

<u>MEETING</u> PLANNING AND ENVIRONMENT COMMITTEE
<u>DATE AND TIME</u> MONDAY 20 SEPTEMBER 2010 AT 7.00PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, HENDON NW4 4BG

TO: MEMBERS OF THE COMMITTEE (Quorum 3)

Chairman: Councillor Wendy Prentice

Vice Chairman: Councillor John Marshall

Councillors:

Maureen Braun	Anita Campbell	Jack Cohen	Alison Cornelius
Claire Farrier	Hugh Rayner	Andreas Tambourides	Jim Tierney

Substitute Members:

Sury Khatri	David Longstaff	Andrew McNeil	Monroe Palmer
Barry Rawlings	Danny Seal	Agnes Slocombe	Stephen Sowerby
Reuben Thompstone	Darrel Yawitch		

You are requested to attend the above meeting for which an agenda is attached.
Aysen Giritli – Acting Democratic Services Manager

Democratic Services contact: Maria Lugangira 020 83592761

Media Relations contact: Chris Palmer 020 8359 7408

To view agenda papers on the website: <http://committeepapers.barnet.gov.uk/democracy>

CORPORATE GOVERNANCE DIRECTORATE

ORDER OF BUSINESS

Item No.	Title of Report	Page Nos.
1.	MINUTES	-
2.	ABSENCE OF MEMBERS	-
3.	DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS	-
4.	PUBLIC QUESTION TIME (if any)	-
5.	NOTIFICATION OF PETITIONS (if any)	-
6.	MEMBERS' ITEMS (if any)	-
7.	Applications for Planning Permission and Consent under the Advertisements Regulations	1 – 40 (plus Appendix)
9.	ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT	
10.	MOTION TO EXCLUDE THE PRESS AND PUBLIC:- That under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act (as amended) shown in respect of each item:	-
11.	ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Maria Lugangira on 020 8359 2761. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by Committee staff or by uniformed porters. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings.

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

PLANNING AND ENVIRONMENT COMMITTEE

20 SEPTEMBER 2010

ITEM 7

REPORT OF THE
ASSISTANT DIRECTOR OF PLANNING AND
DEVELOPMENT MANAGEMENT

BACKGROUND PAPERS – GENERAL STATEMENT

The background papers to the reports contained in the agenda items which follow comprise the application and relevant planning history files, which may be identified by their reference numbers, and other documents where they are specified as a background paper in individual reports. These files and documents may be inspected at:

Building 4, North London Business Park
Oakleigh Road South
New Southgate
London N11 1NP

Contact Officer: Mrs V Bell, 020 8359 4672

PLANNING AND ENVIRONMENT COMMITTEE

DATE: 20 September 2010

INDEX TO THE REPORT OF THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT MANAGEMENT

H/02041/10

1 - 22

Colindale

Former Colindale Hospital, Colindale Avenue, London NW9 5HG.

Amendment to a building in the course of construction in accordance with planning permission H/00342/09 comprising the replacement of the approved PCT facility with floorspace on the ground floor for a use within Class A1, A2, A3, B1 or D1 of the 1995 Use Classes Order (as amended) and 12 residential units on first and second floors. Minor alterations to elevations

APPROVE

C/17559/08

23 – 40

(plus Appendix)

Childs Hill, Golders Green, West Hendon

Brent Cross Cricklewood Regeneration Area, North West London

Outline planning application for comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area comprising residential uses (Use Class C2, C3 and student/special needs/sheltered housing), a full range of town centre uses including Use Classes A1 – A5, offices, industrial and other business uses within Use Classes B1 - B8, leisure uses, rail based freight facilities, waste handling facility and treatment technology, petrol filling station, hotel and conference facilities, community, health and education facilities, private hospital, open space and public realm, landscaping and recreation facilities, new rail and bus stations, vehicular and pedestrian bridges, underground and multi-storey parking, works to the River Brent and Clitterhouse Stream and associated infrastructure, demolition and alterations of existing building structures, CHP/CCHP, relocated electricity substation, free standing or building mounted wind turbines, alterations to existing railway including Cricklewood railway track and station and Brent Cross London Underground station, creation of new strategic accesses and internal road layout, at grade or underground conveyor from waste handling facility to CHP/CCHP, infrastructure and associated facilities together with any required temporary works or structures and associated utilities/services required by the Development (Outline Application).

Submission of Environmental Statement.

APPROVE

LOCATION: Former Colindale Hospital, Colindale Avenue, London NW9 5HG.
REFERENCE: H/02041/10 **Received:** 20 May 2010
WARD: Colindale **Accepted:** 01 July 2010
Expiry: 30 September 2010

Final Revisions:

APPLICANT: Fairview New Homes Ltd

PROPOSAL: Amendment to a building in the course of construction in accordance with planning permission H/00342/09 comprising the replacement of the approved PCT facility with floorspace on the ground floor for a use within Class A1, A2, A3, B1 or D1 of the 1995 Use Classes Order (as amended) and 12 residential units on first and second floors. Minor alterations to elevations.

BACKGROUND TO THE APPLICATION

Planning permission was granted to Fairview New Homes Ltd on 20 November 2009 for the redevelopment of the former Colindale Hospital comprising the erection of 714 residential units including the change of use and conversion of the listed former Administration building to residential apartments, a new Primary Care Trust facility (Use Class D1) of 1,132 sqm, commercial units (Use Class A1/A2/A3/B1), a site management office (Use Class D1/B1), together with access roads, car parking and cycle parking, new public and private open space, children's play space and landscaping.

NHS Barnet (formerly called Barnet Primary Care Trust) have confirmed that the current population increase in the Colindale area could be absorbed by existing local practices. NHS Barnet are currently reviewing what clinical space is available within the local NHS infrastructure and it is anticipated that this will be sufficient for the requirements of the local population. As a result they no longer need the approved primary health care facility in the Colindale Hospital development. Fairview are therefore seeking permission to convert the floorspace that was identified for a PCT facility into commercial use on the ground floor with 12 residential flats on the first and second floors above.

RECOMMENDATION 1:

Approve subject to the submission of a satisfactory Unilateral Undertaking to secure the following:

1. The obligations listed below to be Index linked and become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
2. A financial contribution of £101,770 towards meeting the needs for healthcare provision arising from development in the Colindale Area Action Plan area.

RECOMMENDATION 2:

That upon completion of the agreement, the Assistant Director of Planning and Development Management approve planning application reference H/02041/10 under delegated powers subject to the following conditions:

1. Approved Plans
The development hereby permitted shall be carried out in accordance with the following approved plans: 0607-A-100; 0607-A-600 rev01; 0607-A-700 rev01; FNH347/PSMP.1.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. Time Limit
This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Hours of use
The ground floor commercial unit hereby permitted as shown on approved plan 0607-A-700 rev.01 shall not be open to customers before 7:30am or after 11pm from Monday to Saturday or before 10am or after 10pm on Sundays, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

4. Parking
Before the development hereby permitted is occupied, car parking spaces numbered 59, 60 and 61 as shown on Plan FNH347/PSMP.1 shall be provided and allocated to the ground floor commercial unit, and spaces numbered AMB, 57, 58, 62, 63, 64, 65, 66, 67 and 68 shall be provided and allocated to the residential units. The parking spaces shall not be used for

any purpose other than the parking of vehicles in connection with the approved uses.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

5. Cycle parking

The residential units hereby approved shall not be occupied until cycle parking facilities have been provided in accordance with details to be submitted and approved in writing by the Local Planning Authority. All of the spaces shall be permanently retained thereafter.

Reason:

To ensure that adequate cycle parking is provided on site in accordance with Local and Regional policies.

6. Refuse Details

Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided on site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

7. Hours of Construction

No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

8. Ventilation and Extraction Equipment Details

Details of any extraction and ventilation equipment for the ground floor commercial premises shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with agreed details before the ground floor use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties

9. Noise

The level of noise emitted from any air conditioning or ventilation plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

10. Noise Report For Site Plant

Before ground floor commercial unit is occupied, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from any ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels. It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before the unit is occupied.

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

11. Sound Insulation

The development shall be constructed so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from any occupying A1, A2, A3, B1 or D1 use as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties.

12. Code for Sustainable Homes

The residential flats hereby approved shall achieve a minimum of Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2007) for which the site is registered (or any such national measure of sustainability for house design that replaces that scheme). As soon as practicable, the Final Code Certificate, certifying that Code Level 3 has been

achieved for the flats, shall be submitted to and approved in writing by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policies GSD & ENV2 of the adopted Unitary Development Plan (2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

13. Environmental Standard for Commercial Unit

The ground floor commercial unit as shown on plan 0607-A-700 rev.01 is required to meet BREEAM Excellent rating (or any such national measure of sustainability for non-residential uses that replaces that scheme). Before the commercial unit is first occupied the developer shall submit certification to demonstrate that the BREEAM Excellent rating has been achieved.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

14. Approved Ground Floor Uses

Upon their first occupation, the ground floor commercial unit hereby approved as shown on plan 0607-A-700 rev.01 shall only be occupied for uses falling within Class A1, A2, A3, B1, or D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose.

Reason:

To enable flexibility for the first occupation of the commercial units hereby approved.

15. Change of Use – Commercial Unit

Following the first occupation and commencement of a use within the ground floor commercial unit hereby approved, any subsequent change to an alternative use specified in condition 14 of this consent shall require the submission of a full planning application to the Local Planning Authority for express planning permission.

Reason:

To enable the Local Planning Authority to exercise control over future potential uses within the development.

16. Deliveries

No deliveries shall be taken at or dispatched from the ground floor commercial premises on any Sunday, Bank or Public Holiday or before 7:30am or after 9pm on any other day.

Reason:

To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006). In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): GSD, GMixedUse, GBEnv1, GBEnv2, GCS1, ENV13, D1, D2, D7, CS13, M1, M14, H5, IMP1, IMP2.
 - ii) The proposal is acceptable for the following reason(s): -
The proposed alteration to the approved PCT facility to provide a commercial unit on the ground floor and 12 additional residential flats above would be in accordance with the policies and objectives of the Colindale Area Action Plan. The commercial uses proposed would be appropriate in this location on the edge of the new public piazza and transport interchange at the heart of Colindale. The additional residential flats on the first and second floors reflect the mixed use nature of the approved Colindale Hospital development and compliment the flats already being provided on the fourth and fifth floors of Block A. The proposed amendments would not affect the architectural style or overall external appearance of the approved building.
2. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

3. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
4. Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321.
5. The applicant is advised that any occupiers of the site would not be able to purchase any type of parking permit, voucher or similar issued within a Controlled Parking Zone (CPZ) in the area that a property address might otherwise be eligible for as part of the councils ongoing management of the public highway.
6. The applicant is advised that Colindale Avenue is a Traffic Sensitive Roads; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Highways Manager should be consulted in this respect..

1. MATERIAL CONSIDERATIONS

1.1 KEY RELEVANT PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan is the London Plan (consolidated with alterations since 2004) published 19 February 2006 and the Adopted Unitary Development Plan (2006). These strategic and local plans are the policy basis for the consideration of this application.

Central Government Guidance and Policy Statements

National guidance is provided by way of Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs). The PPSs and PPGs of most relevance to the determination of this application are:

- Planning Policy Statement 1: Delivering Sustainable Development (2005)
- Planning Policy Statement: Planning & Climate Change - Supplement to PPS1
- Planning Policy Statement 3: Housing (July 2010)

The London Plan

The London Plan (consolidated with Alterations since 2004) was published on 19 February 2008 and is part of the development plan under the Planning and Compulsory Act 2004. The London Plan identifies Colindale as an Opportunity Area to deliver a minimum of 10,000 new homes and 500 new jobs between 2001 and 2026. The following policies are relevant: 2A.5, 3A.3, 3C.23, 3D15, 4B.1 and 5B.2.

Barnet Unitary Development Plan

The London Borough of Barnet UDP was adopted in May 2006 and contains local planning policies for Barnet. Relevant policies include: GSD, GMixedUse, GBEnv1, GBEnv2, GCS1, ENV13, D1, D2, D7, CS13, M1, M14, H5, IMP1, IMP2.

The Three Strands Approach

In November 2004 the Council approved its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The third strand 'Growth' responds to Barnet's significant growth potential and sets out how and where sustainable strategic growth, successful regeneration and higher density can take place across the borough. The Three Strands Approach also establishes Colindale as one of three strategic opportunity areas for high quality sustainable growth within Barnet where 10,000 new homes are expected to be delivered.

Colindale Area Action Plan (AAP)

The Council has prepared an Area Action Plan for Colindale which was adopted in March 2010. This provides a planning policy and design framework to guide and inform the development and regeneration of the area up to 2021 in response to the London Plan's Opportunity Area designation.

The AAP contains guidance on sustainable development and identifies a number of key infrastructure improvements needed to support the delivery of growth in Colindale. It identifies four character areas, the "Corridors of Change", which identify specific development sites and set specific policy objectives to be achieved from redevelopment. The former Colindale Hospital is within the Colindale Avenue Corridor of Change. The Colindale AAP vision for the Colindale Avenue Corridor of Change is:

"Colindale Avenue will be the vibrant heart and gateway to the area and become a sustainable, mixed-use neighbourhood centre anchored by a new, high quality public transport interchange with pedestrian piazzas on both sides of the street. A high quality, urban environment will serve a higher density population, well connected to Central London via Colindale Underground Station and good quality local bus services serving its more immediate hinterland."

The AAP identifies the former Colindale Hospital site as a key development site which is appropriate for residential-led development as well as health facilities and a new public transport interchange and public square to deliver the key objectives identified for the Colindale Corridor of Change. The identified priorities for the Corridor of Change are:

1. Radically changed public transport interchange and pedestrian piazzas
2. Provide a package of transport improvements to increase connectivity and permeability
3. Provide for improvements to Colindale Avenue, public realm and highway; and
4. Provide for community facilities within the new neighbourhood centre.

CAAP Policy 4.1 states:

To achieve the vision for Colindale Avenue Corridor of Change, development will be expected to (among other things):

- *Provide a sustainable mix of uses to create a new, vibrant neighbourhood centre for Colindale, with a range of retail and commercial provision, education, health and other community uses*

The adopted Colindale AAP is form a material consideration, under Section 38(6) of the Planning and Compensation Act 2004, in the determination of any planning applications for sites within the AAP area.

1.2 RELEVANT PREVIOUS DECISIONS

Application Ref.	Address	Description of Development	Decision and Date
H/01159/08	Colindale Hospital, Colindale Avenue, London NW9 5HG	Demolition of curtilage buildings to Listed Hospital Administration Block.	APPROVED 02/12/2008
H/00395/09	Colindale Hospital, Colindale Avenue, London NW9 5HG	Enabling works application for the provision of new site access, spine road with footpaths, emergency access to the health protection agency together with associated sub-surface infrastructure.	APPROVED 03/06/2009
H/00342/09	Colindale Hospital, Colindale Avenue, London NW9 5HG	Redevelopment of the former Colindale Hospital to include the erection of 714 residential units including the change of use and conversion of the listed former Administration building to residential, a new primary care	APPROVED 20/11/2009

		trust facility (Use Class D1) of 1,132sqm, commercial units (Use Class A1/A2//A3/B1) and site management office (Use Class D1/B1), together with access roads, car parking and cycle parking, new public and private open space, children's play space and landscaping. Application includes the submission of an Environmental Statement.	
H/00343/09	Land at Station House and part of Colindale Hospital, Colindale Avenue, London, NW9 5HG	The demolition of Station House and construction of a 293 bed, part 6, part 13 storey Aparthotel of up to 8965sqm, together with a 369sqm restaurant (Use Class A3) and three ground floor commercial units (Use Class A1/A2/A3) totaling 780sqm with associated access, car parking and landscaping, retention of and alterations to the Colindale Underground station building and the provision of a new public square and a transport interchange incorporating bus stops, taxi rank and associated landscaping.	APPROVED 20/11/2009
H/00344/09	The Administration Building, Colindale Hospital, Colindale Avenue, London, NW9 5HG	Listed Building Consent application for works of repair and internal and external alterations to convert the former Colindale Hospital Administration Building into residential use.	APPROVED 20/11/2009

3. STATUTORY AND NON-STATUTORY CONSULTATION RESPONSES

Consultations and Views Expressed

A total of 113 local residents and businesses were consulted by letters on the 9th July 2009. A site notice was displayed on the 15th July. Statutory bodies were also consulted.

Neighbours Consulted: 113
Neighbours Wishing To
Speak 0

Replies: 1

The only response received was from the NHS Blood and Transplant service.

National Health Service - Blood and Transplant (NHSBT)

NHSBT have a site which is accessed through the Colindale Hospital site. The NHSBT consider that the re-use of the floorspace to provide a further 12 residential units and 335sqm of flexible use (A1, A2, A3, B1 or D1) on the ground floor will ensure that this otherwise vacant space is put to good use.

The NHSBT has concerns over the flexible range of uses that could potentially use the ground floor of the building, particularly an open D1 use. The NHSBT appreciate that the floor area of the proposed commercial use has been reduced (it is now only the ground floor instead of ground, first and second floor). However the NHSBT believe the open use does have implications in terms of access and parking, such as a community or education use. These uses could create issues around drop-off and parking for such a use as a nursery, and late night uses if there were to be a community use. The NHSBT consider that the range of uses needs to be restricted.

The NHSBT are concerned over the level of parking spaces proposed. They consider that the Council should ensure that there is adequate parking for the commercial use given the variety of uses applied for, and that there are enforceable parking controls to ensure that the access to the development and the NHSBT site is kept clear. They also consider that the Council should assess the traffic, parking and access implications of all open uses and if appropriate limit the range of uses allowed within the ground floor.

Response

Colindale AAP Policy 4.1 states that to achieve the vision for the Colindale Avenue Corridor of Change, development will be expected to (amongst other things) provide a sustainable mix of uses to create a new, vibrant neighbourhood centre for Colindale, with a range of retail and commercial provision, education, health and other community uses.

In addition Policy 7.4 states that a neighbourhood centre will be provided in Colindale Avenue Corridor of Change, incorporating around 5,000 sq m gross of retail space, along with supporting health, leisure and community uses. Such uses will be focussed around the public transport interchange and be provided on the Colindale Hospital site, British Library site and Peel Centre West site.

Finally Para 7.3.11 of the AAP states that "In addition to retail provision, supporting community and leisure uses such as cafes, restaurants and bars (Use Classes A3/A4/A5) and health uses (Use Class D1) will be provided which complement existing facilities. There should be a degree of flexibility within any development proposals to reflect current market conditions in terms of the size and configuration of retail floor space when such development is brought forward."

The above AAP policy context supports the range of uses proposed for the ground floor of the building, including community uses, and also supports the need for flexibility over the range of uses to ensure that the premises is taken up and not left vacant given the current economic climate.

Consultation Responses from Statutory Consultees and Other Bodies

NHS Barnet (formerly Barnet PCT) - no objection

NHS Barnet approved the Colindale Area Action plan in October 2008 and agreed to support the building of a new Health Facility on the Colindale Hospital Site

Within the Colindale Ward there are four GP practices. The Everglade Medical Practice which is located in Grahame Park Health Centre, a group practice with a registered list size of 7,000, plus the Parkview branch surgery, a two-handed partnership which sees approximately 1,000 patients at the Health Centre. There are also two single-handed practices in Colindale, both practising from residential accommodation; their combined lists total approximately 7,000 patients. All of the practices in the Colindale area part of the Edgware infrastructure planning process.

NHS Barnet worked closely with the London Borough of Barnet in relation to the Colindale AAP and the proposed development of new health facilities in the area to support the predicted population growth. The plan which was approved by the PCT's Primary Care Strategy Group supported the development of a 1,000sqm health facility on the Colindale Hospital site. At the time of this agreement, the predicted population growth had the potential to grow to at least 20,000 plus, based on the possible sale of the Police College site in Aerodrome Road and the British Newspaper library in Colindale Avenue. The timetable for these developments are still unknown and given the current financial climate it could be some time, if at all, before we know if these sites are available for housing redevelopment.

The phasing of the population growth in the Colindale ward is hard to predict, given that so many of the planned housing developments have been stopped or the timetable extended due to the current problems with the economy. Only 1,713 new housing units have been, or are due to be completed by 2011, with a further 2,922 units still to be built between now and 2016. Time scales for redevelopment of other sites in the area are still unknown and therefore pose a risk when planning the requirements for future health developments.

The population increase as a result could be absorbed by local practices. NHS Barnet are currently reviewing what clinical space is available within the local NHS infrastructure and it is anticipated that this will be sufficient for the requirements of the local population.

Thames Water - no objection

Thames Water have no objection to the proposed amendment, however all comments previously made with regard to the Colindale Hospital site remain valid.

London Fire Brigade - no objection

The London Fire and Emergency Planning Authority have confirmed that they are satisfied with the proposals in relation to fire precautionary arrangements.

Veolia Water - no reply

No reply.

Metropolitan Police - no objection

The Met Police Crime Prevention Design Advisor has confirmed that he has no comments on the application. However all previous comments in relation to the Colindale Hospital development remain relevant in relation to the proposed changes.

Internal Consultation responses**Highways Group**

The Highways Officer has commented on the application and has no objections on highways grounds subject to a number of conditions relating to cycle parking and refuse.

The approved Colindale Hospital development was accepted with a car parking ratio of 0.7 spaces per unit following extensive work on the Colindale Area Action Plan. It is accepted that the same principle can be applied for the proposed change from the PCT health centre to residential flats.

Conservation and Urban Design

The Design Office has no objections to the proposal which only results in minor alterations to the windows on the external appearance of the building.

Environmental Health

The Environmental Health Officer has been consulted and is satisfied with the proposals subject to conditions being placed on the consent for the following: limiting the hours of use so that it is in line with other similar businesses on the site, sound insulation, details of ventilation and extraction equipment, and a maximum noise levels from plant.

2. PLANNING APPRAISAL**Description of Site and Surrounding Area:**

This application relates to part of Block A within the masterplan for the approved redevelopment of the former Colindale Hospital site (see masterplan attached at Appendix 1). The building is located on the west side of the access road into the new development, opposite the location of the approved Aparthotel and Piazza. The approved Colindale Hospital development included the provision of a PCT health centre which was to be located on the ground, first and second floors of this part of Block A, with two floors of residential accommodation above it.

Block A is the first phase of the Colindale Hospital development to be constructed and work has already commenced on site.

The former Colindale Hospital is located on the north side of Colindale Avenue. The hospital site is bounded to the north-east by the tracks of the Northern Line (Edgware branch) and to the north-west by Montrose Park. To the south-west is the National Blood Service and the Health Protection Agency. A row of terraced houses are located along Colindale Avenue which back onto the site. Colindale Tube station and Station House are both located adjacent to the south-east corner of the site.

Approved Colindale Hospital Development:

Planning permission was granted in November 2009 (ref H/00342/09) for the redevelopment of the Colindale Hospital site comprising the following:

- Construction of 714 residential units comprising 697 flats and 17 houses. This includes the provision of 193 affordable homes which equates to 30% affordable housing by habitable rooms;
- Restoration of the listed Administration Building and its conversion to residential flats;
- Construction of a new Primary Care Trust facility of 1,132sq m;
- A 45sqm commercial unit (Use Class A1/A3);
- A site management office and Safer Neighbourhood Centre (Use Class B1/D1);
- Provision of a single Energy Centre and district Combined Heat and Power network to serve the whole development;
- New junction and altered access into the site from Colindale Avenue together with new Spine Road through the site to serve the development and existing neighbours including the NHS Blood and Transplant facility;
- New public and private open space, children's play space and communal courtyards and hard and soft landscaping;

Proposal:

NHS Barnet (formerly called Barnet Primary Care Trust) have confirmed that they are satisfied that the population increase in Colindale can currently be absorbed by local practices in the area. NHS Barnet are currently reviewing what clinical space is available within the local NHS infrastructure and it is anticipated that this will be sufficient for the requirements of the local population. Therefore they do not need the approved primary health care facility within the Colindale Hospital development. It is therefore proposed that the floorspace within Block A that was identified for NHS Barnet should now be used for commercial uses on the ground floor with 12 residential flats on the first and second floors.

It is proposed that the use of the ground floor area (335 sqm) should be for the same range of commercial uses that was referred to in the original planning permission, namely A1, A2, A3 or B1, as well as the approved D1 health use. This range of uses will increase the opportunity of attracting a future occupier.

The first and second floors would be converted to 12 residential units, six on each floor comprising 8 x 2 bed units and 4 x 1 bed units reflecting the layout of the

approved flats on the two floors above. There would be minor changes to the elevations to amend the window details to facilitate the internal subdivision of the flats. The 12 car parking spaces originally allocated to the PCT facility in the approved scheme would remain and be allocated to the residential units and ground floor commercial use (9 for the residential and 3 for the commercial).

There would be no change to the residential units approved on the third and fourth floors or to any other element of the approved scheme.

Planning Considerations

Change from Health Centre

The preparation of the development proposals for the Colindale Hospital site evolved over a period of four years in consultation with the Council and local stakeholders. During that time the NHS Barnet indicated that there would be a need for a health facility within the development and consequently a unit of 1,132sqm was taken forward into the development proposals that were submitted for planning permission. This was subsequently approved under application H/00342/09 in November 2009. Work commenced earlier this year on the first phase of the development which includes the building that was to house the PCT facility.

In accordance with the S106 agreement, it was expected that NHS Barnet would take up the health centre floorspace to be provided in this first block. However NHS Barnet have now advised that, based on current population estimates, the health requirements for the population increase in Colindale can currently be absorbed by local practices and available clinical space within the local NHS infrastructure. As a result they no longer require the approved accommodation on the Colindale Hospital site.

As NHS Barnet do not currently have a need for a facility on the Colindale Hospital site, there is little prospect of the scale of accommodation that has been approved being occupied by a primary health care facility. Fairview have therefore applied to vary the original permission to allow an alternative use of that floorspace.

NHS Barnet's current population estimates do not currently generate a need for a primary health care facility. Nevertheless, the Colindale Area Action Plan (AAP) aims to make provision for health facilities in the wider Colindale area. In this respect there are a number of alternative site options that will be emerging in the forthcoming years should NHS Barnet decide that there is a need for a health centre in the future.

The AAP (para 7.2.12) identifies two options for the delivery of health care facilities in Colindale. The first option revolves around the re-provision of the Grahame Park health centre and its expansion to 2,000sqm which is part of the approved regeneration of the estate, complimented with a smaller 1,000sqm facility on the Colindale Hospital site. The second option would see a new primary care facility provided on the British Library site or Peel Centre West site (depending on phasing and deliverability). A facility of approximately 2,000sqm is considered suitable on these sites if the replacement facility on Grahame Park remains at 1,000sqm.

On the basis that the Colindale AAP identifies alternative locations for healthcare provision and given NHS Barnet have confirmed that there is currently no demand for a new facility on the Colindale Hospital site, the proposed conversion of the health centre to appropriate alternative uses is considered acceptable.

Principle of Alternative Uses

To avoid the accommodation remaining vacant, alternative uses for the floorspace must be considered. Colindale AAP Policy 4.1 states that to achieve the vision for the Colindale Avenue Corridor of Change, development will be expected to (amongst other things) provide a sustainable mix of uses to create a new, vibrant neighbourhood centre for Colindale, with a range of retail and commercial provision, education, health and other community uses. In addition Policy 7.4 states that a neighbourhood centre will be provided in Colindale Avenue Corridor of Change, incorporating around 5,000 sq m gross of retail space, along with supporting health, leisure and community uses. Such uses will be focussed around the public transport interchange and be provided on the Colindale Hospital site, British Library site and Peel Centre West site.

Para 7.3.11 of the AAP states that "In addition to retail provision, supporting community and leisure uses such as cafes, restaurants and bars (Use Classes A3/A4/A5) and health uses (Use Class D1) will be provided which complement existing facilities. There should be a degree of flexibility within any development proposals to reflect current market conditions in terms of the size and configuration of retail floor space when such development is brought forward."

The application proposes a range of commercial uses for the ground floor area to provide flexibility in ensuring that the space is occupied. The above AAP policy context supports the range of uses proposed for the ground floor of the building, including community uses, and also supports the need for flexibility over the range of uses to ensure that the premises is taken up and not left vacant given the current economic climate.

It is considered that a commercial unit at ground floor level with a street frontage close to the new public piazza would introduce activity at street level, provide a legible and identifiable use at this key location and complement the commercial floorspace already approved around the public piazza beneath the Aparthotel. The uses proposed are considered appropriate for this key gateway location in the heart of Colindale and will maintain the mixed use nature of this part of the Colindale Hospital development and contribute to the vibrant neighbourhood centre sought by the Colindale Area Action Plan.

A D1 (Medical & Health Services) use is also included within the proposed range of uses which would enable the ground floor to be used for medical or health services in the event that there was a demand for a reduced size of health centre. It would also allow a crèche or day nursery to take up the unit.

The application proposes 12 residential units on the first and second floors comprising 8 x 2 bed units and 4 x 1 bed units which would be consistent with the approved development elsewhere on the site. The additional residential units would increase the total within the development from 714 to 726, an increase of less than

2%.

Design

The proposal would require two window panels on the first and second floors on the front (north east) elevation to be altered in order to accommodate the internal layout of the flats. The building will otherwise remain unaltered from the approved development. The proposed change to the windows will not affect the architectural style or appearance of the building and the overall design approach will remain unchanged from the approved development.

Impact on Adjoining and Future Occupiers

The building will remain the same as the building approved under application H/00342/09 and will not result in any additional impact on neighbouring properties along Colindale Avenue.

Conditions are proposed in relation to the ground floor commercial use to control the hours of operation, deliveries and noise from extraction and ventilation equipment to ensure that the commercial premises does not unduly impact the amenities of future residential occupiers of the flats on the upper floors.

Traffic and Parking

Under the Colindale Hospital planning consent a total of 12 car parking spaces were allocated for the PCT facility. These will be located adjacent to the building in the residential side street. The 12 parking spaces that were available for the PCT facility are proposed to be divided between the residential flats and the commercial use as follows:

- 9 spaces for the residential units
- 3 spaces for the ground floor commercial use.

The Adopted UDP sets out parking standards for residential developments. The Colindale Hospital development was approved with a ratio of 0.7 parking spaces per unit in accordance with the Colindale Area Action Plan based on the location in relation to Colindale Tube Station. The 9 spaces that are proposed to be allocated for the 12 flats accords with the parking ratio of 70% that was approved for the main development. This is considered acceptable. The remaining three spaces allocated to the commercial premises include a disabled space. The London Plan requires a maximum of 1 space for every 100 square metres of B1 office floorspace. The 3 spaces proposed for the site would accord with this standard. Given the location of the building adjacent to Colindale Tube Station and the new transport interchange, the parking level for the commercial premises is considered acceptable.

The applicant has submitted a statement prepared by Scott Wilson which compares the trip generation resulting from the proposed additional 12 flats with that of the approved primary health care use which was assessed in the Transport Assessment submitted in 2009 with the original application. This shows that there would be a net reduction in the vehicle trips of 19 in the AM peak and 22 during the PM peak.

Planning Obligations

Health Contribution: £101,770

It is now accepted that there is no prospect of the PCT taking up the approved health centre floorspace within the approved Colindale Hospital development in the foreseeable future. However, Policy CS13 of the UDP states that "Where a proposed residential development creates a need for additional health and social care facilities, the council will seek to enter into planning obligations with developers to secure the provision of such facilities".

To off-set the fact that a health centre will no longer be provided on the Colindale Hospital site, a financial contribution of £101,770 towards future health care facilities in the Colindale area is required. This contribution could potentially aid the delivery of a health centre to be provided in the Grahame Park regeneration, or on another site along Colindale Avenue in accordance with the strategy set out in the Colindale AAP. The contribution will be secured through a Unilateral Undertaking.

Affordable Housing

The original planning application for the Colindale Hospital development was assessed using the GLA's Three Dragon's Toolkit approach. Viability consultants were appointed by the Council at the time to carry out this exercise in order to validate the quantum of affordable housing being provided. The conclusions of the DTZ report undertaken at that time (June 2009) state:

"In the scenarios tested the residual land value is less than the acquisition sum and the scheme appears unviable even when all the units are treated as open market sale. This is not surprising given that the new housing market has witnessed a 20-30% drop in values in the last 18 months and the land was bought at the peak of the market.

It is expected that the Applicant is progressing with the scheme despite its present unviable position in an effort to add value to the sunk costs of acquisition and to be able to have a chance in realising an outcome for the investment made at the same time as preserving their supply chain."

Notwithstanding the consultant's conclusion that the scheme is technically not viable with any affordable housing, Fairview are still providing 30% affordable housing on the site along with a significant package of Section 106 contributions to facilitate the delivery of wider benefits for the Colindale area, including the delivery of the new public piazza and transport interchange, £500,000 towards public transport improvements, safeguarding land for Barnet College, a new pedestrian link into Montrose Park and improvements to the park. Therefore to require additional affordable housing within this block would threaten the viability of the development. It is therefore accepted that the 12 additional residential units are to be for private sale.

Deed of Variation to Section 106 Agreement

The Section 106 Agreement (dated 20th November 2009) which is attached to the original planning consent for the Colindale Hospital development, requires the health

centre accommodation within Block A to only be used for the provision of primary health care services or services ancillary to such services. However, it goes on to say that in the event that a suitable tenant cannot be found, the health centre may be put to such other purposes as may be agreed in writing with the Council. This acknowledges that it may be necessary to consider alternative uses for the health centre as is now the case.

A short Deed of Variation will be required, separate to this application, to amend the existing section 106 agreement in order to reflect the proposed change of use that would be granted under this application. Other than this change, the provisions of the existing Agreement remain unaltered and in full force and effect.

3. COMMENTS IN RESPONSE TO OBJECTIONS

In response to the NHSBT comments, Colindale AAP Policy 4.1 states that to achieve the vision for the Colindale Avenue Corridor of Change, development will be expected to (amongst other things) provide a sustainable mix of uses to create a new, vibrant neighbourhood centre for Colindale, with a range of retail and commercial provision, education, health and other community uses.

In addition Policy 7.4 states that a neighbourhood centre will be provided in Colindale Avenue Corridor of Change, incorporating around 5,000 sq m gross of retail space, along with supporting health, leisure and community uses. Such uses will be focussed around the public transport interchange and be provided on the Colindale Hospital site, British Library site and Peel Centre West site.

Finally Para 7.3.11 of the AAP states that "In addition to retail provision, supporting community and leisure uses such as cafes, restaurants and bars (Use Classes A3/A4/A5) and health uses (Use Class D1) will be provided which complement existing facilities. There should be a degree of flexibility within any development proposals to reflect current market conditions in terms of the size and configuration of retail floor space when such development is brought forward."

The above AAP policy context supports the range of uses proposed for the ground floor of the building, including community uses, and also supports the need for flexibility over the range of uses to ensure that the premises is taken up and not left vacant given the current economic climate. The existing Colindale CPZ will be reviewed and amended accordingly

4. EQUALITIES AND DIVERSITY ISSUES

There are not considered to be any equalities and diversity issues relating to the proposed development. The proposals do not conflict with Barnet Council's Equalities Policy or the commitments set in its Equality Scheme.

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site. The needs of disabled people are catered for throughout the Colindale Hospital development in terms of footways, pedestrian crossings and accessible

public transport, in order to encourage sustainable travel and reduce car dependency.

The proposals are in accordance with national, regional and local policy by establishing a high quality inclusive design, providing an environment which is accessible to all and which can be maintained over the lifetime of the development.

5. CONCLUSION

All relevant policies contained within the Adopted UDP, the Mayor's London Plan (consolidated with Alterations since 2004), Planning Policy Statements and Supplementary Planning Documents, have been fully considered and taken into account by the Local Planning Authority.

On the basis that the Colindale AAP identifies alternative locations for healthcare provision in Colindale, and given NHS Barnet have confirmed that there is currently no demand for a new facility on the Colindale Hospital site, the proposed conversion of the health centre to appropriate alternative uses is considered acceptable.

The provision of a commercial unit on the ground floor and 12 additional residential flats above would be in accordance with the policies and objectives of the Colindale Area Action Plan. The commercial uses proposed would be appropriate in this location on the edge of the new public piazza and transport interchange at the heart of Colindale. The additional residential flats on the first and second floors reflect the mixed use nature of the development and compliment the flats already being provided on the fourth and fifth floors of the building. The proposed amendments to Block A, which is currently under construction, would not affect the architectural style or overall external appearance of the approved building.

A financial contribution of £101,770 will be secured through a Unilateral Undertaking towards the future provision of health facilities in Colindale to off-set the loss of the health centre from the Colindale Hospital development.

Accordingly, subject to the submission of a satisfactory Unilateral Undertaking to secure the contributions set out in the recommendation and subject to the conditions detailed in the recommendation, **APPROVAL** is recommended.

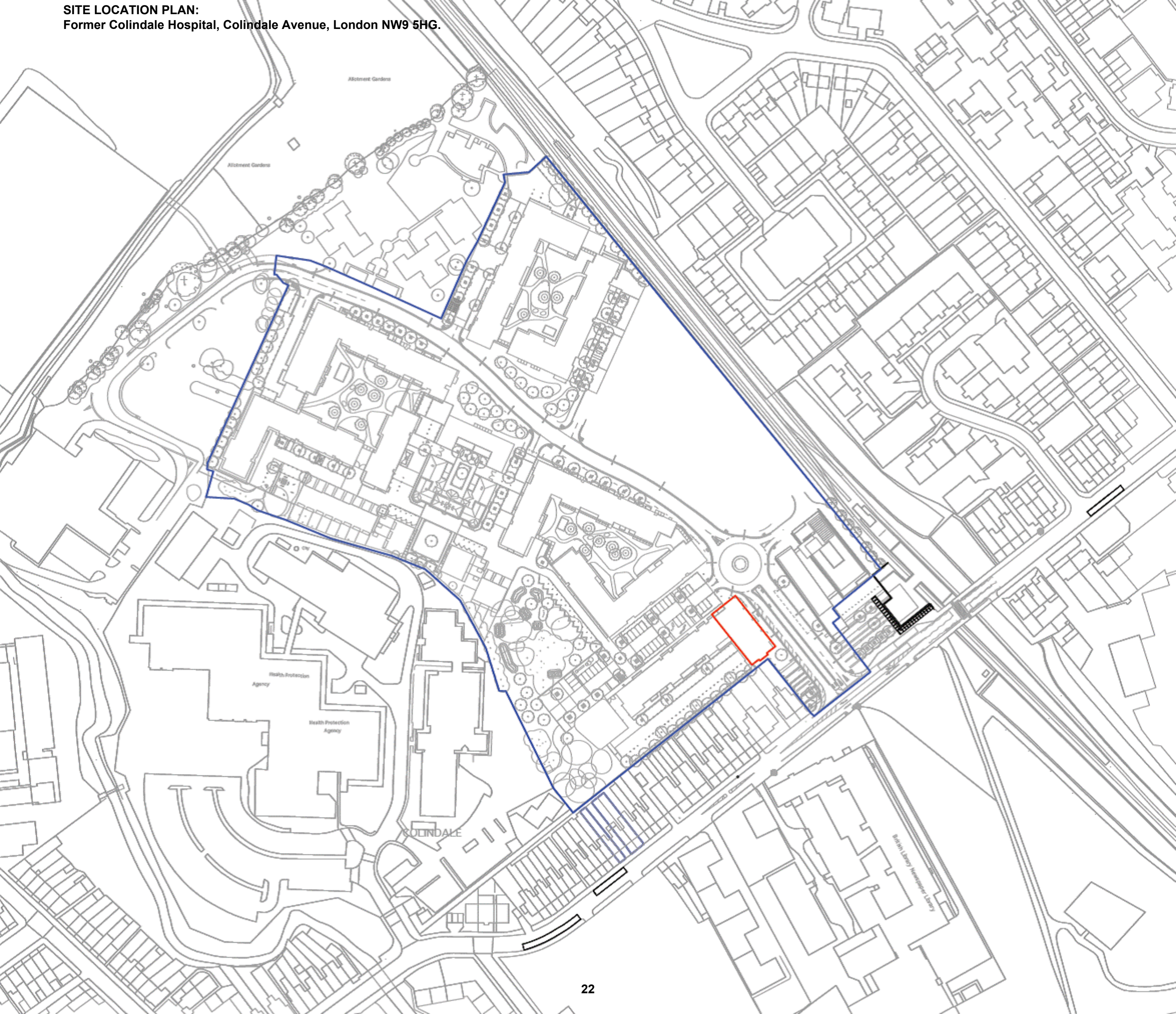
APPENDIX 1 Approved Masterplan for Colindale Hospital development



6.1 Land Uses

Residential: 714 homes of mixed tenures, the majority of which are in apartment blocks of varying numbers of storeys, with a small number of terraced houses. The residential density is 164 dwellings per hectare.

**SITE LOCATION PLAN:
Former Colindale Hospital, Colindale Avenue, London NW9 5HG.**



LOCATION: Brent Cross Cricklewood Regeneration Area, North West London

REFERENCE: C/17559/08 **Received:** 26 March 2008
Accepted: 26 March 2008

WARD: Childs Hill, **Expiry:** 26 June 2008
Golders Green,
West Hendon

APPLICANT: BXC Development Partners

PROPOSAL: Outline planning application for comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area comprising residential uses (Use Class C2, C3 and student/special needs/sheltered housing), a full range of town centre uses including Use Classes A1 – A5, offices, industrial and other business uses within Use Classes B1 - B8, leisure uses, rail based freight facilities, waste handling facility and treatment technology, petrol filling station, hotel and conference facilities, community, health and education facilities, private hospital, open space and public realm, landscaping and recreation facilities, new rail and bus stations, vehicular and pedestrian bridges, underground and multi-storey parking, works to the River Brent and Clitterhouse Stream and associated infrastructure, demolition and alterations of existing building structures, CHP/CCHP, relocated electricity substation, free standing or building mounted wind turbines, alterations to existing railway including Cricklewood railway track and station and Brent Cross London Underground station, creation of new strategic accesses and internal road layout, at grade or underground conveyor from waste handling facility to CHP/CCHP, infrastructure and associated facilities together with any required temporary works or structures and associated utilities/services required by the Development (Outline Application).
Submission of Environmental Statement.

SUMMARY

What is the purpose of this report?

At its meeting on 19 November 2009 the Committee considered a comprehensive report about this scheme and – having taken into account all environmental information and other material considerations – resolved that planning permission should be granted. The Committee on 29th July 2010 essentially extended the period for completion of the Section 106 agreement, in the light of an update report detailing progress made in relation to the drafting of the section 106 agreement and the planning conditions, as well as providing updated information and advice in relation to legislation and policy changes introduced between the November 2009 and July 2010 committee meetings and other material considerations.

Less than two hours before the Committee meeting on 29th July began, an email was sent to the Assistant Director of Planning and Development Management by Contour Planning Services acting on behalf of Bestway. Subsequent to that meeting, letters and emails were received from Pinsent Masons (Solicitors) and Bestway all of which contained a variety of criticisms of the advice which was given to the committee on 29th July or associated matters and indicating that Bestway are likely to seek judicial review in respect of such matters.

The officers and Council's legal advisers have considered this correspondence carefully and have decided that the details should be reported to Committee with fuller advice than was possible on the 29th July, in order to ensure that the matters raised by Bestway are fully considered by the Committee in the light of the further advice contained in this report in relation to those matters before a final decision is made.

This report focuses in detail on the two following points:

- The advice of officers that the development plan policies are up to date in the context of the recently published PPS 4 and the Practice Guidance
- whether any of the draft conditions need to be amended in the light of the Bestway representations

It also responds to other detailed matters raised on Bestway's behalf and briefly addresses in the context of the BXC application some emerging policy documents published by the GLA since the 29 July Committee meeting.

What will happen next?

Subject to the committee's confirmation of its decision on 29th July in the light of the circumstances presented in this report and subject to finalising the detailed drafting of the S106 and the draft conditions, the S106 will be signed by the various parties – the Council, the applicants and TFL – and the planning permission will be issued. It is considered that planning permission can be issued within three months of the date of the 29 July Committee (29 October 2010).

RECOMMENDATION 1

That (having taken properly into account all environmental information received as part of the EIA process and all other material considerations) the Committee resolve that upon finalising the drafting and completion of the Section 106 agreement and draft conditions substantially in accordance with the agreed draft dated 9 September 2010 (which has been placed on the planning register) the Assistant Director of Planning and Development Management be instructed to APPROVE application ref: C/17559/08 under delegated powers and grant planning permission subject to conditions substantially in the form contained in Appendix 1 to this report (with such further detailed amendments as the Assistant Director of Planning and Development Management may consider to be reasonable and necessary in the course of finalising the detailed Section 106 Agreement, including those which address some of the points raised by Bestway as detailed in this report). The S106 agreement is to be signed by all parties and the planning permission issued within three months of the date of the 29 July committee (29 October 2010).

(This recommendation updates and confirms recommendation 1 of the report to Committee on 29th July which replaced recommendation 5 of the 18 & 19 November Planning and Environment Committee which instructed officers to report back to Committee should the Head of Planning and Development Management be unable to issue the permission within six months of the 19 November Planning and Environment Committee.)

RECOMMENDATION 2

That members, in the light of the officers' report to this committee addressing the points specifically raised in Bestway's representations, confirm that they have concluded that:

- 1) in respect of PPS4 and the Guidance Note, the relevant policies of Development Plan are considered to be up to date in the light of the advice contained in this report; and
- 2) the revised PPS25: Development and Flood Risk (Revised March 2010) does not contain any changes which alter the conclusions to be drawn in respect of this application;
- 3) that the amended draft conditions appended to this report comprehensively address the issues raised on Bestway's behalf; and
- 4) that having regard to all of the other issues raised by Bestway on and since 29th July and the advice contained in this report, there has been no other change in material considerations that justifies a different decision from those reached by the Planning and Environment Committee on 18 & 19 November 2009 and 29th July 2010

and that therefore, taking full account of the representations made on behalf of Bestway and the officers' advice in this report, the Committee resolves to grant planning permission for this scheme subject to conditions substantially in the form of the draft attached to this report and subject to completion of the section 106 agreement substantially in the form of the draft dated 9 September 2010 and entered on the planning register (with such minor further amendments to these drafts as the Assistant Director – Planning and Development Management considers appropriate).

BACKGROUND

The 18 & 19 November Planning and Environment Committee resolved to grant outline planning permission for the Brent Cross Regeneration Area planning application subject to the consideration of the Mayor of London (not to direct refusal) and the Secretary of State (not to call-in the application) and the completion of a S106 agreement. On 29th July 2010 the Committee received a report (and addendum) containing updated information in relation to policy changes and other matters, including the progress made in drafting the conditions and section 106 agreement since the November Committee and the Committee resolved (in accordance with the officer recommendation) to extend the time for completing the section 106 agreement and issuing the permission for up to 3 months from 29th July 2010.

Less than 2 hours before the July Committee meeting, a letter was received by the officers from representatives of Bestway who oppose the proposed development. This contained a number of representations, including an assertion that the officers' advice on the revised "PPS 4: Planning for Sustainable Economic Growth" (December 2009) ("PPS4") and associated "Practice Guidance on need, impact and the sequential approach" ("the Practice Guidance") was wrong.

Since the Committee resolved as recommended in the report, several representations have been received from Bestway and their advisers and those representations have made clear Bestway's intention to seek judicial review of the planning permission for this development if it is issued. Amongst their many concerns and assertions, there is a suggestion that the wording of some of the draft conditions does not comply with recent legislation (section 96A of the Town and Country Planning Act 1990 and Article 4F of the General Development Procedure Order) relating to new procedures for "minor non-material changes to planning permission", which came into force on 1st October 2009.

The Council's officers and advisers carefully evaluated all of the points raised on Bestway's behalf in this correspondence and decided that it was right to report these issues back to the Committee in order that the Committee can re-consider its decisions in November 2009 and July 2010 in the light of the details of Bestway's concerns and more detailed advice on the issues raised.

Two matters raised by Bestway are analysed in the next two sections of this report and they relate to:

- The relevant Guidance contained in PPS4: Planning for Sustainable Growth (December 2009) and the associated Guidance Note.
- The draft conditions in the light of Section 96A of the Town and Country Planning Act 1990 and associated changes to the General Development Procedure Order (GDPO), which came into force on 1st October 2009.

Other points raised by Bestway are dealt with in a tabulated response in the penultimate section of this report and the final section contains a summary and conclusions.

PLANNING POLICY STATEMENT 4 AND THE PRACTICE GUIDANCE,

Amongst the changes reported to the Committee was the publication of the new PPS4 and some of the Bestway representations have criticised the advice given to the Committee on 29th July in relation to that guidance.

As outlined above, since the Council resolved to approve the application, Planning Policy Statement 4 (PPS4): *Planning for Sustainable Economic Growth* has replaced PPG4 (1992), PPG5 (1992) and PPS6 (2005) as national planning policy guidance for retail, leisure, entertainment and other main town centre uses. The change from PPS6 to PPS4 includes a shift away from the “need” test and the introduction of a revised impact test. The sequential test remains, as does the scale test, which has been incorporated into the revised impact test, alongside the need for accessibility by a choice of means of transport, limiting carbon dioxide emissions, promoting high quality and inclusive design, impact on economic and physical regeneration and impact on local employment.

PPS4 places retail and other main town centre uses in their wider context as ‘economic development’. Paragraph 9 of PPS4 states that the Government’s overarching objective is “sustainable economic growth”. To achieve this, paragraph 10 sets out 5 overall objectives.

PPS4 emphasises that regional and local planning authorities should, as part of the development plan, set out a strategy for the management and growth of town centres, including the promotion of new centres where deficiencies are identified in the network. This has been addressed at BXC within the adopted London Plan and the saved policies of the Barnet UDP, as well as the emerging draft of the replacement London Plan (October 2009) and the draft Barnet Core Strategy.

The creation of a new mixed use town centre for Barnet at Brent Cross is supported in the London Plan (paragraph 5.42) and Barnet UDP Policy GCrack (see main Officer’s report at page 139). The scale of the main town centre uses proposed in the application is as is envisaged in the Development Framework which Policy C1 of the Barnet UDP requires development to be consistent with.

The Barnet UDP, the London Plan and the Development Framework were all adopted in the context of a similar policy approach to that now contained in PPS4.

PPS4 includes detailed guidance on the importance of the evidence base in preparing regional and development plan policies under the new statutory and policy framework and advises that, at the local level, the evidence base should be informed by “regional assessments”.

In the letter sent on behalf of Bestway on the night of the 29 July Planning & Environment Committee, Mr Mills (who also spoke on behalf of Bestway at the Committee on 29th July) asserted that:

“...the officers’ interpretation of [PPS4] is wrong. In retail policy terms the Development Plan is not up to date, since the empirical retail data which it draws on (the North West London Retail Study 2004) is historic and exceeds the latest timescales deemed appropriate for retail information. Also the existence of existing out of centre floorspace, does not negate the need to test the proposals against the latest policies. Given the significance of the retail element of the scheme, Members should have expected to see independent advice as to the implications of PPS4 for the application or, at the very least, the applicants should have been asked to update their Retail Assessment. This has not happened. Consequently, officers have inadvertently undermined the retail case, leaving it completely open to challenge.”

These are important criticisms, particularly in the light of the final sentence alluding to the risk of challenge and the subsequent repetition of these issues in submissions that were received from Bestway and its advisers. Having considered these assertions carefully, the officers and Council’s advisers remain of the firm view that the Development Plan is up to date and that the decisions of the Committee in November and July were compliant with the relevant policies in PPS4 and the Practice Guidance, for the reasons summarised below:

BESTWAY SUGGEST THAT THE DEVELOPMENT PLAN IS OUT OF DATE AND THAT THE DATA ON WHICH IT IS BASED IS HISTORIC AND EXCEEDS RECOMMENDED TIME SCALES.

Officers acknowledge that development plan policy should be based on an up to date evidence base in accordance with PPS4 and the Practice Guidance. However, PPS4 does not define when a development plan is “up to date”. It is also accepted that 5 years is the general period within which quantitative retail need assessments should be reviewed – the Practice Guidance suggests that “ideally” such assessments should be updated every five years to take into account changing economic circumstances.

However, the Guidance also advises that “*it is important that these assessments are not used over prescriptively and, taken together with qualitative judgements, they should be used to inform long term decisions. In reality, new development projects in town centres take many years to reach fruition. They are not based on five or even 10 years growth projections, but once in a generation opportunities for the centres in question. Accordingly, the planning case for such developments is unlikely to be affected by short term fluctuations in growth rates etc.*” This advice is relevant to the BXC development, which is seeking to implement the objective of transforming the Brent Cross and Cricklewood Regeneration Area into a sustainable new town centre in accordance with long-standing policies at London Plan and UDP level and

this objective is in accordance with the objective as set out in paragraph 9 of PPS 4. It is considered that the application of short term empirical data is impractical in the context of a long term regeneration project such as at Brent Cross Cricklewood. The decision whether a Development Plan is “up to date” or not depends upon the context and, in the circumstances of this application (including those set out below), the officers advice to the Committee is that the Consolidated London Plan (2008) and the saved UDP policies in relation to BXC are up to date development plan policies.

- The Barnet UDP was adopted in May 2006. Paragraph 1.61 of the Barnet UDP explains that the policies in Part II of the UDP (which includes the policies relating to the regeneration of the Brent Cross Area) are designed to guide development for 10 years after adoption. The policies that the UDP contains regarding the regeneration of the Brent Cross area are therefore intended to apply until that date and the Development Plan is up to date. In May 2009 the Secretary of State agreed to the ‘saving’ of the UDP policies. This was after the issue of the draft PPS4.
- The conclusions of the North West London Retail Study (NWLRS) were subject to a sensitivity analysis by the applicant in November 2008. This work is contained in Section 5 (paragraphs 5.35-5.53) of BXC 06 Revised Retail Report. This concludes that the NWLRS remains robust in the light of best practice assumptions. As reported at page 162 of the main report to the November Committee the officers took account of independent advice from CBRE on the validity of this approach. The report to the 29 July 2010 Planning and Environment Committee also considered the implications of more up to date growth rates and concluded that any changes were not significant to the overall conclusions.
- The London Plan (which is part of the statutory development plan along with the UDP) was adopted with alterations in February 2008. The policies of the London Plan set the spatial context of planning decisions in London to 2025/26. The creation of a new town centre and the Development Framework on which the associated retail expansion is based received the specific endorsement of the London Plan (paragraphs 5.42 and 5.53).
- The Consultation Draft London Plan is in preparation at the moment. As part of the evidence base for this plan the GLA commissioned a number of reports. One of these is the ‘Consumer Expenditure and Comparison Retail Floorspace Need in London’ March 2009. The proposed increase in comparison floorspace at Brent Cross has been considered alongside other London wide proposals. In addition, this document measured the impact of Brent Cross on surrounding centres. This document confirms that the comparison retail floorspace within the Brent Cross Cricklewood proposal will not have an unacceptable impact on the viability and vitality of neighbouring centres.
- The Mayor of London considered the application on 12 March 2010 following the publication of PPS4 and the Practice Guidance (The Mayor’s Stage 2 report). The fact that PPS4 had been published following the issue of the Mayor’s initial consideration of the application in February 2009 was

explicitly referred to in paragraphs 9 – 12 of the Stage 2 report which concluded: “GLA officers remain of the view that need, scale and impact have all been satisfactorily addressed in accordance with the requirements of the Barnet UDP, the London Plan and national planning policy”.

- In his letter in May 2010 to the Secretary of State urging that the BXC Application should not be called in the Mayor states he was: “*satisfied that the scheme represents an appropriate form and quantum of development, which satisfies local, strategic and national planning policy requirements*” and, whilst does not expressly refer to PPS 4 and Practice Guidance, it clearly reflected his view of the proposed development in the context of the Consolidated London Plan (2008), which includes the Brent Cross Cricklewood under Policy 5B.2 – “Opportunity Areas in North London” and paragraph 5.42 refers to the Development Framework and confirms the intention that Brent Cross should “*evolve into an integrated town centre with a mix of uses including housing.*” This intention is, in the officers’ view, likely to be fulfilled by development in accordance with the permission which the Committee has resolved to grant.
- Further support for the policy position is supplied by two documents which use recent data produced as part of the evidence base of the Barnet Local Development Framework. (The replacement for the Barnet UDP). Both the Town Centre Floorspace Needs Assessment (April 2009) and the Retail Capacity Update (July 2010). Both conclude that there is sufficient capacity to support the BXC comparison goods proposals and that the convenience floorspace will be supported as part of the increased market share resulting from the development proposals.

Therefore, the proposed development is considered to be in accordance with an up to date development plan and officers have previously advised, and now confirm, that the BXC proposals, including the proposed main town centre uses, are in accordance with those policies. In the light of that advice and the above analysis, further sequential and/or impact testing under PPS4 or the Practice Guidance is not considered to be necessary. On that basis, the Committee is advised that Bestway’s criticisms of the advice to the Committee meeting on 29th July are not justifiable in this context.

BESTWAY SUGGEST THAT “THE EXISTENCE OF EXISTING OUT OF CENTRE FLOORSPACE DOES NOT NEGATE THE NEED TO TEST THE PROPOSALS AGAINST THE LATEST POLICIES”

There is policy support for the creation of a new metropolitan town centre focussed on the area around the existing Brent Cross Shopping Centre. Its location is specifically identified in both the Barnet UDP and the London Plan. The UDP is clear that development proposals will be supported if they are consistent with policies of the UDP and their more detailed elaboration in the development framework. Policy C6 of the UDP is clear that:

“The Council will support additional retail development at Brent Cross as part of a new town centre extending north and south of the North Circular Road...”

It is anticipated that it is in part through the provision of new retail development that a new town centre will be created. In this respect the proposal is in accordance with the policies of an up to date Development Plan.

If and to the extent that Bestway's suggestion in this respect refers to the proposed relocated Tesco store, the UDP specifically refers to the boundaries of the new town centre and the acceptable land uses in the Eastern Lands zone (which contains both the existing and proposed superstore) in paragraph 12.3.19. The Development Framework (pages 67-69) sets out specific principles for the Eastern Lands which include the provision of a new foodstore. The proposed new superstore and its location therefore also accord with an up to date development plan.

Therefore the suggestion by Bestway that the existence of out of centre floorspace does not negate the need to test the proposals against the latest policies is also considered to be unjustified, when taken in the context of development plan policies. It is also noted that there will (as the phases progress) be substantial investment in public transport infrastructure and other sustainable transport infrastructure in order to improve the accessibility of the area to PTAL levels consistent with the town centre vision which underpins these policies. In this regard, the proposed development is in accordance with the principles in PPS4 other national policy principles and an up to date development plan.

BESTWAY'S COMMENTS ON THE DRAFT CONDITIONS AND NEW LEGAL PROVISIONS

The Planning Act 2008 inserted section 96A into the 1990 Act which gives local planning authority the power to make non-material changes to planning permissions and Article 4F of the GDPO prescribes a procedure for dealing with applications for such changes.

The draft conditions appended to the report to the Committee on 29th July contained some conditions in which the LPA was given some flexibility to agree to vary or modify the application of some of the conditions (or details approved under the conditions) in circumstances, such as where it was in accordance with the EIA process, reasonable and consistent with the requirement to seek comprehensive development.

Bestway's solicitors have suggested in their letter received after the committee on 29th July that certain of the conditions contravene the new legislation by allowing "amendments" to be made to the permission without adhering to the new procedures.

Irrespective of whether or not some of the conditions contravene the new legislation, officers and the Council's advisers have reviewed all of the conditions in the course of ongoing detailed drafting and have concluded that it would be appropriate to amend some of them. An amended version of the draft conditions

dated 9 September 2010 has been placed on the planning register and a copy has been sent to Bestway's solicitors.

Appendix A to this report sets out the changes to conditions in track changes.

TABULATED RESPONSE TO OTHER ISSUES RAISED BY BESTWAY

The following table contains a summary of other issues raised by Bestway and a brief response to their comments in relation to those issues. Some of their comments repeat issues raised by them earlier and some of them are focused on issues which are more appropriately addressed in other contexts.

Comment/Issue	Comment	Recommended Action
PPS25 not mentioned in the committee report.	The revisions to PPS 25 did not raise any issues which should cause the Committee to change its previous resolutions in relation to the BXC or the determination of this application.	None
Definition of "Commence" does not reflect terminology in section 56.	This is not a fundamental point but the definition can easily be amended to reflect this comment and allay Bestway's concerns in this respect.	Amended conditions have addressed this point.
The "loss" of the Hendon Waste Transfer Station is not in accordance with the London Plan Policy 4A.24.	Bestway's comments are similar to earlier comments which were considered in the Second Addendum to the November committee report. The officers do not see any need to change the advice in relation to this policy. Briefly, the new Waste Handling Facility must be in place before the current Hendon Waste Transfer Station is closed and the parameters and principles for the WHF will provide similar capacity to the existing WTS. This is clear in the DSF and a new condition has been added to the Fourth Complete Draft conditions (condition 41.4). The NLWA has confirmed that it is satisfied that the WHF site is capable of replacing the existing WTS. The Mayor's Stage 2 report specifically confirms that the application complies with this policy. These assertions on behalf of Bestway do not cause the	Include Condition 41.4 and 41.5 in the proposed planning conditions and emphasise the need for this development to comply with London Plan 4A.24.

	<p>officers to change their advice on the determination of the application.</p> <p>In accordance with Policy 4A.24 of the London Plan Conditions 41.4 and 41.5 have been proposed to ensure that the overall licensed or permitted operational capacity from the four existing waste management sites on site is re-provided. Condition 41.5 deals with the three smaller waste management sites and requires that the same licensed or permitted operational capacity is provided either on the new Waste Handling Facility site, or as part of another suitable site (in consultation with the North London Waste Authority) before any of those waste management sites can be developed.</p> <p>Officers consider that it is likely that other suitable sites will be found to the extent that they are needed and that there is a reasonable prospect of Condition 41.5 being satisfied within the relevant Phase timescales.</p> <p>The Preferred Options of the draft North London Waste Plan identifies a need for 28.4 ha of land for new waste management facilities of which 14.3 is assumed to come from re-orientation of existing waste management sites.</p> <p>Therefore, the consultants producing the report initially express the view that some 14.1 ha of land for new sites should be allocated although the Preferred Options Report is proposing to allocate 25.7ha in response to the North London Waste Authority's identified need for 19.5ha of land for new sites. The Preferred Options Report therefore identifies a number of potential new sites amounting to 25.7 has and the officers understand that this incorporates some flexibility to meet the need for new sites.</p> <p>Officers acknowledge that Bestway have made representations in response to the Preferred Options</p>	
--	--	--

	<p>Report and they will no doubt be duly considered in the plan-making process in order to ensure that the Waste Plan is sound when it is adopted. This will include the provision of capacity to meet the likely needs of the area. Officers therefore consider that in the light of the information summarised here and in the Main Committee report and taking account of relevant Development Plan policies, it is likely that the licensed or permitted operational capacity from the smaller waste management sites can be re-provided to enable relevant phases of the development to proceed.</p>	
<p>The LPA has not taken an independent review of relevant planning matters – eg the site assessment process in relation to the North London Waste Plan.</p>	<p>The resolution to grant permission was focused on the duty under section 38(6) of the 1990 Act to determine the application in accordance with the development plan unless material considerations indicate otherwise. The officers advice on this is clearly presented in the earlier reports and Bestway's comments on the process for the emerging Waste Plan will be properly considered as part of the preparation and (if appropriate) the Examination of that Plan. It is not considered necessary in these circumstances for the LPA to undertake a detailed alternative site appraisal in order to determine this application.</p>	<p>No action necessary.</p>
<p>The absence of specification of precise technologies means that the assessment is flawed and this is a ground for challenge.</p>	<p>The application and the ES set out clear parameters for the processes which have been considered in the EIA Process and the officers have advised the committee that for the purpose of determining the application as to the location of this facility within the development there is sufficient environmental information to satisfy the requirements of the Directive. In subsequent statutory processes (based on more detailed technological specifications) further assessments are likely to be</p>	<p>No action necessary.</p>

	<p>required and that part of the development will not be allowed to commence unless and until those necessary consents are in place. Conditions 5.1 and 5.3 will require the developer to demonstrate by appropriate evidence that before Phase 1 can commence the relevant detailed environmental permits will be obtained for this facility.</p>	
<p>Developers' Obligations do not run with the land as far as the covenants in favour of TfL are concerned because of the statutory power enabling TfL to be a party to the agreement.</p>	<p>The Council's advisers have advised that whilst TFL will not be able to directly enforce the covenants in their favour against successors in title to the present parties of the S106 agreement, the LPA will be able to enforce all of the relevant covenants effectively as planning obligations which will bind the site. As the LPA and TFL will be acting in close co-operation as relevant statutory authorities, this is considered to provide an effective mechanism for enforcing all of the relevant planning obligations and this comment by Bestway's advisers is therefore not in practice likely to be a valid criticism of these arrangements. TFL have been independently advised in these negotiations and are content to complete the agreement on this basis.</p>	<p>No action necessary.</p>
<p>Inadequate guarantees under the s106 agreement by comparison with the Development Agreement.</p>	<p>This concern is not considered to cast doubt on the section 106 agreement. The combination of the planning conditions requiring all necessary consents to be in place before Phases commence (for example conditions 13.1 – 19.1) will mean that the relevant statutory highways agreements for the roads and bridges and highways agreements (supported by appropriate security and bonds) will provide very substantial security. Many of the large financial payments (including those into the Consolidated Transport Fund) must be made before the relevant Phases can commence. There are other conditions laying down</p>	<p>No action necessary.</p>

	<p>triggers and thresholds to control the amount of development that can commence or be occupied before items of critical infrastructure are provided. These provisions (coupled with the relevant statutory remedies in the event of breach) are considered to be effective to ensure that the developer carries out its obligations in accordance with the planning permission and section 106 agreement.</p>	
<p>Policy C1 and Comprehensive Development objective is not adequately secured because the application does not cover the whole regeneration area and the Cabinet report indicates that there are two groups of developers for the two schemes, north and south of the NCR and neither is viable. The scheme north of the NCR may proceed by itself. The planning agreement does not deliver a comprehensive scheme.</p>	<p>Whilst this application site is very large and covers the majority of the Regeneration Area, it does not include the whole of that Area, but that is not considered to contravene Policy C1 in any way because the application is proposing a comprehensive development which will be in accordance with Policy C1 (as well as other relevant UPD policies) generally and taken as a whole. As described in the earlier reports, the planning conditions and s106 agreement create a framework of control which will ensure that Phase 1, which is the critical phase for this purpose, cannot start work on the northern primary development unless and until the necessary consents (including bonded highways agreements and other requisite approvals etc) are in place. This will include a detailed delivery programme for Phase 1 and the Consolidated Transport Fund for Phase 1 will be payable before the Phase 1 development begins. Whilst subsequent phases of the development can proceed independently north and south of the NCR, substantial critical infrastructure for such phases will have already been provided in Phase 1 and either developer commencing phase 2 will have to deliver the key phase 2 highway improvements, which are "joint and several", such as the improvements to the M1/A406 & A5/A406 Junction in accordance</p>	<p>No action necessary.</p>

	<p>with condition 20.14. The officers therefore consider that the conditions and s106 obligations provide an appropriate balance of control and flexibility to require and enable this development to proceed comprehensively in accordance with Policy C1.</p> <p>In large regeneration schemes of this nature, viability is an important issue and if and when the Council decides to make a CPO to support site assembly, it will need to be satisfied (and to demonstrate) that the project has a reasonable prospect of being delivered, in which viability is likely to be an important consideration. If the applicants had not been confident that they could achieve viability to enable this scheme to proceed, it is unlikely that they would have invested the sums that have already been invested in the scheme and they are clearly aware of the importance of ensuring that the scheme is viable. The officers do not consider that, at this early stage, viability is an issue which justifies the refusal of planning permission for this strategically important regeneration scheme.</p>	
<p>Delegation to Officers in relation to control of the application up to the issuing of the permission is inappropriate.</p>	<p>This is not agreed. The evolving detailed drafts of the planning conditions and the s106 agreement have been available to the Committee (as well as the detailed heads of terms attached to the Committee in November) and the officers have advised that the detailed drafting is consistent with the heads of terms. The committee has the power to delegate the final issuing of the permission and completion of the agreement on this basis.</p>	<p>No action necessary, other than as recommended in this report.</p>
<p>Deficiencies in the Transport Assessment.</p>	<p>This issue has been exhaustively considered in the earlier reports, including direct responses to similar points raised by Bestway. The council officers and their specialist consultants, in consultation with other highways bodies and the adjoining boroughs,</p>	<p>No further action required.</p>

	<p>have considered these issues throughout the application process and have also taken thorough steps to ensure that further information and testing is provided where needed. The planning permission and s106 controls will ensure that the transport impact of the development is consistent with the impacts predicted in the TA. This will include consistency with the modal shift requirements.</p>	
<p>The A5 Corridor Study should cover highways in Brent. Additional condition requested to prevent development commencing until all necessary Consents are in place for highways works in Brent. They also suggest that <i>“reliance on securing [the TRO for Oxgate Gardens] in [Brent] is...very strange”</i> and <i>“a tad risky!”</i></p>	<p>The A5 Corridor Study does cover highways and junctions in Brent which are likely to be affected by the development and any necessary mitigation measures are also included in this study. There are various conditions (including conditions 20.11, 20.12, 21.1.2 and 24.4 which specifically refer to Brent) and s106 obligations that will ensure that the necessary highways agreements and orders are in place to guarantee delivery of these improvements and mitigation as the phases of the development proceed. As regards the risks referred to, it is expected that Brent Council will act reasonably and properly in dealing with these matters having due regard to their legal duties and all relevant considerations.</p>	<p>No further action required.</p>

FURTHER MATERIAL POLICY CHANGES

This section of the report briefly summarises further changes in planning policy which are material to the determination of this application. The officers advise the committee that these policy changes do not materially alter their advice as reflected in the Committee’s earlier decisions.

In August 2010 the Mayor of London published the Housing SPG EiP Draft (August 2010) and the London Housing Design Guide Interim Edition (August 2010).

The draft Housing SPG will eventually replace the existing London Plan SPG in order to be consistent with the emerging Draft Replacement London Plan (DRLP). The document is primarily intended to inform discussion at the DRLP Examination in Public (EiP) on how some of the proposed policies in the DRLP are intended to be implemented. It is intended that a full version of the draft SPG will be published

following the completion of the EiP and the document will be adopted after the adoption of the DRLP. As SPG, the document does not set new policy and instead provides guidance on how the DRLP should be implemented.

This EiP draft of the Housing SPG is focused on relatively few DRLP policies including, housing supply, optimising housing potential, quality and design, social infrastructure and mixed use development. The full draft of the SPG to be published in due course will provide a comprehensive and accessible guide to implementing key DRLP policies which will impact on planning for housing.

The London Housing Design Guide Interim Edition (LHDG) August 2010 has been revised following public consultation on the draft LHDG in 2009 and the findings of a cost and delivery impact analysis. It is not a statement of planning policy but sets out the Mayor's aspiration for excellent housing design. The document sets out a series of standards which are aligned with those in the Housing SPG EiP Draft and are categorised as either Priority 1 (to be met in full) or Priority 2 (strongly recommended but not required). This includes minimum space standards for dwellings as Priority 1.

In view of the early stage of these documents they may only be afforded limited weight at this time. It is considered that the proposed development is generally in accordance with these emerging policies although clearly many of the design related standards refer to a level of detail greater than is currently available at this outline stage of the BXC development. However draft condition 36.5 requires that the: *"construction and design of the housing shall have regard to the London Mayor's Supplementary Planning /guidance on inclusive design, sustainable design and construction or any successor guidance"* and this has been amended to include specific reference to the London Housing Design Guide Interim Edition and its successor documents.

EQUALITIES AND DIVERSITY ISSUES

All relevant issues were considered in the original report on the planning application to the November Planning and Environment Committee. It should be emphasised that a fully accessible new town centre for Barnet will be created through the Brent Cross Cricklewood Regeneration area proposal.

A Consultative Access Forum will be created to ensure that the detailed reserved matters and other matters applications that would follow the grant of outline consent fully comply with best practice in terms of accessibility.

CONCLUSION

This is an important strategic project for this borough and for London and Bestway have indicated an intention on their part to seek to challenge the permission if it is issued. The officers have carefully analysed the points that they have raised in the context of their references to challenging the permission and have set out in this report the reasons why they consider that the issues raised either cannot be substantiated in the circumstances or can be addressed by minor amendments to the draft conditions. The recommendations contained in this report are based on that detailed analysis.



1:10 000 @ A3

REVISED DRAFT CONDITIONS - 09/09/10

CLEAN COPY OF REVISED BCX CONDITIONS - 16TH JULY 2010

BRENT CROSS CRICKLEWOOD REGENERATION AREA

APPLICATION REFERENCE C/17559/08

PLANNING CONDITIONS

TABLE OF CONTENTS

PART A - SITE WIDE PRE-COMMENCEMENT CONDITIONS	3
1. COMMENCEMENT & RESERVED MATTERS	3
2. RESERVED MATTERS APPLICATIONS AND OTHER MATTERS APPLICATIONS- RECONCILIATION MECHANISM	13
3. COMPLIANCE WITH THE RESERVE MATTERS APPROVAL AND OTHER MATTERS APPROVALS AND THE MITIGATION SCHEDULE	24 ²³
4. PHASING PARAMETER PLAN AND INDICATIVE CONSTRUCTION PROGRAMME	26 ²⁴
5. DETAILED DELIVERY PROGRAMMES.....	28 ²⁶
6. PLANNING OBLIGATIONS TO BIND ALL LAND WITHIN PHASES BEFORE DEVELOPMENT	31 ³⁰
7. ESTATE MANAGEMENT FRAMEWORK.....	31 ³⁰
8. CODE OF CONSTRUCTION PRACTICE	32 ³¹
9. DEMOLITION AND SITE WASTE MANAGEMENT PLAN	34 ³³
10. THE EMPLOYMENT AND SKILLS ACTION PLAN & SKILLS DEVELOPMENT METHOD STATEMENT	34
11. CAR PARKING MANAGEMENT STRATEGY	34 ³⁵
12. CONSTRUCTION TRANSPORT MANAGEMENT	35
PART B - PHASE SPECIFIC PRE-COMMENCEMENT CONDITIONS	36
13. PRE- PHASE 1 COMMENCEMENT SUBMISSIONS AND APPROVALS	36
14. PRE- PHASE 2 COMMENCEMENT SUBMISSIONS	38
15. PRE- PHASE 3 COMMENCEMENT SUBMISSIONS	40
16. PRE- PHASE 4 COMMENCEMENT SUBMISSIONS	41
17. PRE- PHASE 5 COMMENCEMENT SUBMISSIONS	42
18. PRE- PHASE 6 COMMENCEMENT SUBMISSIONS	43
19. PRE- PHASE 7 COMMENCEMENT SUBMISSIONS	44
PART C -TRIGGERS AND THRESHOLDS BY PHASE	45

REVISED DRAFT CONDITIONS – 09/09/10

20.	PHASE 1 TRIGGERS AND THRESHOLDS.....	45
21.	PHASE 2 TRIGGERS AND THRESHOLDS.....	54
22.	PHASE 3 TRIGGERS AND THRESHOLDS.....	60
23.	PHASE 4 TRIGGERS AND THRESHOLDS.....	61
24.	PHASE 5 TRIGGERS AND THRESHOLDS.....	62
25.	PHASE 6 TRIGGERS AND THRESHOLDS.....	65
26.	PHASE 7 TRIGGERS AND THRESHOLDS.....	66
PART D – GENERAL CONDITIONS.....		66
27.	ECOLOGY & LANDSCAPING	66
28.	CONSTRUCTION.....	73
29.	NOISE	76
30.	AIR QUALITY AND DUST	80
31.	REMEDIATION OF CONTAMINATION	81
32.	HAZARDOUS SUBSTANCES	85
33.	UTILITIES	85
34.	MICROCLIMATE.....	86
35.	ENERGY & SUSTAINABILITY	87
36.	DEVELOPMENT FLOORSPACE & USES.....	91
37.	MATRIX AND TRANSPORT REPORTS.....	93
38.	PARKING, DELIVERIES AND SERVICING	95
39.	SUSTAINABLE TRAVEL	98
40.	WASTE	99 ¹⁰⁰
41.	WASTE HANDLING FACILITY	100
42.	RAIL FREIGHT FACILITY	102
43.	ARCHAEOLOGY	103
44.	DRAINAGE, WATER USE AND RIVER WORKS	103
45.	FLOOD RISK	106
46.	SOCIAL INFRASTRUCTURE	107
47.	RAIL AND LUL WORKS.....	109
GLOSSARY		111
INFORMATIVES		185¹⁸³

PART A - SITE WIDE PRE-COMMENCEMENT CONDITIONS

1. Commencement & Reserved Matters

1.1. Phase 1 of the development:

1.1.1. shall (in relation to Phase 1A) Commence not later than **7 years** from the date of this Permission or (provided that all Other Matters Applications and Reserved Matters Applications shall have been duly made in accordance with ~~condition~~Condition 1.2.1) two years from the date of the final approval of the last reserved matters for which Reserved Matters Applications and/or other matters for which Other Matters Applications are required to be submitted in accordance with ~~condition~~Condition 1.2.1.

1.1.2. (provided that all Other Matters Applications and Reserved Matters Applications shall have been duly made in accordance with ~~condition~~Condition 1.2.2) Phase 1B shall Commence not later than two years from the date of the final approval of the last reserved matters for which Reserved Matters Applications and/or other matters for which Other Matters Applications are required to be submitted in accordance with ~~condition~~Condition 1.2.2.

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

1.2. All Reserved Matters Applications and Other Matters Applications required under Condition 1.15 in respect of Phase 1 shall:

1.2.1. in respect of Phase 1A be duly submitted to the LPA for approval before the expiration of **5 years** from the date of this Permission;

1.2.2. in respect of all Critical Infrastructure and Plot Development comprised in Phase 1B be duly submitted to the LPA for approval before the expiration of **7 years** from the date of this Permission.

Reason: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended) and the timescale of the development and to allow for the progressive process of approvals to enable the Development and the regeneration of the area in accordance with relevant planning policies to Commence as soon as reasonably practicable and within a realistic timetable.

1.3. All Reserved Matters Applications and all Other Matters Applications required under Condition 1.15 shall be submitted in respect of all Plot Development on the Plots and/or those parts of the Development referred to below shall be duly submitted to the LPA no later than the expiration of the

maximum periods specified below in respect of such Plots or parts of the Development:

- (i) All Phase 1C Plots except those to which ~~condition~~Condition 1.2 applies – eight years from the date of this Permission
- (ii) All Phase 2 Plots and ~~Phase 2~~ Bridge Structures in Phase 2 - ten years from the date of this Permission
- (iii) All Phase 3 Plots and ~~Phase 3~~ Bridge Structures in Phase 3 - twelve years from the date of this Permission
- (iv) All Phase 4 Plots and ~~Phase 4~~ Bridge Structures in Phase 4 - eleven years from the date of this Permission
- (v) All Phase 5 Plots and ~~Phase 5~~ Bridge Structures in Phase 5 - nineteen years from the date of this Permission
- (vi) All Phase 6 Plots and ~~Phase 6~~ Bridge Structures in Phase 6 - twenty years from the date of this Permission.
- (vii) All Phase 7 Plots and ~~Phase 7~~ Bridge Structures in Phase 7 - twenty-one years from the date of this Permission.

Reason: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended) and to allow for the progressive process of approvals to enable the Development and the regeneration of the area in accordance with relevant planning policies to Commence as soon as reasonably practicable and within a realistic timetable for the timescale of the development.

1.4. The Development in any Phase of the Development (other than Phase 1A) shall (subject to the Development of Phase 1A already having been Commenced) be Commenced no later than **2 years** from the date of the final Reserved Matters Approval or Other Matters Approval for that Phase of development (including for the avoidance of doubt Phases 1B and 1C).

Reason: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended) and the timescale of the development to allow for the progressive implementation of the Development and the regeneration of the area in accordance with relevant planning policies within a realistic and reasonable timetable.

1.5. No part of the following parts of the Development shall commence unless and until:

1.5.1. (in respect of Phase 1A) the Developer shall have obtained all pre-commencement Reserved Matters Approvals and/or Other Matters Approvals required under this Permission relevant to Phase 1A and shall have obtained or completed all Necessary Consents relating to the Critical Infrastructure (Pre-Phase) comprised in Phase 1A to enable the construction of the Critical Infrastructure (Pre-Phase) within Phase 1A to be delivered in accordance with the Indicative Construction Programme and the Primary Development Delivery Programme;

1.5.2. (in respect of Phase 1B) (1) Phase 1A shall have been Commenced and (2) the Developer shall have obtained all pre-commencement Reserved Matters Approvals and/or Other Matters Approvals required under this Permission relevant to Phase 1B and subject (in the case of Plot 59 only) to compliance with Conditions 35.3, 35.4 and 35.5; and

1.5.3. (in respect of Phase 1C) (1) Phase 1A and 1B shall have been Commenced and (2) the Developer shall have obtained all pre-commencement Reserved Matters Approvals and/or Other Matters Approvals required under this Permission relevant to Phase 1C.

1.5.4. For the avoidance of doubt, nothing in this Condition 1.5 shall be deemed to diminish curtail or restrict the application of Condition 13.1 of this Permission in respect of the Commencement of Phase 1 or any Phase or Sub-Phase thereof and (for the further avoidance of doubt) Phase 1A is not an approved Sub-Phase of Phase 1 for the purposes of this Condition 1.5.

Reason: To ensure the delivery in Phase 1 of comprehensive development on both sides of the A406 in accordance with UDP Policy C6 and the assumptions in the EIA Process .

1.6. The Development shall not Commence in any Phase or Sub-Phase other than Phase 1A unless and until (1) Phase 1A shall have been Commenced and (2) the Developer shall have obtained all pre-commencement Reserved Matters Approvals and Other Matters Approvals necessary under this Permission relevant to that Phase or Sub-Phase and obtained or completed all Necessary Consents relating to the Critical Infrastructure (Pre-Phase) in that Phase or Sub-Phase to enable the construction of the Critical Infrastructure (Pre-Phase) within that Phase or Sub-Phase to be delivered in accordance with the Indicative Construction Programme and the Detailed Delivery (Non-PDP) Programme.

Reason: To ensure comprehensive development on both sides of the A406 in accordance with UDP Policy C6.

1.7. The Critical Infrastructure (Non Pre-Phase) within any Phase or Sub-Phase that has Commenced in accordance with this Permission shall not Commence unless and until the Developer shall have obtained all pre-commencement Reserved Matters Approvals and/or Other Matters Approvals necessary under this Permission relevant to that Critical Infrastructure (Non Pre-Phase) and obtained or completed all Necessary Consents relating to the relevant Critical Infrastructure (Non Pre-Phase) to enable the construction of that Critical Infrastructure (Non Pre-Phase) in accordance with the Indicative Construction Programme and/or the Primary Detailed Delivery Programme and/or the Detailed Delivery (Non-PDP) Programme.

Reason: To ensure comprehensive development on both sides of the A406 in accordance with UDP Policy C6.

1.8. Not to Commence any part of the Development in any Phase or Sub-Phase unless and until full details and designs of the Remediation Works and Site Engineering and Preparation Works, and all Critical Infrastructure (Pre-Phase) within that Phase or Sub-Phase shall have been submitted to and approved by the LPA. Such works shall be carried out in accordance with the Details so approved ~~unless and to the extent that the LPA may in writing approve either (1) any minor and immaterial variation or (2) such variation as shall be within the parameters and principles for such Remediation Works as approved by this Permission and shall be unlikely to result in any significant adverse environmental impact which has not been assessed as part of the EIA Process.~~

Reason - To ensure appropriate remediation and infrastructure works are complete prior to the construction of the scheme is commenced.

1.9. Not to submit any Reserved Matters Application for any Phase of the Development unless and until the LPA shall have received and approved the CCC Feasibility Study (which shall consider the Preferred Site or Sites) in respect of constructing and providing the Construction Consolidation Centre or Centres as part of the Development.

Reason - To ensure that the feasibility of providing a Construction Consolidation Centre or Centres has been thoroughly assessed from the outset of the Development and to ensure that construction transport impacts are minimised.

1.10. No part of the Development (including Phase 1) shall commence unless and until the Developer shall have submitted and obtained approval of a Residential Relocation Strategy which shall set out appropriate arrangements (following detailed consultations with the residents themselves and with the Council's social services and housing teams) for the satisfactory relocation of residents in the Whitefield Estate and the sheltered housing units in the Rosa Freedman Centre to the Replacement Whitefield

Planning Conditions

Application Reference: C/17559/08

Dated ~~16 July~~ 9th September 2010

Estate Units (including replacement units to replace the sheltered housing units in the Rosa Freedman Centre) in accordance with the parameters and principles contained in paragraphs 2.91 to 2.93 in the DSF and those contained in Schedule 24 to the Initial Planning Agreement.

Reason: to ensure the satisfactory relocation of the residents and that the Development is carried out in accordance with the relevant parameters and principles of the Development Specification and Framework and to ensure that the details accord with the assessment and conclusions of the Environmental Statement and the EIA Process.

1.11. No demolition of existing housing to be replaced under ~~condition~~Condition 1.10 shall take place until the relevant Replacement Whitefield Estate Units (including replacement units to replace the sheltered housing units in the Rosa Freedman Centre) are ready for occupation in accordance with the Residential Relocation Strategy and this shall commence as part of Phase ~~A1B~~ in accordance with paragraph 2.93 in the DSF.

Reason: to ensure the satisfactory relocation of the residents and that the Development is carried out in accordance with the relevant parameters and principles of the Development Specification and Framework and to ensure that the details accord with the assessment and conclusions of the Environmental Statement and the EIA Process.

1.12. No part of the Development in any Phase (including Phase 1) shall Commence unless and until the Developer shall have submitted to and obtained approval from the LPA (following appropriate consultations with the Council's housing team and the GLA) of the proposed amount and mix of relevant residential development within the Phase or Sub-Phase and the proposed Affordable Housing Scheme which will be reviewed as part of the Affordable Housing Viability Testing Report to be submitted under Condition 1.13 and in accordance with paragraph 1.2 of Schedule 2A to the Initial Planning Agreement). Variations to the Affordable Housing Scheme may be submitted to the LPA for approval under this ~~condition~~Condition (supported if necessary by an appropriate revised Affordable Housing Viability Testing Report) prior to the Commencement of the Northern Development or the Southern Development in the relevant Phase or Sub-Phase to the extent that such approval is in accordance with the relevant parameters and principles approved by this Permission and the detailed provisions contained in Schedule 2A to the Initial Planning Agreement.

Reason: to ensure that the Development is carried out in accordance with relevant development plan policies and the relevant parameters and principles of the Development Specification and Framework and to ensure that the details

accord with the assessment and conclusions of the Environmental Statement and the EIA Process.

1.13. Not to submit the first Reserved Matters Application for any Phase or Sub-Phase of the Development (save and except Phase 1A) without first submitting and obtaining the LPA's approval (following detailed consultations with the LPA and the GLA) to an Affordable Housing Viability Testing Report. For Phase 1 this will set out the percentage of residential units, over and above the Replacement Whitefield Estate Units, which will be provided by the Developers as Affordable Housing in accordance with paragraph 1.2 of Schedule 2A to the Initial Planning Agreement together with any other matters that are required to be approved in accordance with that Schedule). For the remainder of the Relevant Developments in the other Phases or Sub-Phases Affordable Housing Viability Testing Report will set out the maximum reasonable level of affordable housing which will be provided by the Developers in accordance with paragraphs 2 and 3 of Schedule 2A to the Initial Planning Agreement) together with any other matters that are required to be addressed by that Schedule. Prior to the Commencement of the Development in the Northern Development or Southern Development (as the case may be) in the Phase or Sub-Phase, any subsequent variations to an Affordable Housing Viability Testing Report may be submitted to the LPA for approval under this ~~condition~~Condition.

Reason: to ensure that the Development is carried out in accordance with relevant development plan policies and the relevant parameters and principles of the Development Specification and Framework and to ensure that the details accord with the assessment and conclusions of the Environmental Statement and the EIA Process.

1.14. The principles and parameters for the Private Housing Mix, the Affordable Housing Mix, the Illustrative Residential Densities, Lifetime Homes requirements and Wheelchair Accessible housing shall be as identified and referred to in paragraphs 2.23, 2.25, 2.28 of the Development Specification and Framework (or such revised or amended document as may have been approved in accordance with Condition 2.4) and paragraphs 1, 2 and 3 of Schedule 2A to the Initial Planning Agreement) respectively, ~~unless otherwise varied with the LPAs approval (such approval to have regard to the LPAs Housing and Affordable Housing policies at such time).~~

Reason: to ensure that the Development is carried out in accordance with relevant development plan policies and the relevant parameters and principles of the Development Specification and Framework and to ensure that the details accord with the assessment and conclusions of the Environmental Statement and the EIA Process.

1.15. Not to Commence any Plot Development or the Construction of any Building or Bridge Structure included in the Development unless and until all relevant Reserved Matters Approvals and relevant pre-commencement Other Matters Approvals for such Plot Development or Building or Bridge Structure shall have been granted by the LPA within the relevant timescales set out in ~~conditions~~Conditions 1.2 and/or 1.3 as appropriate;

Reason: To ensure that high standards of urban design, landscaping and environmental mitigation are achieved and to comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended) and the timescale of the development.

1.16. All Reserved Matters Applications and Reserved Matters Approvals and all Other Matters Applications and Other Matters Approvals required by the ~~conditions~~Conditions contained in this Permission shall be in accordance with the parameters and principles described mentioned or referred to in the DSF (including all of the Parameter Plans) and the principles described mentioned or referred to in the Design and Access Statement and Design Guidelines; ~~unless otherwise approved in writing by the LPA and provided that no approval shall be given to any changes unless they are unlikely to cause significant adverse environmental effects other than those already assessed in the Revised Environmental Statement and any other environmental information considered by the LPA as part of the EIA Process prior to its determining the Planning Application and granting this Permission and/or unless and to the extent that such changes are validly approved by the LPA only after they shall have been assessed by a subsequent new and/or revised Environmental Statement and an appropriate EIA process in respect of any application for approval of such changes. (or such revised or amended documents as may have been approved in accordance with Conditions 2.4 and 2.5).~~

Reason: To comply with the EIA Directive and to ensure that high standards of urban design, landscaping and environmental mitigation are achieved and that a proper record is kept.

1.17. Not to submit the first Reserved Matters Application for any Phase or Sub-Phase or Any Other Matters Application, which relate to the layout of the relevant Phase or Phases of the Development or the other matters referred to in paragraph 6.9 of the DSF, without submitting to the LPA (either before or at the same time as submitting such application) an Illustrative Reconciliation Plan showing how the proposed detailed layout of the primary and secondary roads, pedestrian and cycle routes (as defined as Main Connections on Parameter Plan 003), and the detailed layout of principal open spaces and other Critical Infrastructure (Pre-Phase) within the Phase or Sub-Phase are consistent with the parameters and principles for the layout

of the wider Phase and Development Zone and to demonstrate that the proposed distribution of Green and Brown Roofs will satisfy the site-wide 10% requirement in accordance with the Reconciliation Mechanism described in Section 6 of the DSF (and such Illustrative Reconciliation Plan shall be consistent with and supplemented by the information to be submitted in accordance with ~~condition~~Condition 2.1).

Reason: To ensure that the LPA has clarity on the layout of key structural components within any phase (or part of) or zone, prior to considering any detailed building applications and to be consistent with the Reconciliation Mechanism described in Section 6 of the DSF.

1.18. Not to submit the first Reserved Matters Application for any Phase or Sub-Phase prior to the establishment of the Consultative Access Forum in consultation with the LPA and the GLA, ~~unless otherwise agreed in writing by the LPA where it would be reasonable to do so without undermining the role and functions of that body.~~

Reason: To ensure principles of inclusive access are incorporated into the detailed design of all development within the scheme on the basis of a proper and detailed consultative process.

1.19. Not to submit the first Reserved Matters Application for any Phase or Sub-Phase prior to the establishment of the Brent Cross Energy Panel in consultation with the LPA and the GLA, ~~unless otherwise agreed in writing by the LPA where it would be reasonable to do so without undermining the role and functions of that body.~~

Reason: To ensure principles of sustainable energy are incorporated into the detailed design of all aspects of the Development on the basis of a proper and detailed consultative process.

1.20. Not to submit the first Reserved Matters Application for any Phase or Sub-Phase of the Development without first submitting and obtaining the LPA's approval to the Area Wide Walking and Cycling Study and thereafter all relevant Reserved Matters Applications shall include details to ensure that the walking and cycling routes and facilities are provided and integrated with the walking and cycling network within and around the Site and around the relevant Phase or Sub-Phase in accordance with the approved Walking and Cycling Study and the Pedestrian and Cycle Strategy.

Reason: To ensure that the Development (and each and every Phase or Sub-Phase of it) is fully accessible by walkers and cyclists and that it is fully integrated with the surrounding pedestrian and cycle network in the interests of encouraging sustainable non-car modes of transport.

1.21. Not to submit the first Reserved Matters Application for any Phase or Sub-Phase of the Development without first submitting and obtaining the LPA's approval to the Framework Servicing and Delivery Strategy which shall set out (in accordance with the parameters and principles set out in Appendix ~~16~~ of the Initial Planning Agreement as abstracted from paragraph 5.3.8 of Volume 1 of the Transport Report) the Developers' proposed approach to servicing and deliveries to the Development to ensure that routes and facilities are provided and integrated with the railway and the highways and roads network around the Site and around the relevant Phase or Sub-Phase. The Framework Servicing and Delivery Strategy shall be reviewed in consultation with the Transport Strategy Group and submitted to the LPA for approval and approved every five years or such longer intervals as may be approved by the Council on the application of the Developers in consultation with the Transport Strategy Group. The Developers and the occupiers and operators of Plot Development shall in carrying out operating and using the Development in each Phase or Sub-Phase comply in accordance with Condition 38(7) with the Framework Servicing and Delivery Strategy as approved in accordance with this ~~condition~~Condition from time to time.

Reason: To ensure that the Development (and each and every Phase or Sub-Phase of it) is provided with the infrastructure necessary to ensure that servicing and deliveries to the Development can be achieved as far as reasonably practicable (and in accordance with the principles described in the Transport Assessment) by sustainable transport methods in the interests of avoiding unnecessary transport emissions and congestion.

1.22. Not to submit the first Reserved Matters Application for any Phase or Sub-Phase (further to ~~condition~~Condition 1.21) of the Development without first submitting and obtaining the LPA's approval to the Servicing and Delivery Strategy and thereafter all relevant Reserved Matters Applications shall include details to ensure that routes and facilities are provided and integrated with the railway and the highways and roads network around the Site and around the relevant Phase or Sub-Phase in accordance with the approved Servicing and Delivery Strategy. The Developers and the occupiers and operators of Plot Development shall in carrying out operating and using the Development in each Phase or Sub-Phase comply with the Servicing and Delivery Strategy as approved in accordance with this ~~condition~~Condition from time to time.

Reason: To ensure that the Development (and each and every Phase or Sub-Phase of it) is provided with the infrastructure necessary to ensure that servicing and deliveries to the Development can be achieved as far as reasonably practicable (and in accordance with the principles described in the Transport Assessment) by sustainable transport methods in the interests of avoiding unnecessary transport emissions and congestion.

1.23. Not to submit the first Reserved Matters Application for any Phase or Sub-Phase prior to the preparation of a Brent Cross Cricklewood Regeneration Public Consultation Strategy including the provision for planning and development forums to be agreed by the LPA in writing and thereafter implemented.

Reason – to ensure that as far as reasonable possible the interests of the community are fully considered in the detailed design and delivery of the Development.

1.24. Not to submit the first Reserved Matters Application for any Phase or Sub-Phase of the Development without first submitting and obtaining the LPA's approval to the VWCS Feasibility Study. If and to the extent that the VWCS Feasibility Study concludes that it is feasible to incorporate the Vacuum Waste Collection System into the Development or any Phase of the Development then Details of the infrastructure for the Vacuum Waste Collection System shall be included in the submission of Details for the relevant Critical Infrastructure and relevant Plot Development for the relevant Phases and Plots in respect of which the VWCS Feasibility Study concluded that it was feasible to provide the Vacuum Waste Collection System. The Development shall thereafter be carried out in accordance with such approved details.

Reason: To ensure that the Vacuum Waste Collection System is incorporated into all Phases of the Development if and to the extent that it is found to be reasonably practicable to do so in accordance with parameters and principles contained in the DSF.

1.25. Not to submit the first Reserved Matters Application for any Phase of the Development without first submitting and obtaining the LPA's approval to the BXC Mobility Feasibility Study and Strategy.

Reason: To ensure that the Development is designed, delivered and managed to a high standard of inclusive access and that it reflects such high standards as they evolve during the construction phase of the Development.

1.26. Not to submit the first Reserved Matters Application for any Phase of the Development without first submitting and obtaining the LPA's approval to the Inclusive Access Strategy and the Wayfinding Strategy which shall be prepared in consultation with the Consultative Access Forum (and which shall be informed by the BXC Mobility Feasibility Study and Strategy and the Area Wide Walking and Cycling Study) and shall be reviewed in consultation with the Consultative Access Forum and submitted to the LPA for approval and approved every five years or such longer intervals as may be approved

by the Council on the application of the Developers in consultation with the Consultative Access Forum. The Reserved Matters Applications and the Estate Management Framework shall ensure that the Development is designed delivered and managed in accordance with the Inclusive Access Strategy and the Wayfinding Strategy.

Reason: To ensure that the Development is designed, delivered and managed to a high standard of inclusive access and legibility of routes and that it reflects such high standards as they evolve during the construction phase of the Development.

1.27. Not to Commence the Development in any Phase or Sub Phase unless and until the details of any on and/or off site foul and surface drainage works for that Phase or Sub-Phase including the details of the Sustainable Urban Drainage Scheme in accordance with the parameters and principles set out in paragraphs 2.74 to 2.77 of the DSF (and with the Drainage Strategy (BXC15) submitted with the planning application), has been submitted to and approved by the LPA in consultation with Thames Water. No discharge of foul or surface water from the Development shall be accepted into the public system unless and until the drainage works referred to in the approved statement shall have been completed. The scheme shall subsequently be implemented in accordance with the approved details and the agreed timing / phasing arrangements embodied within the scheme.¹

Reason: To ensure that sufficient capacity is made available to cope with the new development and to avoid adverse environmental impact upon the community. To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

1.28. Not to Commence the Development on Plot 28 in Phase 1 unless and until the whole of the site of the Existing Foodstore and the Existing PFS shall have been bound to the planning obligations contained in paragraph 21 of Schedule 2 to the Initial Planning Agreement in accordance with Clause 6 of that Agreement.

Reason: To ensure that the amount of retail floorspace within the development is within the limits assessed in the documents supporting the application (including the Retail Report) and relevant planning policy.

1.29. The works to the Gateway Junctions shall be undertaken in accordance with the approved highway plans listed below:

¹ The Environment Agency has requested this condition.

P/D111870/H/100/1007 Rev C;
P/D111870/H/100/1000 Rev G;
P/D111870/H/100/1023 Rev C;
P/D111870/H/100/1004 Rev D;
P/D111870/H/100/1005 Rev E;
P/D111870/H/100/1006 Rev G;
P/D111870/H/110/1005 Rev A;
P/D111870/H/100/1010 Rev E;
P/D111870/H/100/1018 Rev C;
P/D111870/H/100/1019 Rev E;
P/D111870/H/100/1022 Rev C;
P/D111870/H/100/1025 Rev C;
P/D111870/H/100/1017 Rev E;
P/D111870/H/100/1024 Rev D;
P/D111870/H/100/1011 Rev F;
P/D111870/H/100/1012 Rev F;
P/D111870/H/100/1013 Rev F;
P/D111870/H/100/1029 Rev B;
P/D111870/H/110/1012 Rev B;
P/D111870/H/110/1013 Rev B.

Subject to any amendments to those drawings required in accordance with Condition 1.20 or Condition 2.7.

Reason: The Gateway Junctions have been submitted for detailed approval and are not reserved matters.

1.30. Terms used in these Conditions shall be construed in accordance with the definitions contained in the Glossary to this Permission.

Reason: To ensure that an accurate and consistent interpretation is applied in the application and enforcement of these Conditions and the corresponding provisions in the Initial Planning Agreement.

2. Reserved Matters Applications and Other Matters Applications– Reconciliation Mechanism

2.1. No Reserved Matters Application or Other Matters Application shall be submitted in relation to any Phase or Sub-Phase or Plot of the Development unless it is accompanied by the documents listed below insofar as they may be relevant or are reasonably required by the LPA in considering such application and shall be approved by the LPA as part of the Reserved Matters Approval or Other Matters Approval in accordance with the Reconciliation Mechanism described in Section 6 of the DSF, unless and to the extent that the LPA considers and confirms in writing that such submission of any of such documents is not necessary. The documents which this ~~condition~~Condition requires are:

- a) Explanatory Report
 - (i) a statement or screening report to demonstrate that the Reserved Matters Application or Other Matters Application is in accordance with Condition 1.16;
 - (ii) a statement to demonstrate that the Reserved Matters Applications or Other Matters Application has covered all matters identified in ~~condition~~Condition 2.1 as described at paragraphs 6.2, 6.15 and 6.16 of the DSF.
- b) Land Uses
 - (i) a statement setting out the proposed land uses and mix of uses in accordance with paragraphs 2.19, 6.26 and Appendix 5 of the DSF and Condition ~~f1.16~~1.16.

- (ii) a statement setting out the affordable housing proposals in accordance with Conditions 1.12 and 1.13 and Schedule 2A to the Initial Planning Agreement).
- c) Layout
 - (i) a report detailing how the appropriate internal noise standards, as set out in Condition 29.1 will be achieved;
 - (ii) an updated Illustrative Reconciliation Plan which shows the layout of the proposed Building or Buildings and any relevant roads and service areas or associated elements of the Plot Development to which the Reserved Matters Application relates within the context of the previously approved Critical Infrastructure and any other previously approved elements (including the relevant parameters and principles approved under this Permission) in respect of the Development within that Phase, Sub-Phase and Zone and any adjoining Phases, Sub-Phases and Zones.
- d) Scale and design standards
 - (i) a statement and such accompanying design material as is necessary to demonstrate that the scale of the Reserved Matters Application accords with relevant thresholds principles and parameters described in the Development Specification and Framework, in particular Appendix 10, and the Design and Access Statement and Design Guidelines;
 - (ii) a statement to demonstrate that the design standards for the proposed housing and affordable housing accords with Conditions 1.14, 36.5 and 36.6 and Schedule 2A to the Initial Planning Agreement .
- e) Access
 - (i) a statement and such other material as is necessary to demonstrate that such Reserved Matters Application or Other Matters Application accords with the relevant principles and parameters described in the Development Specification & Framework and the Design & Access Statement and reflects the vision and mechanisms set out in the approved Inclusive Access Strategy;

- (ii) a statement to demonstrate that any car parking to be provided under the Reserved Matters Application or Other Matters Application conforms to the relevant Phase Car Parking Strategy and the Phase Parking Standards approved under Condition 11.2 and the standards set out in Condition 38.2 (as reviewed in the relevant Transport Reports, if and to the extent that it may be appropriate under Condition 37 in accordance with the relevant Transport Reports), and/or, in the case of residential buildings, will meet the overall reducing targets for car parking provision set out in Condition 38.2 (and any adjustments to those standards contained in that ~~condition~~Condition as required in accordance with the relevant Phase Transport Report and/or Reserved Matters Transport Report under ~~condition~~Condition 37);
 - (iii) an Individual Travel Plan, where appropriate, for approval in accordance with the Framework Travel Plan (as updated from time to time in accordance with Condition 2.6);
 - (iv) Details of electric vehicle charging points in accordance with Condition 39.7;
 - (v) Details of the relevant bus priority measures to be included within the detailed design of the roads to be modified or constructed within the relevant Phase Sub-Phase or Plot Development in accordance with the parameters and principles shown in Drawing Number D119038/046 which is referred to in paragraph 3 of Schedule 3 to (and appended at Schedule 8 to) the Initial Planning Agreement;
 - (vi) A statement confirming finished floor levels and threshold levels into car parks in accordance with Condition 45.2.
- f) **Materials**
- (i) (For Reserved Matters Applications for the approval of appearance or matters of detailed design where details and samples of materials may be a relevant consideration):
 - (i) full details (including samples, where appropriate) of the materials to be used on all external surfaces (which for the avoidance of doubt shall also include hard landscaping) shall

be submitted to and approved by the LPA prior to their installation;

- (ii) a statement shall be submitted to and approved by the LPA, which demonstrates compliance with the relevant parameters and principles in relation to the selection of new construction materials, as set out in the Development Specification & Framework (Appendix 8).

g) Landscaping

- (i) (For Reserved Matters Applications for the approval of appearance or matters of detailed design where Landscaping may be a relevant consideration):

- (i) Details of Proposed Landscaping Works;
- (ii) a statement and such other material as is necessary to demonstrate that such Reserved Matters Application accords with the relevant parameters and principles in the Development Specification and Framework, as well as the relevant design principles described in the Design and Access Statement and the Design Guidelines;
- (iii) a summary of tree details as specified in Condition 27.1 and 27.2;
- (iv) Specification for surface changes (both temporary and permanent works);
- (v) Post construction landscaping near trees;
- (vi) Tree planting (storage of trees, site preparation, details of planting pits);
- (vii) details of proposed green or brown roofs, where appropriate and if necessary an update of the Illustrative Reconciliation Plan described in c (ii) above to show the updated anticipated distribution of green and brown roofs within that phase, or Sub-Phase, required to satisfy the site wide 10% minimum requirement distributed across the site .

h) Sustainability

- (i) Sustainability/energy statement and such other material as is necessary to demonstrate that such Reserved Matters Application or Other Matters Application accords with the relevant principles and carbon saving targets identified in ~~condition~~Condition 35.1, and 35.2; .
- (ii) a statement to demonstrate the feasibility of linking into the site wide CHP/CCHP network and the District Heating Network as detailed in ~~condition~~Condition 35.3;
- (iii) details for linking the relevant Phase, Sub-Phase, Plot or Plots into the Vacuum Waste Collection System (where appropriate) if that system is found to be reasonably practicable in the VWCS Feasibility Study as approved in accordance with ~~condition~~Condition 1.24;
- (iv) Compliance with the Energy Strategy or (if appropriate) the Revised Energy Strategy approved under Condition 35.6.

Reason: to ensure that the Development is carried out sustainably and to a high environmental quality standard in accordance with the relevant parameters and principles of the Development Specification and Framework (including the Parameter Plans and the Reconciliation Mechanism), Design and Access Statement and Design Guidelines which accompanied the Planning Application and to ensure that the details accord with the assessment and conclusions of the Environmental Statement and the EIA Process.

2.2. Not to submit the first Reserved Matters Application for any Phase of the Development without first submitting and obtaining the LPA's approval to the Clitterhouse Mobility Scheme (unless and to the extent that it may have been included in the Inclusive Access Strategy) which shall be prepared in consultation with the Consultative Access Forum and which shall be reviewed in consultation with the Consultative Access Forum and submitted to the LPA for approval and approved every three years or such longer intervals as may be approved by the Council on the application of the Developers in consultation with the Consultative Access Forum. The strategy should include design standards for Accessible Wayfinding Information and Interpretation and (insofar as reasonably practicable) the details of the Clitterhouse Playing Fields Mobility Scheme which should investigate the feasibility of linking into the shopmobility works required under ~~condition~~Condition 21.23. The Reserved Matters Applications and the Estate Management Framework insofar as they relate to the Clitterhouse Playing Field Improvements and the Estate Management Framework shall ensure

Planning Conditions

Application Reference: C/17559/08

Dated ~~16 July~~9th September 2010

that the Clitterhouse Playing Fields Improvements are designed delivered and managed in accordance with the Clitterhouse Mobility Scheme and/or the Inclusive Access Strategy.

Reason: to ensure that the Development as a whole and the Clitterhouse Playing Fields Zone in particular achieve and maintain a high degree of accessibility for all members of the community in accordance with relevant legislation and planning policy.

2.3. Prior to or coincident with the submission of the first Reserved Matters Application in relation to any Phase or Sub- Phase of the Development a detailed and precise site measurement survey shall be conducted and submitted to the LPA for approval in respect of all existing open spaces within the Site and to ensure that the accurate measurement data so obtained shall be incorporated as appropriate into the plans and documents submitted as part of the relevant Reserved Matters Applications and Other Matters Applications.

Reason: To ensure that a proper record is kept and to ensure the ongoing and accurate measurement of both existing and open spaces so as to demonstrate that the approved parameters and principles as to the provision of new additional open space are fulfilled as the Development proceeds.

2.4 The Development Specification and Framework shall be revised by the Developer (subject to obtaining approval in accordance with this Condition) from time to time ~~including~~ in order to ~~support~~incorporate approved revisions ~~to~~into the Reconciliation Mechanism reflecting any changes brought about through ~~earlier~~;

2.4.1.1 ~~Reserved Matters Approvals and Other Matters Approvals relating to other Phases or Sub-Phases of the Development or earlier Plot Development. All proposed changes shall be submitted to the LPA and approved in writing prior to the Commencement of any Plot Development or other parts of the Development to which the proposed changes apply and no such changes will be approved unless and to the extent that they shall reflect such earlier approvals or such best practice guidance and are unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process and/or to undermine the comprehensive development of the Site in accordance with UDP policy C1 and the terms of this; and/or~~

2.4.1.2 ~~any Section 73 Permission. Following and/or Alternative Energy Permission and/or any such review~~Additional Planning Permission; and/or

2.4.1.3 ~~any consequential changes as a result of any approved variation of the Phases in accordance with condition 4.2.~~

2.4.2 ~~Any application for a proposed revision pursuant to condition 2.4 will be determined in accordance with the requirements of the EIA Directive.~~

~~2.4.12.4.3~~ 2.4.3 ~~The development of each Plot or other part of the Development~~ approved thereafter shall be designed and carried out in accordance with such approved revised —Development Specification and Framework, ~~unless otherwise subsequently approved in writing by the LPA in accordance with the terms of this Condition.~~

Reason: To ensure the ongoing implementation of comprehensive, high quality urban design within the overall scheme in accordance with the parameters and principles which are approved in this permission.

2.5 The Design and Access Statement and Design Guidelines shall be revised by the Developer (subject to obtaining approval in accordance with this Condition) from time to time ~~including in order to support~~ to incorporate approved revisions ~~to~~ into the Reconciliation Mechanism reflecting ~~the earlier any changes brought about through:~~

2.5.1.1 ~~Reserved Matters Approvals and Other Matters Approvals relating to other Phases or Sub Phases of the Development or earlier Plot Development. All proposed changes shall be submitted to the LPA and approved in writing prior to the Commencement of any Plot Development or other parts of the Development to which the proposed changes apply and provided that no such changes will be approved unless and to the extent that they shall reflect such earlier approvals or such best practice guidance and are unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process; and/or~~

2.5.1.2 ~~any Section 73 Permission and/or Alternative Energy Permission and/or to undermine the comprehensive~~ any Additional Planning Permission and/or

2.5.1.3 ~~any consequential changes as a result of any approved variation of the Phases in accordance with condition 4.2..~~

2.5.2 ~~Any application for a proposed revision pursuant to condition 2.5 will be determined in accordance with the requirements of the EIA Directive as appropriate.~~

~~2.4.22.5.3~~ 2.5.3 ~~The development of each Plot or other part of the Site in accordance with UDP policy C1 and the terms of this Permission. Following any such review the Development shall thereafter be designed and carried out in accordance with the such approved revised Design and Access Statement, unless otherwise approved in writing by the LPA in accordance with the terms of this Condition.~~

Reason: To ensure the ongoing implementation of comprehensive, high quality urban design within the overall scheme in accordance with the parameters and principles which are approved in this permission.

2.6. The Framework Travel Plan shall be revised by the Developer (subject to obtaining approval in accordance with this Condition) from time to time including in order to support approved revisions to the Illustrative

Reconciliation Plan or as part of the Reconciliation Mechanism so as to reflect any changes brought about through earlier Reserved Matters Approvals and Other Matters Approvals relating to other Phases or Sub-Phases of the Development or earlier Plot Development as well as any relevant best practice guidance or other relevant policy guidance, including revisions to thresholds and categories of Individual Travel Plans as set out in TfL guidance "Guidance for Workplace Travel Planning for Development"; and "Guidance for Residential Travel Planning in London" or (insofar as appropriate and relevant) any successor document. All proposed changes shall be submitted to and approved in writing by the LPA, in consultation with the Transport Strategy Group (or on appeal), prior to the Commencement of any Plot Development or other parts of the Development to which the proposed changes apply ~~and provided that they shall reflect such earlier approvals or such guidance and that no such changes will be approved unless and to the extent that they are reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process and/or to undermine the comprehensive development of the Site in accordance with UDP policy C1 and the terms of this Permission.~~ Following any such review such Plot Development or other parts of the Development to which the proposed changes apply shall be carried out in accordance with the approved revised Framework Travel Plan, ~~unless otherwise approved in writing by the LPA in accordance with the terms of this Condition~~

Reason: To ensure the ongoing implementation of comprehensive, high quality urban design within the overall scheme in accordance with the parameters and principles which are approved in this permission.

2.7. Prior to or coincident with the submission of the first Other Matters Approval in respect of Phase 1 the A5 Corridor Study (including any necessary Supplementary Transport Measures required to address the detailed impacts identified in the study together with an indicative programme for carrying out such works) shall be submitted to and approved by the LPA, in consultation with the London Boroughs of Brent and Camden and the Transport Strategy Group. All other relevant Reserved Matters Applications and Other Matters Applications shall thereafter be in accordance with the A5 Corridor Study approved in accordance with this ~~condition~~Condition (and including for the avoidance of doubt the approval of detailed delivery programmes in accordance with ~~condition~~Condition 5 of this Permission).

Reason: To ensure the transport impacts of the scheme upon the A5 are fully evaluated and mitigated as part of the detailed design and programming of Phase 1 and the other relevant Phases of the Development.

2.8. (a) Prior to or coincident with the submission of the first Reserved Matters Application for any Phase or Sub Phase the Pedestrian and Cycle Strategy (setting out the programme and details for the construction and delivery of new and/or improved pedestrian and cycle links and Cycle Parking Spaces in accordance with the Area Wide Walking and Cycling Study approved by the LPA under ~~condition~~Condition 1.20) shall be submitted to and approved by the LPA (and where appropriate in consultation with TfL in accordance with the TSG Terms of Reference as set out in paragraph 2 of Schedule 3 to the Initial Planning Agreement) or on appeal, unless otherwise agreed in writing by the LPA (in consultation with TfL as aforesaid where appropriate). All other relevant Reserved Matters Applications and Other Matters Applications for that Phase or Sub-Phase shall thereafter be in accordance with the Pedestrian and Cycle Strategy approved in accordance with this ~~condition~~Condition.

(b) No development shall be occupied in any given Phase beyond the quantum specified in the approved programme until the new and improved pedestrian and cycle links and cycle parking spaces specified in the approved Pedestrian and Cycle Strategy for that Phase or Sub-Phase shall have been provided and are available for public use.

Reason: To ensure accessibility by sustainable transport modes across scheme development.

3. Compliance with the Reserved Matters Approval and Other Matters Approvals and the Mitigation Schedule

3.1. The Development shall be carried out operated and used (as appropriate) in accordance with all relevant Reserved Matters Approvals and Other Matters Approvals.

Reason: To ensure the satisfactory appearance, operation and delivery of the development in accordance with the parameters and principles approved in this permission.

3.2. The Development shall

3.2.1. be carried out in accordance with the Schedule of Mitigation Measures, except if and to the extent that these have been superseded by any specific alternative mitigation measures that have been approved in accordance with this Permission and/or any approval of reserved matters (or any Additional Planning Permission and/or Alternative Energy Permission and/or any Section 73 Permission) ;.

~~3.1.1.3.2.2.~~ The Development shall be operated and used (as appropriate) in accordance with the Schedule of Mitigation Measures, except if and to the extent that these have been superseded by any specific alternative mitigation measures that have been approved in accordance with this Permission ~~(or any Additional Planning Permission and/or Alternative Energy Permission and/or any Section 73 Permission)~~ and provided that no approval shall be given to any changes unless they are unlikely to cause significant adverse environmental effects other than those already assessed in the Revised Environmental Statement and any other environmental information considered by the LPA as part of the EIA Process prior to its determining the Planning Application and granting this Permission and/or unless and to the extent that such changes are validly approved by the LPA only after they shall have been assessed by a subsequent new and/or revised Environmental Statement and an appropriate EIA process in respect of any application for approval of such changes and/or any approval of reserved matters (or any Additional Planning Permission and/or Alternative Energy Permission and/or any Section 73 Permission).

Reason: To ensure that the amenities of the occupiers of the proposed development and neighbouring premises are protected.

4. Phasing Parameter Plan and Indicative Construction Programme

4.1. The Phases of the Development shall be those Phases which are defined on the Indicative Phasing Parameter Plan (Parameter Plan 029) unless and to the extent that the Phases may be varied in accordance with ~~condition~~Condition 4.2 and Clause 14 of the Initial Planning Agreement (provided that Phase 1A, Phase 1B and Phase 1C shall have the particular meaning as defined in the Glossary attached to this Permission and in Schedule 1 to the Initial Planning Agreement and shall apply only where those terms are expressly used in order to refer to part only as opposed to the whole of Phase 1 in such particular circumstances).

Reason: To ensure the orderly and satisfactory development of the site, in the interests of highway safety and to assist in achieving the planning benefits of the comprehensive development authorised by this Permission.

4.2. The Indicative Phasing Parameter Plan and/or (if and to the extent that it is appropriate to reflect any amendment to Phase 1 that is approved in accordance with this Condition and such amendments are expressly related to the content of Phases 1A to 1C in that context in order to be consistent with any such amended Phase 1) Phases 1A to 1C may be amended from time to time to reflect changes to the phasing of the development that were not foreseen at the date of planning permission on written application and subject to obtaining the prior written approval of the LPA in respect of the definition of (a) any amendment to the Phases shown on Parameter Plan 029 or any subsequently approved Phasing Parameter Plan or (b) any part of a Phase as an approved Sub-Phase, but provided always that such approval to an amended Phase or Sub-Phase shall not be given unless and until any such proposed amendments or changes or the definition of any Sub-Phases shall have been demonstrated to be unlikely to

4.2.1. have significant adverse environmental effects compared to the assessments contained in the EIA Process unless and to the extent that such changes are validly approved by the LPA after they have been assessed by a subsequent new or revised Environmental Statement and an appropriate EIA process; and/or

4.2.2. significantly undermine comprehensive delivery of the mixed use town centre development in accordance with Policy C1 of the LPA's UDP 2006.

And Provided that any application for approval of any amendments or changes under this ~~condition~~Condition shall (in accordance with Clause 14 of the Initial Planning Agreement) clearly specify any consequential changes to (a) the Critical Infrastructure to be delivered as part of such Phase or (as the case may be) Sub-Phase and/or (b) the payments to be made to the LPA for the purposes of the Consolidated Transport Fund under the CTF Schedule in respect of such

Phase or (as the case may be) Sub-Phase and (c) the relevant Phase Details to be approved pursuant to the detailed requirements for pre-commencement approvals in accordance with Conditions 13.1, 14.1, 15.1, 16.1, 17.1, 18.1, 19.1. and ~~conditions~~ Conditions 20, 21, 22, 23, 24, 25 and 26.

Reason: To ensure the orderly and satisfactory development of the Site in accordance with the assumptions which underpinned the EIA Process, in the interests of highway safety and to assist in achieving the planning benefits of the comprehensive development scheme, whilst allowing sufficient flexibility to enable the development to be delivered in a manner which accords with the EIA process.

4.3. The Indicative Construction Programme for the Phases of the Development shall be the programme appended as Schedule 18 to the Initial Planning Agreement unless and to the extent that the Indicative Construction Programme may be varied in accordance with Conditions 4.4 and 5.1 to 5.4.

Reason: To ensure the orderly and satisfactory development of the site in accordance with the assumptions which underpinned the EIA Process, in the interests of highway safety and to assist in achieving the planning benefits of the comprehensive development scheme, whilst allowing sufficient flexibility to enable the development to be delivered in a manner which accords with the EIA process.

4.4. The Indicative Construction Programme may be amended from time to time, and shall be amended (if and as far as required and appropriate) to support any application for (a) approval of any amendment to the Phasing Parameter Plan in accordance with ~~condition~~ Condition 4.2 or (b) any approval of (or any amendment to) the Primary Development Delivery Programme and/or the Detailed Delivery (Non-PDP) Programme in accordance Conditions 5.1 to 5.4. Such amendments to the Indicative Construction Programme shall be made only with the prior written approval of the LPA and provided that such approval shall be given only if and to the extent that any proposed changes are demonstrated to be unlikely to:

- a) have significant adverse environmental impacts compared to the assessments contained in the EIA Process on which this Permission has been granted or any relevant subsequent EIA Process in relation to a relevant Reserved Matters Approval or Other Matters Approval under this Permission (or in relation to any relevant Additional Planning Permission or Alternative Energy Permission or Section 73 Permission), except if and to the extent that these will be acceptably addressed by any specific alternative mitigation measures that have been approved by the LPA in accordance with Condition 3.2 and following (if

appropriate) a new EIA in support of such application for approval under this Condition]; and

- b) significantly undermine comprehensive development in accordance with Policy C1 of the LPA's UDP 2006.

Reason: To ensure the orderly and satisfactory development of the site in accordance with the EIA Process, to assist in achieving the planning benefits of the scheme and to ensure comprehensive development on both sides of the A406 in accordance with UDP Policy C6.

5. Detailed Delivery Programmes

5.1. No Development shall be Commenced in relation to the Primary Development Package and/or any other Phase of the Development or any Sub-Phase thereof unless and until the Primary Development Delivery Programme and the Detailed Delivery (Non-PDP) Programme insofar as it relates to works which are to be carried out simultaneously with the works contained in the Primary Development Package for Critical Infrastructure in the whole or such Sub-Phase of the Primary Development Package shall have been submitted to and approved by the LPA in a form which accords with the principles and parameters as to the sequencing and approximate duration of operations comprised in the Primary Development Package and the other Phases (insofar as the works in relation to such other Phases are intended to be Commenced or carried out simultaneously with the Primary Development Package) as set out in the Indicative Construction Programme and the indicative programme of works to be approved in accordance with ~~condition~~Condition 2.7 in relation to the A5 Corridor Study (unless and to the extent that the LPA shall approve any modification or variation of such parameters and principles) and the programme assumptions in the relevant approved Transport Reports and provided that no such approval shall be given under this ~~condition~~Condition to any modification or variation of such principles and parameters ~~provided unless and to the extent~~ that the LPA is satisfied that it is unlikely to (a) to cause any significant adverse environmental impacts compared to those assessed in the relevant EIA Process, unless and to the extent that such changes are validly approved by the LPA after they have been assessed by a subsequent new or revised Environmental Statement and an appropriate EIA process or (b) to significantly undermine comprehensive development in accordance with Policy C1 of the UDP 2006~~-.).~~

Reason: To ensure that the Development is delivered in accordance with the assumptions which underpin the EIA relating to the Development and to comply with the relevant planning policies requiring the delivery of comprehensive development across the whole of the Site.

5.2. No Development shall Commence in relation to any Phase of the Development (other than the Primary Development Package) unless and until a Detailed Delivery Programme (the Detailed Delivery (Non-PDP) Programme) for Critical Infrastructure in that Phase outside the PDP has been submitted to and approved by the LPA which accords with the principles and parameters as to the sequencing and approximate duration of operations for the delivery of Critical Infrastructure comprised in such Phase of the Development as set out in the Indicative Construction Programme and the indicative programme of works to be approved in accordance with ~~condition~~Condition 2.7 in relation to the A5 Corridor Study (unless and to the extent that the LPA shall approve any modification or variation of such parameters and principles) and the programme assumptions in the relevant Transport Reports and provided that no such approval shall be given under this ~~condition~~Condition to any modification or variation of such principles and parameters ~~provided unless and to the extent~~ that the LPA is satisfied that it is unlikely (a) to cause any significant unassessed adverse environmental impacts, unless and to the extent that such changes are validly approved by the LPA after they have been assessed by a subsequent new or revised Environmental Statement and an appropriate EIA process or (b) to significantly undermine the comprehensive delivery of the whole of the Development in accordance with Policy C1 of the UDP 2006.

Reason: To ensure that the Development is delivered in accordance with the assumptions which underpin the EIA relating to the Development and to comply with the relevant planning policies requiring the delivery of comprehensive development across the whole of the Site.

5.3. In submitting any application for approval of a detailed delivery programme in accordance with ~~conditions~~Conditions 5.1 and 5.2 and 5.4 the Developers shall provide such information as the LPA may reasonably require to demonstrate that all Necessary Consents required to enable the Critical Infrastructure (Non Pre-Phase) (including any such Critical Infrastructure (Non Pre-Phase) as may be required to be provided in accordance with any Additional Planning Permission or Alternative Energy Permission or any Section 73 Permission) to be commenced and provided within the relevant Phase have been or will be obtained in time to allow such Critical Infrastructure (Non Pre-Phase) to be provided in accordance with the relevant detailed delivery programme.

Reason: To ensure any significant environmental effects are appropriately mitigated and to ensure conformity with adopted planning policies in the Mayor's London Plan (February 2008) and Barnet Unitary Development Plan (May 2006) and consistency with the EIA Process.

5.4. Not to resume carrying out the Development following any suspension in accordance with the provisions set out in paragraph 2 of Schedule 2 to the Initial Planning Agreement unless and until:

5.4.1. the Developers shall have submitted to the LPA and the LPA shall have approved a revised Primary Development Delivery Programme and/or a Detailed Delivery (Non PDP) Programme having regard to the parameters and principles referred to in ~~conditions~~ Conditions 5.1 and 5.2; and

5.4.2. if and to the extent that the programme assumptions in any Phase Transport Reports which were approved prior to such suspension of the Development have been superseded or rendered invalid as a result of the suspension) the Developers shall have obtained the LPA's approval (in accordance with Condition 37) any relevant Phase Transport Reports and/or Reserved Matters Transport Reports relating to such revised Primary Development Delivery Programme and/or a Detailed Delivery (Non PDP) Programme on the basis that the restrictions contained in Conditions 37.2 and 37.5 shall apply so as also to prevent the resumption of the Development following suspension under Paragraph 2 as well as to any further Reserved Matters Applications or Other Matters Applications.

Reason: To ensure that (in the event of resumption after suspension of the Development in accordance with the provisions of the Initial Planning Agreement) the Development is delivered in accordance with the assumptions which underpin the EIA relating to the Development and to comply with the relevant planning policies requiring the delivery of comprehensive development across the whole of the Site.

6. Planning Obligations to bind all land within Phases before Development

6.1. No part of the Development within any Phase or Sub-Phase (which in the case of Phase 1 shall mean the whole of that Phase) shall Commence unless and until all estates and interests in such Phase or Sub-Phase that need to be bound to ensure satisfactory enforcement of the obligations contained in the Initial Planning Agreement (and any other Planning Agreement required or entered into in relation to the Development including any such agreements as may be required in support of any Reserved Matters Approval or any Other Matters Approval or any Additional Planning Permission or any Alternative Energy Approval) shall (in accordance with **Clause 6** of the Initial Planning Agreement) have been bound or made subject to the Planning Obligations and other provisions relating thereto to the reasonable satisfaction (as confirmed in writing) of the LPA insofar as such obligations relate to or affect either the whole of the Site or to such Phase or Sub-Phase specifically.

Reason: To ensure that the proposed development can be carried out in accordance with the relevant framework of control contained in these ~~conditions~~Conditions and the Planning Agreement and (as assessed in the EIA Process) does not cause unacceptable harm to the Environment or prejudice the amenities of existing occupiers.

6.2. Condition 6.1 shall not apply if and to the extent that the LPA shall have previously approved in writing Commencement of the Development in any Phase or Sub- Phase without complying with this ~~condition~~Condition before all interests in the whole of that Phase have been so bound but no such approval will be granted unless (a) the area of land which is not so bound into the Planning Obligations is minor and insignificant in terms of the future enforcement of the Planning Obligations and (b) the approval is unlikely to cause significant environmental impacts compared to the impacts as assessed in the EIA Process and is unlikely to significantly undermine the comprehensive Development of the relevant Phase or Sub-Phase and/or the Site as a whole.

Reason: To ensure that the development is effectively carried out in a manner which is consistent with the framework of control contained in these ~~conditions~~Conditions and the Planning Agreement and (as assessed in the EIA Process) does not cause unacceptable harm to the environment or prejudice the amenities of existing occupiers.

7. Estate Management Framework

7.1. No Reserved Matters Application shall be submitted in relation to Phase 1 or any other Phase of the Development unless and until the Estate Management Framework , which may include the establishment of an Estate

Planning Conditions

Application Reference: C/17559/08

Dated ~~16 July~~9th September 2010

Management Body for adopting managing cleansing maintaining repairing and/or renewing such areas of Public Realm and other parts of the Critical Infrastructure within the Development (as may be appropriate in respect of the relevant Phase) shall have been submitted to and approved by the LPA and for the avoidance of doubt it is likely that the LPA will consider that different arrangements are appropriate for different parts of Public Realm and Critical Infrastructure within the Development.

Reason: To ensure that the future management maintenance repair and upkeep of development is delivered to an appropriately high standard of safety and quality across the whole of the Development.

7.2. The Estate Management Framework shall be prepared in consultation with the LPA and in accordance with the parameters and principles described in section 2.90 of the DSF- and those contained in Schedule 21 to the Initial Planning Agreement.

Reason: To ensure suitable control for the future management and maintenance of the site.

8. Code of Construction Practice and Construction Environmental Management Plans

8.1. No development shall Commence unless and until the CoCP, has been submitted to and approved by the LPA in accordance with the parameters and principles and the scope described referred to and defined in the Draft CoCP and revised to ensure that it reflects best practice guidance and the relevant circumstances at the time of its submission for approval. Thereafter the development shall be carried out in accordance with the approved document and any subsequent amendments shall be agreed in writing with the LPA. For avoidance of doubt the final CoCP shall cover the following minimum requirements:

- (i) Machinery (Noise & Vibration Levels and mitigation measures, location and storage of plant, materials and fuel, access routes, access to banks etc.) and likely impacts on Noise Sensitive Premises
- (ii) Protection of areas of ecological sensitivity and importance
- (iii) Site supervision
- (iv) Methods for the control of dust and air pollution
- (v) Methods used for all channel and bankside water margin works

Reason: To ensure that the construction of Development uses best practicable means to minimise adverse environmental impacts.

8.2. The CoCP shall be revised by the Developer at least every 3 years to reflect any changes in relevant best practice guidance or other relevant policy guidance and so as to satisfactorily address (insofar as may be reasonably practicable) any issues of concern or causes of complaints which might arise in relation to the operation of any approved version of the CoCP and (unless the LPA shall have confirmed in writing to the Developers that no review is required for the time being) the Developers shall submit such revised CoCP to the LPA for approval by the LPA no less than once every 3 years. Following any such review the Development shall be carried out in accordance with the approved revised CoCP, ~~unless otherwise approved by the LPA if and to the extent that such approval is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process.~~

Reason: To ensure that the construction of the development uses best practicable means to minimise adverse environmental impacts in a manner which is consistent with the EIA Process.

8.3. Not to Commence the Development in any Phase and/or on any Plot or any other construction site within any Phase unless and until the Construction Environmental Management Plan relating thereto shall have been submitted to and approved by the LPA on the basis that such Construction Environmental Management Plan shall be in accordance with the CoCP and shall apply the principles and parameters of the CoCP to the specific circumstances of the relevant Phase Plot or construction site (as the case may be) and the part of the Development to be carried out thereon.

Reason: To ensure that the construction of the development uses best practicable means to minimise adverse environmental impacts in a manner which is consistent with the EIA Process.

8.4. (Subject to compliance with Conditions 35.3, 35.4 and 35.6) not to Commence Phase 1 of the Development unless and until the proposed construction access for the Waste Handling Facility and the CHP/CCHP respectively shall have been submitted to and approved by the LPA and such access shall demonstrate that construction access to the relevant Plots for these elements of Phase 1 Critical Infrastructure (by reference to the Transport Assessment the Revised Environmental Assessment and the Phase Transport [Report](#) for Phase 1) that there are no likely unassessed traffic or environmental impacts caused by construction traffic associated with the construction of such facilities and associated works. Access to these Plots during the construction of these facilities and the carrying out of associated

works shall be in accordance with the arrangements approved in accordance with this Condition.

Reason: To ensure that the construction traffic associated with the construction of the Waste Handling Facility and the CHP/CCHP and associated works do not cause unacceptable impacts on the transport network or the environment and local amenity.

9. Demolition and Site Waste Management Plan

9.1. No Development shall be Commenced in relation to any Phase of the Development unless and until a Demolition and Site Waste Management Plan (DSWMS), which shall be in general accordance with the parameters and principles and the scope outlined in paragraph 2.50 of the DSF and the CoCP, has been submitted to and approved by the LPA. The Development, including any related demolition works, shall be carried out in accordance with the approved Demolition and Site Waste Management Plan.

Reason: To ensure effective demolition and waste management in accordance with the mitigation measures proposed and described in the Environmental Statement.

10. The Employment and Skills Action Plan & Skills Development Method Statement

10.1. No Reserved Matters Application shall be submitted in relation to any given Phase of the Development unless and until an Employment and Skills Action Plan (incorporating a Skills Development Method Statement) for that Phase has been submitted to and approved in writing by the LPA in accordance with the principles set out within paragraph 11 of Schedule 2 to the Initial Planning Agreement. The Skills Development Method Statement element of the plans will build up over the lifetime of the scheme starting with measures to improve job opportunities associated with demolition and construction phases and then employment opportunities in each subsequent phase of the development including the operation of any Plot Development after Occupation.

Reason: To facilitate the economic regeneration of the surrounding areas and secure appropriate provision of employment and training initiatives.

11. Car Parking Management Strategy, Phase Car Parking Strategy and Phase Car Parking Standards

11.1. No development shall Commence unless and until the Car Parking Management Strategy, has been submitted to and approved by the LPA in

accordance with the parameters and principles and the scope set out in the Car Parking Management Strategy Schedule

Reason: To ensure the effective management of car parking across the scheme so as to assist in encouraging modal share away from private transport and to minimise adverse environmental impacts.

11.2. Not to submit the first Reserved Matters Application for any Phase or Sub-Phase of the Development without first submitting to the LPA and obtaining approval to the Phase Car Parking Standards and the Phase Car Parking Strategy and thereafter all relevant Reserved Matters Applications in that Phase or Sub-Phase shall include details to ensure that car parking facilities and spaces are provided and managed within the relevant Phase in accordance with the approved Phase Car Parking Standards and Phase Car Parking Strategy for that Phase.

Reason: To ensure that the parking strategy within the Development is implemented in accordance with the principles described in the Transport Assessment) by sustainable transport methods in the interests of avoiding unnecessary transport emissions and congestion.

12. Construction Transport Management

12.1. No development shall commence until details of the Site-wide Construction Transport Management Plan (CTMP) have been submitted to and approved by the LPA and provided that:

12.1.1. The CTMP shall be prepared in accordance with the parameters and principles and the scope described and defined in section 11 of the Draft CoCP. ~~The Development shall be carried out in accordance with the approved CTMP, unless otherwise approved by the LPA (and provided that such approval shall be given under this condition to any modification or variation of such requirement the LPA is satisfied that it is unlikely to cause any significant unassessed adverse environmental impacts, unless and to the extent that such changes are validly approved by the LPA after they have been assessed by a subsequent new or revised Environmental Statement and an appropriate EIA process, and the conclusions of the CCC Feasibility Study and will consider construction traffic during November and December related to Brent Cross Shopping Centre. The Development shall be carried out in accordance with the approved CTMP.~~

12.1.2. The CTMP shall be revised by the Developer at least every 3 years to reflect any changes in relevant best practice guidance or other relevant policy guidance and so as to satisfactorily address (insofar as may be reasonably practicable) any issues of concern or causes of complaints which might arise in relation to the operation of any approved version of the CTMP

and (unless the LPA shall have confirmed in writing to the Developers that no review is required for the time being) the Developers shall submit such revised CTMP to the LPA for approval by the LPA no less than every 3 years. The Development shall be carried out at all times in accordance with the CTMP as so revised and approved from time to time

Reason: To ensure that appropriate construction transport management is adopted so as to minimise the construction impacts as far as reasonably practicable and ensure that the Development is carried out in accordance with all relevant best practice and guidance.

12.2. Prior to the commencement of work in any Phase the Developers shall prepare and submit to the LPA for approval (in consultation with TfL in so far as it relates to the Strategic Transport Network) an updated Construction Worker Travel Plan for that Phase in accordance with the terms set out in the Construction Workers Travel Plan Framework and in accordance with the obligations set out in paragraph 20 of Schedule 3 to the Initial Planning Agreement.

Reason: To ensure that appropriate construction transport management is adopted in accordance with the principles and arrangements described in the Construction Workers Travel Plan Framework, Transport Assessment and the Environmental Statement.

PART B - Phase Specific Pre-Commencement Conditions

13.Pre- Phase 1 Commencement Submissions and Approvals

13.1. No development shall take place within Phase 1 or any Sub-Phase unless and until

- a) ~~the~~The Phase 1 Details for the Critical Infrastructure (Pre-Phase) to be delivered or provided in accordance with the Primary Development Delivery Programme as part of the whole (or any approved Sub-Phase) of Phase 1 as listed below have been submitted to and approved in writing by the LPA in accordance with the relevant parameters and principles contained in the DSF and the Design and Access Statement (including the Design Guidelines); and

- b) All Necessary Consents have been agreed, obtained permitted or otherwise authorised to enable the Critical Infrastructure (Pre-Phase) for the whole of (or any approved Sub-Phase of) Phase 1 to be Commenced and completed in accordance with the LPA's approval of the Phase 1 Details as listed below (subject to any amendments to the

Indicative Phasing Plan or any defined Sub-Phases which may be approved in accordance with Condition 4.2 and Clauses 13 and 14 of the Initial Planning Agreement~~););~~;

Strategic Access Points

- (i) A406 Brent Cross Ingress/Egress Junction Improvements~~;~~
- (ii) A41/A406 Junction Improvements ~~;~~
- (iii) A407 Cricklewood Lane/Claremont Road Junction Improvements~~;~~
- (iv) A5/Diverted Geron Way (Waste Handling Facility) Junction~~;~~
- (v) A5/A407 Cricklewood Lane Junction Improvements~~;~~

Primary and secondary roads, Cycle and pedestrian routes, and associated junctions, as shown on Parameter Plan 003;

- (vi) Claremont Avenue
- (vii) Claremont Road Junction North~~;~~
- (viii) Claremont Park Road (Part 1)~~);)~~
- (ix) Templehof Avenue and Templehof Link Road
- (x) Tilling Road West Re-alignment and Diversion (Part 1)
- (xi) Claremont Avenue Junction with Tilling Road
- (xii) Brent Cross Pedestrian Underpass Works ~~;~~
- (xiii) Prince Charles Drive Diversion~~;~~

Engineering Works

- (xiv) Bus Station Temporary Enhancement Works~~;~~
- (xv) Eastern River Brent Alteration & Diversion Works~~;~~

Bridge Structures;

- (xvi) Bridge Structure B1 (Replacement A406 Templehof Bridge)

- (xvii) River Brent Bridges (as relevant to the Eastern River Brent Alteration and Diversion Works~~);~~)

Principal Open Spaces (and any temporary open space);

- (xviii) Clarefield Park Temporary Replacement Open Space
- (xix) Brent Cross Main Square
- (xx) River Brent Nature Park
- (xxi) Eastern Brent Riverside Park
- (xxii) School Green Corridor
- (xxiii) Claremont Park Improvements
- (xxiv) Market Square
- (xxv) Clitterhouse Playing Fields Improvements Part 1
- (xxvi) Brent Terrace Green Corridor~~;~~

Whitefield Estate Replacement Units

- (xxvii) Whitefield Estate Replacement Units.

Reason: To ensure the timely provision of Critical Infrastructure (Pre-Phase) required to support development within Phase 1 (and/or any approved Sub-Phase) and to secure the delivery of a substantial part of the new town centre within the Primary Development Package in accordance with the planning policy framework and the EIA Process.

14.Pre- Phase 2 Commencement Submissions

14.1. No development shall take place within Phase 2 or any Sub-Phase of Phase 2 unless and until

- a) The Phase 2 Details for the Critical Infrastructure (Pre-Phase) to be delivered or provided in accordance with the Detailed Delivery (Non PDP) Programme as part of the whole (or any approved Sub-Phase of Phase 2) as listed below have been submitted to and approved in writing by the LPA (in accordance with the relevant parameters and principles contained in the DSF and the Design and Access Statement (including the Design Guidelines); and

- b) All Necessary Consents have been agreed, obtained, permitted or otherwise authorised to enable the Critical Infrastructure (Pre-Phase) for the whole of (or any approved Sub-Phase of) Phase 2 to be Commenced and completed in accordance with the LPA's approval of the Phase 2 Details as listed below (subject to any amendments to the Indicative Phasing Plan or any defined Sub-Phases which may be approved in accordance with Condition 4.2 and Clauses 13 and 14 of the Initial Planning Agreement):

Strategic Access Points

- (i) M1/A406 and A5/A406 Junction Improvements
- (ii) A41 Whitefield Avenue Junction

Primary and secondary roads, Cycle and pedestrian routes, and associated junctions, as shown on Parameter Plan 003;

- (iii) Claremont Park Road Part 2
- (iv) High Street North
- (v) High Street South
- (vi) Whitefield Street
- (vii) Whitefield Avenue
- (viii) Tilling Road East Improvements~~2~~

Engineering Works

- (ix) Transport Interchange T2 (Replacement Brent Cross Bus Station)~~2~~
- (x) Central River Brent Alteration & Diversion Works~~2~~

Bridge Structures

- (xi) Bridge Structure B5 (A41 Pedestrian Bridge)~~2~~
- (xii) Bridge Structure B6 (M1 Junction 1 Pedestrian and Cycle Bridge)~~2~~
- (xiii) River Brent Bridges (as relevant to the Central River Brent Alteration and Diversion Works)~~2~~

Principal Open Spaces (and any temporary open space/landscaping)

Planning Conditions

Application Reference: C/17559/08

Dated ~~16 July~~^{9th September} 2010

- (xiv) Clitterhouse Stream Nature Park
- (xv) Clitterhouse Playing Fields Improvements (Part 2)
- (xvi) Eastern Lands Green Corridor (Part 1)
- (xvii) Eastern Park (Part 1)
- (xviii) School Square
- (xix) Sturgess Park Improvements
- (xx) Whitefield Square
- (xxi) Central Brent Riverside Park

Reason: To ensure the timely provision of the Critical Infrastructure (Pre-Phase) required to support development within Phase 2 and to secure the delivery of comprehensive regeneration in accordance with the planning policy framework and the EIA Process.

15.Pre- Phase 3 Commencement Submissions

15.1. No development shall take place within Phase 3 or any Sub-Phase of Phase 3 unless and until

- a) The Phase 3 Details for the Critical Infrastructure (Pre-Phase) to be delivered or provided in accordance with the Detailed Delivery (Non-PDP) Programme as part of the whole (or any approved Sub-Phase) of Phase 3 as listed below have been submitted to and approved in writing by the LPA in accordance with the relevant parameters and principles contained in the DSF and the Design and Access Statement (including the Design Guidelines); and
- b) All Necessary Consents have been agreed, obtained, permitted or otherwise authorised to enable the Critical Infrastructure (Pre-Phase) for the whole of (or any approved Sub-Phase of Phase 3) to be Commenced and completed in accordance with the LPA's approval of the Phase 3 Details as listed below (subject to any amendments to the Indicative Phasing Plan or any defined Sub-Phases which may be approved in accordance with Condition 4.2 and Clauses 13 and 14 of the Initial Planning Agreement):

Engineering Works

- (i) Western River Brent Alteration & Diversion Works

Bridge Structures

Planning Conditions

Application Reference: C/17559/08

Dated ~~16 July~~^{9th September} 2010

- (ii) Bridge Structure B4 (Pedestrian Bridge over the A406)
- (iii) River Brent Bridges (as relevant to the Western River Brent Alteration and Diversion Works)

Principal Open Spaces (and any temporary open space/landscaping)

- (iv) Eastern Lands Green Corridor (Part 2)
- (v) Eastern Park (Part 2)
- (vi) Western Brent Riverside Park

Reason: To ensure the timely provision of Critical Infrastructure (Pre-Phase) required to support development within Phase 3 or such Sub-Phase and to secure the delivery of comprehensive regeneration in accordance with the planning policy framework and the EIA Process.

16.Pre- Phase 4 Commencement Submissions

16.1. No development shall take place within Phase 4 or any Sub-Phase of Phase 4 unless and until

- a) The Phase 4 Details for the Critical Infrastructure (Pre-Phase) to be delivered or provided in accordance with the Detailed Delivery (Non-PDP) Programme as part of the whole (or any approved Sub-Phase) of Phase 4 as listed below have been submitted to and approved in writing by the LPA in accordance with the relevant parameters and principles contained in the DSF and the Design and Access Statement (including the Design Guidelines); and
- b) All Necessary Consents have been agreed, obtained, permitted or otherwise authorised to enable the Critical Infrastructure (Pre-Phase) for the whole of (or any approved Sub-Phase of) Phase 4 to be Commenced and completed in accordance with the LPA's approval of the Phase 4 Details as listed below (subject to any amendments to the Indicative Phasing Plan or any defined Sub-Phases which may be approved in accordance with Condition 4.2 and Clauses 13 and 14 of the Initial Planning Agreement):

Primary and secondary roads, Cycle and pedestrian routes, and associated junctions, as shown on Parameter Plan 003;

- (i) Claremont Road Junction South~~r~~
- (ii) A5/Rail Freight Facility Junction

Engineering Works

Planning Conditions

Application Reference: C/17559/08

Dated ~~16 July~~^{9th September} 2010

- (iii) Rail Freight Facility

Principal Open Spaces (and any temporary open space/landscaping)

- (iv) Gas Governor Square
- (v) Millennium Green Improvements.

Reason: To ensure the timely provision of Critical Infrastructure (Pre-Phase) required to support development within Phase 4 and to secure the delivery of comprehensive regeneration in accordance with the planning policy framework and the EIA Process.

17.Pre- Phase 5 Commencement Submissions

17.1. No development shall take place within Phase 5 or any Sub-Phase of Phase 5 unless and until

- a) The Phase 5 Details for the Critical Infrastructure (Pre-Phase) to be delivered or provided in accordance with the Detailed Delivery (Non-PDP) Programme as part of the whole (or any approved Sub-Phase) of Phase 5 as listed below have been submitted to and approved in writing by the LPA in accordance with the relevant parameters and principles contained in the DSF and the Design and Access Statement (including the Design Guidelines); and
- b) All Necessary Consents have been agreed, obtained, permitted or otherwise authorised to enable the Critical Infrastructure (Pre-Phase) for the whole of (or any approved Sub-Phase of) Phase 5 to be Commenced in accordance with the LPA's approval of the Phase 5 Details as listed below (subject to any amendments to the Indicative Phasing Plan or any defined Sub-Phases which may be approved in accordance with Condition 4.2 and Clauses 13 and 14 of the Initial Planning Agreement):

Primary and secondary roads, Cycle and pedestrian routes, and associated junctions, as shown on Parameter Plan 003;

- (i) Spine Road North
- (ii) Spine Road South
- (iii) A5/Link Road over Midland Mainline Junction

Engineering Works

- (iv) Transport Interchange T1 (New Train Station & Transport Interchange)

Planning Conditions
Application Reference: C/17559/08
Dated ~~16 July~~ 9th September 2010

Bridge Structures

- (v) Bridge Structure B2 (A5 Link Bridge)
- (vi) Bridge Structure B3 (Geron Way Pedestrian Bridge)

Principal Open Spaces (and any temporary open space/landscaping);

- (vii) Brent Terrace Park
- (viii) Railway Lands Nature Park
- (ix) Station Square

Reason: To ensure the timely provision of Critical Infrastructure (Pre-Phase) to support development within Phase 5 and to secure the delivery of comprehensive regeneration in accordance with the planning policy framework and the EIA Process.

18. Pre- Phase 6 Commencement Submissions

18.1. No development shall take place within Phase 6 or any Sub-Phase of Phase 6 unless and until

- a) The Phase 6 Details for the Critical Infrastructure (Pre-Phase) to be delivered or provided in accordance with the Detailed Delivery (Non-PDP) Programme as part of the whole (or any approved Sub-Phase) of Phase 6 as listed below have been submitted and approved in writing by the LPA in accordance with the relevant parameters and principles contained in the DSF and the Design and Access Statement (including the Design Guidelines); and
- b) All Necessary Consents have been agreed, obtained, permitted or otherwise authorised to enable the Critical Infrastructure (Pre-Phase) for the whole of (or any approved Sub-Phase of) Phase 6 to be Commenced in accordance with the LPA's approval of the Phase 6 Details as listed below (subject to any amendments to the Indicative Phasing Plan or any defined Sub-Phases which may be approved in accordance with Condition 4.2 and Clauses 13 and 14 of the Initial Planning Agreement):

Principal Open Spaces (and any temporary open space/landscaping)

- (i) Northern Nature Park
- (ii) Tower Square

Planning Conditions
Application Reference: C/17559/08
Dated ~~16 July~~ 9th September 2010

- (iii) North Circular Green Corridor

Reason: To ensure the timely provision of Critical Infrastructure (Pre-Phase) to support development within Phase 6 and to secure the delivery of comprehensive regeneration in accordance with the planning policy framework and the EIA Process.

19.Pre- Phase 7 Commencement Submissions

19.1. No development shall take place within Phase 7 or any Sub-Phase of Phase 7 unless and until

- a) The Phase 7 Details for the Critical Infrastructure (Pre-Phase) to be delivered or provided in accordance with the Detailed Delivery (Non-PDP) Programme as part of the whole (or any approved Sub-Phase) of Phase 7 as listed below have been submitted to and approved in writing by the LPA in accordance with the relevant parameters and principles contained in the DSF and in the DSF and the Design and Access Statement (including the Design Guidelines); and
- b) All Necessary Consents have been agreed, obtained, permitted or otherwise authorised to enable the Critical Infrastructure (Pre-Phase) for the whole of (or any approved Sub-Phase of Phase 7) to be Commenced in accordance with the LPA's approval of the Phase 7 Details as listed below (subject to any amendments to the Indicative Phasing Plan or any defined Sub-Phases which may be approved in accordance with Condition 4.2 and Clauses 13 and 14 of the Initial Planning Agreement):

Primary and secondary roads, Cycle and pedestrian routes, and associated junctions, as shown on Parameter Plan 003;

- (i) Tilling Road West Realignment and Improvement Works (Part 2~~)-1~~)

Principal Open Spaces (and any temporary open space/landscaping)

- (ii) Office District Park
- (iii) Community Square

Reason: To ensure the timely provision of Critical Infrastructure (Pre-Phase) to support development within Phase 7 and to secure the delivery of comprehensive regeneration in accordance with the planning policy framework and the EIA Process.

Part C -Triggers and Thresholds by Phase

20. Phase 1 Triggers and Thresholds

Templehof Avenue and Link Road

20.1. Not to Occupy or open for trade either the Existing John Lewis Store once vacated nor any of the retail floor space hereby approved within the Brent Cross East Zone, with the exception of the New John Lewis Store, prior to practical completion of the new Bridge Structure B1 (Replacement A406 Templehof Bridge) and the Templehof Avenue and Link Road in accordance with the relevant Necessary Consents. Development of the Bridge Structure B1 (Replacement A406 Templehof Bridge), Templehof Avenue and Link Road shall be carried out in accordance with the relevant Phase 1 Details and such Details shall include:

- a) The amount of clearance over the A406 and lighting and design from the point of view of A406 users and road safety; and
- b) an explanation of how this bridge will be beneficial for cyclists and pedestrians at all times of day and night, including Step free access to the A406 on both footways and step free access to site of proposed bus station.

Reason: To connect the proposed High Street on both sides of the A406 road corridor, to ensure the future success of the town centre and to secure the comprehensive regeneration in accordance with the planning policy framework, planning application and EIA process.

A406 Brent Cross Ingress/Egress Junction Improvements

20.2. Not to Occupy or open for trade either the existing John Lewis store once vacated or any of the retail floor space hereby approved within the Brent Cross East Zone with the exception of the New John Lewis store, prior to practical completion of the A406 Brent Cross Ingress/Egress Junction Improvements in accordance with the relevant Necessary Consents.

Reason: To improve vehicular access to the Brent Cross Shopping Centre and support the proposed new retail development within the Brent Cross East Zone.

A41/A406 Junction Works (including Brentfield Gardens Junction Works and A41 Underpass works)

20.3. Not to Occupy or open for trade either the existing John Lewis store once vacated or any of the retail floor space hereby approved within the Brent Cross East Zone, with the exception of the New John Lewis store, prior to

practical completion of the A41/A406 Junction Works including Brentfield Gardens Junction Works and A41 underpass works in accordance with the relevant Necessary Consents.

Reason: To improve vehicular access to the Brent Cross Shopping Centre in order to support the proposed new retail development within the Brent Cross East Zone.

Brent Cross Pedestrian Underpass Works

20.4. Not to Occupy or open for trade either the existing John Lewis store once vacated or any of the retail floor space hereby approved within the Brent Cross East Zone, with the exception of the New John Lewis store, prior to practical completion of the Brent Cross Pedestrian Underpass Works in accordance with the relevant Necessary Consents.

Reason: To improve pedestrian access and safety between Brent Cross London Underground Station and new retail development within the Brent Cross East Zone in order to encourage safe and sustainable transport choices.

Diversion of Prince Charles Drive

20.5. Not to Occupy or open for trade either the existing John Lewis store once vacated or any of the retail floor space hereby approved within the Brent Cross East Zone, with the exception of the new John Lewis store, prior to practical completion of the Prince Charles Drive Diversion in accordance with the relevant Necessary Consents.

Reason: To facilitate the creation of the pedestrianised route within the Brent Cross East Zone and to ensure an appropriate level of vehicular accessibility is implemented to support the proposed new retail development within the Brent Cross East Zone

Claremont Avenue

20.6. Not to Occupy more than 1,000 residential units south of the A406 or to Occupy or bring into use the New Superstore (within the Eastern Lands zone) prior to practical completion of Claremont Avenue in accordance with the relevant Necessary Consents.

Reason: To ensure the timely provision of the Claremont Avenue access route for local traffic.

Claremont Avenue Junction with Tilling Road

20.7. Not to Occupy or open for trade –either the existing John Lewis store once vacated or any of the retail floor space hereby approved within the Brent Cross East Zone, with the exception of the New John Lewis store, prior to the practical completion of Claremont Avenue Junction with Tilling Road in accordance with the relevant Necessary Consents.

Reason: To ensure the timely provision of the Claremont Avenue access to support development.

Claremont Road North Junction

20.8. Not to Occupy more than 1,000 residential units nor to Occupy or trade from the New Superstore (in the vicinity of Plot 28 within the Eastern Lands Zone) prior to practical completion of Claremont Road Junction North in accordance with the relevant Necessary Consents.

Reason: to ensure the timely provision of the Claremont Avenue access route to support development.

Claremont Park Road (Part 1)

20.9. Not to Occupy more than 100 residential units on the Plots immediately north of Claremont Park (comprising those on Plots 11, 12, 14 and 15) -prior to practical completion of Claremont Park Road (Part 1) in accordance with the relevant Necessary Consents.

Reason: To ensure adequate access to the development of new residential units to the north of Claremont Park in accordance with the submitted assessments and details.

A407 Cricklewood Lane /Claremont Road and A407/A5Cricklewood Lane Junction Works

20.10. Not to Occupy any part of the development south of the A406 prior to practical completion of Cricklewood Lane (A407)/Claremont Road and A407/A5 Junction Works in accordance with the relevant Necessary Consents.

Reason: To mitigate the congestion impacts of the proposed development on these junctions.

20.11. Not to commence the construction of Cricklewood Lane (A407)/Claremont Avenue and Cricklewood Lane (A407)/A5 Junction Works until any traffic management measures or other mitigation measures to Chichelle Road and required by the London Borough of Brent have been authorised by a section 278 highways agreement

Reason: To mitigate transport impacts on this part of the transport network and support development to the south of the A406.

A5 Junction to Waste Handling Facility

20.12. Not to Occupy the Waste Handling Facility prior to the practical completion of the A5 Junction to Waste Handling Facility in accordance with the relevant Necessary Consents, ~~unless otherwise agreed in writing with the LPA if and to the extent that such approval is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process.~~ The development of the A5 Junction to Waste Handling Facility shall not be commenced until any traffic management measures to Humber Road (as identified in the A5 Corridor Study) and required by the London Borough of Brent have been authorised by a section 278 highways agreement

Reason: To accommodate traffic generated by the operation of the Waste Handling Facility.

20.13. *Not used*

Tilling Road West Re-alignment and Improvement Works

20.14. Not to Occupy more than 1,000 residential units south of the A406 or to Occupy or bring into use the New Superstore south of the A406 in the vicinity of Plot 28 in the Eastern Lands prior to the practical completion of Tilling Road West Re-alignment Works (Part 1) in accordance with the relevant section 38 and/or 278 highways agreement and other relevant Necessary Consents.

Reason: to support development south of the A406 and facilitate the development of the wider regeneration area

Eastern River Brent Alteration & Diversion Works

20.15. Not to Occupy or open for trade the existing John Lewis store once vacated nor any of the retail floor space hereby approved within the Brent Cross East Zone with the exception of the New John Lewis store prior to practical completion of the Eastern River Brent Alteration & Diversion Works including the Wetland Area in accordance with the relevant Necessary Consents.

Reason: To facilitate the creation of the pedestrianised High Street North and provide an attractive resource for the new and existing community and reducing the current flooding problems and to secure the delivery of a substantial part of the new town centre in accordance with the planning policy framework and the EIA Process.

Replacement Primary School

20.16. Not to Occupy more than 1,350 residential units prior to the practical completion of the Replacement Primary School within Phase 1 in accordance with the relevant Necessary Consents unless the Council as the Local Education Authority shall have made alternative arrangements for places to accommodate pupils generated by the Development as referred to in paragraph 2.4 of Schedule 2 to the Initial Planning Agreement.

Reason: To ensure the timely delivery of the primary school in line with the ICP and the Phase 1 Details.

Temporary Health Centre

20.17. On the date of the submission of the first Reserved Matters Application for residential units in the Market Quarter zone the Developer shall confirm with the PCT (or successor body or appropriate health provider as agreed with the LPA) its space requirements and location for the

Temporary Health Centre (up to 300 sq.m) in the Market Quarter zone and offer a lease to the PCT/healthcare provider of that facility on reasonable terms. Subject to completion of an agreement of the lease in accordance with the obligations as set out in paragraph 7 of Schedule 2 to the Initial Planning Agreement, no more than 450 residential units in the Market Quarter Zone shall be occupied until the Temporary Health Centre has been provided. The facility shall remain in place until the Main Health Centre is provided or the lease of the Temporary Health Centre expires, whichever is the earlier.

Reason: To ensure the timely provision of the Temporary Health Centre in accordance with the ICP.

Community Facilities (Brent Cross East Zone)

20.18. Not to Occupy or open for trade more than 10,000 sq.m of new built comparison retail within Brent Cross East Zone (with the exception of the New John Lewis store), and not to re-occupy the Existing John Lewis store prior to practical completion the Community Facilities (Brent Cross East Zone).

Reason: To ensure the timely provision of the Community Facilities (Brent Cross East Zone) in accordance with the ICP.

Community Facilities (Market Quarter Zone)

20.19. Not to Occupy more than 450 residential units in the Market Quarter Zone and/or the Eastern Lands Zone prior to practical completion of the Community Facilities (Market Quarter Zone).

Reason: To ensure the timely provision of the Community Facilities (Market Quarter Zone) in accordance with the ICP.

Temporary Open Space

20.20. Not to close to the public or to redevelop Clarefield Park until the Clarefield Park Temporary Replacement has been completed and provided for public use in accordance with all relevant Necessary Consents and the parameters and principles set out in paragraph 2.68 of the DSF and the Phase 1 Details relating to it.

Reason: To ensure ongoing open space provision for existing and future residents during the early phases of development.

River Brent Nature Park

20.21. Not to Occupy or open for trade either the existing John Lewis store once vacated or any of the retail floor space hereby approved within the Brent Cross East Zone, with the exception of the New John Lewis store prior to practical completion of the River Brent Nature Park and the Wetland Area within Brent Cross East zone in accordance with the relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of River Brent Nature Park in accordance with the DSF and ICP.

Eastern Brent Riverside Park

20.22. Not to Occupy or open for trade either the existing John Lewis store once vacated or any of the retail floor space hereby approved within the Brent Cross East Zone, with the exception of the New John Lewis store, prior to practical completion of the Eastern Brent Riverside Park in accordance with the relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of the Eastern Brent Riverside Park in accordance with the DSF and ICP.

Brent Cross Square

20.23. Not to Occupy or open for trade either the existing John Lewis store once vacated or any of the retail floor space hereby approved within the Brent Cross East Zone, with the exception of the New John Lewis store, prior to practical completion of the Brent Cross Square in accordance with the relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Brent Cross Square in accordance with the DSF and ICP.

Clitterhouse Playing Fields

20.24. Not to Occupy any residential units within the Southern Development unless and until a binding contract has been entered into to carry out the Clitterhouse Playing Fields Improvements (Part 1) in accordance with the relevant Phase 1 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Eastern Lands Green Corridor in accordance with the DSF and ICP.

20.25. *NOT USED*

Claremont Park Improvements

20.26. Not to Occupy more than 750 residential units in the Market Quarter Zone prior to the practical completion and provision of the Claremont Park Improvements in accordance with the relevant Necessary Consents.

Reason: To ensure the appropriate and timely completion and provision of Claremont Park Improvements in accordance with the DSF and ICP.

School Green Corridor

20.27. The redeveloped Claremont Primary School shall not be Occupied prior to practical completion and provision of the School Green Corridor, in accordance with the relevant Phase 1 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Brent Terrace Green Corridor in accordance with the DSF and ICP.

Market Square

20.28. Not to Occupy more than 750 residential units in Market Quarter Zone prior to practical completion of the Market Square in accordance with the relevant Phase 1 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Market Square in accordance with the DSF and ICP.

Neighbourhood Police Unit (Market Quarter Zone)

20.29. ~~Subject to Unless the requirements Police Authority indicate that they do not wish to take a lease of the Metropolitan Police Service (or another organisation nominated by them) agreed in accordance with paragraph 8.2.5 of Schedule 2 to the Initial Planning Agreement, not to Occupy facility, not~~ more than 750 residential units in Market Quarter Zone ~~shall be occupied~~ prior to ~~practical completion~~ Practical Completion of the Neighbourhood Police Unit ~~of up to 93 sq.m (Market Quarter Zone) in accordance with the relevant Phase 1 Details unless otherwise agreed in writing by the LPA if and to the extent that such approval is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process (which may include providing a single Neighbourhood Police Unit of 186 sq.m in the Development) in accordance with the relevant Necessary Consents.~~

Reason: To ensure the appropriate and timely provision of the Neighbourhood Police Unit (Market Quarter Zone) in accordance with the DSF and ICP.

Bus Station Temporary Enhancement Works

20.30. Not to Occupy the New John Lewis Store prior to the completion of the Bus Station Temporary Enhancement Works in accordance with the relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of public transport facilities to support new retail development within Brent Cross East Development Zone.

Bus Station Permanent Enhancement Works

20.31. (Unless the Developer shall already have legally committed to construct the Transport Interchange T2 (Replacement Brent Cross Bus Station) by Commencing Phase 2 or otherwise), not to Occupy the New John Lewis Store unless and until it shall have submitted to the LPA and shall have obtained approval to the Bus Station Permanent Enhancement Works in accordance with this Condition together with an amendment to the Primary Development Delivery Programme which will provide for the construction and completion of the Bus Station Permanent Enhancement Works no later than 3 years from the Occupation and opening for trade of the New John Lewis Store or the date 5 years after the Commencement of the Primary Development Package (whichever is the earlier) and to carry out the Bus Station Permanent Enhancement Works in accordance with such revised Primary Development Delivery Programme and all other relevant Necessary Consents unless and until the Developer is legally committed to construct the Transport Interchange T2 (Replacement Brent Cross Bus Station) in accordance with the Detailed Delivery (Non-PDP) Programme with a view to completing the Transport Interchange T2 (Replacement Brent Cross Bus Station) prior to such date.

Reason: To ensure the appropriate and timely provision of public transport facilities to support new retail development within Brent Cross East Development Zone.

21.Phase 2 Triggers and Thresholds

21.1. M1/A406 and A5/A406 Junction

21.1.1. Not to Occupy more than 1,349 residential units, nor more than 61,201 sq m GFA of A Class Uses (which includes the New John Lewis Store but excludes the re-occupation of the Existing John Lewis Store), nor more than 24,619 sq m of B class uses until the A5/M1/A406 junction improvements shown on Scott Wilson drawings P/D11879/H/100/1011F, 100/1012F and 100/1031F is completed and open to traffic in accordance with the relevant Necessary Consents.

21.1.2. The construction of A5/M1/A406 Junction shall not be commenced until any traffic management measures to A406(W) (as identified in the A5 Corridor Study) and required by the London Borough of Brent or Transport for London or the Highways Agency shall have been authorised by a section 278 highways agreement or other appropriate statutory authorisation as part of the agreement for the M1/A406/A5 junction.

Reason: To ensure safe and efficient operation of M1, A406 roads.

Claremont Park Road (Part 2)

21.2. Not to Occupy more than 700 residential units immediately north of Claremont Park (comprising those on Plots 11, 12, 14 and 15) –prior to practical completion of Claremont Park Road (Part 2) in accordance with the relevant Phase 2 Details and all other relevant Necessary Consents.

Reason: To support the development of new residential units to the north of Claremont Park.

High Street North

21.3. Not to Occupy or open for trade more than 50,000 sq.m of new built comparison retail floorspace within Brent Cross East zone prior to practical completion of High Street North within the Brent Cross East zone in accordance with the relevant Phase 2 Details and all other relevant Necessary Consents.

Reason: To facilitate the ongoing completion of a town centre shopping environment North of the A406 and to secure the delivery of an important part of the new town centre north in accordance with the planning policy framework and the EIA Process.

Whitefield Street

21.4. Not to Occupy more than 1,250 residential units in the Eastern Lands zone prior to practical completion of Whitefield Street in accordance with the relevant Phase 2 Details and all other relevant Necessary Consents.

Reason: to provide access to the Eastern Lands Zone and to promote efficient pedestrian and cycling links between Brent Cross Underground station and the new town centre south and facilitate the wider development of the regeneration area.

A41 Junction/Whitefield Avenue Junction

21.5. Not to Occupy more than 1,250 residential units in the Eastern Lands Zone prior to the practical completion of the A41/Whitefield Avenue Junction within the Eastern Lands zone in accordance with the relevant Phase 2 Details and all other relevant Necessary Consents.

Reason: to support development within the Eastern Lands Zone and facilitate the development of the wider regeneration area

Whitefield Avenue

21.6. Not to Occupy more than 2,000 residential units in the Eastern Lands Zone to the practical completion of the Whitefield Avenue in accordance with the relevant Phase 2 Details.

Reason: To support the development of the Eastern Lands Zone and improve the wider accessibility of the regeneration area.

High Street South

21.7. Not to Occupy more than 5,000 sq.m of new retail floorspace within the Market Quarter zone prior to practical completion of High Street South in accordance with the relevant Phase 2 Details and all other relevant Necessary Consents.

Reason: To facilitate retail development within the town centre south of the A406 and to ensure the development of the wider scheme.

Bridge Structure B5 (Pedestrian Bridge over the A41)

21.8. Not to Occupy more than 1,250 residential units within the Eastern Lands zone or 3,000 residential units in the Southern Development prior to practical completion of the A41 Pedestrian Bridge in accordance with the relevant Necessary Consents.

Reason: To enhance the accessibility of the overall regeneration area and improve physical connections with surrounding areas of the Borough

Central River Brent Alteration & Diversion Works

21.9. Not to Occupy more than 45,000m² of new built comparison retail within Brent Cross East zone prior to the practical completion of the Central River Brent Alteration & Diversion Works in accordance with the relevant Phase Details and all other relevant Necessary Consents.

Reason: to secure the creation of High Street North and the retail/residential plots that form its southern boundary and provide an attractive resource for the new and existing community and reducing the current flooding problems.

Replacement Secondary School

21.10. The existing Whitefield School shall not be closed until the Replacement Secondary School has been completed and made available for Occupation by pupils in accordance with the relevant Phase 2 Details unless the LEA shall have made alternative arrangements for places to accommodate pupils generated by the Development as referred to in paragraph 2.4 of Schedule 2 to the Initial Planning Agreement.

Reason: To ensure the appropriate provision of the Replacement Secondary School in a timely manner which meets the existing need for the school as well as any additional need created by the Development.

21.11. The occupation of the Replacement Secondary School will not take place until the requirement for and location, practical completion and provision of the Library as part of the Replacement Secondary school development has been approved by the LPA as part of the Phase 2 Details.

Reason: To ensure the appropriate provision of the Library facility.

Replacement Special Needs School

21.12. The existing Mapledown Special Needs School will remain open until the Replacement Special Needs has been completed and made available for Occupation by the pupils and staff at the school unless the LEA shall have made alternative arrangements for places to accommodate pupils generated by the Development as referred to in ~~condition paragraph~~ 2.4 of Schedule 2 to the Initial Planning Agreement.

Reason: To ensure the timely provision of the Special Needs School in a timely manner which meets the existing need for the school as well as any additional need created by the Development.

Child Care Facilities (Eastern Lands Zone)

21.13. Not to Occupy more than 1,500 residential units in the Eastern Lands Zone prior to completing and making available for lease the Child Care Facilities (Eastern Lands Zone) in accordance with the relevant Phase 2 Details and all other relevant Necessary Consents

Reason: To ensure the timely provision of child care facilities in accordance with the ICP and to meet the need for child care facilities generated by the Development and in the wider area.

Main Health Centre

21.14. Not to Occupy more than 750 residential units in the Eastern Lands Zone until the Developers have confirmed with the PCT (or successor body or appropriate health provider as agreed with the LPA) space requirements and location for the health centre (up to 3,000 sq.m) in the Eastern Lands Zone and have offered a lease to the PCT/healthcare provider in accordance with the arrangements set out in paragraph 7 of Schedule 2 to the Initial Planning Agreement. Subject to agreement of the lease, not to Occupy more than 1,500 residential units in the Eastern Lands Zone until the Main Health Centre has been provided

Reason: To ensure the timely provision of the Main Health Centre in accordance with the DSF so as to ensure that the existing and new communities will be served by adequate local health facilities.

Drop In Health Centre

21.15. On the date of the submission of the first Reserved Matters Application for residential units in the Cricklewood Lane Zone the Developer shall confirm with the PCT (or successor body or appropriate health provider as agreed with the LPA) their space requirements and the location for the Drop In Health Centre in the Cricklewood Lane Zone and shall offer to complete an agreement for a lease to the PCT/healthcare provider of that Centre. Subject to agreement of the lease being agreed with the PCT, no more than 25 residential units in the Cricklewood Lane zone shall be Occupied until the provision of the Drop In Health Centre has been provided in accordance with the relevant Phase 2 Details and all other relevant Necessary Consents.

Reason: To ensure the timely provision of the Drop In Health Centre in accordance with the ICP so as to ensure that the existing and new communities will be served by adequate local health facilities.

Brent Riverside Park

21.16. Not to Occupy or open for trade more than 45,000 sq.m of new comparison retail within Brent Cross East Zone prior to practical completion of the Central Brent Riverside Park in accordance with the relevant Phase 2 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Brent Riverside Park in accordance with the DSF and ICP.

Eastern Park (Part 1)

21.17. Not to Occupy more than 1,000 residential units in the Eastern Lands zone prior to the practical completion of Eastern Park (Part 1) in accordance with the relevant Phase 2 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Eastern Park in accordance with the DSF and ICP.

Eastern Lands Green Corridor (Part 1)

21.18. Not to Commence the redevelopment of the Existing Foodstore (including the Existing PFS) in accordance with this Permission prior to the practical completion of the Eastern Lands Green Corridor Part 1 in accordance with the relevant Phase 1 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Eastern Lands Green Corridor in accordance with the DSF and ICP.

School Square

21.19. Neither the Replacement Secondary School nor the Replacement Special Needs School shall be Occupied or opened for the purposes of delivering education or providing other school services unless and until practical completion of the School Square in accordance with the relevant Phase 2 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of School Square in accordance with the DSF and ICP.

Sturgess Park Improvements

21.20. Not to Occupy more than 200 residential units within Brent Cross East Zone or the Brent Cross West Zone prior to practical completion of the

improvements to Sturgess Park Improvements in accordance with the relevant Necessary Consents.

Reason: To ensure the timely provision of Sturgess Park in accordance with the ICP.

Whitefield Square

21.21. Not to Occupy more than 1,000 residential units in the Eastern Lands Zone shall be Occupied prior to the practical completion of Whitefield Square in accordance with the relevant Phase 2 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Whitefield Square in accordance with the DSF and ICP.

Neighbourhood Police Unit (Brent Cross East Zone)

21.22. ~~Subject~~Unless the Police Authority indicate that they do not wish to agreement~~take a lease~~ of the ~~lease by the Metropolitan Police in accordance with the arrangements referred to in paragraph 8.1.2 of Schedule 2 to the Initial Planning Agreement, not to Occupy facility, not~~ more than ~~of~~ 45,000 sq.m of new comparison retail floorspace in the Brent Cross East Zone shall be occupied prior to ~~practical completion~~Practical Completion of Neighbourhood Police Unit ~~of up to 93 sq.m (Brent Cross East) unless otherwise agreed by the LPA if and to the extent that such approval is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process (which may include providing a single Neighbourhood Police Unit of up to 186 sq.m in the Development) in accordance with the relevant Necessary Consents.~~.

Reason: To ensure the appropriate and timely provision of the Neighbourhood Police Unit (Brent Cross East Zone) in accordance with the DSF and ICP.

Shopmobility Works

21.23. The existing Shopmobility unit or temporary replacement facility will remain open and no more than of 45,000 sq.m of new comparison retail floorspace in the Brent Cross East zone shall be Occupied prior to the practical completion of the Shopmobility Works within the Brent Cross East Zone,~~unless otherwise approved in writing by the LPA if and to the extent that such approval is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process.~~. The development of the Shopmobility Works shall be carried out in accordance with the details submitted and approved ~~unless otherwise agreed in writing with the LPA to the extent that such approval is reasonable and unlikely to have~~

~~any significant adverse environmental impact which has not been assessed in the EIA Process.~~

Reason: To ensure the appropriate and timely provision of the Shopmobility

Tilling Road East Improvements

21.24. Not to Occupy more than 2,000 residential units in the Eastern Lands zone or 3,000 residential units in the Southern Development prior to the practical completion of the Tilling Road East Improvements in accordance with the relevant Phase 2 Details and all other relevant Necessary Consents.

Reason: to support development within the Eastern Lands Zone and facilitate the development of the wider regeneration area

22.Phase 3 Triggers and Thresholds

Bridge Structure B4 (Pedestrian Bridge over the A406)

22.1. Not to Occupy more than 2,000 residential units in the Eastern Lands zone prior to practical completion of Bridge Structure B4 (Pedestrian Bridge over the A406) in accordance with the relevant Phase 3 Details and all other relevant Necessary Consents.

Reason: to ensure that easy pedestrian access is provides from Brent Cross East zone into the Eastern Lands, and to create an improved pedestrian route from the Brent Cross underground station to Brent Cross Shopping Centre.

Western River Brent Alteration & Diversion Works

22.2. Not to Occupy more than 500 residential units within the Brent Cross West zone prior to practical completion of the Western River Brent Alteration & Diversion Works in accordance with the relevant Necessary Consents.

Reason: To secure the provision of these works as part of the development of Brent Cross West Zone and to provide an attractive resource for the new and existing community in and around the proposed new town centre and assist in reducing the current flooding problems.

Community Facilities (Eastern Lands Zone)

22.3. Not to Occupy more than 1,000 residential units within the Eastern Lands Zone prior to practical completion of 1,000m² of flexible community floorspace within the Eastern Lands in accordance with the relevant Phase 3 Details and all other relevant Necessary Consents.

Reason: To ensure the timely provision of community facilities in accordance with the ICP.

Western Brent Riverside Park

22.4. Not to Occupy more than 500 residential units within the Brent Cross West zone prior to practical completion of the Western Brent Riverside Park in accordance with the relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Brent Riverside Park in accordance with the DSF and ICP.

Eastern Park (Part 2)

22.5. Not to Occupy more than 2,000 residential units in the Eastern Lands Zone prior to the practical completion of the Eastern Park (Part 2) in accordance with the relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Eastern Park in accordance with the DSF and ICP.

Eastern Lands Green Corridor (Part 2)

22.6. Not to Occupy more than 2,000 residential units within the Eastern Lands zone prior to the practical completion of that part of the Eastern Lands Green Corridor north of the A41 pedestrian bridge in accordance with the relevant Phase 3 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Eastern Lands Green Corridor in accordance with the DSF and ICP.

23.Phase 4 Triggers and Thresholds

A5 Junction to Rail freight Facility

23.1. Not to Occupy the new Rail Freight Facility until practical completion of the A5 Junction to Rail Freight Facility in accordance with the relevant Phase 4 Details and all other relevant Necessary Consents.

Reason: To facilitate the operation of the Rail Freight Facility

Claremont Road Junction South

23.2. Not to Occupy more than 750 residential units within the Brent Terrace Zone south of the MML Bridge prior to the practical completion of the Claremont Road Junction South in accordance with the relevant Phase 4 Details and all other relevant Necessary Consents.

Reason: To facilitate residential development within the Brent Terrace Zone and improve access into the wider regeneration area from other parts of North London.

Millennium Green

23.3. Not to Occupy more than 500 residential units within the Brent Terrace Zone prior to practical completion of the Millennium Green Improvements in accordance with the relevant Phase 4 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Millennium Green Improvements in accordance with the DSF and ICP.

Gas Governor Square

23.4. Not to Occupy more than 500 residential units within the Brent Terrace Zone prior to practical completion of Gas Governor Square in accordance with the relevant Phase 4 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Community Square in accordance with the DSF and ICP.

Child Care Facilities (Brent Terrace Zone)

23.5. Not to Occupy more than 1,500 residential units within the Brent Terrace Zone prior to the provision of Child Care Facilities (Brent Terrace Zone) in accordance with the relevant Phase 4 Details and all other relevant Necessary Consents.

Reason: To ensure the timely provision of child care facilities in accordance with the ICP.

24.Phase 5 Triggers and Thresholds

Spine Road North & South

24.1. Not to Occupy more than 750 residential units north of the new Road Bridge over the MML in the Brent Terrace zone prior to practical completion of the Spine Road North in accordance with the relevant Phase 5 Details and all other relevant Necessary Consents.

24.2. Not to Occupy more than 750 residential units south of the new Road Bridge over the MML in the Brent Terrace zone shall be Occupied prior to practical completion of the Spine Road South in accordance with the relevant Phase 5 Details and all other relevant Necessary Consents.

Reason: To support development in the Brent Terrace Zone and improve access within the regeneration area.

A5/MML Link Road over Midland Mainline Junction and Bridge Structure B2 (A5 Link Bridge)

24.3. Not to Occupy more than 1,000 residential units in the Brent Terrace Zone or 4,500 residential units in the Southern Development shall be Occupied prior to practical completion of the A5 A5/MML Link Road over Midland Mainline Junction and Bridge Structure B2 (A5 Link Bridge), in accordance with the relevant Phase 5 Details and all other relevant Necessary Consents.

Reason: To facilitate residential development within the Brent Terrace Zone and improve access into the site from other parts of North London.

24.4. The development of the A5 Junction (with the Road Bridge over the MML) shall not be commenced until any traffic management measures to Oxgate Gardens and Dollis Hill Lane (between its junction with the A5 and Coles Green Road) (as identified in the A5 Corridor Study) and required by the London Borough of Brent are covered by a section 278 agreement

Reason: To mitigate transport impacts on this part of the transport network and support development to the south of the A406.Transport Interchange T1 (New Train Station & Transport Interchange)

24.5. Not to Commence any Plot Development in the Station Quarter Zone which comprises B1 Business floorspace (and for the avoidance of doubt this shall exclude the CHP/CCHP) unless and until the developers shall have completed an unconditional contract with Network Rail or its agents to construct and deliver Transport Interchange T1 (New Train Station and Transport Interchange) in accordance with the Detailed Delivery (Non-PDP) Programme and the relevant Phase 5 Details and all other relevant Necessary Consents and not to Occupy more than 100,000sqm of B1 business floor space in the Station Quarter Zone unless and until the station is practically completed and available for Occupation and public use.

Reason: To facilitate the sustainable development of the proposed new business floorspace within the Station Quarter and improve the accessibility of the wider regeneration area by public transport.

Child Care Facilities (Station Quarter Zone)

24.6. Not to Occupy more than 100,000 sq m of office floorspace in the Station Quarter Zone prior to the provision of the Child Care Facilities (*Station Quarter Zone*) completed in accordance with the relevant Phase 5 Details shall have been made available for lease within the Station Quarter Zone.

Reason: To ensure the timely provision of child care facilities in accordance with the ICP.

Brent Terrace Park

24.7. Not to Occupy more than 1,500 residential units within the Brent Terrace Zone prior to the practical completion of Brent Terrace Park in accordance with the relevant Phase 5 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Brent Terrace Park in accordance with the DSF and ICP.

Railway Lands Nature Park

24.8. Not to Occupy more than 1,500 residential units within the Brent Terrace zone prior to practical completion of Railways Lands Nature Park, in accordance with the relevant Phase 5 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Railway Lands Nature Park in accordance with the DSF and ICP.

Bridge Structure B3 (Geron Way Pedestrian Bridge)

24.9. Not to Occupy more than 100,000 sq.m of business floorspace in the Station Quarter Zone prior to practical completion of the Bridge Structure B3 (Geron Way Pedestrian Bridge), in accordance with the relevant Phase 5 Details and all other relevant Necessary Consents.

Reason: To facilitate the development of new business floorspace within the Station Quarter and improve the accessibility of the wider regeneration area with other parts of London for pedestrians and cyclists.

25.Phase 6 Triggers and Thresholds

Tower Square

25.1. Not to Occupy more than 100,000 sq.m of office development space within the Station Quarter zone prior to the practical completion of Tower Square, in accordance with the relevant Phase 6 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Tower Square in accordance with the DSF and ICP.

Northern Nature Park

25.2. No to Occupy more than 100,000 sq.m of office development space within the Station Quarter zone prior to the practical completion of the Northern Nature Park, in accordance with the relevant Phase 6 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Northern Nature Park in accordance with the DSF and ICP.

North Circular Green Corridor

25.3. Not to Occupy more than 100,000 sq.m of office development space within the Station Quarter zone prior to the practical completion of the North Circular Green Corridor, in accordance with the relevant Phase 6 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of North Circular Green Corridor in accordance with the DSF and ICP.

26. Phase 7 Triggers and Thresholds

Tilling Road West Re-alignment and Improvement Works

26.1. Not to Occupy any office floorspace hereby approved on the site of the existing Brent South Shopping Park until practical completion of Tilling Road West Re-alignment Works (Part 2), in accordance with the relevant Phase 7 Details and all other relevant Necessary Consents

Reason: to support the development of business floorspace within the Station Quarter Zone and improve the wider accessibility of the regeneration area.

Office District Park

26.2. Not to Occupy more than of 275,000 sq.m of office development space within the Station Quarter Zone prior to practical completion of Office District Park, in accordance with the relevant Phase 7 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Office District Square in accordance with the DSF and ICP.

Community Square

26.3. Not to Occupy more than 275,000 sq.m of office development space within the Station Quarter Zone prior to practical completion of Community Square, in accordance with the relevant Phase 7 Details and all other relevant Necessary Consents.

Reason: To ensure the appropriate and timely provision of Community Square in accordance with the DSF and ICP.

PART D – General Conditions

27. Ecology & Landscaping

27.1. No Reserved Matters Application shall be submitted in any given Phase or Sub-Phase of the Development unless and until a scheme showing existing landscape features within that Phase (or Sub Phase) in accordance with the Schedule of Mitigation Measures, has been submitted to and approved in writing by the LPA. The scheme shall comply with the requirements specified in BS 5837 (2005) 'Trees in relation to construction' and shall show land survey information, the position, species, trunk diameter, height, canopy spread and condition of all the existing trees, plants and shrubs (with a stem diameter, measured over the bark, of 75mm or greater) which are on the Site within the relevant Phase or Sub-Phase or within 10 metres of the perimeter of that part of the Development which is comprised within the

respective Reserved Matters Application, as well as existing ground levels. The scheme shall also show which of the existing trees, plants and shrubs are to be retained and which are to be removed. None of the existing trees, plants and shrubs, within the Phase or Sub Phase, which are shown to be removed shall be removed until the scheme has been approved in writing by the LPA .

Reason: To ensure compliance with BS5837 (2005) and to ensure high standards of design and implementation of landscaping and the public realm in accordance with the mitigation measures proposed and described in the Environmental Statement and the Design & Access Statement.

27.2. No Reserved Matters Application shall be submitted in any given Phase or Sub Phase of the Development unless and until an arboricultural methods statement for the protection of all existing trees, plants and shrubs indicated to be retained in the scheme approved under Condition 27.1 has been submitted to and approved in writing by the LPA. The methods statement shall be prepared by an appropriately qualified and competent arboriculturalist and other relevant experts. It shall detail how construction works will be carried out close to trees, setting out the methodology for all proposed works that affect trees on and adjacent to the works site and shall include such preliminary investigations or work necessary to ensure that later submission of details for ~~conditions~~Conditions 27.5, 27.8, 27.9, and in relation to the relevant phase or sub-phase, details of the Wetland Area within the Eastern Brent Riverside Park as required by ~~condition~~Condition 13.1 would not result in material changes to the approved method statement. It shall include details on how the works will be managed and how the trees will be adequately protected during such a process. The methods statement shall include as a minimum:

- a) A timetable indicating when works adjacent to trees shall be carried out.
- b) Schedule of Tree surgery works (prior to and upon completion of construction works).
- c) Root protection areas (RPA)
- d) Position, height and nature of all fences or other means of protection proposed to surround each existing tree, plant and shrub
- e) Specification for level changes
- f) Excavations for services, utilities and drainage (depth, width, methods)
- g) Foundations (depth, width, methods)

- h) Location and details of chemical and materials stores, refuelling facilities, machinery parking etc
- i) Contingency Plans (chemical spillage, collision, emergency access to the TPZ)
- j) Tree survey schedule
- k) Contact listing (LPA, arboriculturalist, architect etc)

Copies of this document shall be available for inspection on site. The developer shall inform the LPA within twenty-four hours if the arboricultural consultant is replaced.

Reason: To ensure high standards of design and implementation of landscaping and the public realm in accordance with the mitigation measures proposed and described in the Environmental Statement and the Design & Access Statement.

27.3. The protection measures as approved in accordance with Condition 27.2 shall be undertaken before any work in connection with the approved development commences at any given Phase, or Sub Phase and shall be retained for the entire period of the duration of any construction work in the relevant Phase or Sub-Phase, in connection with the Development. Within the fence or other means of enclosure surrounding each tree, plant or shrub, no activities associated with building operations shall take place (including the placing or storage of any structure, vehicle, plant, machinery, equipment, materials or spoil) nor shall any fires be lit, nor any changes in ground level be made, unless in accordance with the methods statement and previously agreed in writing by the LPA. All arboricultural and other works shall be undertaken in a RPA in accordance with the methods statement shall be supervised by an arboriculturalist.

Reason: To ensure high standards of design and implementation of landscaping and the public realm in accordance with the mitigation measures proposed and described in the Environmental Statement and the Design & Access Statement

27.4. The relevant Reserved Matters Applications and Other Matters Applications submitted for approval in accordance with Conditions 1.15 and 1.16 and 27.5 and the supporting information submitted with such applications in accordance with Condition 2.1 shall further show proposals for new trees, plants and shrubs and seeded areas and new ground levels including any green roofs. The details submitted shall include:

- a) The specification of all plant material in accordance with the National Plant Specification
- b) The location, spacing, species and mixes of the planting

Planning Conditions

Application Reference: C/17559/08

| Dated ~~16 July~~^{9th September} 2010

- c) Details of provenance for all native species
- d) Details of plant handling, horticultural accessories and establishment aftercare.

All new planting shall comply with the requirements specified in BS 5236 (1975) Advanced Nursery stock Trees; BS 3936 (1980) 'Specification of nursery stock: Part 1, Trees and Shrubs', and in BS 4428 (1969) 'Recommendations for general landscape operations'. Apart from formative pruning in accordance good arboricultural practice, none of the new trees, plants or shrubs planted shall be pruned within a period of five years from the completion of the development.

Reason: To ensure high standards of design and implementation of landscaping and the public realm in accordance with the mitigation measures proposed and described in the Environmental Statement and the Design & Access Statement.

27.5. No development shall commence in any Phase or Sub Phase until the following details on the construction of any of the Principal Open Spaces included within that Phase or Sub-Phase have been submitted to and approved by the LPA in accordance with the principles and parameters described or referred to in the DSF and/or the Design and Access Statement and the Design Guidelines:

- a) the layout, design and purpose of the space;
- b) the location of internal pedestrian and/or cycle routes;
- c) details of all materials to be used on external hard surfaces;
- d) the location, design or specification of any elements such as furniture, signage, lighting and other structures;
- e) details of seed mixes, trees or shrubs to be planted or of vegetation to be allowed to regenerate to create semi-natural habitats in respect of Nature Parks;
- f) details of bird and bat boxes or any other artificial habitats to be installed;
- g) a wind tunnel or other assessment of pedestrian comfort (as set out in Condition ~~f34.1~~);
- h) details of any boundary fencing or other means of enclosure; and
- i) a statement demonstrating conformity with relevant parameters and principles described in the DSF (including all Parameter Plans and

paragraph 2.70), and the Design & Access Statement and Design Guidelines.

Reason: To ensure high standards of design and implementation of landscaping and the public realm in accordance with the mitigation measures proposed and described in the Environmental Statement and the Design & Access Statement.

27.6. Any Reserved Matters Applications which include Landscaping Works shall include a detailed programme for commencing and completing the planting, and the Landscaping Works so approved shall be carried out in accordance with the approved programme.

Reason: To ensure the timely implementation of Landscaping Works.

27.7. Any trees, plants or shrubs which, within a period of five years, from the completion of the development die, are removed, or become seriously damaged or diseased or otherwise fail to thrive, shall be replaced in the next planting season with others of similar size and species unless and to the extent that any variation to the approved landscaping works is first approved in writing by the LPA to the extent that such approval is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process.

Reason: To ensure high standards of design and implementation of landscaping and the public realm.

27.8. The Development shall not commence (including Temporary Works and Preparatory Works save and except the works required in accordance with this ~~condition~~Condition) in any given Phase or Sub Phase unless and until a pre-construction survey has been carried out in respect of that Phase or Sub Phase to identify any areas that are affected by buried or surface invasive non-native plants including but not limited to Japanese Knotweed, Giant Hogweed and Himalayan Balsam. The survey should be accompanied by a method statement containing measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. In the event that the survey identifies the presence of such plants, or any other proscribed noxious weeds, details of the locations and methods for their removal or long-term management/eradication with methods of working and measures that will prevent its spread during any works operations, (such as gaining access, erection of security fencing, clearance and demolition, site investigation, earthworks, mowing, trimming and other vegetation management, or soil movement,) shall be submitted to and approved in writing by the LPA and implemented before development commences within that Phase or Sub Phase. Development shall proceed in accordance with the approved method statements.

Reason: The spread of invasive non native plants is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent their spread as a result of the development, there would be the risk of an offence being committed and avoidable harm to the environment occurring.

27.9. No development shall commence in any Phase or Sub-Phase of the Development unless and until a Landscape and Ecology Management Plan (LEMP) for that Phase or Sub Phase including long-term design objectives, proposed management responsibilities and draft maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the LPA. The LEMP shall be carried out and implemented as approved and subsequent variations shall be agreed in writing by the LPA. Further to the above, the LEMP shall include the following elements:

- a) detail extent, type and provenance of new planting (native species only)
- b) details of maintenance regimes
- c) details of monitoring for all landscape and ecological elements
- d) details of treatment of site boundaries and/or buffers around water bodies.

Reason: to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with PPS9 and Article 10 of the Habitats Directive.

27.10. Prior to occupation of development in any Phase of the Development the Developers shall confirm in writing to the LPA the confirmed details for management responsibilities and maintenance schedules identified under ~~condition~~Condition 27.9 which shall be appended to the LEMP.

Reason: to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with PPS9 and Article 10 of the Habitats Directive.

27.11. The Wetland Area included within the Eastern River Brent Alteration and Diversion Works and the River Brent Nature Park shall be constructed in accordance with Condition 20.15 and 20.21 and a scheme for the Wetland Area shall (in accordance with Condition 13.1) be submitted to and approved in writing by the LPA prior to the Commencement of the Wetland Area Works as part of the Phase 1 Details.

Reason: To ensure that the proposed new wetland area is developed in a way that contributes to the nature conservation value of the site in accordance with national planning policy by providing suitable habitats for wildlife.

27.12. No development shall commence within any Phase or Sub Phase in which any existing park or public open space (or any part of such parks or public open space) are to be removed or made inaccessible to the public unless and until details and locations for any necessary Temporary Open Space to replace such areas have been submitted and approved by the LPA as part of the relevant Phase Details. The provision of such Temporary Open Space shall be included in the ICP and the relevant detailed delivery programme for the Phase or Phases in which such existing park or public open space (or any part of such parks or public open space) is to be removed or made inaccessible to the public and for the Phase in which such temporary open space is to be provided.

Reason: To ensure adequate amenity space provision during the construction of development.

27.13. The detailed method statements, schemes proposals and further information required by ~~conditions~~Conditions 27.5, 27.8 and 27.9 and, in relation to the relevant Phase or Sub-Phase, 27.11 the details of the wetland area within the Eastern Brent Riverside Park required under

~~condition~~Condition 13.1 must be submitted to the LPA for consideration simultaneously.

Reason: In order to allow the comprehensive and integrated consideration and assessment of these related ~~conditions~~Conditions in the interest of the ecological sustainability and the future amenity of the proposal.

27.14. No more than six months before the demolition of any building or felling of any tree identified in the Revised Environmental Statement as having the potential to be used as a bat roost, a check survey involving detailed inspection of the building or tree concerned shall be undertaken. Should bats be identified, this shall be reported to the LPA, together with proposed mitigation measures. The demolition or removal shall not be undertaken until any necessary bat handling licence has been obtained and the LPA has approved the mitigation measures. The mitigation measures shall be undertaken in accordance with the bat licence.

Reason: To ensure that appropriate mitigation is provided for bats, all species of which are protected under the Wildlife and Countryside Act 1981.

28. Construction

28.1. Not to commence Construction work or any Site Engineering and Preparation Works, Plot Development, or in relation to any Building or Bridge Structure on any Phase Sub-Phase Plot or other part of the Site unless and until a CEMP for all Site Engineering and Preparation Works, Plot Development, Building or Bridge Structure has been prepared and approved in respect of such Phase Sub-Phase Plot or other part of the Site in accordance with Condition 8.3 and all works in relation to such Phase Sub-Phase Plot or other part of the Site shall be undertaken fully in accordance with the approved CEMP.

Reason: To protect the amenities and environment of residents and other sensitive receptors.

28.2. Not to commence Construction work or any Site Engineering and Preparation Works, Plot Development, Building or Bridge Structure on any Phase Sub-Phase Plot or other part of the Site unless and until a Site Waste Management Plan for such Construction work Site Engineering and Preparation Works, Plot Development, Building or Bridge Structure has been prepared in accordance with the parameters and principles in paragraphs 2.50 and 2.51 of the DSF and the Demolition and Site Waste Management Strategy approved in accordance with ~~condition~~Condition 9.1. All works carried out in relation to such Phase Sub-Phase Plot or other part of the Site shall be undertaken planned and managed fully in accordance with the Demolition and Site Waste Management Strategy, the Code of Construction

Practice and the requirements of the Environment Agency, as well as the Site Waste Management Plan.

Reason: To ensure effective demolition and waste management in accordance with the mitigation measures proposed and described in the Environmental Statement and the DSF.

28.3. The permitted hours of construction work and/or Site Engineering and Preparation Works shall be 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 on Saturdays and no construction or Site Engineering and Preparation Works shall be carried out outside these specified permitted hours without the written consent of the LPA. No construction or Site Engineering and Preparation Works shall be carried out on Sundays or Bank Holidays. Construction activities and/or Site Engineering and Preparation Works that elevate noise levels, measured as LAeq, 1hr, by more than 3dB above the ambient level at the façade of any Noise Sensitive Premises outside the Site may only take place outside the specified normal hours of construction work, where such works have been approved by the Local Authority under s61 of the Control of Pollution Act 1974.

Reason: To protect the amenities and environment of residents and other sensitive receptors.

28.4. Unless otherwise approved by the Local Authority, under s61 of the Control of Pollution Act 1974, the start up and shut down periods shall be 07.30 to 08.00 and 18.00 to 18.30 respectively on Monday to Friday and 07.30 to 08.00 and 13.00 to 13.30 on Saturdays. ~~Unless otherwise agreed in writing with the LPA to the extent that such approval is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process, only the following activities shall be permitted during start up and shut down periods: movement of construction personnel to and from Site, movement of plant to and from Site, unloading and maintenance of plant and equipment.~~

Reason: To protect the amenities and environment of residents and other sensitive receptors.

28.5. All deliveries to the Site or removal of materials from the Site shall take place during the hours, and in the manner specified, in the Construction Transport Management Plan, Construction Environmental Management Plan and CoCP.

Reason: To protect the amenities and environment of residents and other sensitive receptors.

28.6. Before any of the following construction facilities are installed, or brought into use, on the Site, the details of the siting and dimensions of that construction facility shall be submitted to and approved by the LPA:

- a) prefabricated buildings greater than two storeys in height or with a footprint of 200 sq. metres within 100m of the boundary of the Site;
- b) concrete batching plant;
- c) waste sorting and despatch facilities larger than 0.5ha; and
- d) Construction compounds larger than 0.5ha.

If, following approval, any of these facilities needs to be moved and the move is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process, the LPA shall be given 14 days notice of any intended move. Unless the LPA gives notice to the contrary within that period, the move can take place.

Reason: To protect the amenities of local residents and others.

28.7. Not to commence the construction of any building, bridge or other structure requiring foundations that extend 3m or more below ground level and any foundations over River Terrace Gravel strata unless and until the details of foundation design, including details of any piling and a method statement for that piling which shall be in accordance with the Global Remediation Strategy and the relevant Site Specific Remediation Strategy, shall have been submitted to and approved by the LPA.

Reason: To avoid risk to human health or contamination of controlled waters and any adverse effect on amenity of residents.

28.8. Piling or any other foundation designs using penetrative methods, and the construction of boreholes (including those for Ground Source Heat Pumps) shall not be permitted other than with the express written consent of the LPA, which may only be given for those parts of the Site where it has been demonstrated (having due regard to the Global Remediation Strategy and the relevant Site Specific Remediation Strategy) that there is no resultant unacceptable risk to groundwater. The Development shall be carried out in accordance with the approved details.

Reason: The construction of piles or boreholes would create a potential pathway for surface contamination to enter the major aquifer in the chalk below the Site.

28.9. Noise levels at any occupied residential property due to construction or demolition or Site Engineering and Preparation Works shall not exceed 75dB LAeq (10 hour) measured at 1m from the façade of the nearest occupied

Planning Conditions

Application Reference: C/17559/08

| Dated ~~16 July~~ 9th September 2010

property, during the hours from 08.00 to 18.00 Monday to Friday, and 75dB LAeq (5 hour) during the hours from 08.00 to 13.00 on Saturday unless such works have the prior approval of the Local Authority, under s61 of the Control of Pollution Act 1974.

Reason: To ensure that best practicable means are used to reduce noise generated by construction.

28.10. Noise from construction work or Site Engineering and Preparation Works and/or demolition and/or construction works shall give rise to noise levels no higher than 65dB LAeq (1 hour) and 70dB LAeq (1 minute) at any educational premises measured at 1m from the façade of the building during school hours in term time, unless such works have the prior approval of the Local Authority under s61 of the Control of Pollution Act 1974.

Reason: To ensure that best practicable means are used to reduce construction noise affecting the users of educational buildings.

28.11. No impact piling shall take place unless it has the prior approval of the LPA under s61 of the Control of Pollution Act 1974 or otherwise to the extent that such approval is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process and takes place in accordance with the terms of any such approval.

Reason: To avoid unnecessary noise from piling operations.

29.Noise

29.1. Prior to, or coincident with the submission of any Reserved Matters Application for residential uses, the Acoustic Design Report shall be submitted to and approved by the LPA describing the design features that have been used to achieve good internal noise standards with reference to BS8233 as referred to in Paragraph 2.82 of the DSF. The report shall demonstrate that the following hierarchy of noise mitigation measures has been considered so that the use of noise insulation, whilst necessary in some areas, is minimised:

- a) Site layout to locate non-noise-sensitive buildings adjacent to road/rail noise sources to provide screening to residential units;
- b) Residential block layout design to locate non-sensitive uses on noisy facades;
- c) The provision of 'quiet facades' to residential units where practicable;
- d) Architectural features such as balconies and to provide local screening to windows to sensitive rooms; and

- e) Resurfacing of roads with low noise surfaces, including the A406 running planes past the development;
- f) Opportunities for noise barriers adjacent to road and railway noise sources;
- g) Upgraded glazing and external building fabric to attenuate noise ingress, and where necessary, acoustic ventilation, passive wherever practicable (provided a positive flow of air, e.g. passive stack not trickle vents), to allow windows to remain closed where necessary.

The Details submitted in connection with the relevant Reserved Matters Application shall be in accordance with the Acoustic Design Report to be approved in accordance with this ~~condition~~Condition.

Reason: To protect the amenities of local residents and other sensitive receptors.

29.2. No development shall commence within any given Phase Sub-Phase or Plot or other part of the site unless and until a detailed scheme for noise and Vibration monitoring and assessment for all proposed construction plant and processes associated with development in that Phase Sub-Phase or Plot has been submitted to and approved by the LPA. The scheme shall include:

- a) the identification of noise and vibration sensitive premises to be used as the location for noise monitoring, including any arrangements proposed for amending the selected locations if new Noise and vibration sensitive premises are introduced during the construction period;
- b) an assessment of any cumulative noise and vibration impacts from other planned construction works nearby that are expected to arise concurrently;
- c) the noise and vibration parameters to be measured, the frequency and duration of monitoring;
- d) the arrangements for reporting the results of noise and vibration monitoring (measured noise data shall be retained and made available upon request);
- e) the implementation of mitigation measures, including those set out in the CoCP;
- f) Construction work shall not commence on any Building or Bridge Structure until a statement has been submitted to and approved by the LPA which conforms, or if necessary modifies, the arrangements set

out in the approved scheme for noise and vibration monitoring and assessment.

Reason: To protect the amenities of local residents and other sensitive receptors.

29.3. No residential development shall be occupied within the Station Quarter, Brent Terrace and Cricklewood Lane Zones, unless and until the eastern boundary of the railway has been securely fenced. The fence shall be no less than 2.0 metres in height and, ~~unless otherwise agreed in writing by the LPA to the extent that such approval is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process~~, achieve the noise attenuation performance standard for such fences set by the Department for Transport for highway schemes.

Reason: To protect the amenities of local residents and other sensitive receptors.

29.4. Buildings in the following categories shall be designed to achieve the good internal noise standards (as per BS:8233) specified for the following Noise Sensitive Premises:

- a) hospitals and other health care facilities, as set out in 'Health Technical Memorandum 08 – 01 Acoustics';
- b) schools, as set out in DCS Building Bulletin 93; and
- c) Residential and offices and other uses,

as set out in BS8233:1999.

In each case, the most up to date version or any successor document shall be used at the time of design.

Sound levels in residential units shall be measured to demonstrate compliance with the above values within the habitable rooms or an agreed number of units by an approved acoustic consultant and submitted to and approved by the LPA prior to the units being occupied.

Reason: To ensure that good practice standards for internal noise are implemented.

29.5. Where building services, plant or other external noise sources are to be installed, the total noise level of such items shall be at least 5dB(A) below the prevailing background LA90 noise level, measured at the nearest Noise Sensitive Premises., in accordance with BS4142 or successive guidance.

Reason: To protect the amenities of local residents and other sensitive receptors.

29.6. No wind turbines shall be installed unless permitted under any Alternative Energy Permission or by any permitted development rights under the GPDO for microgeneration or a Reserved Matters Application has been submitted and approved by the LPA. The Reserved Matter Application shall include details of the following:

- a) elevations and sections of the turbines, including any masts and above ground structures;
- b) external materials and colours;
- c) background LA90 noise levels, the specified noise emissions levels from the turbines and an assessment of predicted noise levels at the nearest Noise Sensitive Premises in accordance with DTI guidance given in ETSU-R-97 or successor guidance, this must be prepared by an approved acoustic consultant;
- d) an assessment of the visual impacts, in the context of proposed buildings and land to which the public will have access; and
- e) a statement demonstrating how shadow flicker and/or distraction to drivers will be reduced to an acceptable minimum level.
- f) maintenance schedule

Reason: To ensure that any turbines installed have an acceptable environmental impact

29.7. No construction of any building to be occupied for residential, educational or community or other sensitive uses within 100 metres of a railway track or within 40 metres of a major road (M1, A5, A41, A406) shall begin until a scheme for protecting the proposed Plot from vibration, has been submitted to and approved by the LPA. The vibration protection scheme should include such combination of land separation, vibration control techniques and other measures, as may be approved by the LPA, in the light of current guidance on vibration levels. The approved mitigation scheme shall be implemented in its entirety before any of the units comprised in the Plot Development are Occupied.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic vibration in the immediate surroundings of Plot Development.

29.8. Before development commences upon any Building intended and permitted to be used for any residential or other noise sensitive uses, a scheme of detailed noise mitigation measures which demonstrates how noise standards in paragraphs 2.82, 2.83, 2.84 and 2.85 of the Revised Development

Specification and Framework (BXC01) would be met shall be submitted to and agreed in writing by the LPA. Thereafter the development shall be carried out in accordance with the approved document and any subsequent amendments shall be approved in writing by the LPA. The approved mitigation scheme shall be implemented in its entirety before the use commences.

Reason: To protect the amenities of local residents and other sensitive receptors.

30. Air Quality and Dust

30.1. No Development shall commence within a Phase or Sub-Phase until a scheme for dust monitoring, assessment and control resulting from construction activities within that Phase or Sub-Phase (or any nearby Phase or Sub-Phase) has been submitted to and approved by the LPA. The scheme shall include:

- a) the identification of dust sensitive premises to be used as the location for dust monitoring, including any arrangements proposed for amending the selected locations if new air pollutant and dust sensitive premises are introduced;
- b) the frequency and other arrangements for air pollutants and dust monitoring;
- c) the arrangements for reporting the results of air pollutants and dust monitoring and the implementation of mitigation measures, including those in the CoCP; and
- d) the air pollutant and dust management procedures to be used in the event of unacceptable increases in monitored levels.

Reason: To protect the amenities of residents and occupiers of other buildings.

30.2. Not to Commence any Construction work or Site Engineering and Preparation Works Plot Development Building or Bridge Structure within any Phase or Sub-Phase until a Statement has been submitted to and approved by the LPA which confirms, or if necessary modifies, the arrangements set out in the approved scheme for air pollution and dust monitoring and assessment in respect of such Phase or Sub-Phase in order to appropriately protect the amenities of residents and occupiers in the locality.

Reason: To protect the amenities of residents and occupiers of other buildings.

30.3. Before development commences within any Phase or Sub-Phase a scheme of proposed air pollution measures which demonstrate how air quality standards committed to in paragraph 2.86 of the Revised Development

Specification and Framework (BXC01) shall be submitted to and approved in writing by the LPA. Thereafter the development shall be carried out in accordance with the approved document ~~and any subsequent amendments shall be agreed in writing with the LPA.~~ The approved mitigation scheme shall be implemented in its entirety before the use commences.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality resulting from the development.

30.4. Prior to the Commencement of any Building details of all extraction and ventilation equipment shall be submitted to and approved in writing by the LPA and implemented in accordance with agreed details before the use is commenced.

Reason: To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

31. Remediation of Contamination

31.1. No Reserved Matters Application shall be submitted in relation to any part of Phase 1 or in relation to any other Phase and no works shall be carried out pursuant to this Planning Permission unless and until details of proposed Remediation Zones or Sub-Zones for the Site along with schedules of earthworks and soil treatment activities relevant to each Remediation Zone or Sub-Zone covering or comprising such Phase or Sub-Phase shall have been submitted to and approved by the LPA. No Development shall be commenced in any subsequent Phase or Sub-Phase, unless and until the locations of the Remediation Zones or Sub-Zones relevant to such Phase or Sub-Phase shall have been reviewed, and details of such review have been submitted to and approved by the LPA in accordance with this Condition and the Global Remediation Strategy and the relevant Site Specific Remediation Strategy.

Reason: To enable the LPA to control the remediation of contaminated land.

31.2. No Remediation Works shall take place within any Phase or Sub-Phase unless and until a Site Specific Remediation Strategy (SSRS) has been prepared, submitted and approved by the LPA for the relevant Remediation Zone or Sub-Zone containing that Phase or Sub Phase. This should set out how the relevant Remediation Zone or Sub-Zone or (if appropriate) that Phase Sub-Phase or Plot will be remediated to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment. The SSRS shall be in accordance with the parameters and principles described in the Global Remediation Strategy (provided as Annex 13 to the DSF) and shall include the following details:

- a) chemical and physical criteria for soils and other infill materials to define the acceptability of materials for their intended use on the site;
- b) sufficient ground investigation data to assess the risks to human health and controlled waters from potential hazards at the site associated with soil and ground water contamination or ground gases, taking into account the proposed land uses and required earthworks;
- c) a source-pathway-receptor human health environmental risk assessment undertaken using the Contaminated Land Exposure Assessment methodology or successor national guidance, agreed by the LPA as being appropriate at the time such risk assessment is undertaken;
- d) an environmental risk assessment using national guidance, agreed by the LPA, for the protection of asphyxiation and explosive risks in buildings and the health of plants used in the final development;
- e) a detailed controlled waters risk assessment, using methods agreed by the LPA (in consultation with the Environment Agency), which includes analytical modelling for the protection of water quality in the River Brent taking account of ground hydraulics applicable to the re-aligned river;
- f) a description of any remediation works and programme that are necessary to be undertaken in advance of, or during, the construction works to render the land suitable for its intended uses;
- g) appropriate proposals for the management of any-cross-boundary movement of contaminants, in ground water or otherwise, into or out of the Remediation Zone;
- h) details of the proposed content of the Remediation Validation report and any monitoring to be provided (including longer-term monitoring

of pollutant linkages), maintenance measures and arrangements for contingency action; and

- i) a detailed programme for any remediation works, method statements, verification and validation programme and proposed environmental mitigation and monitoring measures to be employed.

Each SSRS must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

31.3. No amendments shall be made to the SSRS unless ~~otherwise~~ approved by the LPA. Approval for amendments will only be granted provided the revised SSRS is unlikely to cause significant adverse impacts compared to the SSRS as approved under Condition. 31.2.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

31.4. All Site Engineering and Preparation Works shall be carried out in accordance with the relevant SSRS for that Remediation Zone or Sub-zone or Phase as approved under Condition 31.2 (with such variation as may be approved by the LPA from time to time under Condition 31.3). The LPA shall be given not less than two weeks written notice of the commencement of the relevant Site Engineering and Preparation Works.

Reason: To protect human health and prevent contamination of controlled waters.

31.5. No soils or infill materials shall be imported on to or reused within the Site unless they comply with approved chemical and physical acceptance criteria defined in the relevant SSRS or are otherwise approved in writing by the LPA to the extent that such approval is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process.

Reason: To protect human health and the environment, prevent contamination of controlled waters and to ensure satisfactory growing media.

31.6. Prior to commencement of construction of any Building or Bridge Structure in any Remediation Zone or Sub-Zone, or otherwise as set out in the relevant approved SSRS, a Remediation Validation Report demonstrating completion of the Remediation Works in accordance with the Global Regeneration Strategy and the relevant SSRS and the effectiveness of the Remediation Works shall be submitted to and approved, in writing, by the LPA. The Remediation Validation Report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the LPA.

Reason: To protect human health and ensure that the necessary remediation at the site has been undertaken.

31.7. In the event that significant ground contamination not anticipated by the relevant SSRS is encountered during the Site Engineering and Preparation Works and/or any construction works, the LPA shall be notified immediately and an assessment of proposed remediation measures shall be submitted to, and approved by, LPA. If the LPA decides it necessary to protect human health and the environment and prevent contamination of controlled waters all works shall be suspended on the relevant part of the Site and any temporary contingency works needed to minimise any risks associated with such ground contamination shall be implemented in accordance with a specification to be submitted (as soon as possible after its discovery) to and approved by the LPA. The approved remediation measures shall then be implemented accordingly.

Reason: To protect human health and the environment and prevent contamination of controlled waters.

32. Hazardous Substances

32.1. No hazardous substances included in the schedule of Planning (Hazardous Substances) Regulation 1992 shall be used, handled or stored on site until details of such use, handling or storage of any hazardous substance have been submitted to and approved by the LPA and such use, handling or storage shall only take place in accordance with the approved details.

Reason: To protect human health and the environment and prevent pollution of controlled waters.

33. Utilities

33.1. Development shall not commence in any specific Phase or Sub Phase until an impact statement of the existing water supply infrastructure in respect of that Phase or part of Phase, which is consistent with the Utility Strategy submitted with the planning application, shall have been submitted to, and approved in writing by the LPA (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand

33.2. ~~Unless otherwise agreed in writing by the LPA to the extent that such approval is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process and save~~ ave for Temporary Works or Preparatory Works, no part of the Development shall be commenced within any Phase or Sub Phase until a statement in respect of that part of the phase is submitted to and approved by the LPA to explain how the Water Use Principles contained in the Development Specification and Framework (particularly paragraph 2.71) have been submitted to and approved by the LPA in respect of the relevant proposals for that Phase or Sub-Phase. This will set out how rainwater harvesting, use of water saving and harvesting technologies will feature within development and ensure water consumption in residential development is limited to 105 litres per person per day

Reason: To ensure the efficient use of water resources in accordance with London Plan policy 4A.16.

33.3. Prior to or coincident with the submission of the first Reserved Matters application within any Phase or Sub-Phase a Telecommunications Statement shall be submitted to and approved by the LPA for the relevant Phase or Sub-Phase to set out a plan for telecommunications infrastructure required to support development, including e-enabling cables, transmitters and

masts. Wherever possible, telecommunications equipment should be incorporated into buildings. Before the erection of any telecommunications equipment details of the design, appearance and location will be submitted to and approved by the LPA.

Reason: To ensure the provision of telecommunications infrastructure to support development and reduce visual intrusion from required equipment.

33.4. Prior to or coincident with the submission of the first Reserved Matters application for the Rail Freight Facility within the Railway Lands Zone, detailed proposals for the treatment and realignment of the gas main shall have been submitted to and approved by the LPA

Reason: To safeguard gas supply through the Site.

34. Microclimate

34.1. Any Reserved Matters Application that includes a Building of more than 4 storeys in height, which abuts any Principal Open Space or Public Realm or any pedestrian route which is likely to be subject to use by pedestrians as a thoroughfare or to be used for recreation or relaxation, shall be accompanied by a wind tunnel or other assessment which demonstrates that appropriate levels of amenity, as set out in the Lawson Criteria for Distress and Comfort, which are summarised in Table 7 of the DSF, can be met.

Reason: In the interests of providing satisfactory microclimate for open spaces and other pedestrian thoroughfares in accordance with the mitigation measures proposed and described in the Environmental Statement and Design & Access Statement.

34.2. Any Reserved Matters Application that includes a building of more than 4 storeys in height, where it is possible that the good practice standards in BRE 209 as set out in Table 6 of the DSF in relation to daylight and sunlight will not be achievable, shall be accompanied by a daylight and sunlight assessment undertaken in accordance with BRE 209 and BS8206.

Reason: In the interests of providing satisfactory residential environments in accordance with the mitigation measures proposed and described in the Environmental Statement and Design & Access Statement.

34.3. In order to protect the biological functioning of the Realigned River Brent, light spill from external artificial lighting into the watercourse or adjacent river corridor habitat shall be minimised by use of appropriate lighting, set back as far as possible from the River and the permitted light spills shall be approved by the LPA prior to commencement of any Plot Development which is likely to cause light spillage onto any watercourse or adjacent existing or

proposed natural habitat. Lighting levels within 8 metres of the River Brent shall be maintained at background levels (background levels to be a Lux level of 0-2), except where higher levels are required to ensure pedestrian safety and security on bridges and public areas. Artificial lighting in any Plot Development or Landscaping Works shall (insofar as is reasonably practicable) be specified to include only acceptable artificial lighting installations such as white, mercury vapour, louvered (hooded), or that which emits low ultra-violet light or lighting which is filtered to remove this part of the spectrum.

Reason: Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using/inhabiting the river and its corridor habitat. In particular it can be disruptive to insects, birds and bats using/ inhabiting rivers and their corridor habitat. As paths are usually accompanied by lighting (for Health and safety and security reasons) we would wish to see path design set back from the watercourse, with only a few limited /controlled access points (for access/views), to increase the amount of natural buffer and reduce disturbance.

34.4. Prior to the Commencement of development in relation to any Bridge Structures River Brent Bridges or Plot Development on or around the Plots immediately adjacent to the Eastern River Brent Alteration and Diversion Works, the Central River Brent Alteration and Diversion Works and/or the Western River Brent Alteration and Diversion Works a shading study for that river section shall be carried out and approved in writing with the LPA. Any shading impacts on the River Brent shall be assessed and any appropriate mitigation measures shall be detailed as part of the survey and implemented as part of the relevant Bridge Structures Plot Development or ancillary works.

Reason: As outlined in Section A2.4.5 Height and Massing Guidelines in the Design and Access Statement 'all proposed buildings will need to ensure that they do not adversely affect the microclimate'. Shading of the River Brent has the potential to adversely impact the habitat in the river. Building heights should be graded back to maximise natural light into the channel. Shading of watercourses and river corridors limits biological diversity and productivity, by limiting areas in which plants can grow and so making these areas uninhabitable or less attractive to birds and other wildlife.

35. Energy & Sustainability

35.1. All residential units shall achieve a minimum standard of Code Level 4 for energy and Code Level 3 of the Code for Sustainable Homes overall with a view to obtaining higher levels in later phases.

Reason: To ensure that the development is sustainable and complies with strategic and local policies.

35.2. All commercial units shall achieve a minimum standard of BREEM Excellent. No Building shall be occupied until a Certificate has been issued for it certifying that at least BREEM Excellent has been achieved.

Reason: To ensure that the development is sustainable and complies with strategic and local policies.

35.3. Not to submit any Reserved Matters Application unless and until the developers have undertaken the RDF Feasibility Study in accordance with this ~~condition~~Condition and paragraph 15 of Schedule 2 to the Initial Planning Agreement to investigate the delivery potential of a Refuse Derived Fuel fuelled scheme for the onsite scheme-wide CHP/CCHP and the feasibility of an appropriate continuous conveyor between the CHP/CCHP and the Waste Handling Facility and the RDF Feasibility Study shall have been approved by the LPA in accordance with the Energy Facilities Details.

Reason: To ensure that the development is sustainable and complies with strategic and local policies.

35.4. If a Refuse Derived Fuel fuelled scheme for the onsite scheme-wide CHP/CCHP is shown in the RDF Feasibility Study submitted in accordance with ~~condition~~Condition 35.3 not to be feasible the developers shall submit a further feasibility report examining the possibility of fuelling a scheme-wide CHP/CCHP using alternative renewable source(s) in accordance with the Revised Energy Strategy to the LPA for approval prior to the submission of the first Reserved Matters Application for Plot Development.

Reason: To ensure that the development is sustainable and complies with strategic and local policies.

35.5. If a Refuse Derived Fuel fuelled scheme for the onsite scheme wide CHP/CCHP is shown to be Feasible in the RDF Feasibility Study submitted in accordance with ~~condition~~Condition 35.3 (or alternatively if the possibility of fuelling a scheme-wide CHP/CCHP using alternative renewable source(s) in accordance with the feasibility study conducted and approved under ~~condition~~Condition 35.4 is shown to be Feasible and is approved by the LPA), no residential development shall commence unless and until Reserved Matters Applications and/or Other Matters Applications, which include the following details (and are consistent with the RDF Feasibility Report or the study approved under ~~condition~~Condition 35.4), shall have been submitted to and approved by the LPA in respect of the CHP/CCHP:

- a) the proposed fuel and combustion process and details of the preferred fuel option for the CHP/CCHP which will deliver a reduction of 44% and 20% in CO₂ emissions below Part L Building Regulations 2006 for residential and commercial buildings respectively, and potentially up to 60% reduction in CO₂ emissions below Part L 2006 Building Regulations;

- b) proposals for the staged installation of plant within the CHP/CCHP Building;
- c) siting, layout and design of the CHP/CCHP Building, including the stack;
- d) details of parking, highway access and landscaping;
- e) details of any external plant, including chiller units, cooling towers, electricity sub-stations, chemical storage tanks, ash silos and other post-combustion waste management facilities, stores, workshops, offices and any other associated buildings (unless covered under (c));
- f) details of and the connections to the District Heating Network (as a site wide pipe network), as well as external electricity, gas and water networks, if appropriate;
- g) details of the arrangements for transport of the fuel to the CHP plant, any storage facilities and arrangements for the export of waste-materials, including ash;
- h) dispersion modelling of airborne emissions; and
- i) design and use of the Building, and associated facilities and operational practices on the CHP site so as to restrict the noise emissions to 5dB below existing background LA90 noise levels at the nearest noise-sensitive buildings, in accordance with BS4142.

The CHP/CCHP shall not allow mass burn incineration.

Reason: To secure the maximum practicable reduction in carbon emissions and optimal use of renewable energy and to protect local air quality and amenity.

35.6. If a Refuse Derived Fuel fuelled scheme for the onsite scheme-wide CHP/CCHP is shown in the RDF Feasibility Study submitted in accordance with ~~condition~~Condition 35.3 (or the alternative feasibility submitted and approved in accordance with ~~condition~~Condition 35.4) is proven to not be feasible the developers shall not Commence the Development unless and until they shall have prepared the Revised Energy Strategy (in consultation with the Energy Panel, LPA and the GLA) and shall have submitted to the LPA and obtained the LPA's approval to the Revised Energy Strategy. The Revised Energy Strategy shall demonstrate how the minimum reduction in carbon emissions below the standard set out in Building Regulations Part L 2006 of 44% and 20% for residential and commercial buildings respectively will be achieved using fuel other than Refuse Derived Fuel, prior to the submission of any Reserved Matters Application. All relevant Reserved Matters Applications and/or Other Matters Applications shall thereafter be

required to demonstrate (in accordance with Condition 2.1) compliance with the Revised Energy Strategy.

Reason: To secure the maximum practicable reduction in carbon emissions and optimal use of renewable energy.

35.7. All relevant Reserved Matters Applications for Plot Development comprising residential units shall thereafter be required to demonstrate (in accordance with Condition 2.1) compliance with the Energy Strategy as confirmed by the RDF Feasibility Study (conducted under Condition 35.3) or the feasibility report in relation to alternative renewable sources feasibility study (to be conducted under Condition 35.4) or (as appropriate) the Revised Energy Strategy (to be conducted under Condition 35.6) unless and to the extent that such compliance is demonstrated to be Unfeasible in respect of particular Plots.

Reason: To secure the maximum practicable reduction in carbon emissions and optimal use of renewable energy.

36. Development Floorspace & Uses & Design Criteria

36.1. The total quantum of built floorspace for the Development across the Development Zones shall not exceed the gross floorspace for individual land uses set out in the Zonal Floorspace Schedule and be in general accordance with the Indicative Plot Schedule set out within Table 8a of DSF Appendix 2 (and with the Table 1 of the Development Specification & Framework).

Reason: To ensure that the development is carried out in accordance with the approved plans and other submitted details and to ensure that the quantum of floorspace keeps within the parameters assessed in the Revised Environmental Statement.

~~36.2. The developer shall submit details of any proposed deviation [in respect of Floorspace or Uses in relation to any Development Zone, Phase, Sub-Phase or Plot Development] from the parameters and principles set out in the DSF (and referred to generally in Conditions 1.16 and 3.2) for approval in writing by the LPA. No approval shall be given unless it is:~~

- ~~e) Demonstrated to have no likely significant adverse environmental effects beyond those assessed in the EIA process carried out in relation to the Application, unless and to the extent that such changes are validly approved by the LPA after they have been assessed by a subsequent new or revised Environmental Statement and an appropriate EIA process;~~

~~d) Does not undermine the comprehensive delivery of the wider scheme;~~

~~e) Provides an appropriate location for relevant facilities and uses.~~

~~Reason: to ensure comprehensive development on both sides of the A406 and consistency with the Revised Environmental Statement and relevant planning policy.~~

36.2. NOT USED

36.3. The Net Additional Increase of comparison retail floorspace (Class A1) within the Brent Cross East Development Zone shall not exceed 55,000 m² and the relevant Phase Details for the Brent Cross East Zone shall be consistent with this restriction.

Reason: To comply with the Barnet UDP and to be in accordance with the Retail Assessment submitted in conjunction with the Planning Application.

36.4. The New Superstore to be constructed in the vicinity of Plot 28 in the Eastern Lands Zone shall have a maximum Gross Sales Area of 11,720m² of which a maximum of 6,446m² and 5,274m² shall be used for the sale of comparison and convenience goods respectively and the relevant Phase 1 Details shall be consistent with this ~~condition~~Condition.

Reason: To comply with the DSF and the Retail Assessment submitted in conjunction with the application.

36.5. All housing shall be constructed to meet Lifetime Home Standards as set out in Appendix 6 of the DSF. In addition, the construction and design of the housing shall have regard to the London Mayor's Supplementary Planning Guidance on inclusive design, sustainable design and construction or any successor guidance, ~~including the London Housing Design Guide (Interim Edition) (August 2010).~~

Reason: to ensure that the residential units can meet the needs of a wide range of residents and therefore encourage a balanced mix of residential occupiers.

36.6. At least 10% of housing shall be constructed, or adapted to meet the needs of wheelchair users in accordance with the Design and Access Statement and relevant policy guidance and standards.

Reason: to ensure that the residential units can meet the needs of a wide range of residents and therefore encourage a balanced mix of residential occupiers.

36.7. No more than a total of 750 residential units made up from student and/or sheltered and/or special needs units shall be erected within the Site. No development for student and/or sheltered and/or special needs units shall

take place in any Phase unless and until the developers have submitted the proposed balance of uses for approval in writing by the LPA with justification as to how proposals will ensure a balanced community within that phase and across the wider site and the LPA shall have approved such proposals.

Reason: To comply with the DSF and ensure a balanced mix of residential occupiers.

36.8. Following occupation of New John Lewis Store, the unit occupied by the Existing John Lewis Store shall not be re-occupied or opened to the public (whether in its present form or any reconfigured form) unless and until all steps or measures have been taken in accordance with details to be submitted to and approved in writing by the LPA to ensure that no retail sales will take place on the second and third floors and thereafter to comply with such approved details, steps and measures.

Reason: To comply with the DSF and Regulation 19 response statement.

37. Matrix and Transport Reports

37.1. Not to submit any Transport Report without first submitting to the LPA for approval (in consultation with TfL) the Matrix and the proposed specification and scope in respect of the relevant Transport Report (including for the avoidance of doubt the Area of Concern for the relevant Transport Report) in accordance with the parameters and principles set out in the Matrix and Transport Reports Schedule and thereafter the relevant Transport Report shall be prepared in accordance with such Transport Report Scope and Specification Approval;

Reason: in order to ensure that the transport impacts of the Development as it proceeds are at all times consistent with the assessment in the Transport Assessment.

37.2. Not to submit any Reserved Matters Application or any Other Matters Application in relation to any Site Engineering and Preparation Works or Building or Bridge Structure in relation to any Phase or Sub-Phase unless and until the Phase Transport Report shall have been approved by the LPA in accordance with this ~~condition~~ Condition;

Reason: to ensure the transport impacts of each development phase are appropriately mitigated in accordance with the TA.

37.3. No Transport Report shall be submitted unless and until the LPA shall (in response to a written application therefor submitted by a relevant Matrix) have issued its Transport Scope and Specification Approval in respect of

such Transport Report in accordance with the details and arrangements set out in the Matrix and Transport Reports Schedule;

Reason: to ensure the transport impacts of the scheme are appropriately mitigated in accordance with the TA.

37.4. The Transport Report for any Phase or Sub-Phase shall be prepared and submitted to the LPA and TfL in accordance with the Transport Report Scope and Specification Approval and the arrangements and details set out in the Matrix and Transport Reports Schedule;

Reason: to ensure the Transport Report is prepared in a consistent manner as agreed with the LPA.

37.5. No Reserved Matters Application in relation to Plot Development shall be approved unless and until the LPA shall first have received and approved a Reserved Matters Transport Report in respect of the Plot Development to which the relevant Reserved Matters Application relates;

Reason: to ensure the transport impacts of the scheme are appropriately mitigated in accordance with the TA.

37.6. The Reserved Matters Transport Report shall be prepared and submitted to the LPA and TfL in accordance with the Transport Report Scope and Specification Approval and the arrangements and details set out in the Matrix and Transport Reports Schedule and shall also be consistent with the relevant details of the approved Phase Transport Report for the Phase in which the relevant Plot Development is included;

Reason: to ensure the Reserved Matters Transport Report is prepared in a consistent manner as agreed with the LPA in order to ensure that the transport impacts of the Development as it proceeds are at all times consistent with the assessment in the Transport Assessment.

37.7. For the avoidance of doubt, the LPA may as a basis for determining whether or not to issue its approval to any Transport Report in accordance with the Matrix and Transport Reports Schedule impose such conditions and/or require such additional Planning Obligations as may be necessary and reasonably related to the application for its approval of a Transport Report (and the Phase, Sub-Phase or Plot Development to which it relates) and shall be entitled to refuse such approval if the applicant for such approval is unable or unwilling (or procure the owners of interests in the relevant part of the Site) to enter into an appropriate Planning Agreement required under this ~~condition~~Condition. Such additional conditions and/or obligations may only be sought where this would be in accordance with the Matrix and

Transport Reports Schedule and the relevant planning obligations contained in the Initial Planning Agreement.

Reason: to ensure that transport impacts of the scheme are mitigated in an appropriate manner to the satisfaction of the LPA.

37.8. No part of the Development (including Phase 1) shall Commence unless and until the Developer shall have submitted and obtained approval from the LPA (following appropriate consultation with the Transport Strategy Group) for a Monitoring Strategy. The Monitoring Strategy shall be updated on its first anniversary and annually from then until completion of the Development or another appropriate time agreed by the LPA and TfL.

Reason: to ensure that transport impacts of the scheme are monitored in an appropriate manner to the satisfaction of the LPA.

38. Parking, Deliveries and Servicing

38.1. The Reserved Matters Application required in accordance with ~~condition~~Condition 1.15 for any Plot Development or any Building comprising any car park which is ancillary to any such Plot Development or Building shall include the following details, ~~unless otherwise approved in writing by the LPA to the extent that such approval is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process.;~~

- a) layout of vehicle and cycle parking in accordance with relevant policy guidance and design standards;
- b) the details of any facilities for the charging of electric vehicles which shall be in accordance with the standards required in accordance with ~~condition~~Condition 39.7;
- c) details of inclusive access for pedestrians;
- d) details of sustainable construction measures; and
- e) details of ramp design.

Reason: To ensure that high standards of technical and sustainable design and mitigation are achieved.

38.2. The Reserved Matters Application for any car parking area or any surface car parking spaces or any proposed multi-storey car park (including any above or below ground structure) or on-street parking spaces shall (in accordance with this ~~condition~~Condition and Condition 2.1(e)) be accompanied by a statement to be provided as part of the Reconciliation

Mechanism described in Section 6 of the DSF to demonstrate that such Development will be managed and used at all times in accordance with the Phase Parking Standards and the following maximum car parking standards as may be varied from time to time under the operation of Condition 37 relating to the Matrix and the Phase Transport Reports or Reserved Matters Transport Reports:

Use	Standard
Residential	PDP and up to 2,000 units capped ratio 1.0 2,000 – 4,000 capped ratio 0.95 4,000 – 5,000 capped ratio 0.8 5,000 – 7,500 capped ratio 0.7
Retailing and related uses & Leisure within Brent Cross East zone	7,600 spaces (No additional parking applied for)
Other Retail and related uses	1 space per 75 – 50sq.m
Other Leisure	1 space per 22sq.m
Employment (B1 – B8)	1 space per 300sq.m (Cap at 1,000 spaces)
Hotel	1 space per 2 bedrooms, plus 1 space per 5 seats for conference facilities
Community Facilities	1 space per 3-5 staff
Private Hospital	1 space per 2-4 beds
New and Existing Mainline Station	Parking only for disabled passengers and staff, and pick up and set down
Rail Freight Facility	120 car parking and 40 HGV spaces
Other Uses	In accordance with the London Plan

NB – Figures in the above Table are ~~maximum~~maximums and the appropriate level of car parking is to be set having regard to paragraph 2.6 of the Matrix and Transport Reports Schedule.

Reason: To comply with the DSF and Transport Assessment.

38.3. ~~Unless otherwise agreed in writing with the LPA to the extent that such approval is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process, the~~ The New Superstore shall have a maximum of 760 car parking spaces, including the re provision of 460 spaces from the existing foodstore.

Reason: To ensure the appropriate car parking provision within the town centre south.

38.4. Not to occupy the New Superstore unless and until a car parking management regime has been submitted to and approved in writing by the LPA in accordance with the Car Parking Strategy approved for Phase 1 on the basis that the New Superstore car park will be operated and managed as a shared town centre car park subject to such charges and conditions of operation as shall have been first approved in writing by the LPA.

Reason: To ensure that parking is provided and managed sustainably in accordance with the LPA 's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area and encourage (insofar as is reasonably practicable) the choice of sustainable non-car transport modes.

38.5. Not to commence any car park development within any Plot Development or any other part of a Phase or Sub-Phase unless and until details of a scheme for the installation of petrol/oil interceptor(s) in that car park has been submitted to and approved by the LPA. That car park development shall be implemented in accordance with the approved scheme and shall be provided before the car park(s) to which the scheme relates is Occupied or brought into use.

Reason: To reduce the risk of pollution by petrol and oil spillage.

38.6. Prior to the commencement of any Plot Development within any Phase or Sub Phase details of a scheme for the provision of facilities for the secure storage of cycles for that Plot shall be submitted to and approved by the LPA . No dwelling located within the Plot to which the approved scheme relates shall be occupied unless and until the cycle storage facilities have been provided in accordance with the approved plans.

Reason: To ensure that the development makes adequate provision for the secure storage of bicycles in the interests of encouraging alternative sustainable means of transport to and from the site.

38.7. All delivery and servicing within the Development shall be conducted in accordance with the Framework ~~Delivery and Servicing~~ and Delivery Strategy as approved from time to time by the LPA under Condition 1.21.

Reason: to reduce the impact of delivery and servicing activity generated by the BXC site on the environment

38.8. Following the opening and coming into operation of the new multi-storey car park on Plot 114 as part of Phase 1, the land within the Brent Cross West Zone shall cease to be used as a car park in connection with the Brent Cross

Shopping Centre or for any other car parking purpose save and except such car parking spaces as may be (1) provided with the prior approval of the LPA under this condition during the Construction Phase of the Brent Cross East Zone in order to maintain the number of car parking spaces to serve the Brent Cross Shopping Centre at the approved maximum level of 7,600 in accordance with this Permission and all relevant Reserved Matters Approvals and Other Matters Approvals and/or (2) approved as part of the Reserved Matters Approvals and Other Matters Approvals in respect of the Plot Development in the Brent Cross West Zone).

Reason: To comply with the DSF and Transport Assessment and the principle of car parking restraint on which the EIA Process was based.

39.Sustainable Travel

39.1. No more than 200 residential units shall be occupied prior to establishment of the site-wide Cycling Hire Club as approved in writing by the LPA and in accordance with the obligations set out in paragraph 15 of Schedule 3 to the Initial Planning Agreement.

Reason: To reduce the need for site users to travel by private car and to ensure sustainable modes of travel are available and promoted through development.

39.2. No more than 200 residential units shall be occupied prior to establishment of the site-wide Car Club as approved in writing by the LPA and in accordance with the obligations set out in paragraph 15 of Schedule 3 to the Initial Planning Agreement.

Reason: To reduce the need for site users to travel by private car and to ensure sustainable modes of travel are available and promoted through development.

39.3. Prior to the occupation of any non-residential premises which meet the standard travel plan threshold, (set out in TfL's Guidance for workplace travel planning and development), an Occupier Travel Plan for those premises shall be submitted to the LPA for approval in consultation with TfL in accordance with the terms set out in the Framework Travel Plan and in accordance with the obligations set out in paragraph 17 of Schedule 3 to the Initial Planning Agreement.

Reason: To ensure the scheme is compliant with the Framework Travel Plan.

39.4. Prior to the occupation of any non-residential premises which fall below the standard travel plan threshold (set out in TfL's Guidance for workplace travel planning and development) but the Occupier is anticipated to employ 20 or more staff, an Enterprise Scale Travel Plan for those premises shall be submitted to the LPA for approval in consultation with TfL in accordance with

the terms set out in the Framework Travel Plan and in accordance with the obligations set out in paragraph 18 of Schedule 3 to the Initial Planning Agreement.

Reason: To ensure the scheme is compliant with the Framework Travel Plan.

39.5. Prior to the occupation of any educational premises a School Travel Plan will be submitted to the LPA for approval in consultation with TfL, in accordance with the terms set out in the Framework Travel Plan and in accordance with the obligations set out in paragraph 19 of Schedule 3 to the Initial Planning Agreement.

Reason: To ensure the scheme is compliant with the Framework Travel Plan.

39.6. NOT USED.

39.7. Prior to the commencement of the Development on any Phase (with the exception of Phase 1A save and to the extent that such charging points are intended to be located within the Critical Infrastructure to be located within Phase 1A) the Developers shall prepare and submit to the LPA for approval a parking plan detailing the number and location of facilities for charging electric vehicles. The parking plan will make provision for electric vehicle charging points, taking into account the targets in the Mayor's Electric Vehicle Delivery Plan for London and shall be implemented in accordance with the approved details before the relevant Plot Developments hereby permitted are occupied and maintained thereafter and in accordance with the obligations set out in paragraph 11.3 of Schedule 3 to the Initial Planning Agreement.

Reason: To ensure sustainable modes of travel are available and promoted throughout the development.

40. Waste

40.1. Before construction of any building is commenced, details of arrangements for storage and collection of refuse including location, design, screening, operation and the provision of facilities for the storage of recyclable materials, which shall meet the requirements of BS5906, shall be submitted to and approved by the LPA ~~unless otherwise agreed in writing by the LPA to the extent that such approval is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process.~~ Where Buildings contain residential units, facilities shall be provided to facilitate the recycling or composting of at least 40% of household waste. Where and Buildings are intended for commercial uses,

facilities shall be provided to facilitate the recycling or composting of at least 60% of commercial and industrial waste generated by any of such Buildings.

Reason: To meet with the requirements of BS5906.

40.2. NOT USED

41. Waste Handling Facility

41.1. Before the Development commences, a Reserved Matters Application which includes the following details in relation to the Waste Handling Facility, shall be submitted to and approved by the LPA in accordance with Conditions 1.2 and 13.1:

- a) siting, layout, design and external appearance of the Waste Handling facility together with the conveyor system to convey Refuse Derived Fuel to the CHP/CCHP unless and to the extent that the RDF Feasibility Study demonstrates that such technology and system is not reasonably practicable for inclusion in the Development;
- b) details of highway access, external manoeuvring areas and parking;
- c) details of proposed external lighting;
- d) details of landscaping and means of enclosure,
- e) (subject to its being found to be reasonably practicable in the VWCS Feasibility Study as approved under ~~condition~~Condition 1.24) details of the relevant parts of the Vacuum Waste Collection System;
- f) a report confirming that the design of the buildings, yard facilities and operational practice will ensure that at all times noise emissions measured at the nearest noise sensitive premises do not exceed 5db below existing background LA90 noise levels, in accordance with BS4142; and
- g) a statement in accordance with Condition 2.1 to demonstrate conformity with the parameters and principles described in the DSF (particularly paragraph 5.75) and Design & Access Statement.
- h) Details of air pollution and dust mitigation measures in accordance with ~~condition~~Condition 30.3~~]-~~.
- i) An enforceable route management and servicing strategy in consultation with neighbouring authorities.

Reason: To ensure high standards of urban design, landscaping and environmental mitigation.

Planning Conditions

Application Reference: C/17559/08

Dated ~~16 July~~9th September 2010

Waste Handling Facility Trigger

41.2. The Development shall not prevent the operation of the existing Hendon Waste Transfer Station until a new Waste Handling Facility has been completed ~~unless otherwise agreed in writing with the LPA to the extent that such agreement is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process.~~ Development of the new Waste Handling Facility shall be carried out in accordance with the relevant Phase 1 Details submitted and approved and all other relevant Necessary Consents ~~unless otherwise agreed in writing with the LPA to the extent that such agreement is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process.~~

Reason: To ensure the timely provision of the Waste Handling Facility.

Waste Handling Facility Rail Sidings with Gantry Crane

41.3. The Waste Handling Facility shall not be opened prior to the practical completion of the Waste Handling Facility Rail Sidings with Gantry Crane, ~~unless otherwise agreed in writing with the LPA to the extent that such agreement is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process.~~ The construction of the Waste Handling Facility Rail Sidings with Gantry Crane shall not be commenced until details of the design, layout and materials to be used have been submitted to and approved by the LPA in accordance with Conditions 13.1 and 41.1 and development of the Waste Handling Facility Rail Sidings with Gantry Crane shall be carried out in accordance with the details submitted and approved.

Reason: To ensure the successful operation of the facility

41.4 The new Waste Handling Facility shall in accordance with the Necessary Consents provide as a minimum the same licensed or permitted operational capacity as shall be currently licensed and permitted at the Hendon Waste Transfer Station.

Reason: To comply with London Plan Policy 4A.24.

41.5 Not to redevelop any Waste Management Site unless the same licensed or permitted operational capacity as shall be currently licensed and permitted on that waste management site or part thereof shall have been provided either within the Waste Handling Facility or at such other suitable site as shall have been approved by the LPA in writing (in consultation with the North London Waste Authority)

42. Reason: To comply with London Plan Policy 4A.24. Rail Freight Facility

42.1. No Development shall Commence within Phase 4, until a Reserved Matters Application and Other Matters Application, which includes the following details in relation to the Rail Freight Facility on Plot 60, shall be submitted to and approved by the LPA:

- a) Potential uses and users of the facility;
- b) siting, layout ,design and external appearance of the Rail Freight Facility;
- c) details of highway access, external manoeuvring areas and parking;
- d) An enforceable route management and servicing strategy in consultation with neighbouring authorities.
- e) details of proposed external lighting;
- f) details of landscaping (including trees and shrubs to be planted, including species, size of stock and plating layouts) and means of enclosures, including the acoustic screens to be erected on the northern and southern boundary of the site;
- g) a report confirming that the design of the buildings, yard facilities and operational practice will ensure that night time noise levels at nearby residential properties in the Railway Terraces Conservation Area do not exceed LA eq 5mins 45dB and that at all times noise emissions at the nearest noise sensitive premises do not exceed 5db below existing background LA90 noise levels, in accordance with BS4142; and
- h) a statement to demonstrate conformity with the parameters and principles described in the DSF (particularly paragraph 5.78) and Design & Access Statement.

Reason: To ensure high standards of urban design, landscaping and environmental mitigation.

42.2. The Development shall not prevent the operation of the existing rail freight facility until the new Rail Freight Facility has been completed ~~unless otherwise agreed in writing by the LPA to the extent that such agreement is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process.~~ Development of the new Rail Freight Facility shall be carried out in accordance with the relevant Phase Details submitted and approved ~~in accordance with Condition 16.1.~~

Reason To ensure the timely provision of the Rail Freight Facility.

43. Archaeology

43.1. No part of the Development shall commence within any Phase or Sub Phase unless and until proposals have been submitted to and approved by the LPA for a Scheme of Archaeological Investigation to monitor development groundworks and to preserve or record any archaeological evidence revealed. The Development shall take place in accordance with the approved Scheme of Archaeological Investigation.

Reason: To secure the provision of an archaeological watching brief to avoid damage to any archaeological remains.

44. Drainage, Water Use and River Works

44.1. NOT USED.

River Brent Alteration & Diversion Works

44.2. No development shall commence within Phase 1 or a Sub Phase of Phase 1 or any other Phase unless and until details of the River Brent Alteration and Diversion Works relevant to Phase 1 or such other Phase have been submitted to and approved by the LPA and no part of the River Brent Alteration and Diversion Works shall commence unless and until the relevant details for the works have been submitted to and approved by the LPA (in accordance with respectively Conditions 1.2, 1.3, 13.1, 14.1 and 15.1 as appropriate having regard to the relevant Phase or Sub-Phase), which shall include (as appropriate):

- a) the channel design;
- b) pedestrian and/or cycle bridge/clearances;
- c) capacity of channel;
- d) ecological enhancements;
- e) water quality monitoring;
- f) means of maintaining adequate water quality during construction;
- g) details of flood storage;
- h) morphology and sedimentology;
- i) impacts of climate change; and
- j) confirming that the proposals are in accordance with the parameters and principles described in the Development Specification and Framework;
- k) a scheme to provide a return overland flood flow route from the floodplain on the North Circular Road to the River Brent;
- l) details of the protection measures for water quality;
- m) Details of phasing and timing of works.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements within the scheme.

Reason: To ensure a comprehensive approach is taken to the realignment of the River Brent. To reduce the impact of flooding on the proposed Development, future occupants and the surrounding area. To ensure the works to the river are suitable to reduce the risk of flooding and enhance habitats and biodiversity in

the area. To prevent materials from entering the River Brent and causing pollution. To maximise the ecological benefits in terms of habitat creation

44.3. During construction of the development, no spoil or building materials shall be stored within 4 metres of the River Brent.

Reason: To prevent materials from entering the River Brent and causing pollution.

44.4. No development will be commenced within Phase 1 (or Sub Phase of Phase 1) or any other Phase unless and until a geomorphological assessment and scheme demonstrating for that element of the River Brent Alteration and Diversion Works relevant to such Phase that the realignment of the River Brent is sustainable shall have been submitted to, and approved in writing by, the LPA. The scheme relevant to that Phase shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To ensure the works to the river are suitable to reduce the risk of flooding and enhance habitats and biodiversity in the area. It is important that the recommendations in the River Restoration Document produced by RRC are included and that the proposed works (design and materials) are proven by a qualified geomorphologist work and are sustainable. As part of the recommendations of the assessment appropriate measures need to be taken to avoid/reduce the build up of silt in the Brent Reservoir downstream which could impact unfavourably on the condition/status of the SSSI.

Surface Water Drainage

44.5. A Sustainable Urban Drainage System to be submitted for approval in accordance with ~~condition~~Condition 1.27 in relation to each Phase or Sub-Phase shall be integral to the site and ensures a commitment to 25% reduction in surface runoff of current 1 in 100 year flow plus 30% for climate change through incorporation of SUDS features such as Green and Brown Roofs, detention basins, gravelled areas, swales, permeable paving and pipe storage

Reason: To reduce the risk of flooding and to conform to London Plan policy 4A.14

44.6. No development shall be commenced in respect of any Phase or Sub-Phase unless and until a strategy for the monitoring and mitigation of impacts on the Welsh Harp Reservoir has been submitted to and approved by the LPA.

Reason: To reduce the risk of pollution caused by development on the Welsh Harp Reservoir.

44.7. No development shall be commenced in respect of any Phase or Sub-Phase unless and until a strategy for the monitoring water levels has been submitted to and approved by the LPA.

Reason: To ensure the validity of the flood water level estimates described in the FRA can be measured during the course of the implementation of the development. .

44.8. The Development shall not be commenced until such time as a scheme to provide a return overland flood flow route from the floodplain on the North Circular Road to the Brent main river has been submitted to, and approved in writing by, the LPA. The scheme shall be fully implemented and subsequently maintained, in accordance with the agreed timing / phasing arrangements embodied within the scheme.

Reason: To reduce the impact of flooding on the proposed development, future occupants and the surrounding area.

44.9. No infiltration of surface water drainage into the ground related to new development is permitted other than with the express written consent of the LPA , which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: Surface infiltration will provide a potential pathway for contamination on site to migrate into the minor aquifer and then into the hydraulically-linked surface waters.

45. Flood Risk

45.1. No part of the River Brent Alteration and Diversion Works hereby permitted shall be commenced until such time as a scheme to provide access ramps to that part of the River Brent has been submitted to, and approved in writing by, the LPA. That part of the works shall be fully implemented and subsequently maintained, in accordance with the agreed timing / phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring access is maintained to the watercourse for maintenance and emergency, repair or renewal works.

45.2. All finished floor levels (excluding car parks) shall be set no lower than 300mm above the 1 in 100 year (+ climate change) flood level. In addition the threshold levels into the car parks hereby permitted shall be set no lower than 300mm above the 1 in 100 year (+ climate change) flood level or located outside of the floodplain. Any application to deviate from these standards shall be submitted and approved by the LPA in consultation with the Environment Agency.²

Reason: To reduce the risk of flooding to the proposed development and future occupants.

45.3. No part of the River Brent Alteration and Diversion Works hereby permitted shall be Commenced until the detailed design of the River Brent Bridges and other walkway structures for that part of the River Brent Alteration and Diversion Works and the Brent Riverside Park have been submitted to and approved in writing by the LPA (in accordance with respectively Conditions 1.2, 1.3, 13.1, 14.1 and 15.1 as appropriate having regard to the relevant Phase or Sub-Phase). That part of the River Brent Works and the Brent Riverside Park shall subsequently be implemented in accordance with the approved details and the agreed timing / phasing arrangements embodied within the scheme. All bridges shall be clear spanning structures with the abutments set back from the watercourse on both banks to provide an unobstructed corridor to allow the movements of animals.

Reason: To prevent flooding by ensuring bridges will not have an adverse impact on flood storage and flood flows, and to prevent blockages. The use of clear-spanning bridges will maintain the river corridor and allow the movement of both the river and associated wildlife.

45.4. The Development shall not be commenced until such time as the detailed design of a scheme to provide flood storage up to and including the 1 in 100 year (climate change) flood level has been submitted to, and approved in writing by, the LPA. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

46.Social Infrastructure

Education & Children's Care

² The Environment Agency has requested this condition.

46.1. The Whitefield School will continue in its function as a sports college throughout the construction period and within its new premises. The developers will ensure the following provision is made for this continuing role:

- i. Coach parking
- ii. Relevant sports facilities, throughout the construction period and beyond.

Reason: To ensure the status of Whitefield School as a sports college is not undermined by development.

Replacement Leisure Centre

46.2. The existing Hendon Leisure Centre is to remain open until a new facility is open to the public, ~~unless otherwise agreed in writing with the LPA to the extent that such agreement is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process.~~ The development of new leisure centre shall be carried out in accordance with the details submitted and approved and the obligations contained in paragraph 9 of Schedule 2 to the Initial Planning Agreement ~~unless otherwise agreed in writing with the LPA to the extent that such agreement is reasonable and unlikely to have any significant adverse environmental impact which has not been assessed in the EIA Process.~~

Reason: To ensure the timely provision of community facilities in accordance with the ICP.

Business Relocation Strategy

46.3. Prior to the commencement of development within any Phase or Sub-Phase a detailed Business Relocation Strategy shall be submitted and approved by the LPA detailing proposals for the methodology and arrangements to facilitate or support the relocation of existing businesses within that Phase or Sub Phase to be satisfactorily relocated either within the regeneration area or to alternative appropriate premises in accordance with the obligations and provisions contained in paragraph 1 of Schedule ~~224~~ to the Initial Planning Agreement.

Reason: To ensure as far as reasonably practicable the ongoing operation of businesses currently based on the Site in accordance with the Regeneration Strategy and the EIA Process.

Play Space

46.4. Reserved matters applications for all residential development shall make provision for on-site play space comprising informal and formal play areas for under 5s in accordance with the Design and Access Statement (including the Design Guidelines appended to it). Relevant reserved matters applications should also identify how the play strategy set out within the Design and Access Statement has been met for that part of the development in question and is consistent with the play strategy in the Design and Access Statement.

Reason: To accord with the he GLA SPG Providing for children and young people's play and informal recreation.

47. Rail and LUL Works

Transport Interchange T3 (Brent Cross Underground Station) Forecourt Works

47.1. No construction work shall commence on Transport Interchange T3 (Brent Cross Underground Station) Forecourt Works until full details of the work shall have been submitted to and approved by the LPA, including details of Brent Cross LUL Square.

Reason: To ensure the provision of public transport infrastructure to support comprehensive redevelopment to the satisfaction of the LPA.

Transport Interchange T3 (Brent Cross Underground Station) Step Free Access Works

47.2. No construction work shall commence on Transport Interchange T3 (Brent Cross Underground Station) Step Free Access works until full details have been submitted to and approved by the LPA.

Reason: To ensure the provision of public transport infrastructure to support comprehensive redevelopment to the satisfaction of the LPA.

Transport Interchange T4 (Cricklewood Station) Forecourt Works

47.3. No construction work shall commence on Transport Interchange T4 (Cricklewood Station) Forecourt Works until full details of the work shall have been submitted to and approved by the LPA, including details of Cricklewood Station Square.

Reason: To ensure the provision of public transport infrastructure to support comprehensive redevelopment to the satisfaction of the LPA.

Transport Interchange T3 (Cricklewood Station) Step Free Access Works

47.4. No construction work shall commence on Transport Interchange T4 (Cricklewood Station) Step Free Access Works until full details will be submitted to and approved by the LPA.

Reason: To ensure the provision of public transport infrastructure to support comprehensive redevelopment to the satisfaction of the LPA.

Rail Enabling Works

47.5. Prior to the commencement of any Rail Enabling Works in accordance with the programme as described within the ICP full details shall be submitted to and approved by the LPA in accordance with relevant planning obligations contained in the Initial Planning Agreement and the relevant Phase Details.

Reason: To ensure the provision of public transport infrastructure to support comprehensive redevelopment to the satisfaction of the LPA.

MML Train Stabling Facility

47.6. Prior to the commencement of the MML Train Stabling Facility as shown on Parameter Plan 002 Rev 13 and Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev G and to be provided in accordance with the Detailed Delivery (Non-PDP) Programme full details will be submitted to and approved by the LPA in accordance with relevant planning obligations contained in the Initial Planning Agreement and the relevant Phase Details.

Reason: To ensure the provision of transport infrastructure to support comprehensive redevelopment to the satisfaction of the LPA.

GLOSSARY

Where in these ~~conditions~~Conditions the following defined terms and expressions are used they shall have the following respective meanings³:

"1990 Act" means the Town and Country Planning Act 1990;

"A406 Brent Cross Ingress/Egress Junction Improvements" means upgrading the ingress and incorporating a new egress onto the A406 adjacent to the Brent Cross East Zone in accordance with paragraphs 3.14 and 3.15 of the DSF and as set out in the following plans:

- P/D111870/H/100/1007 Rev C.
- P/D111870/H/100/1000 Rev G (Indicative Transport Layout (Key) Plan).

"A407 Cricklewood Lane/Claremont Road Junction Improvements" means improvements to the existing A407/Claremont Road junction within the Cricklewood Lane Zone in accordance with paragraph 3.13 of the DSF and as set out in the following plans:

- P/D111870/H/100/1023 Rev C.
- P/D111870/H/100/1000 Rev G (Indicative Transport Layout (Key) Plan).

"A41/A406 Junction Improvements" means alterations to the existing highway network at this junction, and including the new slip road access into the Brent Cross Shopping Centre, the Brentfield Gardens Junction Works and the A41 Underpass works, in accordance with paragraphs 3.5 to 3.7 of the DSF and as set out within the following plans:

P/D111870/H/100/1004 Rev D;
P/D111870/H/100/1005 Rev E;
P/D111870/H/100/1006 Rev G;
P/D111870/H/110/1005 Rev A;
P/D111870/H/100/1000 Rev G (Indicative Transport Layout (Key) Plan).

"A41/Whitefield Avenue Junction" means the creation of a new junction off the A41 including alterations to Highfield Avenue into the Eastern Lands Zone in accordance with paragraph 3.8 of the DSF and as set out in the following plans:

- P/D111870/H/100/1010 Rev E;
- P/D111870/H/100/1000 Rev G (Indicative Transport Layout (Key) Plan).

³ These definitions are a common set of definitions which have been used in both the conditions document and the Section 106 agreement.

"A5 Corridor Study" means the A5 Corridor Study to cover the A5 between A407 Cricklewood Lane and Staples Corner including adjacent local roads where appropriate to be carried out by the Developers and to be approved in accordance with Condition ~~{2.7}~~ and the parameters and principles set out in Annex 7 to the Matrix and Transport Reports Schedule to the Initial Planning Agreement. The A5 corridor study and monitoring, including bus journey times, should be used to inform future changes to the highways that serve the site, including modifying gateway junctions in accordance with the Initial Planning Agreement (including the Matrix and Transport Reports Schedule);

;

"A5/Link Road over Midland Mainline Junction" means the new junction off the A5 Edgware Road into the western part of the Site in accordance with paragraphs 3.9, 3.19 and 3.19a of the DSF and set out within the following plans:

- P/D111870/H/100/1018 Rev C;
- P/D111870/H/1019 Rev E;
- P/D111870/H/100/1000 Rev G (Indicative Transport Layout (Key Plan)).

"A5/Rail Freight Facility Junction" means the new junction off the A5 Edgware Road into the new rail freight facility in accordance with paragraph 3.10 of the DSF and as set out in the following plans:

- P/D111870/H/100/1022 Rev C
- P/D111870/H/100/1025 Rev C.
- P/D111870/H/100/1000 Rev G (Indicative Transport Layout (Key) Plan).

"A5/Diverted Geron Way (Waste Handling Facility) Junction" means the new junction off the A5 Edgware Road into the new WHF and associated junction improvement works to be constructed in accordance with paragraphs 3.11 and 3.19 and 3.19a of the DSF and as set out in the following plans:

- P/D111870/H/100/1017 Rev E.
- P/D111870/H/100/1000 Rev G (Indicative Transport Layout (Key) Plan).

"A5/A407 Cricklewood Lane Junction Improvements" means improvements to the existing A5/A407 junction adjacent to the Cricklewood Lane Zone in accordance with paragraphs 3.12, 3.19 and 3.19a of the DSF and as set out in the following plans:

- P/D111870/H/100/1024 Rev D.
- P/D111870/H/100/1000 Rev G (Indicative Transport Layout (Key) Plan).

"Acoustic Design Report" means a description of the design details and features that have been used to achieve acceptable internal noise standards with reference to BS8233 as set out in Paragraph 2.82 of the DSF and which is to be submitted and approved in accordance with Condition 29.1;

"Additional Planning Permission" means any such planning permission as may be granted after the date of this Permission whereby amendments may be made to the Development and/or the Transport Network so as to provide any necessary mitigation measures which are indicated in any Transport Report as being necessary in order to safely and efficiently accommodate the transport impacts of the Development (or any Phase or part of it) in accordance with the relevant Benchmarks;

"Affordable Housing" means housing provided to eligible households whose needs are not met by the market at a cost low enough for them to afford, determined with regard to local incomes and local house prices to be provided within the Development as Social Rented Housing and Intermediate Housing in accordance with the provisions of Schedule 2A to the Initial Planning Agreement

"Affordable Housing Commuted Sum" means any commuted sum payable under Paragraphs 2.1.2, 3.1.2 or 3.2.1(b)2 of Schedule 2A of the Initial Planning Agreement (as the case may be) which is approved as part of the relevant Affordable Housing Viability Testing Report and Affordable Housing Scheme ~~and which:~~

~~(i) in the case of any sum payable under paragraphs 2.1.2(c) and 3.1.2 of Schedule 2A of the Initial Planning Agreement shall be an amount equal to 50% of any forecasted returns above 20% Ungearred IRR to be received by the Master Developer from the relevant Phase or Sub Phase of the Southern Development or Northern Development (as the case may be) up to a maximum amount representing:~~

~~(a) (in the case of paragraph 2.1.2(c) of Schedule 2A of the Initial Planning Agreement) the number of Southern Affordable Housing Units required in order to catch up the shortfall at such time from the Indicative Southern Cumulative Target (with the amount of Affordable Housing Units any sum represents being calculated on the basis of the calculation for an Affordable Housing Credit in accordance paragraph 1.4 of Schedule 2A of that Agreement); or~~

~~(b) (in the case of paragraph 3.1.2 of Schedule 2A of the Initial Planning Agreement) 35% (thirty five percent) of the Northern Residential Units being provided as Affordable Housing Units (with the amount of Affordable Housing Units any sum represents being calculated on the basis of the calculation for an Affordable Housing Credit in accordance~~

~~with paragraph 1.4 of Schedule 2A of the Initial Planning Agreement); or~~

~~(ii) in the case of any sum payable under paragraphs 2.1.2(b) or 3.2.1(b) of Schedule 2A of the Initial Planning Agreement shall be an amount equal to any forecasted returns above 20% Ungeared IRR to be received by the Master Developer from the relevant Phase or Sub-Phase of the Southern Development or Northern Development (as the case may be) up to a maximum amount representing the number of Affordable Housing Units required to catch up the shortfall at such time from the Indicative Southern Cumulative Target or the Indicative Northern Cumulative Target (as the case may be) (with the amount of Affordable Housing Units any sum represents being calculated on the basis of the calculation for the Affordable Housing Credit in accordance with paragraph 1.4 of Schedule 2A of that Agreement)~~

"Affordable Housing Credit" means a fair and reasonable credit against the number of Affordable Housing Units which have been "provided" (as defined in paragraph 1.3.4 of Schedule 2A of the Initial Planning Agreement) by the ~~Developers~~relevant Developer for the purposes of paragraph 1.3.1 and 1.3.2 of Schedule 2A of that Agreement and the number of Affordable Housing Units deemed to be "provided" through the payment of any Affordable Housing Commuted Sum will be calculated in accordance with paragraph 1.4 of Schedule 2A of that Agreement which is to be approved as part of the relevant Affordable Housing Viability Testing Report and Affordable Housing Scheme.

"Affordable Housing Grant" means grant funding towards Affordable Housing Units provided by the HCA through the National Affordable Housing Programme or such other form of grant funding regime as may replace the National Affordable Housing Programme and provide for the allocation of grant funding to Affordable Housing Providers developers or local authorities to subsidise the provision of Affordable Housing

"Affordable Housing Mix" means the mix of different types of Affordable Housing Units to be included in the Affordable Housing Scheme in accordance with Condition 1.14 and the provisions contained in Schedule 2A to the Initial Planning Agreement~~;~~

"Affordable Housing Provider" means a Registered Social Landlord or (if approved by the LPA pursuant to paragraph 2.10 or 3.11 of Schedule 2A ~~to~~to the Initial Planning Agreement) alternative registered provider of social housing for the purposes of section 80(2) of the Housing and Regeneration Act 2008.

"Affordable Housing Review" means a review of either (as the case may be):

- (i) the level of Affordable Housing Units to be provided by Developers in the Southern Development or Northern Development within any given Phase or Sub-Phase of the Development; or
- (ii) in the case of paragraphs 2.1.2(b) and (c) of Schedule 2A of the Initial Planning Agreement and paragraphs 3.1.12 and 3.12.2 of Schedule 2A of that Agreement the level of any Affordable Housing Commuted Sum which may be payable by the Developers and the level of any Affordable Housing Credit,

which review is to be undertaken prior to the submission of any Reserved Matters Application for the Southern Development or Northern Development in the Phase or Sub Phase in question (save and except Phase 1A) in accordance with the provisions of Schedule 2A of the Initial Planning Agreement and Condition 1.13, unless and to the extent that any variations to the Affordable Housing Viability Testing Report may be submitted and approved in accordance with that Condition

"Affordable Housing Scheme" means a scheme for the Southern Affordable Housing or Northern Affordable Housing in the relevant Phase or Sub Phase setting out details of the:

- (i) amount of Affordable Housing Units in accordance with paragraphs 1.7 to 1.10 of Schedule 2A to the Initial Planning Agreement;
- (ii) type and mix (including details of the proposed mix of Southern Intermediate Housing or Northern Intermediate Housing types within the Phase or Sub Phase so as to achieve a balanced mix of unit sizes in accordance with the Baseline Housing Mix (except where otherwise approved under this scheme) which best addresses Housing Need in the London Borough of Barnet and caters for a range of income levels within the income parameters for the local area as specified by the HCA from time to time as qualifying for Intermediate Housing); and
- (iii) the intended location of the Affordable Housing Units; and
- (iv) the proportion and level of car parking provision for the Affordable Housing Units (to be transferred, demised or made available to the Affordable Housing Provider or occupiers of the Affordable Housing Units in accordance with the terms approved under the Estate Management Framework);
- (v) services and matters to be covered by the Affordable Housing Service Charges for the Intermediate Housing units having regard to both the services and matters as are covered by the HCA's standard lease for intermediate housing and the services and matters as are eligible for or covered by housing benefits (or any

similar scheme replacing housing benefits) under the Housing Benefit Regulations,

which shall be submitted for approval under **Condition 1.12** of the Permission (along with the accompanying Affordable Housing Viability Testing Report) prior to the submission of any Reserved Matters Application for the Southern Development or Northern Development in the Phase or Sub Phase in question (save and except Phase 1A) in accordance with **Condition 1.12** of the Planning Permission unless and to the extent that variations to such scheme are approved under that ~~condition~~Condition.

"Affordable Housing Service Charges" means the Service Charges to apply to the buildings containing Affordable Housing Units within the Development which:

- (i) in regard to the Social Rented Housing Units shall only be imposed for such services and for matters as are eligible for or covered by housing benefits (or any similar scheme replacing housing benefits) under the Housing Benefit Regulations unless agreed otherwise with the LPA;
- (ii) in regard to the Intermediate Housing units shall only be imposed for such services and for matters as are approved in the Affordable Housing Scheme under Condition 1.12 unless agreed otherwise with the LPA,

and shall not relate to any parts of the Development or facilities to which the residents of the Affordable Housing Units do not have access.

"Affordable Housing Standards" means the HCA's Design and Quality Standards and Housing Quality Indicators (or such alternative HCA standards as shall replace them), a minimum of Code for Sustainable Homes Level 3 and any such other minimum construction, design and sustainability standards as are required to be met to secure (if applicable) at the time of any application for Affordable Housing Grant for the Affordable Housing Units in question unless otherwise approved in the Reserved Matters Approvals or Other Matters Approvals or agreed in writing with the LPA.

"Affordable Housing Viability Testing Report" means a viability appraisal or appraisals to be undertaken as part of the Affordable Housing Review for the Southern Development or Northern Development in respect of the relevant Phase or Sub-Phase in accordance with the provisions of **Schedule 2A** ~~if to~~ the Initial Planning Agreement and **Condition 1.13** of the Permission (subject to **paragraph 3.1.3(a)** of **Schedule 2A** (if applicable)).

"Affordable Housing Units" means the units of Affordable Housing to be provided within the Development in accordance with the provisions of Schedule 2A to the Initial Planning Agreement

"Alternative Energy Permission" means a planning permission and/or such other statutory consents licences and/or permits which may be required to enable the Development to achieve a minimum reduction in carbon emissions below the standard set out in Building Regulations Part L 2006 of 44% and 20% for residential and commercial buildings respectively in accordance with the Revised Energy Strategy;

"Application" means the application for planning permission referenced C17559/08 and dated 25 March 2008 submitted by the Developers to the LPA for the Development;

"Area of Concern" for any Transport Report shall be the relevant part of the Area of Influence defined by the [Transport Assessment](#) which is likely to be affected by the phase in question and which is to be defined in accordance with the principles set out in the Matrix and Transport Reports Schedule ;

"Area Wide Walking and Cycling Study" means a walking and cycling study to be carried out by and at the cost of the Developers in accordance with the principles and parameters set out in the Matrix and Transport Reports Schedule to be submitted and approved in accordance with Condition 1.20. This should include provisions to ensure that a good network of walking and cycling routes is maintained during the construction phase.

"Barnet Skills Development Group" means the Barnet Skills Development Group identified by the LPA from time to time as being responsible for the Barnet Skills Development Plan in accordance with paragraph 11 of Schedule 2 to the Initial Planning Agreement

"Barnet Skills Development Plan" means the Barnet Skills Development Plan adopted by the Council in 2006 which identifies opportunities to enhance education and training across the Borough and any amendment or variation thereto from time to time;

"Baseline Housing Mix" means the housing mix for the Affordable Housing within the Development (excluding the Whitefield Estate Replacement Units) which shall be as set out in the table below (provided that for each unit type below (and any others) there shall be no requirement or obligation on any of the Developers to provide unit sizes larger than the relevant minimum standard set out in the Affordable Housing Standards):

Type	Intermediate	Social Rented
------	--------------	---------------

1 bedroom	36.8%	16%
2 bedroom	46.6%	37%
3/4 bedroom (3 bed) (4 bed)	16.6%	47%

“**Benchmark(s)**” means such one or more of the indicators of Network Performance Outcome as are defined as Benchmarks in respect of Network Performance Outcome in [AppendixAnnex 2](#) to the Matrix and Transport Reports Schedule and which are derived from the Transport Assessment;

“**Brent Cross East Zone**” means the Zone identified and marked as the Brent Cross East Zone on Parameter Plan 001 the indicative layout of which Zone is shown on Parameter Plan 027;

“**Brent Cross LUL Square**” means the new square of 0.15 ha (which forms part of the Transport Interchange T3 (Brent Cross LUL Station Interchange) Forecourt Works) adjacent to the Brent Cross underground station in the general vicinity of the location marked "S4" on Parameter Plans 003 and 017 the parameters and principles of which are established within Section B3.2, with an illustrative space typology diagram shown in Section B3.3.4, of the Design Guidelines;

“**Brent Cross Main Square**” means the new square of 0.34 ha at Brent Cross in the Brent Cross East Zone in the general vicinity of the location marked "M3" on Parameter Plan 003 to be provided in accordance with paragraph 5.16 of the DSF (in respect of which the indicative layout showing how such square could be constructed in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 27) and Section B3.2, with an illustrative space typology diagram shown in Section B3.3.4, of the Design Guidelines;

“**Brent Cross Pedestrian Underpass Works**” means improvements to the existing pedestrian underpass beneath the A41 adjacent to the Brent Cross East Zone as described in [paragraph 5.19](#) of the DSF to include improvements to pedestrian links between the underpass and Brent Cross Shopping Centre and [Brent Cross](#) London Underground Station, marked "U3" on Parameter Plan 002 Rev 13 (in respect of which the indicative layout on Indicative Zonal Layout Parameter Plan 27 shows how such works could be carried out in accordance with the parameters and principles approved under this Permission);

"**Brent Cross West Zone**" means the Zone identified and marked as the Brent Cross West Zone on Parameter Plan 001 the indicative layout of which Zone is shown on Parameter Plan 028;

"**Brent Riverside Park**" means the new Brent Riverside Park directly adjacent to the realigned River Brent in the general vicinity of such part of the area hatched green on Parameter Plan 011 to be provided in accordance with Table 5 and paragraphs 3.24 – 3.26 of the DSF (in respect of which the indicative layout on Indicative Zonal Layout Parameter Plan 27 shows how such works could be carried out in accordance with the parameters and principles approved under this Permission) and Section B3.2, with an illustrative space typology diagram shown in Section B3.3.3, of the Design Guidelines;

"**Brent Terrace Green Corridor**" means the new green corridor with a 3 m width in the general vicinity of the location marked "GC7" on Parameter Plan 003;

"**Brent Terrace Park**" means the new park with a total area of 2.1 ha within the Brent Terrace Zone in the general vicinity of the location marked "NH3" on Parameter Plan 003 to be provided in accordance with Table 4 of Appendix 2 and paragraph 5.62 of the DSF and Section B3.2, with an indicative space typology diagram shown in Section B3.3.2, of the Design Guidelines (in respect of which the indicative layout on Indicative Zonal Layout Parameter Plan 23 shows how such park could be constructed in accordance with the parameters and principles approved under this Permission);

"**Brent Terrace Zone**" means the Zone identified and marked as the Brent Terrace Zone on Parameter Plan 001 and the indicative layout of which zone is shown on Parameter Plan 023;

"**Bridge Structures**" means those bridges as identified on Parameter Plan 002 Rev [13] (ref No's B1-B6) and described more fully in Section 4 of the DSF and includes any or all of the River Brent Bridges;

"**Bridge Structure B1 (Replacement A406 Templehof Bridge)**" means the creation of a replacement road bridge to provide a link over the A406 to link Market Quarter and Brent Cross East and West Zones to include insofar as reasonably practicable provision for bus lanes, step free access and cycle access (without dismounting) in accordance with the parameters and principles as set out in ~~paragraph~~ paragraphs 4.5 and 4.6 of the DSF and the following plans:

- Parameter Plan 002 Rev 13;
- D112186-302;
- D112186-303; and
- D112186-304.

“Bridge Structure B2 (A5 Link Bridge)” means the creation of a new road bridge to provide a link over Midland Mainline Railway from the A5 Edgware Road to the new internal road configurations to include insofar as reasonably practicable provision for bus lanes, step free access and cycle access (without dismounting) in accordance with the parameters and principles as set out in ~~paragraph~~paragraphs 4.7 and 4.8 of the DSF and in the following plans:

- Parameter Plan 002 Rev 13;
- D112186-312;
- D112186-313A; and
- D112186-314A.

“Bridge Structure B3 (Geron Way Pedestrian Bridge)” means the creation of a new pedestrian bridge to provide a link over the Midland Mainline between the north of the Railway Lands Zone and the Station Quarter Zone to include insofar as reasonably practicable provision for step free access in accordance with the parameters and principles as set out in ~~paragraph~~paragraphs 4.9, 4.10 and 4.11 of the DSF and in the following plans:

Parameter Plan 002 Rev 13;
D112186_321A.

“Bridge Structure B4 (Pedestrian Bridge over the A406)” means the creation of a new pedestrian bridge to provide a link over the A406 between the Eastern Lands Zone and Brent Cross East Zone to include insofar as reasonably practicable provision for step free access in accordance with the parameters and principles as set out in ~~paragraph~~paragraphs 4.12 and 4.13 of the DSF and in the following plans:

- Parameter Plan 002 Rev 13;
- D112186-331.

“Bridge Structure B5 (A41 Pedestrian Bridge)” means the creation of a new pedestrian bridge to provide a link over the A41 to provide a link between the Eastern Lands Zone and Brent Cross London Underground Station to include insofar as reasonably practicable provision for step free access and in accordance with the parameters and principles as set out in ~~paragraph~~paragraphs 4.14, 4.15 and 4.16 of the DSF and in the following plans:

- Parameter Plan 002 Rev 13;
- D112186-341.

“Bridge Structure B6 (M1 Junction 1 Pedestrian and Cycle Bridge)” means the creation of a new pedestrian bridge to provide a link between the application site at the Station Quarter Zone to the existing communities north of

the application site to include insofar as reasonably practicable provision for step free access and cycle access (without dismounting) in accordance with the parameters and principles as set out in ~~paragraph~~paragraphs 4.17 - 4.20 of the DSF and in the following plans:

- Parameter Plan 002 Rev 13
- D112186-361C.

"Building" means any building or structure to be built or extended as part of the Development except Bridge Structures and **"Buildings"** shall mean more than one Building;

"Building Roof Area" means the roof surface of all Buildings above 3 storeys in height;

"Business Relocation Strategy" means the business relocation strategy to be submitted and approved in accordance with **Condition 46.3** of this Permission and which shall be in accordance with the parameters and principles set out in **Part I of Schedule 24** to the Initial Planning Agreement;

"Bus Station Permanent Enhancement Works" means the works to permanently improve enhance and extend the existing Brent Cross Bus Station (so as to make it a high quality airport-style bus station and destination of choice to serve the needs of bus passengers and encourage the use of bus as a means of transport in preference to the private motor car) in accordance with the Initial Planning Agreement and the detailed design, specification and programme of works to be approved in accordance with ~~condition~~Condition 20.31 of this Permission which details of the Bus Station Permanent Enhancement Works submitted for approval shall appropriately address the re-surfacing, the provision of new bus stands and the enhancement of customer and staff facilities within the site of the existing Brent Cross bus station and the provision of sufficient land and facilities through agreement with the LPA and TfL in an appropriate location to allow for the provision of up to 12 bus stands outside the existing Brent Cross bus station site;

"Bus Station Temporary Enhancement Works" means the works to temporarily enhance the existing Brent Cross Bus Station through the use of the existing Prince Charles lay-by to be approved in accordance with Condition 13.1 of this Permission and including the relocation of the bus information kiosk if and to the extent that it is concluded as part of the detailed design approvals for Phase 1 to be feasible (here meaning such works are physically practicable and expedient in the public interest);

"BXC Mobility Feasibility Study and Strategy" means the feasibility study to be undertaken by the Developer in liaison with the Consultative Access Forum in

accordance with Condition 1.25 of this Permission and on the basis that the feasibility study should look at how the new retail and other public facilities within the Southern Development (including Principal Open Spaces) will be provided with a Shopmobility scheme (either in the form of a ~~standalone~~stand alone scheme or a satellite scheme linked to the existing Brent Cross Shopmobility scheme) and/or a Scootability scheme and/or other measures that enable disabled and older people to make use of the retail, sports, leisure and other public facilities within the development;

"BXC Transport Model" means the BXC Multi-modal Transport Model, prepared by Scott Wilson on behalf of the Developer and recalibrated and revalidated in 2008 as updated and approved under the Initial Planning Agreement in accordance with the arrangements described in the Matrix and Transport Schedule;

"CAF Constitution" means the constitution and terms of reference for the Consultative Access Forum contained in Schedule **13** to the Initial Planning Agreement including any subsequent variations to such document as are agreed in writing between the Developers and the LPA.

"Car Club" means the organisation to be procured or established by the Developers in accordance with the Initial Planning Agreement and approved under ~~condition~~Condition 39.2 to deliver, operate and manage the on-site hire of cars for scheme users.

"Car Parking Management Strategy" means the Car Parking Management Strategy to be applied to all Phases of the Development as an overall framework car parking strategy to be approved (acknowledging that management principles in respect of Brent Cross Shopping Centre are specified in the Car Parking Management Strategy Schedule in accordance with the principles set out in paragraph 5.3.6 Volume 1 of the ~~BXC~~ Transport Assessment) on the application of the Developer in accordance with Condition 11.1 of this Permission on the basis that the Car Parking Management Strategy will be applied in conjunction with the Matrix and Transport Reports Schedule in order to determine the Phase Car Parking Strategy and the Phase Parking Standards. Non-specific allocation of parking spaces will apply so that residents and businesses can lease parking flexibly to suit their needs.

"Car Parking Management Strategy Schedule" means the Car Parking Management Strategy contained in Schedule 16 appended to the Initial Planning Agreement.

"CCC Feasibility Study" means the detailed report in respect of a study into the feasibility of providing a Construction Consolidation Centre or Centres on the Site to be prepared and submitted by the Developers to the LPA for approval in accordance with Condition 1.9 of this Permission (which study and report should

appropriately address the issues and opportunities for a Construction Consolidation Centre as outlined in Section 8 of the Construction Impact Assessment (Application document BXC 21) and the consideration of rail operational issues.

"CEMP" means a Construction Environmental Management Plan submitted and approved in accordance with Conditions 8.3 and 28.1;

"Central Brent Riverside Park" means that part of the new Brent Riverside Park located mainly in the Brent Cross East Zone (and generally co-extensive with the Central River Brent Alteration and Diversion Works) to be constructed and provided in accordance with paragraphs 3.24 – 3.26 and Table 5 of the DSF and the Detailed Delivery (Non-PDP) Programme directly adjacent to the realigned River Brent between the western edge of the eastern roundabout of the realigned Prince Charles Drive and the eastern edge of the River Brent Nature Park shown on Parameter Plan 011 and the indicative layout showing how such part of the Riverside Park could be carried out in accordance with the parameters and principles approved under this Permission is shown on the Indicative Zonal Layout Parameter Plan 27 and the Design and Access Statement;

"Central River Brent Alteration and Diversion Works" means part of the alteration and diversion works to the River Brent between the eastern and the western roundabouts on the realigned Prince Charles Drive located in the Brent Cross East Zone in the general vicinity of such part of the area shaded in dark blue on Parameter Plan 011 (and as shown on the indicative layout showing how such works could be carried out in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 27) such works to be carried out in accordance with paragraphs 3.24 – 3.26 and 10-15 of Section 011 of Appendix 2 of the DSF (with the exception of those parts of such works as are to be included in the Primary Development Package (including for the avoidance of doubt the works associated with the creation of the River Brent Nature Park (NP4) in accordance with paragraph 3.25 of the DSF and sections B3.2 and B3.3.3 of the Design Guidelines);

"CERS Study" means a study using the Transport Research Laboratory Cycle Environment Review System or other comparable method acceptable to TfL and the LPA to assess the level of service and quality provided for cyclists across a range of cycle environments and routes reasonably related to the Development within the Site and making connections to surrounding networks having regard to (i) the principles and parameters set out in the Matrix and Transport Report Schedule for the Area Wide Walking and Cycling Study and (ii) the London Cycle Design Standards Mayor of London's Cycle Superhighways programme and the requirements of TfL Streetscape Guidance in relation to the Transport for London

Road Network and/or any subsequent revisions or updates to such standards or guidelines adopted by TfL

"Child Care Facilities" means the facilities for full day nursery or child care for children to be provided in accordance with paragraph 2.33 of the DSF;

"Child Care Facilities (Brent Terrace Zone)" means the premises to be provided in the Brent Terrace Zone as indicatively shown within the vicinity of Plot 32 of Table 8a of Appendix 2 of the DSF for full day care for children in accordance with paragraph 2.33 of the DSF;

"Child Care Facilities (Eastern Lands Zone)" means the premises to be provided in the Eastern Lands Zone as indicatively shown within the vicinity of Plot 71 of Table 8a of Appendix 2 of the DSF for full day care for children in accordance with paragraph 2.33 of the DSF;

"Child Care Facilities (Station Quarter Zone)" means the premises to be provided in the Station Quarter Zone for full day care for children in accordance with paragraph 2.33 of the DSF;

"Children's Centre" means children's centre to be provided in accordance with paragraph 2.33 of the DSF comprising 558m² gross external floorspace to be located in the Eastern Lands Zone as indicatively shown within the vicinity of Plot 37 on Table 8a of Appendix 2 of the DSF suitable for providing a range of services for children and families including early learning and day care provision;

"CHP/CCHP" means the new scheme-wide combined heat and power/combined cooling heat and power plant to be constructed with a maximum output of 16MWe subject to Conditions 35.5 and 35.6 to be provided in the Station Quarter Zone in accordance with paragraph 2.54-2.62, 5.55 (and Table 8) of the DSF as shown on Parameter Plan 010 and approximately as shown on Zonal Parameter Plan 022 and in the vicinity of Plot 59 shown on the Indicative Phasing Parameter Plan (and in Table 8a in Appendix 2 to the DSF) and which is for primarily serving the residential buildings within the Development where Feasible to do so;

"Clarefield Park Temporary Replacement Open Space" means the temporary replacement open space of circa 1.2 ha to be provided within the Eastern Lands Zone to the north of Clitterhouse Playing Fields in accordance with the arrangements described in paragraph 2.68 of the DSF and Parameter Plan 019;

"Claremont Avenue" means the route separating the Market Quarter and Eastern Lands Zones which links existing Claremont Road with Tilling Road in accordance with paragraph 5.36, Appendix 2 and Appendix 7 of the DSF, and

Sections B2.2, with an illustrative route typology diagram shown in Section B2.3.2, of the Design Guidelines and as set out in the following plans:

- Parameter Plan 002 Rev 13
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev G

"Claremont Avenue Junction with Tilling Road" means the creation of a new junction between existing Tilling Road and new Claremont Avenue. In accordance with Appendix 2 and Appendix 7 of the DSF, and Sections B2.2, with an illustrative route typology shown in Section B2.3.2, of the Design Guidelines of the DSF and as set out in the following plans:

- Parameter Plan 002 Rev 13
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev.G

"Claremont Park" means the existing open space known as Claremont Way Open Space marked "NH2" on Parameter Plan 003;

"Claremont Park Improvements" means the improvement and modifications works to be carried out in accordance with paragraph 5.32 and Table 5 of the DSF to Claremont Park with a total area of 1.95 ha to be carried out in accordance with Sections B3.2, with an illustrative space typology shown in Section B3.3.2, of the Design Guidelines (in respect of which the indicative layout on Indicative Zonal Layout Parameter Plan 20 shows one way how such park could be carried out in accordance with the parameters and principles approved under this Permission) and includes provision for the following items:

- a) a play area of 2,000 m² with children's facilities;
- b) an area for informal games of 2,000 m²;
- c) woodland garden areas and an associated path; and
- d) associated landscaping climbing wall and works.

"Claremont Park Road" means the creation of a new road immediately north of Claremont Park in accordance Sections B2.2, with an illustrative space typology shown in Section B2.3.2, of the Design Guidelines and as set out in the following plans:

- Parameter Plan 002 Rev 13
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev.G.

"Claremont Park Road Part 1" means that part of Claremont Park Road to be created adjacent to Plots 11 and 12 (as shown on Parameter Plan 029 and

outlined by reference to their anticipated primary uses in Table 8a of Appendix 2 to the DSF) and which is to be completed within Phase 1 of the Development;

"Claremont Park Road Part 2" means the balance of Claremont Park Road not completed under Claremont Park Road Part 1 works comprising works on land approximately adjacent to Plots 14, 15 and 19 (as shown on Parameter Plan 029 and outlined by reference to their anticipated primary uses in Table 8a of Appendix 2 to the DSF) and completing a link between the Market Quarter to the east and the junction with the Spine Road North to the west in accordance with the parameters and principles shown on Parameter Plan 002 and Zonal Layout Parameter Plan 022 in respect of the Station Quarter Zone;

"Claremont Road Junction North" means the creation of a new junction between existing Claremont Road and new Claremont Avenue and Claremont Park Road as set out in the following plans:

- Parameter Plan 002 Rev 13
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev.G

"Claremont Road Junction South" means the creation of a new junction between the existing Claremont Road and new Spine Road South as set out in the following plans:

- Parameter Plan 002 Rev 13
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev.G

~~**"Clitterhouse Playing Fields Mobility Scheme"** means detailed scheme (to be submitted by the Developer and approved in accordance with Condition 2.2 of this Permission unless and to the extent that it is included as part of the Inclusive Access Strategy) setting out measures to ensure that facilities within Clitterhouse Playing Fields are inclusive to all users as far as practicable including measures to support the access needs of a range of future users in accordance with the DXC Mobility Feasibility Study and Strategy;~~

"Clitterhouse Playing Fields Improvements (Part 1)" means that part of the improvement works to the existing Clitterhouse Playing Fields to be carried out in accordance with paragraphs 5.67 to 5.70 and Table 5 of the DSF (the whole of which works is to be within 18.2 ha) located in the Clitterhouse Playing Fields Zone in accordance with Section 3.2, with an illustrative space typology shown in Section 3.3.1 of the Design Guidelines (in respect of which the indicative layout on Indicative Zonal Layout Parameter Plan 26 shows how such works could be carried out in accordance with the parameters and principles approved under this Permission):

- a) green corridors within the areas marked "GC3" and "GC5" on Parameter Plan 003 and the part of the area marked "GC4" on that Parameter Plan 003 lying in an east to west direction;
- b) rationalisation of park and introduction of clear spatial hierarchy and structure through the development of a simple network of generous paths marked by avenue planting. This will improve access and circulation through the park as well as clearly defining different areas of use;
- c) Community Facilities (Clitterhouse Playing Fields Zone) including provision of cafe, secure cycle parking and car parking;
;
- d) provision of extensive play facilities, for a wide range of age groups, in a safe and accessible location;
- e) reconfiguration and improvement of playing fields, including remodelling levels and improving drainage, to provide for a range of field sports and age groups;
- f) provision of a 'dog park' area to enable dog owners to exercise their dogs off the lead whilst preventing fouling to sports pitches and other areas likely to be used by young families;
- g) provision for informal recreational opportunities, including trim trail, boules courts, picnic areas and open grassland;
- h) series of communal gardens along avenue, with seating and feature planting;
- i) development of the Clitterhouse Stream Nature Park within the area marked "NP1" on Parameter Plan 003 (alongside Clitterhouse Stream along the eastern boundary of this part of the Clitterhouse Playing Fields);

"**Clitterhouse Playing Fields Improvements (Part 2)**" means that part of the improvement works to the existing Clitterhouse Playing Fields (the whole of which works is to be done to 18.2 ha) to be carried out in accordance with [Parameter Plan 012](#), paragraphs 5.67 to 5.70 and Table 5 of the DSF located in the Clitterhouse Playing Fields Zone in accordance with Section 3.2, with an illustrative space typology shown in Section 3.3.1 of the Design Guidelines (in respect of which the indicative layout on Indicative Zonal Layout Parameter Plan 26 shows how such works could be carried out in accordance with the parameters and principles approved under this Permission):

- a) part of the green corridor within the area marked "GC4" on that Parameter Plan 003 lying in a south to north direction;
- b) a multi purpose games area of 65 m x 40 m for tennis netball or one 5-aside pitch.
- c) Provision of two all weather sports pitches with dimensions of 100 m x 60 m, senior football and junior football pitches, to replace Whitefield School pitches and supplement existing grass pitches;
- d) Provision of a clear plaza area between Clitterhouse Playing Fields and Whitefield school to act as a gathering space and gateway to the park beyond;
- e) Provision of structure planting around the boundaries and landscape buffer, to minimise the impact of the proposed changes to the park on adjacent residents.

"Clitterhouse Playing Fields Mobility Scheme" means detailed scheme (to be submitted by the Developer and approved in accordance with Condition 2.2 of this Permission unless and to the extent that it is included as part of the Inclusive Access Strategy) setting out measures to ensure that facilities within Clitterhouse Playing Fields are inclusive to all users as far as practicable including measures to support the access needs of a range of future users in accordance with the BXC Mobility Feasibility Study and Strategy;

"Clitterhouse Playing Fields Zone" means the Zone identified and marked as the Clitterhouse Playing Fields Zone on Parameter Plan 001 the indicative layout of which Zone is shown on Parameter Plan 026;

"Clitterhouse Stream Nature Park" means new nature park within Clitterhouse Playing Fields in the general vicinity of the location marked "NP1" on Parameter Plan 003 in accordance with Table 4 of appendix 2 of the DSF and the principles and parameters set out within Sections B3.2, with an illustrative space typology shown in Section B3.3.3 of the Design Guidelines;

"CoCP" means the Code of Construction Practice setting out minimum standards of construction practice in accordance with the parameters and principles contained in the Draft CoCP (and/or such revisions or amended versions of those documents as may be approved from time to time in order to ensure that the CoCP continues to be an up to date code reflecting best construction practice and guidance) which is to be approved and revised in accordance with Conditions 8.1 and 8.2 respectively of this Permission;

"Code for Sustainable Homes Level 3" means level 3 set out in Code for Sustainable Homes published by the Department of Communities and Local Government in December 2006;

"Commence" in the context of any ~~conditions~~Conditions in this Permission shall have the same meaning as ~~in the date when the Development shall be considered to have been initiated in accordance with~~ section 56 of the Town and Country Planning Act 1990 and the terms "Commencement" "Commences" and "Commencing" shall be construed accordingly~~→~~.

"Community Facilities (Brent Cross East Zone)" means 500 sq. m gross external floorspace of the multi-use flexible community floorspace to be provided in the Brent Cross East Zone in accordance with paragraphs 2.35 – 2.36, 5.7 and Table 11 of the DSF and to be used for the purpose of providing community facilities which may include multi-functional space meeting rooms play space recreation cooking and dining areas and arts and cultural activities available for use by residents of the Development;

"Community Facilities (Clitterhouse Playing Fields Zone)" means the changing facilities and pavilion (in the Clitterhouse Playing Fields Zone) illustratively shown within the vicinity of Plot 51 on the Indicative Phasing Parameter Plan (and referred to in Table 8a of Appendix 2 of the DSF) to be provided in accordance with paragraphs 2.35 – 2.36, 5.69 and Table 11 of the DSF and to be used for the purpose of providing community facilities which may include multi-functional space meeting rooms play space recreation cooking and dining areas changing facilities/pavilion and arts and cultural activities available for use by residents of the Development;

"Community Facilities (Eastern Lands Zone)" means 1,000 sq. m gross external floorspace of the multi-use flexible floorspace to be provided in the Eastern Lands Zone illustratively shown in the vicinity of Plot 80 on Parameter Plan 029 and outlined by reference to its anticipated primary use in Table 8a of Appendix 2 of the DSF and to be provided in accordance with paragraphs 2.35 – 2.36 and 5.46 of the DSF and to be used for the purpose of providing community facilities which may include multi-functional space meeting rooms play space recreation cooking and dining areas and arts and cultural activities available for use by residents of the Development;

"Community Facilities (Market Quarter Zone)" means 1,000 sq. m gross external floorspace of the multi-use flexible floorspace to be provided in the Market Quarter Zone illustratively shown within the vicinity of Plot 25 on Parameter Plan 029 and outlined by reference to its anticipated primary use in Table 8a of Appendix 2 of the DSF and to be provided in accordance with paragraphs 2.35 – 2.36, and Table 11 of the DSF and to be used for the purpose of providing community facilities which may include multi-functional space

meeting rooms play space recreation cooking and dining areas and arts and cultural activities available for use by residents of the Development;

"Community Square" means the new community square of 0.19 ha in the Station Quarter Zone in the general vicinity of the location marked "S1" on Parameter Plan 003 to be provided in accordance with paragraphs 5.54 and Table 5 of the DSF and Sections B3.2, with an illustrative space typology shown in Section B.3.3.4, of the Design Guidelines (in respect of which the indicative layout on Indicative Zonal Layout Parameter Plan 22 shows how such square could be carried out in accordance with the parameters and principles approved under this Permission);

"Confirmatory Deed Form 1" means the form of deed contained in Schedule 9 to the Initial Planning Agreement and entitled "Confirmatory Deed Form 1" to be entered into to bind any future interests acquired in the Site by the Developers or Developer (as applicable) and which is also to be signed and executed by the LPA and TfL in accordance with Clause 6 of that agreement and which is required for the purposes of compliance with Condition 6 of this Permission;

"Confirmatory Deed Form 2" means the form of deed of agreement contained in Schedule 9 to the Initial Planning Agreement entitled "Confirmatory Deed Form 2" to be entered into to bind any third party's interest in the Site that are not acquired after the date of the Initial Planning Agreement by ~~through the Developers and / or under~~ the Brent Cross Partners and/or CRL as defined in the Initial Planning Agreement (as the case may require) ~~or through or under any of their interests in the Site~~ and which is also to be signed and executed by the LPA and TfL in accordance with ~~ClauseCondition 6-of~~ and paragraph 3 of Schedule 4 to that agreement and which is required for the purposes of compliance with Condition 6 of this Permission.

"Consolidated Transport Fund" means the Transport consolidation fund to be established used and operated in accordance with the obligations covenants and other provisions contained as specified in Schedule 3 of the Initial Planning Agreement.

"Construction Consolidation Centre(s)" means the construction consolidation centre(s) to be provided on the Preferred Site or alternative land in accordance with paragraph 8 of Schedule 3 to the Initial Planning Agreement for the Southern Development and/or Northern Development (as the case may be) and in accordance with the CCC Feasibility Study and the Initial Planning Agreement and providing a supply chain management method of enabling the safe and efficient flow of construction materials and equipment from suppliers to relevant development sites within the Development;

"Construction Environmental Management Plan" (CEMP) means a detailed Plan submitted and approved under Conditions 8.3 and 28.1of this Permission

relating to each construction site or Plot (or group of Plots) within the Site which are the subject of the relevant Reserved Matters Application or Other Matters Application, and which is to be in accordance with the scope and the parameters and principles contained in the CoCP (and which shall be consistent with the Construction Transport Management Plan in relation to any provisions that it contains which are relevant to construction transport issues) and will apply them specifically to the circumstances and likely significant construction impacts associated with the particular construction site or Plot(s) to which it is intended to apply;

“Construction Transport Management Plan” (CTMP) means a detailed site wide plan to be submitted and approved in accordance with Condition 12.1 of this Permission setting out traffic management procedures and processes to mitigate any impacts that arise from the construction traffic travelling to and from and within the Site, including the appointment of the Traffic Management Officer. The CTMP shall be prepared in accordance with the parameters and principles described and defined within the CoCP;

“Construction Workers Travel Plan” (CWTP) means the Travel Plan to be submitted approved and updated in accordance with Condition 12.2 for each ~~phase~~Phase of development setting out arrangements for the management of travel for on-site construction workers in accordance with the Construction Workers Travel Plan Framework (including any variation or replacement of such document approved under ~~condition~~Condition 12.2 of this Permission);

“Construction Workers Travel Plan Framework” means the framework as described in Schedule 20 to the Initial Planning Agreement as the basis for the individual CWTPs setting out the approach, commitment and measures to encourage sustainable transport choices amongst construction workers;

“Consultative Access Forum” means the independent body to be established by the Developers in accordance with Condition 1.18 of this Permission and paragraph 13 of Schedule 2 to the Initial Planning Agreement to provide a forum for consultation and advice relating to inclusive access issues within the Development in accordance with the CAF Constitution (as amended from time to time with the LPA’s approval). The Consultative Access Forum will consist of people with expertise in inclusive access and personal experience of disability issues drawn from the local and regional community including existing users of the local area and other facilities;

“Contaminated Land Exposure Assessment” (CLEA) means the methodology that has been developed by DEFRA and the Environment Agency to estimate child and adult exposures to soil contaminants for those potentially living, working and ~~or~~ playing on contaminated sites over long time periods and has been used to produce Soil Guideline Values for the United Kingdom and

includes any amendments or modifications issued by DEFRA and/or the Environment Agency or their respective statutory successors with responsibility for such matters;

"Council" means the Mayor And Burgesses of the London Borough of Barnet acting in pursuance of their statutory powers duties and functions other than those where they are acting as LPA (including where they are acting as local highway authority or local education authority).

"Cricklewood Lane Zone" means the Zone identified and marked as the Cricklewood Lane Zone on Parameter Plan 001 and the indicative layout of which zone is shown on Parameter Plan 024;

"Cricklewood Station Square" means a new square of 0.16 ha adjacent to existing Cricklewood Station to be provided as part of the Transport Interchange T4 (Cricklewood Station Interchange) Forecourt Works in the Cricklewood Lane Zone in the general vicinity of the location marked "S3" on Parameter Plans 003 and in accordance with paragraphs 3.28, 5.82 and Table 5 of the DSF (in respect of which the indicative layout showing how such works could be carried out in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter 24) and in general accordance with the Design and Access Statement including Section B3.2 (and the illustrative space typology shown in Section B3.3.4) of the Design Guidelines;

"Critical Infrastructure" means key transport, physical, community/social, health and environmental infrastructure components to be delivered as part of the Development (including Principal Open Spaces, Temporary Open Space and Temporary Landscaping) within the relevant Phase or Sub-Phase in accordance with the Indicative Construction Programme, the Primary Development Delivery Programme and/or the Detailed Delivery (Non-PDP) Programme (to the extent that they may be relevant to the Phase or Sub-Phase in question) and the relevant Phase Details excluding for the avoidance of doubt any item of infrastructure referred to in paragraph ~~1.3.3~~ of Schedule 3 to the Initial Planning Agreement and which is to be covered by the Consolidated Transport Fund arrangements (as set out in paragraph 1 of Schedule 3 to the Initial Planning Agreement) and which shall not constitute an item of Critical Infrastructure for the purposes of these Conditions;

"Critical Infrastructure (Non Pre-Phase)" means all other items of Critical Infrastructure save and except Critical Infrastructure (Pre-Phase) and which is identified as intended or likely to be located

- a) on any specific Plot or Plots as detailed in Parameter Plan 029 and Table 8a of Appendix 2 to the DSF (or on such alternative Plot or Plots as may be approved on any amendment to the Phasing Parameter Plan) and/or
- b) (in the case of items of Critical Infrastructure or works of improvement not intended to be located on any Plot or Plots) are works wholly or partially located on (or related to) the operational land of the relevant statutory undertaker or operator of the relevant station railway line or road to which the relevant item of Critical Infrastructure relates or
- c) (in the case of any apparatus forming part of the Vacuum Waste Collection System or the District Heating System) in any highway or intended highway or in any other land as approved in accordance with Condition 35.7 of this Permission

and which will (in addition to Necessary Consents) also require a non-statutory agreement authorisation approval or consent with relevant landowner or the statutory undertaker owning the relevant operational land or with the Council (acting in its capacity otherwise than as LPA) or any other third party as the intended or likely occupier or operator of the relevant Critical Infrastructure or including (for the avoidance of doubt) the following items of Critical Infrastructure:

- a) Rail Enabling Works
- b) New MML Train Stabling Facility
- c) CHP/CCHP and the associated District Heating Network;
- d) Waste Handling Facility and any associated conveyor system for Refuse Derived Fuel (subject to approval of the feasibility study in accordance with Conditions 35.3 and 35.4)
- e) Vacuum Waste Collection System (subject to its approval through the VWCS Feasibility Study in accordance with Condition 1.24)
- f) Community/Social infrastructure including the Replacement Primary School, the Replacement Secondary School, the Replacement Special Needs School, Temporary Health Centre, Drop-In Health Centre and Main Health Centre, and the Replacement Leisure Centre and any other items of community/social infrastructure as shown on a Phase by Phase basis in the Indicative Construction Programme;

“Critical Infrastructure (Pre-Phase)” means key infrastructure components to be delivered as part of the Development and the Details of which are to be approved prior to the Commencement of the Development within the relevant

Phase, or Sub-Phase in accordance with Conditions 13.1, 14.1, 15.1, 16.1, 17.1, 18.1, and 19.1 of this Permission in accordance with the Primary Development Delivery Programme or the Detailed Delivery (Non-PDP) Programme (to the extent that they may be relevant to the Phase or part of Phase in question), comprising:

- a) Strategic Access Points;
- b) Bridge Structures;
- c) Engineering works comprising works to utilities sewers and ~~Remediation Works~~ Site Engineering and Preparation Works and the Rail Freight Facility;
- d) Primary and secondary roads, cycle and pedestrian routes, and associated junctions, as shown on Parameter Plan 003; and
- e) Principal Open Spaces (and any Temporary Open Space and/or Temporary Landscaping) including Clitterhouse Playing Fields Improvements (Part 1) (including Clitterhouse Stream Nature Park), Clitterhouse Playing Fields Improvements (Part 2), Clarefield Park Temporary Replacement, Brent Cross Main Square, River Brent Nature Park, Brent Riverside Park, School Green Corridor, Claremont Park, Market Square, Eastern Lands Green Corridor Part 1, Eastern Lands Green Corridor Part 2, Eastern Park (Part 1), Eastern Park (Part 2) School Square, Sturgess Park Improvements, Gas Governor Square, Millennium Green Park, Brent Terrace Park, Railway Lands Nature Park, Station Square, Northern Nature Park, North Circular Green Corridor, Office District Park and Community Square;
- f) Transport interchanges T1 (New Train Station and Transport Interchange) and T2 (Replacement Brent Cross Bus Station);
- g)** Whitefield Estate Replacement Units.

"CTF Decision" means any decision as to the use deployment expenditure and/or reallocation of monies held in the Consolidated Transport Fund in accordance with the terms of paragraph 1 of Schedule 3 to the Initial Planning Agreement;

"CTF Schedule" the schedule of payments into the Consolidated Transport Fund which is attached to the Initial Planning Agreement as Schedule ~~19~~ or such revised schedule as shall be approved pursuant to Condition 4.2 of this Permission as provided for at paragraph 1.1 of Schedule 3 to the Initial Planning Agreement and in accordance with Clause 14 of that Agreement.

"CTMP" means the Construction Transport Management Plan

"Cycling Hire Club" means the organisation to be procured or established by the Developers in accordance with paragraph 15 of Schedule 3 to the Initial Planning Agreement and Condition 39.1 of this Permission to provide, operate and manage the hire of cycles across the Development.

"Cycle Parking Spaces" means the provision of secure cycle storage that should as a minimum support the bike and, in public areas, allow for frame and both wheels to be locked to a fixture. Provision for Cycle Parking Spaces should be made in accordance with latest Mayor of London and/or TfL or and/or LPA cycle parking standard as contained within the following documents and/or any subsequent revisions or updates adopted by ~~TfL~~ [the Mayor of London and/or TfL](#) and/or the LPA from time to time (and with due regard to which is the latest adopted standard) :

- Cycle Parking Standards - TfL Proposed Guidelines
<http://www.tfl.gov.uk/assets/downloads/Proposed-TfL-Guidelines.pdf>
- London Cycle Design Standards:
<http://www.tfl.gov.uk/businessandpartners/publications/2766.aspx>
- Streetscape Guidance 2009: A guide to better London streets (in relation to cycle provision on the TLRN
<http://www.tfl.gov.uk/businessandpartners/publications/4858.aspx>

"Delivery and Servicing Site Wide Manager" means the person appointed by the developers in accordance with paragraph 13 of Schedule 3 to the Initial Planning Agreement to manage and secure the implementation of the Framework ~~Delivery and Servicing~~ [and Delivery](#) Strategy and the Freight Quality Partnership and to provide a point of liaison between the developers, LPA and TfL regarding Delivery and Servicing issues;

"Demolition and Site Waste Management Strategy" (DSWMS) means the strategy setting out the approach to disposal of waste arising from demolition and construction as described within Paragraphs 2.49 to 2.51 of the DSF and which is to be approved in accordance with Condition 9.1 of this Permission;

"Design & Access Statement" means the statement known as the Design and Access Statement submitted in support of the Planning Application and approved by this Permission (or such revised or amended document as may have been approved pursuant to Condition ~~2.52-5~~ of this Permission or an Additional Planning Permission);

"Design Guidelines" means the set of guidelines appended to the Design & Access Statement which was submitted in support of the Planning Application and approved by this Permission (or such revised or amended document as may have been approved pursuant to Condition ~~2.52-5~~ of this Permission);

"Detailed Delivery (Non-PDP) Programme" means the detailed delivery programme relating to the delivery of Critical Infrastructure in the Phases or Sub-Phases which are outside the Primary Development Package and which is to be approved in accordance with Condition 5.2 of this Permission and includes any subsequent variations of such programme approved by the LPA in accordance with Conditions 5.2 5.3 and 5.4 of this Permission;

"Details" shall mean (as the case may require where no specific Phase is referred to) such of the details to be approved ~~by the LPA~~ in accordance with Conditions 1.7, 1.8, 13 to 19 (inclusive) of this Permission as may be relevant to the particular circumstances of the matter and/or context in which such term is used and/or the Details approved in any Reserved Matters Approval and/or Other Matters Approval or any variations to such documents or details or substitute documents or details approved by the LPA (whether under the ~~conditions~~Conditions of this Permission or otherwise) or on appeal;

"Developer" or **"Developers"** in this Permission means the Applicants for the Permission and/or their successors in title from time to time and/or any other such persons carrying out the Development in relation to any Phase Sub-Phase or Plot or on any other part of the Site and their respective successors in title;

"Development" means the development permitted by this Permission;

"Development Specification and Framework" (DSF) means the document known as the Revised Development Specification and Framework dated March 2009 together with updates listed in the list of errata which was submitted in support of the Planning Application and is approved by this Permission (or such revised or amended document as may have been approved in accordance with Condition 2.4 of this Permission or an Additional Planning Permission);

"District Heating Network" means the district heating network(s) to be provided in accordance with paragraphs 2.54c – 2.54h, 2.58 and 2.73 and Table 8 of the DSF to serve all principal residential buildings within the Northern Development and the Southern Development by providing heat and cooling capacity to residential parts of the Development and if the Developers so elect may be extended to serve other parts of the Development;

"Draft COCP" means the draft CoCP contained in the DSF at Appendix 12;

"Drop In Health Centre" means the primary health care walk-in centre to be provided in accordance with paragraphs 2.31 and 5.83 of the DSF which is of a gross external floorspace that is reasonably capable of incorporating the facilities required by that paragraph up to a maximum of 1,150 m² to be located in the Cricklewood Lane Zone as indicatively shown within the vicinity of Plot 58 on Parameter Plan 029 and outlined by reference to its anticipated primary use in Table 8a of Appendix 2 of the DSF;

"**DSF**" means the Development Specification and Framework;

"**Dwelling**" means single residential dwelling (including any Affordable Housing Unit or Market Housing Unit) to be constructed pursuant to this Permission for use as a dwelling (including a house flat or maisonette) within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent replacement class).

"**Eastern Brent Riverside Park**" means that part of the new Brent Riverside Park (including the Wetland Area) located partly in the Brent Cross East Zone (and generally co-extensive with the Eastern River Brent Alteration and Diversion Works) and to be constructed and provided in accordance with paragraphs 3.24 – 3.26 and Table 5 of the DSF and the Primary Development Delivery Programme directly adjacent to the realigned River Brent between the A41 Hendon Way and including that part of the River Brent which extends to the western edge of the eastern roundabout on the realigned Prince Charles Drive as shown on Parameter Plan 011 and the indicative layout showing how such part of the Riverside Park could be carried out in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 27 and the Design and Access Statement ;

"**Eastern Lands Green Corridor Part 1**" means part of the new green corridor (the whole of which corridor is to total 1.43 ha) to be provided in accordance with paragraphs 5.41 and Table 5 of the DSF located south of the A41 pedestrian bridge to the junction of the A41 Hendon Way / Whitefield Avenue adjacent to Plots 67, 75 and 76 as shown on Parameter Plan 029 and provided in the Eastern Lands Zone in the general vicinity of part of the area marked "GC1" on Parameter Plan 003 in respect of which the indicative layout showing how such part of the green corridor could be carried out in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan and page 100 of the BXC07 Public Realm and Open Space Strategy;

"**Eastern Lands Green Corridor Part 2**" means part of the new green corridor (the whole of which corridor is to total 1.43 ha) to be provided in accordance with paragraphs 5.41 and Table 5 of the DSF located north of the A41 pedestrian bridge adjacent to Plot 78 as shown on Parameter Plan 029 and provided in the Eastern Lands Zone in the general vicinity of part of the area marked "GC1" on Parameter Plan 003 in respect of which the indicative layout showing how such part of the green corridor could be carried out in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 021 and page 100 of the BXC07 Open Space Strategy;

"**Eastern Lands Zone**" means the Zone identified and marked as the Eastern Lands Zone on Parameter Plan 001 the indicative layout of which Zone is shown on Parameter Plan 021;

"**Eastern Park (Part 1)**" means the first half of the new park by area (the whole of which park is to total 1.2 ha) to be created in the Eastern Lands Zone within the general vicinity of "NH1" of Parameter Plan 003 and Plots 68, 73 and 74 in accordance with the parameters and principles described in paragraphs 5.37 and 5.47 and Table 5 of the DSF and Sections B3.2, with an illustrative space typology shown in Section B3.3.2, of the Design Guidelines;

"**Eastern Park (Part 2)**" means the balance the new park by area (the whole of which park is to total 1.2 ha) to be created in the Eastern Lands Zone within the general vicinity of "NH1" of Parameter Plan 003 and Plots 56, 71, 72 and ~~73~~77 in accordance with the parameters and principles described in paragraphs 5.37 and 5.47 and Table 5 of the DSF and the Design and Access Statement (including Sections B3.2, with an illustrative space typology shown in Section B3.3.2, of the Design Guidelines);

"**Eastern River Brent Alteration and Diversion Works**" means that part of the alteration and diversion works to the River Brent to be carried out in accordance with paragraphs 3.24 – 3.26 of the DSF between approximately the north western boundary of the A41 Hendon Way and the eastern roundabout on the realigned Prince Charles Drive located in the Brent Cross East Zone in the general vicinity of such part of the area shaded in dark blue on Parameter Plan 011 and the indicative layout showing how such works could be carried out in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 027. The existing culvert is a highway structure maintained by TfL and any works affecting that culvert will be subject to an appropriate statutory agreement with TfL;

"**EIA Directive**" means the LPA Directive of 27th June 1985 on the assessment of the effects of certain public and private projects on the environment (85/337/EEC) as amended and all legislation effective in England to transpose the EIA into the laws of England insofar as relevant to this Permission and any Reserved Matters Approval or Other Matters Approval and the applications therefore and associated statutory procedures;

"**EIA Process**" means the process of environmental impact assessment in accordance with the EIA Directive carried out in connection with the Application (including for the avoidance of doubt the Developers' response to the LPA's Regulation 19 Request and all consultation responses relating thereto) and on the basis of which this Permission was granted or any subsequent process of environmental impact assessment which complies with the EIA Directive and which relates as appropriate to any Reserved Matters Application or Other

Matters Application under this Permission or to any application for an Additional Planning Permission or to an Alternative Energy Permission as the case may require;

"Employment and Skills Action Plans" means strategies and action plans to be submitted and approved in accordance with Condition 10.1 of this Permission prior to each Phase of the Development detailing specific employment and skills initiatives, their delivery arrangements, what is intended to be achieved and the means by which the delivery will be monitored and recorded in accordance with paragraph 11 of Schedule 2 to the Initial Planning Agreement ~~and the principles set out in Schedule 21 thereto;~~

"Energy Facilities Details" means:

- a) in regard to the CHP/CCHP a detailed specification programme of works and working method statement which accords with the parameters and principles set out in paragraphs 2.55 – 2.62 and 5.55, Table 8 and Appendix 15] of the DSF and the Primary Development Delivery Programme to be approved in accordance with Conditions 5 and 35 respectively;
- b) in regard to site based CHP/CCHP(s) and alternative renewable energy facilities a detailed specification programme of works and working method statement which shall have been approved in accordance with the Revised Energy Strategy and/or under an Alternative Energy Permission;

"Energy Panel" means the body to be established by the Developers to help and advise in the revision and delivery of the Energy Strategy and/or the Revised Energy Strategy and other issues relating to sustainable energy in accordance with paragraph 14 of Schedule 2 to the Initial Planning Agreement including any subsequent variations to such terms of reference as are agreed in writing between the Developers and the LPA;

"Energy Strategy" means the strategy for delivering a minimum reduction in carbon emissions below the standard set out in Part L of the Building Regulations 2006 of 44% for residential buildings and 20% for commercial buildings in accordance with the principles and parameters set out in the DSF and the Energy Strategy and Assessment (Document BXC 9) which accompanied the Planning Application in which the key elements include the CHP/CCHP, the District Heating Network, the Waste Handling Facility and the use of Refuse Derived Fuel if and to the extent that the Refuse Derived Fuel fuelled scheme for the CHP/CCHP is found to be Feasible in accordance with the RDF Feasibility Study approved under **Condition 35.3** of this Permission and/or the alternative renewable sources as approved in accordance with **Condition 35.4** of this Permission

"Enterprise Scale Travel Plans" means the Individual Travel Plan submitted for any part of the Development that falls below the full travel plan threshold but as defined in the Initial Planning Agreement where the Occupier is anticipated to employ 20 or more staff, which is in accordance with the provisions of the Framework Travel Plan (as updated from time to time in accordance with Condition 2.6 of this Permission) approved in accordance with this Permission;

"Environmental Statement" means the Revised Environmental Statement dated March 2009 (together with any further information or any other information submitted in accordance with regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999) which was submitted by the applicants in support of the Planning Application and which formed part of the EIA Process;

"Estate Management Body" means any company which may be from time to time be established and authorised by the Developers and/or the LPA in accordance with the Estate Management Framework approved under Condition 7.1 to manage any specific public realm or common areas comprised in the Public Realm within the Development;

"Estate Management Framework" means the strategy or strategies for ensuring that all privately maintainable highways and Public Realm areas identified in such strategy or strategies and to be provided within the Development are maintained managed repaired and renewed (where required) to a high standard and such framework shall be submitted by the Developer and approved in accordance with Condition 7.1 of this Planning Permission and shall be guided and governed by the parameters and principles outlined in paragraph 2.90 of the DSF and the principles set out in Schedule 21 to the Initial Planning Agreement;

"Exemplar Building" means the Replacement ~~Claremont~~ Primary School to be constructed on Plot 46 in accordance with a detailed specification to be approved by the LPA and achieving an 'Excellent' rating against BREEAM for schools 2007 as described in Section 2 of the DSF;

"Existing Foodstore" means the existing foodstore located south of the A406 at Tilling Road (currently occupied by Tesco) shown the plan marked "BXC Tesco Site Rev B" annexed in Schedule ~~f8~~ to the Initial Planning Agreement.

"Existing John Lewis Store" means the current John Lewis Store within the Brent Cross Shopping Centre comprising up to 31,258 sq.m gross external area which spans over basement, lower ground, upper ground, first, second and third floor levels as follows (Basement - 1,170sq.m; Lower Ground - 6,506sq.m, Upper Ground - 9,323sq.m, First - 6,446sq.m, Second - 4,287sq.m, Third - 3,526sq.m (plant and storage).

"Existing PFS" means the existing petrol filling station located south of the A406 at Tilling Road (currently operated by Tesco) shown blue on plan "**BXC Tesco Site Rev. B**" annexed in Schedule 8 to the Initial Planning Agreement;

"Feasible" means reasonably achievable having regard to the following factors:

- a) the need for the Critical Infrastructure or mitigation measures in question having regard to (i) commitment of the Developers to carrying out the Development in a sustainable manner and the reasons for their commitment to provide the relevant item of Critical Infrastructure (ii) the availability of adequate alternative facilities and/or capacity in a location approved by the LPA which enables such alternative to serve the needs of the Development in a manner which is consistent with the EIA Process and (iii) the likely impact of providing the relevant Item of Critical Infrastructure on the Viability of the Development;
- b) a suitable site being reasonably available for the siting operation and construction of the relevant item of Critical Infrastructure in accordance with the terms of this Permission; and
- c) the likelihood of all Necessary Consents being obtained on the assumption that the Developers or the Developer (as the case may require) shall have used all Reasonable Endeavours to obtain them;

and the term **"Unfeasible"** shall be construed accordingly.

"Force Majeure" means any of the following contingencies and/events (if and to the extent that they shall cause any unavoidable delay in the delivery of any Critical Infrastructure or other specified matter or item in accordance with the Initial Planning Agreement in a manner which is outside the reasonable control and not attributable to the default of the Developers) namely: a fire, flood or other severe weather conditions, terrorist action, war, rebellion, riot strikes, lock outs, insolvency of contractor(s), unavailability of materials or equipment, emergencies, decree of Government, security action or concerns relating to imminent and unavoidable threats to the health or safety of personnel in the vicinity of the Development;

"Framework Servicing and Delivery Strategy" means the Site Wide Framework ~~Delivery and Servicing~~ and Delivery Strategy which seeks to reduce the impact of delivery and servicing activity generated by the Development on the environment in accordance with the parameters and principles set out in paragraph 5.3.8 of Volume 1 of the Transport Assessment (March 2009) and which is to be submitted and approved and implemented in accordance with

Condition 1.21 and paragraph 13 of Schedule 3 to the Initial Planning Agreement;

"**Framework Travel Plan**" means the Framework Travel Plan which is appended to the Initial Planning Agreement as Schedule ~~f15~~ or such updated and amended Framework Travel Plan as shall be approved from time to time in accordance with Condition 2.6 of this Permission. For the avoidance of doubt updates and amendments approved in accordance with Condition 2.6 shall not require a deed of variation to the Initial Planning Agreement to amend the form of the Framework Travel Plan in Schedule 15 of that Agreement;

"**Freight Quality Partnership**" means the existing partnership operated by TfL or a scheme for similar purposes approved by TfL. The Developers will join the existing partnership operated by TfL or a similar group for similar purposes approved by the LPA in consultation with TfL under this Permission (or on appeal).

"**Gas Governor Square**" means the new square of 0.16 ha to be provided in the Brent Terrace Zone in accordance with paragraph 5.64 and Table 5 of the DSF in the general vicinity of the existing gas governor and in the location marked "S2" on Parameter Plan 003 (in respect of which the indicative layout showing one way how such square could be carried out in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 023) and the Design Guidelines at Section B3.2, with an illustrative space typology shown in Section B.3.3.4;

"**Gateway Junctions**" means those junctions for which full planning permission has been approved as part of this Permission as listed in paragraph 3.2 of the DSF and for the avoidance of doubt include:

- A406 Brent Cross Ingress/Egress Junction Improvements;
- A407 Cricklewood Lane/Claremont Road Junction Improvements;
- A41/A406 Junction Improvements;
- A41/Whitefield Avenue Junction;
- A5/Link Road over Midland Mainline Junction;
- A5/Rail Freight Facility Junction;
- A5/Diverted Geron Way (Waste Handling Facility) Junction;
- A5/A407 Cricklewood Lane Junction Improvements;
- M1/406 and A5/A406 Junction Improvements.

"**GLA Toolkit**" means the Greater London Authority's (GLA) Toolkit as at November 2008 which enables assessment of the economics of development through the comparison of potential development revenue with potential development costs before a payment for land is made (including guidance on the use of this model set out in the GLA Guidance Notes as at November 2008 which accompanies the Toolkit) or such revised version of that Toolkit and

accompanying guidance as shall be adopted for use by the GLA at the time of the relevant Affordable Housing Review

"Global Remediation Strategy" (GRS) means the document forming Appendix 13 to the Development Specification & Framework and which accompanied the Planning Application;

"GPDO" means the Town and Country Planning (General Development Procedure) Order 1995 (Statutory Instrument 1995 No. 419) or any amendments or replacements thereof from time to time in force;

"Green and Brown Roofs" mean sections of the Building Roof Area designed to provide habitat locations and rainfall attenuation as part of a SUDs scheme in accordance with paragraph 2.69 of the DSF and to be submitted and approved in accordance with Conditions 1.17, 2.1 and 44.5 of this Permission;

"Gross Sales Area" means the area authorised by this Permission and used for the retail sale of goods excluding any basement levels not used for sales, plant, back of house/storage facilities, and floorspace used for entrances or circulation spaces and/or travelators staircores and loading areas;

"HCA" means the Homes and Communities Agency being the national housing and regeneration delivery agency for England whose role is to create thriving communities and affordable homes (or such relevant successor body as may assume the role of the HCA as the body responsible for the delivery and Affordable Housing Grant in respect of Affordable Housing)

"Hendon Waste Transfer Station" means the existing rail-related Waste Transfer Station which is operated by the North London Waste Authority;

"High Street North" means the pedestrianised High Street within Brent Cross East Zone to be constructed and provided in accordance with 5.7, 5.8, 5.9, 5.10 and 5.16 of the DSF, and Section B2.2, with an illustrative space typology shown in Section B2.3.1, of the Design Guidelines and as set out in the following plans:

- Parameter Plan 003 Rev 10;
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev.G.

"High Street South" means the High Street within Market Quarter Zone to be constructed and provided in accordance with paragraphs 5.27, 5.30 and 5.33 of the DSF and Section B2.2, with an illustrative space typology shown in Section B2.3.1, of the Design Guidelines and as set out in the following plans:

- Parameter Plan 003 Rev 10;
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev.G.

"Housing Benefit Regulations" means the Housing Benefit Regulations 2006 (SI2006/213) or such subsequent regulations or legislation as may replace them and prescribe which building service charges are eligible for housing benefits (or any similar scheme replacing housing benefits)

"Housing Need" means a person who is homeless or is currently occupying a dwelling which is overcrowded or under occupied or in need of renovation or unfit for human habitation or other such reasons as the LPA agrees constitute circumstances that are unreasonable for that person to continue to occupy the dwelling or persons who cannot afford to acquire housing on the open market at a cost low enough for them to afford and in each case is registered on the Council's Affordable Housing waiting list (or any similar list as may replace it) unless otherwise agreed with the LPA

"ICP" means the Indicative Construction Programme;

"Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev.G" the drawing bearing this number and contained in Appendix 7 of the DSF;

"Illustrative Reconciliation Plan" means a plan which shall accompany Other Matters Applications and Reserved Matter Applications in accordance with Conditions 1.17 and 2.1 of this Permission and the arrangements set out in Section 6 of the Development Specification and Framework dealing with the issue of layout and showing the detailed proposals for the relevant Phase Sub-Phase or Plot Development in the context of the approved or proposed Critical Infrastructure within the relevant Zone and demonstrating how the Details of such Critical Infrastructure as proposed comply with the relevant parameters and principles for such Phase Sub-Phase and/or Development Zone and for the Development as a whole;

"Inclusive Access Strategy" means the site wide strategy to be submitted and approved in accordance with Condition 1.26 of this Permission and which shall be prepared by the Developers in consultation with the Consultative Access Forum setting out the approach to inclusive access and mobility across the scheme. The strategy should set out the vision and establish appropriate mechanisms and inclusive access design standards for ensuring inclusive design is integrated into the regeneration from the beginning of the design process and which designers abide by. The strategy should include design standards for Accessible Wayfinding Information and Interpretation to be incorporated within the public realm to assist visitors to the area and users of the sporting, retail and other facilities The Inclusive Access Strategy shall be reviewed every 5 years and the reviewed document shall be submitted and approved in accordance with Condition 1.26 or at such other intervals as may be agreed from time to time by the Developers and the LPA in consultation with the Consultative Access Forum in recognition

that the Development will be built over a number of years and that best practice in inclusive design will evolve over time.;

"Indicative Construction Programme" means the revised Indicative Construction Programme appended to the Initial Planning Agreement as Schedule 18 in terms of (1) sequencing of operations and (2) approximate duration of operations comprised in the Critical Infrastructure with such variations or amendments as to the sequencing and approximate duration of operations comprised in the Critical Infrastructure as may be approved on the application of the Developers from time to time in accordance with Conditions 4.3 and 4.4 of this Permission. For the avoidance of doubt such variations and amendments approved under these ~~conditions~~Conditions do not require a deed of variation to the Initial Planning Agreement to amend the form of Indicative Construction Programme in that Agreement;

"Indicative Phasing Parameter Plan" means Parameter Plan 029;

"Indicative Southern / Northern Phase Targets" and **"Indicative Southern / Northern Cumulative Phase Targets"** means the Affordable Housing Unit targets for the Southern Development (excluding for the avoidance of doubt the Whitefield Estate Replacement Units) or the Affordable Housing Unit targets for the Northern Development as set out in the tables below but:

- (i) if the number of Southern Residential Units or Northern Residential Units in any given Phase ultimately varies from that set out below, such southern targets or northern targets for that Phase will be adjusted proportionately so as to represent a figure equal to 30% of the number of Southern Residential Units or Northern Residential Units in that Phase or Sub Phase and the Southern or Northern cumulative targets will be adjusted accordingly;
- (ii) if an Affordable Housing Commuted Sum is paid to the LPA, an Affordable Housing Credit will be awarded towards the relevant target below (the level of which is to be approved in the Affordable Housing Viability Testing Report in respect of the Affordable Housing Commuted Sum in question);
- (iii) the targets will be subject to adjustment pursuant to **paragraph 2.32.2 or 3.3.2 of Schedule 2A**,

Indicative Southern Targets:

<u>PHASE</u>	<u>TOTAL SOUTHERN RESIDENTIAL UNITS</u>	<u>"INDICATIVE SOUTHERN PHASE TARGET"</u>	<u>"INDICATIVE CUMULATIVE SOUTHERN TARGET"</u>
PHASE 1	1355	407	407
PHASE 2	1750	525	932
PHASE 3	1329	398	1330
PHASE 4	504	151	1481
PHASE 5	1749	495	1976
PHASE 6	0	0	1976
PHASE 7	63	19	1995
TOTAL	6650	1995	1995

Indicative Northern Targets:

<u>PHASE</u>	<u>TOTAL NORTHERN RESIDENTIAL UNITS</u>	<u>"INDICATIVE NORTHERN PHASE TARGET"</u>	<u>"INDICATIVE CUMULATIVE NORTHERN TARGET"</u>
PHASE 2	278	83	83
PHASE 3	572	172	255
TOTAL	850	255	255

~~"Indicative Phasing Parameter Plan" means Parameter Plan 029;~~

"Individual Travel Plan" (which shall also be referred to as "Occupier Travel Plans", "Enterprise Scale Travel Plans" and "School Travel Plans") means the plan for the Development or any part of the Development (as explained in the Framework Travel Plan) which has been submitted to and approved in accordance with Conditions 2.1, 39.3, 39.4 and 39.5, of this Permission and which is in accordance with the provisions of the Framework Travel Plan (as updated from time to time in accordance with Condition 2.6) approved in accordance with this Permission;

"Initial Planning Agreement" means the Planning Agreement dated with the same date as this Permission (including any subsequent deed of modification to it from time to time in accordance with Clause 13 of the Initial Planning Agreement);

"Intermediate Housing" means housing for people who cannot afford to rent or buy on the open market but can afford to pay more than the level of Target Rent level Rents which is made available at a discount from Open Market Value to

households whose income is within the income parameters for the Barnet area specified by the HCA from time to time as qualifying for Intermediate Housing which may include but is not limited to:

- (i) New-Build Homebuy
- (ii) Sub-Market Rented Units
- (iii) Shared Equity Units

"Landscaping Works" means those works involving soft landscaping;

"Library" means the library facility to be provided in the Eastern Lands Zone illustratively shown within the vicinity of Plot 27 on Parameter Plan 029 and outlined by reference to its anticipated primary use in of Table 8a of Appendix 2 of the DSF to be provided in accordance with paragraphs 2.35 – 2.36 and 5.46 of the DSF available for use by residents of the Development;

"Lifetime Homes" means units which fulfil the 16 Criteria necessary to achieve Lifetime Homes Standard as set out in Appendix 6 to the DSF (or any subsequent criteria adopted at the time of the Reserved Matters Application for the relevant Affordable Housing Units).

"Local Roads" are those new roads cycle and/or pedestrian routes or other thoroughfares to be constructed by the Developers as part of the Development within the application site save and except those roads, cycle and/or pedestrian routes or other thoroughfares which form part of Critical Infrastructure for the relevant Phase or Development Zone as identified on Parameter Plan 002 Rev 13 and Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev.G;

"London Plan" means the spatial development strategy for Greater London published in February 2008 consolidated with Alterations since 2004 by the Mayor of London and any subsequent adopted amendments to it from time to time which may be relevant to any applications for approval in relation to the Development under the terms of this Permission;

"LPA" means the London Borough of Barnet acting in its statutory capacity as local planning authority;

"M1/A406 and A5/A406 Junction Improvements" means alterations to the existing highway network at this junction and associated offsite works (including Bridge Structure B6 (M1 Junction 1 Pedestrian and Cycle Bridge) in accordance with paragraph 3.3, 3.4, 3.19 and 3.19a of the DSF and set out within the following plans:

- P/D111870/H/100/1011 Rev F;
- P/D111870/H/100/1012 Rev F;
- P/D111870/H/100/1013 Rev F;
- P/D111870/H/100/1029 Rev B;
- P/D111870/H/110/1012 Rev B;
- P/D111870/H/110/1013 Rev B; and
- P/D111870/H/100/1000 Rev G (Indicative Transport Layout (Key) Plan).

"Main Health Centre" means the primary health care centre (including eight general practice surgeries) to be provided in accordance with paragraph 2.31 of the DSF with a gross external floorspace that is reasonably capable of incorporating the facilities required by that paragraph up to a maximum of 3,000 m² together with an area of hardstanding for ambulances adjacent to such centre of no more than 25 m² and which is to be located in the vicinity of plot 80 in the Eastern Lands Zone and which will provide a range of services including community services outpatient appointments diagnostics minor treatment and other health services;

"Market Housing" means Residential Units which are not Affordable Housing.

"Market Housing Unit" means a single Residential Unit for occupation as Market Housing.

"Market Quarter Zone" means the Zone identified and marked as the Market Quarter Zone on Parameter Plan 001 and the indicative layout of which Zone is shown on Parameter Plan 020;

"Market Square" means the new market square of 0.81 ha to be provided in the Market Quarter Zone in accordance with paragraph 5.30 and Table 5 of the DSF in the general vicinity of the location marked "M2" on Parameter Plan 003 and the indicative layout showing how such square could be carried out in accordance with the parameters and principles approved under this Permission is shown on the Indicative Zonal Layout Parameter Plan 020 and Section 3.2 and 3.3.4 of the Design Guidelines;

"Master Developer" means CRL or the Brent Cross Partners (as the case may be) as defined in the Initial Planning Agreement or their successors in title to the Southern Development or the Northern Development (or to the whole of any Phase or Sub-Phase thereof) (as the case may be) respectively to the extent that they are responsible for the overall coordination and delivery of the Southern Development and / or Northern Development and / or each of its Phases or Sub-Phases in accordance with the Permission and this Agreement and for the avoidance of doubt it is not intended that it should include persons who are

responsible for delivering only individual Plot Development and the term **"Master Developers"** shall be construed accordingly.

"Matrix" means the Matrix to be prepared and submitted to the LPA and TfL by the Developer in accordance with the Matrix and Transport Reports Schedule and approved as part of the Transport Scope and Specification Approval in relation to each Phase Transport Report and/or any Reserved Matters Transport Report in accordance with Condition 37.1 and paragraph 2 of Schedule 3 to the Initial Planning Agreement;

"Matrix and Transport Reports Schedule" means the Matrix and Transport Reports Schedule contained in the Initial Planning Agreement as Schedule 17 or such alternative or amended Matrix and Transport Reports Schedule as may be submitted to and approved by the LPA and TfL in accordance with the terms of the Initial Planning Agreement (or on appeal);

"Millennium Green" means the existing the Millennium Green marked "CG2" on Parameter Plan 003;

"Millennium Green Improvements" means the improvement works to Millennium Green (which works are to be within an area of 0.48 ha) to be carried out in accordance with the relevant Phase Details and the parameters and principles contained in paragraphs 2.68a, 5.58 and 5.64 and Table 5 of the DSF (in respect of which the indicative layout showing how such park could be carried out in accordance with the parameters and principles approved under this Permission is shown on the Indicative Zonal Layout Parameter Plan 023) and Section 3.2, with illustrative space typology shown in Section 3.3.3, of the Design Guidelines to include the provision of the following items:

- a play area with 250 m² of playable space;
- a garden area for quiet recreation;
- a wildlife area; and
- associated grass area for informal games play elements pathways water attenuation area and landscaping.

"Monitoring Strategy" means a Strategy that measures all key transport impacts of the development (as well as transport behaviour) such as operational traffic, construction traffic and the impact of overlapping phases on the road network and on public transport in accordance with the parameters and principles set out in Annex 6 to the Transport Matrix and Transport Report Schedule and which Monitoring Strategy is to be submitted and approved under Condition 37.8 of this Permission.

"Nature Parks" means those Principal Open Spaces marked NP1, NP2, NP3 and NP4 as shown on Parameter Plan 003;

"Necessary Consents" means all orders, consents, approvals, permits, agreements, licenses or other similar authorisations required under any statute statutory instrument or other legislation (including for the avoidance of doubt any approvals required under this Permission) to enable the Critical Infrastructure relevant to the Phase or Sub-Phase in question to be constructed and provided and thereafter (where appropriate) to be used and operated and including (in relation to any primary or secondary routes or any Local Highways or any cycle and/or pedestrian routes or any other public thoroughfares) any agreements and bonds or other security required under sections 38 and 278 of the Highways Act 1980 or any amending legislation in force from time to time and in respect of Principal Open Spaces adopted or managed maintained repaired and renewed or operated in accordance with this Permission and/or (as the case may require) the Estate Management Framework;

"Neighbourhood Police Unit (Brent Cross East Zone)" means the police unit of up to 93 sq m to be provided within the Brent Cross East Zone as illustratively shown within the vicinity of Plot 97 or 112 to be provided in accordance with paragraph 2.35 – 2.36 of the DSF (or up to 186 sq m if a single unit is provided within the Development) in accordance with Paragraphs 8.1.2 and/or 8.2.5 of the ~~Second~~-Schedule 2 to the Initial Planning Agreement;

"Neighbourhood Police Unit (Market Quarter Zone)" means the police unit of up to 93 sq m to be provided within the Market Quarter Zone to be provided in accordance with paragraph 2.35 – 2.36 of the DSF (or up to 186 sq m if a single unit is provided within the Development) in accordance with Paragraphs 8.1.2 and/or 8.2.5 of the ~~Second~~-Schedule 2 to the Initial Planning Agreement;

"Net Additional Increase" means the increase in gross comparison retail floorspace after the closure and demolition and/or decommissioning of existing retail floorspace in Brent Cross East Zone;

"Net Retail Floorspace" means the area authorised by this Permission and used for the retail sale of goods excluding any basement levels not used for sales, plant, back of house/storage facilities, and floorspace used for entrances or circulation spaces and/or travelators staircores and loading areas;

"Network Performance Outcome" means the predicted impacts of the Development on all relevant junctions, highways, cycle and pedestrian routes and the performance of all transport modes and interchanges within the relevant Area of Concern (as defined in the relevant Transport Report Scope and Specification Approval), such impacts to be assessed in accordance with the Matrix and Transport Reports Schedule;

"New Build Homebuy Units" means Affordable Housing provided by an Affordable Housing Provider where the occupier initially purchases a percentage of the equity in the unit of between 25% and 75% with the option to purchase additional equity up to 100% and where the lease is drafted in accordance with the HCA's requirements for New Build Homebuy Schemes and unsold equity is held by an Affordable Housing Provider who can charge a rental on the unsold equity.

"New John Lewis Store" means the new department store comprising up to 28,000 square metres Net Retail Floorspace illustratively shown on Plot 101 in accordance with the parameters and principles set out in paragraphs 2.29a and the relevant Scale Thresholds in Appendix 10 to the DSF and the relevant design principles contained in the Design and Access Statement;

"New MML Train Stabling Facility" means replacement train stabling provision needed to facilitate delivery of the Development within the Railway Lands Zone as set out in the following plans:

- Parameter Plan 002 Rev 13
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev.G

"New PFS" means the new petrol filling station within the Development to be located in the Eastern Lands Development Zone in the vicinity of Plot 70 the retail kiosk of which will extend to 326 sq m and the canopy of which will extend to up to 2,800 sq m.

"New Superstore" means a new major foodstore which replaces the Existing Foodstore (currently occupied by Tesco) in the Eastern Lands to be sited in the Eastern lands in the vicinity of plot 28 immediately adjacent to Claremont Avenue. In accordance with paragraph 5.43 of the DSF the foodstore will form part of a mixed use block, to be delivered over two levels with a maximum gross floorspace of 19,509m², including plant, staff facilities, servicing ramps etc. The New Superstore will have a maximum Gross Sales Area (that is the area used for the sale of goods excluding basement levels, plant, back of house/storage facilities, entrance circulation/travelators staircores and loading) of 11,720m² of which 6,446m² and 5,274m² shall be used for the sale of comparison and convenience goods respectively.

"NLWA" means North London Waste Authority;

"Noise Sensitive Premises" means new or existing occupied dwellings, other residential accommodation, schools, hospitals, places of worship, libraries and other buildings (including the Holiday Inn Hotel) in respect of which noise impacts ought to be a material consideration in the light of relevant guidance contained or referred to in PPG24 (or any amended guidance replacing it from

time to time) or any other relevant noise standards, guidance or best practice methodologies which should be considered in assessing noise impacts and mitigation;

"North Circular Green Corridor" means new green corridor with a width of between 8 and 30 m to be provided in the Station Quarter Zone in accordance with paragraph 5.57 of the DSF in the general vicinity of the location marked "GC2" on Parameter Plan 003;

"Northern Affordable Housing" means Affordable Housing in the Northern Development.

"Northern Affordable Housing Units" means Affordable Housing Units in the Northern Development.

~~**"Northern Intermediate Housing"** means Intermediate Housing in the Northern Development.~~

"Northern Development" means those parts of the Development within the Brent Cross East Zone and Brent Cross West Zone and associated works for roads, other ways bridges and Critical Infrastructure and other associated works and operational development forming part of the Development within or outside those Zones as follows:

- (a) within the areas north of the A406 shaded blue on the ~~attached~~ "Northern / Southern Development" plan contained in **Schedule 8** of the Initial Planning Agreement;
- (b) within the areas shown for identification purposes shaded pink on that plan (representing the Critical Infrastructure (Pre-Phase) for which joint and several obligations of the Developers apply subject to the terms and conditions as set out in the Initial Planning Agreement);
- (c) within the area cross hatched light blue on that plan works of modification to the Existing John Lewis Store and external alterations to the existing Brent Cross Shopping Centre and associated works;

~~**"Northern Intermediate Housing"** means Intermediate Housing in the Northern Development.~~

"Northern Market Housing" means Market Housing in the Northern Development.

"Northern Market Housing Units" means Market Housing Units in the Northern Development.

"Northern Nature Park" means new northern nature park of 0.2 ha to be provided in the Station Quarter Zone in the general vicinity of the location marked "NP3" on Parameter Plan 003 in accordance with paragraph 5.54 and Table 5 of the DSF and the principles and parameters set out within Sections B3.2, with an illustrative space typology shown in Section B3.3.3, of the Design Guidelines.;

"Northern Primary Development" means the part of the Primary Development Package located in the Northern Development;

"Northern Principal Open Spaces" means such Principal Open Spaces as are to be delivered by the Developer as Critical Infrastructure as part of the Northern Development in accordance with paragraph 10 of Schedule 2 to the Initial Planning Agreement;

"Northern Residential Unit" means Residential Unit in the Northern Development

"Northern Social Rented Units" means Social Rented Units in the Northern Development

North London Waste Authority" means the statutory waste disposal authority for the London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey and Waltham Forest the primary function of which is to arrange for the transport and disposal of waste collected by these seven boroughs and to promote waste minimisation and recycling and which is currently intended to promote the Waste Handling Facility and to be (or to appoint) the occupier and operator of the Waste Handling Facility;

"Occupation" means actual occupation for the purposes permitted by this Permission excluding occupation by personnel engaged in marketing construction fitting out or decoration for marketing or purposes of display for first sale or letting or security operations and the terms **"Occupied"** **"Occupy"** and **"Occupying"** shall be construed accordingly;

"Occupation Finish Standard" means (in relation to Critical Infrastructure as detailed below) a standard fully finished and ready for occupation or habitation operation and /or use for its intended purpose in accordance with a specification to be approved by the LPA and in accordance with the relevant Necessary Consents for such Critical Infrastructure and shall (for the avoidance of doubt) include all (i) all external security barriers and fences, landscaping, noise barriers and other attenuation measures, service yards, accesses, parking areas, loading bays, playgrounds and associated ancillary external facilities and (ii) all internal partitions decorations and finishes, the provision of all services, access lifts and ramps, sanitary ware, all fixtures fittings equipment apparatus (including kitchen and catering equipment) and which shall in the case of

replacement facilities include fixtures and fittings, equipment and apparatus of a specification that is provided within the existing facilities (updated as necessary in accordance with the relevant Necessary Consents and guidance) and (in the case of the replacement schools) shall all laboratory benches, gymnasium equipment, specialist equipment and facilities necessary for such schools to be provided and operated PROVIDED THAT (for the avoidance of doubt) such standard shall apply to the following Critical Infrastructure:

- (a) CHP/CCHP and District Heating System;
- (b) Community Facilities (Clitterhouse Playing Fields Zone);
- (c) Replacement Primary School;
- (d) Replacement Secondary School;
- (e) Replacement Special Needs School;
- (f) Replacement Leisure Centre;
- (g) Transport Interchange T1 (New Train Station and Transport Interchange)
- (h) Transport Interchange T2 (Replacement Brent Cross Bus Station)
- (i) Existing Bus Station (Permanent Enhancement Works)
- (j) Waste Handling Facility and associated conveyor system and (subject to Conditions 1.24 and 40 of the Permission) the Vacuum Waste Collection System;
- (k)** Whitefield Estate Replacement Units

"Occupier Travel Plan" means the Individual Travel Plan submitted for any part of the Development that meet the standard travel plan thresholds as defined and required in paragraph 17 of Schedule 3 to the Initial Planning Agreement prepared in accordance with the provisions of the Framework Travel Plan (as updated from time to time in accordance with Condition 2.6) approved in accordance with this Permission;

"Office District Park" means the new office district park of 0.6 ha to be provided in the Station Quarter Zone in the general vicinity of the location

marked "CG1" on Parameter Plan 003 in accordance with paragraph 5.54 and Table 5 of the DSF and the principles and parameters set out within Sections B3.2, with an illustrative space typology shown in Section B3.3.3, of the Design Guidelines.

"Open Market Value" means a price to be calculated in accordance with the definition of "Market Value" in such edition of the Royal Institution of Chartered Surveyors' Appraisal and Valuation Standards as shall be in force at the date of the relevant Affordable Housing Review

"Other Matters Application" means an application for one or more Other Matters Approval;

"Other Matters Approvals" means the LPA's approval of details, strategies, detailed specifications, working method statements, programmes and other matters (other than Reserved Matters) which under the ~~conditions~~**Conditions** contained in this Permission require submission to the LPA for approval in relation to the Development as a whole or any specific Phase(s), Sub-Phase(s) or Plot(s) or any part of the Development (as the case may be);

"Parameter Plans" means the following drawings which accompanied the Planning Application and are approved by this Permission (or such revised or amended parameter plans as may be approved by the LPA pursuant to Conditions 1.16 and 2.4 of this permission) setting out the parameters for the development and which are listed below:

- Parameter Plan 001 Rev 13 Development Zones;
- Parameter Plan 002 Rev 13 Transport Infrastructure;
- Parameter Plan 003 Rev 10 Public Realm & Urban Structure;
- Parameter Plan 004 Rev 10 Ground Level Land Uses to Frontages;
- Parameter Plan 005 Rev 10 Upper Level Land Uses to Frontages;
- Parameter Plan 006 Rev 11 Proposed Finished Site Levels;
- Parameter Plan 007 Rev 10 Maximum Building Heights;
- Parameter Plan 008 Rev 7 Minimum Building Heights;
- Parameter Plan 009 Rev 9 Basement and Service Access;
- Parameter Plan 010 Rev 10 Utilities;

- Parameter Plan 011 Rev 12 River Brent;
- Parameter Plan 012 Rev 10 Clitterhouse Playing Fields;
- Parameter Plan 013 Rev 11 Transport Interchanges;
- Parameter Plan 014 Rev 8 Floorspace Thresholds;
- Parameter Plan 015 Rev 1 Indicative Layout Plan;
- Parameter Plan 016 Rev 6 Existing Building and spaces;
- Parameter Plan 017 Rev 1 Minor Transport Interchanges;
- Parameter Plan 018 Rev 2 Waste and Freight Facilities;
- Parameter Plan 019 Rev 4 Indicative Primary Development Package Layout Plan;
- Parameter Plan 020 Rev 1 Indicative Zonal Layout Plan (Market Quarter);
- Parameter Plan 021 Rev 1 Indicative Zonal Layout Plan (Eastern Lands);
- Parameter Plan 022 Rev 2 Indicative Zonal Layout Plan (Station Quarter);
- Parameter Plan 023 Rev 2 Indicative Zonal Layout Plan (Brent Terrace);
- Parameter Plan 024 Rev 1 Indicative Zonal Layout Plan (Cricklewood Lane);
- Parameter Plan 025 Rev 2 Indicative Zonal Layout Plan (Railway Lands);
- Parameter Plan 026 Rev 1 Indicative Zonal Layout Plan (Clitterhouse Playing Fields);
- Parameter Plan 027 Rev 2 Indicative Zonal Layout Plan (Brent Cross East); ~~and~~
- Parameter Plan 028 Rev 1 Indicative Zonal Layout Plan (Brent Cross West); ~~);~~ and
- Parameter Plan 029 Rev 1 Indicative Phasing Parameter Plan.

“**PDP**” means the Primary Development Package;

Planning Conditions

Application Reference: C/17559/08

Dated ~~16 July~~ 9th September 2010

"Pedestrian and Cycle Strategy" means the phase-by-phase strategy submitted and approved in accordance with Condition ~~2.82-8~~ of this Permission and setting out the quantum, programme and details of pedestrian and cycle links to be provided within the relevant Phase of the Development in a way which is in accordance with the Area Wide Walking and Cycling Study and the Phase Transport Report;

"Permission" means this planning permission Ref No: C17559/08 to carry out the Development;

"PERS Study" means a study using the Transport Research Laboratory Pedestrian Environment Review System to assess the level of service and quality provided for pedestrians across a range of pedestrian environments reasonably related to the Development within the Site and making connections to surrounding networks having regard to (i) the principles and parameters set out in the Matrix and Transport Report Schedule for the Area Wide Walking and Cycling Study (ii) the guidance "Improving Walkability: Good practice guidance on improving pedestrian conditions as part of development opportunities" (September 2005) and the requirements of TfL Streetscape Guidance in relation to the Transport for London Road Network and/or any subsequent revisions or updates to such guidelines adopted by TfL and (iii) in accordance with the scope of the proposal prepared by the Transport Research Laboratory and annexed to the Initial Planning Agreement as Schedule 22 ↴

~~**"Phase Car Parking Strategy"** means the Phase Car Parking Strategy for the relevant Phase or Phases as approved in accordance with Condition 11.2 of this Permission and having due regard to the Phase Transport Report approved in accordance with Condition 37 of this Permission.~~

"Phase" means a phase as shown on the Phasing Parameter Plan and reference to a Phase followed by a number shall mean the Phase as so numbered on the Phasing Parameter Plan and shall where the context requires include a Sub-Phase of that Phase approved in accordance with Condition 4.2 of this Permission and (as an aid to interpreting this Permission and not further or otherwise) Plan 7 in Schedule 8 to the Initial Planning Agreement shows for indicative purposes only the Phases as identified at the date of this Permission on the Indicative Phasing Parameter Plan in the context of the Zones as currently identified on Parameter Plan 001;

~~**"Phase Details"** means one (or more if relevant) of the Phase 1 Details to Phase 7 Details inclusive (or such other equivalent Phase details if there are more than seven Phases) (as applicable) or any variations to such documents or details or substitute documents or details duly approved by the LPA (whether under the Conditions of this Permission or otherwise)~~

"Phase 1" shall have the precisely same meaning as the Primary Development Package and PDP (and for the avoidance of doubt any reference to "Phase 1" in

this Agreement shall include the whole of Phase 1 including Phases 1A, 1B and 1C unless stated otherwise);

"Phase 1A" ~~shall mean~~means the following Critical Infrastructure comprised in Phase 1 in accordance with the Primary Development Delivery Programme and all relevant Necessary Consents and the relevant Phase 1 Details: (subject to any amendments approved in accordance with Condition 4.2):

- (i) Site Engineering and Preparation Works insofar as these are comprised in Phase 1;
- (ii) A406 Brent Cross Ingress/Egress Junction Improvements;
- (iii) A41/A406 Junction Improvements;
- (iv) A407 Cricklewood Lane/Claremont Road Junction Improvements;
- (v) A5/Diverted Geron Way (Waste Handling Facility) Junction.
- (vi) A5/A407 Cricklewood Lane Junction Improvements.
- (vii) Claremont Avenue
- (viii) Claremont Road Junction North;
- (ix) Claremont Park Road (Part 1);
- (x) Templehof Avenue and Templehof Link Road
- (xi) Tilling Road West Re-alignment and Diversion (Part 1)
- (xii) Claremont Avenue Junction with Tilling Road
- (xiii) Brent Cross Pedestrian Underpass Works ;
- (xiv) Prince Charles Drive Diversion;
- (xv) Bus Station Temporary Enhancement Works
- (xvi) ~~Claremont~~Clarefield Park Temporary Replacement Open Space
- (xvii) Clitterhouse Playing Fields Improvements Part 1
- (xviii) Eastern River Brent Alteration & Diversion Works.

- (xix) Bridge Structure B1 (Replacement A406 Templehof Bridge)
- (xx) River Brent Bridges (as relevant to the Eastern River Brent Alteration and Diversion Works)

"Phase 1B" ~~shall mean~~ means the Plot Development and the Critical Infrastructure as listed below all of which Critical Infrastructure shall be in accordance with the Primary Development Delivery Programme and all relevant Necessary Consents and the relevant Phase 1 Details (subject to any amendments approved in accordance with Condition 4.2):

- (i) Plot Development in relation to Plots 18, 25, 28, 46, 59 (subject to compliance with ~~conditions~~ Conditions 35.3, 35.4 and 35.6) and 63;
- (~~vii~~) Brent Cross Main Square
- (~~viii~~) River Brent Nature Park
- (~~iiiiiv~~) Eastern Brent Riverside Park
- (~~iv~~) School Green Corridor
- (~~vi~~) Claremont Park Improvements
- (~~vii~~) Market Square
- (~~iiiii~~) Brent Terrace Green Corridor;
- (~~iiiiix~~) Whitefield Estate Replacement Units

"Phase 1C" ~~shall mean~~ means all Plot Development and other Critical Infrastructure and works forming part of the Development within Phase 1 (but not including anything contained within Phases 1A and 1B) the Critical Infrastructure element of which shall be delivered in accordance with the Primary Development Delivery Programme and all relevant Necessary Consents and the relevant Phase 1 Details (subject to any amendments approved in accordance with Condition 4.2)

"Phase 1 Details" means a detailed specification (including the Reserved Matters Approvals) programme of works and working method statement in respect of the Critical Infrastructure included within Phase 1 and approved a) in the case of Critical Infrastructure (Pre-Phase) in accordance with Condition 13.1 and (b) in the case of Critical Infrastructure (Non-Pre-Phase) in accordance with Condition 1.7 of this Permission and in either case in accordance with the relevant parameters and principles set out in the DSF and the Primary

Development Delivery Programme or any variations to such documents or details or substitute documents or details approved by the LPA (whether under the Conditions of this Permission or otherwise) or on appeal;

“Phase 2 Details” means a detailed specification (including the Reserved Matters Approvals) programme of works and working method statement in respect of the Critical Infrastructure included within Phase 2 and approved a) in the case of Critical Infrastructure (Pre-Phase) in accordance with Condition 14.1 and (b) in the case of Critical Infrastructure (Non-Pre-Phase) in accordance with Condition 1.7 of this Permission and in either case in accordance with the relevant parameters and principles set out in the DSF and the Detailed Delivery (Non-PDP) Programme or any variations to such documents or details or substitute documents or details approved by the LPA (whether under the Conditions of this Permission or otherwise) or on appeal;

“Phase 3 Details” means a detailed specification (including the Reserved Matters Approvals) programme of works and working method statement in respect of the Critical Infrastructure included within Phase 3 and approved a) in the case of Critical Infrastructure (Pre-Phase) in accordance with Condition 15.1 and (b) in the case of Critical Infrastructure (Non-Pre-Phase) in accordance with Condition 1.7 of this Permission and in either case in accordance with the relevant parameters and principles set out in the DSF and the Detailed Delivery (Non-PDP) Programme or any variations to such documents or details or substitute documents or details approved by the LPA (whether under the Conditions of this Permission or otherwise) or on appeal;

“Phase 4 Details” means a detailed specification (including the Reserved Matters Approvals) programme of works and working method statement in respect of the Critical Infrastructure included within Phase 4 and approved a) in the case of Critical Infrastructure (Pre-Phase) in accordance with Condition 16.1 and (b) in the case of Critical Infrastructure (Non-Pre-Phase) in accordance with Condition 1.7 of this Permission and in either case in accordance with the relevant parameters and principles set out in the DSF and the Detailed Delivery (Non-PDP) Programme or any variations to such documents or details or substitute documents or details approved by the LPA (whether under the Conditions of this Permission or otherwise) or on appeal;

“Phase 5 Details” means a detailed specification (including the Reserved Matters Approvals) programme of works and working method statement in respect of the Critical Infrastructure included within Phase 5 and approved a) in the case of Critical Infrastructure (Pre-Phase) in accordance with Condition 17.1 and (b) in the case of Critical Infrastructure (Non-Pre-Phase) in accordance with Condition 1.7 of this Permission and in either case in accordance with the relevant parameters and principles set out in the DSF and the Detailed Delivery (Non-PDP) Programme or any variations to such documents or details or

substitute documents or details approved by the LPA (whether under the Conditions of this Permission or otherwise) or on appeal;

"Phase 6 Details" means a detailed specification (including the Reserved Matters Approvals) programme of works and working method statement in respect of the Critical Infrastructure included within Phase 6 and approved a) in the case of Critical Infrastructure (Pre-Phase) in accordance with Condition 18.1 and (b) in the case of Critical Infrastructure (Non-Pre-Phase) in accordance with Condition 1.7 of this Permission and in either case in accordance with the relevant parameters and principles set out in the DSF and the Detailed Delivery (Non-PDP) Programme or any variations to such documents or details or substitute documents or details approved by the LPA (whether under the Conditions of this Permission or otherwise) or on appeal;

"Phase 7 Details" means a detailed specification (including the Reserved Matters Approvals) programme of works and working method statement in respect of the Critical Infrastructure included within Phase 7 and approved a) in the case of Critical Infrastructure (Pre-Phase) in accordance with Condition 19.1 and (b) in the case of Critical Infrastructure (Non-Pre-Phase) in accordance with Condition 1.7 of this Permission and in either case in accordance with the relevant parameters and principles set out in the DSF and the Detailed Delivery (Non-PDP) Programme or any variations to such documents or details or substitute documents or details approved by the LPA (whether under the Conditions of this Permission or otherwise) or on appeal;

"Phase Car Parking Strategy" means the Phase Car Parking Strategy for the relevant Phase or Phases as approved in accordance with Condition 11.2 of this Permission and having due regard to the Phase Transport Report approved in accordance with Condition 37 of this Permission.

"Phase Details" means one (or more if relevant) of the Phase 1 Details to Phase 7 Details inclusive (or such other equivalent Phase details if there are more than seven Phases) (as applicable) or any variations to such documents or details or substitute documents or details duly approved by the LPA (whether under the Conditions of this Permission or otherwise)

"Phased Payment" means a payment to the LPA in respect of the Consolidated Transport Fund in accordance with **paragraph 1 of Schedule 3** to the Initial Planning Agreement in such amount as is specified for the relevant Phase as specified in the CTF Schedule in relation to such Phase

"Phase Parking Standards" means the relevant parking standards to be approved under Condition 11.2 and having due regard to the Phase Transport Report approved in accordance with Condition 37 of this Permission in

accordance with the parameters and principles set out in paragraph 2.40 – 2.43 and Table 4 of the DSF) as varied or modified from time to time for any particular Phase or for all Phases in order to achieve the relevant Network Performance Outcome in applying the relevant approved Matrix and/or Transport Report in accordance with Condition 37;

-**"Phase Transport Report"** means the Transport Report relating to the whole of a Phase or Sub-Phase to be submitted and approved in accordance with Condition 37 prior to the commencement of the Development in any Phase or Sub-Phase, such Phase Transport Report to be prepared in accordance with the Matrix and Transport Report Schedule and comply with the relevant Transport Report Scope and Specification Approval

-**"Phasing Parameter Plan"** means Parameter Plan 029 or such amended or revised Phasing Parameter Plan as shall have been approved from time to time in accordance with Condition 4.2 of this Permission;

"Planning Agreement" means an Agreement made under section 106 of the 1990 Act (including the Initial Planning Agreement made as the basis of the grant of this Permission and any Deed of Modification thereto in accordance with Clause 13 of the Initial Planning Agreement) and any such agreement completed in relation to any Reserved Matters Approval or any Other Matters Approval under this Permission or in relation to any Additional Planning Permission or Alternative Energy Permission;

"Planning Application" means the planning application to carry out the Development submitted to the LPA on 25 March 2008 and given reference number C/17559/08;

"Planning Obligation" shall mean any planning obligation contained in any Planning Agreement;

"Planning Performance Agreement" means the planning performance agreement to be completed by the parties (acting reasonably) prior to the submission of the first Other Matters Application and/or Reserved Matters Application in accordance with the provisions contained in contained in paragraph 22 of Schedule 2 to the Initial Planning Agreement

"Plot" means a building plot(s) as shown on the Indicative Phasing Parameter Plan and reference to a Plot followed by a number shall mean the Plot as so numbered on Parameter Plan 029 or its nearest equivalent on the Phasing Parameter Plan;

"Plot Development" means such development as may be included in or related to any application for Reserved Matters Application or included in any Other Matters Application made by the Developer in accordance with this Permission in relation to any specific Plot or Plots after Condition 1.2 and / or 1.3 shall have been complied with;

"Practical Completion" means (as the case may require) (a) in respect of any buildings (save and except those to which the Occupation Finish Standard applies) the issue of a certificate of practical completion by the architect or engineer for the relevant Plot Development certifying that the respective building(s) have been built to the shell and core stage whereby the building(s) are suitable for fitting out and (b) (where specified in relation to any Critical Infrastructure as referred to (in the definition of "Occupation Finish Standard" contained earlier in this Schedule (and for the avoidance of doubt excluding any buildings comprised within the Critical Infrastructure to which (a) above shall apply) completed to Occupation Finish Standard in accordance with the relevant Necessary Consents and (c) (in relation to any Critical Infrastructure including the creation construction improvement or alteration of any new or existing highways, junctions, cycleways, pedestrian routes railways or rail-related structures or apparatus, Bridge Structures or any Principal Public Realm or any other Critical Infrastructure not involving the construction of a Building and/or if and insofar as the Occupation Finish Standard does not apply) shall mean practical completion in accordance with the terms of the relevant Necessary Consents and the term **"Practically Completed"** shall be construed accordingly.

"Preferred Affordable Housing Provider(s)" means the Affordable Housing Provider or Affordable Housing Providers selected by the Developer in consultation with the LPA and on the list approved by the LPA in accordance with **paragraph 2.10** or **3.11** (as the case may be) of **Schedule 2A** to the Initial Planning Agreement who are to be invited to tender or bid for the Affordable Housing in the Northern Development or Southern Development (as the case may be) of a given Phase or Sub-Phase (or alternatively the individual Affordable Housing Provider approved by the LPA under **paragraph 2.10.1** or **3.11.1** of that Schedule)

"Preferred Site" means the site of the ~~existing~~ Hendon Waste Transfer Station site shown on Parameter Plan 016 being the preferred location for the Construction Consolidation Centre within the Southern Development (with such additional land as may be found to be necessary and Feasible in the CCC Feasibility Study);

"Preparatory Works" means any minor operations or items of work of or connected with or ancillary to archaeological and/or contamination investigations, site surveys, and construction set up to be carried out pursuant

to this Permission provided that such works are unlikely to have any significant adverse environmental effects beyond those assessed by the EIA Process carried out in relation to the Application;

~~"Primary Development Package" means those elements of the Development identified in Parameter Plan 019 Rev 4 and described in Section 6 (and paragraphs 6.26 to 6.31 in particular) of the DSF and those Plots identified as Phase 1 within the Phasing Parameter Plan;~~

"Primary Development Delivery Programme" means a detailed delivery programme relating to Critical Infrastructure in the whole or any part of the Primary Development Package to be approved under Condition 5.1 of this Permission and any subsequent variations approved by the LPA in accordance with Condition 5.1 of this permission;

"Primary Development Package" means those elements of the Development identified in Parameter Plan 019 Rev 4 and described in Section 6 (and paragraphs 6.26 to 6.31 in particular) of the DSF and those Plots identified as Phase 1 within the Phasing Parameter Plan;

"Prince Charles Drive Diversion" means (as described on page 5 of Appendix 7 to the DSF) the diversion of Prince Charles Drive towards the south of Brent Cross East Zone, as shown on Parameter Plan 002 and marked indicatively on Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev.G and in accordance with the Phase 1 Details insofar as they relate to this diversion;

"Principal Open Spaces" means the Public Realm and open spaces identified on Parameter Plan 003 and described in Section 2 of the DSF;

"Public Realm" means the extent of public realm for which the public will have access in accordance with the Estate Management Framework (and the terms of any Planning Agreement or any other statutory agreement or Necessary Consents relating thereto) and which shall be identified on a Phase or Sub-Phase basis at the Reserved Matters Application and/or Other Matters Application stage and including those which it may be the responsibility of any Estate Management Body to manage and maintain under the Estate Management Framework.

"Rail Enabling Works" means the various enabling works on the railway lines and associated Network Rail operational land which lies on or towards the western side of the Site and which works are necessary to enable the delivery of the New MML Train Stabling Facility, Waste Handling Facility, the Rail Freight Facility, the Bridge Structure B2 (A5 Link Bridge), the Bridge Structure B3 (Geron Way Pedestrian Bridge) and the Transport Interchange T1 (New Train Station and Transport Interchange) in accordance with the Indicative

Construction Programme, the Primary Development Delivery Programme, the Detailed Delivery (Non-PDP) Programme and the relevant Phase Details

"Rail Freight Facility" means the inter-modal freight facility to be built within Railway Lands Zone in accordance with Paragraph 5.78 and Appendix 15 of the DSF and Parameter Plan 018 Rev 2

"Railway Lands Nature Park" means the new nature park of 0.42 ha to be provided in accordance with paragraph 5.63 and Table 5 of the DSF in the general vicinity of the location marked "NP2" on Parameter Plan 003 and the principles and parameters set out within Sections B3.2 with an illustrative space typology shown in Section B3.3.3 of the Design Guidelines.

"Railway Lands Zone" means the Zone identified and marked as the Railway Lands Zone on Parameter Plan 001 and the indicative layout of which zone is shown on Parameter Plan 025;

"RDF" means Refuse Derived Fuel;

"RDF Feasibility Study" means the feasibility study to be carried out and submitted for approval in accordance with Condition 35.3 of this Permission;

"Reconciliation Mechanism" means the arrangements for implementation as described in Section 6 of the Development Specification and Framework and applied under this Permission in accordance with Condition 2.1;

"Refuse Derived Fuel" means fuel derived from waste which is produced at the Waste Handling Facility in accordance with the parameters and principles set out in the DSF at paragraphs 2.54a to 2.65 and in Appendix 15 to the DSF and to be produced and provided to the CHP/CCHP in accordance with this Permission and all Necessary Consents and the Phase 1 Details;

"Registered Social Landlord" means a Registered Social Landlord being a social landlord within the meaning of the Housing Act 1996 and registered with the HCA pursuant to section 1;

"Regulation 19 Request" means the request made on the 17th March 2009 by the LPA under regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 1999 as part of the EIA Process;

"Regulator" shall have the same meaning as the term "Tenant Services Authority"

"Remediation Validation Report" means the report required under the terms of Condition 31.6 of this Permission which confirms the adequacy of the remediation works after they have been carried out and confirming that the land

is fit for its proposed purpose in accordance with the parameters and principles set out in the Global Remediation Strategy;

"Remediation Works" means any works, or carrying out of any operations or the taking of any steps in accordance with the parameters and principles set out in the Global Remediation Strategy for the purpose of treating, preventing minimising or remedying or mitigating the effects of any harm to the environment caused by the contamination of land or ground water or any pollution of controlled waters so as to render the land in question suitable for its intended end use and includes any installation of any works to prevent the movement of contaminants and the placing of clean soil or fill (which Remediation Works shall be submitted and approved in accordance with Condition 31 of this Permission);

"Remediation Zone or Sub-Zone" means a zone or sub-zone defined and approved for the purposes of managing remediation and carrying out the Remediation Works and reporting in accordance with Condition 31.1 and in accordance with the arrangements described in paragraph 1.2 of the Global Remediation Strategy;

"Replacement Leisure Centre " means leisure centre of 2,880 m² gross external floorspace to replace the existing Hendon Leisure Centre and to be provided in the Eastern Lands Zone approximately as shown on Plot 80 of Phasing Parameter Plan and in Table 8a of Appendix 2 of the DSF and in accordance with the parameters and principles contained in paragraphs 2.38, 2.39, 5.45 and 5.46 of the DSF and located in the Eastern Lands Zone;

"Replacement Primary School" means the new 3 form entry primary school of up to 4,864 m² gross external floorspace and capable of providing a total of up to 630 places (plus up to 39 nursery places (or 78 children attending part time) at any one time for pupils to be located on Plot 46 in the Brent Terrace Zone and to replace the existing Claremont Primary School and to be provided as an Exemplar Building in accordance with paragraphs 2.33 2.34 2.34a and 2.54 and Table 8 of the DSF;

"Replacement Secondary School" means the replacement secondary school of up to 15,232 m² gross external floorspace and capable of providing a total of up to 1,200 places at any one time for pupils ([on the basis set out in paragraph 5.1.2 of Schedule 2 in the Initial Planning Agreement](#)) located approximately on Plot 27 as shown on the Phasing Parameter Plan in the Eastern Lands Zone and which is to replace the existing Whitefields School and to be provided in accordance with paragraphs 2.33, 2.34 and 2.34b of the DSF;

"Replacement Special Needs School" means replacement special needs school of up to 4,394 m2 gross external floorspace ([on the basis set out in paragraph 5.1.3 of Schedule 2 in the Initial Planning Agreement](#)) to be provided in the Eastern Lands Zone approximately as shown on Plot 65 on the Phasing Parameter ~~Plan~~[Plan](#) in accordance with paragraph paragraphs 2.33, 2.34 and 2.34c of the DSF and in the general vicinity of the location marked "E1" on Parameter Plan 001 and which will be capable of providing up to 112 places at any one time for 11 to 18 years olds ([on the basis set out in paragraph 5.1.3 of Schedule 2 in the Initial Planning Agreement](#)) in order to replace the existing Mapledown Special Needs School;

"Replacement Whitefield Estate Units" means the Whitefield Estate Replacement ~~Unit~~[Units](#) (as defined below).

"Reserved Matters Application" means any application comprising details to be submitted in accordance with the GDPO in relation to all or one of layout, scale, external appearance of buildings or bridge structures, means of access or hard and soft landscaping to be carried out as part of the Development;

"Reserved Matters Approval" means the LPA's or Secretary of State's formal written approval in accordance with the GDPO of details approved pursuant to a Reserved Matters Application;

"Reserved Matters Transport Report" means a Transport Report relating to any Reserved Matters Applications in relation to the whole or part of a Phase Sub-Phase or Plot to be submitted and approved in accordance with Condition 37 of this Permission in accordance with the arrangements and methodology described in the Matrix and Transport Reports Schedule and which provides the information required by the relevant approved Transport Report Scope and Specification Approval;

"Residential Relocation Strategy" means a scheme setting out the strategy, arrangement and programme for the satisfactory relocation of the residents in the Whitefield Estate and the sheltered housing units in the Rosa Freedman Centre to the Replacement Whitefield Estate Units (in accordance with the parameters and principles contained in paragraphs 2.91 to 2.93 in the DSF and the parameters and principles contained in Schedule 24 to the Initial Planning Agreement) and providing that residents in the accommodation contained in the Rosa Freedman Centre other than the sheltered units will be moved by the Council (or by persons other than the Developers) to other locations such strategy to be submitted to and approved pursuant to Condition 1.10 and paragraph 1 of Schedule 2 to the Initial Planning Agreement;

"Residential Unit" means single residential dwelling (including any Affordable Housing Unit or Market Housing Unit) to be constructed pursuant to the Permission for use as a dwelling (including a house flat or maisonette) within

Class C3 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent replacement provision)

"Revised Energy Strategy" means the site-wide strategy to be approved under Condition 35.6 setting out the Developers' approach to and to demonstrate how a minimum reduction in carbon emissions below the standard set out in Building Regulations Part L 2006 of 44% and 20% for residential and commercial buildings respectively will be achieved, in the event that the scheme-wide Energy from Waste CHP (including Refuse Derived Fuel) is demonstrated to be Unfeasible in the RDF Feasibility Study. The Revised Energy Strategy shall consider those potential alternative methods which are set out in paragraph 2.54i of the DSF and be prepared in consultation with the LPA, GLA and the Energy Panel;

"Revised Environmental Statement" has the same meaning as the Environmental Statement;

"River Brent Alteration and Diversion Works" means the alteration and diversion works to the River Brent (including the River Brent Bridges) to be carried out in accordance with paragraphs 3.24 – 3.26 of the DSF within the Brent Cross East and Brent Cross West Zones in the general vicinity of such part of the area shaded in dark blue on Parameter Plan 011 (in respect of which the indicative layout showing how such works could be carried out in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plans 027 and 028) and the relevant Phase 1 Phase 2 and Phase 3 Details under Conditions 13.1, 14.1, and 15.1 of this Permission.

"River Brent Bridges" means up to 7 pedestrian and cyclist only bridges to be approved under Conditions 13.1, 14.1 and 15.1 of this Permission as part of the relevant Phase Details and to be provided (as part of the River Brent Alteration and Diversion Works and the River Brent Riverside Park) over the River Brent within Brent Cross East and West Development Zones which accord with the parameters and principles set out in Paragraphs 4.23, 4.24, 4.25, 4.26 of the DSF and as set out within the following plans:

- (SK)A042;
- (SK)A043;
- (SK)A044; and
- (SK)A045.

"River Brent Nature Park" means the new nature park of 0.2 ha to be provided in the Brent Cross East and Brent Cross West Zones alongside the River Brent in accordance with paragraphs 3.25 and 5.7 5.9 and 5.26 and Table 5 of

the DSF in the approximate location marked "NP4" on Parameter Plan 003 (in respect of which the indicative layout showing how such park could be carried out in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 027 and 028) and is in accordance with the design principles contained in the Design and Access Statement (including Section B3.2, and the illustrative space typology shown in Section B3.3.3, of the Design Guidelines);

"RSL" means a Registered Social Landlord;

"Schedule of Mitigation Measures" means the mitigation measures as set out within Table 22.1 of the Revised Environmental Statement a copy of which is appended as Schedule 23 to the Initial Planning Agreement or any variation to such measures submitted to and approved by the LPA under Condition ~~3.2~~ and/or in (or in accordance with) any Additional Planning Permission and/or Alternative Planning Permission or any Section 73 Permission and for the avoidance of doubt variations approved in accordance with **Conditions 3.2** shall not require a Deed or Variation to this Agreement to amend Table 22.1 in **Schedule 23** (save and except insofar as a Deed of Modification may be required by the LPA in accordance with **Clause 15 of ~~this~~ the Initial Planning Agreement**)..

"School Green Corridor" means new green corridor with a width of 3 m to be provided in accordance with paragraph 5.58 of the DSF in the Brent Terrace Zone in the general vicinity of the north western boundary of the existing Claremont Primary School site and approximate location marked "GC6" on Parameter Plan 003 in respect of which the indicative layout showing how such green corridor could be carried out in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 23.

"School Square" means new School Square of 0.26 ha to be provided in accordance with paragraph 5.44 and Table 5 of the DSF in the Eastern Lands Zone in the approximate location marked "S5" on Parameter Plan 003 in respect of which the indicative layout showing how such square could be carried out in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 21 and Sections B3.2 with an illustrative space typology shown in Section B3.3.4 of the Design Guidelines

"School Travel Plan" means the travel plan to be prepared to manage the operational travel requirements of each of the educational establishments within the scheme which is in accordance with the provisions of the Framework Travel Plan (as updated from time to time in accordance with Condition 2.6 of this Permission) approved in accordance with this Permission;

"Secretary of State" means the Secretary of State for Communities and Local Government or his statutory successor with responsibility for planning and related matters arising under this Permission and includes the Planning Inspectorate in the case of an appeal;

"Section 73 Application" means an application for planning permission under section 73 of the 1990 Act to enable the Development to be carried out (in whole or in part) in accordance with conditions which shall have been modified and/or discharged in accordance with that section of the 1990

"Section 73 Permission" a planning permission granted pursuant to a Section 73 Application in relation to the whole or any part of the Development in accordance with Sections 73 and 73A and/or 78 to 79 of the 1990 Act and Clause 15 of the Initial Planning Agreement.

"Servicing and Delivery Strategy" means the ~~Delivery and~~ Servicing and Delivery Strategy which sets out on a Phase or Sub-Phase basis how the parameters and principles in the agreed Framework Servicing and Delivery Strategy will be delivered for the particular Phase or Sub-Phase and how the Phase or Sub-Phase Servicing and Delivery Strategy will operate in conjunction with adjoining Phases or Sub-Phases in accordance with Condition 1.22 of this Permission;

"Shared Equity" means Intermediate Housing provided on a part equity/sale basis whereby an initial share in the property may be sold to a purchaser at up to 65% of Open Market Value and the unsold equity is held by an Affordable Housing Provider or the LPA (but for the avoidance of doubt there shall be no direct or indirect requirement or obligation that equity must be held by or transferred to the LPA (as opposed to being held by an Affordable Housing Provider) and upon sale of any such equity the proceeds are re-applied to Affordable Housing within the London Borough of Barnet in consultation with the LPA

"Shopmobility Works" means improvement, enhancement and extension to the existing shopmobility facilities or the provision of a new facility at Brent Cross Shopping Centre in accordance with paragraph 5.15 of the DSF and the Inclusive Access Strategy;

"Site" means the application site as identified and defined in the Planning Application and shown edged red on the ~~plan marked Parameter Plan 001 Rev P13~~ "Application Site Boundary" plan and attached as Schedule 8 to the Initial Planning Agreement;

"Site Engineering and Preparation Works" means those Remediation Works, site levelling and preparation and Critical Infrastructure works required prior to

the construction of any Bridge Structure or any Building on any Plot or Critical Infrastructure within any Phase or Sub-Phase;

"Site Specific Remediation Strategy" (SSRS) means the Site Specific Remediation Strategy in accordance the parameters and principles set out in the Global Remediation Strategy to be submitted and approved in accordance with Condition 31.2 of this Permission with such variations or modifications which may be approved from time to time in accordance with Condition 31.3 of this Permission;

"Site Waste Management Plans" (SWMP) means a plan which individual principal contractors and developers will be required to prepare and implement in accordance with the Demolition and Site Wide Waste Management Strategy, the Code of Construction Practice and the requirements of the Environment Agency and which is to be approved in accordance with Condition ~~28.2~~ of this Permission;

"Skills Development Method Statement" means a statement (as part of an Employment and Skills Action Plan) to be submitted and approved in accordance with Condition 10.1 of this Permission containing measures designed to maximise local job opportunities created as a result of the Development including demolition and construction work and measures designed to provide appropriate training employment advice and/or other programmes and / or initiatives for residents within the local area to enable them to obtain the requisite knowledge skill experience confidence and opportunity to be employed in jobs created as a result of the Development;

"Social Rented Housing" shall mean means housing provided by an Affordable Housing Provider at rents no higher than the ~~target-rents~~Target Rents set in accordance with Government requirements

"Social Rented Units" shall mean means housing units provided by an Affordable Housing Provider at rents no higher than the ~~target-rents~~Target Rents set in accordance with Government requirements

"Southern Affordable Housing" means Affordable Housing in the Southern Development.

"Southern Affordable Housing Units" means Affordable Housing Units in the Southern Development.

"Southern Development" means those parts of the Development comprising the majority of the Development located south of the A406 and associated works for roads, other ways bridges and Critical Infrastructure and other associated works and operational development forming part of the Development (whether located south of the A406 or otherwise) as follows:

(a) within the areas south of the A406 shaded yellow on the ~~attached~~ "Northern / Southern Development" plan ~~contained~~ in **Schedule 8** of the Initial Planning Agreement;

(b) within the areas shown for identification purposes shaded pink on that plan (representing those items of Critical Infrastructure (Pre-Phase) for which joint and several obligations of the Developers apply subject to the terms and conditions as set out in the Initial Planning Agreement);

"Southern Intermediate Housing" means Intermediate Housing in the Southern Development

"Southern Market Housing" means Market Housing in the Southern Development

"Southern Market Housing Units" means Market Housing Units in the Southern Development

"Southern Primary Development" means the part of the Primary Development Package located in the Southern Development;

"Southern Principal Open Spaces" means such Principal Open Spaces as are to be delivered by the Developer as Critical Infrastructure as part of Southern Development in accordance with paragraph 10 of the ~~Second~~-Schedule 2 to the Initial Planning Agreement;

"Southern Residential Unit" means Residential Unit in the Southern Development

"Southern Social Rented Units" means Social Rented Units in the Southern Development

"Spine Road North" means the new road within the Station Quarter/Brent Terrace Zone shown on Parameter Plan 002, and in accordance with paragraphs ~~4~~5.49, 5.58 and 5.61 of the DSF and Section B2.2, with an illustrative route typology shown in Section B2.3.2, of the Design Guidelines and as set out in the following plans:

- Parameter Plan 002 Rev 13
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev.G.

"Spine Road South" means the new road within the Brent Terrace Zone shown on Parameter Plan 002, and in accordance with 5.58 and 5.61 of the DSF and Section B2.2, with an illustrative route typology shown in Section B2.3.2, of the Design Guidelines and as set out in the following plans:

- Parameter Plan 002 Rev 13

- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev.G.

"Station Quarter Zone" means the Zone identified and marked the Station Quarter Zone on Parameter Plan 001 and the indicative layout of which Zone is shown on the Indicative Zonal Layout Parameter Plan 022;

"Station Square" means new Square of 0.87 ha to be provided in accordance with paragraphs 3.32, 5.54 and Table 5 of the DSF in the Station Quarter Zone in the approximate location marked "M1" on Parameter Plan 003 and 013 and the indicative layout showing how such square could be designed in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 22 and section B3.2 and B3.3.4 of the Design Guidelines .

"Step-Free Access Feasibility Study" means a study (to be prepared by or on behalf of TfL in the case of Brent Cross Underground Station and Network Rail in respect of Cricklewood Station and to be approved by the LPA and TfL acting in accordance with the TSG Terms of Reference) to determine the viability (including but not restricted to the cost deliverability cost breakdown and associated risks) of providing the Transport Interchange T3 (Brent Cross Underground Station) Step-Free Access Works and the Transport Interchange T4 (Cricklewood Station Interchange) Step-Free Access Works in accordance with the general outline scope and brief contained in Schedule 14 to the Initial Planning Agreement and a detailed scope and brief to be approved by the LPA and TfL acting through the Transport Strategy Group

"STN Application" means any application for approval of any or all of the matters identified in paragraph 2.1.3 of Schedule 3 to the Initial Planning Agreement

"Strategic Access Points" means those junctions for which full planning permission has been granted as part of this Permission described in Section 3 of the DSF;

"Strategic Transport Network" means any or all of the following:

- a) the Transport for London Road Network within or adjoining the Site (A406/A41);
- b) the London Underground Northern Line;
- c) Transport Interchange T3 (Brent Cross Underground Station);

- d) Transport Interchange T2 (Replacement Brent Cross Bus Station);
- e) the existing Brent Cross Bus Station;
- f) the Transport Interchange T1 (New Train Station and Transport Interchange);
- g) other relevant (i) parts of the Transport for London Road Network, (ii) bus, railway and underground stations and (iii) railway and underground lines, as are designated from time to time after the date of this Permission as being within the strategic control of TfL in any Acts of Parliament, other legislation, statutory orders, statutory regulations, statutory instruments or other sub-ordinate legislation.

"Sturgess Park" means existing open space known as Sturgess Park and marked "NH4" on Parameter Plan 003.

"Sturgess Park Improvements" means improvement works to Sturgess Park (which works are to be within an area of 0.7 ha) in accordance with paragraphs 5.7 and 5.17 and Table 5 of the DSF and the parameters and principles set out within Section B3.2 and B3.3.2 of the Design Guidelines to include:

- a) Play areas;
- b) Seating areas
- c) Gardens
- d) Informal sports provision
- e) Nature areas

"Sub-Market Rented Units" means homes for rent let at rents above ~~target rents~~ Target Rents set in accordance with the Government requirements but substantially below the average open market rent for units of the relevant size within the borough of Barnet;

"Sub-Phase" such part of a Phase as shall have been approved pursuant to Condition 4.2 of this Permission and for the avoidance of doubt Phase 1A, Phase 1B and Phase 1C are not approved Sub-Phases for the purposes of this definition;

"Supplementary Transport Measures" means such additional transport mitigation works which are not expressly specified and/or identified in the Transport Assessment or the Environmental Statement but which are identified and/or specified as being necessary as a result of the Development and fairly and reasonably related to the Development within the meaning of Circular

05/2005: entitled "Planning obligations") in the further reports assessments studies analysis or design work to be carried out after the date of this Permission in accordance with paragraphs 3.1, 3.2.3(b), 6.1 and 12 of Schedule 3 to the Initial Planning Agreement and which are reasonably required in order to mitigate the likely significant impacts of the Development (or any Phase or Sub-Phase of the Development) and/or demonstrably improve links and accessibility to and from the Development;

"Sustainable Urban Drainage Scheme" means sustainable drainage schemes in accordance with the relevant principles as set out in paragraph 2.75 of the DSF and explained in Planning Policy Statement 25 in relation to Development and Flood Risk and the PPS25 Practice Guidance (June 2008) and any update thereof from time to time and the parameters and to be approved in accordance with Condition 1.27.

"Target Rents" means rents calculated in accordance with the formula set out in the document entitled the "Guide to Social Rent Reforms in the Local Authority Sector" published by the Department of the Environment, Transport and the Regions in March 2001 or such amended formula published by the Government from time to time and in accordance with any documents published by the Regulator giving effect to such formula or amended formula

"Templehof Avenue" means the route connecting Market Quarter and Brent Cross East Zones across Bridge Structure B1 (A406 Templehof Bridge) in accordance with paragraphs 4.5, 4.6 Appendix 2 and Appendix 7 of the DSF, Sections B2.2 , with an illustrative typology shown in Section 2.3.1 of the Design Guidelines and as set out in the following plans:

- Parameter Plan 002 Rev 13
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev

"Templehof Link Road" means the route connecting Claremont Avenue and Templehof Avenue within the Market Quarter Zone in accordance with paragraphs 4.5, 4.6, Appendix 2 and Appendix 7 of the DSF, Sections B2.2 with an illustrative typology shown in Section 2.3.2 of the Design Guidelines and as set out in the following plans:

- Parameter Plan 002 Rev 13
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev

"Temporary Health Centre" means temporary primary health care facility of 300 m2 gross external floorspace to be provided in accordance with paragraph 2.31 of the DSF in the Market Quarter Zone.

“Temporary Landscaping” means landscaping or other Temporary Works as may be appropriate or reasonable to be provided during the construction phases for the amenity of local residents (where there is likely to be a period of at least ~~12~~ months between the Practical Completion of the relevant Site Engineering and Preparation Works and commencement of the relevant Plot Development) the details of such Temporary Landscaping to be approved pursuant to Condition 13.1, 14.1, 15.1, 16.1, 17.1, 18.1, 19.1 of this Permission in respect of each Phase or Sub-Phase;

“Temporary Open Space” means non-permanent space provision made during the construction phases for the amenity of local residents pursuant to Conditions 13.1, 14.1, 15.1, 16.1, 17.1, 18.1, 19.1 of this Permission, including the Clarefield Park Temporary Replacement;

“Temporary Works” means minor temporary landscaping and the erection of fences and hoardings required to facilitate and/or mitigate the Development the details of which are to be approved pursuant to Conditions 13.1, 14.1, 15.1, 16.1, 17.1, 18.1, 19.1 of this Permission and provided that it is demonstrated that such minor temporary works are unlikely to have significant environmental impacts;

“Tenant Services Authority” means the independent regulatory body responsible for regulating the conduct of Affordable Housing Providers and the delivery and management of Affordable Housing in England created under the Housing and Regeneration Act 2008 (or such relevant successor body as may assume the role of the Tenant Services Authority as the body responsible for the above regulatory duties)

“Tilling Road East Improvements” means the improvements to the existing Tilling Road east of the new A406 Bridge as set out in the following plans:

- Parameter Plan 002 Rev 13
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev G

“Tilling Road West Realignment and Improvement Works (Part 1)” means the alterations to the existing Tilling Road west of the new A406 bridge as set out in the following plans:

- Parameter Plan 002 Rev 13
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev

“Tilling Road West Realignment and Improvement Works (Part 2)” means the alterations to the existing Tilling Road west of the new A406 bridge as set out in the following plans:

- Parameter Plan 002 Rev 13
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev

"Tower Square" means the new Tower Square of 0.51 ha to be provided in accordance with paragraph 5.54 and Table 5 of the DSF in the Station Quarter Zone in the approximate location marked "S6" on Parameter Plan 003 (in respect of which the indicative layout for illustrative purposes only showing how such square could be carried out in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 022) and the Design and Access Statement (including Section B3.2 and the illustrative space typology shown in Section B3.3.4, of the Design Guidelines);

"Traffic Management Officer (TMO)" means the individual who will be appointed by the Developers whose primary role will be to oversee traffic management operations for the infrastructure and development works and to ensure that the impacts arising from construction traffic are mitigated in accordance with the Framework Travel Plan and Construction Management Plan;

"Train Station Bridge" means the pedestrian bridge forming part of Transport Interchange T1 (New Train Station and Transport Interchange) to be approved as part of that new station and interchange under Condition ~~f17.1j~~ of this Permission and which will provide access to the new station platforms in accordance with the parameters and principles set out in paragraphs 4.21 and 4.22 of the DSF and the following plans:

- Parameter Plan 002 Rev 13
- Parameter Plan 013 Rev 11

"Transport Assessment" means the documents listed as BXC05 in Table A in paragraph 1.14 of the Development Specification and Framework (March 2009) and comprising Volumes I to IV of the Transport Assessment (September 2008) as amended and supplemented by the Transport Assessment Supplementary Report (TASR1) (September 2008) & Transport Assessment Supplementary Report II (TASR2) (March 2009) and list of errata Rev 5;

"Transport Interchange T1 (New Train Station and Transport Interchange)" (including the Train Station Bridge and the new Station Square of 0.87 ha) to be provided in the Station Quarter Zone in accordance with paragraphs 3.32, 4.21, 5.49, 5.54 and 5.57 and Table 5 of the DSF and in accordance with Condition 17.1 of this Permission and comprising up to 2,416 sq m associated floorspace in respect of the station building itself to be located in accordance with the parameters and principles shown as transport interchange

T1 on Parameter Plans 002 and 013 (and adjacent to Station Square in the general vicinity of the location marked "M1" on Parameter Plan 003) (in respect of which an indicative layout showing how such interchange could be carried out as part of the Station Quarter Zone in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 022). This is envisaged to include the following provision:

- a) 3 platform zones (comprising a total of 6 platforms) accessed via the Train Station Bridge;
- b) 2 double bus stands (comprising a total of 4 bus stands) which may be outside the Station Square site as indicated on Parameter Plan 013;
- c) 9 bus stops (consisting of 2 double north bound, 1 single south bound and 2 double south bound stops which may be outside the Station Square site as indicated on Parameter Plan 013);
- d) 2 rapid transit system stops;
- e) 30 motor cycle parking spaces;
- f) 100 bicycle stands;
- g) 15 taxi stands; and
- h) ten 20 minute parking spaces and 4 drop off kiss and ride parking spaces.

“Transport Interchange T2 (Replacement Brent Cross Bus Station)” means replacement bus station in accordance with paragraphs 3.30, 3.31 and 5.15 of the DSF and the Details of which shall be approved in accordance with Condition 14.1 to be located approximately in the location marked "T2" on Parameter Plan 002 in the Brent Cross East Zone to replace the existing Brent Cross bus station and the indicative layout showing how such station could be carried out in accordance with the parameters and principles approved under this Permission is shown Indicative Zonal Layout Parameter Plan 027. This will include the following provision:

- a) 16 bus stands;
- b) 12 bus stops (consisting of 2 double drop off, and 4 double pick up bus stops as indicated on Parameter Plan 013); and
- c) 1 rapid transit system stop.

“Transport Interchange T3 (Brent Cross Underground Station) Forecourt Works” means the following improvements to the forecourt of the

existing Brent Cross underground station identified and marked "T3" on Parameter Plan 002 in accordance with paragraph 3.29 of the DSF shown indicatively on Parameter Plan 017 and in accordance with the design principles set out in Section B3.2 and the details which shall be approved in accordance with Condition 47.1 of this Permission, , with an illustrative space typology shown in Section B3.3.4, of the Design Guidelines including (subject to agreement of TfL):

- a) environmental enhancements;
- b) 0.15 Brent Cross LUL Square;
- c) creation of a shared surface providing a bus route;
- d) car access route and pedestrian routes;
- e) the relocation of two existing bus stops and 1 new rapid transit system stop;
- f) taxi stands; and
- g) cycle motorcycle disabled and short stay parking and drop off areas.

"Transport Interchange T3 (Brent Cross Underground Station) Step Free Access Works" means the modifications to the internal circulation areas and stair cores of the existing Brent Cross underground station in accordance with paragraph 3.29 of the DSF and in accordance with Condition 47.2, and identified and marked "T3" on Parameter Plan 002 to facilitate the provision of step free access via a mobility impaired person lift;

"Transport Interchange T4 (Cricklewood Station Interchange) Forecourt Works" means the following improvements in accordance with paragraphs 3.28 and Table 5 of the DSF and in accordance with Condition 47.3, with respect to the forecourt at the existing Cricklewood railway station servicing the mainland railway identified and marked "T4" on Parameter Plan 002 shown indicatively on Parameter Plan 017 and in accordance with design principles set out in Section B3.2, with an illustrative space typology shown in Section B3.3.4 of the Design Guidelines (in respect of which the indicative layout showing how such improvements could be carried out in accordance with the parameters and principles approved under this Permission is shown Indicative Zonal Layout Parameter Plan 024):

- a) environmental enhancements;
- b) relocation of two existing bus stops;
- c) provision of 2 new rapid transit system; stops adjacent to interchange;

- d) pedestrian route through the forecourt; ~~and~~
- e) cycle and motorcycle parking; and
- f) 0.16ha Cricklewood Station Square.

"Transport Interchange T4 (Cricklewood Station Interchange) Step Free Access Works" means the provision of step free access to all platforms via 3 mobility impaired person lifts from the existing access passageway / underpass in accordance with paragraphs ~~3.28 and 5.82~~ of the DSF and in accordance with Condition 47.4 of this Permission, at the existing Cricklewood railway station servicing the mainland railway identified and marked "T4" on Parameter Plan 002 (in respect of which the indicative layout showing one way such works could be carried out in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 024);

"Transport Network" means all roads, junctions, public transport interchanges and services, and cycle and pedestrian routes insofar as they are relevant to the assessments and arrangements described in the Matrix and Transport Reports Schedule and/or described in the Transport Assessment and/or to be assessed and considered in the Transport Report(s) in accordance with the relevant approved Transport Report Scope and Specification;

"Transport Report" means (as the context requires) any relevant Phase Transport Report or Reserved Matters Transport Report and "Transport Reports" shall mean more than one of any such reports as the case may require the general scope for which is set out in the Matrix and Transport Reports Schedule and the specific scope and specification of which shall be as approved in the Transport Report Scope and Specification Approval;

"Transport Report Scope and Specification Approval" means the Scope and Specification approval granted under ~~condition~~Condition 37.1 of this Permission by the LPA in consultation with TfL (and where appropriate the Highways Agency) or on appeal in respect of the relevant Transport Report as the basis on which such Transport Report shall be prepared in accordance with Condition 37 of this Permission;

"Transport Strategy Group" means the Transport Strategy Group to be established and operated in accordance with the arrangements set out in the ~~Third~~-Schedule 3 and the TSG Terms of Reference contained in Schedule 10 to the Initial Planning Agreement;

"Travel Plan" means an Individual Travel Plan for the Development or any part of the Development (as explained in the Framework Travel Plan) which has been

submitted to and approved in accordance with Conditions 39.3 – 39.5 and which is in accordance with the Framework Travel Plan (as updated from time to time) in accordance with ~~condition~~Condition 2.6 of this Permission and the Initial Planning Agreement;

"Travel Plan Co-ordinator" means the person employed or appointed as the Travel Plan Co-ordinator (who for the avoidance of doubt may be carrying out other functions or roles) by the Developers under paragraph ~~f21~~ of Schedule ~~f3~~ to the Initial Planning Agreement.

"TSG Terms of Reference" means the terms of reference appended as Schedule 10 to the Initial Planning Agreement and/or such amended modified terms of reference as may be agreed by the LPA and TfL from time to time for the purposes of conducting the business of the Transport Strategy Group in accordance with the Initial Planning Agreement;

"UDP 2006" means the Barnet Unitary Development Plan adopted in 2006 if and to the extent that its policies have been saved by the Secretary of State;

"Ungeared IRR" means the ungeared internal rate of return forecasted within the Affordable Housing Viability Testing Report

"Vacuum Waste Collection System" means the underground waste collection system linked to the Waste Handling Facility and to be provided as part of the Development in accordance with the parameters and principles contained in the DSF if it is shown to be Feasible in the VWCS Feasibility Study and the relevant Details approved under ~~conditions~~Conditions 2.1 and 41 of this Permission;

"Viable" shall have the meaning as defined in the Initial Planning Agreement.

"VWCS Feasibility Study" means the feasibility study to be carried out and submitted and approved under ~~condition~~Condition 1.24 of this Permission;

"Water Use Principles" means those principles set out in Section 2 of the Development Specification & Framework, specifically paragraph 2.71;

"Waste Handling Facility" means the facility for handling waste in the Development to be provided as Critical Infrastructure in accordance with the Details to be approved under Condition 41 of this Permission and paragraph 17 of Schedule 2 to the Initial Planning Agreement and with the parameters and principles contained in paragraphs 2.19, 2.55 – 2.57, and Table 8, and Appendix 15 of the DSF and Parameter Plan 018 including mechanical recycling facilities and which is to be located in the general vicinity of Plot 63 within the Railway Lands Zone and within a building of up to 24,619 m² gross external floorspace (or such larger building as may be approved in an Additional Planning Permission) to replace the ~~existing~~Hendon Waste Transfer Station;

"Waste Management Sites" means the waste transfer stations within the Site which are currently occupied by Cripps Skips Limited, McGovern Brothers (Haulage) Ltd and P B Donoghue (Haulage & Plant Hire) Ltd

"Wayfinding Strategy" means a strategy to be submitted and approved under Condition ~~f1.26~~ of this Permission for signposting all the links covered in the Area Wide Walking and Cycling Study reasonably related to the Development in terms of points of departure or arrival by public transport or major local attractors including employment leisure and open spaces within and/or that serve the Site and/or that enable people to change between transport modes more easily having regard to the TfL pilots for the Legible London project

"Western Brent Riverside Park" means that part of the new Brent Riverside Park located in the Brent Cross West Zone (and generally coextensive with the Western River Brent Alteration and Diversion Works) to be constructed and provided in accordance with paragraph 3.24 –5.26 and Table 5 of the DSF directly adjacent to the realigned River Brent between the north eastern edge of the M1 slip road located at the junction of the M1 / A406 North Circular and the western roundabout on the realigned Prince Charles Drive in the approximate location of the area shown hatched green on Parameter Plan 011 and the indicative layout showing how such part of the park could be carried out in accordance with the parameters and principles approved under this Permission as shown on Indicative Zonal Layout Parameter Plan 27 and the Design and Access Statement;

"Western River Brent Alteration and Diversion Works" means that part of the alteration and diversion works to the River Brent to be carried out in accordance with paragraphs 3.24 – 3.26 and 5.7 and Table 5 as well as Paragraphs 16-22 of Section 011 of Appendix 2 of the DSF between the north eastern edge of the M1 slip road located at the junction of the M1 / A406 North Circular and the western roundabout on the realigned Prince Charles Drive located in the Brent Cross West Zone in the approximate location of the area shown shaded in dark blue on Parameter Plan 011 and the indicative layout showing how such works could be carried out in accordance with the parameters and principles approved under this Permission is shown on Indicative Zonal Layout Parameter Plan 027;

"Wetland Area" means the area of backwaters and wetland scrape (forming part of the Eastern Brent Riverside Park) to the southeast of the shopping centre in close proximity to the eastern internal roundabout and which consists of a small depression in the ground where the water table is at or near the surface or where shallow water covers the land. The wetland area will encourage invertebrates, as well as amphibians and water fowl, and comprise appropriate vegetation/landscaping. The Wetland Area will be included in the Eastern River Brent Alteration and Diversion Works to be approved under

Condition 13.1 of this Permission in accordance with the parameters and principles contained in paragraph 12.5.4 of the Revised Environmental Statement dated March 2009 and to be carried out in accordance with ~~condition~~Condition 27.10 of this Permission;

"Wheelchair Accessible Homes" means housing forming part of the Affordable Housing that:

- (i) meets the Wheelchair Accessibility Standards or such other standards required under the Permission (including in respect of amendments) or agreed in writing with the LPA under this Agreement or approved under the Permission from time to time; or
- (ii) is easily adaptable at a reasonable cost for residents who are wheelchair users.

"Wheelchair Accessibility Standards" means Wheelchair Accessibility Standards set out in the Appendix to Schedule 13 of the Initial Planning Agreement

"Whitefield Avenue" means a new road to be constructed by the Developer from the new A41 Junction to Tilling Road in accordance with the parameters and principles set out in 5.37 and 5.42 of the DSF and the Design and Access Statement (including Section B2.2, and the illustrative route typology shown on Section B2.3.2 of the Design Guidelines) and in the following plans:

- Parameter Plan 002 Rev 13
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev G

"Whitefield Estate Replacement Units" means the Affordable Housing Units to be provided by the Developer as part of the Primary Development Package pursuant to the Residential Relocation Strategy for the purposes of re-housing the residents of the Whitefield Estate and sheltered housing residents in the Rosa Freedman Centre on an equivalent floorspace basis in accordance with the parameters and principles contained in the DSF at paragraphs 2.91-2.93 and in accordance with ~~condition~~Condition 1.10 and Schedule 2A of the Initial Planning Agreement;

"Whitefield Square" means new Whitefield Square of 0.13 ha to be provided in accordance with paragraph 5.44 and Table 5 of the DSF in the Eastern Lands Zone in the approximate location marked "S7" on Parameter Plan 003 (in respect of which the indicative layout showing how such square could be carried out in accordance with the parameters and principles approved under this Permission

as shown on Indicative Zonal Layout Parameter Plan 021) and in the Design and Access Statement (including Sections B3.2 and the illustrative route typology shown on Section, B3.3.4 of the Design Guidelines);

"Whitefield Street" means a new east/west road to be constructed by the Developer within the Eastern Lands Zone in accordance with the parameters and principles contained in paragraph 5.37 of the DSF and the Design and Access Statement (including Sections B2.2 and the illustrative route typology shown on Section B2.3.1, of the Design Guidelines) and as set out in the following plans:

- Parameter Plan 002 Rev 13
- Illustrative Infrastructure Drawing Ref No 224_PD_IF_000 Rev G

"Zonal Floorspace Schedule" means the schedule forming Appendix 5 to the DSF;

"Zones" means any two or more of the Brent Cross West Zone Brent Cross East Zone Station Quarter Zone Market Quarter Zone Eastern Lands Zone Brent Terrace Zone Clitterhouse Playing Fields Zone Railway Lands Zone and Cricklewood Lane Zone and the term "Zone" and "Zonal" shall be construed accordingly and (as an aid to interpreting this Permission and not further or otherwise) Plan 7 in Schedule 8 to the Initial Planning Agreement shows for indicative purposes only the Phases as identified at the date of this Permission on the Indicative Phasing Parameter Plan in the context of the Zones as currently identified on Parameter Plan 001.

INFORMATIVES

[NOTES FROM THE ENVIRONMENT AGENCY]

Under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Brent, designated a 'main river'.

Under the terms of the Land Drainage Act 1991, the prior written consent of the Environment Agency is required for proposed works or structures which will affect the flow of the Clitterhouse Ditch, designated an 'ordinary watercourse'.

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse. Contact Consents Department on 08708 506 506 for further details.

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Contact Consents Department on 08708 506 506 for further details.

The Applicant is requested to maintain contact with the promoters of the Orbital Light Rail Proposal (Campaign for Better Transport) through the Transport Advisory Group. The Terms of Reference for the TAG are defined in the Section 106 Agreement.

PLANS & DOCUMENTS

1. Plans for Approval

a) Site Plans

Plan	Plan Reference
Red Line Site Location Plan	224 PD PA 000 Rev 9

Notes:

- The plan is contained within a separate document of Volume BXC1 entitled 'Drawings and Plans'.

b) Highway Plans

Junction	Original Plan Reference	Updated Plan Reference (November Submission)	Updated Plan Reference (March Submission)	Updated Plan Reference
M1/A406/A5	P/D111870/H/100/1011 Rev B (Sheet 11 of 29)	P/D111870/H/100/1011 Rev D (Sheet 11 of 31) (November 2008)	P/D111870/H/100/1011 Rev E (Sheet 11 of 31) (March 2009)	P/D111870/H/100/1011 Rev F (Sheet 11 of 31)
	P/D111870/H/100/1012 Rev B (Sheet 12 of 29)	P/D111870/H/100/1012 Rev D (Sheet 12 of 31) (November 2008)	P/D111870/H/100/1012 Rev E (Sheet 12 of 31) (March 2009)	P/D111870/H/100/1012 Rev F (Sheet 12 of 31)
	P/D111870/H/100/1013 Rev B (Sheet 13 of 29)	P/D111870/H/100/1013 Rev D (Sheet 13 of 31) (November 2008)	P/D111870/H/100/1013 Rev E (Sheet 13 of 31) (March 2009)	P/D111870/H/100/1013 Rev F (Sheet 13 of 31)
	P/D111870/H/100/1029 (Sheet 29 of 29)	P/D111870/H/100/1029 Rev A (Sheet 29 of 31) (November 2008)	-	P/D111870/H/100/1029 Rev B (Sheet 29 of 31)
A41/A406 inc Slip Road into Brent Cross adjacent to A41/A406	P/D111870/H/100/1004 Rev B (Sheet 04 of 29)	P/D111870/H/100/1004 Rev C (Sheet 04 of 31) (November 2008)	P/D111870/H/100/1004 Rev D (Sheet 04 of 31) (March 2009)	-
	P/D111870/H/100/1005 Rev B (Sheet 05 of 29)	P/D111870/H/100/1005 Rev C (Sheet 05 of 31) (November 2008)	P/D111870/H/100/1005 Rev D (Sheet 05 of 31) (March 2009)	P/D111870/H/100/1005 Rev E (Sheet 05 of 31)
	P/D111870/H/100/1006 Rev C (Sheet 06 of 29)	P/D111870/H/100/1006 Rev E (Sheet 06 of 31) (November 2008)	P/D111870/H/100/1006 Rev F (Sheet 06 of 31) (March 2009)	P/D111870/H/100/1006 Rev G (Sheet 06 of 31)
A41/Whitefield Avenue	P/D111870/H/100/1010 Rev C (Sheet 10 of 29)	P/D111870/H/100/1010 Rev D (Sheet 10 of 31) (November 2008)	P/D111870/H/100/1010 Rev E (Sheet 10 of 31) (March 2009)	-
A5/Link Road over MML	P/D111870/H/100/1018 Rev B (Sheet 18 of 29)	P/D111870/H/100/1018 Rev C (Sheet 18 of 31) (November 2008)	-	-
	P/D111870/H/100/1019 Rev C (Sheet 19 of 29)	P/D111870/H/100/1019 Rev D (Sheet 19 of 31) (November 2008)	-	P/D111870/H/100/1019 Rev E (Sheet 19 of 31)

A5/Rail Freight Facility	P/D111870/H/100/102 2 Rev B (Sheet 22 of 29)	P/D111870/H/100/1022 Rev C (Sheet 22 of 31) (November 2008)	-	-
	P/D111870/H/100/102 5 Rev B (Sheet 25 of 29)	P/D111870/H/100/1025 Rev C (Sheet 25 of 31) (November 2008)	-	-
A5/Diverted Geron Way	P/D111870/H/100/101 7 Rev B (Sheet 17 of 29)	P/D111870/H/100/1017 Rev C (Sheet 17 of 31) (November 2008)	P/D111870/H/100/1017 Rev D (Sheet 17 of 31) (March 2009)	P/D111870/H/100/1017 Rev E (Sheet 17 of 31)
A5/A407	P/D111870/H/100/102 4 Rev B (Sheet 24 of 29)	P/D111870/H/100/1024 Rev C (Sheet 24 of 31) (November 2008)	-	P/D111870/H/100/1024 Rev D (Sheet 24 of 31)
A407/Claremont Road	P/D111870/H/100/102 3 Rev A (Sheet 23 of 29)	P/D111870/H/100/1023 Rev B (Sheet 23 of 31) (November 2008)	-	P/D111870/H/100/1023 Rev C (Sheet 23 of 31)
Ingress/egress to Brent Cross off A406	P/D111870/H/100/100 7 Rev B (Sheet 07 of 29)	P/D111870/H/100/1007 Rev C (Sheet 07 of 31) (November 2008)	-	-
Visibility Envelopes (A41/A406)	P/D111870/H/110/100 5	P/D111870/H/110/1005 Rev A (November 2008)	-	-
Visibility Envelopes (M1/A406/A5)	P/D111870/H/110/101 2	P/D111870/H/110/1012 Rev B (November 2008)	-	-
	P/D111870/H/110/101 3	P/D111870/H/110/1013 Rev B (November 2008)	-	-

Notes:

1. These plans are contained within a separate document of Volume BXC1 entitled 'Drawings and Plans'.
2. The Indicative Transport Layout (Key) Plan Ref No: P/D111870/H/1000/1000 Rev G has sub-divided the site into 31 individual sheets. Those sheets which show the layout of junctions for which full planning permission is sought are referenced in the table above. The remaining sheets, which are contained in the Transport Assessment Volume 4 (BXC5), are provided for illustrative purposes only

c) Parameter Plans

Plan	Original Plan Reference	Updated Plan Reference (November Submission)	Updated Plan Reference (March Submission)
Development Zones	Parameter Plan 001 Rev 13	-	-
Transport Infrastructure	Parameter Plan 002 Rev 12	Parameter Plan 002 Rev 13 (November 2008)	-

Public Realm & Urban Structure	Parameter Plan 003 Rev 10	-	-
Ground Level Land Uses to Frontages	Parameter Plan 004 Rev 10	-	-
Upper Level Land Uses to Frontages	Parameter Plan 005 Rev 9	-	Parameter Plan 005 Rev 10 (March 2009)
Proposed Finished Site Levels	Parameter Plan 006 Rev 9	Parameter Plan 006 Rev 11 (November 2008)	-
Maximum Building and Frontage Heights	Parameter Plan 007 Rev 9	Parameter Plan 007 Rev 10 (November 2008)	-
Minimum Frontage Heights	Parameter Plan 008 Rev 7	-	-
Basement and Service Access	Parameter Plan 009 Rev 8	Parameter Plan 009 Rev 9 (November 2008)	-
Utilities	Parameter Plan 010 Rev 9	Parameter Plan 010 Rev 10 (November 2008)	-
River Brent	Parameter Plan 011 Rev 10	Parameter Plan 011 Rev 12 (November 2008)	-
Clitterhouse Playing Fields	Parameter Plan 012 Rev 9	Parameter Plan 012 Rev 10 (November 2008)	-
Transport Interchanges	Parameter Plan 013 Rev 9	Parameter Plan 013 Rev 10 (November 2008)	Parameter Plan 013 Rev 11 (March 2009)
Floorspace Thresholds	Parameter Plan 014 Rev 8	-	-
Indicative Layout Plan	Parameter Plan 015 Rev 1	-	-
Existing Building and Spaces	Parameter Plan 016 Rev 5	Parameter Plan 016 Rev 6 (November 2008)	-
Minor Transport Interchanges	Parameter Plan 017 Rev 1	-	-
Waste and Freight Facilities	Parameter Plan 018 Rev 1	-	Parameter Plan 018 Rev 2 (March 2009)
Indicative Primary Development Package Layout Plan	Parameter Plan 019 Rev 1	Parameter Plan 019 Rev 4 (November 2008)	-
Indicative Zonal Layout Plan (Market Quarter)	-	Parameter Plan 020 Rev 1 (November 2008)	-
Indicative Zonal Layout Plan (Eastern Lands)	-	Parameter Plan 021 Rev 1 (November 2008)	-
Indicative Zonal Layout Plan (Station Quarter)	-	Parameter Plan 022 Rev 2 (November 2008)	-
Indicative Zonal Layout Plan (Brent Terrace)	-	Parameter Plan 023 Rev 2 (November 2008)	-
Indicative Zonal Layout Plan (Cricklewood Lane)	-	Parameter Plan 024 Rev 1 (November 2008)	-

Planning Conditions

Application Reference: C/17559/08

Dated ~~16 July~~ 9th September 2010

Indicative Zonal Layout Plan (Railway Lands)	-	Parameter Plan 025 Rev 2 (November 2008)	-
Indicative Zonal Layout Plan (Clitterhouse Playing Fields)	-	Parameter Plan 026 Rev 1 (November 2008)	-
Indicative Zonal Layout Plan (Brent Cross East)	-	Parameter Plan 027 Rev 2 (November 2008)	-
Indicative Zonal Layout Plan (Brent Cross West)	-	Parameter Plan 028 Rev 1 (November 2008)	-
Indicative Phasing Plan	-	-	Parameter Plan 029 Rev 1 (March 2009)

Notes:

- The Parameter Plans are contained within Appendix 2 of the Development Specification and Framework.

d) Others

Plan	Original Plan Reference	Updated Plan Reference (Submission Date)
Existing Tree Plan *¹	823-MD-049	-
Approval in Principle Plans for bridges *²		
A41/A406 Roundabout	D112186-443	-
	D112186-444	-
	D112186_441A	-
	D112186_442A	-
A41 Footbridge	D112186-341	-
A406 Footbridge	D112186-331	-
M1/A406 Bridges	D112186-401A	-
	D112186-402A	-
	D112186-411A	-
	D112186-420A	-
M1/A406 Pedestrian/Cycle bridge	D112186_361A	D112186_361C (November 2008)

Planning Conditions
Application Reference: C/17559/08
Dated ~~16 July~~^{9th September} 2010

MML Bridge	D112186-312	-
	D112186-313A	-
	D112186-314A	-
MML Footbridge	D112186_321A	-
Railway Arches	D111870_541	
A406 Templehof Bridge	D112186-302	
	D112186-303	
	D112186-304	

Notes

1. A tree survey has been undertaken to assess the location, species and quality of the trees on site. It is not possible to identify at this stage exactly which trees will be removed and therefore definitive plans showing those trees to be removed will be submitted as part of reserved matter applications. The plan is contained within the Drawings and Plans document which is separate document of Volume BXC1.
2. The plans are contained within Volume BXC20.

2. Illustrative Material

Plan	Original Plan Reference	Updated Plan Reference (November Submission)	Updated Plan Reference (March Submission)	Updated Plan Reference
Existing Site Block Plans *1 (Planning Application boundary in red on O/S base)	Please refer to CD*1	-	-	-
Indicative Transport Layout (Key) Plan *2	P/D111870/H/100/100 0 Rev C	P/D111870/H/100/100 0 Rev E (November 2008)	P/D111870/H/100/100 0 Rev F (March 2009)	P/D111870/H/100/ 1000 Rev G
Existing Levels *2	D115971/ 032	-	-	-
Existing TPO Trees to the North of the BXC site *2	Tree Survey Results Within Area of TPO	-	-	-
	Effect of Proposals on Existing Trees within Area of TPO	-	-	-
Images/Plans Contained within Supporting Application Documentation (as updated as shown in the	Environmental Statement (BXC2)	Please refer to table below	Please refer to table below	-
	Design & Access Statement and Design	Please refer to table below	Please refer to table below	-

table below)	Guidelines (BXC3)			
	Planning Statement (BXC4)	Please refer to table below	Please refer to table below	-
	Transport Assessment (BXC5)	Please refer to table below	Please refer to table below	-
	Retail Assessment (BXC6)	Please refer to table below	Please refer to table below	-
	Public Realm & Open Space Strategy (BXC7)	Please refer to table below	Please refer to table below	-
	Environmental Sustainability Strategy (BXC8)	Please refer to table below	Please refer to table below	-
	Energy Strategy (BXC9)	Please refer to table below	Please refer to table below	-
	Social Infrastructure Strategy (BXC10)	Please refer to table below	Please refer to table below	-
	Utility Strategy (BXC11)	Please refer to table below	Please refer to table below	-
	Regeneration Strategy (BXC12)	Please refer to table below	Please refer to table below	-
	Estate Management Strategy (BXC13)	Please refer to table below	Please refer to table below	-
	Housing Strategy (BXC14)	Please refer to table below	Please refer to table below	-
	Drainage Strategy (BXC15)	Please refer to table below	Please refer to table below	-
	Flood Risk Assessment (BXC16)	Please refer to table below	Please refer to table below	-
	Geo-technical reports (BXC17)	Please refer to table below	Please refer to table below	-
	Health Impact Assessment (BXC18)	Please refer to table below	Please refer to table below	-
	Statement of Community	Please refer to table below	Please refer to table below	-

	Involvement (BXC19)	below	below	
	Construction Impact Assessment (BXC 21)	Please refer to table below	Please refer to table below	-
Site Plan showing cross sections for existing and indicative proposed ground levels	-	D119038/CS/001	-	-
Indicative cross section graphs of existing and proposed ground levels	-	D119038/CS/002	-	-

Notes:

1. These plans are contained upon a CD in the Drawings and Plans document which is separate document of Volume BXC1.
2. The plan is contained within the Drawings and Plans document which is separate document of Volume BXC1.
3. Illustrative plans may be included in documentation not referenced above where specifically stated in that documentation.

3. Application Documents

Vol	Document Title	Original Submission Date	Revision Date	Notes
BXC1	Application Forms, Certificate C and Agricultural Holding Certificate	25 th March 2008	November 2008 & March 2009	Revised Schedule 6 (drawing list updated)
	Development Specification and Framework inc Parameter Plans and Zonal Floorspace Schedule	25 th March 2008	November 2008 & March 2009	Document revised
	Drawings and Plans	25 th March 2008	November 2008 & March 2009	Relevant plans updated in an Addendum (see tables above)
BXC2	Environmental Statement (Vol 1a)	25 th March 2008	November 2008 & March 2009	Document revised
	Environmental Statement (Vol 1b)	25 th March 2008	November 2008 & March 2009	Document revised (Nov) & Addendum (March)
	Environmental Statement (Vol 2) (appendices inc Construction Method Statement)	25 th March 2008	November 2008	Document revised
	Environmental Statement: Non-Technical Summary	25 th March 2008	November 2008 & March 2009	Document revised
BXC3	Design and Access Statement	25 th March 2008	November 2008 & March 2009	Document revised
	Design Guidelines	25 th March 2008	November 2008 & March 2009	Document revised
BXC4	Planning Statement	25 th March 2008	November 2008	Revised

Planning Conditions
Application Reference: C/17559/08
Dated ~~16 July~~ 9th September 2010

			& March 2009	Addendum
BXC5	Transport Assessment (Vol 1)	15 th September 2008	March 2009	Supplementary Report II
	Transport Assessment Appendices (Vol 2)	15 th September 2008	March 2009	Supplementary Report II
	Transport Assessment Framework Travel Plan (Vol 3)	15 th September 2008	March 2009	Supplementary Report II
	Transport Assessment Highway (Vol 4)	15 th September 2008	March 2009	Supplementary Report II
BXC6	Retail Report	25 th March 2008	November 2008	Document revised
BXC7	Public Realm & Open Space Strategy	25 th March 2008	November 2008	Addendum
BXC8	Environmental Sustainability Strategy	25 th March 2008	November 2008 & March 2009	Revised Addendum
BXC9	Energy	25 th March 2008	November 2008 & March 2009	Document revised
BXC10	Social Infrastructure Strategy	25 th March 2008	November 2008 & March 2009	Revised Addendum
BXC11	Utility Strategy	25 th March 2008	-	-
BXC12	Regeneration Strategy	25 th March 2008	November 2008 & March 2009	Revised Addendum
BXC13	Estate Management Strategy	25 th March 2008	November 2008	Addendum
BXC14	Housing Strategy	25 th March 2008	-	-
BXC15	Drainage Strategy	25 th March 2008	November 2008	Addendum (Appendix 4 of BXC16 Addendum)
	Stage 2 Flood Risk Assessment inc Preliminary Flood Risk Assessment (Stage 1)	25 th March 2008	November 2008	Addendum
BXC16	Stage 3 Flood Risk Assessment	25 th March 2008	November 2008	Addendum
	Phase 1 Geo-technical Assessment	25 th March 2008	-	-
BXC17	Contamination Report	25 th March 2008	-	-
	Geo-technical Development Report	25 th March 2008	-	-
	River Brent Remediation Report	25 th March 2008	-	-
	Health Impact Assessment	25 th March 2008	November 2008 & March 2009	Revised Addendum
BXC18	Statement of Community Involvement	25 th March 2008	-	-
BXC19	Approval In Principle Documentation for Bridges	25 th March 2008	November 2008	Bridge Ref B6 (formally B7) updated
BXC20	Construction Impact Assessment	17 th September 2008	March 2009	Addendum
BXC21				

List of Errata Rev 4