Section 8 (Conclusions) is where my conclusions are set out.

1.24 This report is supported by several documents, diagrams and tabulated results which are all enclosed within the Appendices as listed on the Contents Page. All assumptions used in collating this report can be found in Appendix 01.

SECTION 2

**COMMITTEE REPORT  
& SECRETARY OF STATE CALL-IN**





## 2 COMMITTEE REPORT & SECRETARY OF STATE CALL-IN

### PLANNING APPLICATION

- 2.1 A detailed description of the Site and surrounding area is enclosed in Montreaux's Statement of Case (CDI.01) and not repeated herein. The description of the Proposed Development is provided below:
- "Outline planning application (including means of access with all other matters reserved) for the demolition of existing buildings and the comprehensive phased redevelopment of the site for a mix of uses including up to 1,049 residential units (Use Class C3), and up to 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".*
- 2.2 GIA prepared an ES Chapter on daylight, sunlight and overshadowing impacts which formed part of the Environmental Statement dated February 2020 (CDA.44) which was based on the maximum parameter scheme ("the Maximum Parameters") (CDA.72-84) (LBB Ref: 20/3564/OUT).
- 2.3 The Proposed Development was amended during the course of the planning application with the reduction in height of buildings A1, A2, C2 and C3. The ES Consultant ("Aecom") prepared a Statement of Conformity (dated August 2021) (CDA.32) in consultation with GIA confirming that given the proposed changes to the height, the conclusions of the original ES Chapter (CDA.44) would not be materially altered and there could potentially be marginal isolated improvements. As such, a technical assessment of the reduced scheme was not undertaken at that time. The results presented in the ES Chapter (CDA.44) therefore presented a worst-case of the likely effects and were determined by the planning committee in September 2021 to be acceptable.
- 2.4 The ES Chapter (CDA.44) demonstrated that while some impacts to neighbouring windows and rooms would fall outside the recommendations of the BRE Guidelines (CDE.019), the impact to the daylight and sunlight amenity of adjoining occupiers would nonetheless be acceptable given the site-specific context. This work was undertaken by myself and my team. I have reviewed the ES Chapter (CDA.44) in preparing this report and I stand by its content and conclusions.
- 2.5 A Daylight & Sunlight Report (February 2020) (CDA.08) was submitted with the application documents to assess the daylight and sunlight potential of the Proposed Development in its outline form. Owing to the outline nature of the application, the façades and internal layouts are yet to be designed, therefore at this stage the assessments were focussed on the Maximum Parameter massing.
- 2.6 It was concluded that the Proposed Development had the potential to offer adequate daylight amenity to its future occupants and whilst there are a few areas of lower daylight availability (as is typical of any scheme of this size and density), these can be addressed through careful detailed design of the internal layouts and façades at reserved matters stage.
- 2.7 As with the assessment of impacts to neighbouring properties, GIA did not update the analysis of the Proposed Development following the amendments to the scheme to reduce the height of buildings A1, A2, C2 and C3. The amendments were not considered to alter the overall conclusions of the assessment on internal daylight and sunlight amenity and were likely to result in marginal improvements to the neighbouring properties owing to the reduced proposed massing.

## COMMITTEE REPORT

- 2.8 The Case Officer's recommendation to the Strategic Planning Committee in September 2021 was that planning permission be granted.
- 2.9 The Case Officer wrote a detailed section within the Committee Report (CDD.01) on the impact to surrounding properties in respect of daylight and sunlight and the daylight and sunlight potential of the Proposed Development.
- 2.10 In the summary at paragraphs 7.15-7.20 and 10.1-10.14 of the Committee Report, the Case Officer considers both aspects of daylight and sunlight amenity. In terms of the impacts to neighbouring properties, it was noted that flexibility was required in the application of the BRE Guidelines and that the proposal represented a good level of compliance in the context of the Site's location in a Regeneration Area and the need to deliver strategic objectives and the wider benefits of the scheme.
- 2.11 In terms of the daylight and sunlight potential within the Proposed Development, the Case Officer concluded that the assessments demonstrated a good potential for daylight and sunlight within the scheme.
- 2.12 The Case Officer recognised that the assessments reflected the taller submission scheme and therefore the results would likely improve with the reduced massing.

## STRATEGIC PLANNING COMMITTEE (SEPTEMBER 2021)

- 2.13 The Planning Application was considered by the Planning Committee on 9th September 2021 with the Case Officer recommending approval (CDD.01). Members voted unanimously to approve the application subject to the completion of a s106 agreement.

## SECRETARY OF STATE CALL-IN (AUGUST 2022)

- 2.14 Prior to the Council granting formal planning permission, the application was called in by the Secretary of State in August 2022 under his powers in Section 77 of the Town and Country Planning Act 1990. The Secretary of State's letter identified three specific matters that he wishes to be informed upon; namely design, scale, and massing.

## Strategic Planning Committee (November 2022)

- 2.15 The application returned to the Strategic Planning Committee on 8th November 2022 with officers seeking direction from Members on the Council's position in relation to the forthcoming planning Inquiry. Members voted against the officer recommendation to support the development and resolved to refuse planning permission.

## Putative Reasons for Refusal

- 2.16 The Putative Reasons for Refusal (CDD.04) references the following reason for refusal (that relates to my discipline):

*"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.”*

- 2.17 The Resolution Reason for Refusal does not refer to impacts to neighbouring daylight and sunlight amenity or how the Proposed Development performs in terms of the potential for daylight and sunlight. At the Case Management Conference, the Council confirmed that it raises no objection in relation to my discipline. I will however address the matters the Secretary of State particularly wishes to be informed about so far as they relate to neighbouring daylight and sunlight amenity, overshadowing and the daylight and sunlight amenity within the proposed development.

### THE COUNCIL'S STATEMENT OF CASE

- 2.18 The Council issued their Statement of Case (CDI.02) to the Planning Inspectorate and Applicant in November 2022. There is limited reference by LBB to daylight, sunlight and overshadowing other than the policies relating to my discipline.
- 2.19 At Section 4, LBB provide a summary of the consultation responses and representations to the application. At paragraphs 4.28-4.44, LBB have summarised the responses from the Railway Terraces Community Association which cover the Railway Terraces, Cricklewood Conservation Area to the north of the Site. At paragraph 4.31, concern is raised by residents in relation to sunlight to amenity spaces and the Kara Way playground. These points have been addressed in this report.

### POST-CASE MANAGEMENT CONFERENCE NOTE

- 2.20 The Inspector issued the post-case management conference note which confirm the main considerations for the inquiry as follows:
- The effect of the proposed development on the historic environment and the character and appearance of the area; and
  - The effect of the proposed development on local transport, with particular regard to sustainable travel, effects on the road network and highway safety, and the amount of parking to be provided.
- 2.21 While no reference is made to daylight and sunlight amenity, this report will help to address any matters which the Secretary of State particularly wishes to be informed about so far as they relate to daylight and sunlight amenity and overshadowing.

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SECTION 3

**PROPOSED DEVELOPMENT,  
SITE & WIDER CONTEXT**



### 3 THE SITE, PROPOSED DEVELOPMENT & WIDER CONTEXT

#### THE SITE

- 3.1 The Site is located immediately to the west of Cricklewood Station and to the north of Cricklewood Lane. It is occupied by retail uses, the largest of which is a B&Q retail store accommodated within a large warehouse style building. The remainder of the site largely comprises the associated car park.
- 3.2 Figure 01 illustrates the site in the existing context.



Fig. 01: Existing Site within the wider site context



## THE PROPOSED DEVELOPMENT

3.3 The description of the Proposed Development is provided at paragraph 2.1 above and illustrated in Figure 02 below.

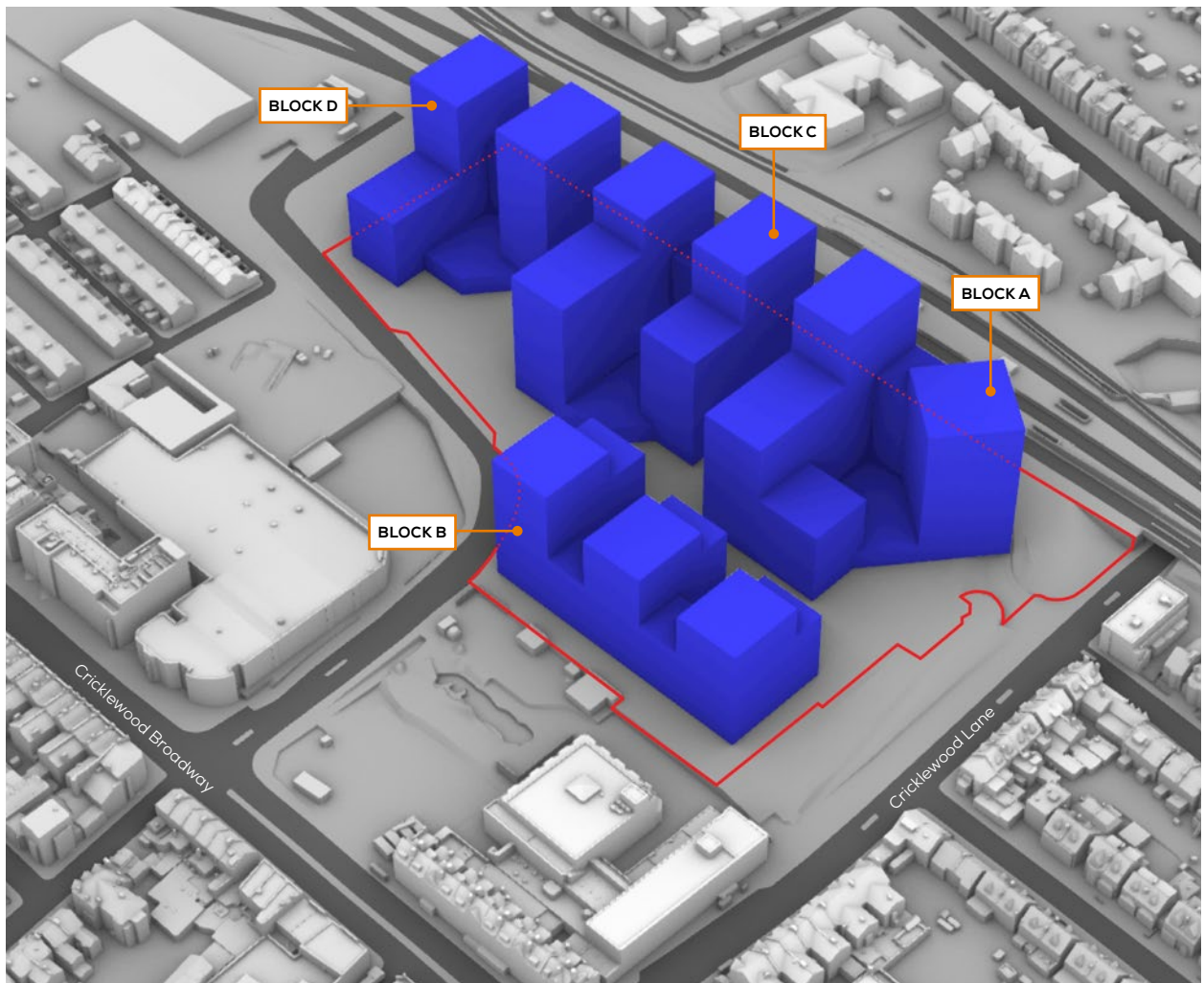


Fig. 02: The Proposed Development within the wider site context

### NEIGHBOURING CONSENTED DEVELOPMENTS

- 3.4 Two sites to the immediate south west of the Site benefit from planning permission. Both are residential-led developments and share a boundary with the Site. The consented developments are detailed below:
- 1 1-13 Cricklewood Lane (LBB Ref: 18/6353/FUL) obtained planning permission in June 2021 for a residential-led redevelopment of the site to include demolition of existing buildings and erection of three blocks ranging from 6-9 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.
  - 2 194 -196 Cricklewood Broadway (LBB Ref: 17/0233/FUL) obtained planning permission in January 2018 for the redevelopment of site to provide a 6-storey building comprising 3,457sqm of Class A1 use (food store) at ground floor level and 96no. self-contained flats (Class C3) at first to fifth floor levels including basement car parking, cycle parking, refuse stores and a single storey car parking deck. The original consent was the subject of a non-material amendment application that

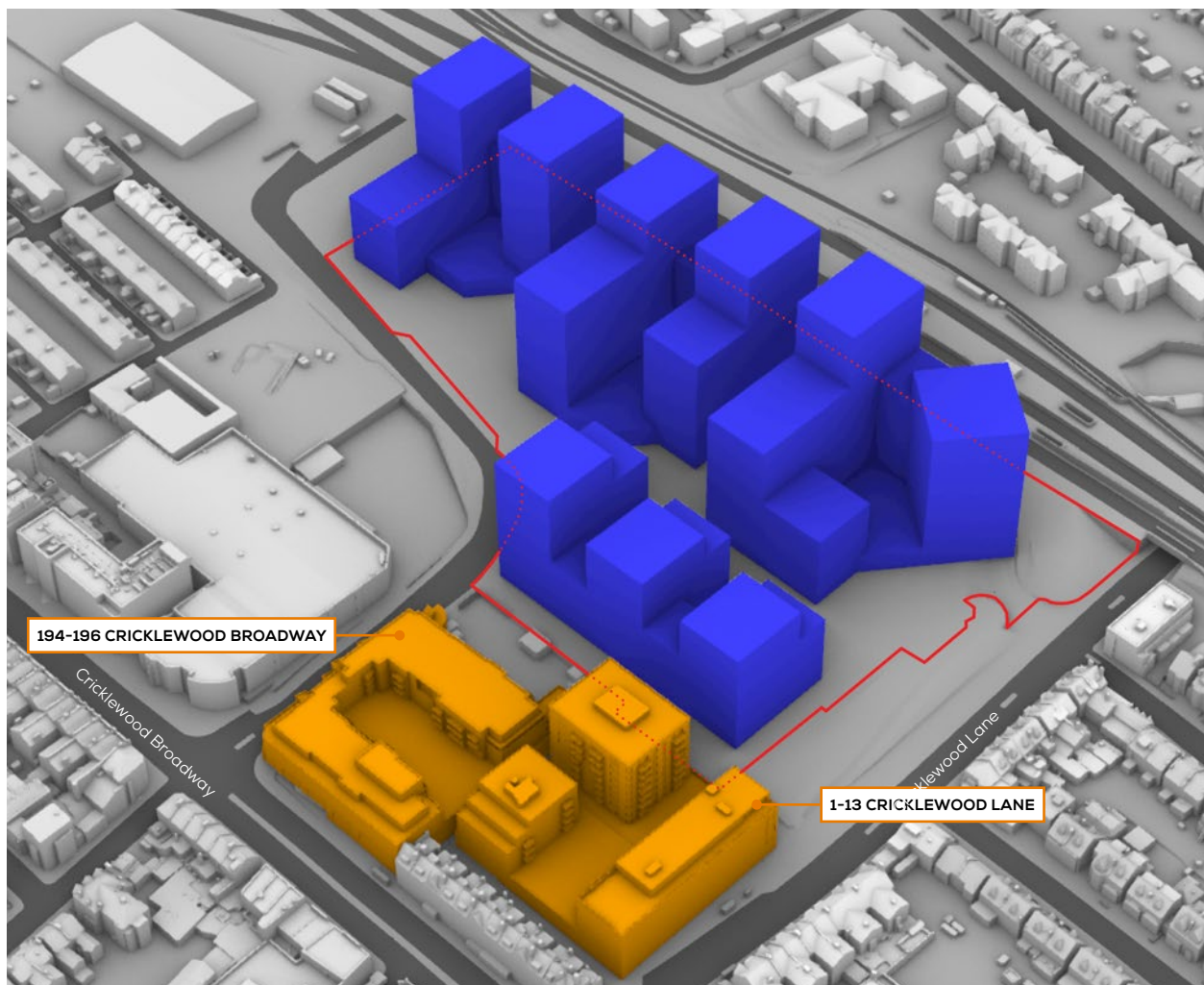


Fig. 03: The Proposed Development and neighbouring consented developments

was approved in October 2019, resulting in a minor increase in building height and an additional residential unit (LBB Ref: 19/5339/NMA). The development is currently under construction.

- 3.5 It is worth noting that the residential components of both schemes were considered by reference to the BRE Guidelines 2011 and the proposed units were assessed against the now withdrawn Average Daylight Factor (ADF) methodology. In later sections, I consider the daylight impact to these developments using the ADF methodology (in addition to the Vertical Sky Component and No Sky Line) in order to provide a clear comparison of results in the approved and proposed scenario.
- 3.6 The Consented Developments and Proposed Developments are illustrated in Figure 03.

SECTION 4

**POLICY CONTEXT & GUIDANCE**  
(DAYLIGHT & SUNLIGHT)



## 4 POLICY CONTEXT & GUIDANCE (DAYLIGHT & SUNLIGHT)

### INTRODUCTION

- 4.1 To understand whether the Appeal Scheme is appropriate in relation to daylight and sunlight matters, I have considered the methodology and criteria set out in the BRE Guidelines (CDE.020).
- 4.2 This document should be read alongside the relevant Barnet Local Plan policies and the relevant policies set out in the National Planning Policy Framework (NPPF) and the London Plan (CDE.02).
- 4.3 The documents discussed within this report can be found in the Core Documents or within the Appendices.
- 4.4 Below I have detailed sections from the following documents as they are, in my opinion, the most pertinent in relation to daylight and sunlight matters and how I have approached the effects of the Proposed Development:
- NPPF (July 2021);
  - Planning Practice Guidance (updated June 2021) (CDE.013);
  - London Plan 2021 (March 2021) (CDE.02);
  - Housing Supplementary Planning Guidance (March 2016) (CDE.04);
  - Barnet Core Strategy DPD (September 2012) (CDF.03);
  - Barnet Development Management Policies DPD (September 2012) (CDF.04);
  - Barnet Sustainable Design & Construction SPD (October 2016) (CDF.010); and
  - The Building Research Establishment Guidelines 2022 (CDE.020).
- 4.5 In addition to the above, I believe it is relevant to consider the emerging Barnet Local Plan which is currently undergoing its Examination in Public with the hearing sessions closing in November 2022 (CDF.01). Furthermore, I have made reference to the relevant sections of the Draft London Plan Guidance on Housing Design Standards which was published for consultation in February 2022 (CDE.018).

## NATIONAL PLANNING POLICY FRAMEWORK (JULY 2021)

- 4.6 The NPPF (July 2021) states that local planning authorities should refuse applications which they consider fail to make efficient use of land. The discussion in relation to daylight and sunlight highlights the Government's recognition that increased flexibility is required in response to the requirement for higher density development:

*"Local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)".<sup>2</sup>*

## NATIONAL PLANNING PRACTICE GUIDANCE (JUNE 2021)

- 4.7 In light of the update to the Government's Planning Practice Guidance, I have considered the relevant paragraphs which relate to my discipline, namely daylight and sunlight.
- 4.8 Paragraph 6 of the NPPG (Ref ID: 66-006-20190722) (CDE.013) acknowledges that new development may cause an impact on daylight and sunlight levels enjoyed by neighbouring occupiers. It requires local authorities to assess whether the impact to neighbouring occupiers would be "unreasonable". In terms of amenity within a new development, local authorities need to assess "whether daylight and sunlight within the development itself will provide satisfactory living conditions for future occupants"<sup>3</sup>.
- 4.9 Paragraph 7 (Ref ID: 66-007-20190722) (CDE.013) refers to the wider planning considerations in assessing appropriate levels of daylight and sunlight. The test is whether living standards are 'acceptable' and recognises that acceptability will "depend to some extent on context"<sup>4</sup>.

## THE LONDON PLAN (MARCH 2021)

- 4.10 The London Plan was published in March 2021 (CDE.02) and sets out the integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years.
- 4.11 The supporting text for Policy D1 (London's form, character and capacity for growth) states that:

*"As change is a fundamental characteristic of London, respecting character and accommodating change should not be seen as mutually exclusive. Understanding of the character of a place should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change. Opportunities for change and transformation, through new building forms and typologies, should be informed by an understanding of a place's distinctive character, recognising that not all elements of a place are special and valued."<sup>5</sup>*

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<sup>2</sup> MHCLG. (2019). National Planning Policy Framework (2021), p 37, para 125(c)

<sup>3</sup> MHCLG. (2021). National Planning Policy Guidance (2021), para 66-006-20190722

<sup>4</sup> MHCLG. (2021). National Planning Policy Guidance (2021), para 66-007-20190722

<sup>5</sup> Greater London Authority. (2021). The London Plan 2021. London: Greater London Authority, para 3.1.7 pg 1

- 4.12 Part A of Policy D2 (Infrastructure requirements for sustainable densities) states that:  
*"The density of development proposals should:*
- 1) consider, and be linked to, the provision of future planned levels of infrastructure rather than existing levels*
  - 2) be proportionate to the site's connectivity and accessibility by walking, cycling, and public transport to jobs and services (including both PTAL and access to local services)"*
- 4.13 Part D of Policy D6 (Housing Quality and Standards) states that the design of development:  
*"should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space."*
- 4.14 It is clear that the GLA's focus is on sufficient or retained daylight and sunlight to neighbouring properties and highlights that context will be a consideration to determine sufficiency.
- 4.15 Part C3 of Policy D9 (Tall buildings) states that development proposals should address (among others) environmental impacts in terms of:  
*"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".*

## HOUSING SPG (MARCH 2016)

- 4.16 The Mayor published the Housing SPG in March 2016 (CDE.04). The SPG remains extant and relevant and provides guidance on sunlight and daylight issues in London.
- 4.17 The SPG clearly moves away from the rigid application of the national numerical values provided in the BRE Guidelines (CDE.020):  
*"An appropriate degree of flexibility needs to be applied when using BRE Guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time."*<sup>6</sup>
- "The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced*

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<sup>6</sup> Greater London Authority. (2016). Housing Supplementary Planning Guidance. London: Greater London Authority, para 1.3.45 pg 52-53



*but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.”<sup>7</sup>*

4.18 A more flexible and holistic approach to the strict national numerical standards is thus required within developments if they are to make their appropriate contribution to meeting spatial needs. The Housing SPG policy states that “broadly comparable residential typologies” should be drawn upon to contextualise and to help judge the acceptability of retained levels.

4.19 The requirement in London for significantly more living and working spaces necessitates development and thus greater density:

*“BRE guidelines on assessing daylight and sunlight should be applied sensitively to higher density development in London, particularly in central and urban settings, recognising the London Plan’s strategic approach to optimise housing output (Policy 3.4) and the need to accommodate additional housing supply in locations with good accessibility suitable for higher density development (Policy 3.3). Quantitative standards on daylight and sunlight should not be applied rigidly, without carefully considering the location and context and standards experienced in broadly comparable housing typologies in London.”<sup>8</sup>*

4.20 The Housing SPG, while published in advance of the updated NPPF (2021), London Plan 2021 (CDE.02) and the updated BRE Guidelines 2022 (CDE.020), still provides the most relevant and up to date guidance in relation to the application and interpretation of daylight, sunlight and overshadowing matters in London. The NPPF, NPPG and London Plan tie in with it in their design-led and evidence-based approach, thus keeping the Housing SPG relevant and up to date for the purpose of this Report.

4.21 The Housing SPG clearly outlines the need to move away from applying the same amenity daylight and sunlight benchmark values in all locations and places greater weight on context and comparable schemes.

4.22 The BRE Guidelines 2022 maintain the reference to the use of judgment and flexibility in its application; it is not just numerical matters which are relevant, but also contextual matters. The BRE Guidelines endorse the need for alternative target values in certain contexts and provides clear guidance on this within its Appendix F. In short, acceptability of a given development is not to be equated to ‘meeting’ the BRE Guidelines. Rather the latter is one of many tools which assist the wider judgement of whether a scheme and its impacts are acceptable or not.

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7 Greater London Authority. (2016). Housing Supplementary Planning Guidance. London: Greater London Authority, para 1.3.46 pg 53

8 Greater London Authority. (2016). Housing Supplementary Planning Guidance. London: Greater London Authority, p 87-88 para 2.3.47

### **BARNET CORE STRATEGY (SEPTEMBER 2012)**

- 4.23 The Core Strategy DPD (CDF.03) was adopted in September 2012 to guide strategic development within the borough.
- 4.24 Policy CS2 (Brent Cross - Cricklewood) confirms that Brent Cross / Cricklewood is identified as an Opportunity Area in the London Plan and will be a major focus for new jobs and homes given the area's strategic location and high accessibility. As such, it is a defined Regeneration Area in the Core Strategy.
- 4.25 Policy CS5 (Protecting and enhancing Barnet's character to create high quality places) confirms that Brent Cross / Cricklewood Regeneration Area may be appropriate for tall buildings.

### **BARNET DEVELOPMENT MANAGEMENT POLICIES (SEPTEMBER 2012)**

- 4.26 The Development Management Policies DPD (CDF.04) was adopted in September 2012 and sets out the detailed policies to guide development and decision making in the borough.
- 4.27 Policy DM01e (Protecting Barnet's character and amenity) of the Development Management Policies DPD 2012 seeks to ensure that development proposals "should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users".
- 4.28 Policy DM05 (Tall buildings) requires proposals to demonstrate that "the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm".

### **BARNET SUSTAINABLE DESIGN & CONSTRUCTION SPD (OCTOBER 2016)**

- 4.29 The Sustainable Design & Construction SPD (CDF.010) was prepared to provide clarification on Barnet's local interpretation of sustainable development in light of national and regional policy. The SPG states that the BRE Guidelines (CDE.019) provide further details on the methodologies for measuring daylight and sunlight levels. The SPD however, refers to the now replaced 2011 guidelines. I have used the most up to date version of the Guidelines issued in June 2022 (CDE.020) in my analysis.

### **DRAFT BARNET LOCAL PLAN 2021-2036 (REG 19) (JUNE 2021)**

- 4.30 LBB are creating a new Local Plan (CDF.01) which will replace the existing 2012 Local Plan. It will set out a vision for how Barnet will change as a place over the next 15 years and forms a strategy for new development including development management policies. The draft Local Plan is currently undergoing its Examination in Public with the hearing sessions closing in November 2022. Subject to the outcome of the examination including consultation on main modifications, it is anticipated that the Plan will be adopted in mid-2023.

4.31 Draft Policy CDH01 (Promoting High Quality Design) seeks to ensure that new development is of a high architectural and design quality. Developments will be expected to:

*“vi. Allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.”*

4.32 This reflects the wording of the current Policy DM01e of the Barnet Development Management Policies (2012).

### **DRAFT HOUSING DESIGN STANDARDS LPG (FEBRUARY 2022)**

4.33 The GLA published new guidance (CDE.018) to help interpret the London Plan 2021 policies on housing-related design to assist designers and decision makers when designing and assessing a development. At paragraph 4.1.2, the LPG outlines that daylight and sunlight impacts should be considered in a specific way:

*“These standards aim to complement the consideration of daylight and sunlight impacts using the BRE guidance (Site layout planning for daylight and sunlight: a guide to good practice). This process involves a two-stage approach: firstly, by applying the BRE guidance; and secondly, by considering the location and wider context when assessing any impacts.”<sup>9</sup>*

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<sup>9</sup> Greater London Authority. (2022). Housing Design Standards LPG. London: Greater London Authority, pg 19 para 4.1.2

## BUILDING RESEARCH ESTABLISHMENT GUIDELINES 2022

- 4.34 The BRE Guidelines (CDE.020) note that the document is intended to be used in conjunction with the interior daylighting recommendations in BS EN 17037 *Daylight in buildings*, and in the CIBSE publication *LG 10 Daylighting – a guide for designers*.

### Daylight and Sunlight Amenity in Neighbouring Properties

- 4.35 The BRE Guidelines provide two methodologies for daylight assessment of neighbouring properties, namely:
- 1 The Vertical Sky Component (VSC); and
  - 2 The No Sky Line (NSL).
- 4.36 To avoid significant effects to daylight (in accordance with Figure 20 of the BRE Guidelines), both the VSC and NSL tests have to be met.
- 4.37 There is one methodology provided by the BRE Guidelines for sunlight assessment, denoted as Annual Probable Sunlight Hours (APSH).
- 4.38 It is an inevitable consequence of the built-up urban environment that daylight and sunlight will be more limited in dense urban areas. It is well acknowledged that in such situations there may be many planning and urban design matters to consider other than daylight and sunlight.
- 4.39 The BRE Guidelines provide alternative assessments to better understand the impact on a neighbouring property in such situations. The relevant assessments for the purpose of this report are detailed within the BRE Guidelines and summarised below.
- 4.40 Although not used for this report, the BRE Guidelines also provide an alternative assessment where there are existing windows with balconies above them. This test determines whether it is the presence of the existing balcony that is the reason for the large relative impact on daylight (VSC).
- 4.41 The Guidelines outline that a VSC value is calculated for each window; however – *“If a room has two or more windows of equal size, the mean of their VSC’s may be taken”*<sup>10</sup>
- 4.42 Where a room is served by two or more windows of the same or different sizes, the VSC value to the room has been calculated by applying an average weighting calculation to understand the VSC value to the room. It is my opinion that this is a reasonable method to follow in that it follows the principles of the Guidelines.
- 4.43 I have summarised below the key sections of the BRE Guidelines which are particularly relevant to the Proposed Development. Appendix 02 of my Report elaborates on the mechanics of each of the above assessment criteria, explains the appropriateness of their use and the limitations of each specific recommendation.

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10 Littlefair, P. (2022). *Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice*. Hertfordshire: HIS BRE Press, p 15 para 2.2.6

### Setting Alternative Target Values for Skylight and Sunlight analyses

4.44 The BRE Guidelines (CDE.020) dedicate a full appendix to setting alternative values and how they can be derived. F1 notes:

*Sections 2.1, 2.2 and 2.3 give numerical target values in assessing how much light from the sky is blocked by obstructing buildings. These values are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. Such alternative targets may be generated from the layout dimensions of existing development.<sup>11</sup>*

4.45 Within this appendix, a table is provided which details how one could derive alternative VSC values. As is evident from paragraph F1, alternative values can be applied to the VSC, NSL and APSH studies.

4.46 Table F1 provides a method of deriving a VSC value based on an obstruction angle. Table F1 of the BRE Guidelines references the Equivalent VSCs, spacing-to-height ratios and boundary parameters corresponding to particular obstruction angles between rows of buildings.

4.47 Table F1 denotes that an obstruction angle of 25° equates to a VSC of 27%; to achieve a VSC value of 18%, the obstruction must subtend 40°. This is a simple method that does not take account for the variation in height and distance of obstructions on an average streetscape.

4.48 On the basis of table F1, calculating the VSC, NSL and APSH values for an area to derive the appropriate alternative value is a more accurate process. This is also in line with the approach provided within Appendix F.

4.49 In recent years, Inspectors and other decision makers have observed that achieving the nationally applicable target level of VSC is challenging whilst seeking to make more efficient use of brownfield land in urban areas. Even in Woking, a satellite town of London, the Inspector (John Braithwaite) who determined the Goldsworth Road appeal (CDG.05) notes that:

*“Retaining a VSC level of 27% in neighbouring properties is unrealistic; as has been recognised in many appeal decisions and other documents. Even retaining 20% VSC is considered, generally, to be reasonably good, and in urban areas retaining around mid-teen % VSC is considered to be acceptable.”<sup>12</sup>*

4.50 The BRE Guidelines dedicates an appendix to considering alternative target values and thus accept that in certain circumstances, target levels of daylight and sunlight are not achievable, realistic and may unreasonably hamper other legitimate planning objectives.

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11 Littlefair, P. (2022). Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice. Hertfordshire: HIS BRE Press, p 85 para F1

12 PINS Ref: APP/A3655/W/21/3276474 para 35

### **Daylight, Sunlight and Overshadowing within the Proposed Development**

- 4.51 The BRE Guidelines provide two methodologies to assess daylight provision in new rooms, namely:
- 1 Target illuminance; and
  - 2 Daylight Factor.
- 4.52 Both methodologies are significantly more accurate than those typically used for assessing neighbouring buildings, however they require a significant level of detail in order to be conducted. They are in fact influenced by a number of factors such as: size and shape of the room, size and position of the fenestration, external obstruction (including that caused by window reveals and balconies), glazing specification and framing type, material reflectances.
- 4.53 Owing to the outline nature of the application, however, the design has not been developed to a sufficient level of detail for these methodologies to be adopted.
- 4.54 The BRE Guidelines specify that at the early design stages in design, when room layouts and window locations may not be decided, a possible approach is to calculate the VSC at a series of adequately spaced points on each main face of the building.
- 4.55 Given the outline nature of the proposed development, I have therefore adopted this approach to gauge the potential for daylight and, in interpreting the VSC levels found on the façades I have referred to the brackets provided within the BRE Guidelines (CDE.020), which dedicate a full paragraph<sup>13</sup> to discussing the likely implication of different VSC levels to the resulting level of internal amenity. Specifically:
- *VSC at least 27% conventional window design will usually give reasonable results;*
  - *VSC between 15% and 27% special measures (larger windows, changes to room layout) are usually needed to provide adequate daylight;*
  - *VSC between 5% and 15% it is very difficult to provide adequate daylight unless very large windows are used;*
  - *VSC less than 5% it is often impossible to achieve reasonable daylight, even if the whole window wall is glazed*
- 4.56 There is one methodology provided by the BRE Guidelines for sunlight assessment, denoted as Sunlight Exposure. This also requires a level of detail not available for outline applications and so an assessment has also been undertaken on the main face of the buildings,
- 4.57 The Parameter Plans submitted for the outline application set out the potential boundaries for a building with a certain quantum of area and have been designed to allow a degree of flexibility, for example for the provision of balconies. Testing the daylight and sunlight availability to the maximum building envelope defined by the Maximum Parameter Plans would portray an overly cautious scenarios, as the volume would be far larger than the quantum of area than that for which planning permission is being sought.
- 4.58 As an Illustrative scheme has been produced that demonstrates a realistic interpretation of a scheme that could be brought forward with the Parameters and

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<sup>13</sup> Littlefair, P. (2022). Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice. Hertfordshire: HIS BRE Press, p 9 para 2.1.6

in accordance with the Design Guide, I consider the assessment of the Illustrative Scheme to be the most accurate way, in the context of this outline application, to gauge the potential for the scheme to provide good levels of daylight and sunlight amenity to future residents.

- 4.59 The assessment has been carried out on a blank massing and for all façades, from podium level upwards, including potential blank walls. Similarly, the assessment does not include balconies, as their size, type and position are not final and will be subject to detailed design and will be reviewed as part of a future Reserved Matters Application
- 4.60 Finally, to ascertain the levels of overshadowing to the open areas of amenity, the BRE Guidelines recommend adopting the Sun Hours on Ground (SHOG) methodology.
- 4.61 Similarly to the daylight and sunlight assessments just discussed, I tested the Illustrative Scheme to gauge the potential for the public realm, podiums and roof terraces to provide adequate levels of sunlight.
- 4.62 These assessments, while inevitably simplified given the outline nature of the application, provide a fair understanding of the overall potential of the scheme from a daylight and sunlight amenity point of view.
- 4.63 Full details on the performance will need to be provided as part of future Reserved Matters Application.

## POLICY CONCLUSION

- 4.64 It is clear that the Council’s strategy is for the Brent Cross / Cricklewood Regeneration Area to be a major focus of new jobs and homes and where the following principles for development are established:
- “Tall Buildings” are anticipated by reference to Policy CS5; and
  - Impacts are anticipated which allow adequate daylight and sunlight for adjoining occupiers by reference to Policy DM01.
  - Adequate daylight and sunlight amenity should be provided for new occupiers by reference to Policy DM01.
- 4.65 In my experience, very few consents in such urban locations are able to strictly adhere to BRE’s nationally applicable numerical targets and local authorities, as well as the Planning Inspectorate, correctly take a holistic approach to amenity that facilitates the efficient use of land.
- 4.66 As noted above, a number of the documents recommend that acceptability is established by reference to “alternative values” which can be derived from comparable typologies and circumstances. No specific alternative numerical values are provided within the BRE Guidelines or any of the other documents referenced.
- 4.67 In light of the above, in determining whether there is “sufficient” and “adequate” daylight and sunlight in neighbouring properties following completion of the Proposed Development, consideration should be given to the retained daylight and sunlight values achieved by the properties assessed.
- 4.68 As such, although there may be changes in light and values falling below strict BRE recommended targets, the retained levels will be shown to be appropriate when considered in the context of the Site’s location in an Opportunity Area and Regeneration Area.



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SECTION 5

**DAYLIGHT & SUNLIGHT:  
IMPACT ON NEIGHBOURS**



## 5 DAYLIGHT & SUNLIGHT: IMPACT ON NEIGHBOURS

5.1 This section of my report details the daylight and sunlight impacts in relation to the relevant properties neighbouring the Site.

### MODELLING

5.2 A three-dimensional computer model of the Proposed Development and surrounding properties was produced based on a photogrammetric survey. Where available we have included floor plans of the relevant properties and this context model has been used to carry out the technical assessments. All relevant assumptions made in producing this model can be found in Appendix 01.

### SURROUNDING PROPERTIES

5.3 I have identified eight groups of residential properties which I consider to be relevant for daylight and sunlight assessment. These properties are listed below and collectively referred to as the "Assessed Properties":

- 1-11 Campion Terrace;
- Crown Terrace;
- 26-48 (odd) Cricklewood Lane - excluding 30 Cricklewood Lane;
- 1-8 Oak House;
- 1-6 Raynes Court;
- Dairyman Close;
- 1-6 Kemps Court; and
- Lansdowne Care Home.

5.4 The Assessed Properties are identified in Figure 04 overleaf. All results can be found in Appendix 03.

5.5 Since completing the technical assessments enclosed with the ES Chapter on daylight, sunlight and overshadowing (CDA.61-62) to support the 2020 planning application, we have received updated information on the layouts of neighbouring properties and have updated our context model accordingly.

5.6 Since the Secretary of State called in the application, the BRE published the new edition of 'Site layout planning for daylight and sunlight: a guide to good practice' in June 2022 (CDE.020). This replaces the 2011 version of the same guidance and is to be read in conjunction with BS EN 17037 "Daylight in buildings". A detailed review of the methodologies within the BRE Guidelines is provided in Appendix 02 which also explains some of the terminology used in this Report and defines frequently used abbreviations (e.g. VSC, NSL, APSH, etc).

5.7 The new guidelines do not change the methodology for considering impacts to neighbouring daylight and sunlight amenity or overshadowing.

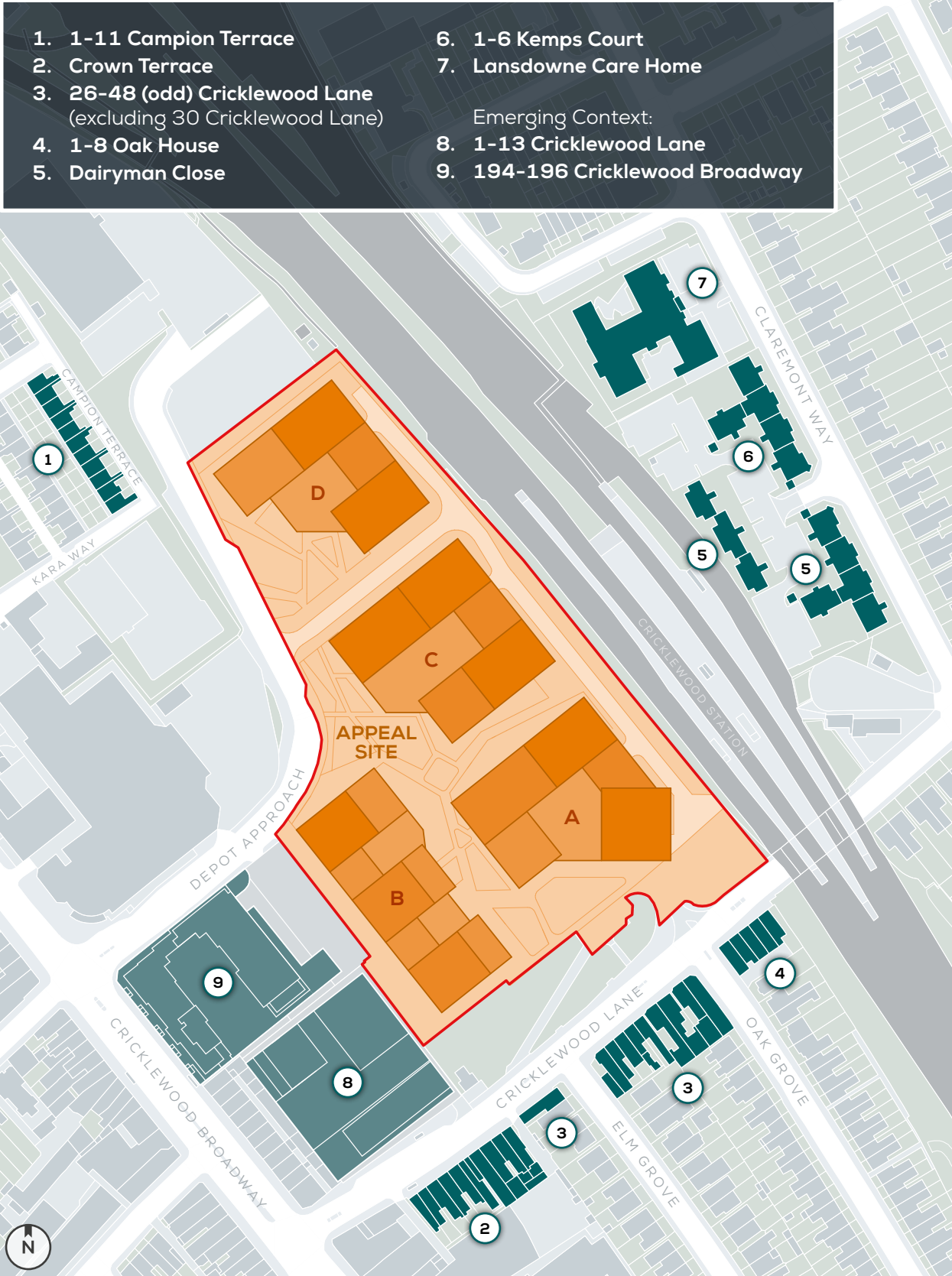


Fig. 04: Location of all Assessed Properties

### Assessment Methodology

5.8 I have considered the Assessed Properties in two stages:

#### Stage 1 - Is there a noticeable impact on daylight and sunlight when applying BRE's guidelines?

- I test against the nationally applicable numerical targets for daylight and sunlight as outlined in the BRE Guidelines (CDE.020). Where properties, windows and rooms meet the recommended numerical targets of the BRE Guidelines, these are not discussed further.

#### Stage 2 - Is there adequate daylight and sunlight levels for adjoining occupiers?

- Where properties, windows and rooms do not meet the recommended numerical targets of BRE's guidelines, I examine wider material considerations to determine whether there is "adequate" daylight and sunlight levels for adjoining occupiers by reference to Policy DM01e (CDF.04).

## DISCUSSION OF RESULTS

### Structure of Assessment

5.9 The following properties meet the recommendations of the BRE Guidelines for daylight and sunlight (Stage 1) and have not been considered further:

- 5 and 7-11 Campion Terrace;
- Crown Terrace; and
- 1-6 Kemps Court.

5.10 With the view to streamlining my Report and directing the Secretary of State to the most relevant properties, I have identified properties which experience very minor reductions in VSC and/or NSL. In addition, they either meet BRE's recommendations for sunlight or do not have windows within 90-degrees of due south and are therefore not relevant for assessment. Given the minor and isolated nature of the impact to VSC and/or NSL and the compliance with BRE's sunlight recommendations, I have not considered the following properties further:

- 4 and 6 Campion Terrace;
- 32 Cricklewood Lane; and
- 1-6 Raynes Court.

5.11 The remaining properties are set out below and identified on the window map at Figure 05 overleaf. Again, to streamline the Report, they have been assessed in the following groups:

- 1-3 Campion Terrace;
- 26-28 Cricklewood Lane;
- 34-40 Cricklewood Lane;
- 42-48 Cricklewood Lane;
- Dairyman Close;
- Oak House; and
- Lansdowne Care Centre.

- |                           |                                 |
|---------------------------|---------------------------------|
| 1. 1-3 Campion Terrace    | 6. Oak House                    |
| 2. 26-28 Cricklewood Lane | 7. Lansdowne Care Home          |
| 3. 34-40 Cricklewood Lane | Emerging Context:               |
| 4. 42-48 Cricklewood Lane | 8. 1-13 Cricklewood Lane        |
| 5. Dairyman Close         | 9. 194-196 Cricklewood Broadway |

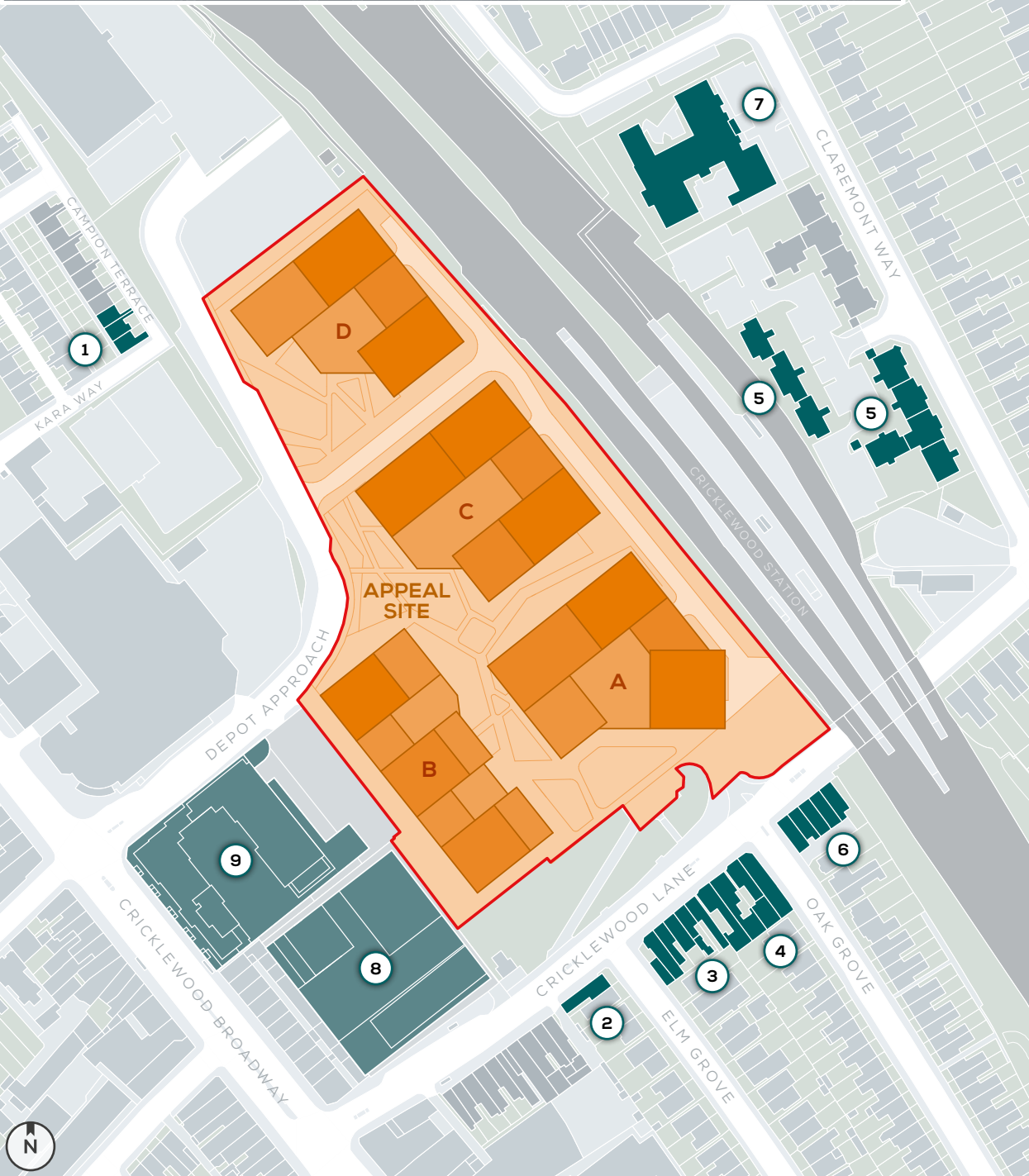


Fig. 05: Location of properties to be discussed in detail

- 5.12 In order to establish whether the Appeal Scheme will allow for “adequate” daylight and sunlight levels for adjoining occupiers (Stage 2) as required by Policy DM01 of the Development Management Policies DPD 2012, I have examined other material considerations such as but not restricted to:
- 1 If the change in daylight (NSL) is to a bedroom; this is “less important” in accordance with paragraph 2.2.10 of the BRE Guidelines;
  - 2 If architectural features (e.g. balconies or protruding side returns) exist which would restrict daylight or sunlight to rooms lit by windows beneath them in accordance with paragraph 2.2.14 of the BRE Guidelines;
  - 3 If the retained VSC values are in excess of 20% are therefore considered to be “reasonably good” by reference to the appeal decision for Goldsworth Road, Woking<sup>14</sup>.

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14 PINS Ref: APP/A3655/W/21/3276474 para 35



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## 5.1 1-3 CAMPION TERRACE

5.1.1 The three houses at 1-3 Campion Terrace have rear windows which face towards the Site. While I have not been able to obtain accurate floor layouts of the three dwellings, I have assumed that the rear facing windows at ground floor serve main living spaces such as kitchens / dining rooms and the rear facing windows at first floor serve bedrooms. Across the three properties, there are 15 windows serving 12 rooms.

### Stage 1 - Is there a noticeable impact on daylight and sunlight when applying BRE's guidelines?

5.1.2 All three properties meet BRE's recommendations for annual and winter sunlight which is not discuss further. My assessment therefore focuses on daylight amenity only.

VSC	No. of Windows	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	15	12	2	2	0

NSL	No. of Rooms	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	12	10	1	1	0

### Stage 2 - Is there adequate daylight and sunlight levels for adjoining occupiers?

#### VSC

5.1.3 One of the four windows which do not meet the BRE's recommendations for VSC is located at 1 Campion Terrace while the remaining three windows are located at 2 Campion Terrace.

5.1.4 The affected window at 1 Campion Terrace experiences a percentage reduction in VSC of 23.6% and retains 26.8%, just marginally below the BRE's (nationally applicable) recommended target of 27%

5.1.5 At 2 Campion Terrace, the windows experience a percentage reduction in VSC of between 28.8-33%. Two of the three windows (W1/F00 and W2/F00) are located beneath a projecting overhang which restricts the receipt of daylight. The third window (W3/F00) is located alongside the single storey projection located between 2 and 3 Campion Terrace.

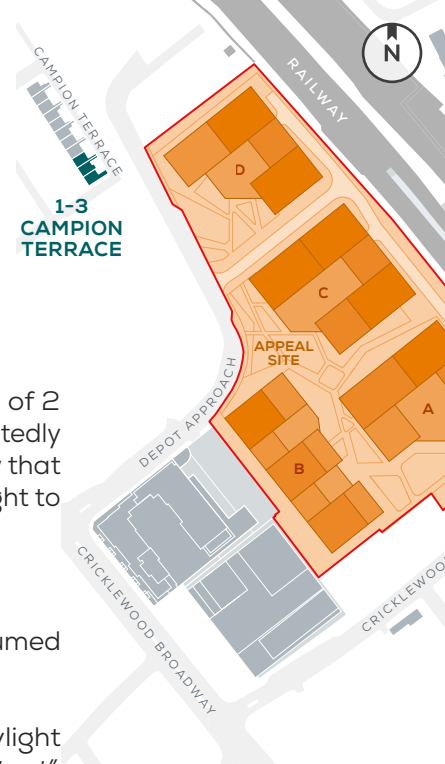
5.1.6 The BRE Guidelines recognise that such features restrict the receipt of daylight:

*"Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight."<sup>15</sup>*

*"A larger relative reduction in VSC may also be unavoidable if the existing window has projecting wings on one or both sides of it, or is recessed into the building so that it is obstructed on both sides as well as above."<sup>16</sup>*

15 Littlefair, P. (2022). Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice. Hertfordshire: HIS BRE Press, p 16 para 2.2.13

16 Littlefair, P. (2022). Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice. Hertfordshire: HIS BRE Press, p 16 para 2.2.14



5.1.7 It is also relevant to consider the existing dense foliage in the rear garden of 2 Campion Terrace. The quality of light within the ground floor room would undoubtedly be driven by the proximity of the large / mature trees and foliage. It is my view that the Proposed Development is unlikely to result in a noticeable change in daylight to this property because of this planting.

### NSL

5.1.8 The two rooms which fall short of the BRE's recommendation for NSL are assumed bedrooms at the first floor of 1 Campion Terrace and 3 Campion Terrace.

5.1.9 The BRE Guidelines outline at paragraph 2.2.10 that when considering daylight distribution *"bedrooms should also be analysed although they are less important"*. Given the primary use of the bedroom is for sleeping, they will have a lesser requirement for natural light.

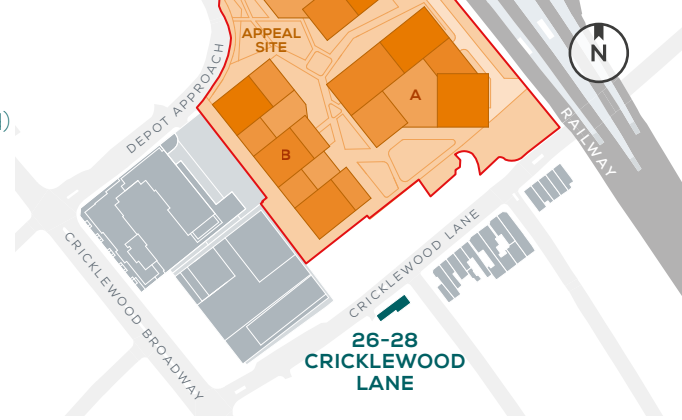
### Summary

5.1.10 In consideration of the above factors, although the nationally applicable numerical targets are not met in relation to daylight, I consider that the Proposed Development provides "adequate" daylight levels for adjoining occupiers as required Policy DM01 of the Development Management Policies DPD 2012.



Fig. 06: Trees to the rear of 2 Campion Terrace





## 5.2 26-28 CRICKLEWOOD LANE

5.2.1 Residential accommodation exists on the upper floors of 26-28 Cricklewood Lane. The ground floor area serves a public house / restaurant. I have not been able to obtain accurate floor layouts of the residential accommodation and have therefore assumed the internal configuration. There are four windows serving four assumed rooms.

### Stage 1 - Is there a noticeable impact on daylight and sunlight when applying BRE's guidelines?

5.2.2 All windows meet the BRE's recommendations for daylight to the window (VSC) and annual and winter sunlight which are not discuss further. My assessment therefore focuses on daylight to the room (NSL) only.

VSC	No. of Windows	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	8	8	0	0	0

NSL	No. of Rooms	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	4	3	0	1	0

APSH	No. of Windows	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	4	4	0	0	0

### Stage 2 - Is there adequate daylight and sunlight levels for adjoining occupiers?

5.2.3 One room experiences a moderate adverse impact but retains a view of the sky from over 61% of the room.

#### Summary

5.2.4 In consideration of the above factors, although the nationally applicable numerical targets are not met in relation to daylight, I consider that the Proposed Development provides "adequate" daylight levels for adjoining occupiers as required Policy DM01 of the Development Management Policies DPD 2012.



## 5.3 34-40 CRICKLEWOOD LANE

5.3.1 34-40 Cricklewood Lane is a terrace of mixed use properties with commercial uses on the ground floor and residential accommodation at first floor. I have not been able to obtain accurate floor layouts of the residential accommodation and have therefore assumed the internal configuration. There are 12 windows serving 12 assumed rooms.

### Stage 1 - Is there a noticeable impact on daylight and sunlight when applying BRE's guidelines?

5.3.2 The windows are not located within 90-degrees of due south. My assessment therefore focuses on daylight to the window (VSC) and daylight to the room (NSL) only.

VSC	No. of Windows	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	12	0	12	0	0

NSL	No. of Rooms	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	12	7	1	4	0

### Stage 2 - Is there adequate daylight and sunlight levels for adjoining occupiers?

#### VSC

5.3.3 As outlined earlier in my Report above, in determining whether there is "sufficient" and "adequate" daylight in neighbouring properties following completion of the Proposed Development, consideration should be given to retained of the daylight and sunlight values achieved by the properties assessed.

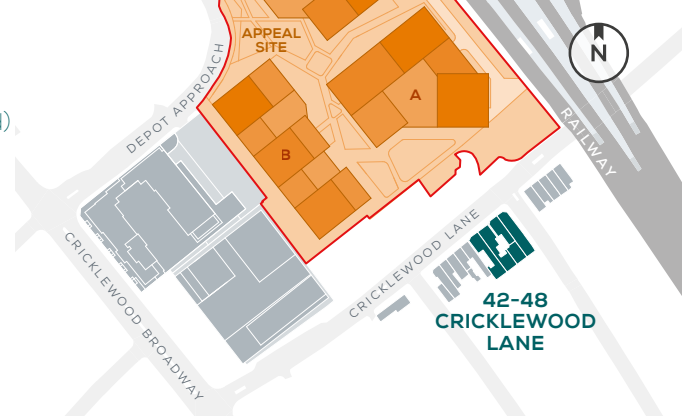
5.3.4 All impacted windows will retain at least 23.7% VSC which is an excellent level of VSC for an urban area and just below the BRE's (nationally applicable) recommended target of 27%. This is also well in excess of what the Planning Inspectorate have historically considered to be reasonably good for an urban area.

#### NSL

5.3.5 In terms of NSL, one room at first floor experiences a very minor reduction of 22.9% and retains a view of the sky from c.75% of the room. The rooms at second floor will experience moderate reductions in NSL ranging from 32.4-39.5%. The rooms will however retain daylight distribution of between c.55-64% within the room i.e. the rooms will continue to have a view of the sky from over half the room.

#### Summary

5.3.6 In consideration of the above factors, although the nationally applicable numerical targets are not met in relation to daylight, I consider that the Proposed Development provides "adequate" daylight levels for adjoining occupiers as required Policy DM01 of the Development Management Policies DPD 2012.



## 5.4 42-48 CRICKLEWOOD LANE

5.4.1 42-48 Cricklewood Lane is a terrace of mixed use properties with commercial uses on the ground floor and residential accommodation at first floor. I have not been able to obtain accurate floor layouts of the residential accommodation and have therefore assumed the internal configuration. There are 31 windows serving 18 assumed rooms.

### Stage 1 - Is there a noticeable impact on daylight and sunlight when applying BRE's guidelines?

5.4.2 The windows which are oriented within 90-degrees of due south will meet the recommendations of the BRE Guidelines for annual and winter sunlight. My assessment therefore focuses on daylight to the window (VSC) and daylight to the room (NSL) only.

VSC	No. of Windows	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	20	15	11	5	0

NSL	No. of Rooms	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	18	11	2	2	3

APSH	No. of Windows	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	6	6	0	0	0

### Stage 2 - Is there adequate daylight and sunlight levels for adjoining occupiers?

#### VSC

5.4.3 All impacted windows will retain at least 18.9% VSC which is in line with what the Planning Inspectorate deem to be reasonably good for an urban area. The majority of impacted windows will have a VSC value in excess of 22%.

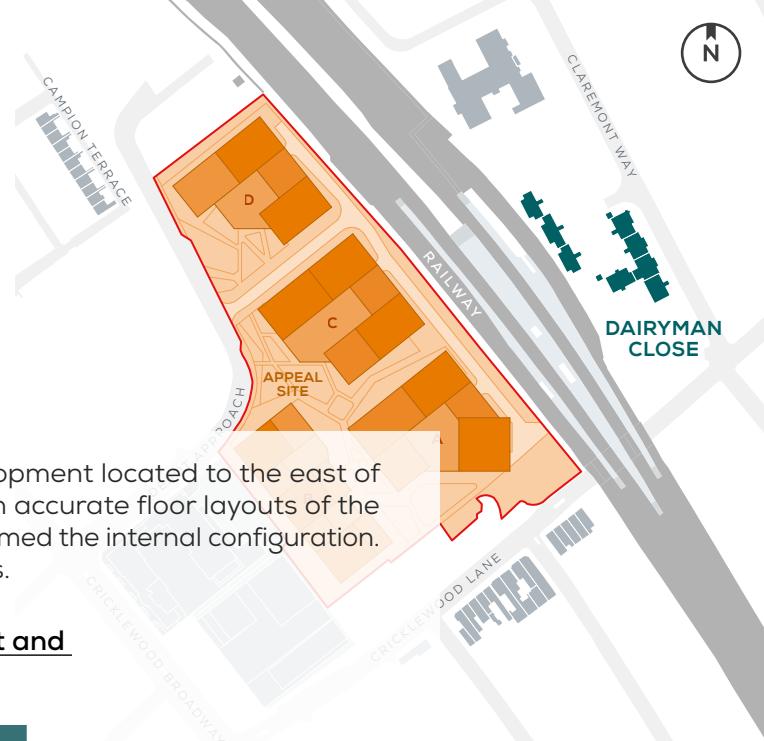
#### NSL

5.4.4 In terms of NSL, four rooms at first floor experience minor and moderate reductions of between 22.6-36.2% but retain a view of the sky from between 64-74.5% of the room.

5.4.5 The rooms at second floor (which appear to be bedrooms) will experience major percentage reductions in NSL ranging from 44-62%. The BRE Guidelines outline at paragraph 2.2.10 that when considering daylight distribution "bedrooms should also be analysed although they are less important". Given the primary use of the bedroom is for sleeping, they will have a lesser requirement for natural light.

#### Summary

5.4.6 In consideration of the above factors, although the nationally applicable numerical targets are not met in relation to daylight, I consider that the Proposed Development provides "adequate" daylight levels for adjoining occupiers as required Policy DM01 of the Development Management Policies DPD 2012.



## 5.5 DAIRYMAN CLOSE

5.5.1 Dairyman Close is a three storey residential development located to the east of Cricklewood Station. I have not been able to obtain accurate floor layouts of the residential accommodation and have therefore assumed the internal configuration. There are 168 windows serving 168 assumed rooms.

### Stage 1 - Is there a noticeable impact on daylight and sunlight when applying BRE's guidelines?

VSC	No. of Windows	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	168	108	11	47	2

NSL	No. of Rooms	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	168	146	15	6	1

APSH	No. of Windows	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	141	130	0	0	11

### Stage 2 - Is there adequate daylight and sunlight levels for adjoining occupiers?

#### VSC

5.5.2 All impacted windows will retain over 20% VSC which is in line with what the Planning Inspectorate have historically considered to be reasonably good for an urban area.

#### NSL

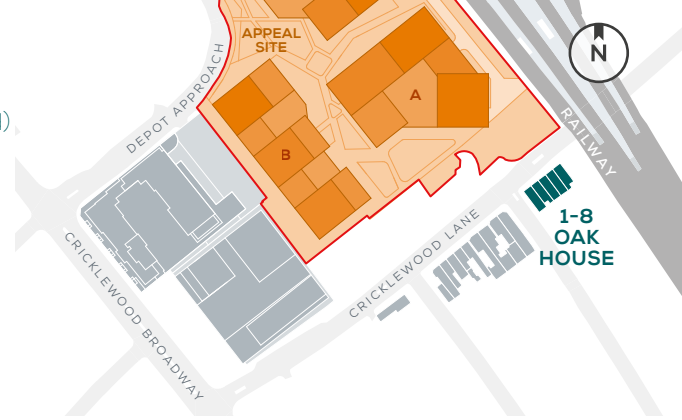
5.5.3 Of the 22 rooms which fall short of the BRE's recommendations, 15 experience minor percentage reductions of between 20.0-27.6%. The remaining seven experience moderate and major percentage reductions but retain a view of the sky from between c.57-70%.

#### APSH

5.5.4 The 11 windows which fall short of the BRE's recommendations will continue to have annual sunlight levels in excess of the BRE's recommendations. It is only against the winter sunlight target that a shortfall occurs. The expectation of winter sunlight should be considered in the context of the urban grain in this location and the relationship with the neighbouring buildings. In light of this, it is often very difficult to be compliant with the winter sunlight test given the character of the area and position of the sun in the sky during this period.

#### Summary

5.5.5 In consideration of the above factors, although the nationally applicable numerical targets are not met in relation to daylight and sunlight, I consider that the Proposed Development provides "adequate" daylight and sunlight levels for adjoining occupiers as required Policy DM01 of the Development Management Policies DPD 2012.



## 5.6 1-8 OAK HOUSE

5.6.1 1-8 Oak House is residential accommodation above commercial units at 50-56 Cricklewood Lane. I have obtained accurate floor layouts of the residential accommodation and incorporated this in to the context model. There are 24 windows serving 16 rooms.

### Stage 1 - Is there a noticeable impact on daylight and sunlight when applying BRE's guidelines?

5.6.2 The windows are not located within 90-degrees of due south and are not therefore relevant for sunlight assessment. The rooms will meet the BRE's recommendations for daylight to the room (NSL). My assessment therefore focuses on daylight to the window (VSC).

VSC	No. of Windows	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	24	2	13	9	0

NSL	No. of Rooms	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	16	16	0	0	0

### Stage 2 - Is there adequate daylight and sunlight levels for adjoining occupiers?

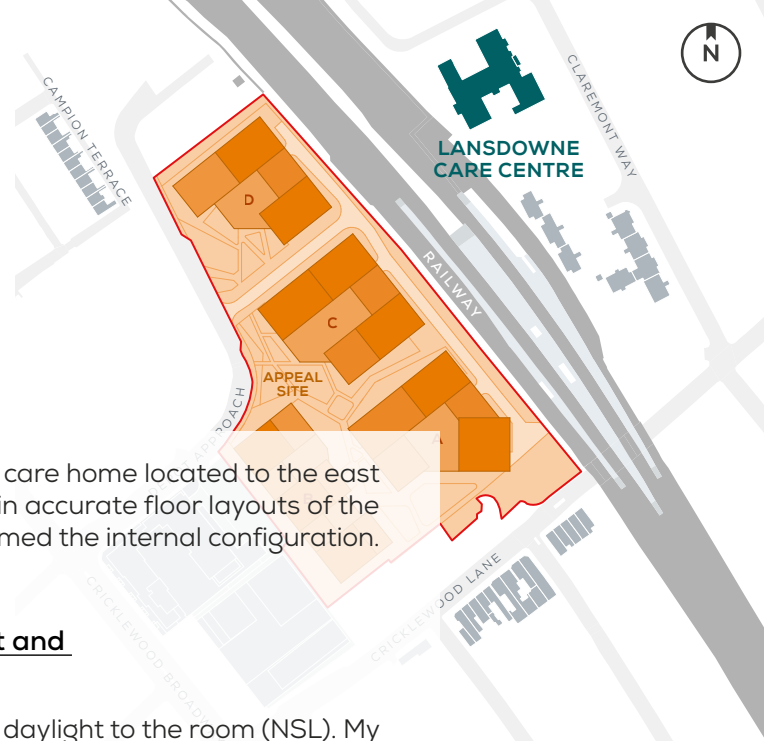
#### VSC

5.6.3 All impacted windows will retain at least c.24% VSC which is an excellent level of VSC for an urban area and just below the BRE's (nationally applicable) recommended target of 27%. This is also well in excess of what the Planning Inspectorate have historically considered to be reasonably good for an urban area.

#### Summary

5.6.4 In consideration of the above factors, although the nationally applicable numerical targets are not met in relation to daylight, I consider that the Proposed Development provides "adequate" daylight levels for adjoining occupiers as required Policy DM01 of the Development Management Policies DPD 2012.





LANSDOWNE CARE CENTRE

## 5.7 LANSDOWNE CARE CENTRE

5.7.1 Lansdowne Care Centre is a three storey residential care home located to the east of Cricklewood Station. I have not been able to obtain accurate floor layouts of the residential accommodation and have therefore assumed the internal configuration. There are 61 windows serving 59 assumed rooms.

### Stage 1 - Is there a noticeable impact on daylight and sunlight when applying BRE's guidelines?

5.7.2 The rooms will meet the BRE's recommendations for daylight to the room (NSL). My assessment therefore focuses on daylight to the window (VSC) and sunlight (APSH).

VSC	No. of Windows	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	61	49	8	4	0

NSL	No. of Rooms	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	59	59	0	0	0

APSH	No. of Windows	BRE Compliant	+20-30% Reduction	+30-40% Reduction	+40% Reduction
	60	56	0	0	4

### Stage 2 - Is there adequate daylight and sunlight levels for adjoining occupiers?

#### VSC

5.7.3 All impacted windows will retain at least c.19% VSC which is in line with what the Planning Inspectorate deem to be reasonably good for an urban area. The majority of impacted windows will have a VSC value in excess of 23%.

#### APSH

5.7.4 The four windows which fall short of the BRE's recommendations will continue to have annual sunlight levels in excess of the BRE's recommendations. It is only against the winter sunlight target that a shortfall occurs. The expectation of winter sunlight should be considered in the context of the urban grain in this location and the relationship with the neighbouring buildings. In light of this, it is often very difficult to be compliant with the winter sunlight test given the character of the area and position of the sun in the sky during this period.

#### Summary

5.7.5 In consideration of the above factors, although the nationally applicable numerical targets are not met in relation to daylight and sunlight, I consider that the Proposed Development provides "adequate" daylight and sunlight levels for adjoining occupiers as required Policy DM01 of the Development Management Policies DPD 2012.

## 5.8 IMPACTS TO EMERGING NEIGHBOURING PROPERTIES

5.8.1 In addition to considering the impact of the Proposed Development on the daylight and sunlight amenity of existing neighbouring properties, it is also important to consider the effect on emerging schemes. As outlined in Section 03, two sites to the immediate south west of the Appeal Site benefit from planning permission. Both are residential-led developments and share a boundary with the Appeal Site. The consented developments are detailed below:

- 1 1-13 Cricklewood Lane (LBB Ref: 18/6353/FUL)
- 2 194 -196 Cricklewood Broadway (LBB Ref: 17/0233/FUL, as amended by 19/5339/NMA). The development is currently under construction.

5.8.2 It is worth noting that the residential components of both schemes were considered by reference to the BRE Guidelines 2011 and the proposed units were assessed against the now withdrawn Average Daylight Factor (ADF) methodology. In order to understand the daylight impact to these developments and provide a clear comparison between the approved and proposed values, I have used the ADF methodology in addition to the Vertical Sky Component and No Sky Line in this instance.

5.8.3 The Consented Developments (orange) and Proposed Developments (blue) are illustrated in Figure 07 overleaf.

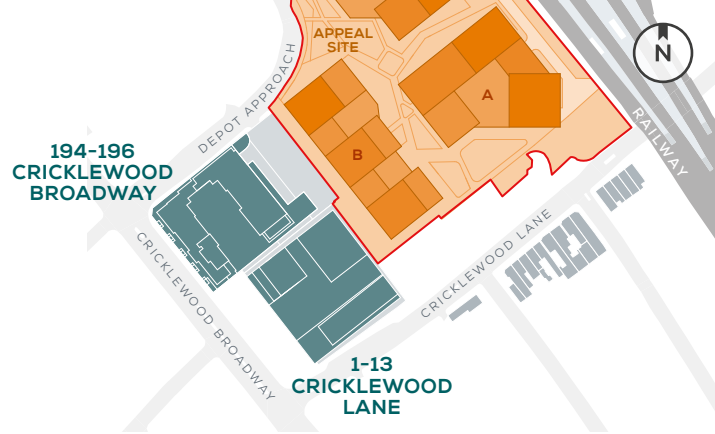
5.8.4 With the view to streamlining my report and directing the inquiry to the most relevant parts of the neighbouring properties, I have identified the properties which fall within the following criteria as retaining very good levels of daylight and do not require further examination:

- Rooms which meet the BRE's recommendations for VSC and NSL;
- Rooms which meet or exceed the minimum recommended ADF value for that particular room use; and
- LKDs or Studios which meet or exceed 1.5% ADF which is the minimum recommended ADF for a living room.

5.8.5 In 1-13 Cricklewood Lane, 139 of the 171 rooms assessed (81%) fall within these categories. For Cricklewood Broadway, 74 of the 90 rooms assessed (80%) fall within these categories.

5.8.6 When we consider the remaining rooms in both properties, our analysis confirms that one or more of the following considerations apply:

- The rooms will have a 0.1-0.2% shortfall from the minimum recommended ADF value for that particular room use, which we consider to be acceptable given the urban environment and policy allocation for the Site;
- An overhanging balcony exists which restricts daylight to rooms lit by windows beneath them;
- The rooms are positioned immediately on the boundary line and thus place an unfair burden on the Proposed Development; and
- The post-development retained ADF values are commensurate with other unaffected rooms within the building with the same use on the same floor.



### Cumulative Effects

- 5.8.7 The ES chapter prepared for the 2020 planning application also included a Cumulative Scenario assessing the combined effect of the Proposed Development and the two emerging schemes at 1-13 Cricklewood Lane and 194-196 Cricklewood Broadway.
- 5.8.8 Owing to the position of the schemes in relation to each other and to the existing neighbours, the effects of these three schemes mainly occur to different properties and the cumulative interactive effects are generally isolated and minor. Therefore, while I have appended the full results of the cumulative assessment within Appendix 03, any isolated cumulative impact would not alter my conclusion that the Appeal Scheme is acceptable in terms of its effect on neighbouring properties.

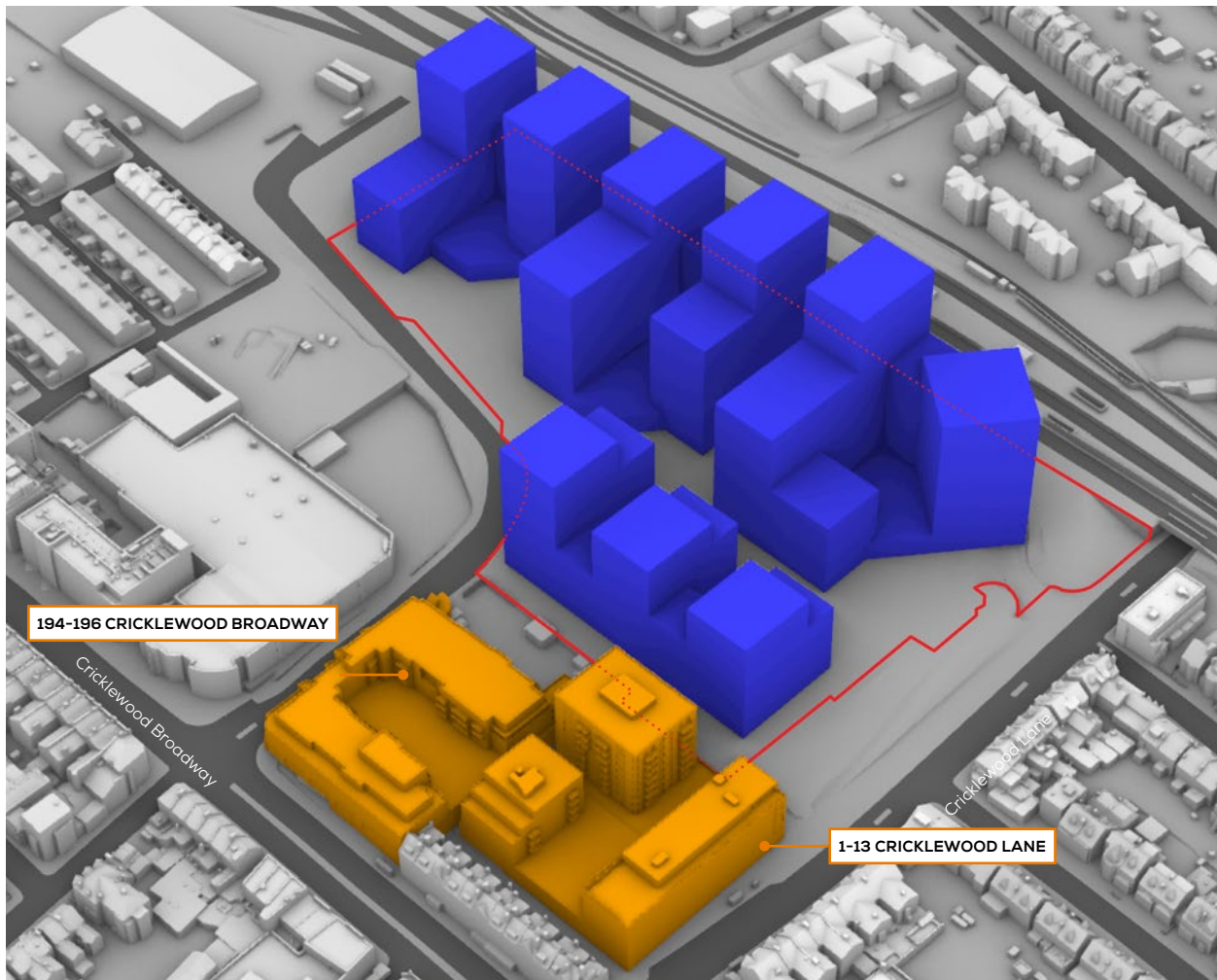


Fig. 07: The Proposed Development and neighbouring consented developments

## 5.9 CONCLUSION ON IMPACTS TO NEIGHBOURING PROPERTIES

- 5.9.1 As set out fully within my Report, following the 2 stage assessment outlined above, it is my opinion, that the Proposed Development has an acceptable effect upon neighbouring properties.
- 5.9.2 The daylight and sunlight effects of the Appeal Scheme are reflective and, in my experience, expected of an urban location where there is an identified and planned requirement for transformation. From my experience, the impact arising from the Appeal Scheme is entirely proportional to what can be expected in an Opportunity Area where change and redevelopment is not only anticipated but encouraged.
- 5.9.3 The implementation of the Proposed Development provides “adequate” daylight and sunlight levels for adjoining occupiers by reference to Policy DM01e (CDF.04).

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SECTION 6

**DAYLIGHT & SUNLIGHT:  
AMENITY WITHIN THE  
PROPOSED DEVELOPMENT**



## 6 DAYLIGHT & SUNLIGHT: AMENITY WITHIN THE PROPOSED DEVELOPMENT

6.1 This section of my Report details the daylight and sunlight levels within the Proposed Development.

### MODELLING AND APPROACH

6.2 To undertake the daylight and sunlight assessments set out in the previous pages, we have prepared a three dimensional computer model and used specialist lighting simulation software. The three dimensional representation of the Illustrative Scheme has been provided by EPR Architects. This has been placed in the context of its surrounding buildings which have been modelled from photogrammetry.

6.3 This allows for a precise model, which in turn ensures that the analyses accurately represents the amount of daylight and sunlight available to the building façades, internal and external spaces considering all of the surrounding obstructions and orientation.

6.4 The two consented schemes located next to the Development Site (1-13 Cricklewood and 194 -196 Cricklewood Broadway) have been considered as part of the context to reflect a worst-case scenario in terms of surrounding obstruction.

6.5 The assessed scenario is identified in Figure 08 overleaf. All results can be found in Appendices 06.

6.6 Since completing the technical assessments submitted to support the 2020 planning application, the BRE published the new edition of 'Site layout planning for daylight and sunlight: a guide to good practice' in June 2022. This replaces the 2011 version of the same guidance and is to be read in conjunction with BS EN 17037 "Daylight in buildings". A detailed review of the methodologies within the BRE Guidelines is provided in Appendix 02 which also explains some of the terminology used in this Report and defines frequently used abbreviations (e.g. VSC, SHOG etc).

6.7 The new guidelines do not change the methodology for considering daylight potential nor overshadowing to proposed open spaces.

6.8 The methodology originally used for assessing sunlight (APSH) has been superseded. The updated recommendations suggest that an assessment of Solar Exposure is undertaken on 21st March and so I have updated the analysis accordingly.

### Daylight

6.9 In order to understand the levels of daylight potential within the proposed massing, VSC facade assessments have been undertaken on all façades within the Illustrative Scheme, from podium level upwards. The façades are split into squares approximately one metre wide and one storey high, the colour of which represents the VSC value achieved at that location.

6.10 The VSC studies' principal use should be as a starting point for establishing the potential for good levels of daylight to be achieved at detailed design stage. The VSC is a very simple test and good levels of daylight can still be found in rooms with low levels of VSC provided the future designs are brought forward with daylight in mind and any areas with lower daylight potential are mitigated successfully.



6.11 Any future reserved matters applications (RMAs) submitted for a residential building will be accompanied by a report setting out how the design has been brought forward to enhance natural light and the final levels of daylight achieved (as determined by the applicable detailed methodology).

### Sunlight

6.12 Solar Exposure assessments have been undertaken on the façades of the residential elements on the equinox. These are presented through false-coloured facade maps similar to those used for the VSC assessments.

6.13 These show the Sunlight Exposure value that a window in that location would enjoy. As the detailed assessment is meant to be undertaken on the inside face of the window aperture, the levels shown in the diagrams do not account for the shading effect of the window reveals. Therefore, a degree of reduction is expected once these are factored in as part of a detailed assessment.

6.14 Similarly, balconies would also reduce the sunlight levels available to the windows set below them.

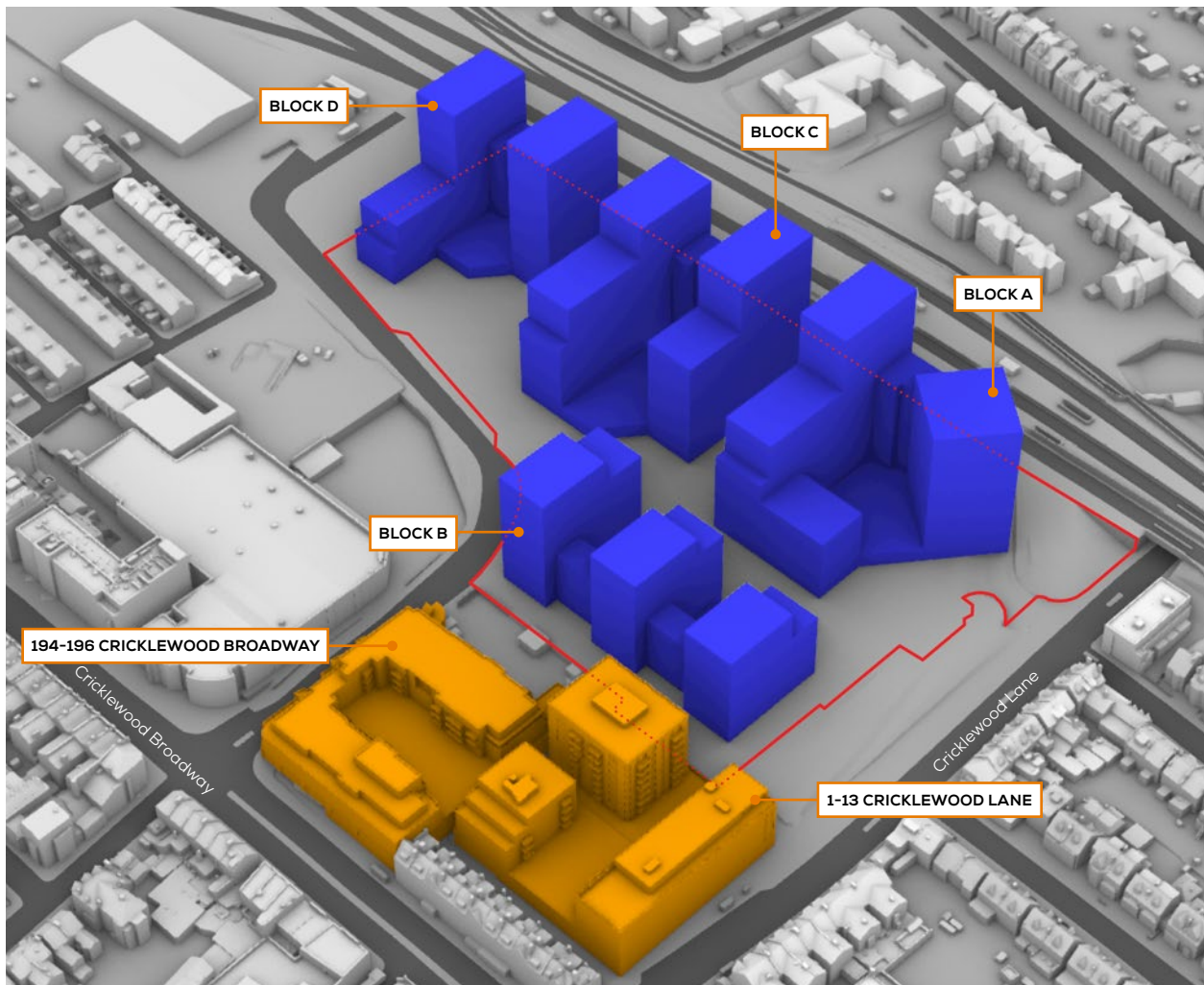


Fig. 08: The Proposed Development (Illustrative) and neighbouring consented developments





- 6.15 Any future RMAs submitted for a residential building will be accompanied by a report setting out how the design has been brought forward to enhance natural light and the final levels of daylight achieved (as determined by the applicable detailed methodology).

### **Overshadowing**

- 6.16 To illustrate the sunlight availability within the proposed areas of outdoor public and communal amenity throughout the year, assessments of Sun Hours on Ground and Sun Exposure assessments have been undertaken.
- 6.17 The results of the Sun Hours on Ground assessment are presented showing the areas which receive direct sunlight for two hours or more on the equinox. The BRE recommend that at least 50% of each area should receive such levels of sunlight.
- 6.18 Additional Sun Exposure assessments are presented showing the number of hours of sunlight in all the areas within the Illustrative Scheme both on the equinox and summer solstice.
- 6.19 Again, it is noted that these consider the Illustrative Scheme and so, should a detailed design emerge which could alter the findings of these assessments significantly, the relevant RMA would be supported by an updated overshadowing assessment.

## DAYLIGHT

- 6.20 Appendix 05 illustrates the full VSC results available on the residential façades.
- 6.21 A breakdown is provided below, grouped according to the banding provided within the BRE Guidelines (CDE.020) at paragraph 2.1.6<sup>17</sup>.

VSC (%) LEVELS	FACADE AREA (%)	COLOUR
0 ≤ VSC < 5	0.5%	
5 ≤ VSC < 15	10.5%	
15 ≤ VSC < 27	27.3%	
VSC ≥ 27	61.7%	

- 6.22 The results of the assessments show that good levels of daylight potential are generally seen, with 61.7% of the facade area seeing VSC levels in excess of 27%. In these areas, as stated in the BRE Guidance, a conventional window design will generally lead to good levels of daylight indoors.
- 6.23 An additional 27.3% of the facade area sees at least 15% VSC which means that good levels of daylight are easily achievable, provided that larger windows are specified. It follows that the vast majority of the façades (89%) perform well and so, overall, good levels of light can be expected at detailed design stage.
- 6.24 Even in these areas of good or relatively good daylight potential, particular attention should be paid to the location of balconies, as these inherently reduce the amount of light reaching the windows below (if projecting) or behind them (if recessed).
- 6.25 The provision of private amenity space, however, is an important planning requirement and it is considered to offset the reduced daylight and sunlight amenity it causes. This is a common trade-off of different types of amenity (private amenity space v daylight and sunlight amenity) which is generally deemed acceptable across London, particularly in flatted accommodation.
- 6.26 Lower daylight availability (between 5% and 15% VSC) can be seen in isolated locations, accounting for only 10.5% of the facade area. In these locations, according to the BRE Guidelines (CDE.020), it is *“very difficult to provide adequate daylight unless very large windows are used”*.
- 6.27 This levels occur predominantly in the inner corners and on the lower-rise linking blocks, as can be expected of any courtyard arrangement.
- 6.28 Based on my experience, such levels of daylight are not uncommon within urban environments and generally unavoidable within dense developments of this scale and size.
- 6.29 While these levels of daylight are not ideal, habitable rooms could still achieve the recommended levels of daylight, provided apertures and layouts are designed accordingly.

<sup>17</sup> Littlefair, P. (2022). Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice. Hertfordshire: HIS BRE Press, p 9 para 2.1.6

- 6.30 Where possible, however, these portions of the facade are best used to accommodate secondary windows, or rooms without an expectation for daylight, such as circulation spaces, shared facilities, cores, bathrooms and so on.
- 6.31 Where providing residential accommodation in these areas is unavoidable for the overall buildability and efficiency of the scheme not to be compromised, a careful detailed design of the internal layouts and elevations would be advisable to mitigate the lower access to daylight.
- 6.32 In general, there are a number of strategies available to mitigate these isolated areas with low daylight potential, the most relevant of which are summarised below:
- maximising the fenestration would allow greater daylight ingress into the rooms;
  - shallow layouts would allow for more uniform light distribution within the rooms;
  - balconies should be avoided or located so as not to obstruct living areas; and
  - higher floor to ceilings (and therefore window heads), facilitate the penetration of light deeper into the rooms.
- 6.33 It is also important to note that dual-aspect rooms partly located behind obstructed facade areas can easily achieve acceptable daylight levels, provided at least one window has greater access to daylight. This window should be generous in size and not obstructed by a balcony;
- 6.34 Finally, only a negligible proportion of the facade area (<1%) would receive VSC levels <5%, which the BRE Guidance defines as those areas where it is *"often impossible to achieve reasonable daylight"*.
- 6.35 Given the limited proportion of facade area seeing VSC levels in this category, it should be easy for the detailed design to avoid locating main windows in these areas.
- 6.36 The ring chart provided in Figure 09 helps visualise the VSC distribution across the façades, split in the four groups identified in the previous paragraphs.
- 6.37 In the following paragraphs, I will focus my attention on the small proportion (c. 11%) of the facade area seeing levels of light below 15% and discuss potential mitigating design strategies.
- 6.38 It is unlikely that any living area provided in these locations would achieve the daylight levels recommended within the BRE Guidelines (CDE.020).
- 6.39 However, as previously discussed, bedrooms can be designed in these locations that would achieve adequate daylight levels.
- 6.40 Therefore, a sensitive design strategy would be aimed at minimising the number of living spaces provided in these facade areas.
- 6.41 Ultimately, there will be a number of additional considerations that the final design will need to balance with the access to daylight and sunlight such as noise, overheating and privacy. Therefore, a detailed daylight and sunlight report will accompany future RMAs setting out how the design has been brought forward to enhance natural light compatibly with other design considerations, and the final performance achieved.

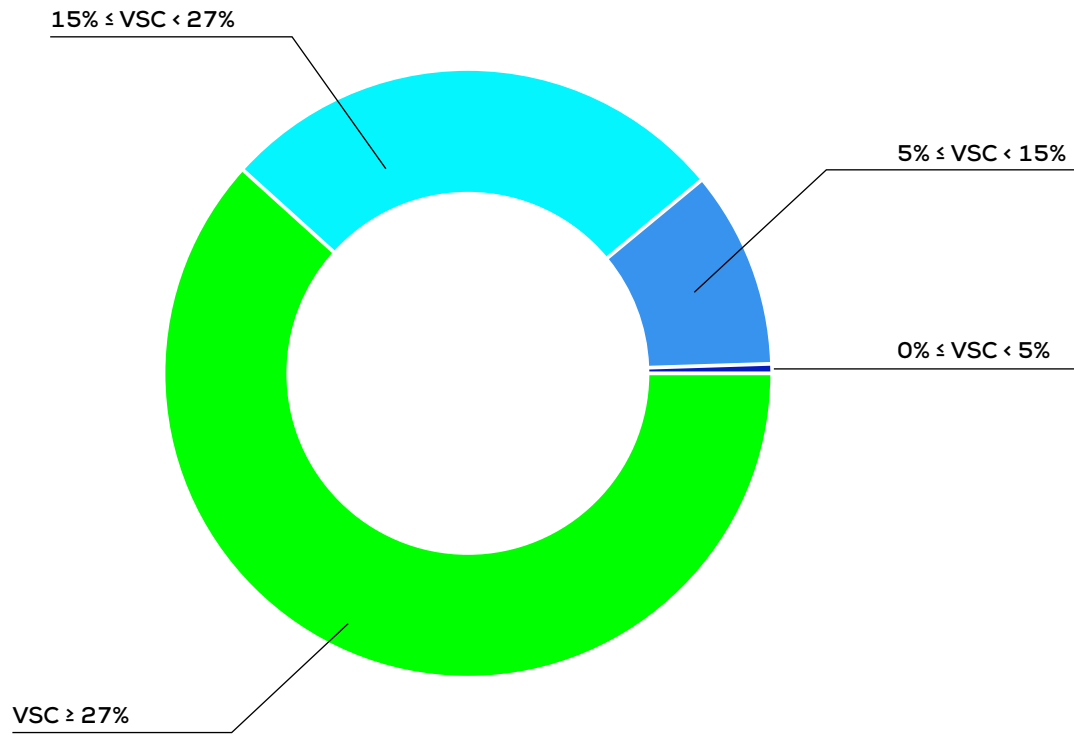
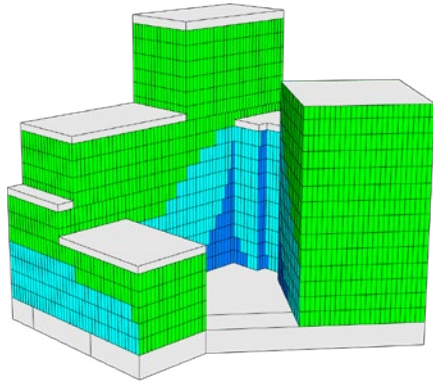


Fig. 09: Daylight Potential (VSC) distribution

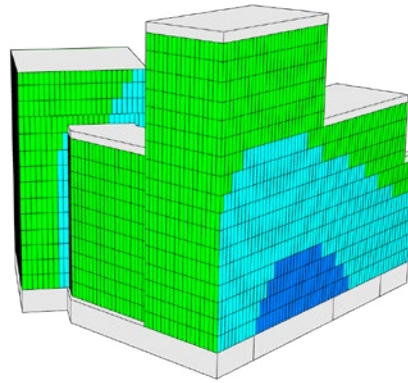
### Block A

- 6.42 As illustrated in Figure 10, the areas seeing lower VSC levels than 15% are mainly located in close proximity to the inner courtyard corners and in a small area of the north-west elevation, towards Block C.
- 6.43 The north-west facing area (view 2) extends for only four storeys above podium level and progressively reduces in size, so it is reasonable to assume that only a limited number living spaces would end up being located here.
- 6.44 When looking within the courtyard (views 1 and 3), there are some areas receiving little daylight closer to the corners. These areas should be preferentially used to provide windows to the cores or for secondary bedrooms and bathrooms.
- 6.45 The area where lower levels of light occur the farthest from the courtyard corners is the podium level of A2 and A3. It is reasonable to assume that this area may also contain some shared amenities, as well communal circulation for residents to access to the podium, which will inherently reduce the number of residential units located in at this level.
- 6.46 With the exception of the lowest few levels, the area of lower potential extends for only a few metres from the corners and so will realistically accommodate one or two windows as most (which should ideally be bedrooms).
- 6.47 The A1/A2 link block is quite shallow (11.5 - 14 metres) and given its configuration it is reasonable to assume that through aspect units will be placed here, accessible from the cores of A1 and A2, respectively. Given the exceptionally high levels of light available towards the railway line, units could be designed with adequately daylight bedrooms facing into the courtyard and very good levels of light available on the opposite elevation.
- 6.48 Finally, the entirety of the A4 facade looking into the courtyard will fall within the 5% to 15% VSC category (view 3). This portion of the building, however, extends for less than 24 metres out from A3 and sees excellent daylight potential to its south-east elevation.
- 6.49 Therefore, the reduced daylight levels in this already small area could be further mitigated by designing dual-aspect units at the corner, which would benefit from excellent levels of light coming from south-east. The bedrooms looking into the courtyard can also be adequately lit, provided they are shallow and highly glazed, as previously explained.

VIEW 1



VIEW 2



VIEW 3

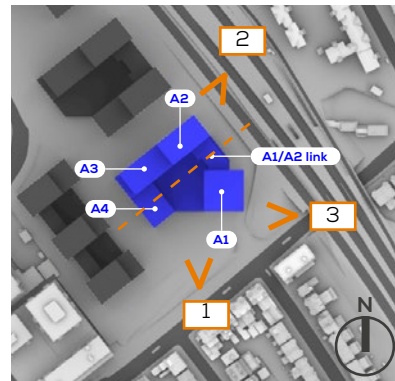
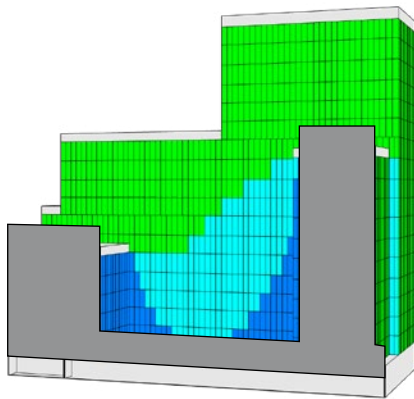
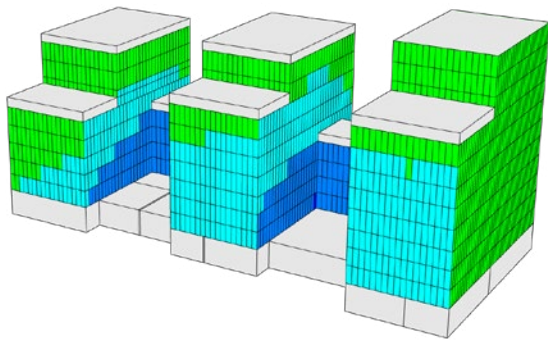


Fig. 10: Block A - Daylight Potential

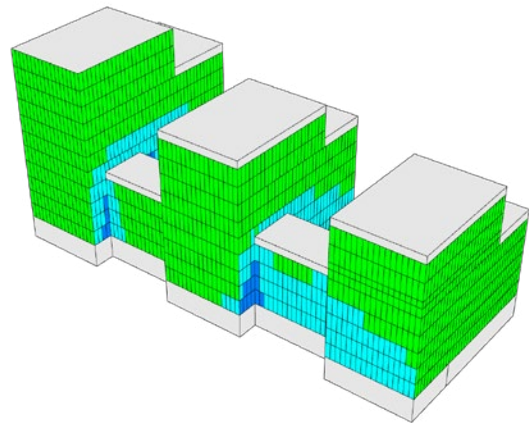
**Block B**

- 6.50 Being composed of two adjacent courtyards, this Block B has a restricted daylight potential predominantly on the link blocks and in the inner corners of both courtyards. This is illustrated in Figure 11.
- 6.51 With the link blocks being only 10 metres deep, these will inevitably have to accommodate through-aspect units (or rooms). Therefore, given that good levels of light are seen on the other elevation of the link blocks (facing 11-13 Cricklewood Lane and 194-196 Cricklewood Broadway), a layout could be designed with bedrooms facing into the courtyards and the main living spaces located on the opposite side, or a with through-aspect living area relying from both elevations for natural light.
- 6.52 Only a few units will end up in the remaining areas of low daylight potential, while the rest of the blocks will perform well, with levels of VSC in excess of 15%.

VIEW 4



VIEW 5



VIEW 6

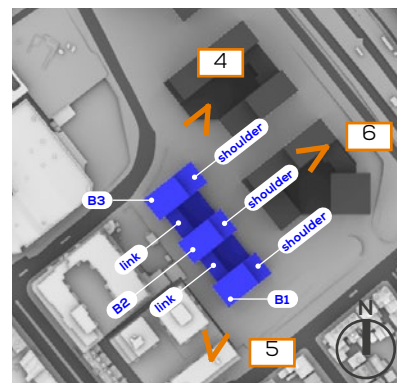
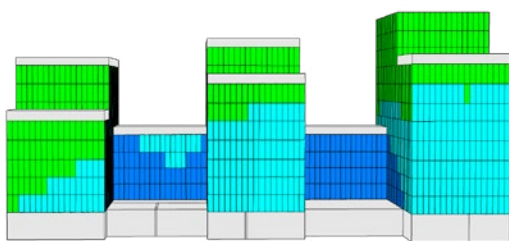


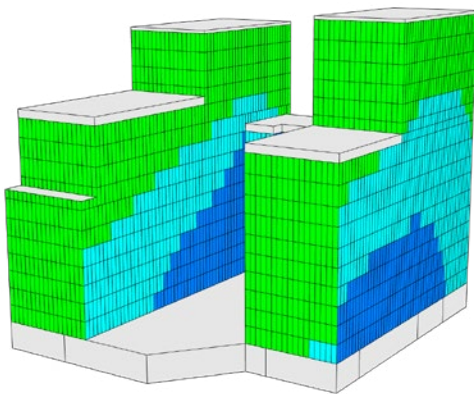
Fig. 11: Block B - Daylight Potential



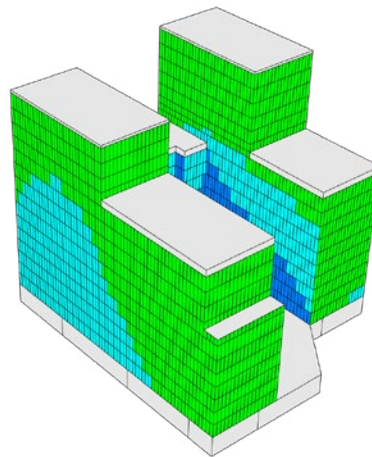
### Block C

- 6.53 As illustrated in Figure 12, the areas with the lowest daylight potential are mainly located towards Block A to the south, and within the courtyard, especially closer to the inner corners.
- 6.54 Similarly to what already discussed for Block A, the link block will likely accommodate through-aspect units accessible from C2 and C3 cores, respectively.
- 6.55 Again, given the exceptionally high levels of light available towards the railway line, units could be designed with adequately daylighted bedrooms facing into the courtyard and very good levels of light available on the opposite elevation.
- 6.56 The area facing Block A can be partly mitigated by positioning a dual-aspect unit with the main living space receiving light from the south-west elevation of C2, which sees excellent levels.
- 6.57 As typical of courtyard configurations, lower levels of light can be expected in the inner elevations, however the images clearly demonstrate how the vast majority of the building allows for good to very good daylight potential.
- 6.58 The remaining areas will inevitably have to accommodate some living rooms, however these would be a small proportion of units.

VIEW 7



VIEW 9



VIEW 10

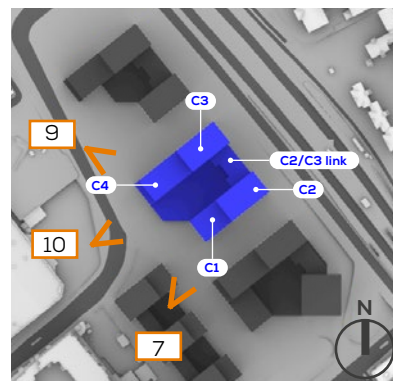
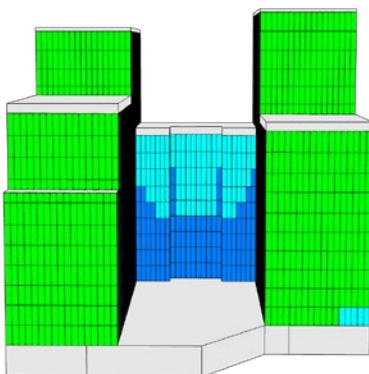
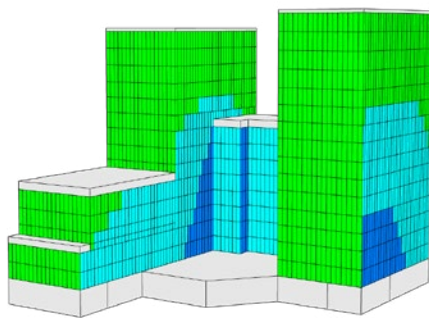


Fig. 12: Block C - Daylight Potential

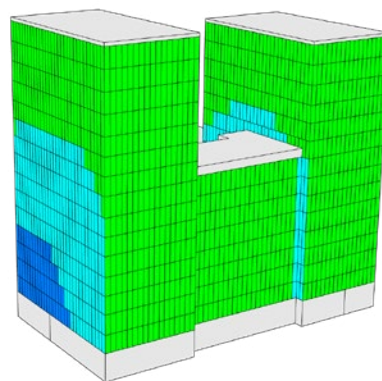
**Block D**

- 6.59 Being located at the edge of the site, almost unobstructed from three directions, Block D sees very good daylight levels, overall. Only a few windows are likely to be provided within D2, close to the inner courtyard corner.
- 6.60 The areas of low daylight potential within D1 can be mitigated by relying on the excellent daylight levels available to the south-west elevation of D1.
- 6.61 The D1/D2 link block performs quite well, but the through-aspect configuration likely to be adopted in this location will further enhance the daylight performance.

**VIEW 11**



**VIEW 12**



**VIEW 14**

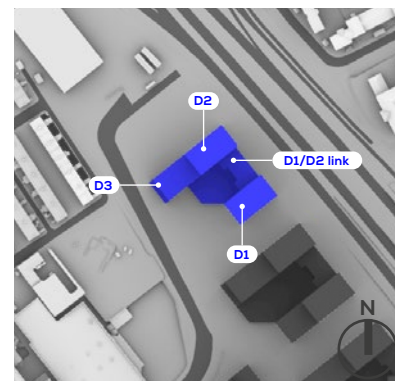
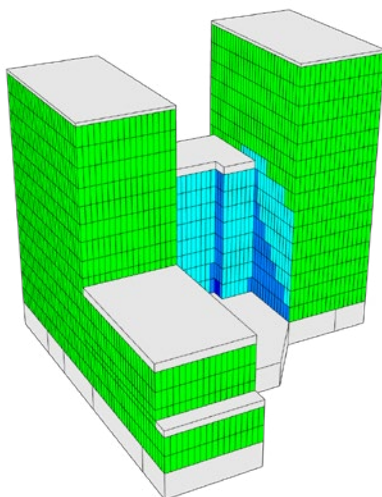


Fig. 13: Block D - Daylight Potential

## Conclusions On Daylight

- 6.62 I have demonstrated in this section how the vast majority of the Proposed Development's façades are expected to receive good daylight levels.
- 6.63 Where lower levels of light are seen, rooms can still be designed that receive adequate daylight, but it would be less likely for living areas to achieve the daylight illuminance levels recommended within the BRE Guidelines (CDE.020).
- 6.64 I illustrated where these areas are located, and identified potential strategies that would further reduce the number of units departing from the BRE recommendations.
- 6.65 As specified within the BRE Guidelines<sup>18</sup> "*natural lighting is only one many factors in site layout design*". A successful design may see other considerations taking precedence (including but not limited to energy efficiency, building fabric efficiency, avoidance of overheating, protection from noise, outlook, layout efficiency).
- 6.66 However, my reasoning demonstrates how the principle of the massing does not itself prejudice this development from achieving good daylight levels.
- 6.67 As in all higher density residential developments, a degree of flexibility must be accepted to ensure an efficient use of land, in line with the recommendations contained within the NPPF and London Plan (CDE.02).
- 6.68 Overall, I conclude that the Proposed Development has the potential to offer adequate daylight amenity to its future occupants, which is commensurate for its form and to its emerging context. Whilst there are a few areas of lower than ideal daylight availability, as is typical of any scheme of this size and density, these can be addressed through careful detailed design of the internal layouts and façades to minimise the number of rooms which may fall short of the recommended levels within the BRE Guidelines.

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18 Littlefair, P. (2022). Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice. Hertfordshire: HIS BRE Press, p 7 para 1.6

## SUNLIGHT

- 6.69 The BRE Guidance suggests that a dwelling that has a particular requirement for sunlight will appear reasonably sunlit if a habitable room can receive a total of at least 1.5 hours of sunlight on 21st March. Ideally, this should happen in the living room.
- 6.70 The assessment results show that the vast majority of the elevations see at least 1.5 hours of direct sunlight on 21st March recommended by the BRE providing plenty of opportunities for direct sunlight exposure.
- 6.71 Lower levels of sunlight are only seen in isolated areas. This is the case predominantly on the north-east facade of Block A and in the linking blocks connecting the three buildings that Block B is comprised of, and the lower levels.
- 6.72 This is in line with expectations for a development of this scale and massing, as it is often inevitable for some windows to have a northerly aspect and so no real potential, nor expectation, for direct sunlight.
- 6.73 The BRE Guidelines (CDE.020) recognises that for larger development of flats it may not be possible to provide every living room with a southerly window, however there are a number of strategies that can be explored at detailed design stage to maximise the number of dwellings with access to good levels of sunlight.
- 6.74 Units should be arranged with the potential for sunlight in mind, ideally placing the living rooms at end corners (so that they can be dual-aspect), and try to shift cores and ancillary areas (where these have windows) to the north side of the building.
- 6.75 It should also be noted that the aim should *"minimise the number of dwellings whose living rooms face solely north, northeast, or northwest, unless there is some compensating factor such as an appealing view to the north"*<sup>19</sup> and any building typically has areas receiving lower levels of direct sunlight, as this is an inevitable consequence of the built environment.
- 6.76 Whilst there is some flexibility for the massing to slightly alter and increase the sunlight availability to the façades at detailed design stage, substantial changes are unlikely.
- 6.77 Therefore, a successful strategy to maximise the sunlight levels would be to try and locate at least one room per unit (ideally the living room) in the areas of greatest sunlight potential.
- 6.78 As discussed for daylight, balconies reduce the sunlight ingress to the rooms below (if projecting) or behind them (if recessed). Therefore, where balconies are provided (and particularly in the areas where the access to sunlight is more limited), I would recommend that their positioning is carefully designed so as to allow for maximum sunlight ingress into the rooms beneath or behind them. This can be achieved by staggering the balconies and/or internal layouts, or ensuring that additional windows free of obstructions are provided within each dwelling.
- 6.79 Where balconies act as shading devices, high-angle summer sunlight will still be enjoyed within the balconies themselves, whilst low-angle winter sunlight will typically

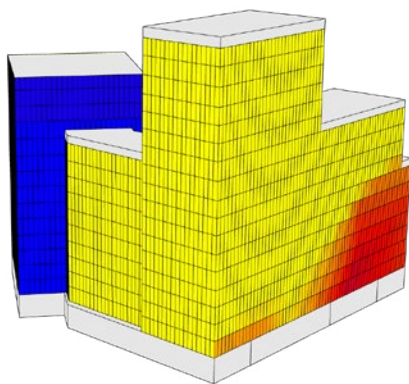
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<sup>19</sup> Littlefair, P. (2022). Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice. Hertfordshire: HIS BRE Press, p 7 para 1.6

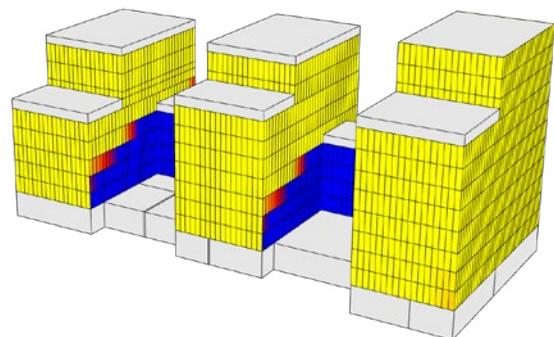
be able to penetrate within the rooms, resulting in passive solar gains when these are most desired.

- 6.80 Overall, however, the provision of private amenity space is generally considered to offset the reduced sunlight amenity it causes. This is a common trade-off of different types of amenity (private amenity space v sunlight amenity) which is generally deemed acceptable, particularly in dense urban areas within London.
- 6.81 When looking at the images provided in Appendix 05 for the whole site, the sunlight potential is generally excellent, with most of the proposed façades meeting the recommended sunlight levels.
- 6.82 I have extracted in Figure 14 below the two views which best illustrate the areas seeing lower levels of sunlight exposure than those recommended within the BRE Guidelines (CDE.020). View 2 shows Block A, and particularly the north facade of A1, while View 4 shows Block C from north-east.
- 6.83 It is inevitable for the north facade of A1 not to receive sunlight on the spring equinox, as this is inherent of any north-facing elevation. However, the massing configuration is such that dual-aspect corner units will be able to rely on good levels of sunlight from east and west.
- 6.84 On the lowest storeys, owing to the presence of the A1/A2 link element, it is safe to assume that any window provided in this elevation will belong to a dual-aspect unit.
- 6.85 Only the four upper storeys, above the link element, may end up accommodating a few north-facing units. This will be inevitably subject to detail design considerations, however it should be noted that these units, despite the lack of direct sunlight, are likely to have an excellent daylight performance.

VIEW 2



VIEW 4



SUNLIGHTING

21<sup>ST</sup> MARCH - MINUTES



Fig. 14: Areas with reduced sunlight potential

- 6.86 The other area of suboptimal sunlight performance within Block A is located at the west end of the north-west elevation. Again, a substantial proportion of this facade area will accommodate dual-aspect units receiving good levels of sunlight from south-west.
- 6.87 Block B would only see lower levels than recommended in the courtyards, which are open towards north-east and so are inevitably more shaded.
- 6.88 As I already discussed for daylight, the units located within the link blocks will likely rely on the sunlight coming from the south-west elevation and should therefore meet the BRE's recommendations for sunlight.
- 6.89 The remaining areas of lower sunlight availability are in the corners between B1 and B2, and the link blocks can be partly mitigated by locating dual-aspect units relying on the sunlight coming from the north-east elevations. Only the areas closest to the inner corners will inevitably result in units with no access to sunlight.
- 6.90 Overall, I consider the Proposed Development to have the potential to deliver good quality homes with adequate sunlight amenity, in line with the flexibility advocated within the BRE Guidelines themselves.

## OVERSHADOWING

- 6.91 The scheme provides a range of public or communal outdoor spaces at ground level, podium level and on the roofs. These areas have been assessed for overshadowing, in line with the recommendations contained within the BRE Guidelines.
- 6.92 In addition to the BRE Sun Hours on Ground test, extracted from Appendix 05 and reported in Figure 15 overleaf, sun exposure assessments have also been undertaken for the equinox and summer solstice in order to provide a better understanding of the sunlight availability throughout the year.
- 6.93 Two large public spaces are provided at ground level, both of which have excellent access to sunlight and exceed BRE's recommendation for a space to be well sunlit over the whole year.
- 6.94 Regarding the potential communal areas to be provided at podium and roof terrace level, 16 of the 18 areas assessed also exceed BRE's recommendation and will therefore receive good sunlight levels throughout the year.
- 6.95 Only two small courtyards within Block B (labelled as 3 and 4 in Figure 15) have limited access to direct sunlight owing to their north-east orientation, with massing to the south-west obstructing sunlight before it can reach podium level. However, future occupants of this block will be able to enjoy good levels of sunlight within the five roof terraces as well as within the ground-level generous outdoor space.
- 6.96 Overall, I can therefore conclude that the sunlight amenity within the proposed areas of public or communal amenity across the scheme is very good, especially for a scheme of this typology and size.

## CONCLUSIONS

- 6.97 In consideration of the above factors, although there are some isolated areas where the results fall below those recommended within the BRE Guidelines, I consider that the Proposed Development has the potential to provide adequate daylight and sunlight to future occupants, overall, which are appropriate for its context and the ambition to redevelop the Appeal Site. This is in line with Barnet's Policy DMO1e, the London Plan and NPPF.
- 6.98 The daylight and sunlight potential of the Appeal Scheme is very good and in my experience higher than what would typically be expected for a development of this scale and nature in an urban location where there is an identified and planned requirement for change.
- 6.99 Detailed assessment will be undertaken as part of future RMAs, once the detailed design has been developed. At that point full details about the proposed levels of daylight and sunlight amenity will be available for full consideration by the Local Authority.

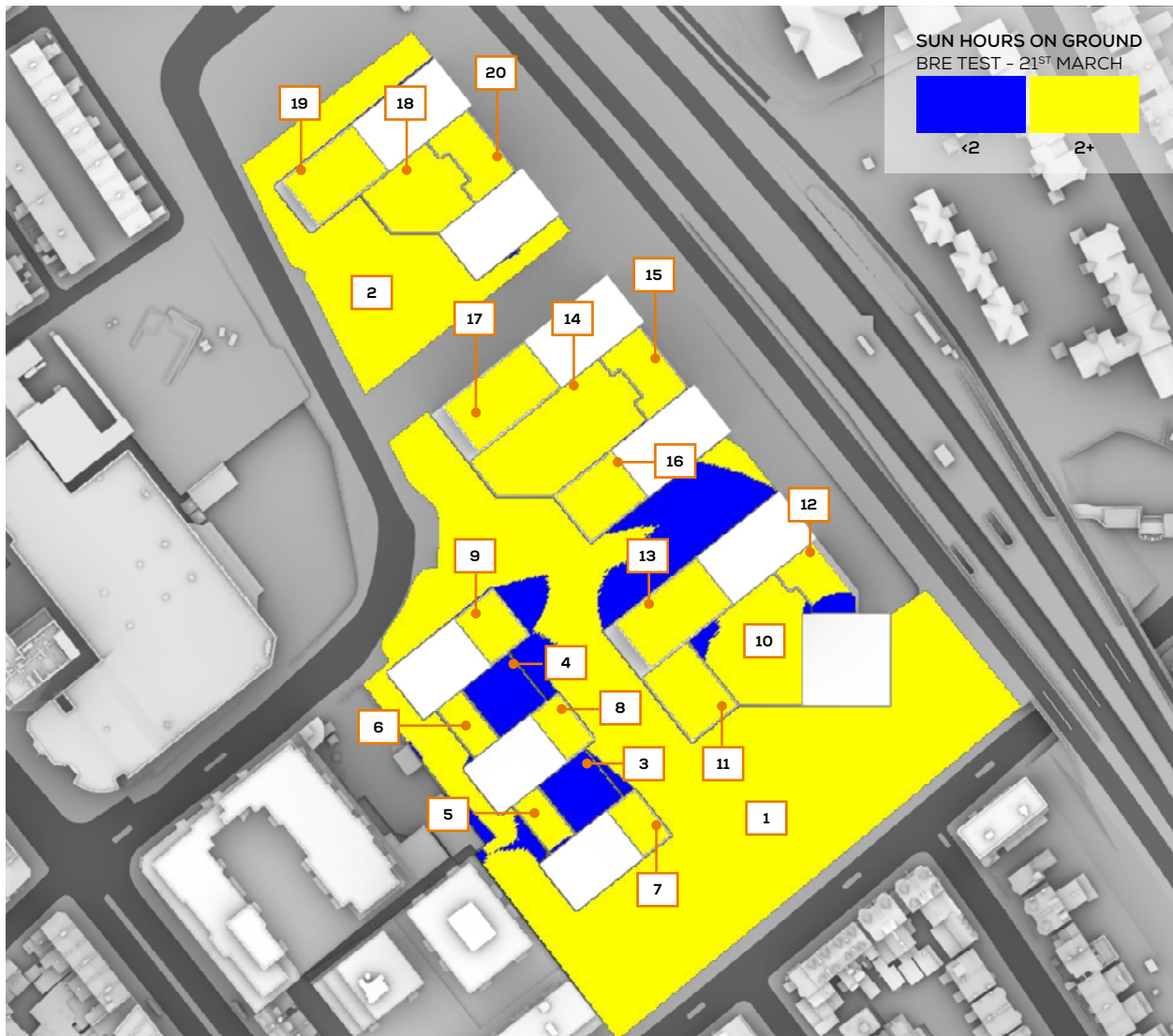


Fig. 15: BRE Sun Hours on Ground test

# SECTION 7 OTHER MATTERS





## 7 OTHER MATTERS

### ANALYSIS OF PHOTOVOLTAICS

- 7.1 The BRE Guidelines 2022 (CDE.020) introduce new guidance on photovoltaics and suggests that *“where a proposed development may result in loss of radiation to existing solar panels (either photovoltaic or solar thermal), an assessment should be carried out”*.<sup>20</sup>
- 7.2 The BRE Guidelines go on to state that:
- “Where the annual probable sunlight hours received by a solar panel with the new development in place is less than 0.90 times the value before, a more detailed calculation of the loss of solar radiation should be undertaken. This is a specialist type of assessment and expert advice should be sought. The assessment should include both direct solar and diffuse sky radiation; over a whole year, around 60% of the radiation received on a horizontal roof comes from the sky. However, reflected radiation from the ground and obstructions need not be included. The modelling should take account of the effects of cloud in reducing direct solar radiation at different times of year, and include a realistic simulation of the way that incoming solar radiation varies from different parts of the sky.”*<sup>21</sup>
- 7.3 Paragraph 4.5.9 states that *“if over the whole year the ratio of total solar radiation received with the new development, to the existing value is less than the values given in Table 2, then the loss of radiation is significant.”*
- 7.4 Finally, paragraph 4.5.10 notes that *“numerical values given are purely advisory. Different criteria may be used based on the requirements for solar energy in an area viewed against other site layout constraints. Another important issue is whether the existing solar panels are reasonably sited, at a sensible height and distance from the boundary. A greater loss of solar radiation may be inevitable if panels are mounted close to the ground and near to the site boundary.”*
- 7.5 PV panels have been identified in the surrounding context, on the roof of the Travelodge Hotel at 214-218 Cricklewood Broadway, shown in Figure 16. As such, an assessment has been undertaken in line with the new guidance. The results of this assessment can be found in Appendix 06.
- 7.6 Similarly, the consented drawings for 1-13 Cricklewood Lane and 194-196 Cricklewood Broadway show PV panels on the roof. For the latter, the application drawings only show the area devoted to panels, rather than the position of the panels themselves, and so the whole dedicated roof area has been assessed.
- 7.7 None of the PV panels in the surrounding context experience reductions beyond 10% in the Annual Probable Sunlight Hours (APSH) assessment. As such, as outlined by the BRE Guidelines, there is no requirement to undertake a further assessment of the solar radiation reaching the PV panels and the impact is not considered significant.

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<sup>20</sup> Littlefair, P. (2022). Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice. Hertfordshire: HIS BRE Press, p 35 para 4.5.

<sup>21</sup> Littlefair, P. (2022). Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice. Hertfordshire: HIS BRE Press, p 36 para 4.5.8



Fig. 16: Existing PV Panels - Aerial view

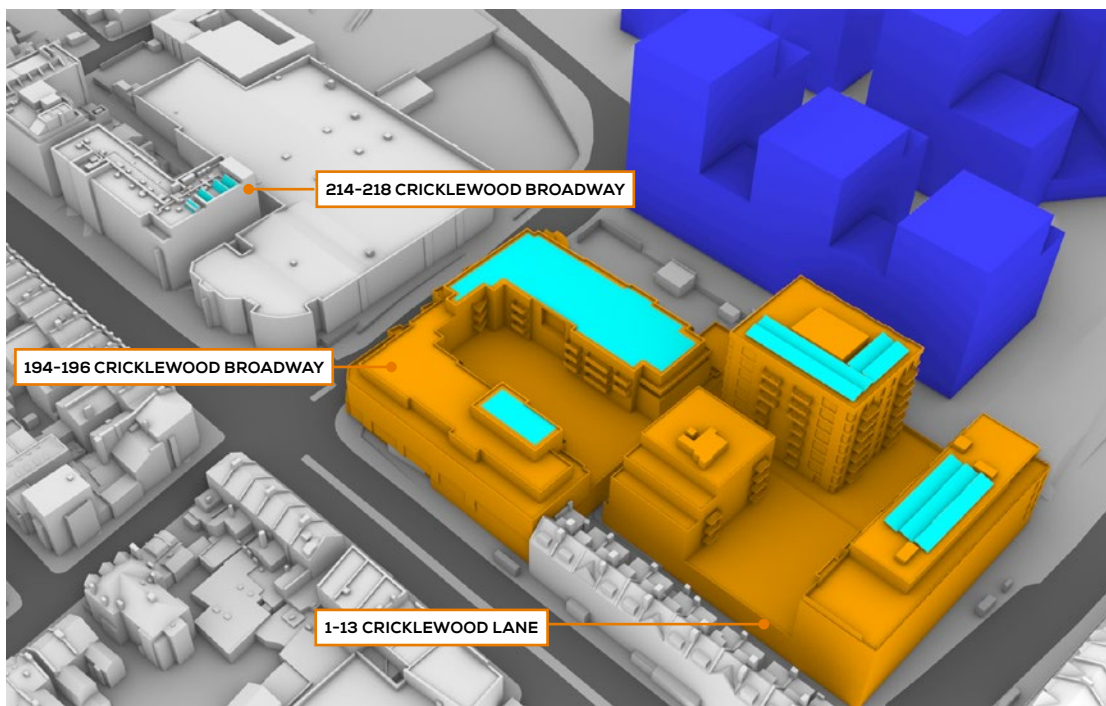


Fig. 17: Existing and emerging panels - Perspective view

## OVERSHADOWING OF NEIGHBOURING AMENITY SPACES

### Methodology

- 7.8 The guidance in respect of overshadowing of amenity spaces is set out in paragraph 3.3.1 of the BRE Guidelines (CDE.020). It recommends that *“for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”*<sup>22</sup>
- 7.9 In addition to the above, where a large building is proposed that could potentially affect a number of gardens or open spaces, the BRE Guidelines suggest that shadow plans may be produced that show the location and extent of shadows at different times of day and year.
- 7.10 This assessment was undertaken to compare the ‘before’ and ‘after’ shadow plots, showing the difference that the proposed building makes. I will refer to this assessment as Transient Overshadowing (TOS).
- 7.11 In interpreting such differences, it must be borne in mind that nearly all structures create areas of new shadow, and some degree of overshadowing of is to be expected.
- 7.12 To illustrate the sunlight availability within the neighbouring amenity spaces throughout the year, a Transient Overshadowing and a Sun Hours on Ground assessment has been undertaken.
- 7.13 The assessment results can be found in Appendix 4.

### Discussion of results

- 7.14 The following areas have been considered, in line with what agreed as part of the EIA Scoping process:
- Rear gardens of properties at Gratton Terrace;
  - Rear gardens of properties at Midland Terrace;
  - Rear gardens of properties at Johnson Terrace;
  - Rear gardens of properties at Campion Terrace;
  - Allotments at Campion Terrace;
  - Kara Way Playground;
  - Amenity areas at Lansdowne Care Home;
  - Communal amenity area at Kemps Court; and
  - Communal amenity area at Raynes Court.

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<sup>22</sup> Littlefair, P. (2022). Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice. Hertfordshire: HIS BRE Press, p 29 para 3.3.17

- 7.15 As demonstrated by the TOS assessment, the rear gardens and allotments to the north-west of the Proposed Development would only experience very limited additional overshadowing, as already by 09:00 GMT on 21st March the area is clear from shadows cast by the Proposed Development and remains so for the remainder of the day.
- 7.16 When looking at the shadow plots for Kara Way Playground, it is apparent that the recommendation for at least two hours of sunlight on the 21st March will be well exceeded, thus complying with the BRE criterion.
- 7.17 The remaining four amenity spaces (three serving Lansdowne Care Home and one serving Dairyman Close) have been assessed in further detail using a SHOG assessment to determine whether any impacts arising are within the recommendations of the BRE Guidelines. The results of the assessments can be found at Figure 18.
- 7.18 The four amenity spaces will remain BRE compliant by either experiencing no more than a 20% reduction in the proposed scenario or retaining two hours of direct sunlight to at least half of the space on the equinox (21st March).
- 7.19 In consideration of the above, we do not consider that the Proposed Development results in an unacceptable impact on overshadowing.

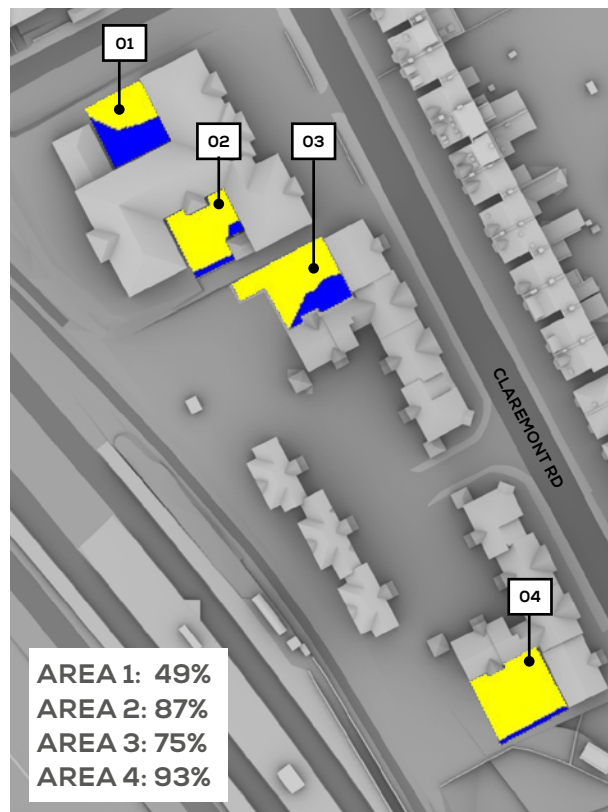
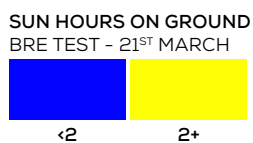


Fig. 18: Sun Hours on Ground - 21st March - Existing v Proposed

SECTION 8  
**CONCLUSIONS**



## 8 CONCLUSIONS

- 8.1 This report has been prepared in order to reflect the latest amendments to the Proposed Development's massing and to assess the scheme against the new BRE Guidelines (CDE.019) to help the Inspector on matters within my expertise.
- 8.2 Within Sections 05, I have considered daylight and sunlight impacts to the neighbouring properties.
- 8.3 Within Section 06 I have considered the quality of the Proposed Development from a daylight and sunlight amenity point of view.
- 8.4 Finally, within Section 07, I have considered other matters, such as impacts on PV panels and on neighbouring amenity areas.
- 8.5 As confirmed by the Rainbird case (CDG.06), a two-stage process should be followed when assessing the impacts on neighbouring properties. At Stage one the question to ask is whether there is a noticeable impact, and at Stage two it is necessary to consider whether any harm is acceptable. In order to answer the stage one question, the BRE Guidelines (CDE.019) can be applied. In answering the Stage two question, wider amenity considerations are to be taken into account in arriving at a balanced judgement.
- 8.6 When considering the available and most appropriate methodologies to assess the daylight impact of a new development, VSC is more often used when considering the impact on established buildings (for example, in Victorian terraces where the layouts are unknown). ADF, on the other hand, is more commonly considered on phased developments where the affected buildings have been recently (or not yet) occupied and the layouts are known.
- 8.7 In terms of the daylight and sunlight amenity within the Proposed Development, owing to the outline nature of the application, I have undertaken simplified assessments of the Illustrative Scheme prepared by EPR Architects to gauge the potential for the detailed scheme to provide adequate levels of daylight and sunlight amenity.
- 8.8 With the vast majority of the elevation seeing both the recommended daylight and sunlight levels and with good levels of sunlight available to most of the open spaces provided, I conclude that the Proposed Development has the potential to deliver residential accommodation of adequate daylight and sunlight quality.
- 8.9 The daylight and sunlight effects of the Appeal Scheme and potential for good daylight and sunlight within it are entirely reflective and, in my experience, expected of an urban location where there is an identified and planned requirement for transformation.
- 8.10 It is therefore my considered view that the Proposed Development provides "adequate" daylight and sunlight levels for adjoining occupiers as required Policy DM01 of the Development Management Policies DPD 2012.
- 8.11 For all the reasons noted above and within this report, I support the Proposed Development on behalf of the Applicant and invite the Inspector to allow planning permission for the Proposed Development.



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## **A.2 Townscape, Visual and Built Heritage Technical Note**

# BRIEFING NOTE



EIA ASSESSMENT OF SALIENT  
ALTERATIONS TO PROPOSALS AT B&Q,  
CRICKLEWOOD LANE, CRICKLEWOOD

10<sup>th</sup> January  
2023

## ASSESSMENT

### INTRODUCTION

Montagu Evans LLP prepared the built heritage, townscape and visual impact assessment (the 'HTVIA') on behalf of Montreaux Ltd in support of an application for planning permission for their site, the former B&Q, Cricklewood Lane, Cricklewood (the Site'), which was submitted in 2020 (LPA Ref: 20/3564/OUT).

The HTVIA formed a chapter of the Environmental Statement ('ES') for the 2020 application proposals (the 'Submitted Scheme'), and should be read in conjunction with this document.

Subsequent to submission, In July and then August 2021 the tallest element of the Proposed Development, previously 141.675m AOD (equivalent of 25 storeys) as assessed within the 2020 ES, was reduced to 104.775m AOD (a reduction of 12 storeys) lowering building heights along Cricklewood Lane, adjacent to the new public square and Cricklewood Green. The significant reduction in height responded to stakeholder comments and concerns from the Council's officers about visual impacts, and the feedback from the Council's Heritage and Conservation officer. As a result of the reduction in height and massing, the total number of residential units decreased from up to 1,100 to up to 1,049 residential units, a decrease of 51 units.

This document provides a summary of the effects of the Revised Scheme on heritage, townscape and visual receptors in accordance with the EIA Methodology set out at **Section 2.0** of the HTVIA.

### HERITAGE

Below, we identify effects that would change from those described in the 2020 ES. Where an effect remains the same, this is not replicated here, and we refer the reader to the 2020 ES HTVIA.

With the exception of those detailed below, the assessment of the magnitude of impact and the effect on identified heritage assets remains the same as described in the 2020 ES, and is not repeated here.

#### Railway Terraces Conservation Area

The 2020 ES found a Minor Adverse effect as a result of the Submitted Scheme, with the effect likely to be reversed to beneficial at detailed design stage.

Turning to the Revised Scheme, the views of the proposed development from within the CA will be limited to the edges of the CA. There will be no impact on the whole of the CA, none of the architectural characteristics of the properties and their settings will be affected, none of the spatial qualities of the CA will be impacted. The principal views north and south will not be affected. The greatest visual impacts on the Conservation Area will be experienced from the allotments on the eastern boundary.

The allotments were historically part of the goods yard and then later converted and used before 1939 as areas to grow food. This use was then reinstated in the 1970s after a local campaign. The area contributes something to an understanding

of the historic interest of the CA but the qualities and productivity of the land is not dependent on the preservation of views from it. We can see from the AVR views testing that there will be some visual impact from this part of the CA but this causes no harm to the setting and significance of the CA. Views of the proposed development would not affect an understanding of the associations with this part of the CA.

We therefore find that there would be no harm to the setting and significance of the CA as a result of the Revised Scheme. There would be an enhancement to setting through the replacement of land with poor amenity value with attractive landscape and residential uses complementing the area. The proposed building materials as set out in the Design Code would be complementary.

We therefore identify a **Minor Beneficial** effect as a result of the Revised Scheme. This effect would be direct, local and permanent.

### Crown Public House (grade II)

The 2020 ES found a Negligible Adverse significance of effect as a result of the Submitted Scheme.

There is some intervisibility between the Crown PH and the Proposed Development, as demonstrated by view 8 from Cricklewood Broadway, but this impact is not considered to be intrusive. There is no planned view from the street looking north-east obliquely across the Crown PH, this is an incidental view and experienced as part of a sequence through the commercial area. We do not, therefore, identify harm to the setting or significance of the public house from this intervisibility.

This public house is now in use as a hotel which comprises a modern block to its side, in a prominent setting position. The impacts from the scheme on the ability to appreciate the lively and attractive late Victorian detailing of the pub are transitory and negligible. We therefore find that the setting of this important building is preserved.

The effect would be **Negligible Neutral**. This effect would be direct, local and permanent.

The ability to appreciate the heritage value of other heritage receptors in the study area would not change.

## TOWNSCAPE

The changes would not affect the contribution made by the Proposed Development to the wider townscape context of the Site. The uses, functioning of the area, wayfinding and landmarking would be unaffected.

The proposals would create a point of townscape prominence, appropriate to its location adjacent to a major transport infrastructure node. The height and scale of the new buildings would mark the location and function as a point of connection linking key routes through the area.

We have reviewed the effects identified in the 2020 ES. These would remain the same for the Revised Scheme.

Those effects are not, therefore, replicated here.

## VISUAL

As with heritage and townscape, we identify effects that would change from those described in the 2020 ES. Where an effect remains the same, this is not replicated here.

There is no material visibility in views 1, 2 and 16, which are medium to long distance views looking south towards the site. The composition and balance of the view are unaffected by any intervisibility in these views. Where the scheme is visible it

does not distract from the enjoyment of the open space. We therefore identify a **Negligible Beneficial** effect for these views. This effect would be direct, local and permanent.

Views showing the Site approached from the east include views 3 and 5. Whilst the new built form would be a perceptible element, it would not materially affect visual amenity. For this reason, we identify a **Negligible Beneficial** effect for view 3 and a **Negligible Beneficial / Minor Beneficial** effect for view 5. The effect would be direct, local and permanent.

For view 6, the effect is reduced from that identified in the 2020 ES as a result of the decrease in scale at the south western extent of the Site. There would be a change to the scale of development in the view, with the introduction of a new terminating landmark, though the residential character of the fore and middle ground would remain appreciable. The distance over which the Proposed Development would be seen would, in practice, mean the two were understood separately, and the stepping in height away from the boundary would reduce the Magnitude of Impact from High to Low, and the effect would be **Minor Adverse**. This would be direct, permanent and local.

In views from the west (9-11), the impact is notably reduced for the Revised Scheme owing to the reduction in height, and the step-up in massing from the boundary towards the centre of the Site creates a more comfortable transition from the existing built environment. For this reason, views 9 and 11 would reduce to a Low magnitude of impact, and a **Minor / Moderate Adverse** significance of effect. This effect would be direct, local and permanent.

The effects of the remaining views would be the same as for the Submitted Scheme.

## Summary

The effects identified here are set out in the EIA tables overleaf. These should be read in conjunction with the baseline assessment of significance for each receptor provided in the 2020 ES.



Statement of Conformity: EIA Tables

**Table 1.1 Summary of Heritage Effects**

Map Ref	Receptor	Heritage Value	Susceptibility to Change	Sensitivity	Magnitude of Impact (Demolition and Construction)	Likely Effect (Demolition and Construction)	Magnitude of Impact (Completed Development)	Likely Effect (Completed Development)	Likely Effect (Cumulative)
<b>Designated Heritage Receptors</b>									
A	Cricklewood Railway Terraces CA	Medium	Medium	Moderate	Low	Minor Adverse	Low	Minor Beneficial	Minor Beneficial
B	Mapesbury CA	Medium	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)
3	The Crown Public House and Three Lamp Standards in front of The Crown Public House	Medium	Medium	Moderate	Nil	None	Low	Negligible Neutral	Negligible Neutral
5	Church of St Gabriel	Medium	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)
6	Church of St Michael	Medium	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)
7	Hampstead Cemetery, Mortuary Chapels, Monuments and Tombs	Medium	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)
33	Hampstead Cemetery	Medium	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)
<b>Non-Designated Heritage Receptors</b>									
22	The Cricklewood Tavern (No. 75 Cricklewood Lane)	Low	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)
23	1-6 Burlington Parade	Low	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)
24	318 Cricklewood Broadway	Low	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)
25	Nos. 1-14 Campion Terrace	Low	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)
26	Nos. 1-40 Gratton Terrace	Low	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)
27	Nos. 1-40 Johnston Terrace	Low	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)
28	Nos. 1-44 Midland Terrace	Low	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)
29	Nos. 1-38 Needham Terrace	Low	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)
30	62-80 Cricklewood Broadway	Low	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)
31	82-100 Cricklewood Broadway	Low	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)
32	Hampstead School	Low	Low	Low	Nil	None	Low	Negligible (Adverse)	Negligible (Adverse)

**Table 1.1 Summary of likely effects on townscape receptors.**

Character Area ref.	Name	Townscape Value	Susceptibility to Change	Sensitivity	Magnitude of Impact (Demolition and Construction)	Likely Effect (Demolition and Construction)	Magnitude of Impact (Completed Development)	Likely Effect (Completed Development)	Likely Effect (Cumulative)
1	Railway Infrastructure and Commercial Warehouses	Very Low	Low	Low	High	Minor Adverse	High	Major Beneficial	Major Beneficial
2	Railway Terraces	Medium	Low	Low	Low	Minor Adverse	Medium	Minor Beneficial	Minor Beneficial
3	Cricklewood Broadway	Low	Low	Low/Moderate	Low	Minor Adverse	Low	Neutral	Neutral
4	Cricklewood Lane	Low	Low	Low/Moderate	Nil	None	Moderate	Minor Beneficial	Minor Beneficial
5	South Cricklewood Residential	Medium	Low	Low	Negligible	Negligible	Low	Negligible (Beneficial)	Negligible (Beneficial)
6	North-East Cricklewood Residential	Low	Low	Low	Negligible	Negligible	Low	Negligible (Beneficial)	Negligible (Beneficial)
7	Green Open Space	Low	Low	Low	Negligible	Low	Low	Negligible (Beneficial)	Negligible (Beneficial)
8	North Cricklewood Residential	Low	Low	Low	Negligible	Low	Low	Negligible (Beneficial)	Negligible (Beneficial)
9	East Cricklewood Residential	Low	Low	Low	Negligible	Low	Low	Negligible (Beneficial)	Negligible (Beneficial)
10	West Hampstead Residential	Medium	Low	Low	Negligible	Low	Low	Negligible (Beneficial)	Negligible (Beneficial)
11	West Hampstead Cemetery	Medium	Low	Low/Moderate	Negligible	Low	Low	Negligible (Beneficial)	Negligible (Beneficial)

**Table 1.1 Summary of Likely Effects on Visual Receptors. Significant effects are shaded in blue.**

View ref.	Name	Value	Susceptibility to Change	Sensitivity	Magnitude of Impact (Construction Phase)	Likely Effect (Construction Phase)	Magnitude of Impact (Completed Development)	Likely Effect (Completed Development)	Likely Effect (Cumulative)
1	Clitterhouse Playing Fields looking South	Low to Medium	Low	Low to Moderate	Nil	None	Low	Negligible Beneficial	Minor Beneficial

View ref.	Name	Value	Susceptibility to Change	Sensitivity	Magnitude of Impact (Construction Phase)	Likely Effect (Construction Phase)	Magnitude of Impact (Completed Development)	Likely Effect (Completed Development)	Likely Effect (Cumulative)
2	Claremont Road/The Vale Junction looking South	Low	Low	Low	Nil	None	Low	Negligible Beneficial	Minor Beneficial
3	Hampstead Cemetery looking West	Low to Medium	Low	Low to Moderate	Nil	None	Low	Negligible Adverse	Minor Adverse
4	Cricklewood Lane (The Tavern) looking West	Low	Low	Low	Nil	None	Low to Medium	Minor Beneficial	Minor Beneficial
5	Cricklewood Station looking South-west	Low	Low	Low	Negligible	Negligible Adverse	Medium	Negligible/Minor Beneficial	Minor/Moderate Beneficial
6	Oak Grove looking North-west	Low to Medium	Medium	Moderate	Negligible	Negligible Adverse	Low	Minor / Moderate Adverse	Minor/ Moderate Adverse
7	Elm Grove looking North-west	Low to Medium	Medium	Moderate	Negligible	Negligible Adverse	High	Moderate Adverse	Moderate Adverse
8	Cricklewood Broadway (The Crown Pub) looking North	Medium	Medium	Moderate	Negligible	Negligible Adverse	Negligible	Negligible Adverse	Negligible Adverse
9	Chichele Road looking North-east	Medium	Medium	Moderate	Negligible	Negligible Adverse	Low	Minor Adverse	Moderate Adverse
10	Walm Lane/St Gabriel's Church looking North-east	Medium	Medium	Moderate	Nil	None	Negligible	Negligible Beneficial	Negligible Beneficial
11	Ashford Road looking North-east	Low to Medium	Medium	Moderate	Negligible	Negligible Adverse	Low	Minor Adverse	Moderate Adverse
12	Cricklewood Broadway looking South-east	Low	Low	Low	Nil	None	Nil	None	None
13	Railway Terraces Needham Terrace looking South-east	Medium	Medium	Moderate	Negligible	Negligible Adverse	Negligible	Negligible Adverse	Negligible Adverse
14	Railway Terraces Allotments looking South-east	Low	Medium	Moderate	Negligible	Negligible Adverse	Low	Negligible Adverse	Negligible Adverse

View ref.	Name	Value	Susceptibility to Change	Sensitivity	Magnitude of Impact (Construction Phase)	Likely Effect (Construction Phase)	Magnitude of Impact (Completed Development)	Likely Effect (Completed Development)	Likely Effect (Cumulative)
15	Railway Terraces Johnston Terrace looking South-east	Low to Medium	Medium	Moderate	Negligible	Negligible Adverse	Negligible	Negligible Adverse	Negligible Adverse
16	Railway Terraces Rockhall Way Gardens looking South-east	Medium	Medium	Moderate	Negligible	Negligible Adverse	Low	Negligible Neutral	Minor Adverse
17	LVMF View Railway Terraces Rockhall Way Gardens looking South-east	High	Medium	Moderate	Nil	None	Negligible	Negligible	Negligible

## **A.3 Traffic and Transport Proof of Evidence**

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

## **PROOF OF EVIDENCE (TRANSPORT)**

by Richard Fitter, IEng, FCILT, FICE, FIHE

Planning application Ref: 20/3564/OUT

Planning Inspectorate Ref: APP/N5090/V/22/3307073

**Date:** January 2023

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## SUMMARY

- i. My evidence considers the effect of the Proposed Development on local transport, with particular regard to sustainable travel, effects on the road network and highway safety, and the amount of parking to be provided.
- ii. The Application is in outline only with all matters reserved except for access. The matters of layout and landscaping would therefore be determined as part of any reserved matters or full planning applications.
- iii. The Application Site is very well placed to promote sustainable travel choices. The Application Site has a current PTAL rating of 5 at the front of the site and 4 at the rear; however, the Proposed Development will introduce new direct pedestrian and cycle routes through the site, thereby reducing the distance to the bus stops on Cricklewood Lane and to Cricklewood Station. This will have the effect of increasing the access level at the rear of the Application Site. An audit of existing sustainable transport infrastructure shows that the Application Site is very well located to promote walking and cycling as the preferred modes of travel for shorter journeys.
- iv. The Application was supported by a Transport Assessment and a three-part Transport Implementation Strategy. Following consultation responses from The Council's Transport Team and TfL, a revised Transport Assessment was submitted in March 2021 including an Active Travel Assessment; and a further Traffic Impact Assessment (TN5) was submitted in May 2021.
- v. On the basis of the information submitted in support of the Application, The Council as local highway authority raised no objection to the Proposed Development subject to conditions and obligations. The Council did, however, provide the following putative reason for refusal on 8th November 2022:

***"Members direct officers that they would have been minded to refuse the application and that officers should give evidence to the Planning Inquiry resisting the scheme, due to the fact that the proposed development and parameters sought, by virtue of an excess in height, scale and massing would result in a discordant and visually obtrusive development that would demonstrably fail to respect the local context, to the detriment of the character of the area, and the setting of the adjacent Railway Terrace Conservation Area, and would therefore not constitute a sustainable development and would be contrary to the Local Plan."***



- vi. The reference to sustainable development appears to relate exclusively to the scale of buildings and local context, character of the area and Conservation area; however, my evidence addresses any allegation that the Proposed Development would not constitute sustainable development in terms of means of access and transportation.
- vii. TfL as strategic transport authority raised no objection to the Proposed Development subject to conditions and obligations. LB Camden and LB Brent as neighbouring highway authorities raised no objections on transport grounds.
- viii. I have demonstrated that the Proposed Development would result in a significant net reduction in vehicle trips compared to the existing retail use and would therefore have a positive effect on local highway conditions.
- ix. I have demonstrated that the Proposed Development would deliver an appropriate level of car parking in line with the London Plan 2021, and that the proposed level of parking would both meet the needs of the development and cause no harm to the surrounding highway network.
- x. The Proposed Development would deliver a package of transport improvements. The improvements would comprise management procedures to control and regulate the movement of people and goods to and from the site, contributions and obligations to enhance the surrounding transport network and to promote sustainable transport choices, and physical measures to improve the local highway conditions.
- xi. In accordance with the terms of the National Planning Policy Framework, the Application should not be refused on highways or transport grounds. The Proposed Development would accord with the development plan and there are no material transport considerations which outweigh the presumption in favour of granting planning permission.



## 1.0 PERSONAL QUALIFICATIONS AND SCOPE OF EVIDENCE

### 1.1 Personal Qualifications

- 1.1.1 My name is Richard Fitter. I am an Incorporated Engineer, registered with the Engineering Council. I am a Chartered Fellow of the Institution of Logistics and Transportation, a Fellow of the Institution of Civil Engineers and a Fellow of the Institute of Highway Engineers.
- 1.1.2 I was co-opted as a Member of the Council of the Institute of Highway Engineers and chaired their national debate on competing requirements of the Manual for Streets and the Design Manual for Roads and Bridges.
- 1.1.3 I am a Director of Entran Ltd and have 34 years' experience in traffic engineering and transport planning in both the public and private sectors. I have extensive experience of assessing the transport implications of a range of developments including mixed-use and residential developments across London and throughout the UK.
- 1.1.4 Entran were appointed by Montreaux Cricklewood Developments Ltd (the "Applicant") in February 2019 to provide transport consultancy services in support of the outline planning application with reference 20/3564/OUT (the "Application") for the redevelopment of land at B&Q Broadway Retail Park, Cricklewood, Lane Barnet NW2 1ES (the "Application Site"). I was the project Director for Entran throughout the pre-application and planning application process.
- 1.1.5 I have visited the Application Site on a number of occasions, and I am familiar with its layout as well as the surrounding transport network.
- 1.1.6 I have prepared this proof of evidence in accordance with the guidance of my professional institutions, and I confirm that the opinions expressed are my true and professional opinions.
- 1.1.7 In preparing this proof of evidence I have adhered to the RTPI Code of Conduct and prepared evidence consistent with the rules and guidance to Part 35 of the Civil Procedure Rules and which govern the work of expert witnesses. The required affirmation concluding this evidence sets out my understanding of those duties. This includes confirmation that I am not paid under any contingency or success fee arrangements.



## 1.2 Scope of Evidence

1.2.1 I have been instructed by Montreaux Cricklewood Developments Ltd to provide this proof of evidence in response to the Secretary of State's decision to call in the Application for the redevelopment of land at B&Q Broadway Retail Park, Cricklewood, Lane Barnet NW2 1ES.

1.2.2 The current use of the Application Site is retail (Use Class E). The Application is for outline planning permission (including means of access with all other matters reserved) for the demolition of existing buildings and the comprehensive phased redevelopment of the Application Site for a mix of uses including up to 1049 residential units (Use Class C3), and up to 1,200 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 (the "Proposed Development").

1.2.3 Transport was not one of the issues cited in the call-in letter (CDC.02) which stated as follows:

***"On the information so far available to the Secretary of State, the matters which he particularly wishes to be informed about for the purposes of his consideration of the application are the design, scale and massing of the proposal and any other matters the Inspector considers relevant."***

1.2.4 However, following the Case Management Conference on 30<sup>th</sup> November 2022, the Inspector issued a Case Management Summary Note (CDC.03) which included a section entitled 'Main Considerations'. There are two main considerations; the first relates to the historic environment and character and appearance, the second is:

***"The effect of the proposed development on local transport, with particular regard to sustainable travel, effects on the road network and highway safety, and the amount of parking to be provided."***

1.2.5 This proof of evidence addresses the second, transport-related, area of consideration only.



## 2.0 POLICY CONTEXT

### 2.1 National Planning Policy Framework (2021)

2.1.1 Section 9 of the National Planning Policy Framework (the “Framework”) is entitled ‘Promoting sustainable transport’ and includes a sub-section entitled ‘Considering development proposals.’

2.1.2 Paragraph 105 states that:

***“Significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.”***

2.1.3 The Application Site is in a highly sustainable location immediately adjacent to Cricklewood Station. The existing PTAL<sup>1</sup> level is 5 (Very Good) at the front of the Application Site and 4 (Good) at the rear of the Application site, on a scale of 0 (worst) to 6b (best). The Proposed Development will provide a new, more direct pedestrian route to the bus stops on Cricklewood Lane and to Cricklewood Station, thereby increasing the access level at the rear of the Application Site. The revised Transport Assessment demonstrates that the Application Site is very well located to reduce the need to travel, promote sustainable travel choices and reduce reliance on the private car.

2.1.4 Paragraph 107 states that when setting local parking standards, policies should take into account:

- (a) the accessibility of the development;
- (b) the type, mix and use of development;
- (c) the availability of and opportunities for public transport;
- (d) local car ownership levels; and
- (e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles

2.1.5 Paragraph 110 states when considering development proposals, it should be ensured that:

***“a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location”***

---

<sup>1</sup> Public Transport Access Level (TfL)



The Planning Application was supported by a Transport Assessment ("TA") (CDA.19) and Framework Travel Plan ("FTP") (CDA.12) dated July 2020 and a revised TA dated March 2021 (CDA.25), prepared in accordance with the Planning Practice Guidance entitled *"Travel Plans, transport assessments and statements in decision taking"* (2014) published by the Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities ("DLUHC")). The revised TA (CDA.25) assessed the accessibility of the site by sustainable modes of travel and included measures to promote sustainable travel to and from the Application Site, which measures would be secured by a planning condition and/or section 106 obligation.

2.1.6 Paragraph 110 also states that development proposals should ensure:

***"b) safe and suitable access can be achieved for all users"***

2.1.7 All matters, including layout, are reserved as part of the Application, except access. Means of access from the public highway (and accesses from Depot Approach) will be determined as part of this application but internal routes for pedestrians and cyclists are illustrative and will be determined as part of layout and landscaping reserved matters applications. The revised Transport Assessment demonstrates that safe and suitable means of access can be provided for pedestrians, cyclists and drivers in accordance with paragraph 110 of the Framework.

2.1.8 Paragraph 110 further provides that development proposals should ensure:

***"d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree"***

2.1.9 Paragraph 110 d) of the Framework is very important when considering the effects of development on the local transport network. All development by its very nature will have some form of effect on the transport network. It does not follow that those effects will always be adverse. Furthermore, if the development is found to cause adverse effects, then mitigation measures to be delivered by the development will often negate these effects and indeed may result in an overall improvement in local transport conditions. Importantly, paragraph 110 d) states that those mitigation measures should be cost effective. It also states that adverse effects should be mitigated 'to an acceptable degree'. This clearly requires a level of professional judgement by the local planning and highway authorities as some level of residual effects may still be considered acceptable when judged against the benefits delivered by the proposed development.



2.1.10 Paragraph 111 states that:

***“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”***

2.1.11 Paragraph 111 demonstrates that national planning policy does not consider it appropriate that developments should plan for or achieve ‘nil detriment’ traffic conditions. In principle, some increase in delay and congestion is acceptable up to a point where the results become severe. As with paragraph 110, paragraph 111 also acknowledges that some level of effect on safety or highway capacity may still be acceptable. Again, it is necessary for a competent and suitably qualified person to assess whether any impacts on highway safety would be acceptable or unacceptable, and also whether the residual impacts on the transport network (after mitigation) would be severe. However, it does not take a qualified traffic engineer to understand that a net reduction in traffic generation and the closure of a vehicle access onto an ‘A’ class road would result in an overall improvement in highway conditions, and that additional walking, cycling and public transport journeys, when distributed across the transport network would not necessarily be considered ‘severe’. The revised Transport Assessment (CDA.25) demonstrates that the Proposed Development would result in a significant net reduction in traffic and the closure of an existing access onto an ‘A’ class road; it also demonstrates that the net increase in walking cycling and public transport use would not have a severe effect on the transport network.

2.1.12 The Proposed Development would meet the requirements of Paragraph 112 by giving priority to pedestrians and cyclists and facilitating access to high quality public transport. The Proposed Development would also address the needs of people with disabilities and reduced mobility and, as demonstrated in the Healthy Streets assessment within the revised Transport Assessment, create a place that is safe, secure and attractive. The Proposed Development would also allow for the efficient servicing and access for emergency vehicles; and provide charging points for ultra-low emission vehicles in convenient locations.

2.1.13 Paragraph 126 refers to the need for good design to be a key aspect of sustainable development, creating better places in which to live and work and making development acceptable to communities. With regard to matters of highway and transportation, this paragraph is relevant to the illustrative layout, means of access, and the proposed off-site improvements for pedestrians, cyclists and public transport passengers.





2.1.14 Paragraph 130 refers to the quality and visual attractiveness of the development and ensuring that it is sympathetic to the local character and setting. With regard to highways and transport, paragraph 130 f) states that developments should:

***“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.”***

2.1.15 Clearly, means of access to the development, as well as the internal layout, will contribute to creating a safe place. Furthermore, a good level of provision for pedestrians, cyclists and those with mobility impairments, will ensure that the development is accessible for all, and will promote sustainable and healthy travel choices. The revised TA (March 2021) (CDA.25) included an Active Travel Zone assessment, which incorporated a Healthy Streets appraisal of the internal (illustrative) routes and the overall improvements to Depot Approach and Cricklewood Lane that would be delivered by the Proposed Development. The Healthy Streets appraisal demonstrated that the Proposed Development would comply with paragraph 130 of the Framework.

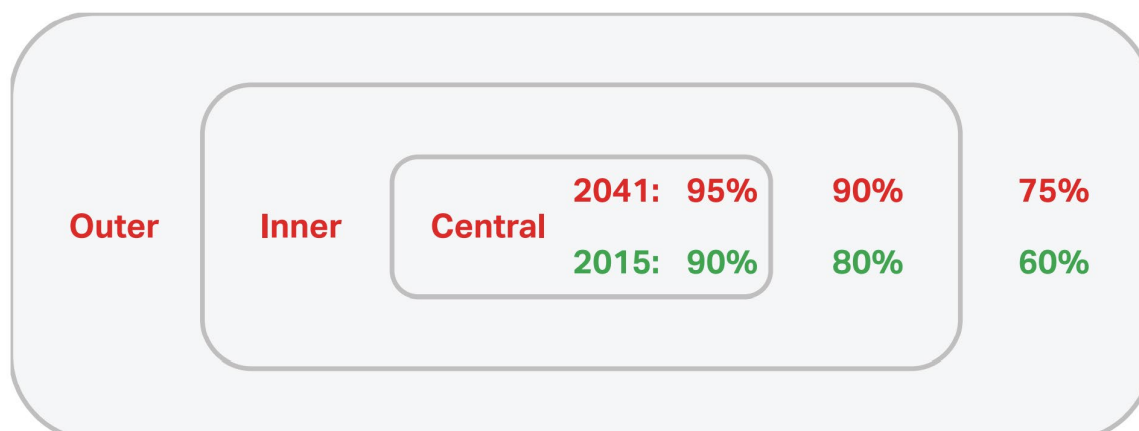
## **2.2 London Plan (2021) (CDE.02)**

2.2.1 Section 10 of the London Plan 2021 (‘LP2021’) is entitled ‘Transport’ and includes Policy T1 ‘Strategic approach to transport’; Policy T2 ‘Healthy Streets’; Policy T4 ‘Assessing and mitigating transport impacts’; Policy T5 ‘Cycling’; Policy T6 ‘Car Parking’, and Policy T7 ‘Deliveries, servicing and construction’, all of which are directly relevant to the Proposed Development and the transport-related matters for consideration.

2.2.2 Policy T1 states that development proposals should facilitate the Mayor’s target of 80% of all trips in London to be made on foot, cycle or public transport by 2041. Figure 10.1 of the London Plan is replicated below:



**Figure 2.1 – Change in mode shares within central, inner and outer London expected to be required for a city-wide shift from 63 to 80 per cent share for walking, cycling and public transport. (London Plan Figure 10.1)**



- 2.2.3 This shows that the expectation for Outer London is for new development to facilitate a mode shift from 60 to 75% sustainable modes of travel.
- 2.2.4 The Framework Travel Plan, appended to the revised Transport Assessment (CDA.25) set targets for five years after occupation of the Proposed Development, seeking to achieve a mode shift from 66% to 78% walking, cycling and public transport for the residential uses and a mode shift from 84% to 90% walking, cycling and public transport for non-residential uses. In both cases, the targets exceed those of Policy T1.
- 2.2.5 Policy T1 also states that all development should make the most effective use of land. This is further reflected in the maximum car parking standards set out in Policy T6 as discussed below. Policy T1 goes on to state that all development should ensure that any impacts on London's transport networks are mitigated.
- 2.2.6 Policy T2 (Healthy Streets) states that development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. The Proposed Development would provide new pedestrian and cycling infrastructure within the Application Site which the Healthy Streets assessment in the revised Transport Assessment (CDA.25) demonstrates would be safe, attractive and convenient; it would also provide transport improvements beyond the Application Site boundaries to facilitate walking and cycling in the local area.
- 2.2.7 Policy T2 states that development proposals should demonstrate how they deliver and support the ten Healthy Streets Indicators.



**Figure 2.2 – The Ten Healthy Streets Indicators (London Plan Figure 10.2)**



Source: Lucy Saunders

- 2.2.8 The revised Transport Assessment (CDA.25) includes a Healthy Streets assessment which demonstrates that the internal routes would be of a high quality and that the Proposed Development would improve the Healthy Streets score on Cricklewood Lane.
- 2.2.9 By removing an existing vehicle access onto Cricklewood Lane and providing new direct, attractive and convenient pedestrian and cycle routes, the Proposed Development would reduce the dominance of vehicles and be permeable by foot and cycle to connect to local walking and cycle networks as well as public transport, in accordance with Policy T2.
- 2.2.10 Policy T3 is entitled 'Transport capacity, connectivity and safeguarding' and sets out requirements for Development Plans and development proposals to safeguard land for strategic public transport and active travel infrastructure. No part of the Application Site is



safeguarded in the Local Plan (CDF.03), or Emerging Local Plan (CDF.01) for strategic transport improvements; however, the Proposed Development does safeguard a parcel of land to the south of the railway line so as not to preclude future southern access into Cricklewood Station, and would deliver pedestrian and cycle routes through the Application Site together with enhancements to Cricklewood Green to the benefit of pedestrians and cyclists. This is covered in greater detail in Section 3 of this Proof of Evidence.

2.2.11 Policy T4(c) states:

***“Where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified”***

2.2.12 It is an important consideration that mitigation, or measures to promote sustainable travel choices, may be delivered directly or by means of financial contributions agreed with the relevant planning and highway authorities.

2.2.13 Policy T5 sets out requirements for cycling including supporting the delivery of a London-wide network of cycle routes, and the provision of appropriate levels of cycle parking. The Proposed Development will provide a new route for cyclists between Depot Approach and Cricklewood Lane, and will provide short and long-stay cycle parking in accordance with the London Plan Table 10.2 and the London Cycle Design Standards (CDE.17).

2.2.14 Policy T6 sets out maximum parking standards for proposed developments in London. Proposed developments which exceed these maximum standards would be contrary to the London Plan. Policy T6 (A and B) states:

***“Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity”***; and

***“Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking (‘car-lite’). Car-free development has no general parking but should still provide disabled persons parking in line with Part E of this policy”***

2.2.15 The section of the Application Site that fronts onto Cricklewood Lane has a PTAL rating of 5 (on a scale of 0 to 6b where 6b is the highest) whereas the ‘rear’ portion of the Application Site has a PTAL rating of 4. It is important to recognise that this information is taken from the TfL WebCAT site which shows PTAL ratings in 100m squares. Needless to say, the



accessibility of the Application Site does not adhere to the rectilinear form of these indicative squares, but it is reasonable to conclude that the PTAL score is 5 at the front of the Site and 4 at the rear. Importantly, the lower PTAL rating at the north-western end of the Site is influenced by the walking distance to Cricklewood Station via Depot Approach. This walking distance would reduce if public access was formally allowed through the Proposed Development. This would increase the Access Index on which the PTAL score is based, at the rear of the Application Site.

2.2.16 The London Plan policies T6 and T6.1 and Table 10.3 state that developments in PTAL 5 locations, anywhere in London, should be car free with the exception of disabled persons parking. For Inner London PTAL 2 areas and Outer London Opportunity Areas, the maximum permissible parking would be 0.5 spaces per dwelling.

2.2.17 Policy T6.1 states that residential developments delivering ten or more dwellings must ensure designated disabled parking bays for a minimum of 3% of dwellings and demonstrate how an additional 7% could be provided in future upon request as soon as existing provision is insufficient.

2.2.18 The Illustrative Masterplan (CDA.78) demonstrated that 105 accessible car parking spaces could be accommodated within the Proposed Development, representing one space for every 10 dwellings in accordance with Policy T6.1.

2.2.19 Policy T6 part K states that:

***“Boroughs that have adopted or wish to adopt more restrictive general or operational parking policies are supported, including borough-wide or other area-based car-free policies. Outer London boroughs wishing to adopt minimum residential parking standards through a Development Plan Document (within the maximum standards set out in Policy T6 .1 Residential parking) must only do so for parts of London that are PTAL0-1”***

2.2.20 It is clear from this statement that Boroughs are expected to adopt the London Plan standards or more restrictive parking standards; they are not expected to adopt maximum standards higher than those in T6, and minimum standards are only permissible in areas with low PTAL ratings (and then only within the parameters of T6.1)

2.2.21 London Plan policy T7 requires development proposals to facilitate safe, clean and efficient deliveries and servicing; to be designed and managed so that deliveries can be received outside of peak hours; and to enable micro-consolidation to reduce servicing vehicle trips. Layout is a reserved matter but the revised Transport Assessment (CDA.25) included swept



path analyses based on the Illustrative Masterplan, illustrating that the Proposed Development would enable safe and efficient deliveries, servicing and emergency vehicle access. An outline Delivery and Servicing Plan and Construction Logistics Plan were included within the revised Transport Assessment and final versions will be secured by conditions as described in Section 3 of this Proof of Evidence.

## **2.3 Barnet Local Plan – Core Strategy (2012) (CDF.03)**

2.3.1 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 (among other things) be safe, attractive and fully accessible and provide vibrant, attractive and accessible public spaces. Layout is a reserved matter but the revised Transport Assessment (CDA.25) included a Healthy Streets assessment based on the Illustrative Masterplan which demonstrated that the new and improved public realm would score highly against the ten Healthy Streets indicators and provide safe, attractive and accessible public realm as part of the Proposed Development.

2.3.2 Policy CS9 is a wide-ranging policy entitled ‘Providing safe, effective and efficient travel’ and sets out the Council’s commitment to:

***“Promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet’s transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will.”***

2.3.3 It states that the Council will:

***“ensure that new development funds infrastructure (through Community Infrastructure Levy (CIL), Section 106 and other funding mechanisms) that enables Barnet to keep the existing traffic moving and cope with new movements both by all modes of transport”.***

2.3.4 The Proposed Development will result in a net reduction in vehicle trips to the benefit of local highway operational capacity, and proposes to mitigate any impact of additional walking, cycling and public transport trips by means of new infrastructure, S106 contributions and CIL payment.



2.3.5 Policy CS9 required major planning proposals to be supported by:

***“Transport Assessments, Travel Plans and Delivery and Servicing Plans, mitigation measures and s106 contributions/planning conditions and that adequate capacity and high-quality safe transport facilities are delivered in line with demand for schemes that have phased delivery programmes”.***

2.3.6 The Application was supported by all three documents cited in Policy CS9 and the proposed transport related conditions and obligations are explained in Section 3 of this Proof of evidence.

#### **2.4 Barnet Local Plan – Development Management Policy Document (2012) (CDE.04)**

2.4.1 Policy DM01 is entitled ‘Protecting Barnet’s character and amenity and is similar to Local Plan policy CS5. Part c) states that development proposals should ensure attractive, safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls. Part d) states that development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.

2.4.2 As stated above at paragraph 2.3.1, layout is a reserved matter but the revised Transport Assessment (CDA.25) included a Healthy Streets assessment based on the Illustrative Masterplan which demonstrated that the new and improved public realm would score highly against the ten Healthy Streets indicators and provide safe, attractive and accessible public realm as part of the Proposed Development.

2.4.3 Policy DM17 is entitled ‘Travel impact and parking standards’. Under the sub-heading of ‘Road safety’ the policy states that the Council:

***“will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.***

2.4.4 The Proposed Development will reduce conflicting movements by removing an existing access onto Cricklewood Lane and reducing vehicle movements on the local highway network; it will make dedicated provision for pedestrians and cyclists through the Proposed Development, details of which will be agreed as part of any reserved matters or full planning application.



- 2.4.5 Under the sub-heading 'Road hierarchy', Policy DM17 states that the Council may:
- “refuse development proposals which would result in inappropriate road use, or adversely affect the operation of roads in an area’.***
- 2.4.6 The Proposed Development will remove an existing access onto Cricklewood Lane and result in a significant net reduction in vehicle trips on the local highway network:
- 2.4.7 Policy DM17 states that major developments with potential for significant trip generation should be in locations which are or will be made highly accessible by a range of transport modes. The Application Site has an existing PTAL rating of 4/5 and the Proposed Development would increase the access level of the rear part of the Application Site. The revised Transport Assessment (CDA.25) demonstrates that the Proposed Development is in a highly sustainable location and is well placed to promote travel on foot, by bike by bus and by train.
- 2.4.8 The Application was supported by a full Transport Assessment including a Framework Travel Plan in accordance with Policy DM17 parts d) and e) respectively.
- 2.4.9 Under the sub-heading of 'f. Local infrastructure needs', Policy DM17 states that:
- “Developments should be located and designed to make the use of public transport more attractive for all users by providing improved access to existing facilities, and if necessary the development of new routes and services, including improved and fully accessible interchange facilities.”***
- 2.4.10 The Application Site is in a highly sustainable location with a high PTAL rating and well placed to promote sustainable travel choices. The Proposed Development will deliver new routes through the Application Site for pedestrians and cyclists, thereby reducing the walking distance to the bus stops on Cricklewood Lane and to Cricklewood Station. In addition, the Proposed Development would safeguard a parcel of land to the south of the railway line so as not to preclude future southern access into Cricklewood Station.
- 2.4.11 Policy DM17 part g) is entitled 'Parking management' and states that new development should provide parking in accordance with the London Plan standards, except in the case of residential development where maximum standards as they apply to the Proposed Development would be:





**Table 2.1 – DMP (2012), Policy DM17 Maximum parking standards**

Dwelling	Maximum permissible parking
1-bedroom flats	1 to less than 1 space per dwelling for development consisting mainly of flats
2-to-3-bedroom flats	1.5 to 1 spaces per dwelling for terraced houses and flats

2.4.12 The policy goes on to state that residential development may be acceptable with limited or no parking within a controlled parking zone (CPZ); and that the applicant may be required to enter into a legal agreement to restrict future occupiers from obtaining on-street parking permits. Other than this statement, the residential parking standards in DM17 take no account of the accessibility of a site, the tenure of the proposed dwellings, the availability of public transport or local car ownership levels, all of which are required by the NPPF paragraph 107.

2.4.13 The Applicant has agreed to a legal agreement to restrict future occupiers from obtaining on-street parking permits.

## **2.5 Emerging Barnet Local Plan (2021) (CDF.01)**

2.5.1 The emerging Barnet Local Plan 2021 to 2036 includes Chapter 11 entitled 'Transport and Communications'.

2.5.2 Policy TRC01 – Sustainable and Active Travel states that:

***“The Council will work to deliver a more sustainable transport network that supports a growing population and prosperous economy by reducing car dependency, encouraging sustainable modes of transport and improving air quality. The Council also recognises that active travel benefits the health of residents while having the lowest environmental impacts”***

2.5.3 Policy TRC01 states that the Council will promote active travel and require developments to address the needs of cyclists and pedestrians by ensuring good connections to public transport and by ensuring a healthy safe and attractive walking and cycling environment within and around the development. The Proposed Development will deliver new dedicated pedestrian and cycle routes into and through the Application Site as well as funding improvements to the walking environment surrounding the Application Site.





- 2.5.4 Policy TRC01 also states that for all major developments, the Council will require planning applications to be supported by a Transport Assessment, Travel Plan, Construction Traffic Management Plan and Delivery and Servicing Plan. The Application included all four of these documents.
- 2.5.5 The policy requires the Travel Plan to set out details on how the proposal minimises any increase in road traffic and how the development will contribute to Barnet meeting its 72% target for sustainable modes by 2041. The proposed development will result in a significant net reduction in vehicle trips and the Framework Travel Plan includes a target of 78% sustainable travel to and from the residential element of the Proposed Development within five years of occupation, and 90% sustainable travel for the non-residential modes, exceeding the requirements of TRC01.
- 2.5.6 Policy TRC03 of the emerging Local Plan is entitled 'Parking Management'. In keeping with Policy DM17, it states that development should provide parking in accordance with the London Plan standards except in the case of residential development. For residential development, the maximum permissible parking provision is set out in Table 23, an extract from which is included below.

**Table 2.2 – Emerging Barnet Local Plan – Residential car parking standards (Table 23)**

PTAL	Maximum spaces per unit	
	1 to 2 bed units	3+ bed units
4	0.5-0.75	0.5-0.75
5	Car free	Car free

2.5.7 For PTAL 4 locations the table has a note which states:

***“When considering development proposals that are higher density or in more accessible locations, the lower standard shown here should be applied as a maximum.”***

2.5.8 The Proposed Development is a higher density development and in a highly accessible location so the lower standard (max. 0.5 spaces per dwelling) should be applied, thereby bringing the standard in line with the London Plan policy T6.1. Similarly, for car free development the note states that parking for disabled persons should be provided in accordance with Policy T6.1.



2.5.9 The emerging Local Plan states at paragraph 11.12.2 that Barnet's Car Parking Study sets out the basis for a locally specific approach to parking provision. It states that the Council intends to apply the standards set out in Table 23 (Table 2.2 above) with sensitivity to local circumstances. It states that the accessibility of individual locations will be taken into consideration based on:

- The public transport accessibility level (PTAL);
- Travel Time Mapping (TIM);
- Opportunities for sustainable orbital travel
- Orbital access by public transport ;
- Parking stress including the level of on-street parking control;
- Population density and parking ownership of surrounding areas;
- Location and proximity to local services (i.e. is it in a town centre)
- Ease of access by cycling and walking; and
- Other relevant planning or highways considerations, such as to whether the proposal is a conversion of an existing use.

2.5.10 This is generally in keeping with NPPF paragraph 107.

2.5.11 The Application Site spans the boundary of PTAL 4 and PTAL 5, for which different maximum parking standards apply. The revised Transport Assessment (CDA.25) demonstrates in Section 5 that parking for Blue Badge holders is unlikely to exceed 3% in the foreseeable future, so the provision of 105 parking spaces for 1049 new dwellings would make allowance for up to 10% parking for disabled persons parking, but in practice is effectively a low-car development rather than a car-free development. This is in accordance with Policy 6.1 of the London Plan and DM17 of the Emerging Local Plan. The Framework Travel Plan includes the introduction of car club parking on-site; the Car Club would be available for new residents and the wider community. This significantly reduces parking demand as new residents (and existing neighbours) would have access to a vehicle as and when they need one for essential journeys, even if they did not own a vehicle themselves. The evidence demonstrates that the proposed level of car parking would meet the needs of the Proposed Development.





## 3.0 EXISTING AND PROPOSED TRANSPORT CONDITIONS

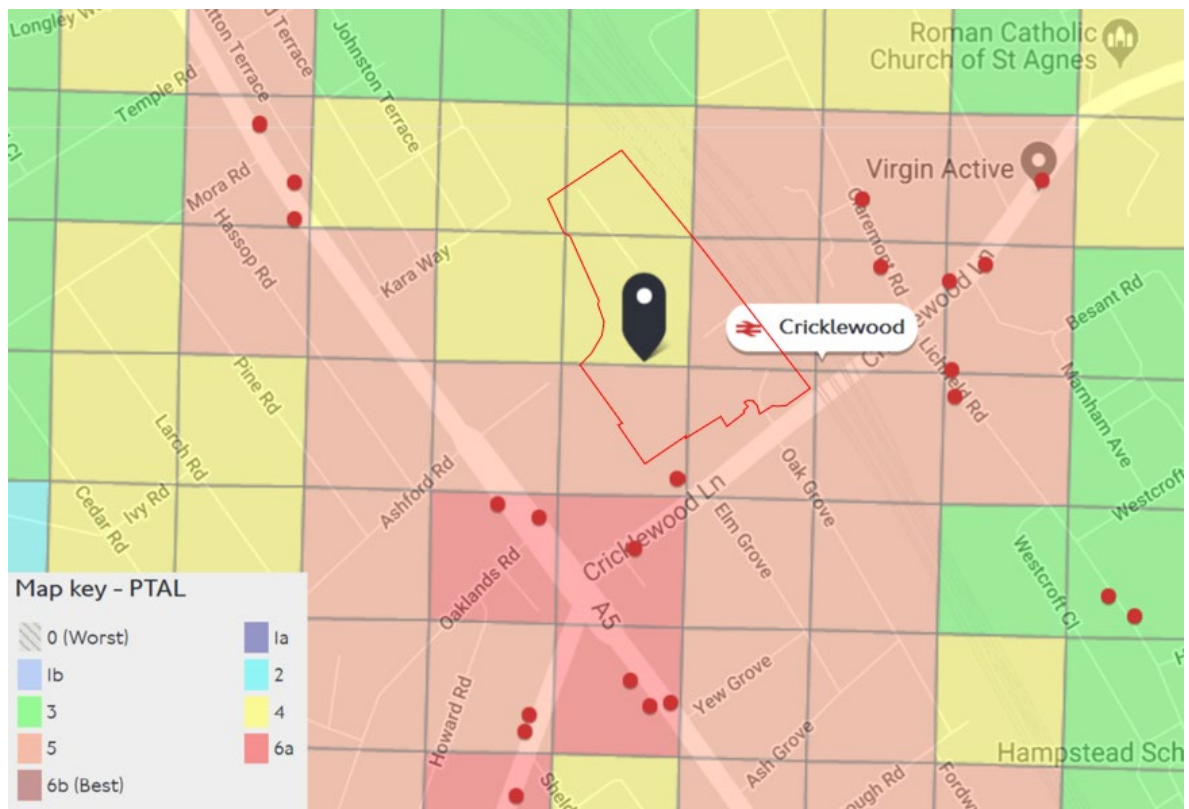
### 3.1 Existing uses

- 3.1.1 The Application Site is currently occupied by a retail warehouse (use class E, but Use Class A1 at the time of the Application) owned and operated by B&Q. Two additional smaller retail warehouse units (Poundstretcher and Tile Depot) adjoin B&Q. The combined gross floor area (GFA) of the existing retail units is 7,990m<sup>2</sup>. A small temporary office has been located within the car park for at least five years from which 'We buy any car, Cricklewood' trades under licence from the site owners.
- 3.1.2 The Application Site incorporates a privately owned and managed car park with 470 car parking spaces. The Application Site has three vehicular accesses, one of which joins Cricklewood Lane (A407) whereas the other two join Depot Approach. The Cricklewood Lane access is a priority junction with a narrow ghost right-turn lane for drivers turning right into the Application Site, and a restricted-movements layout preventing right turns out of the Application Site. The two accesses onto Depot Approach comprise the service access and a second access into the private car park. The service access takes the form of a wide bellmouth (to allow for large service vehicles) with gates at the back edge of the pedestrian footway. The service yard serves all three retail units situated within the Application Site. The car park entrance on Depot Approach is another wide bellmouth with entry and exit lanes divided by a central splitter island.
- 3.1.3 The entry and exits are gated, and signage indicates that the private car park is for customer use with a maximum stay of three hours.

### 3.2 Existing transport conditions

- 3.2.1 The Application Site is located in an area with a 2011 PTAL rating of 4/5. The PTAL rating for the site takes into account the time taken to access the public transport networks. It should be noted that the TfL forecast PTAL ratings for 2021 and 2031 remain the same across the whole of the Application Site. The junction of Depot Approach and the A5 is expected to rise from PTAL 5 to PTAL 6a but that falls outside the Application Site. A 2011 baseline PTAL contour plan is included below as Figure 3.1.

**Figure 3.1 – PTAL contour plan (2011 base)**



3.2.2 Figure 3.1 illustrates that the section of the Application Site that fronts onto Cricklewood Lane has a PTAL rating of 5 whereas the ‘rear’ portion of the Application Site has a PTAL rating of 4. It is important to recognise that this information is taken from the TfL WebCAT site which shows PTAL ratings in 100m squares. Needless to say, the accessibility of the Site does not adhere to the rectilinear form of these indicative squares, but it is reasonable to conclude that the PTAL score is currently 5 at the front of the Application Site and 4 at the rear. The lower PTAL rating at the north-western end of the Application Site is influenced by the walking distance to Cricklewood Station via Depot Approach. This walking distance would reduce if public access was formally allowed through the Application Site, reducing the walking distance to the bus stops on Cricklewood Lane and to Cricklewood Station, thereby increasing the access level.

3.2.3 Transport for London describe PTAL 4 as ‘Good’ level of accessibility and PTAL 5 as ‘Very Good’, indicating that residents, staff, or visitors in this location would not be solely reliant on travel by private car. This is a good location to promote travel by sustainable modes.

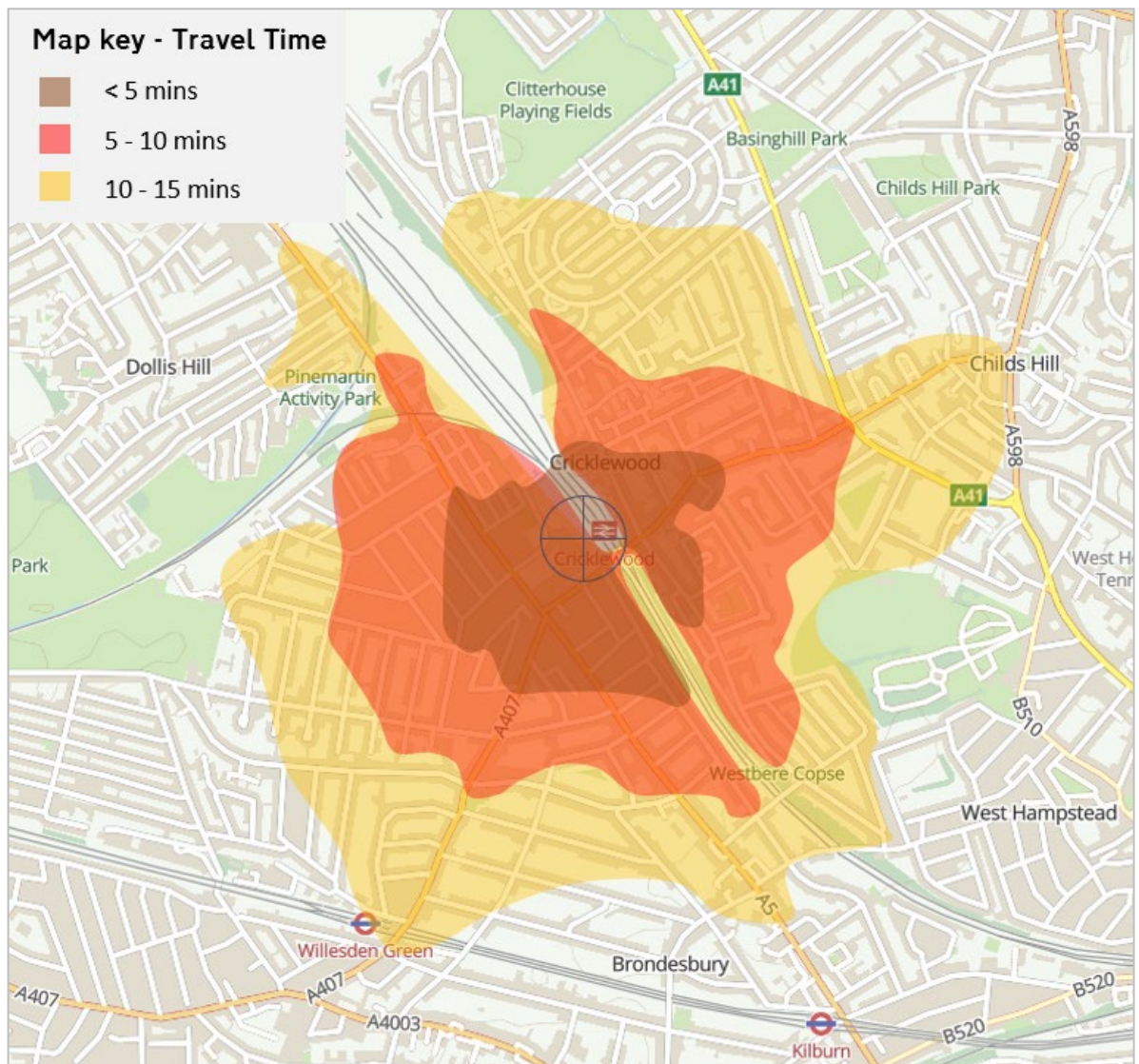
3.2.4 Cricklewood Lane (A407) is a local distributor road joining the Cricklewood Broadway (A5) to the south-west and Hendon Way (A41) to the north-east.



- 3.2.5 Depot Approach is a private cul-de-sac serving a range of commercial premises including the Application Site, Beacon Bingo (premises and two car parks), Jewson building supplies, hand car wash, tyre supply and fitting business and a vacant development plot (at the time of the application). Each of these businesses attract vehicular traffic in the form of customer cars and large service vehicles.
- 3.2.6 Depot Approach takes access from Cricklewood Broadway (A5) by means of a four-arm signal-controlled junction with yellow hatched box-junction markings.
- 3.2.7 All service vehicles visiting the Application Site currently use Depot Approach. Customers arriving at the Site from the north-west generally use Depot Approach. Those arriving and departing to and from the north-east generally use the Cricklewood Lane access. Those arriving from the south have a choice of either access, but the right-turn ban out of the Cricklewood Lane exit means that all those leaving the Site to the south would use Depot approach.
- 3.2.8 Surveys carried out in June 2019 identified any traffic using the Site car park as a short-cut to avoid the Cricklewood Lane/A5 traffic signals. The survey identified 40 drivers cutting through the car park from Depot Approach to Cricklewood lane during the morning peak hour (0800-0900) and 41 during the evening peak (1700-1800). In the reverse direction, the survey only identified 2 or 3 vehicles during the peak hours. This traffic represents a small proportion of the overall traffic generated by the Application Site, but should not be using the car park as a 'rat-run' and would be redirected onto the public highway as a result of the Proposed Development.
- 3.2.9 Figure 3.2 below shows walking distances from the Application Site, based on TfL's PTAL criteria of 4.8km/hour average walking speed (80m per minute). This demonstrates that most local services, shops and transport hubs are located within a 5-minute walk in distance from the Application Site, and that a wide range of additional retail, employment and educational facilities are located within easy walking distance of the Application Site. This pedestrian isochrone plan has been updated from the 'walking radii' plan included in the revised TA (CDA.25).



**Figure 3.2 – Walking isochrones.**



3.2.10 The Application Site benefits from good existing pedestrian facilities. An audit of pedestrian facilities within the identified Active Travel Zone (ATZ) shows that on the primary pedestrian desire lines, footways are wide and well lit. The ATZ assessment described in Section 10 of the revised TA, identified that there is a degree of street furniture ‘clutter’ on some principal routes, but not to the degree that it results in any unacceptable footway widths. All pedestrian crossing points across side roads and across primary links, benefit from flush dropped kerbs (max upstand 6mm) and tactile paving.

3.2.11 There are two existing uncontrolled pedestrian crossing points over Cricklewood Lane within the extent of the Application Site frontage (either side of the existing site access). These have dropped kerbs, tactile paving, central refuges with reflective bollard, and dedicated lighting. The ATZ assessment identified that these refuges are less than 2m wide

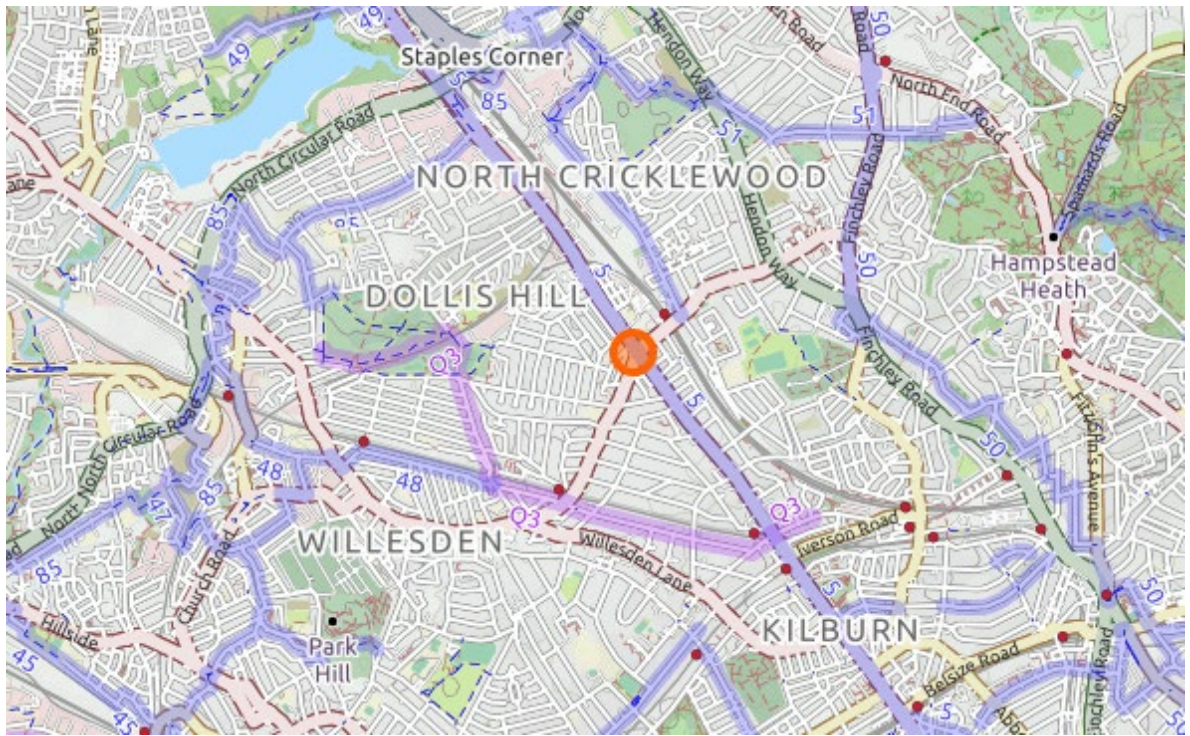


so whereas they provide a safe refuge for pedestrians they do not cater well for wheelchair users or pedestrians with pushchairs or trolleys. The Proposed Development will deliver a new controlled crossing to replace one of the uncontrolled crossings; the precise location of which will be determined as part of any reserved matters or full application where layout and landscaping are determined.

- 3.2.12 The rail line causes a degree of severance for pedestrians wishing to walk north-eastwards from the Site but the route beneath the rail line is lit and the artwork introduced in 2015 makes this a relatively pleasant underpass. The Proposed Development will deliver further improvements to the footway and to the underside of the bridge by means of s278 and/or s106 agreement.
- 3.2.13 The junction of Cricklewood Lane/Cricklewood Broadway/Chichele Lane was upgraded in 2021 and now includes improved crossing facilities for pedestrians and advance cycle stop lines on all four arms.
- 3.2.14 The site is well placed to promote journeys on foot with very few barriers to deter walking as a primary mode of travel. The Proposed Development will introduce highway improvements to improve the route to Cricklewood Station and improve crossing facilities over Cricklewood Lane. The removal of an existing vehicle access onto Cricklewood Lane as part of the Proposed Development will also improve highway conditions for pedestrians.
- 3.2.15 Specific cycle infrastructure is limited in Cricklewood, but many local roads are suitable for travel by bike. Figure 3.3 indicates the local roads that have been considered suitable for cycling, with the short stretch of Quietway 3 (running between Regent's Park and Gladstone Park) also shown. There are also a number of leisure routes in nearby Hampstead Heath.



**Figure 3.3 - Local cycle infrastructure.**



3.2.16 Despite the limited segregated infrastructure, it is very possible to reach a large area within a 20-minute cycle from the Application Site, as shown in Figure 3.4.

**Figure 3.4 – Cycle isochrones**





3.2.17 The Application Site is well placed to promote travel by bike. The 20-minute isochrone illustrated in Figure 3.3 constitutes the Active Travel Zone for cyclists.

3.2.18 The Application Site is also well placed for travel by bus. The current summary of bus routes available within a maximum 300m walk from the Application Site is shown in Table 3.1 below.

**Table 3.1 – Bus route summary (December 2022)**

No	Details	Duration	Frequency
16/N16	Cricklewood – Kilburn - Victoria	0626-0110	10-12 mins
32	Edgware - Burnt Oak - Cricklewood - Kilburn	0600-0053	7-8 mins
189	Brent Cross- Cricklewood-Marble Arch	24hr	9-12 mins
226/N266	Ealing - Cricklewood - Pennine Drive - Golders Green	0508-0113	12 mins
245	Alperton - Cricklewood - Golders Green	0525-0010	10-12 mins
260	Golders Green - Cricklewood - White City	0514-0019	12 mins
266	Brent Cross- Cricklewood- Acton	0640-0037	10 mins
316	Cricklewood - Queen's Park - White City	0549-0038	12 mins
332	Neasden Tesco - Cricklewood - Kilburn - Paddington	0544-0043	10-12 mins
460	North Finchley- Cricklewood- Willesden	0538-0039	12 mins
632	Kilburn Park - Cricklewood -Grahame Park	0750-0754	3 per day

3.2.19 Table 3.1 shows that the Application Site benefits from excellent bus provision. The services which stop within easy walking distance of the Proposed Development provide access to a very wide area at a high frequency. Importantly, the frequency is such that those using the bus do not have to schedule their travel according to a timetable but can simply walk to the bus stop and catch the next bus to their destination, usually with a maximum wait of no more than 5 or 6 minutes. This facility makes using the bus for travel to work or education, convenient and attractive.

3.2.20 The Application Site's proximity to Cricklewood Railway Station in fare zone 3 means that it is extremely well placed for travel by rail. A short walk (less than two minutes) along the wide footway in front of Cricklewood Green and under the railway bridge provides a safe and attractive route to the station. The station has a small amount of CCTV monitored cycle



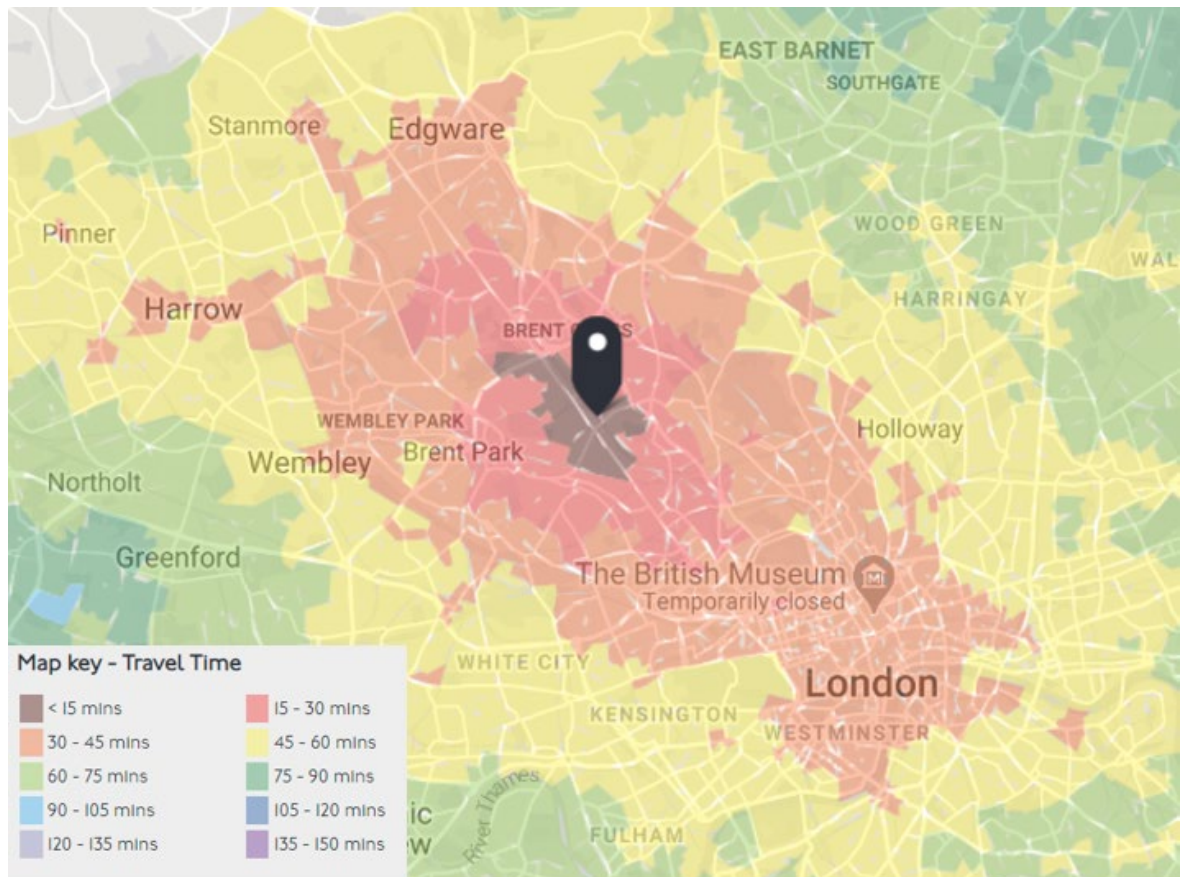
storage and is served by a number of bus routes; however, these facilities are of greater use to the wider community as the close proximity of the station to the Application Site means that residents and visitors to the Proposed Development are most likely to walk to and from the station. Table 3.2 summarises the services from Cricklewood station.

**Table 3.2 – Summary of existing rail services from Cricklewood Station**

Route	Duration	Frequency	Capacity
Sutton (Surrey)	0458-2331	15 mins	8 carriages
Sutton via Wimbledon	0317-2331	15mins	8 carriages
Luton	24hr	30 mins	8 carriages
London Blackfriars (on Sutton route)	24 hours	15 mins	8 carriages
St Albans	24 hours	15 mins	8 carriages

- 3.2.21 This shows that at present the trains stopping at Cricklewood Station provide an average of 8 trains per hour, with 4 northbound and another 4 southbound, equating to 32 carriages in either direction, or 144 trains per day (tbd).
- 3.2.22 Cricklewood Station originally comprised a series of red-brick Victorian buildings with associated forecourt and grounds; however the wider grounds are now used for a separate commercial business (Station House Reclamation) and the ticket hall comprises the westernmost portion of the former station house. The ticket hall has a single counter for ticket purchases but also has a ticket machine. The automatic barriers are compatible with Oyster and contactless payment.
- 3.2.23 Access to the ticket hall is gained on foot by means of a wide walkway from Cricklewood Lane. This approach was upgraded in 2015 to include extensive planting and distinctive artwork. The subway beneath the rail lines was upgraded in 2014.
- 3.2.24 TfL records multi-modal journey times across the capital and provides forecast for future journey times taking account of committed transport improvements. The 2021 journey times for the Site are shown in Figure 3.5 below.

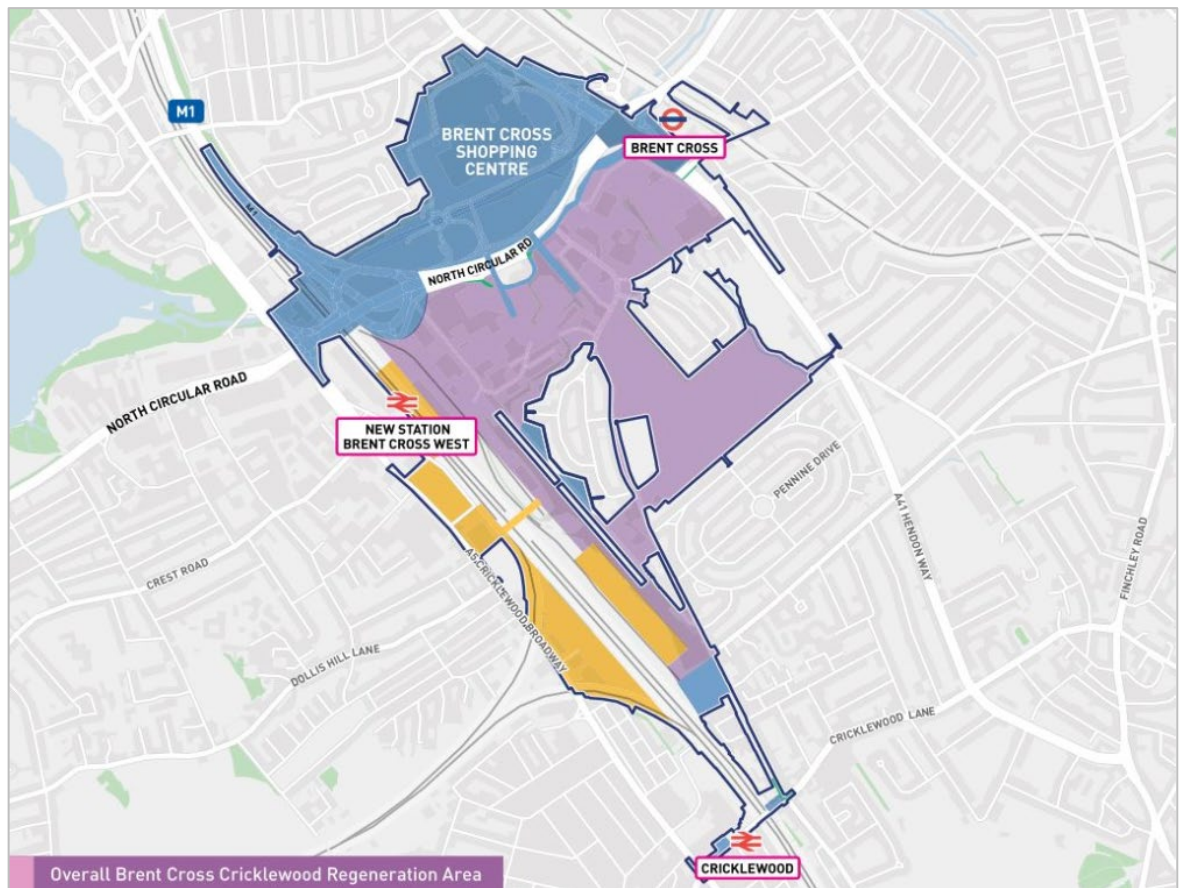
**Figure 3.5 – Multi-modal travel times (TfL 2021 forecast)**



3.2.25 Figure 3.5 shows a large catchment within 15-30 minutes travel time from the Site and a very extensive catchment within 45 minutes of the Site, extending from Edgware in the north to Westminster in the south.

3.2.26 In May 2020, the Council granted final approval for the new Brent Cross West station, to the north of Cricklewood. Although outline permission had already been granted as part of the Brent Cross regeneration scheme, the LBB strategic planning committed granted planning permission for the new station in May 2020. The new £40 million station is located approximately halfway between Hendon and Cricklewood stations as shown in Figure 3.6 below.

**Figure 3.6 – Brent Cross West rail station**



- 3.2.27 The new station has four platforms, two of which will be used by slow stopping services. The forecast capacity is a peak of eight trains per hour and an off-peak service of four trains per hour. Construction of the new station is scheduled to be complete in early 2023, following which there will be a period of testing and commissioning as is usual with all new stations.
- 3.2.28 A full description of the local transport network at the time of the application is included in Section 3 of the revised TA (CDA.25) including a full ATZ assessment and Healthy Streets review. A description of any subsequent changes to the local transport network is included in the Transport Statement of Common Ground (CDI.04).
- 3.2.29 The evidence clearly demonstrates that the Application Site is highly accessible on foot, by bike, by bus or using rail services. The introduction of Brent Cross West station and other committed transport improvements will increase the Application Site's accessibility further and reduce travel times to key employment, retail, health and leisure facilities. The Application Site is clearly well placed to promote travel by sustainable modes of transport and reduce reliance on the private car.







### **3.3 Proposed transport conditions**

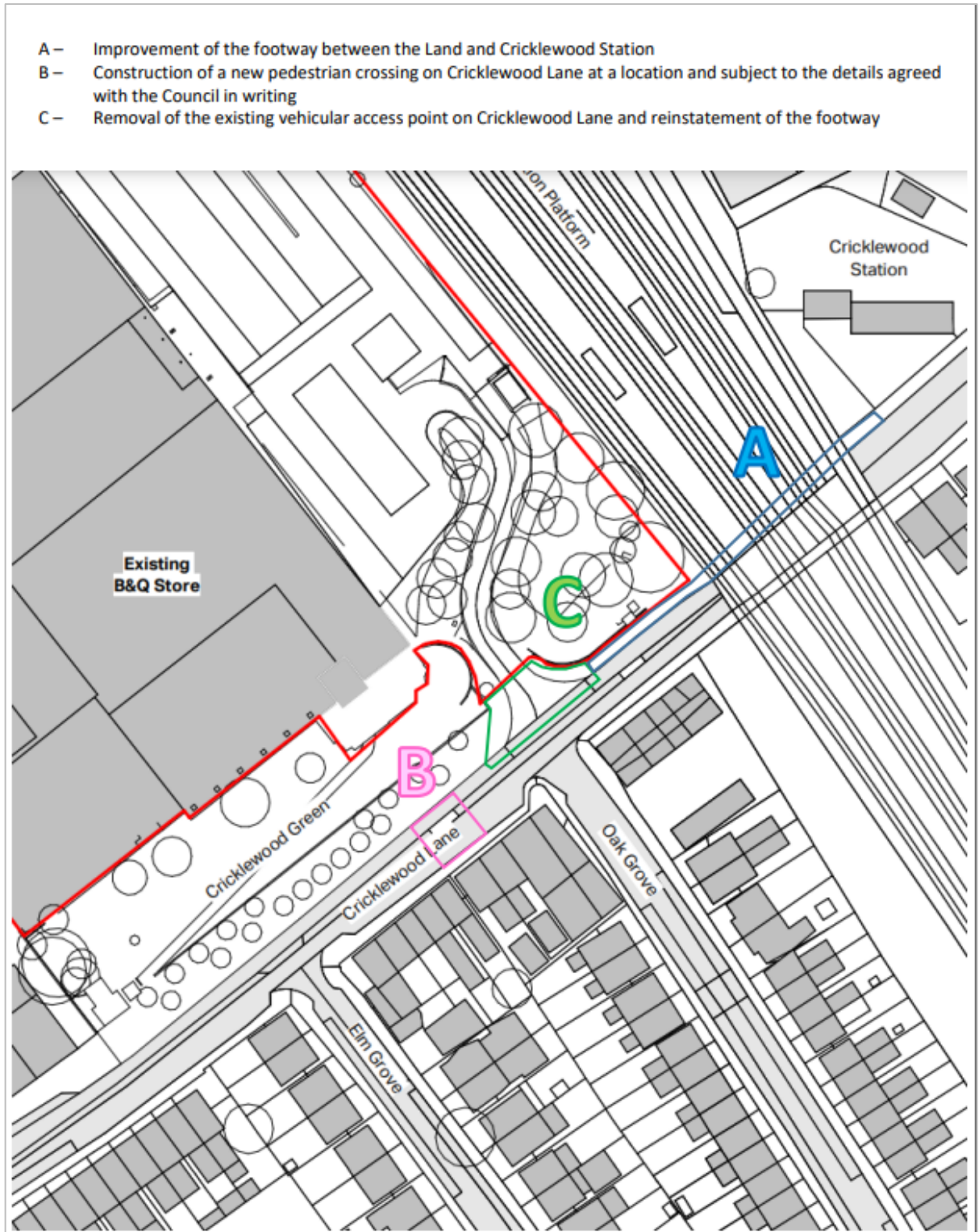
- 3.3.1 The Proposed Development will deliver significant improvements to the public realm, including the creation of a new public square and a high-quality pedestrian and cycle route through the site, linking Depot Approach and Cricklewood Lane. This new public realm will create new cycle and pedestrian accesses into the Application Site but also create new direct, attractive routes between the centre of Cricklewood and future development land to the north-west of the Application Site.
- 3.3.2 Cricklewood Green does not form part of the Application, but the movement strategy includes new landscaped routes through Cricklewood Green which are expected to be secured by means of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.
- 3.3.3 The closure of the existing vehicle access onto Cricklewood Lane will improve the pedestrian realm along Cricklewood Lane and, by virtue of removing vehicle turning movements, improve highway safety in this location.
- 3.3.4 The Proposed Development will take vehicle access from Depot Approach, a private access road over which the Application Site has a right of access. These accesses have been designed with both pedestrian and cyclists in mind. The access dimensions have been designed to operational minimal width, for the benefit of pedestrians. The access widths and radii will ensure slow vehicle speeds and reduce pedestrian crossing distance to a minimum in line with best practice. In discussion with the local highway authority, the accesses were amended to include side road entry treatments (SRET), designed in accordance with TfL standard details, making enhanced crossing provision for pedestrians and further slowing vehicle entry and exit speeds. The proposed vehicle accesses are shown in core document CDA.83.
- 3.3.5 The Illustrative Masterplan (CDA.78) includes an internal road network that retains a traffic-free public realm through the heart of the Proposed Development but delivers vehicle access routes for car parking and servicing around the perimeter of the Proposed Development. The proposed movement strategy and servicing routes are described in detail in Section 4 of the revised Transport Assessment (CDA.25).
- 3.3.6 The Proposed Development includes a range of transport improvements and measures which would be secured by planning condition or S106 obligation as follows:
- 3.3.7 As stated in the revised TA (CDA.25), the development will be supported by a Transport Implementation Strategy (TIS) comprising:



- Residential Travel Plan (RTP) [S106]
  - RTP Incentive fund up to £330,000 [S106]
  - Commercial Travel Plan (CTP) [S106]
  - Construction Management, Environmental and Logistics Plan (CMELP) [condition 5]
  - Car Parking Design and Management Plan (CPDMP) [condition 9]
  - Delivery and Servicing Plan (DSP) [condition 7]
- 3.3.8 The TIS comprises a suite of management documents that will control and regulate the movement of people and goods to and from the Proposed Development and promote sustainable travel choices for residents, employees and visitors.
- 3.3.9 Due to the outline nature of Application, a Framework Travel Plan (FTP) (CDA.12) was prepared (and appended to the revised TA (CDA.25)) to cover the residential, commercial and community uses. The RTP Incentive Fund represents £300 per dwelling for residents to select 2 out of 3 travel incentives including a bike voucher, Oyster card, Car Club membership/use. The purpose of the RTP Incentive Fund is to encourage new residents to try sustainable travel modes that they may otherwise not have considered.
- 3.3.10 Outline DSP and CLPs were included as Sections 8 and 9 of the revised TA. Final versions of all TIS documents would be secured by planning condition to be submitted and approved prior to commencement or occupation as appropriate.
- 3.3.11 In addition to the TIS, the Proposed Development would deliver physical transport improvements as follows:
- Improvements to public realm including Cricklewood Green enhancements [S106];
  - Land safeguarded so as not to preclude future southern access into Cricklewood Station [S106];
  - Contribution towards improvements to the underside of the rail bridge [S106];
  - New Car Club parking for new residents and wider local community [condition];
  - New pedestrian/cycle routes between Depot Approach and Cricklewood Lane [condition];
  - New public realm designed on Healthy Streets principles [condition 29];
  - Contribution to upgrade an uncontrolled crossing on Cricklewood Lane to a Puffin crossing (location to be agreed as part of any reserved matters or full planning allocation where site layout is determined) [S106 or S278];
  - Removal of existing vehicle access from Cricklewood Lane [S278];
  - Improve footway between Site and Cricklewood Station [S278];

3.3.12 The proposed highway improvement works to be carried out under an agreement with the local highway authority pursuant to Section 278 of the Highways Act 1980 are illustrated in Figure 3.7 below.

**Figure 3.7 – Proposed highway improvement works**





## 4.0 INFORMATION SUBMITTED IN SUPPORT OF THE PLANNING APPLICATION AND AGREED WITH THE HIGHWAY AUTHORITIES

### 4.1 Pre-application discussions

4.1.1 I held a pre-application meeting with the Council Transport Team in 2019 at which we agreed the scope of the Transport Assessment to be submitted in support of the forthcoming planning application for the Proposed Development. At that meeting I informed The Council that we anticipated the Proposed Development would result in a net reduction in vehicle trips compared to the existing retail use. The Council informed me that it had funding for improvements to the junctions of Cricklewood Lane (A407) / Cricklewood Broadway (A5) and Cricklewood Lane (A407) / Lichfield Road / Claremont Road. (NB: These are now listed as Southern Junction 1 and Southern Junction 2 in the Brent Cross Cricklewood regeneration programme). The Council advised that its proposed works were intended to provide improvements for pedestrians and cyclists and therefore, even if the Proposed Development resulted in a net reduction in traffic, our TA should include details of the change in vehicle trips through those junctions so that The Council could take them into consideration in its designs.

### 4.2 Original submission

- 4.2.1 The outline planning application was supported by a Transport Assessment (TA) dated July 2020 (CDA.19) incorporating a three-part Transport Implementation Strategy comprising:
- Framework Travel Plan (FTP);
  - Delivery and Servicing Plan (DSP);
  - Construction Logistics Plan (CLP).
- 4.2.2 Due to the outline nature of the planning application, a Framework Travel Plan was prepared to cover the proposed residential, commercial and community uses. The DSP and CLP were presented as chapters within the TA, but the FTP was a stand-alone document.
- 4.2.3 The TA included an assessment of the transport effects of the Proposed Development and set out a range of proposed transport improvements to be secured by planning condition or obligation.



### 4.3 Revised submission

4.3.1 Following receipt of the consultation response from LBB Transport Team (CDB.10) and GLA Stage 1 report (CDB.01), further work was carried out and a revised TA (March 2021) (CDA.25) was submitted. My covering letter L4 dated 12<sup>th</sup> March 2021 set out in detail the additional work that had been carried out and the revisions included in the TA.

4.3.2 The revised TA included a full Active Travel Zone (ATZ) assessment, prepared in accordance with TfL guidance. In addition, a detailed gravity model was undertaken for pedestrian and cycle movements (including those walking to bus or rail interchanges) which exceeds the TfL ATZ requirements. The gravity model informs any predicted increase in the use of the primary ATZ routes and pedestrian desire lines.

### 4.4 Further information

4.4.1 Following submission of the revised TA, I met with The Council on 14<sup>th</sup> May 2021 and the Council Transport Team made an additional consultation response. I wrote on 26<sup>th</sup> May 2021 (L6) providing Technical Note 5 (Traffic Impact Assessment) (CDA.29); dimensioned site access drawings (including side road entry treatments requested by The Council) and updated vehicle swept path analyses.

4.4.2 Technical Note 5 includes a re-interrogation of the TRICS database to derive more accurate traffic forecasts for the residential element of the development. The existing 470 space retail car park generates 144 vehicle trips in the morning peak hour and 194 in the evening peak hour. The Proposed Development would only generate 40 and 42 morning and evening peak hour vehicle trips respectively. The TIA shows that the development as a whole would result in a net reduction in traffic in Cricklewood, particularly during the peak hours.

4.4.3 When compared to the observed existing retail trips, the Proposed Development would result in a net reduction in peak hour traffic as shown in Table 4.1 below (extracted from Technical Note 5, Table 5.3).

**Table 4.1 – Net reduction in peak hour vehicle trips**

	Arrive	Depart	Total
AM	-94	-10	-104
PM	-50	-103	-152



- 4.4.4 The 2019 traffic survey (appended to the original and revised TAs) showed that the existing retail uses currently generate 4591 vehicle trips per day (including a small number of vehicles rat-running through the car park). The revised Transport Assessment (CDA.25) demonstrated that the combined commercial and community uses would generate 97 vehicle trips per day. Technical Note 5 (CDA.29) (comprising a reassessment of the predicted residential vehicle trips) demonstrated that the residential element of the Proposed Development would generate 265 vehicle trips per day, therefor equating to 362 daily vehicle trips generated by the Proposed Development. The redevelopment of the Application Site would therefore result in a net reduction of 4,229 vehicle trips per day on the local roads in Cricklewood.
- 4.4.5 The Proposed Development includes the removal of the existing limited-movement junction onto Cricklewood Lane to the benefit of pedestrians, cyclists and public transport passengers, and to facilitate a significant improvement to the public realm in the form of landscape improvements to Cricklewood Green and the creation of a new public square. The closure of this vehicle access means that all proposed traffic will use Depot Approach whereas the existing (retail) traffic uses Depot Approach and Cricklewood Lane. However, even taking account of the removal of the Cricklewood Lane junction, the redevelopment of the retail park will result in a net reduction in vehicle trips through the Depot Approach signal junction and the Cricklewood Broadway/Cricklewood Lane signal junction. There will be a small reduction in some individual turning movements and negligible increase in others. The net change will have no material effect on the operational capacity of either junction.

## **4.5 Consultation responses**

- 4.5.1 The officer's report to committee dated 9<sup>th</sup> September 2021 (CDD.01) states that the Council as highway authority raises no objection to the Proposed Development subject to conditions and obligations. The GLA Stage 2 report (CDB.02) states that the GLA and TfL have no objection to the Proposed Development subject to conditions and obligations. LB Brent raises no objection to the Proposed Development on highways or transport grounds. LB Camden raises no objection to the Proposed Development on highways or transport grounds (CDB.03 and CDB.04).



## 5.0 MATTERS RAISED BY THIRD PARTIES

### 5.1 Introduction

5.1.1 Neither the Council or TfL has objected to the Proposed Development on transport or highways grounds. This evidence has therefore been prepared primarily on the basis of the Statement of Case prepared by the Rule 6 party and third-party objections submitted to the Council.

### 5.2 Mike Freer, Member of Parliament for Finchley and Golders Green

5.2.1 Mr Freer requested that the Council refuse the application on grounds of the impact on local services, design and scale (25 storeys) out of keeping with the local area, impact on road traffic congestion, and insufficient car parking.

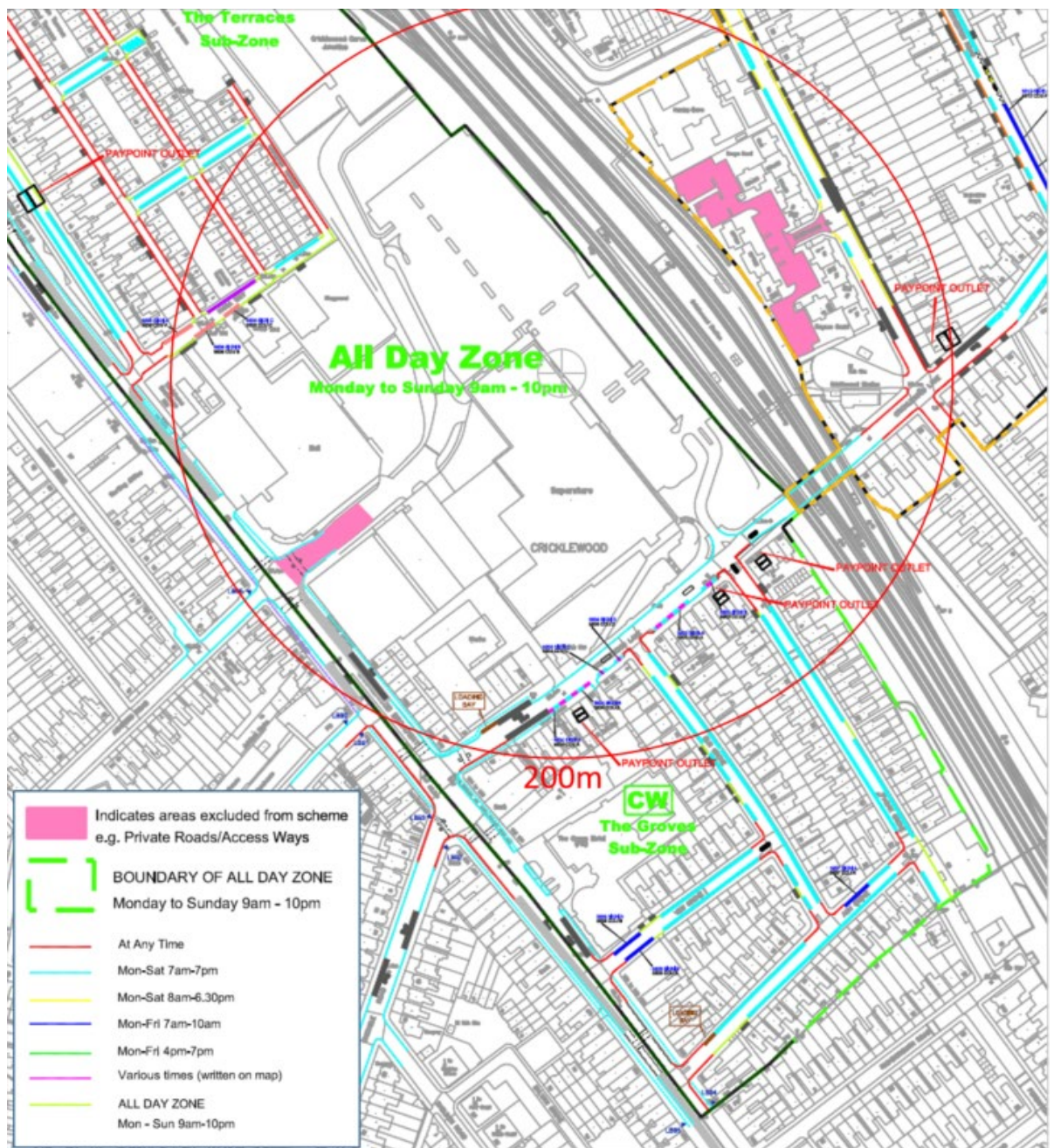
5.2.2 The revised TA (CDA.25) and TN5 (Traffic Impact Assessment) (CDA.29) demonstrate that the Proposed Development would result in a significant net reduction in traffic on the local highway network and thereby have a positive net effect on local highway capacity. This has been agreed by the Council's Transport Team and TfL.

5.2.3 The Proposed Development will provide car parking in accordance with London Plan 2021 Policy T6. The revised TA (CDA.25) demonstrates in Section 5 that parking for Blue Badge holders is unlikely to exceed 3% in the foreseeable future so the provision of 105 parking spaces for 1049 new dwellings would make allowance for up to 10% parking for disabled persons parking, but in practice is effectively a low-car development rather than a car-free development. This is appropriate for a PTAL 4/5 Site, in accordance with Policy 6.1. The Framework Travel Plan includes the introduction of car club parking on-site; the Car Club would be available for new residents and the wider community. This significantly reduces parking demand as new residents (and existing neighbours) would have access to a vehicle as and when they need one for essential journeys, even if they did not own a vehicle themselves. The evidence demonstrates that the proposed level of car parking would meet the needs of the Proposed Development.

5.2.4 The revised TA (CDA.25) demonstrated that all roads within 200m of the centre of the Application Site are either private, and therefore subject to private enforcement, or public highway and subject to waiting restrictions or Controlled Parking Zones (CPZ). The Application Site falls within the All Day Zone which operates seven days a week from 9am to 10pm.

5.2.5 To the north of the Application Site is The Terraces sub-zone, to the south is The Groves sub-zone and to the north-east of the Site (beyond the rail bridge) is the C1 One-Hour Zone.

**Figure 5.1 – Waiting restrictions surrounding the Application Site (from revised TA).**







- 5.2.6 However, the Council's Transport Team stated that as there are roads within 200m walking distance of the *edge* of the Application site, the Proposed Development should make a £42,000 contribution to enable the Council to review the existing CPZ and implement any changes recommended by that review. For clarity, additional plans illustrating 200m walking distance from the edge of the Application Site in relation to LB Barnet, LB Brent and LB Camden parking zones are included as **Appendix A**.
- 5.2.7 The evidence demonstrates that the Proposed Development is not expected to result in any harm as a result of displaced car parking; however, appropriate mitigation is provided by means of a financial contribution.
- 5.2.8 A Car Parking Design and Management Plan would be secured by planning condition (condition 9).
- 5.2.9 The existing 470 space retail car park is privately owned and managed. It has gates on the entries and exits which can be locked by the owner to prevent access. It is classed as private non-residential parking; it is not a public car park. Signs on the entrance state 'No thoroughfare' to deter rat-running and to prevent a route through the Application Site becoming a right or way through long-term use. Separate signs indicate that CCTV is in operation and that trespassing is prohibited. Parking enforcement signs state that parking is for customers only with a maximum permissible stay of three hours. These rules preclude the car park from being available to rail passengers. In practice, some customers may park on the Application Site to visit B&Q and then undertake a linked trip to the Town Centre; however, this cannot be relied upon as a public provision as the terms and conditions of parking on the Application Site are a strictly private matter and can be changed at any time.

### **5.3 Rule 6 party**

- 5.3.1 Section 7 of the Rule 6 party Statement of Case (CDI.06) is entitled 'Transport'. Matters raised in Section 7 are addressed below.
- 5.3.2 The Rule 6 party also raises a transport matter at paragraph 2.7 under the heading of 'Description of Cricklewood'. They assert that four, eight-carriage trains in each direction is a comparatively low level of service for a London train or underground station and that this does not affect the PTAL. That is incorrect; the frequency of trains and the average wait time between trains are both key components in calculating the Access Index (AI) which informs the Public Transport Access Level (PTAL).



- 5.3.3 The Rule 6 party states at paragraph 7.2 that the estimate of 88 additional rail passengers heading south from the Proposed Development during the morning peak hour undermines the case for placing this Proposed Development in such an accessible location, and that the directional split is not well founded.
- 5.3.4 The revised TA (CDA.25) included a new TRICS assessment at The Council's request. The revised assessment showed a combined 133 rail trips in the AM peak, 112 in the PM peak and 1052 across the day. This represents 15% of all daily trips to and from the Proposed Development.
- 5.3.5 The Council queried the figure of 15% travel by rail given the Application Site's proximity to Cricklewood Station. They suggested an assessment of Census data to establish journey to work mode share for Cricklewood. It is important to note that the TRICS data includes all journeys for all purposes, not just journeys to work. Many local journeys such as shopping, primary school, health, leisure etc. will be undertaken on foot or by bike and are clearly not included in the Census journey to work data. For this reason, the journey to work public transport percentages are clearly not representative of the mode share for all journeys. The TRICS data is more reliable for this purpose. The revised TA demonstrated that journeys to work represent just 25% of all daily journeys. Notwithstanding the above, at The Council's request, the journey to work data for the local ward was reviewed. That data showed 41% travel by car and just 11% by rail. When those figures were adjusted to reflect the low level of car parking to be provided as part of the Proposed Development, the resultant mode share gives 15% travel by rail, consistent with the TRICS data assessment. This is explained in detail in Section 11 of the revised TA (CDA.25).
- 5.3.6 It should be noted that the predicted residential mode share would be 17% travel by train during the morning and evening peak periods. This accounts for all journeys, not just journeys to work.

**Table 5.1 – Residential mode share based on revised TA Table 11.7**

	Veh	Pass'ger	Walk	Cycle	Bus	Rail	Total
AM	118	156	193	4	116	123	710
	17%	22%	27%	1%	16%	17%	
PM	85	118	175	2	96	99	574
	15%	21%	30%	0%	17%	17%	
Daily	898	1123	2046	57	980	901	6005
	15%	19%	34%	1%	16%	15%	



- 5.3.7 The revised TA did not include a gravity model of rail trips by destination. As stated above, it is important to note that the predicted 133 AM peak hour rail trips represent arrivals and departures for the proposed residential development and the proposed commercial development combined. The revised TA stated at paragraph 12.12, that *“if we were to assume two thirds travel southbound towards Central London, the predicted trip generation from the Site will result in an additional 2-3 passengers per carriage on the most affected trains”*. It is correct that if more than two thirds of rail passengers associated with the Proposed Development were to travel to and from the Application Site from the south, then the figure could rise from 2-3 passengers to 3-4 passengers. However, even if all 133 AM peak rail trips were departures (which they are not) and even if 100% were to travel southbound (which they would not) then that would equate to 4 additional passengers per carriage. The evidence demonstrates that the effect would clearly be less than this when taking account arrivals and departures, the fact that not all peak hour rail trips are journeys to work, and the future northbound trips to the Brent Cross regeneration area.
- 5.3.8 The Rule 6 party also states at paragraph 7.2 that the information submitted in support of the Application does not indicate how CIL or S106 funds could be used to alleviate overcrowding on trains.
- 5.3.9 Unlike walking, cycling and vehicle trips, developers cannot provide direct mitigation, in terms of capacity, for any increases in public transport passengers. For this reason, the revised TA quantifies the net increase in rail passengers, in common with all recently approved planning applications for development in the Cricklewood area, in order that the Council and/or TfL can evaluate whether a S106 contribution is necessary, or whether a proportion of the Community Infrastructure Levy (CIL) payable by this development should be directed towards increased rail capacity. That is the purpose of CIL, to deliver strategic infrastructure improvements that could not be delivered by individual developments. On this basis TfL raised no objection to the Application (CDB.02).
- 5.3.10 During pre-application discussions, The Council and TfL raised the issue of the capacity of the Cricklewood Station entrance. At present, Cricklewood Station has a single entrance on the north-eastern side, and a subway beneath the rail lines to access the platforms. The Proposed Development will safeguard a parcel of land on the southern side of the rail line, adjacent to the southern extents of the subway, so that a southern entrance and/or ticket officer could be delivered in the future if required. This could not be delivered without the redevelopment of the Application Site.



5.3.11 In the GLA Stage 1 Report (CDB.01), paragraph 71 states:

***“It is expected that the overall proposal would generate an additional 133 and 112 rail trips during the AM and PM peak respectively, from Cricklewood Rail station. It is welcomed that the applicant is committed to safeguard land so as not to preclude future southern access into Cricklewood Station. It is also welcomed that the applicant is willing to provide section 106 contributions towards improvements to the pedestrian route beneath the rail bridge.”***

5.3.12 The Rule 6 party expresses concern at paragraph 7.3 that the information submitted in support of the Application does not evaluate the impact of significant number of cyclists on local traffic and pedestrians. This is incorrect; the revised TA included a detailed assessment of predicted trips by all modes, including cyclists. It showed at Table 11.16 that the Proposed development would be expected to generate 87 cycle trips per day. However, the Framework Travel Plan, appended to the revised TA, set out future targets for sustainable travel, with the aim of increasing cycle trips from 1% to 5% over five years. If 5% of the predicted journeys associated with the Proposed Development were to be by bike, that would equate to 38 trips in the morning peak, 34 in the evening peak and 361 per day (i.e. 180 people leaving and then returning by bike each day). This is the gross travel demand, not the net change compared to the existing use of the Application Site. As stated in the revised TA (CDA.25) paragraph 12.9, when distributed across the local highway network, this increase would be imperceptible to other highway users and would have no adverse effect on capacity, comfort or amenity.

5.3.13 The Rule 6 party draws on certain elements of the ATZ assessment which identified some deficiencies in the junction of Cricklewood Lane / A5 that may deter some cyclists from using this junction. The ATZ assessment included a detailed appraisal of all junctions and crossings surrounding the Application Site. With regards to the Cricklewood Broadway (A5) / Cricklewood Lane / Chichele Road junction, the ATZ assessment described the junction as *“large, intimidating and busy junction with no provisions for cyclists”*. It recommended *“Lower speeds to 20mp, early start arrangements for cyclists at all four arms of junction; and cycle box at traffic lights”*.

5.3.14 Since the ATZ assessment was carried out, the junction has been substantially re-modelled during 2021, including the removal of a building on the north-east corner of the junction to enable a realignment of the carriageway. The junction now has increased inter-visibility between drivers, cyclists and pedestrians, and advance cycle stop lines on all arms. The



works were carried out by the Council and, as the A5 forms part of the TLRN<sup>2</sup>, the works were approved by TfL. The Major's Vision Zero Action Plan commits to introducing 20mph speed limits on all of the TLRN.

- 5.3.15 The material improvements to the junction are in line with the recommendations of the ATZ assessment and have therefore addressed the issues raised at that time.
- 5.3.16 The Rule 6 party is critical at paragraph 7.5 of what they describe as “narrow unsegregated shared-use paths through the development”, asserting that they would not form a public benefit.
- 5.3.17 The proposed internal routes would allow direct and traffic-free routes from the Proposed Development to the public highway for pedestrian and cyclists. The provision of a new route between Depot Approach and Cricklewood Lane would allow some cyclists to use this lightly trafficked (Depot Approach) and traffic-free route to avoid the signal-controlled junction of Cricklewood Lane / Cricklewood Broadway. The Application is an outline application with matters of layout and landscaping reserved. The detailed design of the internal routes will be determined as part of any reserved matters or full planning applications, but it is clear that safe provision can be made for both pedestrians and cyclists through the Proposed Development.
- 5.3.18 The route between Kara Way and Depot Approach is blocked for pedestrians at present by means of a metal palisade fence. The redevelopment of the Application Site as well as the neighbouring Co-op, Bingo and Jewson sites will transform the area to the east of the Railway Terraces from a commercial area to a predominantly residential area. The proposed route through the Application Site would be of benefit to those new residents and would not preclude the opening up of a pedestrian link to Kara Way in the future.
- 5.3.19 Section 10 of the revised TA in March 2021 (CDA.25), and the ATZ assessment appended to that report, provide a quantitative and qualitative assessment of the route through the Proposed Development and the primary routes to and from the Application Site. It demonstrates that the route would meet the requirements of TfL's Healthy Streets approach and would provide a direct and attractive route between Depot Approach and Cricklewood Lane for the Proposed Development and the wider community, including any future development to the west of the Application Site.
- 5.3.20 At paragraph 7.6, the Rule 6 party states that the pedestrian isochrones in the revised TA assume all pedestrians can walk in every direction at the same uniform speed, with no

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<sup>2</sup> Transport for London Road Network



delay at busy roads, and in straight lines across railways and through buildings.

- 5.3.21 The cycle isochrones in the revised TA were based on travel distances in 5-minute increments whereas the pedestrian isochrones were presented as radii. Figure 3.2 of this evidence is a more accurate isochrone plan based on the methodology used in the TfL PTAL assessment.
- 5.3.22 This does slightly alter the area shown to be within 5, 10 and 15 minutes walking distance of the Application Site but does not negate the more detailed and more accurate ATZ assessment or the TA conclusions.
- 5.3.23 The Rule 6 Party also asserts at paragraph 7.6 that the information submitted in support of the Application did not estimate the increased number of pedestrians passing under the Cricklewood Lane bridge. That is incorrect; the ATZ assessment, appended to the revised TA (CDA.25) included a gravity model for all pedestrian movements, including those walking to bus stops and stations. It identified the six primary walking routes to and from the Proposed development and assigned pedestrian trips to each, including the route beneath the railway bridge.
- 5.3.24 The proposed development will deliver improvements to the route beneath the rail bridge in the form of s278 works to the footway and a S106 contribution to enhance the underside of the rail bridge. The Proposed Development will also deliver a new controlled pedestrian crossing over Cricklewood Lane which will represent an improvement in local highway conditions for pedestrians.
- 5.3.25 The Rule 6 party states at paragraph 7.7.1 that the reduction in vehicle trips is calculated as the difference between the predominant through traffic using the car park as a cut-through and the total traffic in and out of the car park. This is incorrect; the detailed traffic survey carried out in 2019 identified that the existing retail uses generate 232 vehicle trips during the morning peak hour and 278 trips during the evening peak hour. As stated at paragraph 3.46 of the revised TA, the traffic survey also specifically identified any traffic using the Application Site car park as a short-cut to avoid the Cricklewood Lane traffic signals. The survey identified 40 drivers cutting through the car park from Depot Approach to Cricklewood lane during the morning peak hour (0800-0900) and 41 during the evening peak (1700-1800). In the reverse direction, the survey only identified 2 or 3 vehicles during the peak hours. This traffic should not be using the car park as a 'rat-run' and would be redirected onto the public highway as a result of the Proposed Development. The Rule 6 party is therefore incorrect to describe the rat running as 'predominant' as the vast majority of existing traffic entering and leaving the Application Site is generated by retail customers.



- 5.3.26 The net change in vehicle trips as a result of the Proposed Development is determined by comparing the observed traffic associated with the existing use of the Application Site, and the predicted traffic associated with the Proposed Development. Technical Note 5 (CDA.29) includes a detailed assessment of the peak hour net change in vehicle trips through the Depot Approach / A5 junction and the Cricklewood Lane / A5 junction. That assessment includes an allowance for any current rat-running traffic being redirected back onto the public highway.
- 5.3.27 Technical Note 5 concludes that the Proposed Development will have an overall beneficial effect on highway capacity and safety and will have no material adverse effects on any individual junction. The Council as local highway authority, and TfL agree the findings of Technical Note 5.
- 5.3.28 The Rule 6 party states at 7.7.2 that the information submitted in support of the Application does not take account of existing B&Q customers seeking other stores further afield. This is a potentially circular argument as many of the existing customers may currently be travelling into Cricklewood from further afield due to the current retail offer. Whereas it may be true that assessment of redevelopment and regeneration on a regional scale results in diverted trips, the revised Transport Assessment and Technical Note 5 are concerned with the local transport network surrounding the Application Site and demonstrate that the Proposed Development will result in a net reduction of 4,229 vehicle trips per day on the local roads in Cricklewood. Of course, the introduction of new homes in a highly accessible area, in close proximity to a wide range of facilities and transport options will reduce the need for those residents to travel, especially by car.
- 5.3.29 The Rule 6 party states at paragraph 7.7.3 that the 'predictions' (assumed to mean vehicle trip predictions) do not use TRICS data for similar sites and state that the Applicant has sought to use the number of parking spaces rather than the number of residents in order to determine predicted vehicle trips.
- 5.3.30 The TRICS® database is the industry standard for determining predicted multi-modal trips associated with proposed developments. The TRICS database was interrogated in accordance with the TRICS Consortium Ltd guidance.
- 5.3.31 As observed vehicle trips were available for the existing use of the Application Site, the baseline multi-modal trips were based on observed vehicle trips combined with TRICS trip rates for all other modes.



- 5.3.32 The residential element of the Proposed Development comprises flats only with no houses or maisonettes. The TRICS selection criteria used in Technical Note 5 (CDA.29) used the sub-categories of *Residential C – Flats Privately Owned*, and *Residential D – Affordable/Local Authority Flats*. The alternative sub-category *Residential M - Mixed Private/Affordable Housing* includes sites which comprise a mix of flats, houses and maisonettes. The TRICS database does allow for those sites which include houses and maisonettes to be excluded from the selection criteria, but this would result in a reduced number of survey sites. The use of sub-categories Residential C and D (flats) provides a higher number of survey sites and allows for a bespoke split between private and affordable dwellings.
- 5.3.33 The default Trip Rate Parameter setting in TRICS is 'Trips per dwelling'. There is no option for trips per resident as suggested by the Rule 6 party. Technical Note 5 (CDA.29) demonstrates that the selected TRICS survey sites, are those that most closely match the Proposed Development in terms of scale, location and accessibility, but all have higher levels of car parking than the Proposed Development and therefore the trip rates per dwelling were converted into trip rates per parking space in order to derive predicted vehicle trips for the Proposed Development. This method provides a more accurate prediction of vehicle trips for a low-car scheme such as the Proposed Development rather than simply applying trip rate per dwelling derived from the TRICS sites with higher parking provision. The resultant vehicle trips in Technical Note 5 are agreed with the Council.
- 5.3.34 In the Officer Report to the Strategic Planning Committee (CDD.03) the Council's Transport Team comments state that the methodology used in TN5 (CDA.29) was "*not a standard process*"; they do not suggest that it was incorrect. Indeed, TN5 makes this very point. The Council's Transport Team agreed that that the earlier assessment of vehicle trips associated with the proposed residential uses was likely to be an **over-estimate** of traffic generation as the TRICS survey sites all had more parking per dwelling than the Proposed Development. As a result, a non-standard form of appraisal was necessary in order to determine the likely traffic effects of the Proposed Development.
- 5.3.35 Nevertheless, as stated in the Committee Report, the Council's Transport Team undertook an independent assessment of vehicle trips for comparison purposes and concluded that the forecast vehicle trips in TN5 were acceptable.





## 5.4 Other

- 5.4.1 Other transport-related third-party objections, not already covered in this section are addressed below.
- 5.4.2 Comment: *Concerns about construction traffic safety on pupils using local roads to get to Hampstead School and several primary schools via the B&Q site.*
- 5.4.3 The Proposed Development is supported by an outline Construction Logistics Plan (CLP), final versions of which will be secured by planning condition and submitted to and approved by the planning and highway authorities prior to commencement on site. The CLP will include (but is not limited to) hours of operation, route management, construction access points, safe working methods to protect pedestrians and cyclists. During construction the site will be protected by hoarding.
- 5.4.4 Comment: *Local bus routes on Cricklewood Lane are to be reduced by the Mayor.*
- 5.4.5 In November 2022, TfL announced that new funding from the Mayor has allowed TfL to reassess its proposals for the bus network and cancel the changes that Londoners were most concerned about. Route 16 will run on route 332 between Brent Park and Paddington. The night route N16 will be renumbered N32; however, previously proposed changes to routes 15, 19, 27, 43, 47, 49, 53, 56, 88, 98, 100, 113, 135, 148, 171, 189, 205, 214, 236, 254, 259, 277, 279, 283, 328, 343, 388, 414, 430, 476, D3, N15, N19, N27, N98, N133, N205, will not be taken forward.



## 6.0 MATTERS NOT IN DISPUTE

### 6.1 Local Highway Authority

6.1.1 The Council as local highway authority does not object to the Proposed Development in terms of the proposed levels of car and cycle parking, or the likely impact on road safety or the capacity of the local road network. The Council consultation response is included in CDB.10.

### 6.2 Transport for London

6.2.1 TfL as strategic transport authority does not object to the Proposed Development in terms of the proposed levels of car and cycle parking, or the likely impact on road safety or the capacity of the wider transport network (CDB.02).

### 6.3 Transport improvements

6.3.1 As Proposed Development includes a range of transport improvements and measures which would be secured by planning condition or S106 obligation. These are explained in detail earlier in Section 3 of the Proof of Evidence, and summarised as follows:

- Residential Travel Plan (RTP) [S106]
- Residential Travel Plan Incentive fund up to £330,000 [S106]
- Commercial Travel Plan (CTP) [S106]
- Improvements to public realm including Cricklewood Green enhancements [S106];
- Land safeguarded so as not to preclude future southern access into Cricklewood Station [S106]
- Contribution towards improvements to the underside of the rail bridge [S106]
- Contribution to upgrade an uncontrolled crossing on Cricklewood Lane to a Puffin crossing [S106]
- New Car Club parking for new residents and wider local community [condition]
- Construction management and Environmental Logistics Plan (CMELP) [condition 5]
- Car Parking Design and Management Plan (CPDMP) [condition 9]
- New pedestrian/cycle routes between Depot Approach and Cricklewood Lane [condition]
- New public realm designed on Healthy Streets principles [condition 29]
- Removal of existing vehicle access from Cricklewood Lane [S278]
- Improve footway between Site and Cricklewood Station [S278]



## **6.4 Transport Statement of Common Ground**

- 6.4.1 The undisputed transport matters between the Applicant and the Council are set out in the Transport Statement of Common Ground (CDI.04).



## 7.0 SUMMARY AND CONCLUSIONS

- 7.1.1 My evidence has considered the effect of the Proposed Development on local transport, with particular regard to sustainable travel, effects on the road network and highway safety, and the amount of parking to be provided.
- 7.1.2 The Application is in outline only with all matters reserved except for access. The matters of layout and landscaping would therefore be determined as part of any reserved matters or full planning applications.
- 7.1.3 The Application Site is very well placed to promote sustainable travel choices. The Application Site has a current PTAL rating of 5 at the front of the site and 4 at the rear; however, the Proposed Development will introduce new direct pedestrian and cycle routes through the site, thereby reducing the distance to the bus stops on Cricklewood Lane and to Cricklewood Station. This will have the effect of increasing the access level at the rear of the site. An audit of existing sustainable transport infrastructure shows that the Application Site is very well located to promote walking and cycling as the preferred modes of travel for shorter journeys.
- 7.1.4 The Application was supported by a Transport Assessment and a three-part Transport Implementation Strategy. Following consultation responses from The Council Transport Team and TfL, a revised Transport Assessment (including an Active Travel Assessment) was submitted in March 2021 and a Traffic Impact Assessment (TN5) was submitted in May 2021.
- 7.1.5 The Council as local highway authority raised no objection to the Proposed Development subject to conditions and obligations. TfL as strategic transport authority raised no objection to the Proposed Development subject to conditions and obligations. LB Camden and LB Brent as neighbouring highway authorities raised no objections on transport grounds.
- 7.1.6 I have demonstrated that the Proposed Development would result in a net reduction in vehicle trips and would therefore have a positive effect on local highway conditions.
- 7.1.7 I have demonstrated that the Proposed Development would deliver an appropriate level of car parking in line with London Plan 2021 policy T6, and that the proposed level of parking would meet the needs of the development and cause no harm to the surrounding highway network.
- 7.1.8 The Proposed Development would deliver a package of transport improvements. The improvements would comprise management procedures to control and regulate the



movement of people and goods to and from the site, contributions and obligations to enhance the transport network and to promote sustainable transport choices, and physical measures to improve the local highway conditions.

- 7.1.9 In accordance with the terms of the Framework, the Application should not be refused on highways or transport grounds. The Proposed Development would accord with the development plan and there are no material transport considerations which outweigh the presumption in favour of granting planning permission.



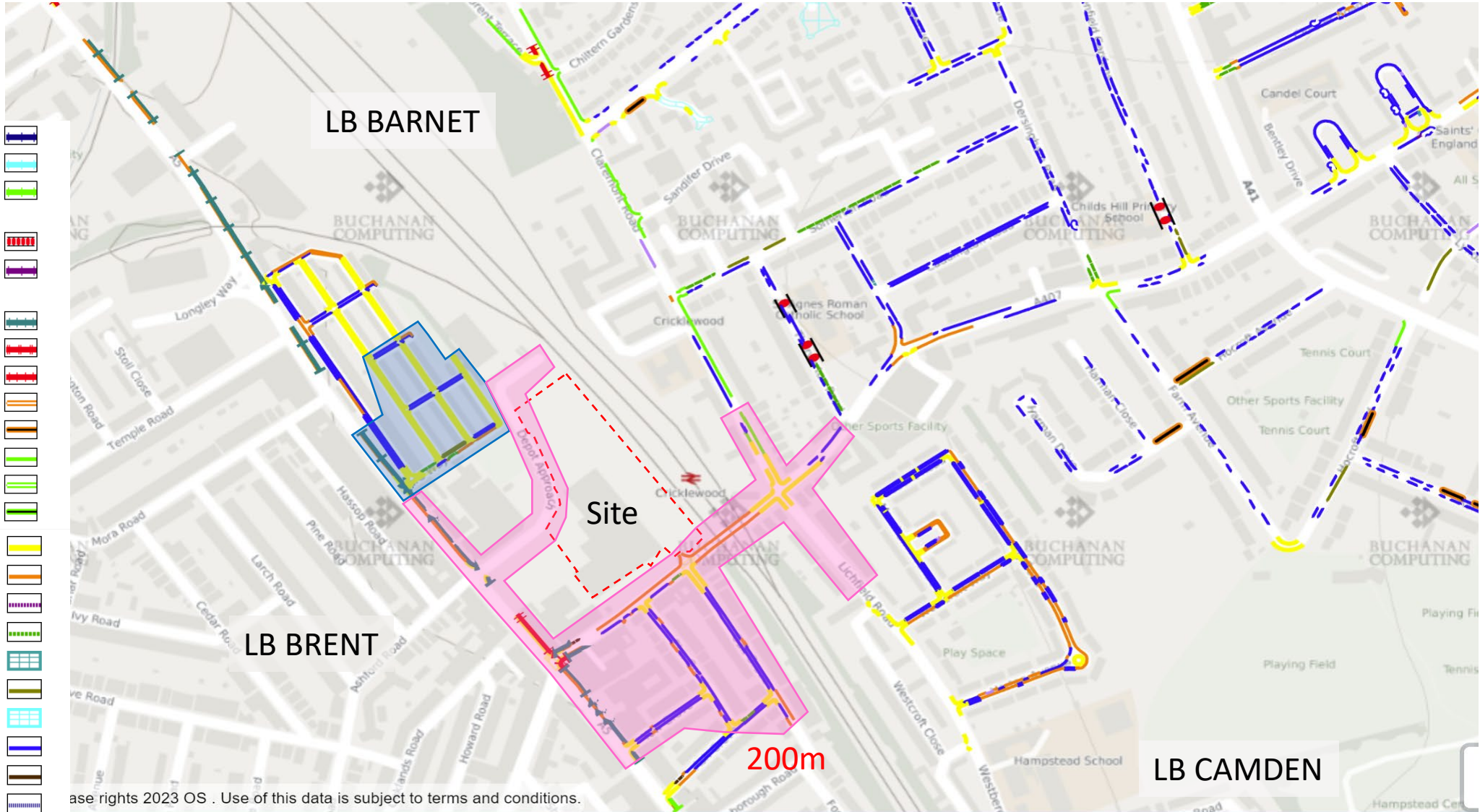
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# Appendix A

## Controlled Parking Zones

within 200m walking distance of the Application Site

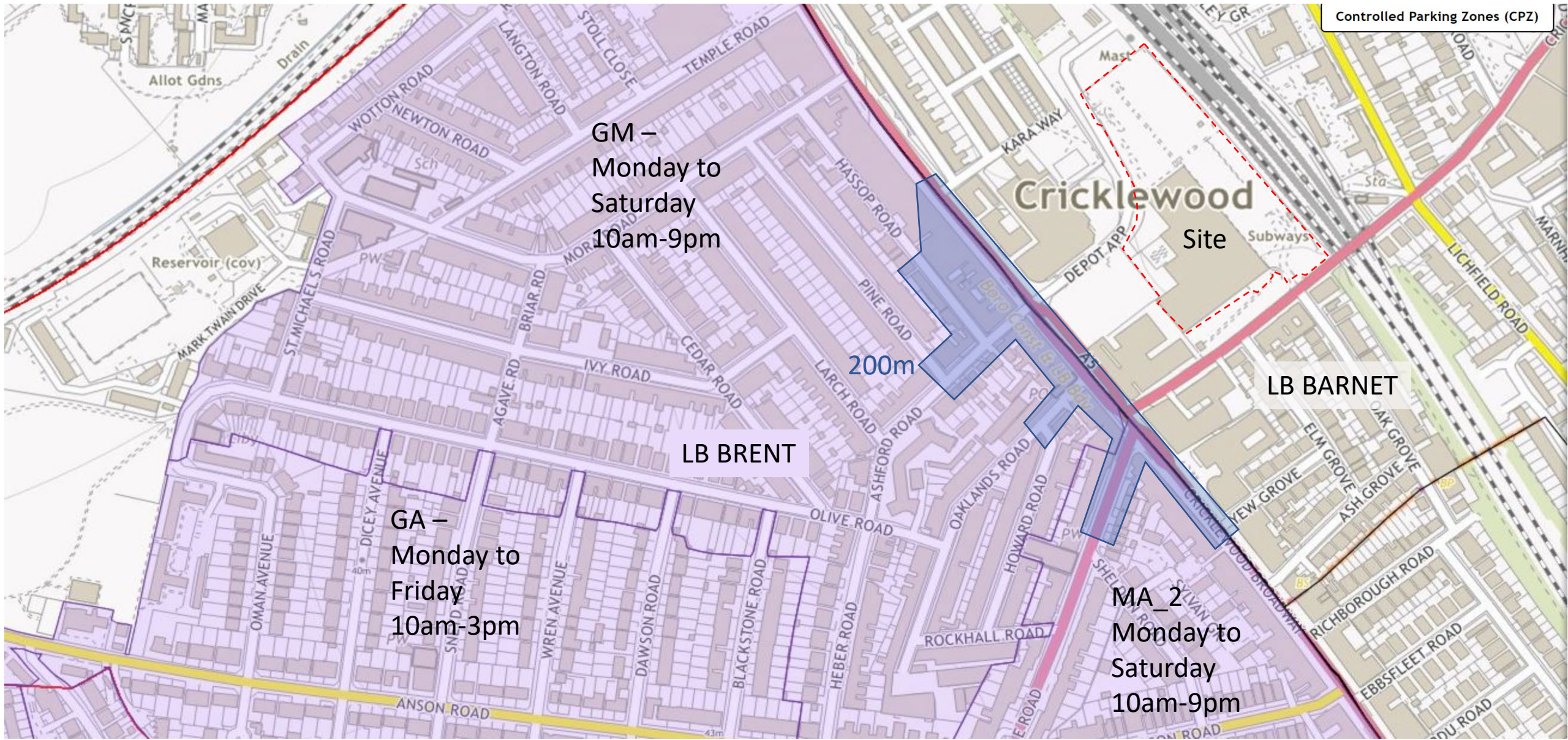
# London Borough of Barnet CPZ



- ✓ No Loading Mon-Fri 4pm-7pm
- ✓ No Loading Mon-Fri 7am-10am
- ✓ No Loading Mon-Fri 7am-10am and 4pm-7pm
- ✓ No Stopping on school entrance markings
- ✓ No loading Mon-Sat 7am-10am and 4pm-7pm
- ✓ No loading Mon-Sat 7am-7pm
- ✓ No loading at any time
- ✓ No loading other
- ✓ No waiting Mon-Fri 11am-12pm
- ✓ No waiting Mon-Fri 2pm-3pm
- ✓ No waiting Mon-Sat 8am-6.30pm
- ✓ No waiting Mon-Sat 9am-5pm
- ✓ No waiting On event days 1pm-6pm
- ✓ No waiting at any time
- ✓ No waiting other
- ✓ Other Bays - Non TMO
- ✓ Payment Parking
- ✓ Pedestrian Zone
- ✓ Permit Holder Bay
- ✓ Permit Parking Area
- ✓ Residents Permit Holders
- ✓ Taxi Rank
- ✓ Unrestricted Bay

base rights 2023 OS . Use of this data is subject to terms and conditions.

# London Borough of Brent CPZ





# London Borough of Camden CPZ

