

B&Q site, Cricklewood Lane

Local Planning Authority: Barnet

Local Planning Authority reference 20/3564/OUT

Strategic planning application stage 2 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Outline application (including access, with other matters reserved) for the demolition of existing buildings and phased redevelopment, including up to 1,049 homes and up to 1,200 sq.m. of flexible commercial/community floorspace in buildings of up to 18 storeys, and public open space.

The applicant

The applicant is **Montreaux Cricklewood Development Limited** and the architect is **EPR**.

Key dates

GLA pre-application meeting: 14 November 2019

GLA stage 1 report: 9 November 2020

LPA Planning Committee decision: 9 September 2021

Strategic issues summary

Land use principles: The residential-led uses proposed on this well-connected, under-utilised site, including large areas of surface-level retail car parking, within an Opportunity Area and adjacent to a town centre is strongly supported.

Affordable housing: 35% (habitable room) made up of 30% London Affordable Rent, and 70% intermediate (shared ownership, Discount Market Rent, or London Living Rent). Affordability is secured in line with London Plan policies and the application meets the requirements of the fast track viability route, with an early stage viability review secured.

Urban design and historic environment: The proposals, with amendments to reduce building heights to a maximum of 18 storeys, are supported. The size of the site provides an exceptional opportunity for high-density housing delivery in a location identified as appropriate for tall buildings, subject to assessment. The illustrative scheme demonstrates that an appropriate design quality could be achieved through reserved matters, with no harm to the significance of heritage assets.

Transport: The site is highly accessible with very good public transport access. The proposals will result in a significant reduction in vehicle trips, which will benefit the adjoining road network. Transport matters have been acceptably resolved, including a £100,000 contribution towards local bus services.

Climate change and environment: The proposals are in accordance with London Plan policies.

The Council's decision

In this instance, Barnet Council has resolved to grant permission subject to planning conditions and conclusion of a section 106 legal agreement.

Recommendation

That Barnet Council be advised that the Mayor is content for the Council to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal, or direct that he is to be the local planning authority.

Context

1. On 21 September 2020, the Mayor of London received documents from Barnet Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following categories of the Schedule to the Order 2008:

- *Category 1A – ‘Development which comprises or includes the provision of more than 150 houses, flats or houses and flats’.*
- *Category 1B – ‘Development (other than development which only comprises the provision of houses, flats or houses and flats) which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres’.*
- *Category 1C – ‘Development which comprises or includes the erection of a building of (c) more than 30 metres high and is outside the City of London’.*

2. On 9 November 2020, the Mayor considered planning report [GLA/2020/6538/S1](https://gla.force.com/pr/s/planning-application/a0i4J000002Sv63QAC/20206538)¹ and subsequently advised Barnet Council that the application did not yet comply with the London Plan for the reasons set out in paragraph 89:

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

¹ <https://gla.force.com/pr/s/planning-application/a0i4J000002Sv63QAC/20206538>

- **Climate change and environment:** Further information is required on energy, the circular economy, water-related matters, and urban greening.

3. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

4. On 9 September 2021, Barnet Council decided that it was minded to grant permission for the application subject to planning conditions and conclusion of a section 106 agreement, and on 15 March 2022 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008, the Mayor may allow the draft decision to proceed unchanged; direct Barnet Council under Article 6 to refuse the application; or issue a direction to Barnet Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 28 March 2022 to notify the Council of his decision and to issue any direction.

5. The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.

6. The decision on this case, and the reasons, will be made available at: [Planning Application 2020/6743²](#).

Consultation

7. Barnet Council publicised the application by sending 2,362 notifications to local addresses and issuing site and press notices. The relevant statutory bodies were also consulted. The Council undertook a second consultation in May 2021 to allow consideration of an Urban Design Study; a third in July 2021 when the application was amended to reduce building heights from a maximum of 25 storeys to a maximum of 18 storeys, with the number of homes reduced from a maximum of 1,100 to a maximum of 1,049; and a fourth in August 2021, as a result of further amended documents. Copies of all responses to public consultation, and any other representations made on the case, have been made available to the GLA.

Responses to neighbourhood consultation

8. As a result of the four rounds of consultation, Barnet Council received a total of 2,271 responses (including 2,211 in objection and 48 in support). The reasons for objection raised through the neighbourhood consultation process are collectively summarised below:

- Excessive height, scale, massing, and density.
- Overdevelopment.
- Design is discordant, alien, and incongruous within the surrounding context.
- Unacceptable additional strain on local infrastructure such as GP's and schools.
- Harm to the Railway Terraces Conservation Area and nearby listed buildings.
- Additional congestion on the local road network.
- Loss of daylight/sunlight and outlook to neighbouring properties.

² <https://gla.force.com/pr/s/planning-application/a0i4J000002TpCgQAK/20206743>

- No landowner consent to create a new access from Depot Approach.
- Excessive building footprint.
- Additional strain on Cricklewood Station and local buses.
- The scheme would not deliver genuinely affordable homes.
- Housing mix is not suited to the local community.
- Loss of an excessive number of trees.
- Amendments have not addressed the main issues.

9. Mike Freer, Member of Parliament for Finchley and Golders Green: Requested the Council to 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.

10. Former London Assembly Member Andrew Dismore: Objected to the proposals on grounds of excessive height (25 storeys) in a low-rise area, excessive density, impacts on local social infrastructure and public transport, insufficient car parking, insufficient family housing, and insufficient affordable housing.

11. Councillor Peter Zinkin (Ward Member for Cricklewood): Objected on grounds of height, scale and quantum of development, impact on Railway Terraces Conservation Area, and impact on local services/infrastructure.

12. Councillor Anne Clarke (Ward Member for Cricklewood and London Assembly Member): Objected on grounds of height, quantum of development, impact on historic environment, and impact on local services/infrastructure.

Responses from statutory bodies and other organisations

13. London Borough of Camden: Requested that the application be refused unless issues resolved concerning the excessive reduction in commercial space; insufficient community space; excessive scale and mass (25 storeys); and inclusion of more social rent and fewer intermediate homes.

14. London Borough of Brent: No objection.

15. Metropolitan Police: No objection, subject to a condition, which has been secured.

16. Natural England: No objection.

17. Thames Water: No objection, subject to a condition, which has been secured.

18. Railway Terraces Community Association: Objected on grounds of height and density, disregard for the street scene, and increased stress on local infrastructure. Objections maintained after amendments, including reduced heights.

19. Network Rail: Raised concerns about the potential impact on the safe operation of Cricklewood Station without suitable mitigation measures, which would exacerbate existing issues relating to the restricted station access and crowding, as well as accessibility for mobility impaired people. Requested contributions towards remodelling of the station entrance, ticket office and ticket gate areas. Conditions were requested, which have been secured, as well as an informative.

Representations to the Mayor

20. Former London Assembly Member Andrew Dismore: Requested the Mayor to refuse the application on grounds of excessive height (25 storeys) in a low-rise area, excessive density, impacts on local social infrastructure and public transport, insufficient car parking, insufficient family housing, and insufficient affordable housing.

21. Cricklewood Railway Terraces Residents Association: Requested the Mayor to reduce the height (18 storeys) and density of the proposals, due to the harm it would cause to the setting of the adjacent Cricklewood Railway Terraces Conservation Area.

Response to public consultation - conclusion

22. Having considered the local responses to public consultation, in consultation with GLA and TfL officers, Barnet Council has sought to secure various planning obligations, conditions and informatives in response to the issues raised. GLA officers have had regard to the above statutory and non-statutory responses to the public consultation process, and those representations made directly to the Mayor, where these raise material planning issues of strategic importance. GLA officers have also had regard to requests for the Mayor to direct Barnet Council under Article 6 to refuse the application; or issue a direction to Barnet Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application.

Update

23. Since consultation at Stage 1, GLA officers have engaged in joint discussions with the applicant, the Council and TfL officers with a view to addressing the matters raised. An update against the issues raised at consultation stage is set out below.

24. As stated above, the application was amended after the Stage 1 consultation, including a reduction in building heights from a maximum of 25 storeys, to a maximum of 18 storeys; with the number of homes reduced from a maximum of 1,100, to a maximum of 1,049.

Relevant policies and guidance

25. Since consultation stage, the following are now material considerations:

- The National Planning Policy Framework 2021 and National Planning Practice Guidance 2021.
- The National Design Guide.
- The 2021 London Plan.
- The Barnet Draft Local Plan (Regulation 19, November 2021).
- Characterisation and Growth Strategy draft LPG; Optimising Site Capacity draft LPG; Housing Design Standards draft LPG; Public London Charter LPG; Fire Safety draft LPG; Circular Economy Statements draft LPG; Whole-life Carbon draft LPG; 'Be Seen' Energy Monitoring LPG; Urban Greening Factor draft LPG; Air Quality Positive draft LPG; Air Quality Neutral draft LPG; Sustainable Transport, Walking and Cycling draft LPG.
- On 24 May 2021 a Written Ministerial Statement (WMS) was published in relation to First Homes. To the extent that it is relevant to this particular application, the WMS has been taken into account by the Mayor as a material

consideration when considering this report and the officer's recommendation. Further information on the WMS and guidance in relation to how the GLA expect local planning authorities to take the WMS into account in decision making can be found [here](#)³.

Land use principles

26. As stated at consultation stage, the development for residential-led uses of this highly accessible, under-utilised site including large areas of surface-level retail car parking, within an Opportunity Area and adjacent to a town centre, is strongly supported in line with London Plan policies. Cricklewood (District) town centre extends along Cricklewood Lane, to the south-east of the site, but the site itself is outside the town centre boundary. The loss of existing retail uses on the site, to be replaced by a smaller amount of commercial/community space is also supported. A healthcare facility is secured by section 106 agreement within Development Parcel A, which is supported in accordance with London Plan Policies S1 and S2.

27. Cricklewood Green, to the front of the site, is designated as an Asset of Community Value. Cricklewood Green itself is located outside of the red line boundary of the site; however, the draft section 106 agreement secures that the first reserved matters application includes improvements to the Green. The development proposes a central area of public realm linking the existing Kara Way playground to Cricklewood Green, including a new public square. The new and improved public realm proposals are strongly supported.

Housing and affordable housing

28. At consultation stage, the applicant proposed 35% affordable housing (by habitable room), made up of 30% affordable rent and 70% intermediate (61% shared ownership and 9% Discount Market Rent as part of a Build to Rent element); however, concerns were raised as the tenure split did not meet the Council's specified tenure mix of 60% social rented and 40% intermediate; affordable rent units at 65% of market rent did not meet the affordability requirements of the London Plan; and all of the Discount Market Rent units were at 80% of market rents. Subsequently, GLA viability officers reviewed the applicant's financial viability assessment (FVA) and concluded that subject to addressing the affordability of tenures and confirmation that the Council accepted the tenure split; a 35% affordable housing offer with an improved tenure mix would allow the scheme to follow the 'fast track' viability route.

29. Subsequently, the scheme was amended, including 30% London Affordable Rent, and 70% intermediate, which is much improved compared to the viability tested scheme. The revised indicative residential mix and tenures for all phases is shown below. The low-cost affordable rent homes are secured in the draft section 106 agreement at London Affordable Rent levels. The intermediate homes are secured with the appropriate affordability provisions as shared ownership, Discount Market Rent, or London Living Rent. The tenure split accords with London Plan Policy H6, and although it does not meet the Council's specified tenure mix of 60% social rented and 40% intermediate, the Council is supportive of the tenure and agrees that the application can follow the fast track viability route. An early stage viability review is also secured.

³ https://www.london.gov.uk/sites/default/files/first_homes_planning_practice_note_.pdf

	London Affordable Rent (LAR)	Intermediate (shared ownership/DMR/LLR)	Market	Total
Studio	0	44	104	148 (13%)
1 bed	11	138	264	413 (38%)
2 bed	40	114	229	383 (39%)
3 bed	35	0	70	105 (10%)
Total	86	296	667	1,049
35% affordable (hab rooms) (30% LAR:70% intermediate)				

30. The illustrative scheme makes provision for 3,614 sq.m of play space, with the majority provided at ground floor level within the public realm and accessible to all housing tenures, including an extension of the adjacent Kara Way playground. Further play space areas would be located in the podium and rooftop landscapes. As stated at consultation stage, the play space proposed goes beyond that required using the GLA population yield calculator, more-so now that the number of homes is reduced. This is supported, with the detail to be determined through reserved matters.

Urban design and historic environment

Tall buildings, height and massing

31. Policy D9 of the London Plan states that development plans should define what is considered a tall building for specific localities (Part A) and identify suitable locations (Part B). Requirements for tall buildings (Part C) include addressing visual impacts at different distances; aiding legibility and wayfinding; having exemplary architecture and materials; avoiding harm to heritage assets; not causing adverse glare; and minimising light pollution. Functional impacts should consider internal and external design; servicing; entrance capacity; area and transport capacity; maximise benefits to the area; and not interfere with communications. Environmental impacts should consider wind, daylight, sunlight, and temperature; air movement (dispersal of pollutants); and noise creation. Cumulative impacts should also be considered.

32. As noted at consultation stage, Barnet Council's Core Strategy identifies general locations for tall buildings (defined as above 8 storeys), including the 'Edgware Road corridor', within which the site sits. It states that the corridor forms an important location for growth, and as it lies in a valley floor, taller buildings are less likely to have a significant impact on key views. Barnet's Draft Local Plan was submitted for examination in November 2021 and thus can be given some material weight. It identifies that the site is within a 'strategic tall building location', and states that 'tall buildings' (8-14 storeys) may be appropriate in Opportunity Areas, while 'very tall' buildings (15 storeys or more) will only be supported in Opportunity Areas and only in exceptional circumstances.

33. The current and emerging development plans identify the site as appropriate for tall buildings, subject to assessment, in accordance with London Plan Policy D9 (Part B). At consultation stage, it was noted that the proposals (then up to 25 storeys) would be a step-change in scale when viewed from the prevailing Victorian/Edwardian surrounding streets, although neighbouring application had been granted for schemes up to 9 storeys. Furthermore, it was noted that the size of this Opportunity Area site provides an exceptional opportunity for high-density housing delivery, including tall buildings that do not unacceptably impact the surroundings. This is considered to meet the requirements for buildings above 15 storeys in the emerging Local Plan.

34. At consultation stage, GLA officers considered that the illustrative scheme demonstrated that an appropriate design quality could be achieved, with no harm to heritage assets (as discussed below); and the visual, functional, environmental, and cumulative impacts had been rigorously assessed and were considered to be acceptable. However, this was subject to amendment of the Development Heights Parameter Plan, which allowed development of each parcel up to the maximum height proposed in the illustrative scheme, with no further control or guidance on height variation. The Parameter Plan was subsequently amended to secure greater variation in height for each plot, which is welcomed.

35. Further amendments were made to reduce the height of Parcel A (blocks from 25 to 13 storeys and from 19 to 18 storeys) and Parcel C (blocks from 18 to 17 storeys and from 17 to 16 storeys), as controlled by Parameter Plan. Although the heights proposed were generally supported at consultation stage, considering the scale of objections relating to the heights as originally proposed, particularly Parcel A, the height reductions are supported. The proposals are supported in accordance with London Plan Policy D9.

Historic environment

36. London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings should conserve their significance, by being sympathetic to the asset's significance and appreciation within their surroundings. These policies also apply to non-designated heritage assets.

37. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. Regarding listed buildings, all planning decisions should *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"* and regarding conservation areas special attention must be paid to *"the desirability of preserving or enhancing the character or appearance of that area"*. The NPPF states that when considering the impact of the proposal on the significance of a heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be.

38. While the site is not in a conservation area, nor does it contain any listed structures, it is adjacent to the Railway Terraces Conservation Area, which contains locally listed heritage assets. The Grade II listed Crown public house is also approximately 300 metres to the south. At consultation stage, based on the applicant's Heritage, Townscape, and Visual Impact Assessment (HTVIA), GLA officers considered that no harm would be caused to the significance of the Conservation Area or the locally listed heritage assets within it, or the Crown public house; subject to amendment

of the Development Heights Parameter Plan as discussed above. The tallest elements have now been reduced in height as discussed above, reinforcing GLA officers view that no harm would be caused to heritage assets or the strategic view.

39. It is noted that the Council's Heritage and Conservation officer concluded that less than substantial harm would be caused to the Railway Terraces Conservation Area and the Crown public house. The Council's Committee Report states that the harm is outweighed by public benefits, including up to 1,049 new homes, 35% of which would be affordable; and the delivery of substantial new public realm in an area lacking in open space, including a new town square, with enhancements to Cricklewood Green. GLA officers acknowledge that these benefits would be sufficient to outweigh any harm.

40. In coming to these conclusions, GLA officers have had special regard to the desirability of preserving listed buildings and their settings (and consider that these are preserved), and have paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas (and again consider that these are preserved).

Other design matters

41. At consultation stage, some further information was requested to demonstrate that the required residential quality could be achieved. This has generally been addressed through amendments, including the Design Guidelines, which are sufficient to ensure that residential quality can be delivered through reserved matters applications.

42. Subject to further information and amendment of the Parameter Plans, the density of the proposals (396 units per hectare) was supported at consultation stage. It is noted that as a result of amendments to the scheme, density has reduced to 377 units per hectare, which is supported.

43. As requested at consultation stage, a condition secures that 10% of homes will be designed to meet the M4(3) standard for 'wheelchair user dwellings', and the remaining homes designed to meet the Building Regulations M4(2) standard for 'accessible and adaptable dwellings'.

44. At consultation stage, it was noted that the proposals had been informed by an outline fire statement as summarised in the applicant's Design and Access Statement; however, the outline fire statement was requested. This was subsequently provided and meets the requirements of London Plan Policies D5 and D12. A full fire statement is secured by condition prior to commencement.

Transport

45. At consultation stage, it was recognised that the site is highly accessible with very good public transport access, and the proposals would result in a significant reduction in vehicle trips due to the removal of large areas of surface level retail car parking, which will benefit the adjoining road network. The proposal was supported, subject to further information in response to London Plan transport policies.

46. The applicant has provided further details regarding bus trip generation, which TfL has accepted, and has agreed to contribute £100,000 towards local bus service capacity improvements between Cricklewood and Kilburn, prior to first occupation. TfL

expects to pool this sum with other contributions from nearby sites to improve service frequency.

47. In addition, a number of transport issues mitigations have been addressed through section 106/278 agreements, including:

- A package of local pedestrian and safety improvements (including to Cricklewood Green).
- Lighting and public art improvements to the underside of Cricklewood Lane rail bridge.
- Local parking permit restrictions.
- Contribution of £42,000 toward reviewing and upgrading local controlled parking zone (CPZ).
- Travel plans for both residential and commercial elements of the proposal, including a contribution of £20,000 toward monitoring for each.
- Delivery of a wayfinding strategy and safeguarding future pedestrian routes.

48. These mitigations, alongside planning conditions and obligations for the provision of cycle parking, Delivery and Servicing Management Plan, Car Parking Management Plan, and Construction Management and Logistics Plan are sufficient to address transport issues raised at consultation stage.

Climate change and environment

49. As stated at consultation stage, the applicant's energy assessment is in accordance with London Plan Policy SI2; however, further information was requested on overheating, district heating, and 'be seen' energy monitoring, which was subsequently provided. The redevelopment is estimated to achieve an on-site reduction of 43.3% in regulated carbon dioxide emissions over Part L 2013. Requested conditions have been secured, and a carbon off-set contribution and 'Be seen' energy monitoring are secured within the draft section 106 agreement. The proposals are supported in accordance with London Plan energy policies.

50. At consultation stage, a Circular Economy Statement was requested. Although none has been provided, the Council has secured this by condition, prior to any development; as well as a Post Completion Report, which is acceptable in this instance in response to London Plan Policy SI7.

51. As stated at consultation stage, the approach to flood risk management complies with London Plan Policy SI12, and a wastewater strategy to be agreed with Thames Water has been secured by condition as requested. As stated at consultation stage, the surface water drainage strategy complies with London Plan Policy SI13; and further information on the detailed strategy has been secured by condition as requested.

52. As requested at consultation stage, the applicant has provided an Urban Greening Factor (UGF) calculation of 0.41, which is agreed and meets London Plan Policy G5 requirements.

Draft Section 106 agreement

53. The draft Section 106 agreement includes the following provisions:

- 35% affordable housing (by habitable room), split 30% London Affordable Rent, 70% intermediate (shared ownership, Discount Market Rent, or London Living Rent) and early stage review mechanism.
- £312,000 (maximum) contribution for £300 per home for active travel, public transport, and car club incentives.
- £100,000 contributions to improved bus services.
- £42,000 contribution to CPZ measures.
- £40,000 contribution to Travel Plan monitoring.
- £15,000 contribution towards a school safety feasibility study.
- Provision of a healthcare facility in Development Parcel A.
- A carbon offset contribution based on an updated energy report prior to occupation, based on £95 per tonne of carbon over 30 years.
- Local Employment Agreement (apprentices, work experience, etc.).
- Section 278 works, including footway improvements to Cricklewood Station.
- Safeguarding of land for potential future connection to Cricklewood Station.
- Cricklewood Green public realm improvements.

Legal considerations

54. Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. The Mayor also has the power under Article 7 to direct that he will become the local planning authority for the purposes of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

55. Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

56. Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

57. Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the

Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

58. The strategic issues raised at consultation stage with respect to the town centres, opportunity areas, housing, affordable housing, urban design, historic environment, inclusive design, transport, and climate change have been addressed and having regard to the details of the application, the matters set out in the committee report and the Council's draft decision, the application is acceptable in strategic planning terms, and there are no sound planning reasons for the Mayor to intervene in this case. It is therefore recommended that Barnet Council is advised to determine the case itself, subject to any action that the Secretary of State may take.

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