

**LOCATION:** Brent Cross Cricklewood Regeneration Area, North West London

**REFERENCE:** F/04687/13

**Received:** 11/10/2013

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**WARD:** Childs Hill, Golders Green, West Hendon

**Expiry:**10/1/2014

**Final Revisions:** 18/12/2013

**APPLICANT:** BXC Development Partners

**PROPOSAL:** **Section 73 Application to develop land without complying with the conditions attached to Planning Permissions RefC/17559/08 granted on 28 October 2010 for development as described below:**

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, 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, infrastructure and associated facilities together with any required temporary works or structures and associated utilities/services required by the Development (Outline Application).

The application is accompanied by an Environmental Statement.

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## **SUMMARY**

### **Why has a Section 73 application been submitted?**

Following the grant of outline planning consent in 2010 for the comprehensive regeneration of the Brent Cross Cricklewood area the applicant has re-considered elements of the form, phasing and delivery of their proposals.

These adjustments have been made to reflect the evolution of the scheme design since 2010 in accordance with the policy commitment to achieve comprehensive development of the regeneration area.

It was anticipated from the outset that a scheme of the size and complexity of the BXC scheme would need to evolve to enable it to be successfully delivered.

### **What does the Section 73 application propose?**

The purpose of the Section 73 (S73) application is to make adjustments to the planning conditions of the 2010 permission primarily to reflect changes to the form and phasing of the proposed development.

Appendix 1 of this report lists the changes to the conditions proposed. To clearly indicate changes from the 2010 Permission this is presented in track changes.

The principal changes relate to the approved Parameter Plans and a Revised Illustrative Master Plan has been produced to reflect the evolution of the proposed design, particularly in relation to the Northern Development but also minor changes to the Southern Development to reflect the proposed new Living Bridge. The proposed changes to the Parameter Plans are analysed later in this report.

The S73 proposals contain identical quantum of development floorspace overall and the distribution of floorspace across the development zones remains largely unchanged from the 2010 Permission.

As part of the Section 73 application (the proposed Phasing alterations in particular) the Applicants are seeking amendments to the Section 106 Agreement which was completed in support of the 2010 Permission. These amendments are necessary in order to enable the Applicants to proceed with delivery of the Northern Development (and the substantial package of Critical Infrastructure proposed to be committed in Phase 1A (North)), before the Southern Development may be in a position to commence. The proposed changes to the Section 106 Agreement are summarised in Appendix 4 to the committee report and officers have concluded on balance that these proposed changes to the Section 106 Agreement will facilitate the delivery of comprehensive development across the regeneration area as a whole in accordance with the planning policy framework.

### **Why is a Section 73 appropriate for this proposal?**

The 2010 permission was specifically designed to provide a flexible framework of delivery and control to enable the developers to respond to opportunities or contingencies encountered whilst ensuring that the principles on which the 2010 permission is based are maintained.

Officers consider that the proposed changes to the parameters and principles approved in the 2010 permission contained in this Section 73 application are not a fundamental alteration from the proposal put forward in the original BXC application. These principles include the phased delivery of acceptable comprehensive and sustainable development of the whole site in accordance with the planning policy framework and are maintained through this Section 73 application.

On this basis, officers have concluded that the application before the committee is within the scope of a Section 73 application. This issue has been raised on behalf of one objector, questioning whether the S73 Application is within the powers under Section 73. The LPA's response is summarised in Appendix 3.

### **What are the main changes proposed by this application?**

Alterations are proposed to the Brent Cross East zone including the existing Brent Cross Shopping Centre and the area around it. Some of the changes are within the limits of deviation permitted under the 2010 Permission, but some fall outside those limits of deviation and for that reason the Section 73 application is needed.

An additional pedestrian and cycle crossing is proposed (Bridge B7 known as the Living Bridge). This will provide a new direct link between the northern and southern areas of the town centre and will form an important piece of public realm linking Brent Cross Main Square and Market Square. The replacement of Templehof Bridge will still be provided to the west of the Living Bridge with two lanes of traffic, and two bus lanes, together with footways and cycleways.

The proposed alterations to the BXE Zone include the reconfiguration of streets and spaces, including Brent Cross Main Square and High Street North, which may be fully or partially covered. The Bus Station has been moved (although it is still in the same general location) and there have been revisions to the development block layout. This Development Zone has been re-designed to form more of a retail mall/continuous retail circuit and to relate to the Living Bridge. This has resulted in alterations to the location of streets and squares.

The illustrative proposal for the Brent Cross East zone now excludes residential development from the High Street North Area (although this is still permissible in accordance with the proposed parameter plans) with residential now proposed in the location of plot 113 to the west of the shopping centre and approximately to the north of Templehof Bridge.

The proposed course of the River Brent has been changed from the 2010 Permission. It is now proposed to flow around the southern edge of the Brent Cross East Zone rather than through it as previously planned.

Phasing changes are also proposed north of the A406 with all the mixed use development in the Brent Cross East zone including retail, leisure, community, office and residential plot development proposed to be moved into Phase 1(North). The residential development in Plot 114 (the existing Brent Cross South West car park site comprising c600units) within the Brent Cross West zone will be the only plot development north of the A406 not in Phase 1(North). This plot will be in Phase 2 (North).

Increased amounts of infrastructure (roads, junctions etc) will be committed and delivered in Phase 1A (North), so as to accommodate the increased plot development in the enlarged Phase 1 (North), as well as to facilitate delivery of comprehensive development across the whole of the regeneration area.

## **What elements of the original application remain unchanged?**

The description of development as permitted remains unchanged and continues to propose the creation of a new mixed use town centre for Barnet including substantial residential, commercial and retail uses.

North of the A406 the radical transformation of the existing Brent Cross Shopping Centre into a mixed use town centre is still proposed with the same overall maximum quantum of floorspace for each of the permitted uses.

South of the A406 the same mix and quantum of uses is proposed. This will include substantial new residential development, new schools as well as a replacement food store and smaller retail units. The provision for health and community facilities remains unchanged from the 2010 consent. Improvements to parks and open spaces will also still be delivered including Clitterhouse Playing Fields Part 1 (excluding the Nature Park) and Claremont Park improvements which will be delivered as a direct obligation on the developer in the very first phase of development (Phase 1A (North)) .

A new office quarter is still proposed south east of the existing Staples Corner (Phase 7) which will be served by a new railway station in the later phases of the development. Proposals for the Waste Handling Facility, Combined Heat and Power and Rail Freight Facility remain unchanged.

Extensive changes to the transport network are still proposed to accommodate the significant new movement that will result from this development. Substantial amounts of the road infrastructure improvements (such as the M1/A406/A5 junction and the A406/A41 junction improvements) have been brought forward to Phase 1A (North).

Although the phasing has changed, the amount of floorspace and its distribution across the development zones remains generally unchanged. The application continues to propose up to 7,550 residential units and more than 20,000 new jobs.

The timescales applying to the original application remain unchanged. This means that the Reserved Matters for the first phase (Phase 1A) must be submitted by 28 October 2015.

## **Can the Committee consider again the merits of the original application?**

Whilst the 2010 permission remains extant (and will remain extant and implementable if the proposed Section 73 Permission is granted) the present application must be considered on its merits. The terms of the 2010 Permission are material considerations in considering the Section 73 Application.

Although the LPA's consideration of this application is, under Section 73(2), restricted to the conditions subject to which planning permission should be granted (and by necessary implication the proposed amended planning obligations put forward in accordance with clause 15 of the 2010 Section 106 Agreement ), it must do so having proper regard to (a) the environmental information provided as part of the EIA Process relating to this application and (b) the statutory development plan (which has changed to some extent since the 2010 Permission was granted), as well as all other material considerations. In that context, the LPA can either:

- 1) Grant permission subject to conditions which differ from those imposed by the 2010 Permission;
- 2) Grant permission unconditionally (although this would not be a reasonable decision in this case and should be discounted); or
- 3) Refuse permission as sought by this S.73 Application.

Refusal of the Section 73 Permission will not invalidate or undermine the 2010 Permission.

The Officers' recommendation is to grant the Section 73 Permission on the basis of the recommended planning conditions and the proposed Revised S.106 Agreement and the revised delivery arrangements, as summarised in Appendix 4 and later in this report (see below). The current draft of the proposed Revised Section 106 Agreement, reflecting the LPA's response to the draft (submitted by the applicants with the S. 73 Application as document BXC22) was recently sent to the applicants and placed on the planning register. It should be noted that this is not a final draft and further drafting and negotiation will be needed to incorporate fully the provisions summarised in Schedule 4 and the recommendations in the Main Committee Report.

### **Will the proposed changes to the north of the A406 still create a new outward facing town centre for Barnet?**

A range of town centre uses – the same in amount and type as was approved in the 2010 Permission - is proposed in the Brent Cross East Development Zone. This will include retail, leisure, hotel, restaurants and residential development, as well as some community uses.

The transformation of the shopping centre and the creation of a series of external streets and squares remain important to the revised proposals and officers consider that the way the reconfigured Brent Cross East zonal layout relates to the wider area is broadly similar in terms of permeability and connectivity as in the consented scheme.

Pre-Application discussions explored the potential conflict between the provision of a large mixed use retail led scheme (as proposed on the north side) and the need to maintain links with the surrounding residential areas – including maintaining appropriate routes for those who may wish to pass through the Northern Development rather than simply shop. This is a challenge at Brent Cross as it is necessary to transform what is currently an out of town centre. These issues are discussed fully in the body of the committee report.

The key to this is producing a permeable and legible layout. It is considered that the proposed changes to the Brent Cross East Development zone will allow routes to – and through - the shopping centre and will allow the area to function in a similar way to a more traditional town centre. For instance, there will be a 24 hour route across the Living Bridge to Brent Cross Main Square and to the threshold spaces to the east and west. 24 hour access will also be provided to the Bus Station and to the Riverside Park.

A similar range and location of uses to that consented in 2010 is proposed south of the A406 and the provision of the Living Bridge will substantially improve connectivity between the two parts of the town centre.

As this is an outline application the full detail of layout will not be confirmed until the Reserved Matters stage but these key parameters and principles are for approval now through the parameter plans and planning conditions and obligations.

## **Will comprehensive development north and south of the A406 still be delivered?**

The planning policy requirement to deliver comprehensive development is fulfilled through this proposed Revised S73 application principally by requiring the developers to accept substantial and legally enforceable commitments to provide the Phase 1A (North) Critical Infrastructure and to provide the retail and other facilities in the town centre to the north of the A406 (including the Living Bridge and the new Bus Station). These commitments will make a substantial contribution towards enabling and facilitating the regeneration of the area to the south of the A406 in accordance with relevant statutory development plan policies at regional and local level. In this way the developers of the area to the north of the A406 will not be allowed to 'cherry pick' the development around the shopping centre without enabling and facilitating the wider comprehensive regeneration required in accordance with policy.

The enlarged first phase includes an increased package of critical infrastructure which will include the M1/A406/A5 and the A406/A41 junction improvements. All new roads will be covered by Section 278 Agreements and bonded in accordance with the arrangements to be set out in the Revised S106 Agreement and summarised in Appendix 4. This means that there will be a substantial amount of investment in the site and in the provision of infrastructure from the commencement of the development.

There remain important provisions in the Revised S106 Agreement encourage the delivery of comprehensive development. This will include obligations requiring all relevant Reserved Matter Approvals and Other Matter Approvals to be approved for key first Phase 1 A (North) infrastructure as well as some elements of Phase 1B (North) such as the new Brent Cross Bus Station and the Central Riverside Park to be in place before any work on the north side is commenced. Other necessary consents and appropriate bonds must be in place well before the above ground Plot Development in Phase 1B (North) commences, unless the LPA otherwise agrees in accordance with clauses in the Revised S.106 Agreement to ensure that the comprehensive development principle and the EIA process requirements are properly taken into account (see Appendix 4 for detailed summary). In addition, the developers will have their ability to suspend the progress of the development limited unless strict requirements can be complied with and the LPA's approval obtained.

Officers consider that the S73 Permission and the proposed Revised Section 106 Agreement will provide a robust legal framework to ensure that comprehensive development is delivered.

## **What are the new delivery arrangements agreed as part of this application?**

As noted above, the enlarged Phase 1 (North) and the Revised S106 Agreement includes a legal commitment (which will be triggered as soon as the relevant sub- Phase of the Development is commenced) to use all reasonable endeavours to deliver a substantially increased package of critical infrastructure. This will include the M1/A406 and A5/A406 Junction Improvements which would not be delivered until Phase 2 under the 2010 scheme.

These works and the other Phase 1 (North Critical Infrastructure), are necessary to accommodate the enlarged Phase 1 (North) but they will also enable and facilitate Phase 1 (South) and subsequent Phases of the Development. Consideration has been given to the location and quantum of critical infrastructure necessary to allow the southern development to proceed. This is to be provided by the northern developer (BXC Development Partners).

This ensures that there will be a substantial commitment to investment in the Site and the provision of infrastructure in accordance with the Primary Development Delivery Programme from the commencement of Phase 1 (North).

There are important provisions in the proposed amended conditions and in the proposed Revised S106 agreement (to be linked to the Section 73 Permission) which will underpin the delivery of comprehensive development in accordance with the Core Strategy and other policies in the development plan. This will include conditions and obligations requiring all Reserved Matters Applications to be submitted for some of the key Phase 1A (North) infrastructure and other necessary consents to be in place (and appropriate bonds) to be obtained and agreed before any development is commenced. In addition, the developers will not be able to suspend the delivery of the Phase 1A (Critical Infrastructure) unless the LPA otherwise agrees. This agreement is subject to reasonable requirements ensuring that comprehensive regeneration of the whole area is not undermined and/or to ensure that the EIA Process is not compromised.

The Council is confident that the Applicants' commitment and investment in the proposed enlarged Phase 1 of the Northern Development will provide (a) the regenerative momentum; (b) the closer integration between the northern and southern elements of the new town centre and (c) most of the transport infrastructure capacity, needed to facilitate delivery of the Southern Development in accordance with the planning policy framework and the Section 73 Permission. This would provide a considerable boost to confidence that comprehensive development of the BXC Site will be facilitated by the Northern Development

By way of further background:

- Given the Council's land interests both to the North and South of the A406, the completion of the Development Agreements (comprising a Principal Development Agreement and a Cooperation Agreement as reported to Cabinet on 16 January 2014) covering the northern and southern developments. Negotiations are ongoing and completion of the Development Agreement is anticipated in the near future.
- The Council will be retaining its land interest in the south and taking on direct responsibility for appointing a new development partner with the skills and resources needed for the delivery of the southern development. In addition it intends under the Development Agreement to acquire the land interests of the applicants to the south of the A406, which are needed to deliver the Southern Development.

### **When will the development begin?**

The timescales of the 2010 Permission will remain unchanged under the Section 73 Permission. This means that the Reserved Matters for the first phase (Phase 1A) must be submitted by 28 October 2015 and the date for commencement of the development remains at 28 October 2017 or (if later) 2 years from the date of final approval of all reserved matters for Phase 1A. The relevant timescales for approvals and commencement for all other Phases and Sub-Phases remain unchanged from those set out in the 2010 Permission.

The applicants have submitted an Indicative Construction Programme (ICP), which indicates that, if the Section 73 Permission is granted, work on Phase 1 (North) is likely to start on site in 2016 and that Phase 1 (North), in relation to the development in Brent Cross East Development Zone (including the extension to the Brent Cross Shopping Centre) will be largely completed by 2023. This will also include most of the Critical Infrastructure needed to increase transport capacity so as to serve Phase 1 and other Phases of the Development

(North and South), as well as delivering the new Brent Cross Bus Station, the Living Bridge, Clitterhouse Playing Fields Improvements (Part 1, excluding the Nature Park), Claremont Park Improvements and the whole of the new Riverside Park.

### **What is in Phase 1?**

Phase 1 is proposed to be delivered in sub phases which are divided between north and south. This is to reflect the new delivery responsibilities including the Council's intention to procure a new development partner for the area south of the A406.

Phase 1A (North) – this includes all the highways infrastructure to support the northern development including the key highways infrastructure to support the Phase 1 South, such as the improvements to the southern junctions of the A5/A407 Cricklewood Lane and the A407 Cricklewood Lane/Claremont Road Junction improvements.

In addition the River Brent re-routeing and Bridge works will be delivered as part of Phase 1A (North), along with the Clitterhouse Playing Fields Part 1 (excluding the Nature Park) and the Claremont Park Improvements. The Living Bridge is included in (and its details will be approved before the commencement of) Phase 1A (North). Under the Revised Section 106 Agreement, its delivery will be triggered by the commencement of Phase 1B(North) and its delivery will be programmed to commence and be completed no later than before the occupation of Phase 1B North Plots 102, 103 and/or 104 (whichever is the earliest to be occupied).

Phase 1A (South) – A number of highway improvements needed to support Phase 1 of the Southern Development will be provided including the junctions along the A407 and the diversion of Claremont Road to facilitate plot development either side of the new road. This sub-phase also includes the Waste Handling Facility Sidings and Gantry Crane.

Phase 1B (North) – This includes all of the plot development on the north side with the exception of the residential development within the Brent Cross West Zone. The sub phase also includes the new bus station, reconfigured shopping centre, Brent Cross Main Square, High Street North and other northern pedestrian routes, as well as the Riverside Park, Sturgess Park Improvements and around 300 housing units. Commencement of this Sub-Phase will trigger the BXP's obligations to deliver the Living Bridge which will link into the buildings and public realm to be provided on the Plots forming part of this Sub-Phase.

Phase 1B (South) – This includes the Market Square, the Clarefield Park Replacement Open Space the replacement foodstore, the Waste Handling facility, the CHP and the new and expanded Claremont School, in addition to more than 1000 residential units.

Phase 1C – This will include the remaining plot development on the south side, including the Brent Terrace Triangles and the Cricklewood Lane plot.

### **What elements of the transport proposals have been changed?**

The main transport and highway effects of the Section 73 Application are the addition of the Living Bridge over the A406 (new Bridge Structure B7) and the bringing forward of additional transport schemes that were previously in Phase 2 into Phase 1 (North). These include the M1/A406/A5 junction improvements and A406/A41 junction improvements and the new Bus Station. The Living Bridge will also be delivered in Phase 1.

Specific funding is no longer included for the delivery of the Rapid Transit Scheme (RTS). The Transport Assessment does not identify a specific requirement for a dedicated RTS

because there is expected to be available capacity on other bus services that operate between the proposed RTS terminal points and the Consolidated Transport Fund (CTF) includes funds for improving these local bus services as well as for the Brent Cross Underground Station Step Free Access Works.

A similar approach is taken with regards to the Step Free Access (SFA) scheme at the existing Cricklewood station, where the proposal continues to be included but it is not funded in the CTF. The TA forecasts that Phase 1 will generate few additional passengers at Cricklewood station and therefore the SFA is no longer considered to be a necessary mitigation measure.

The funding changes should be considered in the wider context of the improvements that are planned to be delivered in the enlarged Phase 1, including SFA at the new Brent Cross bus station, itself brought forward from phase 2, the contribution towards SFA at Brent Cross LUL and the Living Bridge (estimated to cost some £30m), as well as the future SFA at the new BXC railway station.

### **What arrangements are to be made for the Whitefield residents?**

Different housing solutions will be required for Council tenants, and residents who are long leaseholders or freeholders. A shared equity scheme has been suggested, whereby resident long leaseholders and freeholders can invest their equity in a brand new property, thereby making a new property built as part of the scheme more affordable for existing home-owners. Alternatively, home owners can be given the existing value of their homes, to reinvest either in a new property in the scheme or elsewhere. Council tenants will be offered new homes to be built as part of the scheme, and the details of this process and exactly where the new properties will be built, will be discussed fully with the Whitefield Steering Group over the next 2 years. The Council have gained considerable experience of this process from the other major regeneration schemes in the borough, at Grahame Park, Stonegrove Spur Road, West Hendon and Dollis Valley. All existing socially rented homes on the Whitefield Estate will be reprovided.

For the Rosa Freedman Centre (Sheltered Housing Units), the Council, Barnet Homes and the Development Partners have held a series of separate meetings with the occupants, and they will be holding further meetings in the future. It is likely that many of these residents will be moved into existing sheltered accommodation elsewhere in the Borough, rather than the replacement Rosa Freedman units. These replacement units will be specially designed 'extra care' units (to cater specifically for elderly residents who are in need of specialist care and support services) The Rosa Freedman Centre (Residential Care Home element) and the Day Care centre are not being reprovided as part of the scheme, which is no change from the existing consent.

It is likely that the Whitefield Estate will be rebuilt and relocated in phases, and residents will be kept fully informed at all times. Further meetings are being set up for early 2014 to explain the likely phasing in more detail, and the proposed sites for new housing.

### **Why are sites in Cricklewood Lane included in this application?**

A large number of consultation responses have been received in relation to the space in Cricklewood Lane adjacent to the B & Q building. This site was included in the original application as the site had historically been subject to anti-social behaviour and it was considered that there were sound urban design reasons for continuing the active built frontage to this side of Cricklewood Lane. A mixed use building was approved for this site

under the 2010 Permission, comprising retail or health uses on the ground floor and residential above.

The parameters and proposed uses in relation to this site remain unchanged in the S.73 proposal but it has been moved from Phase 2 to Phase 1 as this is considered to be a site where the early provision of housing accommodation could be achieved.

Since 2010 a number of community events have been held on this site and there is now substantial local support to retain this area as open space. In response to this proposals are advanced to widen the paved area and plant trees in this location funded by the Mayor of London through the Outer London Fund. These recent OLF proposals are potentially compatible with the BXC proposals.

Although it is acknowledged that this space provides a level of local amenity, it is considered that the qualitative and quantitative improvements to parks and other areas of public realm in the wider BXC scheme will sufficiently mitigate the loss of this space. In addition it is likely that public realm will be provided and retained as part of the Outer London Fund proposals.

### **Are there any changes to the Waste Handling and Recycling Facility and to the Combined Heat and Power Plant?**

All parameters and principles remain as in 2010. Their delivery remains a Phase 1 commitment under the revised Indicative Construction Programme and Parameter Plan 29 and the relevant planning conditions proposed for the Section 73 Permission.

### **What planning obligations are proposed for the Section 73 Permission?**

The planning obligations agreed in 2010 will to a large extent remain intact but there is a need for some amendments.

The Applicants submitted a proposed draft Section 106 Agreement with the Section 73 Application and this has now been reviewed and amended on behalf of the LPA and TfL. A copy of the amended draft has just been sent to the Applicants and a copy has been placed on the register and is in the public domain. This draft is not agreed between the parties and will be subject to ongoing detailed negotiations. The grant of the S73 Permission will be subject to the completion of the proposed Revised Section 106 Agreement in accordance with the principles outlined in Appendix 4 and the recommendations contained in the Main report.

A detailed summary of the proposed Revised Section 106 Agreement is included in Appendix 4 to this report. The following executive summary provides a synopsis of the key issues that are proposed to be covered in the section 106 agreement which will be completed if the Committee resolves to grant the Section 73 permission.

An important factor in the present situation is that there is already in place the 2010 permission for this scheme and that it is supported by an existing Section 106 Agreement which forms an important part of the framework of delivery and control for the 2010 permission. The Section 73 Application is seeking amendments which are required in part to reflect the evolving design of the BXC development and in part to establish a framework which will enable the BXC development to be delivered within the timescales governing the development under the 2010 permission, which are also reflected in Barnet's Local Plan (Core Strategy) adopted in September 2012.

The Applicants' proposed changes to the 2010 Section 106 Agreement are, in part, based on their need to fund and commence delivery of the BXC Development and this partly explains the proposed enlargement of Phase 1 (North) in terms of Plot Development but also in terms of their commitment to deliver the Critical Infrastructure needed to deliver the inclusion of what was previously Phase 2 (North) within Phase 1 (North). Their commitment to deliver additional Phase 1 (North) Critical Infrastructure (which was largely a joint and several obligation falling on the developers of the Northern and the Southern development under the 2010 Section 106 Agreement) is an important benefit of the scheme in terms of securing comprehensive development of the BXC Regeneration Area.

In return for this increased infrastructure commitment and the addition of the Living Bridge, the Developers are seeking changes to the 2010 Section 106 Agreement, including some which (a) remove the restriction preventing commencement of the Northern PDP unless and until the Southern PDP is also ready to commence; (b) reduce the CTF contributions and split them between the Northern Development and the Southern Development (see the Detailed Summary in Appendix 4); and (c) cap some of their long-term liabilities for ongoing possible Supplementary Transport Measures.

The proposed S106 obligations for the S73 Application must be assessed in accordance with the legal obligations of the LPA under Regulation 122 of the Community Infrastructure Regulations 2010 (as amended), which states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The LPA officers and advisers have indicated that they are broadly satisfied with the amendments in the draft revised draft Section 106 Agreement and summarised in more detail in Appendix 4 to this report subject to ongoing negotiations in relation to the detailed drafting. The LPA officers believe that (insofar as relevant to TfL) TfL and its advisers have confirmed that they are also willing to proceed on this basis.

### **Phased Delivery of the Development and Critical Infrastructure**

1. As with the 2010 Section 106 Agreement, when each Phase or approved Sub-Phase commences the developers will be required to use all reasonable endeavours to deliver the relevant Critical Infrastructure in the relevant phase or sub-phase (as described later in this report) and in accordance with the detailed delivery programmes to be approved under the conditions in the Section 73 planning permission (as explained later in this report), so as to ensure that the necessary physical and social infrastructure is in place to accommodate the proposed development when it is needed. This will include:
  - a. Using all reasonable endeavours to obtain all necessary consents and approvals to enable the Critical Infrastructure works in each respective phase or approved sub-phase to be delivered;
  - b. Using all reasonable endeavours to deliver the Critical Infrastructure in each Phase or approved sub-phase (once that Phase or approved sub-phase has commenced) in accordance with the Primary Development Delivery Programme and/or the Detailed Delivery (Non-PDP) Programme which will

- need to be approved by the LPA prior to commencement of the relevant Phases or approved sub-phases.
- c. The Indicative Construction Programme (ICP), which is set out in a Schedule to Appendix 4 in its current draft form, lists the Critical Infrastructure by Phases and sets the framework of parameters and principles for approval of these detailed phase delivery programmes.
  - d. The Critical Infrastructure to be delivered by the developers includes the following broad categories:
    - i. All **transport improvements**, including roads, bridges (including the additional “Living Bridge” as part of Phase 1A (North)) and transport interchange improvements, as well as bus stops, coach stops, taxi facilities and pedestrian and cycle networks to encourage the use of sustainable alternatives to car travel;
    - ii. The **River Brent Alteration and Diversion Works** which are now entirely within Phase 1A (North) and have been modified to run around the southern edge of the BXE Zone.
    - iii. The **CHP/CCHP** and the **Waste Handling Facility**, on which the proposed development currently depends in order to achieve its renewable energy targets and if these arrangements are not feasible (in the light of detailed feasibility studies to be carried out by the developers prior to the commencement of development) then, as under the 2010 section 106 agreement, they will be obliged to use all reasonable endeavours to secure planning permission (if required) for **alternative renewable energy facilities** to satisfy planning policy requirements and commit to the delivery of an alternative energy scheme in accordance with an alternative planning permission for these facilities.
    - iv. **Parks and open spaces**, including the provision of new areas of public realm and parks, as well as significant improvements to existing parks and the provision of temporary replacement open space to compensate appropriately for areas of existing open space (such as Clarefield Park) which are to be lost during the course of the development.
    - v. **Social Infrastructure and community facilities** as described in this report, including replacement schools (Claremont Primary School, Whitefield Secondary School and Mapledown Special Needs School); replacement Leisure Centre; health centres; child care facilities and a children’s’ centre; neighbourhood police units,

### **Commencement of Phase 1 (North) will no longer be tied to commencement of Phase 1 (South)**

2. One of the main changes to the 2010 Section 106 Agreement is the proposed release of the restriction preventing the Developers from commencing Phase 1 (North) until all of the Necessary Consents and commitments are in place for commencement of Phase 1 (South). This restriction was included in the 2010 Section 106 Agreement in the interests of securing comprehensive development of the BXC site in accordance with the saved UDP policies and was a safeguard against “cherry picking”.

3. The officers take the view that the release of this restriction in the Draft Section 106 Agreement in order to enable Phase 1 of the Development to commence within the timescales permitted under the 2010 Permission is on balance justified and in accordance with the comprehensive development principle in the development plan on the basis that:

- a. Committed Phase 1 (North) Critical Infrastructure will be substantially increased under the Section 73 Permission and the Draft Amended Section 106 Agreement, so that it will include major items of Critical Infrastructure necessary to accommodate the increased Plot Development in the enlarged Phase 1 (North) and with the additional benefit that it will facilitate the delivery of the Southern Development;
- b. Addition of the Living Bridge will be a major benefit in improving connections across the site and opening up the Southern Development and facilitating comprehensive development to the South of the A406;
- c. the Brent Cross Partners will be giving strong commitments to deliver the Phase 1 (North) Critical Infrastructure and (by implication) the Phase 1 (North) Plot Development which provides essential critical mass to the new town centre and the important elements of Critical Infrastructure to be provided as part of Phase 1 (North) in the southern part of the Site.

**Transport Matters: including Transport Reports and Matrix Mechanism, the Consolidated Transport Fund, the proposed Transport Strategy Group and measures under the Framework Travel Plan, the A5 Corridor Study and the Area Wide Walking and Cycling Study**

4. The Transport obligations for the Revised Draft Section 106 Agreement will be generally the same as under the 2010 Section 106 Agreement and the key changes are explained below:

- a. The Matrix and Transport Reports obligations will continue to ensure that implementation of the development is in all material respects within the scope of the impacts as assessed for the 2031 End State impacts in the Section 73 Transport Assessment. The Matrix and Transport Report Schedule is to be updated to ensure that the Benchmarks against which these matters are to be judged reflect the revised Phases as proposed in the Section 73 Application: this largely affects Phases 1, 2 and 3 of the Section 73 Application.
- b. TfL will continue to work closely with the LPA in the determination of future applications for approval under the planning permission and in other matters involving the strategic transport network, such as decisions as to expenditure of monies out of the Consolidated Transport Fund. This will continue to be achieved by the Transport Strategy Group as agreed with TfL to deal with such matters under both the planning conditions and the section 106 .

- c. The developers will need to ensure that the measures required under the Framework Travel Plan (as explained later in this report) are delivered and complied with throughout the lifetime of the Development.
- d. They will also continue to be required to bear the reasonable and proper cost of providing mitigation measures and other necessary works required by the A5 Corridor Study and the Area Wide Walking and Cycling Study. These measures (if required) will help to ensure that off-site traffic impacts on roads within the defined parts of the A5 corridor in Barnet, Brent and Camden are properly mitigated and that the proposed development is properly integrated by means of high quality internal and external walking and cycling network connections. The BXPs' liability for future Supplementary Transport Measures in relation to bus priority measures, as identified under the Monitoring Strategy, will be limited to £2 million but the LPA and TfL officers consider that this will provide sufficient funding for this purpose.
- e. To establish the Transport Advisory Group to act as a liaison body for the relevant transport and highways authorities, the developers and other key stakeholders to receive detailed monitoring and other transport related reports from the Travel Plan Coordinator and to discuss issues arising out of the programming and delivery of the development insofar as they are relevant to the transport impacts of the scheme and their mitigation. This body is still to be purely advisory and will in no way undermine the role of Council as LPA and local highway authority, the statutory strategic roles of TfL and the Highways Agency or the role of Brent and Camden as highway authorities.

### **Affordable Housing**

5. To secure the provision of Affordable housing in accordance with the following principles which are described in a later section of this report:
  - a. The Agreement will secure a guaranteed provision of 15% Affordable Housing (regardless of viability) meaning (based on the current indicative numbers) a guaranteed provision of approximately 1132 Affordable Housing units across the Development (including in this context the 217 units to be delivered in Phase 1 and made available as replacement units for relocating Whitefield Estate and Rosa Freedman Centre residents) if it is all built out and (subject to viability) a cumulative target of 30% (approximately 2,200) of all residential units (excluding in this context the 217 replacement units and in addition to these units) as Affordable Housing subject to an agreed percentage of developer's profit being achieved. As well as this 30% target, there is the potential for each phase to deliver up to 50% affordable housing subject to viability – i.e. some phases could exceed the 30% target if viability permits.
  - b. Where phases or sub-phases do not contain Residential Units but are shown by the review mechanism to be sufficiently viable then there is potential for a commuted sum to be paid in the event that the number of Affordable Housing Units on residential phases is lagging behind the overall 30% target.

- c. The Affordable Housing units to be provided will comprise 60% Affordable Rented/Social rented and 40% Intermediate Housing which may be varied with the Council's approval and the precise mix of housing types is described later in this report and any variations will be subject to council approval under the conditions and planning obligations.
- d. Provision will be made for the Council to have nomination rights. In respect of Affordable Rented or Social Rented Housing these will apply to both initial and subsequent true voids.

### **Construction Impacts – Code of Construction Practice and Construction Environmental Management Plans and the Construction Consolidation Centre(s)**

6. The Amended Draft Section 106 Agreement is essentially the same as the 2010 Section 106 Agreement and it continues:
  - a. To provide a clear and enforceable framework for the control of construction activities which is reviewed when necessary and is consistent with best practice in the industry so as to minimise as far as reasonably practicable the impacts on the general environment and on amenity during the construction phases of the development.
  - b. To require the feasibility reports considering whether it is reasonably practicable to provide one or more Construction Consolidation Centres (preferably capable of being served by rail freight services) so as to mitigate the impacts of construction traffic on the highway network, although these are now more likely to be on a Phase by Phase basis.
  - c. If and to the extent that it is found to be feasible, to acquire the land and carry out the construction work so as to provide the Construction Consolidated Centre(s).

### **Employment and Skills**

7. The arrangements in the 2010 Agreement are continued in the Revised Section 106 Agreement (in a slightly updated form referring to current terminology) in order to ensure that the Employment and Skills Action Plans are implemented and that contributions are made by the Developers as described later in this report. Whilst the specified financial contributions under these provisions remain the same as under the 2010 Section 106 Agreement, they are subject to index-linking from 19<sup>th</sup> November 2009, when these sums were agreed.

### **Estate Management Framework**

8. The Revised Section 106 Agreement will contain very similar provisions to those in the 2010 Section 106 Agreement including the parameters and principles to be achieved through the Estate Management Framework (EMF) which is to be approved by the Council prior to the commencement of the development in accordance with the proposed planning conditions. It is now proposed that there will be a separate EMF for

the Northern Development and the Southern Development respectively. The EMF will provide for the adoption by the Council of all or some of the new or improved areas of public realm or it may (in some, but probably not all, cases) be managed, repaired, maintained and renewed by the Developers or an Estate Management Body which they establish in accordance with the detailed arrangements to be approved in the EMF under Condition 7.1. These arrangements are described more fully later in this report. The proposed Revised Section 106 agreement will contain planning obligations to provide for such of the following issues as may be relevant in the light of the Council's approval of the EMF:

- a. Public rights to use those areas of public realm which are not to be directly owned or adopted by the Council as public highways or public open space, including 24/7 access to some of the key Public Realm;
- b. Implementation of the approved arrangements to secure safe and high quality Public Realm, including management, maintenance, repair and renewal in accordance with the approved arrangements contained in the EMF;
- c. Secure long-term funding of the Estate Management Bodies set up in accordance with the approved EMF;
- d. Provisions for the adoption of such public realm areas as may be required to be publicly adopted in the EMF.

### **Closure of the existing foodstore**

9. To require the Existing Foodstore to be demolished within 4 months from the New Superstore opens for trading purposes unless and to the extent that the LPA shall agree otherwise in accordance with Clauses 4.7 – 4.9 of the Agreement.

### **Specific Financial Contributions**

10. A financial contribution of £26,670,000 (reduced from £46m in the 2010 Report) to be paid on a phased basis to the Council to be used in accordance with the Consolidated Transport Fund, as explained in the Transport Section of this report. The sums contained in the proposed CTF schedule (Schedule 1 to Appendix 4) are subject to indexation as set out in the schedule. The proposed CTF Schedule also contains arrangements for the BXP's top up the £6m CTF funding to a capped level of £10m if and to the extent that the SFA Feasibility Report shows that this additional contribution is required. As explained earlier, officers consider the amendments to the CTF Schedule to be acceptable in the circumstances. The Obligations continue to require the Northern and Southern Developers to provide the same level of value and/or make contributions as required under the 2010 Section 106 Agreement in relation to the Employment and Skills Action Plan and Public Art as described later in this report.
11. The Revised S.106 Agreement will contain an obligation of £50,000 to be used by the Environmental Agency for the restoration of part of Clitterhouse Stream through Basin Hall Park.

### **Ongoing Planning Charges**

12. The planning permission will require a considerable degree of planning, transport and other technical resource to be provided by the Council in the course of delivery of this project and the proposed Revised Section 106 agreement is essentially unchanged from the 2010 Section 106 Agreement in requiring the developers to reimburse the reasonable and proper costs incurred by the Council as LPA in connection with such procedures.
13. This will include future applications for reserved matters and other matters approvals, including considering all screening, feasibility, remediation, transport and other reports, or other documents, that will need to be submitted pursuant to the planning conditions. It will also cover the ongoing monitoring of the development – such as compliance with the Code of Construction Practice and the Construction Environmental Management Plans – during the construction phase.

#### **Remediation of contaminated land and groundwater**

14. As with the 2010 Section 106 Agreement, there are positive obligations to carry out the necessary site investigations and remediation works as approved under the relevant proposed planning conditions.

#### **Relocation of the Whitefield Estate Residents**

15. The obligations in relation to the relocation of the residents in the Whitefield Estate in accordance with the Residential Relocation Strategy approved under the planning conditions will be on a fair and reasonable basis. The obligation will now be split between the Whitefield Estate Replacement Units (Part 1) which are to be delivered as part of Phase 1A (North) and the Whitefield Estate Replacement Units (Part 2), which are to be delivered as part of Phase 1B (South).

#### **Parties and the need to bind all interests in the Site prior to the commencement of the development**

16. To ensure that as soon as the Developers acquire relevant interests in the site they will still be required forthwith to bind such interests to the planning obligations contained in the section 106 agreement. This is necessary for the effective enforcement of the planning obligations and it complements a planning condition in the proposed planning permission which will generally prevent the commencement of the development in any phase, unless and until the relevant interests in that Phase are bound into the relevant planning obligations.
17. As with the 2010 Section 106 Agreement, the proposed planning obligations will be entered into by the following parties at this stage:
  - a. The Council as LPA
  - b. Various parties who together constitute the Brent Cross Partners
  - c. Cricklewood Regeneration Limited (CRL)

- d. Transport for London, as strategic transport authority for London and member of the proposed Transport Strategy Group,

The majority of interests in the site will be bound subsequently as and when these interests are acquired by the developers (in accordance with the arrangements described above).

## **RECOMMENDATION:**

**Having taken into account all environmental information received by the Council under the Environmental Impact Assessment (EIA) process and giving full consideration to the environmental impacts of the proposed development, it is concluded that the proposed development is in accordance with the development plan taken as a whole and that there are no other material considerations that should outweigh the grant of permission and it is recommended that the Committee resolve to approve the proposed development subject to:**

- 1) That the applicants and the other relevant persons having a requisite interest, be invited to complete the Revised Section 106 Agreement in accordance with the detailed summary of the proposed terms of the planning obligations for this application in Appendix 4, subject to such reasonable amendments as may be approved by the Assistant Director of Strategic Planning, Regeneration and Transport having due regard to any comments of the Mayor and/or TfL and/or any other relevant comments on the Revised Section 106 Agreement.
  
- 2) That and upon completion of the Revised Section 106 agreement the Assistant Director of Strategic Planning, Regeneration and Transport be instructed to APPROVE the application ref: F/04687/13 under delegated powers and grant planning permission subject to conditions substantially in the form contained in Appendix 1 (with such detailed amendments as the Assistant Director of Strategic Planning, Regeneration and Transport may consider to be reasonable and necessary in the course of negotiating the final Revised Section 106 Agreement and having due regard to any comments of the Mayor and/or TfL and/or any other relevant comments on the Draft Conditions).

## PROCEDURE FOR DETERMINING THE PLANNING APPLICATION

This planning application for a Section 73 (S.73) Application to develop land without complying conditions attached to planning permission C/17559/08 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood Area (granted 28 October 2010) was submitted on 11 October 2013 and supported by an Environmental Statement and other supporting documents. The Section 73 application has undergone consultation for a period of 6 weeks, including consultation in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (“the EIA Regulations 2011”). Approximately 27,000 properties in Barnet and adjacent areas of Brent and Camden were notified of the planning application.

Following discussions with the local planning authority, further information to correct and clarify aspects of the application was submitted on 18 December 2013 and was subject to consultation for a further period of 4 weeks, in accordance with regulation 22 of the EIA Regulations 2011.

A summary of the consultation process and response is contained in **Section 4** below and in **Appendix 3**.

The Greater London Authority has been notified as the application is within the thresholds of potential strategic importance to London. The application has been referred under the following categories: new housing exceeding 500 units; new uses with a total floorspace of more than 15,000 sq m; new tall buildings over 30 metres high; development to provide waste facilities, a railway station and a bus or coach station; loss of more than 200 residential units; development of more than 4 hectares of land for business use (B1, B2 and B8) and development including the provision of more than 200 car parking spaces for non residential use.

The Mayor of London considered the proposal on 15 January 2014 and issued a letter of response containing the Mayor’s observations on the application. These comments are reported in the consultation section of this report. The contents of this report have been considered by both the applicant and the Council and the Mayors comments have been properly addressed as far as is reasonably practicable through the planning conditions and obligations.

## **BACKGROUND TO THE APPLICATION**

The London Borough of Barnet (LBB) and the Mayor of London have identified the Cricklewood, Brent Cross and West Hendon area as a major opportunity for regeneration in the borough by means of policies and designation in the Barnet Local Plan and the London Plan respectively.

In December 2005 the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework (DF) was adopted by the Council and the Mayor as Supplementary Planning Guidance. This Development Framework was produced by the Council in collaboration with the GLA, other stakeholders and the applicants. The Development Framework was produced to guide and inform the design and delivery of the development with the aim of achieving high quality comprehensive redevelopment of the area around a new sustainable mixed use town centre for Barnet spanning the A406 North Circular Road.

The Council has confirmed its support for the regeneration of the area in the Barnet Local Plan ("Core Strategy") adopted in September 2012 and which largely supersedes the former Unitary Development Plan (UDP) as statutory development plan. However, the Core Strategy includes as 'saved policies' the Cricklewood policies in Chapter 12 of the Unitary Development Plan (May 2006), in which detailed policies to support the comprehensive regeneration of the Brent Cross Cricklewood Area are expressed: these saved policies remain as part of the development plan. Support for the regeneration of the area is also contained in the London Plan (published in July 2011 - replacing the 2008 consolidated with alterations London Plan) where the Brent Cross Cricklewood Area continues to be designated as an Opportunity Area. Opportunity Areas have been identified in the London Plan on the basis that they are capable of accommodating substantial amounts on new jobs or homes and their potential should be maximised. On 15 January 2014, the Mayor published Draft Further Alterations to the London Plan (FALP) for a twelve-week period of public consultation. The FALP have been prepared primarily to address key housing and employment issues emerging from an analysis of census data released since the publication of the London Plan in July 2012, and which indicate a substantial increase in the capital's population. Although this is not yet part of the adopted Policy Framework, BXC proposals have been reviewed against any draft policy changes. These are generally considered minor in relation to Brent Cross Cricklewood.

The Core Strategy, relevant saved UDP and London Plan Policies are summarised and analysed in more detail in Appendix 2 of this committee report

Having regard to the analysis of relevant development policies, the Officers consider that granting the Section 73 Permission on the basis of the conditions set out in Appendix 1 and the Draft Revised Section 106 Agreement would be in accordance with the development plan taken as a whole and, unless material considerations indicate otherwise, would also therefore be in accordance with the LPAs statutory duties under Section 70 of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, which the courts have held are also engaged in determining Section 73 applications.

Outline Planning Permission (Ref No: C/17559/08) for the comprehensive regeneration of the Site was granted on 28 October 2010 and is referred to in this report as "the 2010 Permission".

The applicant has reconsidered elements of the form, phasing and delivery of their proposals to reflect the evolution of the scheme.

The planning application now submitted, under Section 73 of the Town and Country Planning Act 1990 (“the S.73 Application”), seeks Planning Permission for the regeneration of Brent Cross Cricklewood Area without complying with certain conditions attached to the 2010 Permission. Full details of the changes proposed – and implications of these changes - are outlined in this report.

The LPA is not obliged to approve all of the modifications to the 2010 planning conditions as proposed by the Applicants. Indeed the LPA must exercise its proper planning judgement as to whether planning permission as sought in the S.73 application should be refused or granted subject to such conditions as the LPA may consider reasonable having due regard to the relevant development plan policies and all other material considerations at the time of determining the S.73 Application. The draft conditions set out in Appendix 1 reflect the Officers’ judgement as to the conditions that should be imposed if the Committee resolves to grant permission in determining this S.73 Application.

## 1. MATERIAL CONSIDERATIONS

### 1.2 Corporate Priorities and Decisions

#### **Barnet's Housing Strategy - 2010-2025**

Barnet's Housing Strategy was published in 2010 and highlights the following Strategic Objectives:

- increasing housing supply, including family homes, to improve the range of housing choices and opportunities available to residents
- improving the condition and sustainability of the existing housing stock
- promoting mixed communities and opportunities available to those wishing to own their own home
- providing housing related support options to enable independent living
- providing excellent value housing and related services

#### **Barnet's Sustainable Community Strategy - 2010-2020**

Local Authorities have a duty under section 2 of the Local Government Act 2000 to prepare a community strategy for their area. 'Barnet: A Successful City Suburb, a Sustainable Community Strategy for Barnet 2008-2018' was published in 2008.

The Sustainable Community strategy was drawn up by Barnet's Local Strategic Partnership, which brings together organisations from the public, private, community and voluntary sectors. The key objective of the partnership is to improve the quality of life in Barnet by addressing important issues affecting those who live and work here, such as health, housing, community safety, transport and education.

The vision for Barnet states:

*"It is 2020. Barnet is known as a successful London suburb. It has successfully ridden difficult times to emerge as resilient as ever. The public service is smaller than before but the organizations within it, through effective partnerships, work together to deliver good services and there is a healthy relationship between them and residents who do things for themselves and their families.*

*Established and new residents value living here for the borough's excellent schools, strong retail offer, clean streets, low levels of crime and fear of crime, easy access to green open spaces and access to good quality healthcare.*

*Barnet is an economically and socially successful place. With high levels of educational qualifications and access to good transport networks, residents continue to have access locally, in other parts of London and beyond to jobs in a wide variety of different industries.*

*Barnet's success is founded on its residents, in particular through strong civic society, including its diverse faith communities, founded on an ethos of self help for those that can, and support through a wide range of volunteering activities for others. Different communities get on well together with each other".*

To realise the vision, the strategy proposes priorities arranged under the following four key themes:

**(a) A Successful London Suburb**

- Delivering sustainable housing growth
- Keep Barnet moving
- People have the right skills to access employment opportunities
- Environmentally responsible
- Supporting Enterprise (including Town centres)
- A clean and green suburb

**(b) Strong Safe Communities for everyone**

- Reduce crime and residents feel safe
- Strong and cohesive communities

**(c) Investing in Children Young People and their Families**

- Safety of children and young people
- Narrow gap through targeting support at young people at risk of not fulfilling their potential
- Prevent ill health and unhealthy lifestyles

**(d) Healthy and Independent Living**

- Better health and healthy lives for all
- Better access to local health services
- Promote choice and maximise independence of those needing greatest support.

**Barnet's Corporate Plan 2013-2016**

The Council's Corporate Plan was published in April 2013. The plan sets out the council's vision for the organisation in a period of organisational change and financial constraint. In this context, the strategic objectives for Barnet as an organisation and place are:

1. Promote responsible growth, development and success across the borough.
2. Support families and individuals that need it – promoting independence, learning and well-being.
3. Improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study.

The Corporate Plan sets out the Council's commitment to delivering its six priorities over the coming years. These are:

1. To maintain a well designed, attractive and accessible place, with sustainable, with sustainable infrastructure across the borough.
2. To maintain the right environment for a strong and diverse local economy.
3. To create better life chances for children and young people across the borough.
4. To sustain a strong partnership with the local NHS, so that families and individuals can maintain and improve their physical and mental health.
5. To promote a healthy, active, independent and informed over 55 population in the borough to encourage and support our residents to age well.
6. To promote family and community well-being and encourage engaged, cohesive and safe communities.

## 1.2 Relevant Previous Decisions

The existing Brent Cross shopping centre was opened in 1976. It was the subject of planning applications in the mid-1990's for an extension to provide an additional 27,000 m<sup>2</sup> of retail floorspace and for a new multi-storey car park. The applications were called in for determination by the Secretary of State and were subject to a public inquiry in 1999. In April 2000, the Secretary of State granted planning permission for the multi-storey car park but refused permission for the extension to the shopping centre. The latter was subject to judicial review and subsequently High Court challenge. In issuing the final refusal of planning permission in December 2003, the Secretary of State stated that determination of the application was premature in advance of the emerging Barnet UDP and the Mayor's Draft London Plan policies. He concluded that as the Brent Cross shopping centre was not a town centre, the then proposed development did not accord with PPG6 guidance on the location of major retail development in that he was not satisfied as to the need for the development and he also concluded that the site selection did not properly follow the sequential approach.

The current applicants then began to work with Barnet Council, Greater London Authority and other key landowners in the area to secure a joint and more sustainable approach to the wider regeneration of the Brent Cross and Cricklewood area, within which Brent Cross would emerge as the heart of a new mixed use town centre for Barnet and London. The Cricklewood, Brent Cross and West Hendon Opportunity Area Planning Development Framework (SPG) was produced collaboratively by the Council, the Mayor and the Greater London Authority, in consultation with the landowners and developers in the area.

The creation of a new town centre together with the wider regeneration of the area was also promoted through the review of the Council's Unitary Development Plan (UDP) and was considered as part of the 2004 public inquiry into the replacement UDP. The UDP planning inspector agreed with this approach and the replacement UDP was adopted in 2006 with a specific chapter (Chapter 12) setting out policies relating to the regeneration of Cricklewood, West Hendon and Brent Cross, and incorporating express support for significant new retail floorspace, jobs and housing.

On **26 March 2008** the Brent Cross Cricklewood Development Partners submitted an outline application for the comprehensive development of the area.

The **2010 Permission (Ref No: C/17559/08)** for the comprehensive regeneration of the Site was granted on **28 October 2010**. The 2010 Permission was granted largely in outline, but with details provided for improvements to strategic junctions providing access into the site, including the A41/A406 junction and the M1/A5/A406 junction.

The description of development for the 2010 consent was as follows:

"The proposed development is a 151 ha 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)”

The Development Zones and Zonal Floorspace Schedule approved within the 2010 permission are shown below:

### Total Development Floorspace Approved in 2010 Permission

	Market Quarter	Station Quarter	Eastern Lands	Clitterhouse Playing Fields	Brent Terrace	Cricklewood Lane	Railway Lands	Brent Cross East	Brent Cross West	TOTAL (per use)
Residential (Class C3) (indicative units numbers)	170,752 (1,866)	35,230 (385)	230,761 (2,500)	0	194,554 (1,923)	2,380 (26)	0	26,034 (278)	52,342 (572)	712,053
Retail and related uses North of the A406 (Classes A1, A2, A3, A4 and A5)	0	0	0	0	0	0	0	78,133	0	78,133
Retail and related uses South of the A406 (Classes A1, A2, A3, A4 and A5)	6,735	4,645	20,438	0	372	604	0	0	0	32,794
Business (Class B1)	4,645	373,551	6,131	0	0	0	5,574	5,396	0	395,297
Industrial/Storage & Distribution (Classes B2 and B8) inc rail and freight (of which 6,500sq.m may be used within Use Classes B1, B2 and B8 as small units)	0	0	0	0	0	0	61,314	0	0	61,314
Hotel (Class C1)	11,148	29,542	0	0	0	0	0	20,574	0	61,264
Leisure (Class D2)	4,961	2,787	2,880	0	0	0	0	15,450	0	26,078
Private Hospital (Class C2)	0	0	18,580	0	0	0	0	0	0	18,580
Community Facilities (Class D1)	1,075	232	21,813	251	5,096	1,150	0	1,998	0	31,615 <sup>15</sup>
Rail & Bus Station (Sui Generis)	0	2,416	0	0	0	46	0	71	0	2,533
PFS (Sui Generis)	0	0	326	0	0	0	0	0	0	326
<b>TOTAL (per zone)</b>	<b>199,316</b>	<b>448,403</b>	<b>300,929</b>	<b>251</b>	<b>200,022</b>	<b>4,180</b>	<b>66,888</b>	<b>147,656</b>	<b>52,342</b>	<b>1,419,987</b>



The plan begins in the document on page 10. It is a plan of the area of the City of London, Greater London, and is subject to the provisions of the Greater London Authority Act 2007 (GLA Act 2007) and the Greater London Authority Act 2009 (GLA Act 2009).

- Planning Application Boundary
- Development Zones
- Education Zone (The general location of Plan E1 and E2 is identified).
- Building Zones

That development description is identical to that proposed in the S.73 Application.

On **12 July 2013** the Brent Cross Development Partners submitted an Environmental Impact Assessment Scoping Opinion for a Section 73 Application to vary the conditions of the Planning Permission **C/17559/08**. On the **3 October 2013** the Council issued its Scoping Opinion (**F/03027/13**) confirming that, subject to the comments and checklist attached to the letter, the proposed scope of the EIA was acceptable.

### **1.3 Relevant Planning Policy**

#### **Introduction**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan comprises the London Plan at the strategic level and, at the local level, Barnet's Local Plan (Core Strategy) and the Saved UDP Policies. The Development Management Policies DPD states at paragraph 1.4.3 that it will not apply to planning applications for comprehensive development in the Brent Cross unless and until the Core Strategy is reviewed in accordance with Policy CS2 and Section 20:13 of the Core Strategy.

The policy framework has changed since the Brent Cross Cricklewood scheme was consented in 2010. The London Plan was updated July 2011 (replacing the 2008 amendment) and the Barnet Local Plan was adopted in September 2012 (replacing the certain policies within UDP). It should be noted that UDP policies, GCRICK and C1-C11, which apply to the application site have been saved and are supplemented by the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework (2005). The statutory development plans and supplementary development framework provide the main policy basis for the consideration of the S.73 Application.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan and Local Plan policies of most relevance to the application is set out in the appraisal below and in Appendix 2. In subsequent sections of this report dealing with specific policy and topic areas, there is further discussion where appropriate, of the key policy background.

#### **National Planning Guidance**

National planning policies are set out in the National Planning Policy Framework (NPPF). The NPPF was published on 27 March 2012 and replaces all the Planning Policy Statement and Planning Policy Guidance notes, with the exception of Planning Policy Statement 10: Planning for Sustainable Waste Management which is to be revoked following the publication of the National Waste Management Plan for England

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. In terms of decision-taking this presumption means approving applications which are considered to accord with the Development Plan.

## **The London Plan and Barnet's Local Plan ("Core Strategy") and Development Management Policies**

Appendix 2 examines in some detail the London Plan and Barnet Local Plan policies, together with supplementary planning guidance and documents, of most relevance to this planning application and appraises the proposal against these policies. Clearly these documents contain a very large number of policies and the analysis in Appendix 2 focuses on those which are considered to be particularly relevant to the determination of this application.

However, as explained earlier, it should be noted that although the Development Management Policies DPD generally forms part of the Development Plan, it does not apply to the development of the Brent Cross Cricklewood Regeneration Scheme unless and until the Core Strategy or Development Management Policies DPD are reviewed.

In order to present the analysis of the policies in a readily readable form it is set out in a table format. The tables list the policies, describe them and then provide a brief commentary to assess how the proposed development conforms to the requirements of the specific policies. Where appropriate, some policies are combined in order to avoid unnecessary repetition or disjointed discussion.

Officers have considered the development proposals very carefully against the relevant policy criteria and, as the analysis in Appendix 2 shows, have concluded that that the Section 73 Permission sought will be in accordance with the development plan taken as a whole, subject to the conditions and planning obligations recommended.

## **2. DESCRIPTION OF DEVELOPMENT, SITE AND SURROUNDINGS**

### **2.1 Overview**

Outline Planning Permission (Ref No: C/17559/08) for the comprehensive regeneration of the Site was granted on 28 October 2010 with the key site accesses approved in detail. The planning application now submitted, under Section 73 of the Town and Country Planning Act 1990, seeks Planning Permission for the redevelopment of the Brent Cross Cricklewood site without complying with conditions attached to the 2010 Permission.

### **2.2 Description of the Development – The Section 73 Proposal**

An application for consent to vary the conditions of the consent of October 2010, to reflect the varied parameters, is being made under Section 73 of the Town and Country Planning Act (1990) (S.73) to LB Barnet.

The application site boundary and the description of development remain identical to that permitted by the 2010 Permission. The proposed description of development is thus in the following terms:

"...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, 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, infrastructure and associated facilities together with any required temporary works or structures and associated utilities/services required by the Development.”

The proposals do not involve any changes to the total quantum of development overall or its general distribution across Development Zones, although there is a small change to the boundary of Brent Cross East and Brent Cross West Development Zones. The strategic highway and transport layout remains consistent with that consented.

The Section 73 application seeks to vary a number of Planning Conditions, set out in detail within BXC01 Application Forms and Certificates and the BXC04 Planning Statement Addendum. Appendix 1 provides a tracked changes version of the Conditions as proposed in the S.73 Application and including further conditions and amendments recommended by LPA officers over and above those proposed by the applicants. The applicant proposes that the following conditions are amended:

#### Commencement & Reserved Matters

- 1.1 including 1.1.1 and 1.2.1
- 1.2 including 1.1.2 and 1.2.2
- 1.3
- 1.4
- 1.5 including 1.5.1, 1.5.2, 1.5.3 and 1.5.4
- 1.6
- 1.9
- 1.10
- 1.11
- 1.12
- 1.13
- 1.17
- 1.20
- 1.21
- 1.22
- 1.24
- 1.25
- 1.26

#### Reserved Matters Applications & Other Matters Applications

- 2.7
- 2.8 (a)

#### Phasing Parameter Plan & Indicative Construction Programme

- 4.1
- 4.2

#### Detailed Delivery Programmes

- 5.1
- 5.2
- 5.4

#### Planning Obligations to bind land within Phases

- 6.1

#### Estate Management Framework

- 7.1

## Code of Construction Practice & Construction Environmental Management Plan

- 8.4

## Demolition & Site Waste Management Plan

- 9.1

## Employment and Skills Action Plan

- 10.1

## Car Parking

- 11.2

## Construction Transport Management

- 12.2

## Phase 1 Commencement Submissions

- 13.1

## Phase 2 Commencement Submissions

- 14.1

## Phase 3 Commencement Submissions

- 15.1

## Triggers and Thresholds

- 20.1
- 20.11
- 20.17
- 20.20
- 20.30
- 20.31
- 21.3
- 21.15
- 21.16
- 24.5

## Ecology & Landscaping

- 27.1
- 27.2
- 27.12

## Utilities

- 33.3

## Energy & Sustainability

- 35.1
- 35.2
- 35.4
- 35.5
- 35.6

## Development Floorspace & Uses

- 36.4
- 36.5

## Sustainable Travel

- 39.7

## Waste Handling Facility

- 41.1

## Archaeology

- 43.1

## Drainage, Water Use & River Works

- 44.2
- 44.5

## Flood Risk

- 45.2
- 45.3

The following documents have been submitted in support of the S.73 application, generally as updates or relevant amendments to the supporting material which related to the 2010 Permission:

- BXC01 - Application forms;
- BXC01 - Revised Development Specification Framework including revised parameter plans
- BXC01 - Revised drawings and plans
- BXC02 - Section 73 Environmental Statement
- BXC03 - Revised Design and Access Statement and Design Guidelines
- BXC04 - Planning Statement Addendum
- BXC05 - Revised Transport Assessment
- BXC06 - Retail Report Addendum
- BXC07 - Revised Public Realm and Open Space Strategy
- BXC08 - Revised Environmental Sustainability Strategy
- BXC09 - Revised Energy Strategy
- BXC10 - Social Infrastructure Report Addendum
- BXC11 - Revised Utility Strategy
- BXC12 - Regeneration Strategy Addendum
- BXC13 - Estate Management Strategy Addendum
- BXC14 - Housing Strategy Addendum
- BXC15 - Drainage Strategy Addendum
- BXC16 - Flood Risk Assessment Addendum
- BXC17 - Supplementary S.73 Phase 1 Geo Tech Assessment
- BXC18 - Health Impact Assessment Addendum
- BXC19 - Revised Statement of Community Involvement
- BXC20 - Approval in Principle Documentation for Bridges
- BXC21 - Construction Impact Assessment Addendum (including updated Indicative Construction Programme)
- BXC22 -S106 draft agreement.

As with the Consented Scheme, the S.73 Planning Application is a 'hybrid' application, in that planning permission is sought in outline for most of the proposed development, as well as a detailed permission in relation to the key gateway access junctions. Sufficient information, in the form of key parameters and principles, is provided in the application documents, and particularly the Revised Development Specification and Framework and the Parameter Plans appended to it and in other application documents, to enable the EIA to assess the likely significant environmental impacts of the S 73 Scheme. The S.73 Permission is proposed to be tied to those key parameters and principles in order to ensure that that proposed development is carried out, used and occupied in accordance with the assumptions which underpinned the EIA Process.

The revised Development Specification and Framework (DSF 2013) sets out the updated physical and other parameters and principles to guide and govern the subsequent design and approval of details and other documents in accordance with the conditions proposed to be amended as part of the Section 73 Permission. The DSF (2013) identifies aspects of the proposed scheme that fall within the parameters and principles approved under the 2010

Permission, and those that do not, and which are therefore subject to obtaining the S.73 Permission in order to modify them by means of new or amended conditions.

The parameters and principles upon which the consent is based have been informed by an illustrative masterplanning exercise. This is shown in the Illustrative Layout Plan, submitted within the DSF (2013) as Parameter Plan 015, together with additional material contained within the Design and Access Statement (“DAS (2013)”). The information contained in these documents is largely unchanged from that which accompanied the 2010 Permission and has been updated where relevant to reflect the evolving design of the scheme and to support the S.73 application. While the design remains, to a large extent, within the parameters and principles of the 2010 Permission, some of the proposed amendments fall outside of those already approved parameters and principles and these documents have been updated to reflect these proposed amendments.

As with other large-scale redevelopment schemes, the need for flexibility was anticipated in framing the 2010 Permission in a way which was specifically designed so as to allow the BXC Development to evolve and respond to market forces and opportunities as well as to enable improvements to be made to the design and delivery of the development in accordance with relevant development plan policies and other guidance.

The following proposed elements of the amended scheme (and the related parameters and principles), require changes to the conditions contained in the 2010 Permission:

- Alterations to the layout of the development within the Brent Cross East Zone around the existing Brent Cross Shopping Centre. This has included reconfiguration of streets and spaces including Brent Cross Main Square and High Street North that may now include a roof covering; repositioning of the bus station and revisions to the development block layout. The illustrative proposal does not proposed residential development along High Street North (although this is still permissible through the parameter plans and related parameters and principles set out elsewhere within the DSF (2013)), with residential now proposed on Plot 113 located to the west of the shopping centre and Templehof Bridge.
- The inclusion of the proposed new Bridge Structure ‘B7’ (known as “the Living Bridge”), a central bridge over the A406 for pedestrian and managed cycle use, providing a direct link between the key elements in northern and southern parts of the new town centre.
- Updated parameter plans to show minor changes to the boundaries of Brent Cross East and Eastern Lands Development Zones.
- Updated parameter plans to show the revised street hierarchy and configuration of building zones, and revised configuration of public realm within Brent Cross East, Market Quarter and Eastern Lands Development Zones.
- Updated parameter plans to show the revised location of the River Brent now proposed to flow around the southern edge of the Brent Cross East Zone, rather than through it as permitted under the 2010 Permission.
- Updated parameter plans to identify and define the revised location and accessibility of the bus station, so as to integrate it more closely into the built elements within Brent Cross East Development Zone and the wider town centre including (via the Living

Bridge) access to and from the Market Quarter and other parts of the Southern Development.

- Revised parameter plans to indicate the greatly enlarged Phase 1 (PDP), the proposed Sub-Phases of Phase 1 and the revisions to subsequent phases of the scheme to reflect these changes to the PDP.

A detailed description of Parameter Plan changes is set out in **Table 1** below:

**Table 1 – Summary of Changes to the Parameter Plans**

Parameter Plan	Proposed Changes	Officer Comment
PARAMETER PLAN 001 – Development Zones	<p>Changes North:</p> <ul style="list-style-type: none"> <li>• Amendment to Development Zone Boundary – northern part of BX West Development Zone now included within BX East Development Zone.</li> <li>• Layout of BX East development zone reconfigured reflecting changes to Parameter Plans 002 and 003.</li> <li>• Floorspace allocated to each Development Zone is further sub-divided to each Building Zone as per Parameter Plan 14.</li> </ul> <p>Changes South:</p> <ul style="list-style-type: none"> <li>• The boundary of Market Quarter and Eastern Lands Development Zone has been altered to include the Living Bridge and new Plot 93 in the Eastern Lands.</li> <li>• Layout of Market Quarter and Eastern Lands Development Zones has been altered reflecting changes to Parameter Plans 002 and 003.</li> </ul>	<p>These revisions enable a revised illustrative layout for Brent Cross East Zone on the northern side including the repositioning of Brent Cross Main Square, High Street North and the river Brent, together with the proposed “Living Bridge” across the A406.</p> <p>An area of residential development is now included within the Brent Cross East Zone (previously in Brent Cross West Zone) proposed to come forward during the first phase.</p> <p>On the southern side revisions to the boundary of the Eastern Lands Zone enable the “Living Bridge” to land to the east of the existing Holiday Inn and proposed Plot 93 to be built within this zone.</p> <p>These alterations are considered to be acceptable in accordance with supporting material contained in subsequent parameter plans, Design and Access Statement and Design Guidelines.</p>
PARAMETER PLAN 002 – Transport Infrastructure	<p>Changes North:</p> <ul style="list-style-type: none"> <li>• “Approximate” location of the</li> </ul>	<p>The parameter plan proposes the relocation of the new bus station to be</p>

Parameter Plan	Proposed Changes	Officer Comment
	<p>bus station changed to be positioned to the east of the existing location.</p> <ul style="list-style-type: none"> <li>• Introduction of “Living Bridge” (B7)</li> <li>• Amendments to indicative Vehicle Access Points into Building Zones reflecting amendments to the layout within BXE and BXW.</li> <li>• The label “Zone where building can be built over highways infrastructure” has been removed following amendments to the proposed design of the south-west corner of BXE.</li> <li>• Minor changes made to the supporting text to reflect above changes and other points of clarification.</li> <li>• Minor alteration to the alignment of Bridge Structure B4 (Pedestrian Bridge across the A406).</li> <li>• Table 1 (RDSF, Appendix 2) indicates the horizontal limits of deviation are altered from +/- 1m to +/-15m for A406 Templehof Bridge (B1) and A5 link bridge (B2).</li> <li>• Living Bridge (B7) identified as having +/-20m horizontal limit of deviation.</li> </ul> <p>Changes South:</p> <ul style="list-style-type: none"> <li>• Introduction of the living bridge (B7).</li> <li>• Amendment to location of Claremont Avenue Primary Route to reflect the relationship with the Living Bridge. This continues to fall within the +/- 35m deviation as outlined within the 2010 permission.</li> <li>• Plan updated to reflect revised location of east/west route</li> </ul>	<p>integrated into the undercroft of a mixed use building (Plot 103) , compared to a position between the River Brent and A406 as currently consented. This has been subject to initial dialogue with TfL who have provided a detailed specification for the bus station in this location (see comments below).</p> <p>The zone for the Living Bridge “B7” is included identifying broad spatial parameters following the layout in the Illustrative Masterplan. These parameters have been reviewed by the Council and their consultant team and are considered to be acceptable on both sides of the A406.</p> <p>Revisions to horizontal limits of deviation within the supporting text have been proposed, increasing from +/- 1 m to +/- 15m on both sides of the A406. This has been in order to provide greater flexibility in the design of the shopping centre and the implications on Templehof Bridge.</p> <p>Council officers accept the change for Templehof Link Road to be a primary route.</p> <p>All other changes are considered to be minor alterations to the parameter plan reflecting changes in the design development and illustrative masterplan.</p>

Parameter Plan	Proposed Changes	Officer Comment
	<p>between Market Square and the A41 pedestrian bridge. This continues to fall within the +/- 40m deviation as outlined within the 2010 permission.</p> <ul style="list-style-type: none"> <li>• Amendment to Managed Vehicle Route within Education Zone E1 reflecting updates to the configuration of the education facilities.</li> <li>• Realignment of service road within Eastern Lands to reflect changes to plot configuration.</li> <li>• Railway boundary limit of deviation (+3m) removed from key.</li> <li>• Templehof Link Road now classed as a primary route (previously a secondary street).</li> </ul>	
<p>PARAMETER PLAN 003 – Public Realm and Urban Structure</p>	<p>Changes North:</p> <ul style="list-style-type: none"> <li>• Alignment to River Brent/Riverside Park and associated river crossings revised to accommodate changes to shopping centre configuration.</li> <li>• “General location” of Brent Cross Main Square relocated to the east of its present location.</li> <li>• Introduction of the Living Bridge – identified as a “City Garden” (CG3).</li> <li>• Location of Main Connections altered to reflect revised layout and inclusion of Living Bridge. The links in the plan in the 2010 permission relate to High Street North, a link to the east of Brent Cross Main Square, north of Templehof Bridge and Brent Cross Square. Modifications are shown to the location of these routes reflecting the revised layout configuration.</li> </ul>	<p>Parameter Plan 003 represents the main area of change proposed within the Section 73 application.</p> <p>Amendments have been made to Brent Cross East, Market Quarter and Eastern Lands zones to facilitate the inclusion of the Living Bridge, and alterations to the layout for the Brent Cross Main Square on the northern side and Market Square to the south.</p> <p>Council officers have conducted extensive dialogue during the pre-application stages around these changes to ensure that the size and quality of these spaces remains consistent with the approved scheme. Further commentary on this process is provided in <b>Section 5.7</b> below.</p> <p>As illustrated in the Plan, a more direct pedestrian and</p>

Parameter Plan	Proposed Changes	Officer Comment
	<ul style="list-style-type: none"> <li>• High Street North and Brent Cross Main Square may be “fully or partially covered” in accordance with the supporting text.</li> <li>• Key frontages updated to relate to the changes to Main Connections.</li> <li>• Three new threshold spaces identified (Fenwick Place, Layfield Place and Templehof Circus).</li> <li>• Minor alteration to the alignment of Bridge Structure B4 (Pedestrian Bridge across the A406).</li> <li>• Identification of “Managed Pedestrian Only Route” through proposed bus-station plot, between M3 and S10 and into the existing shopping centre.</li> </ul> <p>Changes South:</p> <ul style="list-style-type: none"> <li>• Revised configuration of Market Square (M2) relative to Living Bridge and Main Connection to Clitterhouse Playing Fields</li> <li>• Key frontage boundaries amended to reflect revised layout.</li> <li>• Updates to Secondary and Tertiary routes within Eastern Lands Development Zone realigned to match proposed building plots.</li> <li>• The Main Connection along Claremont Avenue and Whitefield Avenue has changed consistent with changes to Parameter Plan 002.</li> <li>• Floating building zone removed from Market Square.</li> <li>• Amendment to the managed pedestrian and cycle route</li> </ul>	<p>cycle connection will be provided between Brent Cross Main Square via the “Living Bridge” to Market Square and Clitterhouse Playing Fields. The current consent envisages pedestrian connections across the Templehof Bridge which would be the main route for vehicular traffic between north and south. Within the Parameter Plan, the “Living Bridge” is identified as a “City Garden” with the potential for landscaping along its length.</p> <p>In addition further minor areas of open space are proposed at main entrances to the Shopping Centre, identified as “Threshold Spaces”. While officers consider that these will contribute little quantitatively, they will enhance the quality of entrance points into the Brent Cross East zone.</p> <p>Concerns have been raised around the form of High Street North and Brent Cross Main Square which within the revision to this Parameter Plan may now be “fully or partially” covered. Officers have sought to ensure that these routes remain publically accessible for 24 hours a day and continue to function as part of a wider town centre, rather than circulation space within a shopping mall.</p> <p>Conditions are recommended to ensure that 24 hour public access is provided and that any roof covering is transparent to allow natural light into these</p>

Parameter Plan	Proposed Changes	Officer Comment
	<p>within Education Zone. The applicant notes that this will be revised in light of final configuration of the education facilities.</p> <ul style="list-style-type: none"> <li>• Minor changes to supporting text to reflect amendments.</li> </ul>	<p>streets and spaces (see Condition 48.1 and 48.2).</p> <p>The remainder of proposed alterations relate to the reconfiguration of Building Zones as described above. Further commentary on public realm and open space is set out in <b>Section 5.7</b> below.</p>
<p>PARAMETER PLANS 004 and 005 – Ground Level and Upper Level Land uses to frontages.</p>	<p>Changes North:</p> <ul style="list-style-type: none"> <li>• Frontages amended to reflect revised layout of shopping centre.</li> <li>• Amendment to “any permitted use” along western ground floor frontage of BXE development zone.</li> <li>• Removal of residential upper floor frontages within BXE development zone, replaced with “Any Permitted Use”.</li> <li>• Revision of eastern side of BXE zone from “predominantly retail, leisure or hotel, to “any permitted use”.</li> <li>• Minor change to supporting text.</li> </ul> <p>Changes South:</p> <ul style="list-style-type: none"> <li>• Frontages amended to reflect revised layout within Eastern Lands/Market Quarter.</li> <li>• Amendment to ground level uses to buildings in Eastern Lands adjacent to Living Bridge from “Predominantly uses other than residential” to “any permitted use” to “Predominantly Retail or Leisure or Hotel”</li> <li>• Removal of floating building zone in Market Square.</li> </ul>	<p>The main changes to land uses have been within the Brent Cross East Zone which has been altered in accordance with the revised Illustrative Masterplan and associated changes to the layout of the scheme. These changes seek greater flexibility in comparison to the consented scheme.</p> <p>Additional flexibility is sought along the western frontage of the shopping centre enabling the potential for any use (including residential) within this location that previously was restricted to retail, leisure or hotel.</p> <p>The area previously identified as BXE2 on Parameter Plan 014 north has been altered to allow any permitted use, removing the restriction to residential as consented. This reflects illustrative plans to remove residential away from this area which now forms part of the reconfigured shopping and commercial centre.</p> <p>Minor changes are proposed on the southern side, including the removal of the “floating building zone” in Market Square which was previously intended to be a tower. This has effectively</p>

Parameter Plan	Proposed Changes	Officer Comment
		<p>been relocated to Plot 93 adjacent to the Living Bridge.</p> <p>Changes to land uses are acceptable and are considered to accord with the Consented Scheme and Policy Framework.</p>
<p>PARAMETER PLAN 006 – Finished Site Levels</p>	<p>Changes North:</p> <ul style="list-style-type: none"> <li>• Revised height levels in BXE zone reflecting inclusion of Living Bridge and proposed amendments to shopping centre layout (up to 49.00m from 42.50m) adjacent to Living Bridge and up to 47.00 adjacent to Templehof Circus.</li> <li>• Inclusion of living bridge deck level limit of deviation at 50 m (+/- 2.00m).</li> <li>• Amendment to Pedestrian Bridge Deck Level limit of vertical deviation from 47.50m to 48.50m</li> </ul> <p>Changes South:</p> <ul style="list-style-type: none"> <li>• Inclusion of Living Bridge pedestrian ramp to gradient of 1 in 25. Text updated accordingly</li> <li>• Revised finished height levels within Market Square (45.50 m from 43.00 and 44.00 metres).</li> </ul>	<p>Changes to height levels have been included reflecting changes to the illustrative layout of the shopping centre, and in particular the inclusion of the “Living Bridge”. This will require raised ground on the northern side in order to ensure sufficient height for the structure to cross the A406. On the southern side a ramp will be required. The zone for this has been added to this plan with a restriction to a 1 in 25 gradient to ensure DDA compliance. This has resulted in a requirement to increase site levels by between 1.5 and 2.5 m in Market Square.</p> <p>Officers have sought to ensure that any changes in level do not have implications on overall building height. This is considered to be further secured by the inclusion of AOD frontage heights on Parameter Plans 007 and 008.</p>
<p>PARAMETER PLAN 007 – Maximum Building and Frontage Heights</p>	<p>Changes North:</p> <ul style="list-style-type: none"> <li>• Maximum heights within BXE Zone amended reflecting layout alterations in particular BXE2 (e.g. heights altered from 55/33/65m to 55/42/55m).</li> <li>• AOD height levels have been added to each frontage, with update to supporting text. This does not alter the overall maximum heights as consented.</li> </ul>	<p>Height alterations are generally consistent with the consented scheme with no overall increase in the heights of building proposed.</p> <p>However, given the alterations to the layout within BXE Zone there are differences in terms of the overall massing of buildings, particularly along the A406 frontage where there is a</p>

Parameter Plan	Proposed Changes	Officer Comment
	<p>Changes South:</p> <ul style="list-style-type: none"> <li>Plot 93 added with maximum frontage height of 65m, reflecting consented scheme.</li> <li>Maximum plot height altered within Market Quarter Zone (Plot13) frontage height from 50m to 45m reflecting removal of the "Floating Building Zone" within Market Square. This area was defined to enable a tower within the Market Square. This has effectively been replaced by the tower proposed at Plot 93 adjacent to the Living Bridge.</li> </ul>	<p>general increase in the extent of taller buildings. For example much of the area identified within BXE3 has been amended within the S.73 scheme to comprise a retail building fronting the A406, with a maximum height of 42 m. This replaces the previous area (identified for the bus station in the consented scheme) that proposed a maximum of 33m along the A406. Similarly, a greater proportion of the area to the west of BXE (occupied by Building 102) along the A406 frontage is proposed at 65m (previously occupied by an area with a maximum height of 65m/33m along the A406). Building 102 now proposes a longer A406 frontage height at 65 m compared to the consented. This enables buildings of considerably additional scale within this part of the BXE zone.</p> <p>Heights on the southern side are generally considered to be consistent with that consented. The only amendment being the removal of the "floating building zone" with a maximum height of 50m within Market Quarter, to be effectively replaced by a new plot south west of the Living Bridge with a maximum height of 65m. This is consistent with consented heights in adjoining building zones.</p> <p>The inclusion of AOD heights is consistent with the parameter plans and is considered to provide further clarity and control over</p>

Parameter Plan	Proposed Changes	Officer Comment
		<p>maximum permitted heights in comparison to the consented scheme that was less specific on how heights should be measured.</p> <p>Further commentary on building heights and massing is described in <b>Section 5.5</b> below.</p>
<p>PARAMETER PLAN 008 – Minimum Building and Frontage Heights</p>	<p>Changes North:</p> <ul style="list-style-type: none"> <li>• Minimum heights updated around BXE Zone to reflect layout changes.</li> <li>• The minimum height of building to South of Shopping Centre (BXE3) increased from 12 m to 16m.</li> <li>• AOD height levels added.</li> </ul> <p>Changes South:</p> <ul style="list-style-type: none"> <li>• Minimum height of buildings adjacent to Living Bridge ramp has been adjusted. New Plot 93 has minimum height of 27m compared to 16 m in permitted scheme for the plot in a similar location in 2010 .</li> <li>• AOD height levels have been added.</li> </ul>	<p>Minimum heights are considered to be consistent with those consented, with alterations made in response to layout changes.</p> <p>Further commentary on building heights and massing is described in <b>Section 5.6</b> below.</p>
<p>PARAMETER PLAN 009 – Basement and Service Access</p>	<p>Changes North:</p> <ul style="list-style-type: none"> <li>• Increase in areas where basements permitted in BXE zone.</li> <li>• Maximum depth of basements in BXE increased from 7m to 9m within supporting text.</li> <li>• Changes to frontages where direct access to basements has increased to include entire perimeter of shopping centre (more restricted in consented scheme, particularly along western edge).</li> </ul> <p>Changes South:</p> <ul style="list-style-type: none"> <li>• Increase in potential basement under supermarket building within EL3, with basement</li> </ul>	<p>The revised parameter reflects amendments to the layout of the illustrative scheme and related parameters, with a greater area on the northern side with potential for basements.</p> <p>Council officers note the requirement greater flexibility relating to basements enabling different configurations for servicing and parking at Reserved Matters stages.</p> <p>However, a further condition is proposed restricting any commercial or trading activity within these areas (<b>See</b></p>

Parameter Plan	Proposed Changes	Officer Comment
	<p>under public realm or infrastructure.</p> <ul style="list-style-type: none"> <li>• Amendment to Plot 13 to remove basement under “floating building zone”.</li> </ul>	<p><b>Condition 36.9).</b></p>
<p>PARAMETER PLAN 010 - Utilities</p>	<p>Changes North:</p> <ul style="list-style-type: none"> <li>• Plot forms adjusted within BXE.</li> <li>• Slight amendment to zones where utilities cross A406 to reflect introduction of the Living Bridge.</li> <li>• Supporting text updated to provide greater flexibility on Waste Handling Facility/CHP conveyor: “The Waste Handling Facility and the CHP may <del>will</del> be linked by a conveyor which may <del>will</del> transport the RDF and potentially any residual material.”</li> </ul> <p>Changes South:</p> <ul style="list-style-type: none"> <li>• Plot forms adjusted within MQ/EL Building Zones</li> </ul>	<p>The revisions provide minor changes reflecting the updated layout.</p> <p>The text change is as a result of further flexibility requested in relation to the potential for a materials conveyor between the Waste Handling Facility and CHP design. This will be further considered at Reserved Matters Stage in accordance with <b>Condition 35.3.</b></p>
<p>PARAMETER PLAN 011 – River Brent</p>	<p>Changes North:</p> <ul style="list-style-type: none"> <li>• Reconfiguration of central section to reflect update to BXE building zone.</li> <li>• Various updates to supporting text including: <ul style="list-style-type: none"> <li>○ Removal of horizontal limit of deviation for crossing points.</li> <li>○ Removal of definition of “bank”.</li> <li>○ Reference added to EA maintenance rout, with increase in minimum width (6m compared to 3.5m).</li> <li>○ Reduction in channel width from 38m to 24m in Reach 1, increase in channel width from 20 to 22m in Reach 2.</li> </ul> </li> </ul>	<p>The revised design of the River Brent reflects amendments to the layout within the Brent Cross East zone which has included revisions to the positioning of Brent Cross Main Square and positioning of the bus station and linkages with the Living Bridge.</p> <p>This requires realignment of the River Brent around the southern edge of the BXE Zone, rather than through the centre of the proposed town centre north (the western and eastern zones remain broadly the same).</p> <p>A riverside “park” is retained along the length of the River Brent, consistent with the</p>

Parameter Plan	Proposed Changes	Officer Comment
	<p>Reduction in Channel width from 35m to 32m in Reach 3.</p> <ul style="list-style-type: none"> <li>○ Removal of reference to existing bridge being removed.</li> <li>○ Reference to Reach 1 being used for drainage attenuation added.</li> <li>○ Reference to access ramp added in Reach 1 and Reach 3.</li> <li>○ Removal of reference to upper level path in Reach 2.</li> <li>○ Reference to acoustic screen added in Reach 2.</li> <li>○ Revised reference to flood risk modelling added noting that upstream overspill will be improved through S.73 scheme.</li> </ul> <p>Changes South:</p> <ul style="list-style-type: none"> <li>• N/A</li> </ul>	<p>consented scheme. However, whereas the consented scheme would have included buildings on both sides, the revised layout is fronted by the reconfigured Prince Charles Drive and is closer to the A406. This may require mitigation in the form of an acoustic screen.</p> <p>The parkland area is relatively larger in terms of quantum, reflecting the longer extent of the river, although it is visibly narrower in places.</p> <p>The EA has been engaged through the pre-application and post-application processes and they have identified some concerns which have been addressed through <b>Conditions 44.2, 44.5 and 44.10.</b></p> <p>Further commentary is provided in <b>Section 5.14</b> below.</p>
PARAMETER PLAN 012 – Clitterhouse Playing Fields	<ul style="list-style-type: none"> <li>• No changes proposed.</li> </ul>	
PARAMETER PLAN 013 – Transport Interchanges	<p>Changes North:</p> <ul style="list-style-type: none"> <li>• Changes to configuration of bus station reflecting relocation and dialogue with TfL/LBB highways.</li> <li>• Supporting text proposes increase in bus stands, and removes provision for motorcycle and bicycle parking and taxi stands.</li> </ul> <p>Changes South:</p> <ul style="list-style-type: none"> <li>• No changes proposed.</li> </ul>	<p>The bus station parameter now identifies a “peninsula” configuration with bus stops located along the southern edge of the BXE zone, with stands and bus circulation to the north. This reflects TfL requirements and restricts pedestrian movement across live lanes of traffic.</p> <p>The bus station is now directly accessible from the BXE zone via Brent Cross Main Square and the Living Bridge.</p> <p>Further details are set out below in <b>Section 5.26.</b></p>

Parameter Plan	Proposed Changes	Officer Comment
PARAMETER PLAN 14 – Floorspace Thresholds	<p>Changes North:</p> <ul style="list-style-type: none"> <li>• Reconfiguration of BXE1, BXE2, BXE3 building zones.</li> <li>• BXW1 now included as BXE2.</li> <li>• Updates to Appendix 10 Scale Thresholds reflecting revised layout and design approach.</li> <li>• Table 6 Primary Use Floorspace Thresholds amended:               <ul style="list-style-type: none"> <li>○ BXE1 – reduction in amount of any permitted use (now may include residential)</li> <li>○ BXE2 – Reduction in floorspace, now any permitted use rather than residential.</li> <li>○ BXE3 – Increase in amount of any permitted use.</li> <li>○ BXE4 – Slight reduction in floorspace compared to that permitted for BXW1.</li> <li>○ BXW1 – increase from 47,400 to 52,342 sq m residential reflecting revision to Building Zone boundary with BXE.</li> </ul> </li> </ul> <p>Changes South:</p> <ul style="list-style-type: none"> <li>• Reconfiguration of EL3 and MQ2.</li> <li>• Table 6 Primary Use Floorspace Thresholds amended:               <ul style="list-style-type: none"> <li>○ EL1-EL6 – minor amendments.</li> <li>○ Significant reduction to EL5 – 196,274 sq m to 16,274, rectifying a mistake within the approved version of the DSF.</li> </ul> </li> </ul>	<p>The majority of changes have been made to reflect changes to the illustrative layout. The Erratum Report (December 2013) provides an update to the original S.73 submission correcting errors relating to Brent Cross West and Eastern Lands zones.</p> <p>Although floorspace thresholds remain consistent, a number of changes have been made to BXE zone and a requirement for greater flexibility in this zone as reflected in amendments to Table 6.</p> <p>In addition resultant changes have been made to Appendix 10 – Scale Thresholds. A number of errors were made in the original S.73 submission. As a result the Applicant submitted a revised Appendix 10 as part of the Erratum submission on 18<sup>th</sup> December 2013. This provides further detail, although some concerns remain. Further information is set out in <b>Section 5.6</b>.</p>
PARAMETER PLAN	Changes North:	The revisions made to the

Parameter Plan	Proposed Changes	Officer Comment
015 – Indicative Layout Plan	<ul style="list-style-type: none"> <li>Reconfiguration of layout to BXE development zone and provision of Living Bridge.</li> </ul> <p>Changes South:</p> <ul style="list-style-type: none"> <li>Reconfiguration of layout to MQ and EL Building Zones including reconfigured market square and changes to plot sizes.</li> </ul>	indicative layout plan reflect changes to the Parameters outlined above and are considered acceptable.
PARAMETER PLAN 016 – Existing Buildings and Spaces	<p>Changes North:</p> <ul style="list-style-type: none"> <li>Inclusion of small buildings to the south of the shopping centre highlighted for demolition</li> <li>Reference to alterations to Brent Cross Shopping Centre added to supporting text.</li> </ul> <p>Changes South:</p> <ul style="list-style-type: none"> <li>No change.</li> </ul>	Buildings identified reflect small pavilion style uses that were not in position when the 2010 application was first submitted.
PARAMETER PLAN 017 – Minor Transport Interchanges.	<ul style="list-style-type: none"> <li>No change</li> </ul>	
PARAMETER PLAN 018 – Waste and Freight Facilities	<ul style="list-style-type: none"> <li>No change</li> </ul>	
PARAMETER PLAN 019 – Primary Development Plan Layout Plan	<p>Changes North:</p> <ul style="list-style-type: none"> <li>Changes as per PP15.</li> <li>BXE development now proposed as single phase.</li> </ul> <p>Changes South:</p> <ul style="list-style-type: none"> <li>Changes as per PP15.</li> <li>Plot 30 and Plot 58 (within Cricklewood Lane development zone) added to PDP</li> </ul>	<p>The revised PDP now identifies the entire BXE development zone, River Brent alterations and Living Bridge and the M1/A406 and A5/A406 Junction improvements to be brought forward in the Phase 1.</p> <p>In addition Plots 58 and 30 in Cricklewood Lane has been included to facilitate access improvements and bring forward housing sites during the initial phase.</p> <p>This is described further in <b>Section 5.3</b> below.</p>
PARAMETER PLAN 020 – Indicative Zonal Layout Plan Market Quarter	<ul style="list-style-type: none"> <li>Changes as per PP15.</li> </ul>	

Parameter Plan	Proposed Changes	Officer Comment
PARAMETER PLAN 021 – Indicative Zonal Layout Plan Eastern Lands	<ul style="list-style-type: none"> <li>Changes as per PP15.</li> </ul>	
PARAMETER PLAN 022 – Indicative Zonal Layout Plan Station Quarter	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>	
PARAMETER PLAN 023 – Indicative Zonal Layout Plan Brent Terrace	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>	
PARAMETER PLAN 024 – Indicative Zonal Layout Plan Cricklewood Lane	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>	
PARAMETER PLAN 025 – Indicative Zonal Layout Plan Railway Lands	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>	
PARAMETER PLAN 026 – Indicative Zonal Layout Plan Clitterhouse Playing Fields	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>	
PARAMETER PLAN 027 – Indicative Zonal Layout Plan Brent Cross East	<ul style="list-style-type: none"> <li>Changes as per PP15</li> </ul>	
PARAMETER PLAN 028 – Indicative Zonal Layout Plan Brent Cross West	<ul style="list-style-type: none"> <li>Changes as per PP15</li> </ul>	
PARAMETER PLAN 029 – Indicative Phasing Plan	<p>Changes North:</p> <ul style="list-style-type: none"> <li>Phasing updated to reflect the whole of BXE development to be delivered as part of Phase 1.</li> <li>BXW1 updated to be delivered in Phase 2 (instead of Phase 3 as per the 2010 Permission).</li> <li>Table 8a of Appendix 2 of RDSF updated to reflect reconfigured plots.</li> </ul> <p>Changes South:</p> <ul style="list-style-type: none"> <li>No substantive changes.</li> <li>Table 8a updated to reflect reconfigured plots</li> </ul>	<p>As identified above, phasing now reflects the delivery of all plot development in Brent Cross East within Phase 1.</p> <p>A number of plot allocations have been altered reflecting changes to the illustrative layout of the scheme. This includes:</p> <ul style="list-style-type: none"> <li>Plot 93 – new plot adjacent to Living Bridge on southern side containing retail and residential;</li> <li>Removal of plots 95 to 100 (BXE)</li> <li>Plots 101 to 114 (revised BXE zone).</li> </ul>

Parameter Plan	Proposed Changes	Officer Comment

Plans and drawings illustrating proposed changes can be found in the Annex.

### 2.3 Description of the Site

The 151 hectare application site is defined to the west by the Edgware Road (A5) and the Midland mainline railway line and to the east by the A41, and is bisected east to west by the A406 North Circular Road. It is adjacent to Junction 1 of the M1 (Staples Corner) and includes the existing Brent Cross Shopping Centre and Bus Station to the north of the North Circular as well as the existing Sturgess Park.

To the south of the North Circular Road the area contains the Brent South Shopping Park, existing Tesco store and Toys 'R' Us store, the Whitefield estate (approximately 220 units), Whitefield Secondary School, Mapledown Special School and Claremont Primary School; Hendon Leisure Centre, Brent Cross London Underground Station to the east; Clarefield and Claremont Parks and Clitterhouse Playing Fields (Metropolitan Open Land); the Hendon Waste Transfer Station, Claremont Way Industrial Estate and Cricklewood Railway Station to the far south. The application site includes parts of Cricklewood Lane, including the open space in front of the B & Q store.

The Templehof Bridge and the A41 flyover provide the only existing direct north-south link across the North Circular Road within the site. A section of the River Brent, contained within a concrete channel, flows east to west through the site to the south of the shopping centre. The London Borough of Brent is located to the immediate west of the application site, on the opposite side of the A5 Edgware Road. The London Borough of Camden adjoins the site to the south at Cricklewood Town Centre.

The site is dominated and constrained by the existing road network and rail infrastructure. It contains industrial land, former railway land, retail 'sheds' and large areas of surface car parking. In these parts of the site comprehensive redevelopment is required to enable the provision of a sustainable mixed use town centre and to create an acceptable residential environment.

To the north, east and south, the site is surrounded by traditional low rise suburban development, predominantly two storey semi-detached houses. These areas of existing housing - with the exception of the Whitefield Estate - are not directly subject to the proposals as they are not contained within the planning application boundary.

The application site currently has a public transport accessibility level (PTAL) varying between 1 and 5, where 1 is low and 6 is high. It includes key parts of the Transport for London Road Network (TLRN) at Hendon Way (A41) and the North Circular Road (A406). The site is also bounded by the A5 Edgware Road, part of the Strategic Road Network (SRN). The area also includes sections of the Midland Mainline railway between London St. Pancras and the north of England, including the existing Cricklewood Station. The Edgware branch of the Northern line also runs close to the site and Brent Cross Underground Station is within the Eastern boundary of the regeneration area. Brent Cross Bus Station provides access to 18 bus routes (including Green Line). The majority of these services provide access from and through the site via the TLRN or SRN.

The application site boundary plan can be found in the Annex.

### **3. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

The proposed development falls within the category of urban development projects in Schedule 2 of the EIA Regulations 2011. An Environmental Statement (ES) has been submitted with the S.73 application which assesses the potential environmental impacts of the proposed development.

Prior to the formal submission of the S.73 application the applicant requested a scoping opinion (in July 2013) to ascertain what matters the planning application and associated ES needed to take into account. The LPA's scoping opinion dated 23rd September 2013 (Reference F/03027/13) indicated that the environmental issues against which the impacts of the development needed to be assessed were:

- Land Use
- Land Use Planning
- Traffic and Transport
- Socio-economics
- Noise and Vibration
- Landscape and Visual
- Ecology and Nature Conservation
- Water Resources and Flood Risk
- Archaeology and Cultural Heritage
- Air Quality and Dust
- Ground Contamination
- Waste
- Microclimate
- TV, Radio and Mobile Phone Reception
- Carbon Dioxide Emissions
- Cumulative Impacts

Schedule 4 of the EIA regulations 2011 identifies what information is required to be included in an ES; i.e. as is reasonably required to assess the environmental effects of the development.

The information in the following documents has assisted in defining the development and its likely impacts against which EIA has been carried out.

- Revised Transport Assessment
- Retail Report Addendum.
- Revised Public Realm and Open Space Strategy
- Environmental Sustainability Strategy Addendum
- Revised Energy Strategy
- Social Infrastructure Addendum
- Revised Utility Strategy
- Drainage Strategy Addendum
- Flood Risk Assessment Addendum
- Supplementary S.73 Phase 1 Geo Tech Assessment
- Health Impact Assessment Addendum
- Construction Impact Assessment Addendum

The information provided accords with the EIA regulations 2011 in terms of what is required for inclusion within an ES. It also addresses all the issues identified by the LPA's scoping opinion.

Although it is considered that the S.73 Application is not seeking fundamental changes to the parameters and principles of the BXC Development, as approved in the 2010 Permission, it is acknowledged the revised scheme may lead to significant environmental effects. The S.73 Environmental Statement (RES) submitted with the S.73 Application has updated and amended the ES submitted in support of the scheme approved in the 2010 Permission. It therefore assesses the whole of the development as proposed in the S.73 Application, even where it remains unchanged from that previously approved in the 2010 Permission.

Where appropriate, comparisons have been drawn to highlight differences between the likely significant environmental effects of the BXC Development as approved in the 2010 Permission and BXC Development as proposed for approval in accordance with the S.73 Application. The S.73 Environmental Statement also addresses any changes arising from the introduction of new legislation, guidance or best practice since the 2010 Permission was granted.

Plans and other documents defining the limits or parameters and principles of the BXC Development proposed in the S.73 Application, as well as accompanying guidance on design and scale within the DAS and other application documents will, where appropriate, be secured by conditions attached to any grant of the Section 73 Permission. This is to ensure that the detailed proposals for the outline area of the site are built in accordance with clearly defined parameters and principles to which the EIA Process relates.

In addition, planning conditions or obligations are required to ensure that mitigation identified in the EIA Process is secured as and when the development is taken forward.

In terms of the EIA Regulations 2011, officers consider (on the basis of specialist independent advice) that the environmental impacts of the proposed amendments to the BXC development have been fully considered by the EIA Process and by the LPA in the determination this S.73 Application.

#### **4. STATUTORY AND NON-STATUTORY CONSULTATION RESPONSES**

This section of the report describes the consultation process and summarises consultation responses. It includes brief comments on objections. Further detail on consultation responses is included in Appendix 3.

It is also relevant to note that the BXC proposals were considered in the statutory examination of Barnet's Local Plan (Core Strategy) and the Development Management Policies DPD in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and were found by the Inspector to be sound

##### **4.1 Pre-application Consultation by the Applicant**

The S.73 Application and 2010 Permission have been subject to ongoing public consultation carried out by the applicant. This is detailed in the revised Statement of Community Involvement (BXC19) accompanying this application.

### **Section 73 Application**

The Applicant undertook pre-application consultation with local communities ahead of submitting the Section 73 application. The objectives for this consultation were as follows:

- To explain the Brent Cross Cricklewood regeneration and what already has planning permission to be delivered.
- To explain the areas that the Applicants are seeking to update and how they would affect the consented masterplan.
- To engage with the local community and a wide range of stakeholders and provide multiple opportunities for people to view and comment on the plans.
- To provide the public the opportunity to speak directly with the Applicants and the senior consultant team.
- To properly consider all of the issues / concerns / objections / comments so that the Section 73 application can respond appropriately.

The Applicants undertook 12 days of public exhibitions across four different venues between 23 June and 6 July 2013. These events utilised large scale exhibition boards providing the background and details of the S.73 Application. Written and spoken feedback was requested from attendees. The following venues were used:

- Brent Cross Shopping Centre;
- Hendon Leisure Centre;
- Middlesex University, Hendon campus;
- Crown Moran Hotel, Cricklewood.

The Applicants employed the following measures in the pre application consultation and public exhibition:

- Direct letters and emails to a database of 388 stakeholders;
- Press notice to regional, local and trade media;
- Distribution of 34,000 flyers to homes and businesses in the local area. Flyers were also distributed at the Brent Cross Shopping Centre;
- Advertising in local press;
- Update to the consultation website and utilisation of the Brent Cross Shopping Centre social media outlets (Facebook and Twitter);
- Posters at the exhibition venues and the Brent Cross Shopping Centre.

The Applicant's Statement of Community Involvement states that 440 people responded to the consultation with 84.6% in overall support, 10.2% overall objecting.

The Applicant followed up the exhibition with a number of stakeholder meetings, including with the Coalition for a Sustainable Brent Cross.,

### **4.2 Consultation by the London Borough of Barnet (Appendix 3)**

The Council has carried out extensive consultation on the planning application. This has included sending out consultation letters to more than 20,000 local residents and businesses, including the parts of Brent and Camden adjacent to the planning application boundary. In addition, site notices were placed in various locations in and around the application boundary and a notice was placed in the local press. The Council has also consulted all the usual public bodies and interest groups on the application.

The Council held a public exhibition on the proposals at the Hendon Leisure Centre in the regeneration area on the 12 and 13 November 2013. This exhibition was attended by approximately 120 local residents and business and provided an opportunity to explain the proposals in more detail to local people.

In addition, the Council carried out a further round of consultation on 18 December 2013 for four weeks following the receipt of amended and additional information to clarify the application. The Council notified all the statutory and other consultees and those who had already submitted comments on the Section 73 application and in addition placed site and press notices in accordance with the Regulations.

All consultation responses have been carefully considered and where appropriate concerns have been addressed including through the planning conditions and obligations. Summary details of the consultation responses are below and included in Appendix 3 attached to this report.

### **Consultations and Views Expressed**

A summary of representations received at the time of writing this report is set out below. Brief comment is attached and the issues raised are more fully addressed within the Planning Appraisal Section of this report and in Appendix 3 (Summary of Consultation Responses).

A total of 170 consultation responses have been received from local residents and community and interest groups. Committee Members will be updated on other consultation responses received between writing this report and the committee meeting.

### **Comments from Residents**

Comments in letters, e-mails and comments from the exhibitions have been summarised below.

#### **(i) Traffic and Transportation**

- Traffic arrangements have not been given due consideration and lack consultation with neighbouring boroughs such as Brent
- Scheme too reliant on the private car and the likely increase in vehicle numbers will lead to noise, congestion and air pollution.
- Barnet will not consider a new light rail system or tram alternatives. These would be a better way to tackle road congestion and would be a better alternative to link with other areas in North West London.
- The redesign of roads and junctions will not be sufficient to prevent severe congestion and pollution in Cricklewood.
- Concern about possible threat to Cricklewood Station. It is vital that this station is retained. Concern about disruption to passengers on the Midland Mainline whilst the new station is built.
- Plans do not include a cycle network of adequate quality and will not encourage people to cycle. Much of the proposed cycle network is on carriageway with no specific provision.

**Comment:** See Appendix 3 and transport section of the report.

## **(ii) Open Space**

- Opposition to the development of the open area next to the B & Q store on Cricklewood Lane. Local people value this area as one of the few areas of open space in Cricklewood Town Centre. In addition a number of events have been held on this space since 2010 that have added to its value to local people.
- Opposition to the development of the Brent Terrace triangles for housing.
- Clarefield Park will be lost and not replaced until the Whitefield Estate is relocated.

**Comment:** The principle of the development of the site in Cricklewood Lane and the Brent Terrace Triangles areas was accepted in the 2010 permission. The only change from 2010 is in relation to the site on Cricklewood Lane where it has been moved from Phase 2 to Phase 1. The improvements to Clitterhouse Playing fields and Claremont Park Improvements are to be brought forward to the very first phase and will be a direct obligation on the northern developer. These qualitative improvements will compensate for the loss of Clarefield Park in the short term and in the longer term new parks – such as Eastern Park – will be provided. These issues are discussed in Appendix 3 and in the appraisal section of the Committee Report.

## **(iii) Clitterhouse Farm Buildings and Depot**

- Request to retain the former Clitterhouse Farm buildings located in the south west corner of Clitterhouse Playing fields and to restore them for a local community use.

**Comment:** The 2010 permission proposed the demolition of these buildings and their replacement with a park maintenance store and offices together with a small car park area. The Section 73 application is unchanged in this respect. The improvements to Clitterhouse Playing Fields Part 1 (excluding the Nature Park) are proposed to be a direct Phase 1A (North) delivery obligation on the applicant, as part of the Revised S106 agreement. A specification will be agreed in accordance with the Revised S106 Agreement and the details will be approved under Condition 13.1 before the BXC Development commences. Initial discussions have been held between the promoters of the community use for the building and the applicant. The applicant has stated that they will consider this proposal as part of the detailed planning stage for Clitterhouse Playing Fields and is open to the retention of these buildings by means of either an amendment application under the proposed S.73 Conditions or (if necessary) a new Section 73 application. It should also be noted that renovation of these buildings is likely to be considerably more expensive than their demolition and replacement with the uses approved in the 2010 permission. Therefore it is likely that the community proposals will need to be further developed, including developing a viable business case. The detailed consideration of the area containing the farm buildings will be dealt with at the Reserved Matter Stage – probably in 2014

## **(iv) Waste Handling Facility**

- Concern about the location and process to be carried out given the density of the scheme and the proximity of homes and schools to the facility.
- Concern about the increase in traffic on local roads, particularly to the west of the A5

**Comment:** There is no change to this aspect of the proposals from that approved in the 2010 permission. This is an outline planning application and the exact process to be carried out cannot be determined at this stage. This facility will be controlled by condition to safeguard local residential amenity. This facility will also be subject to a permitting process under the Environmental Permitting Regulations which will require detailed assessments of the relevant processes to be carried out and this may involve further EIA processes.

#### **(v) Whitefield Estate**

- Request for more information on the timetable for re-development of the Whitefield Estate
- Existing owner occupiers have expressed a desire to stay in the area or else receive an acceptable offer for their homes

**Comment:** The Council has appointed an Independent Residents Advisor for the Whitefield Estate and has set up a Steering Group of representatives of the various tenure groups on the estate. Different housing solutions will be required for Council tenants and residents who are long leaseholders or freeholders. A shared equity scheme has been suggested, whereby resident long leaseholders and freeholders can invest their equity in a brand new property, thereby making a new property built as part of the scheme more affordable for existing home-owners. Alternatively, it has been explained that home owners can be given the existing value of their homes plus a home loss payment to reinvest either in a new property in the scheme or elsewhere. Council tenants will be offered new homes to be built as part of the scheme, and the details of this process and exactly where the new properties will be built, will be discussed fully with the Whitefields Steering Group and those discussion are expected to commence within a year of the S,73 Permission being granted (if that is what the Committee decides).

#### **(v) Process**

- Insufficient consultation.

**Comment :** Two periods of consultation were carried out with letters delivered to more than 20,000 households (including addresses in Brent and Camden), site and press notices. A public exhibition was held on 12 and 13 November. This amount of consultation is in excess of the norm and is considered reasonable and adequate.

#### **Comments in Support**

3 letters of support have been received, stressing the significant long term benefits the proposal will bring. Many of the other letters expressed support for the principle of the regeneration and improvement of the area whilst expressing specific concerns about elements of the proposals

#### **Petitions**

Two petitions have been received.

**Petition in respect of site adjacent to B & Q in Cricklewood Lane (approximately 383 paper signatures and 265 on line signatures)**

Objecting to the inclusion of the green space on Cricklewood Lane (adjacent to B & Q) as part of the Brent Cross Development. It should be preserved as green space because:

- It was provided as planning gain when Food Giant was built:
- It should never have been included in the wider application and is an attempt to get planning permission for this site by stealth.
- It has not been counted as green space in the planning documents so that its loss would be less significant.
- This is the only green space in the town centre of Cricklewood.
- There is no other space in the town centre which could be developed as an urban park or plaza.

**Comment:** The development of this site was approved in the 2010 permission and the Section 73 application does not propose any changes to the uses or quantum but does propose to bring the development of this site forward from Phase 2 to Phase 1 as it is a site on which it is considered that the early development of housing could be achieved. See the Open Space section of the report for detailed comment.

#### **Petition submitted by Brent Terrace Residents (approximately 150 signatures)**

Objecting to the building of housing on the two green space 'triangles' on Brent Terrace for the following reasons:

- Local residents have never supported the development of these plots for housing.
- Green space is lost early in the Phase 1 but is not replaced until much later. If later phases do not come forward the quantum of green space will never be replaced.
- The spaces provide safe, local play areas.
- The Brent Terrace linear replacement space adjacent to the Spine Road is inappropriate as it is not safe for unsupervised children and is adjacent to what will be a busy road.
- The north triangle is the only area suitable for an air ambulance (as used on 3 November).
- The scale and appearance of the proposed housing units will have an adverse effect on the existing railway terrace cottages causing a loss of privacy.
- The existing hedgerow will be disturbed if housing is built here and this hedgerow is important for wildlife.
- Brent Terrace has a unique character, much of which will be lost through the development of these sites for housing.
- The proposed number of units for this site will result in an over dense development.
- The additional housing units will create additional parking problems.

**Comment:** The development of these sites for housing was approved as part of the 2010 permission which remains extant. The Section 73 application does not propose any changes in respect of the Brent Terrace triangles. The loss of the Brent Terrace triangles, the space alongside B & Q and Clarefield Park will be compensated for initially by the qualitative improvements to Clitterhouse Playing Fields and Claremont Park which are to be started and completed early in the Phase 1 programme (see Appendix 4, ICP Schedule) and will be subsequently replaced in terms of quantity in later phases of the development when Brent Terrace Park and Eastern Park are provided. See the open space section of the report and Appendix 3 for detailed comment.

## Comments from MPs and GLA Assembly Members

### **Darren Johnson. Green Party Member of the London Assembly.**

Objection to the proposed demolition of the farm buildings at Clitterhouse Playing Fields. Fully supports the retention and restoration of these buildings for the local community.

**Comment .** Please see response to the Clitterhouse Farm objection above.

## Consultation Responses from Statutory Consultees and Other Bodies

### **Greater London Authority – No objection**

The Mayor of London considered a report on this application on 15 January 2014. He expressed his support for the proposed development and the benefits it will deliver. However he noted that there was an outstanding issue in relation to space standards and residential quality which will need to be addressed before a decision is made to grant planning permission. The Mayors comments are summarised below:

- **Housing** - Since the consent in 2010 the London Plan has also been amended to include policy 3.5 on space standards for new dwellings. It is not therefore sufficient for the applicant to only have regard to the London Housing Supplementary Planning Guidance 2012 on space standards and housing quality. The provision of dwellings that meet the Mayor's space standards is necessary to ensure compliance with the London Plan. The Development Specification and Framework should be amended to provide a commitment to meeting the space standards contained within policy 3.5 and table 3.3 of the London Plan and the residential quality standards set out in the housing SPG. The relevant conditions which secure the provision of Lifetimes Homes Requirements and Wheelchair accessible units should be amended to include the Mayor's space standards and the requirements of the Housing SPG.
- **Urban Design** - The proposed design amendments to provide a new pedestrian and cycle crossing over the North Circular (The Living Bridge) is strongly supported. As is the realignment of the Main Square, Market Square and radiating streets to accommodate the new bridge and to improve permeability across the site.
- **Energy** - As part of this S.73 application the applicant is proposing to vary the conditions to remove the reference to the CCHP. The applicant is proposing to install a 75ktpa refuse derived fuel (RDF) furnace to generate steam to power a steam turbine providing both power and heat. This system will be the lead heat source for the site heat network and will provide the domestic hot water load, as well as a proportion of the space heating. A reduction in regulated CO2 emissions of 6,600 tonnes per annum (23%) will be achieved through this second part of the energy hierarchy and is considered acceptable. No objection is raised to the removal of CCHP from the conditions. As with the consented scheme the applicant is proposing to install a site heat network connecting all domestic buildings and hotels. The applicant states that other non-domestic buildings will be connected subject to feasibility and viability. As part of the 2010 consented scheme the applicant agreed to the creation of an energy panel, The creation of this panel will ensure the scheme complies with the requirements of the London Plan to connect all elements of the scheme to a single energy network. The proposed amendments to the energy conditions will not affect the creation of this panel.

- **Phasing** - The enlargement of the first phase of development and the Primary Development Package to include the entire Brent Cross East Development Zone and the majority of infrastructure commitments is welcomed.

**Comment** – A condition is proposed to address issues raised regarding housing space standards and compliance with Policy 3.5 and Table 3.3 of the London Plan and the London Housing Supplementary Planning Guidance 2012 (see Condition 36.10)

### **Transport for London – No objection in principle.**

TfL have made a number of comments which are summarised. All are noted and agreed or responded to, where appropriate, below:

#### **Living Bridge:**

- Principle of creating a Living Bridge is supported
- Details of the Living Bridge 'Approval in Principle' (AIP) would usually be agreed with TfL at the detailed design stage.
- Construction phasing will need to be reviewed to achieve minimum disruption to road users.
- Note that the Living Bridge will only permit cycling for part of its route.
- The adoption of the Living Bridge as public highway, as part of the Strategic Transport Network and 24 hours access arrangements will need to be clarified through the Section 106 agreement.

**Comment:** The AIP process is accepted and is normal in the subsequent stages of the detailed design. Conditions control the submission of the detailed designs for the bridges, having regard to the parameters in the application. Cycle parking will be provided at the northern end of the bridge. 24 hour routes are part of the Estate Management Framework within the S106 and will be secured via condition and adoption of the bridge will be discussed and agreed through on-going dialogue between LB Barnet and TfL.

#### **Brent Cross Bus Station**

- TfL considers that the location of the proposed new bus station has the potential to be better than the existing consented scheme.
- Design principles and minimum dimensions are to be specified in the S106.
- A temporary bus station will be necessary and a seamless transition will be required, and secured through the Section 106 which will also protect against a scenario where the temporary facility would be needed indefinitely.

**Comment:** The base specification for the new bus station as agreed with TfL has been included in the S 106.

#### **Public Transport Accessibility**

- PTAL range within the Brent Cross site does not materially alter.
- The openness of approach to the Living Bridge and the legibility of links across a wide area are important to the creation of an accessible town centre, and it is welcomed that this will be addressed in the walking and cycling strategies that will be secured as reserved matters.
- Pedestrian links to the north west, and to Brent Terrace area in the south need to be improved through the creation of better pedestrian links and the relocation of bus stops at the detailed design stage.

**Comment:** Pedestrian and Cycle Strategies as part of the Reserved Matters will ensure the creation of an accessible town centre. TfL will be fully consulted at the detailed design stages for the final Bus network and location of bus stops.

### **Data Review and Assessment**

- The approach to background growth is in accordance with the methodology of the 2008 TA. TfL accepted these assumptions as a benchmark.
- Over the past few years there has been variability in traffic flows suggesting a downward trend. However flows on the A406 appear to have risen between 2008 and 2013. TfL is aware that peak hour flows are likely to be a function of spare capacity as much as demand.
- The S73 trip rate summary data indicates some differences with the previous assessment but this is not considered material for the section 73 application
- TfL's position remains as per the 2010 consent in that the framework of controls needs to be implemented to provide updated forecasts through ongoing monitoring and Phased Transport Reports, and given traffic flow variability although the data is sufficient for the section 73 application, new modelling will be required to inform the detailed designs. The scope for this ongoing work has been agreed with TfL.

**Comment:** The BXC Detailed Design Model is being specifically developed for the detailed design of the Infrastructure. The Phase Transport Reports will ensure that the impacts of the Development remain within the overall envelope identified in the TA and will accordingly take due account of any monitoring arising from the Monitoring Strategy.

### **Transport Modelling**

- Strategic highway modelling compares the enlarged first phase with the most similar transport scenario tested for the 2010 consented scheme, known as the PDP+, and indicates little difference. Detailed design will be informed by new more detailed and updated models.
- Public transport modelling has been based on incorrect floorspace figures and the results of the updated assessments based on the correct data as advised by the applicant, that there are no material changes, are subject to ongoing discussion.

**Comment:** The amended public transport assessments have been carefully checked by officers and it can be confirmed that the changes are very small and do not affect any of the conclusions in the S73 Transport Report.

### **Buses**

- A reduction in bus patronage is predicted in phase 1 compared to the previous assessment, but is largely due to more walking as a result of the Living Bridge.
- Main mode shift continues to be expected in the later phases of development.
- Bus priority measures remain as proposed for the previous consent.
- Bus journey times will be safeguarded through the S106 and accordingly any scheme impacts must be addressed through the phase 1 Transport Report and A5 Corridor Study.
- As with the consented scheme the southern junctions will operate over capacity so welcome the widening at A407 Cricklewood Lane junctions.

**Comment:** The two junctions on the A407 are severely constrained by residential properties and the improvements proposed are the maximum acceptable in terms of demolition where only a commercial property is to be demolished at the A407/A5 junction.

## **Rail**

- Disappointed with the loss of funding for step free access (SFA) at Cricklewood Station.
- 80 parking spaces are proposed for the new station. Whilst this is understood to be for operational purposes, such a quantum should be justified in this location

**Comment:** SFA at Cricklewood station is discussed in the transport section of the report. The 80 parking spaces at the new railway station is unchanged from the 2010 Consent. There is no passenger parking provision other than disabled. The new Railway Station is primarily for inter-modal trips between train and walk/cycle/bus and taxi, The 80 spaces are for operational spaces only as discussed and agreed with Network Rail as part of the 2010 permission.

## **Underground**

- Welcomes the funding for the SFA at Brent Cross tube station, of up to a maximum cap of £10m, although some of this may be held outside the CTF.

**Comment:** This is discussed in the transport section of the report.

## **Taxis**

- Taxi ranks and facilities to be secured by condition and agreed with TfL at detailed design stage.
- Phase 1 layout must include set down and pick up facilities for both taxis and private hire vehicles (phvs).

**Comment:** It is intended to provide a replacement public taxi rank in addition to taxi facilities specific to certain uses such as hotels. This is covered within proposed **Condition 37.9**.

## **Coaches**

- Welcomes that the applicant will discuss express coach requirements with the relevant operator.
- Would like to see upgrading of the existing coach stops on the A406 as part of detailed design.
- Coach pick up and set down at the shopping centre needs to be considered.

**Comment:** The applicants have confirmed that these matters will be addressed at the appropriate stage as part of Reserved Matters Applications and detailed design

## **Car Parking**

- No changes to the overall quantum of proposed car parking.
- Welcomes ongoing engagement on car parking access assessments, particularly in relation to bus movements.

**Comment:** As signatories to the S106 Agreement TfL will be closely involved in these matters, including through their involvement in the Transport Advisory Group

## **Travel Plan**

- Framework Travel Plan (FTP) has been reviewed and various improvements have been recommended to the applicant, including making the 2% cycling mode share target by 2016 more ambitious. A named Travel Plan Co-ordinator will be provided for the whole scheme, which is welcomed.

- Notes and welcomes re-wording of the conditions to secure the travel plans will take account of policy changes.

**Comment:** The 2% is a forecast from the modelling and not an aspiration. The authorities and developers, working together through the Transport Advisory Group can fully promote and facilitate cycling but the adoption of this mode is ultimately down to the choice of the individual. The Travel Plan Co-ordinator appointment will be at commencement of construction activity to implement this development as there will be a construction worker Travel Plan.

### **Planning Conditions and Obligations**

- Notes changes to the CTF now excluding SFA at Cricklewood train station, but including commitment to fund full delivery of SFA at Brent Cross tube station.
- Notes capping at £2m of supplementary transport measures (STMs) required in a phase that were not previously identified the Phase Transport Report. This will arise mostly in the context of the bus network and bus priority, and the cap is considered reasonable.
- Discussions are ongoing with respect to the triggers for future obligations and the level of payments made into the CTF.

**Comment:** This is discussed in the transport section of the report.

### **Highways Agency – No objection**

### **Network Rail – No objection**

Although not a planning issue, it is noted that there are areas within the application that apply to land outside the joint venture that Network Rail has with CRL/Hammerson and these will need to be the subject of a separate agreement with NR.

### **English Heritage- No objection subject to condition**

Have suggested an amended condition to capture the wider pre-construction archaeological evaluation set out in the ES 2013. Condition 43.1 has been revised to include a more proactive evaluation approach.

### **Environment Agency - No objection, subject to conditions.**

The Environment Agency's comments can be summarised as follows:

- The Environment Agency has been consulted throughout the pre-application process with regard to the proposed re-alignment of the River Brent and other changes to the 2010 Permission that are relevant to their responsibilities.
- There is an opportunity to restore the River Brent to a more natural state with flood risk, water quality, biodiversity and recreational benefits. It is disappointing that the River Brent will not longer be integrated as a principal feature of the development. This will reduce the benefits that could have been achieved through the consented scheme.
- The EA have suggested modifications to two conditions (44.1 and 44.5) from the 2010 permission to secure improvements to water quality and to secure commitment to the improvement upon the 25% reduction in surface water run at each phase of reserved matters.
- The Flood Risk Assessment submitted in October 2013 appears satisfactory but the post scheme findings will be subject to a full model review at the appropriate time.
- The Water Framework Directive assessment provides a good high level appraisal of the potential risks of deterioration. More details will be required at reserved matters

stage to ensure that the channel is suitably naturalised. Further information will also need to be supplied at the appropriate stage to promote recovery of the water body with particular reference to the channel lining and materials.

- The EA are concerned by the size of the Living Bridge and the impact resultant shading will have on river habitat and fish movement. Condition 44.2 has been revised to address the EA's concerns.
- The increased number of bridges across the River Brent and the loss of approximately 40 metres of the Clitterhouse Stream will have a negative ecological impact. The minimal buffer zone between the River Brent and Prince Charles Drive and the A406 North Circular does not maximise the ecological opportunity available. The EA have requested a S106 contribution of £50,000 to deculvert and restore 160 metres of the Clitterhouse Stream through Basing Hill Park as compensatory improvements. This project will improve the long term resilience of the river corridor providing refuge for wildlife and helping to reduce the overall ecological impact of the development.

**Comment** – Planning Conditions and Obligations are proposed to deal with the issues raised by the Environment Agency. This includes the contribution of £50k towards the restoration of the Clitterhouse Stream through Basing Hill Park.

### **Sport England – No Objection**

### **Natural England – No Objection**

The proposal is unlikely to affect any statutorily protected sites or landscapes. The Natural England stranding advice on protected species should be followed. The application may provide opportunities to incorporate biodiversity landscape enhancements into the design.

### **Thames Water**

A meeting is proposed with Thames Water to discuss the updated drainage strategy.

### **Metropolitan Police Service – No objection**

No major concerns with regard to designing out crime. Discussions have been held with the specialist anti-terrorism unit and these discussions will continue as the design of the expanded shopping centre is further developed.

### **Barnet Clinical Commissioning Group – No objection.**

Overall there will be no impact on health provision due to these changes in the application. Consultations should continue with the CCG and with the Primary Care Commissioners (NHS England) as the development proceeds. Recommend consideration of a community pharmacy possibly as part of the retail development.

### **London Borough of Haringey - No objection.**

As the quantum of floorspace and uses remain the same, there is no objection to the scheme. However this remains subject to the comments made in respect of the 2010 Permission that capacity of the 232 bus should be increased and measures should be taken to increase the capacity of the A406.

### **Hertsmere Borough Council.**

The adjustments to the approved outline consent and associated conditions are not considered to be significant in nature and whilst concerns over the potential impact of the development on the viability and vitality of Borehamwood Town Centre remain, Hertsmere has no further comments

### **London Borough of Brent - Object.**

Objections are raised on the following grounds:

- Recent traffic surveys undertaken between July and September this year have not been included in the transport assessment which is considered vital.
- The shift in the construction is such that the third quarter of 2020 will now see the biggest impact – mitigation measures are required to ensure there is not an unacceptable impact.
- They propose reserving approximately £5m of the £46m of the transport fund to look at impacts to the west of the A5 to ensure impacts on Brent are looked at proportionately

In addition to the objection to the Section S.73, Brent have advised that the previous objections raised to the original application remain. These are set out in full in Appendix 3 to this Committee Report.

**Comment** - The road traffic flow changes and growth rates are discussed in the S.73 Consolidated Transport Assessment (BXC05) which contains up to date and appropriate survey data that has been used to assess the changes in traffic flows and this has been agreed with LBB and TfL. The detailed survey work referred to by LB Brent has been prepared to support the A5 Corridor Study and the development of the Detailed Design Model which will be used for highway approvals of key junctions, including along the A5. The LB Brent is a party to the Study and has been provided with the survey data referred to. The use of the survey data has been and will be as set out in the 11th September 2013 Planning and Environment committee report, and will also be used to inform monitoring of the scheme and will feed into the Matrix and Transport Report process for each Phase of the Development and subsequently for all Reserved Matters Applications. The A5 Corridor Study and the Matrix and Transport Reports process may involve the provision of supplementary transport measures if the need for these is identified in the course of these procedures and this may include measures to address impacts in Brent.

The Construction traffic will be generally confined to periods that are outside of the network peak hours and this together with the use of off-site consolidation areas and Travel Plans for construction workers will result in minimal additional impacts on the road network when compared with the 2010 Consent. Developer funded on-street parking controls to deter commuter parking by construction workers can be introduced if necessary. The increases in forecast construction traffic in the S.73 are not significant in volume with a maximum weekday increase of only 29 vehicles.

Changes to the CTF are discussed in the transport section of the report, but the £1.25m Adjoining Boroughs fund is unchanged. Moreover, and in addition to this, the A5 Corridor Study will inform whether there are any forecast traffic impacts that are significant on the local roads within LBB, LB Brent and LB Camden. The Developer has committed to fund any necessary supplementary measures to mitigate any such significant local traffic impacts so a separate fund is not necessary for this purpose

### **London Borough of Camden – Objection**

The Council is supportive of the new living bridge and the inclusion of the bus station in phase 1. However the Council maintains a strong objection to the proposals in respect of transport impacts upon this borough.

### **Transport:**

- The proposal remains fundamentally flawed in that it relies far too heavily on travel by private car, which would lead to an avoidable and unnecessary increase of traffic on Camden's roads.
- It is a major concern that the modal share attributable to usage of public transport does not seem to have changed, despite the inclusion of the bus station in phase 1. Insufficient information has been provided to allow assessment of the extent to which the inclusion of the bus station in phase 1 would mitigate the impact of the increased quantum of phase 1 development.
- It remains a concern that the impact of interim phases within the development would only be submitted for consideration as further supplementary TAs as each phase of development comes forward. Insufficient information has been provided to allow assessment whether the trigger points for future mitigation should be changed as a result of the re-phasing proposed within the current application.
- Insufficient information has been provided to enable Camden to assess the likely impact of the increased construction-related vehicles resulting from the enlarged phase 1.
- It remains unclear what the impact of the newly phased development would be on the previously identified junctions within Camden.

#### **Affordable Housing:**

- The proposals include an unacceptably low proportion of affordable housing and it is urged that the proposed changes to the quantum of development in phase 1 should trigger a re-appraisal of whether the development contributes the maximum reasonable amount of affordable housing, consistent with London Plan policy.

**Comment** – The impacts of the development on Camden's roads forms part of the A5 corridor study that is a pre RMA condition. The Applicant's have undertaken to mitigate any identified impacts on the roads of the surrounding boroughs.

The 2010 Consent assessment showed that the predicted PTAL of the BXC regeneration area would range between PTAL ratings of 5-6b ensuring that the whole of the regeneration area will be well served by public transport. This remains the case under the amended masterplan proposals with the predicted PTALs of the area remaining the same and ensuring that the site capitalises on the strategic transport benefits of the area by being classified as highly accessible. This suggests that the mode share predictions in the 2010 consent are appropriate for the assessment of the impacts of the S73 application.

The Section 73 application seeks to bring forward the delivery of a large amount of the mitigation measures included in the 2010 consent including the M1 junction and the new bus station, The application of the Transport Matrix and the phase transport reports provides a robust mechanism to ensure the development is carried out in a manner that is consistent with the forecasts within and meets the criteria defined in the BXC transport assessment and the matrix will be updated as part of the revised Section 106.

Construction traffic is discussed in broad terms within the S73 TR. The level of detail provided is consistent with the information available at this stage in the design. The phase transport report submitted with the RMAs will provide more detailed information.

The impacts of the development on Camden's roads forms part of the A5 corridor study that is a pre RMA condition.

The affordable housing position was fully tested as part of the 2010 Permission, and includes the provision of a review mechanism to ensure maximum possible levels of affordable housing are provided

#### **Federation of Residents Associations in Barnet**

See Appendix 3 for details of objection and officer comment

#### **Brent Terrace Residents Association**

See Appendix 3 for details of objection and officer comment

#### **Railway Terraces**

See Appendix 3 for details of objections and officer comment

#### **Dollis Hill Residents Association**

See Appendix 3 for details of objections and officer comment

## **5. PLANNING APPRAISAL**

### **5.1 The Principle of Development**

The Principle of Development for Brent Cross Cricklewood is already established through the 2010 Permission and was reaffirmed by the adoption of Barnet's Local Plan (Core Strategy) in September 2012 following a statutory examination which found the Core Strategy (including the BXC policies) to be sound. The relevant planning policy framework also includes the London Plan Opportunity Area designation (adopted July 2011, again following a statutory examination), UDP Chapter 12 (now saved and expressly incorporated as part of Barnet's Local Plan policy framework) and the Cricklewood, Brent Cross and West Hendon Supplementary Planning Guidance.

The 2010 Permission approved the key principles and parameters for the BXC Development, including the creation of approximately 7,500 new homes and the creation of over 25,000 jobs in and around a new town centre spanning across the A406. The consented scheme was underpinned by detailed design and planning principles contained in the Development Specification and Framework, Design and Access Statement and Design Guidelines, to which the 2010 Permission was tied by conditions and planning obligations. The application on which the 2010 Permission was based was also subject to a full EIA Process, including a Transport Assessment. The 2010 Permission established a framework of control to enable and provide for the delivery of comprehensive development and to secure a high quality design. This is underpinned by the 2010 Section 106 agreement and planning conditions attached to the 2010 Permission.

The S.73 Application does not seek to alter the fundamental principles of the BXC Development. It retains the same overall quantum of development across the site, the mix of land uses and the majority of the design and planning parameters and principles established within the 2010 Permission are proposed to remain unchanged in the S.73 Application. Therefore, the development proposed in the S.73 Application is considered to be within the scope of Section 73 and to be in accordance with the planning policy framework taken as a whole on the basis of the recommended planning conditions and planning obligations. As outlined in **Table 1** above main changes proposed within the S.73 Application are expressed as changes to the parameters and principles relating to the Brent Cross East Zone,

particularly the inclusion of the Living Bridge as an additional bridge structure and the associated reconfiguration of the development to the north and south of the A406 around the Living Bridge, as well as a revised approach to the phasing of the BXC Development by a significant enlargement of Phase 1(North) and an increased developer commitment, in terms of the level of Critical Infrastructure comprised in Phase 1 (North) and the arrangements for its delivery. The detailed implications of these revisions are considered in the remainder of this section.

## **5.2 Consideration of Alternatives**

The EIA Regulations 2011 require that the main alternatives to any scheme that have been considered need to be outlined in the ES. The principal reasons for their choice should also be given, taking into account the environmental effects.

During the S.73 evaluation process a number of options have been considered. The ES outlines the evaluation processes carried out by discussing the likely evolution of the Site without the proposals and design layout and specific site uses, under the following broad headings:

- **Future of the Site in the absence of the S.73 Scheme.**

The Environmental Statement considers that, in the absence of a comprehensive approach, landowners would make piecemeal applications for a mix of uncoordinated and poorly planned land uses over a number of years. This approach would be unlikely to achieve the comprehensive regeneration of the area and the establishment of a new town centre for Barnet in line with current planning policy, nor would it secure the step change in infrastructure investment required to unlock the potential of the regeneration area and achieve sustainable development.

- **Alternative specific site layout and uses.**

The Waste Handling Facility and the Combined Heat and Power facility and the school locations have been subject to specific consideration. It was concluded that the sites identified in the 2010 Permission are the most appropriate.

## **5.3 Comprehensive Development and a new Town Centre spanning the A406**

### **Planning Policy Context**

The creation of a new mixed use town centre for Barnet at Brent Cross Cricklewood is supported in both the London Plan and Barnet's Local Plan (Core Strategy) which expressly incorporates the overall vision for the area in the following terms:

***“The Cricklewood, Brent Cross and West Hendon Regeneration Area, as defined on the Proposals Map, will be a major focus for the creation of new jobs and homes, building upon the area’s strategic location and its key rail facilities. All new development will be built to the highest standards of design as well as the highest environmental standards. A new town centre, developed over the Plan period, will be fully integrated into the regeneration scheme.”***

It should be noted that, as part of the Core Strategy's adopted policy framework, the UDP policies GCrick and C1-C11 which apply to the application site have been 'saved' along with the Cricklewood, Brent Cross and West Hendon SPG. These statutory development plans provide the main policy basis for the consideration of this planning application.

UDP Saved Policy C1 is in the following terms:

#### **Policy C1 – Comprehensive Development**

The council will seek the comprehensive development of the Cricklewood, Brent Cross and West Hendon Regeneration Area in accordance with the adopted *Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework* and delivery strategy. Development proposals will be supported if they are consistent with policies of the UDP and their more detailed elaboration in the development framework.

The 2010 Permission and the 2010 S106 Agreement contained provisions to ensure that the principle of comprehensive development was delivered on the BXC Site, as far as reasonably practicable and viable, on a Phase by Phase basis.

In pre-application discussions with the Applicants and (post-submission) in considering the S.73 Application and in preparing this report, officers have been careful to consider the Phasing Plan and the revised Indicative Construction Programme on the basis of the comprehensive development principle in Saved UDP Policy C1 and in Policy CS2 of the Core Strategy (2012). Negotiations on this basis have ensured that additional items of Critical Infrastructure have been included in Phase 1A (North) in order to ensure that it delivers at an early stage in the development process key items of Phase 1 infrastructure that are needed to facilitate the delivery of the Phase 1 (South), as well as being necessary for and fairly and reasonably related to Phase 1 (North).

The revised ICP has been appended to the Draft Revised Section 106 Agreement as Appendix 18 in order to fulfil the development plan principle of comprehensive development in the specific context of the S.73 Permission and the related amended planning obligations (see below).

The London Plan (Table A1.1 linked to Policy 2.13) specifically identifies the nature of development envisaged at BXC as a town centre:

**“.....Brent Cross is to be redeveloped to become a town centre complementing the roles of other centres nearby and with an extended mix of town centre activities.....”**

The Development Framework (December 2005) establishes a series of strategic principles for the redevelopment of the area to create a new town centre, the overall vision for which is stated as:

**‘To create a new gateway for London and a vibrant urban area for Barnet’.**

Policy C6 indicates that the Council will support additional retail development at Brent Cross as part of a new town centre extending north and south of the A406 North Circular Road and sets out clear requirements in respect of this new town centre as detailed below.

The key components of the new town centre are identified within Policy C6 which lists the criteria that need to be met in creating a new town centre which extends north and south of the A406.

- i. **“The scale of new comparison retail floorspace falling within the identified requirement of 55,000 square metres; and**
- ii. **The provision of a broad range of uses, to include homes, business units, leisure services, entertainment facilities, restaurants, hotels, community facilities and open space, in a pedestrian-friendly environment; and**
- iii. **The provision of significant public transport improvements; and**
- iv. **The provision of enhanced pedestrian and cycling links to the surrounding areas; and**
- v. **Significant improvements to the setting and environment of the centre; and**
- vi. **Measures to encourage residents, shoppers and employees to access the town centre by means other than the private car; and**
- vii. **Floorspace within the primary frontage, as defined on the Proposals Map, being for predominantly class A1 uses; and**
- viii. **Any proposal for retail floorspace in addition to that stipulated in Condition i above will need to be assessed against the tests contained in PPS6, other policies in this UDP, and any overall limits for the scale of convenience retail floorspace that are supported by the results of a retail impact assessment.”**

The 2010 planning application proposed the establishment of a new mixed use town centre fulfilling the above criteria, and was a direct response to regional and local planning policy. The S.73 Application proposes the same.

### **The 2010 Permission and the S.73 Application**

In granting the 2010 Permission it was accepted that proposals would deliver a new town centre for Barnet in accordance with the relevant planning policy framework at that time, including the specific criteria in UDP Saved Policy C6.

The proposed changes submitted for approval in the S.73 Application are evaluated in Appendix 2 of this report against the current development plan policies, including the criteria set out in ‘Saved’ UDP Policy C6. In accordance with the 2010 permission, it is similarly concluded that a new town centre with a full range of uses and improved public transport access will be provided through the BXC scheme.

It is also concluded that the principle of comprehensive development will be fulfilled by the S.73 proposals in accordance with Core Strategy Policy CS2 and UDP Saved Policy C1 on the basis of the recommended conditions and the planning obligations contained in the Draft Revised Section 106 Agreement.

### *Delivery*

It was acknowledged in granting the 2010 Permission that the new town centre will be delivered over a period of at least 15 years. It was then and is now a policy requirement that the overall regeneration proposals should contain mechanisms to ensure appropriate infrastructure, facilities and services are provided in order to support subsequent development (UDP Saved Policy C11). This is related to the comprehensive development principle in Core Strategy Policy CS2 and Saved UDP Policy C1 discussed above.

The Development Plan policy framework (including the Core Strategy) recognises that the BXC Development will be delivered in phases and the Development Framework (2005) contains illustrations as to how the development could proceed in four key phases. It notes on Page 72 that the implementation of the proposals for the BXC Development will depend on a number of factors including land ownership, viability, phasing and delivery. The proposed Phasing and Programming parameters and principles incorporated into the 2010 Permission (particularly in terms of the Indicative Construction Programme, the Indicative Phasing Parameter Plan (029) and the triggers and thresholds set out in the Conditions attached to the 2010 Permission) were considered by officers to provide a robust framework of control which accorded with the general principles set out in UDP policy C11 and the Development Framework. The proposed modifications in the S.73 Application are considered to maintain the same appropriate balance, as indicated in **Section 5.4** of this report.

The planning conditions and Section 106 Agreement accompanying the 2010 permission addressed the important issue of implementation of the proposed development. The 2010 planning conditions and planning obligations ensured that the LPA had proper control over variations in the phasing and/or programming of critical infrastructure whilst allowing reasonable flexibility to enable the developers to respond to relevant circumstances and opportunities relating to the delivery of the BXC Development.

The current Section 73 application could, in part, be seen as a response to circumstances that were anticipated in granting the 2010 permission. In **Section 5.4** the issue of implementation and delivery of the proposed development in accordance with development plan policies is examined in the light of the proposals contained in the S.73 Permission and the recommended planning conditions and planning obligations referred to in this report.

### **Section 73 Application – Phasing and Delivery of Comprehensive Development**

The S.73 Application proposes an enlarged first phase of the BXC Development as shown on the Revised Parameter Plan 019 (Primary Development Package) contained in the RDSF 2013 and explained in the RDSF 2013 at paragraphs 6.26 to 6.31.

The S.73 application also provides a clearer differentiation between obligations within Phase 1 that are the responsibility of the Northern Development (i.e. the Brent Cross Partners) and Southern Development (i.e. Cricklewood Regeneration Limited).

According to the Applicants' Indicative Construction Programme, Phase 1 is anticipated to commence in June 2016 and be completed by December 2023. For the purposes of the S.73 application Phase 1 is split into five sub-phases split north and south (1A North, 1A South, 1B North, 1B South, 1C).

The enlarged Phase 1 represents a substantial start in the creation of the proposed new town centre and provides a significant platform from which the remaining phases of comprehensive development can proceed. It proposes retail development both north and south of the North Circular Road linked by two new bridges. The first, Bridge Structure B1

(Replacement A406 Templehof Bridge) is proposed for vehicles (including public transport) cyclists and pedestrians (as approved in the 2010 Permission). The S.73 proposes a second bridge connection, Bridge Structure B7 (the Living Bridge). This will provide direct pedestrian and cycle access across the A406 between the Brent Cross Main Square at the heart of the Northern Development and Market Square at the heart of the Southern Development.

#### *Phase 1 Floorspace Quantum*

The S.73 proposals provide for an increase in the amount of floorspace provided within Phase 1. This is set to increase by 103,444 sq m from 265,815 sq m in the consented scheme to 369,259 sq m within the S.73 proposals. However this increase in floorspace within Phase 1 does not exceed the quantum of floorspace granted approval in the 2010 permission.

This reflects changes within the Brent Cross East Zone (now proposed to be completed within Phase 1 with 78,133 sq m of A1-A5 uses), Market Quarter, Eastern Lands (which constitute town centre south and remains broadly as approved in 2010) and Cricklewood Lane (brought forward to Phase 1 from Phase 2). Phase 1 also includes some development in Brent Terrace and Railway Lands zones as per the 2010 consent.

The full breakdown of Phase 1 Floorspace is set out in **Table 2** below:

**Table 2 – Phase 1 Floorspace and remaining floorspace per Development Zone Post Phase 1 for 2010 Permission and S.73 Application (based upon Table 11a of the RDSF, 2013).**

<b>Use</b>	<b>2010 Permission sqm</b>	<b>S.73 Application sqm</b>	<b>Difference</b>
<b>PDP/Phase 1</b>			
Residential (Class C3)	124,330	171,150	46,820
Retail and Related Uses (Classes A1-A5) - North	38,626	78,133	39,507
Retail and Related Uses (Classes A1-A5) - South	22,575	22,718	143
Business (Class B1)	0	10,970	10,970
Hotel (Class C1)	31,722	31,722	0
Leisure (Class D2)	17,253	20,411	3,158
Community Facilities (Class D1)	6,690	9,338	2,648
General industrial/storage and distribution including Waste Handling Facility and Rail Freight (Classes B2, B8)	24,619	24,700	81
Rail and Bus Station (Sui Generis)	0	117	117
<b>Total</b>	<b>265,815</b>	<b>369,259</b>	<b>103,444</b>
<b>Development Zones Post PDP</b>			
Market Quarter	98,082	88,201	-9,881
Station Quarter	448,403	448,403	0
Eastern Lands	242,255	234,192	-8,063
Clitterhouse Playing Fields	0	0	0
Brent Terrace	190,977	190,976	-1
Cricklewood Lane	4,180	0	-4,180
Railway Lands	42,269	36,614	-5,655
Brent Cross East	75,664	0	-75,664
Brent Cross West	52,342	52,342	0
<b>Total</b>	<b>1,154,172</b>	<b>1,050,728</b>	<b>-103,444</b>
<b>Overall Total</b>	<b>1,419,987</b>	<b>1,419,987</b>	<b>0</b>

*Phase 1 Proposals*

The PDP approved in the 2010 Permission is briefly compared with the revised Phase 1 proposed in the S.73 Permission in **Table 3** and the commentary below.

**Table 3 – Primary Development Package (Phase 1) Comparison between 2010 Consent and S.73 Schemes (adapted from Table 11b of the DSF)**

2010 Consented Scheme	S.73 Proposals
<b>Phase 1 A</b>	<b>Phase 1A (North)</b>
A406 Brent Cross Ingress/Egress Junction Improvements;	A406 Brent Cross Ingress/Egress Junction Improvements (N)
A41/A406 Junction Improvements;	A41/A406 Junction Improvements (N)
A407 Cricklewood Lane/Claremont Road Junction Improvements;	A407 Cricklewood Lane/Claremont Road Junction Improvements (N)
A5/A407 Cricklewood Lane Junction Improvements.	A5/A407 Cricklewood Lane Junction Improvements (N)
Claremont Avenue	Claremont Avenue (N)
Claremont Road Junction North;	Claremont Road Junction North (N)
Templehof Avenue and Templehof Link Road	Templehof Avenue and Templehof Link Road (N)
Tilling Road West Re-alignment and Diversion (Part 1)	Tilling Road West Re-alignment and Diversion (Part 1) (N)
Claremont Avenue Junction with Tilling Road	Claremont Avenue Junction with Tilling Road (N)
Brent Cross Pedestrian Underpass Works;	Brent Cross Pedestrian Underpass Works (N)
Prince Charles Drive Diversion;	Prince Charles Drive Diversion (N)
Clitterhouse Playing Fields Improvements Part 1	Clitterhouse Playing Fields Improvements Part 1 (N)
Eastern River Brent Alteration & Diversion Works.	Eastern River Brent Alteration & Diversion Works (N)
Bridge Structure B1 (Replacement A406 Templehof Bridge)	Bridge Structure B1 (Replacement A406 Templehof Bridge) (N)
River Brent Bridges (as relevant to the Eastern River Brent Alteration and Diversion Works)	River Brent Bridges (as relevant to the Eastern River Brent Alteration and Diversion Works) (N)
Bus Station Temporary Enhancement Works	Bus Station Temporary Enhancement Works (N)
Clarefield Park Temporary Replacement Open Space	M1/A406 and A5/A406 Junction Improvements (N)
Claremont Park Road (Part 1);	Central River Brent Alteration & Diversion Works (N)

2010 Consented Scheme	S.73 Proposals
A5/Diverted Geron Way (Waste Handling Facility) Junction.	Bridge Structure B6 (M1 Junction Pedestrian and Cycle Bridge) (N)  River Brent Bridges (as relevant to the Central River Brent Alteration and Diversion Works) (N)  Living Bridge (N)  Whitefield Estate Replacement Units (Part 1) (N)  Western River Brent Alteration & Diversion Works (N)  Claremont Park Improvements (N)  Waste Handling Facility Sidings with Gantry Crane
	<b>Phase 1A (South)</b>
	A5/Diverted Geron Way (Waste Handling Facility) Junction (S)  Claremont Park Road (Part 1) (S)
<b>Phase 1B</b>	<b>Phase 1B (North)</b>
Brent Cross Main Square  River Brent Nature Park  Eastern Brent Riverside Park  Claremont Park Improvements  Southern Plots 18, 25, 28, 46, 59 (subject to compliance with Conditions 35.3, 35.4 and 35.6) and 63  School Green Corridor  Market Square  Brent Terrace Green Corridor  Whitefield Estate Replacement Units	All BXE Zone Northern Development Plots (N) (Plots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113)  Brent Cross Main Square (N)  River Brent Nature Park (N)  Eastern Brent Riverside Park (N)  Central Brent Riverside Park (N)  Community Facilities (Brent Cross East) (N)  Sturgess Park Improvements (N)  High Street North (N)  River Brent Bridges (as relevant to the Western River Brent Alteration and Diversion Works) (N)  Western Brent Riverside Park (N)

<b>2010 Consented Scheme</b>	<b>S.73 Proposals</b>
	Transport Interchange T2 (Replacement Brent Cross Bus Station) (N)
	<b>Phase 1B (South)</b>
	Clarefield Park Temporary Replacement Open Space (S)  Southern Plots 18, 25, 28, 46, 59, (subject to compliance with Conditions 35.3, 35.4 and 35.6) and 63 (S)  School Green Corridor (S)  Market Square (S)  Brent Terrace Green Corridor (S)  Community Facilities (Market Quarter) (S)  Whitefield Estate Replacement Units (Part 2) (S)  Waste Handling Facility (Plot 63)
<b>Phase 1 C</b>	<b>Phase 1C</b>
All Plot Development and other Critical Infrastructure within Phase 1 (but not including Phases 1A and 1B)	All Other Southern Development Plots (11, 12, 13, 21, 93, 53, 54 58, 30)  Temporary Health Centre  Neighbourhood Police Unit (Market Quarter)

### *Phase 1A North*

Phase 1A North includes all highways infrastructure required to support the northern development, together with key highways infrastructure to support Phase 1A South. In addition the following elements have been added or brought forward from later phases:

- Bridge Structure B7 (Living Bridge), which will be constructed in parallel with Phase 1B North, to facilitate pedestrian and cycle movement between the northern and southern parts of the town centre;
- River Brent Alteration and Diversion Works -and associated bridge works - to facilitate construction of the northern town centre during Phase 1B North;
- Whitefield Estate Replacement Units (Part 1) - to enable the construction of Claremont Avenue (identified as an obligation for the northern developer);
- The Riverside Park and Nature Park (due to be complete in Phase 2 and 3 within the 2010 consent).

The Clitterhouse Playing Fields Part 1 and Claremont Park Improvements are proposed to be brought forward within Phase 1A (North) as an obligation for the northern developer. This is intended to provide qualitative mitigation for the loss of Clarefield Park in the initial sub-phase. This reflects issues in bringing forward the Clarefield Park temporary open space due

to practicalities in the complete relocation of the Whitefield Estate (required to bring forward the temporary provision). This is discussed further in Section XX below.

### *Phase 1A South*

Phase 1A South (to be delivered by the Southern Developer) comprises the development of the following elements:

- The A5/Diverted Geron Way (Waste Handling Facility) Junction (S) – enabling the Waste Handling Facility (plot 63) to be brought forward in Phase 1B South)
- The Waste Handling Facility railways sidings and gantry crane
- Claremont Park Road (Part 1) – enabling access to building plots within Market Quarter and the improved Claremont Park.

### *Phase 1B North*

Phase 1B North includes all plot development within the Brent Cross East Zone around the existing shopping centre. This will effectively complete the northern retail development. The Indicative Construction Programme highlights that this sub phase will be completed between July 2017 and February 2023. Phase 1B North specifically comprises:

- All BXE development plots enabling the development of all related retail, residential and other floorspace in this zone (an increase of 75,644 sq m identified for delivery within Phase 2 of the 2010 consent);
- High Street North and Brent Cross Main Square – providing circulation space within the northern town centre, with linkage via the Living Bridge to the southern town centre.
- Sturgess Park Improvements
- Replacement Brent Cross Bus Station (Transport Interchange T2)
- Delivery of the Living Bridge in time for occupation of Plots 102, 103 and 104 (to be consented during Phase 1AN).

### *Phase 1B South*

Phase 1B south continues the development of the town centre to the south of the A406. It remains broadly consistent with the phasing proposed within the 2010 consent and the proposed PDP on the southern side. This comprises:

- Market Quarter Plots 18 (Retail/ /Leisure/Residential), and 25 (Community and Retail)
- Plot 28 within Eastern Lands (food store);
- Plot 46 within Brent Terrace (Replacement Claremont Primary School);
- Plot 59 within Station Quarter (Combined Heat and Power Plant)
- Market Square public realm works
- Community Facilities (plot 25 within Market Quarter)
- School Green Corridor

To enable the delivery of these elements the remainder of Whitefield Estate will be relocated. This will enable the delivery of the Claremont Temporary Open Space on Plot 27 within this Phase.

### *Phase 1C*

Phase 1C relates to all remaining Phase 1 works within the Southern Development. This includes:

- Plots 11, 12, 13 within Market Quarter (retail and residential)
- Plot 21 – extension to the existing Holiday Inn
- Plot 93 – landmark building adjacent to the Living Bridge

- Plots 53 and 54 – Brent Terrace Triangles – residential development (terraced houses);
- Plot 58 – Cricklewood Lane adjacent to B&Q - Residential, Retail and Community - this has been brought forward from Phase 2.
- Plot 30 – Residential and Retail adjacent to Cricklewood Station – this has been brought forward from Phase 2.

#### *Officer Comment*

As identified above, the revised “Phase 1” identified within the S.73 application represents a significant early commitment from the Applicants to deliver comprehensive redevelopment on both sides of the A406.

This will put in place all highways infrastructure required to deliver the main retail uses within the scheme, together with an improved movement network enabled through a direct pedestrian linkage via the Living Bridge from the existing Brent Cross Shopping Centre, through the proposed Town Centre North (including a reconfigured Main Square and High Street North), to the new Market Square and associated retail, leisure, community and residential uses (including new foodstore), and into the improved Clitterhouse Playing Fields.

The proposed layout within the Northern Development represents a considerable change from the 2010 approval. High Street North and Main Square may now be partially or fully covered thoroughfares, while Main Square is proposed to be a multi-level galleried structure rather than an open-air space as consented in 2010. During pre-application discussions officers raised this revision as a potential design and access concern, with proposals becoming more “mall-like” rather than the 2010 approval that proposed an external network of streets and spaces more akin to a traditional town centre

In addition, concerns were raised over the potential linkages between the northern development, the southern development and the surrounding communities, crucial to the Policy Framework requirement of creating a new town centre and comprehensive development on both sides of the A406.

It is considered that these concerns have been addressed through the S.73 application, ensuring that the scheme remains compliant with the Policy Framework and adhering in the detailed approvals to the requirement for high quality architecture, and in many instances providing improvements in the design quality in comparison to the 2010 Consent, such as:

- **The inclusion of the Living Bridge** now provides a direct linkage exclusively for pedestrian and cyclists direct between the reconfigured Main Square and Market Square, with an improved link to Clitterhouse Playing Fields and beyond. This is an improvement on the 2010 consent in terms of physical and visual connectivity on a north-south axis for town centre users. Under the 2010 permission the only link during Phase 1 would have been the improved Templehof Bridge, shared with vehicular traffic and providing a more indirect linkage between North and South. The inclusion of the Living Bridge is therefore considered to be a considerable improvement in terms of connectivity and permeability with significant potential to catalyse the further development of the BXC regeneration area to the south of the A406.
- **Retention of 24 hour routes through Living Bridge, High Street North and Main Square, with access to bus station and Riverside Park** – the provision of a 24 hour publicly accessible route will ensure that the Brent Cross East Development Zone functions in a manner comparable to more traditional town centres, with connections at all times to new communities within the BXC regeneration area, and existing

communities in Hendon to the North and Cricklewood to the South. The Bus Station, now located in the centre of the scheme, close to Main Square, will serve a number of 24 hour bus routes and so it is likely that this area will be in use at all times of the day and night. An illustration of these routes can be found within the Annex.

- **A similar range and location of uses as consented in 2010 is proposed to the South of the A406**, including retail, community and major replacement foodstore. The connection made by the Living Bridge will considerably improve access to these uses from the north and is therefore likely to support the viability of bringing these uses forward at an early stage.

#### **5.4 Delivery Arrangements**

The enlarged Phase 1 (North) includes a legal commitment (that will be triggered as soon as the Development in each Sub-Phase is commenced) to deliver a substantially increased package of critical infrastructure, the majority to be delivered in Phase 1AN including major highways improvements. The M1/A406 and A5/A406 junction improvements will be covered by S278 Agreements and bonds in accordance with the arrangements to be set out in the proposed Revised S106 Agreement (see Appendix 4). Some of this critical infrastructure would not have been delivered until Phase 2 under the 2010 Approval and the Living Bridge is an important new element which will be delivered in parallel with Phase 1B (N) so as to improve the connectivity and functionality of the new town centre and the wider area at an early stage in the development process.

These works and other Phase 1 (Non Critical Infrastructure) works are necessary to accommodate the enlarged Phase 1 (North), but they also enable and facilitate Phase 1 (South) and subsequent phases of development.

This ensures there will be a substantial commitment to investment in the Site and the provision of infrastructure in accordance with the Primary Delivery Programme from the Commencement of Phase 1 (North).

Consideration has been given to the location and quantum of critical infrastructure necessary to allow the southern development to proceed. This is to be guaranteed by the northern developer (Hammerson and Standard Life).

There are important provisions in the proposed amended conditions and in the draft revised S106 agreement (to be linked to the Section 73 Permission) which will underpin the delivery of comprehensive development in accordance with the Core Strategy and other policies in the development plan. This will include conditions and obligations requiring all Reserved Matters Applications to be submitted for key Phase 1A (North) infrastructure and other necessary consents to be in place (and appropriate bonds) to be obtained and agreed before any development is commenced. In addition, the developers will not be able to suspend the delivery of the Phase 1A (Critical Infrastructure) unless the LPA otherwise agrees. This agreement is subject to reasonable requirements ensuring that comprehensive regeneration of the whole area is not undermined and/or to ensure that the EIA Process is not compromised.

The Council is confident that the Applicants' commitment and investment in the proposed enlarged Phase 1 of the Northern Development will provide (a) the regenerative momentum; (b) the closer integration between the northern and southern elements of the new town centre and (c) most of the transport infrastructure capacity, needed to facilitate delivery of the Southern Development in accordance with the planning policy framework and the Section 73 Permission. This would provide a considerable boost to confidence that comprehensive

development of the BXC Site will be facilitated by the Northern Development and will, in the first place, enable the Council to procure a new southern developer to invest its specialist skills and financial resources in the effective delivery of the Southern Development.

As a result the Council considers that the proposed planning conditions and S.106 obligations will ensure that the proposed development will accord with the relevant development plan policy regarding comprehensive development.

By way of further background:

- (a) Given the Council's land interests both to the North and South of the A406, the completion of a Development Agreement will outside of the planning system be a pre-requisite to any development North or South. The Council as major landowner in the regeneration area to the south of the A406 and as regeneration authority for the whole borough is in negotiations with the Applicants regarding a Development Agreement covering the north and south. Negotiations are ongoing and completion of the Development Agreement is anticipated in the near future.
- (b) The Council will be retaining its land interest in the south and taking on direct responsibility for appointing a new development partner with the skills and resources needed for the delivery of the southern development. In addition it intends to acquire the land interests of the applicants to the south of the A406, which are needed to deliver the Southern Development.

Against this background, officers firmly believe that the Applicants' substantially increased infrastructure delivery commitment (in relation to the Phase 1 (North) Critical Infrastructure) as secured under the Revised Section 106 Agreement, will provide a basis for increased confidence that comprehensive development will be achieved across the whole of the BXC site, in accordance with the Core Strategy and the related development plan policies.

### **Conclusion**

In accordance with the 2010 Consent, the proposed S.73 development will help to deliver a sustainable new town centre that is highly accessible and integrated with the rest of the site and the surrounding area and will, through the range and diversity of the facilities offered, complement the role of other nearby centres.

The S.73 proposals retain the full range of key town centre activities as consented in 2010 including retail, housing, leisure, community, social and educational facilities. It will become a focus for the new and existing communities and will encourage sustainable transport choices.

The revised Phase 1 represents a significantly improved commitment to facilitate town centre development on both sides of the A406. The Living Bridge in particular is considered to provide much improved connectivity between north and south, and is considered to provide the potential to further catalyse development south of the A406.

The commitments made in the planning obligations will ensure that much of the critical infrastructure is front-loaded, representing a increased initial investment by the Northern

Developer that will benefit the wider regeneration area as well as supporting an increase in retail and other floorspace within the first Phase.

It is therefore considered that the S.73 proposals - catalysed by the introduction of the Living Bridge - remain compliant with the planning policy framework in ensuring the early delivery of the town centre on both sides of the A406.

## **5.5 Retail Proposals**

### **Background**

The S.73 Application does not propose any increase in retail floorspace in total or any increase in retail floorspace in any of the individual development zones. Phasing changes to the delivery of retail floorspace are proposed which will result in all of the retail floorspace north of the A406 coming forward in Phase 1 (North). The phasing of retail development south of the A406 remains broadly unchanged. In addition, design changes are proposed to the Brent Cross East development zone including the provision of the 'Living Bridge'. These design changes to the extended and re-configured Brent Cross Shopping Centre are considered elsewhere in this report.

Officers have examined carefully the applicants' Retail Report Addendum submitted with the S.73 application and have taken specialist retail advice on the Report. Officers consider that the methodology and conclusions of the Report are robust and essentially sound. It is concluded that there have not been any significant changes in circumstances in the context of retail and other town centre uses to change the conclusions reached in granting consent for the original scheme in 2010 or which would justify refusal of the S.73 Permission.

### **Conclusions in 2010**

In 2010 the retail element of the application was clearly supported by established planning policy. The expansion of Brent Cross Shopping Centre and its evolution to a fully fledged town centre as contained in the application proposals was justified by policies of the statutory development plan (at that time the Unitary Development Plan (UDP) 2006 and the London Plan 2008) which confirm BXC as the most sustainable location to meet the retail need within the study area. The applicants Retail Report (independently audited by the Council) demonstrated that the development can occur without any significant harmful impact upon the role and function of existing shopping centres in the area.

**Table 4 - Retail Floorspace by Development Zone (from Table 1.2, Retail Report accompanying the 2010 Permission)**

Type of Floorspace	Floorspace by Location (m <sup>2</sup> gross external area**)							Floorspace by type (m <sup>2</sup> gross)		
	Market Quarter	Station Quarter	Eastern Lands	Brent Terrace	Cricklewood Lane	Brent Cross	Total	Comparison (Class A1)	Convenience (Class A1)	Other Retail (Class A2-A5)
<b>Proposed Retail Floorspace North of the North Circular Road</b>										
Comparison (Class A1)						61,545*	61,545*	61,545		
Convenience (Class A1)						5,866	5,866		5,866	
Class A2-A5						10,722	10,722			10,722
<b>Sub-Total</b>						<b>78,133</b>	<b>78,133</b>	<b>61,545</b>	<b>5,866</b>	<b>10,722</b>
<b>Proposed Retail Floorspace South of the North Circular Road</b>										
Tesco Extra (Class A1)			19,509				19,509	6,446	5,274	
Other Retail (Classes A1 - A5)	6,735	4,645	929	372	604		13,285	4,428	4,428	4,428
<b>Sub-Total</b>	<b>6,735</b>	<b>4,645</b>	<b>20,438</b>	<b>372</b>	<b>604</b>		<b>32,794</b>	<b>10,874</b>	<b>9,702</b>	<b>4,428</b>
<b>Total Proposed</b>	<b>6,735</b>	<b>4,645</b>	<b>20,438</b>	<b>372</b>	<b>604</b>	<b>78,133</b>	<b>110,927</b>	<b>72,419</b>	<b>15,568</b>	<b>15,150</b>
<b>Existing Retail Floorspace to be Demolished/De-Commissioned</b>										
Tesco			5,313				5,313	464	3,247	
Toys R Us			4,229				4,229	4,229		
Lidl		1,372					1,372	405	967	
Brent Cross (Class A1 comparison)						6,545	6,545	6,545		
BSSP		17,803					17,803	17,803		
<b>Sub-Total</b>		<b>19,175</b>	<b>9,542</b>			<b>6,545</b>	<b>35,262</b>	<b>29,446</b>	<b>4,214</b>	
<b>Net increase</b>	<b>6,735</b>	<b>-14,530</b>	<b>10,896</b>	<b>372</b>	<b>604</b>	<b>71,588</b>	<b>75,665</b>	<b>42,973</b>	<b>11,354</b>	<b>15,150</b>
<b>Proposed increase with BSSP</b>	<b>6,735</b>	<b>32,333</b>	<b>10,896</b>	<b>372</b>	<b>604</b>	<b>71,588</b>	<b>93,468</b>	<b>60,776</b>	<b>11,354</b>	<b>15,150</b>
<b>UDP/SPG Requirement</b>								<b>55,000</b>	<b>20,000</b>	<b>-</b>
<b>Difference (assuming redevelopment of Brent South Shopping Park)</b>								<b>-12,027</b>	<b>-8,646</b>	<b>-</b>
<b>Difference (assuming retention of Brent South Shopping Park)</b>								<b>5,776</b>	<b>-8,646</b>	<b>-</b>

\* includes 6,545m<sup>2</sup> gross floorspace that will be demolished/decommissioned - net increase is 55,000m<sup>2</sup> gross. \*\* Some figures are gross internal (e.g. Toys R Us and Lidl. Lidl net floorspace figures = 677sqm convenience, 170sqm comparison) but are taken to represent GEA for the purposes of this retail study which is a robust approach. BSSP = Brent South Shopping Park. \*\*\* Distinction is made between the Tesco 'gross external area' and 'gross area' given the configuration of the unit as part of a mixed use plot. Please refer to para 6.75.

### **Principle of Development**

The principle of the comprehensive redevelopment of the Brent Cross Cricklewood Regeneration Area to provide a new town centre for Barnet is supported by established planning policy including the London Plan.

Barnet's Core Strategy was adopted in September 2012 and provides the Local Plan 'vision' together with the most fundamental cross-cutting objectives and policies for Barnet. Within the Core Strategy BXC is designated as a regeneration area. Through Policy CS2 – Brent Cross-Cricklewood all the Brent Cross Cricklewood UDP Policies are 'saved' as well as the adopted BXC Development Framework and therefore remain part of the planning policy

framework guiding development. Policy CS6 – Protecting Barnet’s Town Centres states that the Council will support additional retail development as part of a new town centre extending north and south of the North Circular Road. Saved Policy C1 – Comprehensive Development requires the development to be in accordance with the development framework which supports the provision of 55,000 m<sup>2</sup> comparison and 20,000 m<sup>2</sup> of convenience retail floorspace.

Since the grant of planning permission in 2010 a number of changes have occurred to the planning policy framework:

- PPS4 has been replaced by the NPPF
- The London Plan (consolidated changes 2004/2008) has been replaced by the London Plan 2011
- Barnet’s UDP (2006) has been replaced by Barnet’s Core Strategy and Development Management Policies documents (both adopted in 2012) with the exception of the policies contained in Chapter 12 (Cricklewood, Brent Cross and West Hendon Regeneration Area) and the Development Framework (2005) which have been ‘saved’.
- The GLA has published its Comparison Goods Floorspace Needs Assessment (2013) as supporting evidence for Further Alterations to the London Plan which were published in January 2014.

Despite these changes the overall direction and relevant content of planning policy in respect of the application site has not significantly changed since the 2010 permission.

**Table 5 - Retail Floorspace by Development Zone (from Table 1.1 of the Retail Report accompanying the 2013 S.73 Application)**

Type of Floorspace	Floorspace by Location (m <sup>2</sup> gross external area**)							Floorspace by type (m <sup>2</sup> gross)		
	Market Quarter	Station Quarter	Eastern Lands	Brent Terrace	Cricklewood Lane	Brent Cross	Total	Comparison (Class A1)	Convenience (Class A1)	Other Retail (Class A2-A5)
<b>Proposed Retail Floorspace North of the North Circular Road</b>										
Comparison (Class A1)						61,545*	61,545*	61,545		
Convenience (Class A1)						5,866	5,866		5,866	
Class A2-A5						10,722	10,722			10,722
<b>Sub-Total</b>						<b>78,133</b>	<b>78,133</b>	<b>61,545</b>	<b>5,866</b>	<b>10,722</b>
<b>Proposed Retail Floorspace South of the North Circular Road</b>										
Tesco Extra (Class A1)			18,200				18,200	6,006	4,914	
Other Retail (Classes A1 - A5)	6,735	4,645	2,238	372	604		14,594	4,865	4,865	4,865
<b>Sub-Total</b>	<b>6,735</b>	<b>4,645</b>	<b>20,438</b>	<b>372</b>	<b>604</b>		<b>32,794</b>	<b>10,871</b>	<b>9,779</b>	<b>4,865</b>
<b>Total Proposed</b>	<b>6,735</b>	<b>4,645</b>	<b>20,438</b>	<b>372</b>	<b>604</b>	<b>78,133</b>	<b>110,927</b>	<b>72,416</b>	<b>15,645</b>	<b>15,587</b>
<b>Existing Retail Floorspace to be Demolished/De-Commissioned</b>										
Tesco			5,313				5,313	464	3,247	
Toys R Us			4,229				4,229	4,229		
Lidl		1,372					1,372	405	967	
Brent Cross (Class A1 comparison)						6,545	6,545	6,545		
BSSP		17,803					17,803	17,803		
<b>Sub-Total</b>		<b>19,175</b>	<b>9,542</b>			<b>6,545</b>	<b>35,262</b>	<b>29,446</b>	<b>4,214</b>	
<b>Net increase</b>	<b>6,735</b>	<b>-14,530</b>	<b>10,896</b>	<b>372</b>	<b>604</b>	<b>71,588</b>	<b>75,665</b>	<b>42,970</b>	<b>11,433</b>	<b>15,587</b>
<b>Proposed increase with BSSP</b>	<b>6,735</b>	<b>32,333</b>	<b>10,896</b>	<b>372</b>	<b>604</b>	<b>71,588</b>	<b>93,468</b>	<b>60,773</b>	<b>11,433</b>	<b>15,587</b>
<b>UDP/SPG Requirement</b>								<b>55,000</b>	<b>20,000</b>	<b>-</b>
<b>Difference (assuming redevelopment of Brent South Shopping Park)</b>								<b>-12,030</b>	<b>-8,567</b>	<b>-</b>
<b>Difference (assuming retention of Brent South Shopping Park)</b>								<b>5,773</b>	<b>-8,567</b>	<b>-</b>

\* includes 6,545m<sup>2</sup> gross floorspace that will be demolished/decommissioned - net increase is 55,000m<sup>2</sup> gross. \*\* Some figures are gross internal (e.g. Toys R Us and Lidl. Lidl net floorspace figures = 677sqm convenience, 170sqm comparison) but are taken to represent GEA for the purposes of this retail study which is a robust approach. BSSP = Brent South Shopping Park. \*\*\* Distinction is made between the Tesco 'gross external area' and 'gross area' given the configuration of the unit as part of a mixed use plot. Please refer to para 6.75 of the Revised Retail Report.

## **Quantum**

The proposed scheme continues to seek permission for 110,927 m<sup>2</sup> of Class A1-A5 retail floorspace. The composition of the retail floorspace proposed is broadly the same as approved in the 2010 Permission, except for a small reduction in the size of the replacement foodstore in the Eastern Lands Zone (this is proposed to be reduced by 1,309 m<sup>2</sup> to reflect the updated requirements of any likely occupier of the large foodstore). This 1309m<sup>2</sup> reduction is proposed to be reallocated to a mix of class A1-A5 uses elsewhere within the same zone. This is considered to be insignificant and acceptable.

## **Phasing**

Although the proposals give rise to the delivery of significantly more retail floorspace in Phase 1 (North) than was anticipated in the 2010 Permission, the revised Indicative Construction Programme in BXC 21 (and in Appendix 18 to the Draft Revised S106 Agreement recently put on the planning register – see Appendix 4) show that the delivery of the increased retail floorspace will occur over a similar duration (6 years) to that approved in the ICP attached to the 2010 S106 Agreement and therefore the retail impacts of the enlarged Phase 1 (North) are unlikely to be significant in reality. The Retail Report Addendum concludes that these phasing changes are not significant and will not significantly adversely affect the health and viability of surrounding town centres.

## **Design**

Changes to the design of the Brent Cross East Development zone (around the existing Brent Cross Shopping Centre) centre are proposed in the S.73 Application which and affect the retail floorspace configuration in the BXE Zone. These are defined in the amended parameter plans for this Zone, as well as in relevant sections of the RDSF 2013, in the DAS (2013) (BXC3), and the Revised Design Guidelines (BXC3) and Revised Public Realm & Open Space Strategy (BXC7). These design changes are dealt with elsewhere in this report but their retail implications may be briefly summarised as creating the character of a modern retail mall rather than the conventional shopping High Street that characterised the BXE Zone as illustrated in the Parameter Plans for this Zone, as approved in the 2010 Permission. It is also relevant to note that the multi-level design now proposed in the S.73 Application enables a more seamless pedestrian flow to the Living Bridge and the Southern Development (Market Quarter) from the new proposed High Street North and the Brent Cross Main Square and the retail and other facilities to be provided in the Northern Development, including the Replacement Brent Cross Bus Station (Transport Interchange T2).

## **Overall Approach in BXCO6 Retail Report Addendum (October 2013)**

The NPPF, which has replaced PPS4, requires Local Planning Authorities to apply the sequential test to planning applications for main town centres uses that are not in an existing centre and not in accordance with an up-to-date development plan (para 24).

When assessing applications for retail, outside of town centres (which are not in accordance with an up-to-date local plan) local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold (if there is no locally set threshold, the default threshold is 2,500 m<sup>2</sup>). This should include an assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre and the impact of the proposal on town centre vitality and viability, including consumer choice and the trade in the town centre (para 26). The NPPF also states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused (para 27).

As highlighted above the application falls within an up-to-date development plan allocation (Core Strategy Policies CS1 – Barnet's Place Shaping Strategy, CS2 – Brent Cross and Policy CS6 – Protecting Barnet's Town Centres) which fully supports the redevelopment of BXC as a new sustainable town centre spanning the A406. The Revised Retail Report (2008) demonstrates that Brent Cross Shopping Centre currently performs an important role within the established retail hierarchy as a regional shopping centre. BXC is identified as an emerging metropolitan town centre within the adopted development plan which is envisaged to provide a wider mix of uses. The development permitted by the 2010 permission and the development proposed in the Section 73 application are consistent with this proposition. The development plan establishes BXC as an appropriate location to meet the identified need for

additional retail and other types of town centre floorspace and this was confirmed when the 2010 permission was granted.

Recognising its greater than sub-regional reach in its retail strategic functions London Plan Policy 2.16 – Strategic Outer London Development Centres (SOLDC) has specifically identified Brent Cross Cricklewood as a potential SOLDC which can help achieve a step change in economic performance.

Therefore it is concluded that the need for the proposal is location specific as set out in the Development Plan. The applicants approach to sequential sites is therefore considered to be acceptable.

The applicant's view is that an impact assessment is not required by virtue of the NPPF (para 26) as the 20,000 m2 of convenience floorspace is already identified in Barnet's Local Plan (Core Strategy) September 2012, which is clearly an up to date development plan. However, the Retail Report Addendum nevertheless assesses the potential impact of the convenience element of the proposal in the light of the guidance in the NPPF.

### **Network of Existing Centres**

As part of the pre-application process for the S.73 application, the applicant was asked to consider any changes that had occurred to the network of shopping centres since the 2010 permission. A number of changes have been reported to convenience and comparison floorspace in neighbouring centres but the updated town centre health checks (September 2013) presented in the Retail Report Addendum state that the surrounding centres have remained largely resilient. These findings are generally supported by council officer's surveys of town centres in 2012 as set out in the Authorities Monitoring Report. Council surveys are based on new planning boundaries for Barnet's town centres adopted as part of the Local Plan in 2012. Experian have used slightly different town centre boundaries. This variation in data is highlighted in the Retail Report Addendum.

### **Shopping Patterns**

Since the Revised Retail Report was prepared for the 2010 permission, LBB has undertaken a household and shopper survey as part of the Town Centre Floorspace Needs Assessment 2008/09 (updated 2010). Despite this being several years old no significant changes in floorspace have occurred within the inner catchment area (para 3.30) and based upon reviews of Annual Monitoring Reports and discussions with Council officers no significant comparison or convenience shopping developments have been permitted since the granting of the 2010 permission.

Development has taken place beyond the inner catchment, particularly with the opening of Westfield London at Shepherd's Bush in late 2008 and Westfield Stratford City in 2011. These are acknowledged at para 3.30 along with the planned development at Wembley (the Factory Outlet element having recently opened). The aspirations for these centres have long been established in planning policy and such pipeline developments have been incorporated in past and current GLA Comparison Goods Floorspace Needs Assessment in London (2009 and 2013).

### **Internet Shopping**

There is a growing trend toward internet based shopping purchases, which is influencing the retail sector. However, there is still an overwhelming desire for shoppers to visit retail destinations to look at products first hand before purchasing, as well as the leisure aspect of shopping as an activity. It is considered that this is unlikely to change in the timescale of this proposal. Notwithstanding this, in recognising the growth in internet shopping the Retail

Report Addendum has made allowances for such purchases (referred to as special forms of trading) in the convenience goods assessment by utilising forecasts from Experian whilst assumptions about internet shopping were factored into the evidence base which supports the Core Strategy and saved Policies of the UDP which identify the need for comparison retail growth at BXC. As part of the wider impact analysis in the Retail Report Addendum this has demonstrated that there will not be any significant adverse impact on surrounding town centres as a result of the application proposals. Full details can be found in the Retail Report Addendum (BXC06).

### **Comparison Goods Impact**

The changes sought in the S.73 application are required to accommodate changes to the design and delivery of the project. The development permitted by the 2010 Permission included a net additional increase of 42,970m<sup>2</sup> A1 comparison (assuming the removal of Brent South Shopping Park). The applicant states (para 5.1) that the quantum of comparison floorspace is largely the same as previously permitted; the proposed S.73 scheme will still be within the 55,000m<sup>2</sup> floorspace threshold identified by planning policy (Saved UDP Policy C6(i)); distribution of comparison retail floorspace across the development zones is consistent with that approved in the 2010 Permission; and the retail floorspace proposed to be contained in the enlarged Phasing will be delivered over a broadly similar period to that envisaged in the 2010 approved ICP for Phases 1 and 2 (North) which are now combined in the proposed enlarged Phase 1 (North). With regard to planning policy, it is therefore not considered necessary to assess this comparison element of the proposal.

With regard to impact on investment, the Retail Report Addendum explains that in line with Policy CS6 of the Core Strategy the Council has produced a number of town centre strategies/frameworks to assist and guide the vitality of specific centres including Finchley Church End, Edgware and Chipping Barnet (which are located beyond the inner catchment area of BXC). The strategies/frameworks identify a number of development site opportunities, and with the exception of the land to the rear of Broadwalk Shopping Centre in Edgware, short term comparison retail growth is limited. Consistent with the town centre health checks undertaken, this demonstrates the limited comparison retail role of those centres (and others in the hierarchy), which tend to focus on convenience goods and independent retailers.

However, the Retail Report Addendum (2013) does consider the potential impact of the comparison floorspace in excess of the 55,000m<sup>2</sup> i.e. the neighbourhood floorspace within town centre south extending to 10,871m<sup>2</sup>, a net increase of 5,773m<sup>2</sup> assuming Brent South Shopping Park is retained (para 5.6).

The neighbourhood retail floorspace within town centre south is intended to activate High Street South, the Market Square and the route to the Living Bridge. A significant element (55%) is also anticipated to comprise goods associated with the replacement foodstore (para 5.3 of the Retail Report Addendum). The floorspace within town centre south is expected to serve the new resident and worker population and is therefore serving a localised need. The Retail Report Addendum notes that the population of the proposed 7,500 residential homes may generate retail expenditure, in addition to the estimated job creation.

In light of the above the Council accept that the neighbourhood retail element of the proposals in town centre south are not considered to significantly impact on any potential existing, committed and planning investment in centres within the inner catchment area. Furthermore, in view of their small scale none of the committed developments identified should be compromised by the proposed changes to the 2010 Permission.

Outside the inner catchment the Retail Report Addendum also identifies the Council's aspiration for an extension to Broadwalk Shopping Centre in Edgware which is intended to provide modern retail units to attract comparison retailers, as well as other town centre uses such as leisure and residential uses. The comparison retail element within town centre south will primarily serve the needs of the local resident and working population, and will complement the high order comparison retail within town centre north. To this end, the retail floorspace is unlikely to compete with Edgware town centre. Furthermore, as set out in Policy CS6 of the Core Strategy after allowing for committed developments such as BXC (and planned developments/investments such as the Colindale and Mill Hill East Area Actions Plans), the 2010 TCFNA Update identifies the potential for comparison retail floorspace within the West Sub Area of the borough that could support growth within Edgware. Overall, the Core Strategy promotes the distribution of 16,800sqm net of comparison retail goods to 2021, which will support development aspirations in centres in the inner catchment area, as well as those in the outer catchment including Edgware, North Finchley and Chipping Barnet.

In considering the vitality and viability of centres, the updated health checks contained in the Retail Report Addendum (2013) conclude that centres within the inner catchment will form an important and viable role in the retail hierarchy with some centres having benefitted from recent investment from the Mayor's Outer London Fund (para 5.26). Frameworks and strategies have also been put in place for a number of town centres including Finchley Church End, Chipping Barnet and Edgware (para 5.27) to protect and support their development. The role and function of those centres nearest to BXC is to serve the needs of local population, typically with a focus on convenience and service goods (para 5.29). Whilst the centres do provide some comparison retail floorspace the role of this floorspace is limited which is reflected in the absence of national operators and the number of independent retailers.

In view of the above, it is recognised that the neighbourhood comparison retail provision in town centre south and proposed alterations to the phasing of retail development in Brent Cross East (Phase 1 (North)) are unlikely to significantly impact upon the vitality nor viability of nearby town centres. Overall the Council consider that the Section 73 proposals are broadly consistent with the 2010 Permission and the Development Plan, and as a result there is no reason to alter the previous conclusions reached.

### **Convenience Goods Impact**

As set out in the Revised Retail Report (2008) which supported the 2010 permission the convenience retail element of the scheme continues to consist of (para 6.1):

- 5,866m<sup>2</sup> gross north of the A406;
- 5,274m<sup>2</sup> gross within the relocated foodstore (potentially occupied by Tesco); and
- 4,428m<sup>2</sup> gross within small units south of the A406.

After allowing for the demolition of the existing Tesco and Lidl, Edgware Road, the Revised Retail Report accompanying the 2010 permission identified a net increase of 11,354m<sup>2</sup> gross.

The proposals now submitted are largely identical in convenience floorspace terms to that set out in the Revised Retail Report (2008). The convenience floorspace increases by 76m<sup>2</sup> in the Section 73 application (para 6.3) and is attributed to the reduction in size of the New Superstore and the re-allocation of that reduced retail floorspace across A1-A5 uses elsewhere within the Eastern Lands Zone. Consistent with the approach taken in relation to comparison floorspace, the Retail Report Addendum (2013) considers the impact of the

convenience element of the proposal upon investment and the vitality and viability of nearby centres.

In considering the planned and committed investment proposed for town centres the applicant concludes that the neighbourhood retail element of the proposals for town centre south is not considered to impact on any potential existing, committed or planned investment in centres within the inner catchment area. Paragraphs 5.7 to 5.15 of the Retail Report Addendum set out the planned and committed investment proposed for town centres within the inner catchment area. This demonstrates that whilst a number of town centre sites have been identified for a mix of uses including retail at ground floor, no new foodstores or convenience floorspace has been specifically allocated. The 2009 TCFNA suggest that the Watling Avenue site in Burnt Oak may come forward for a foodstore, and the Edgware Town Centre Framework implies that additional convenience floorspace may come forward as part of the extension of the Broadwalk Shopping Centre, but at this stage they are not incorporated within the Development Plan. The applicant also states that the replacement foodstore (the convenience element of which is estimated to increase from the existing store by 1,667m<sup>2</sup> gross (as shown in Table 1.1 of the 2013 Retail Report)) will see a transfer of trade from the existing store whilst also serving the needs of the new residents and working population and others in the inner catchment area. Given the localised nature of the convenience offer, this appears realistic.

The applicants approach to assessing the impact (para 6.31-6.40) follows a step-by-step approach with population, expenditure and special forms of trading information provided by Experian and projected to the test dates of 2016, 2020 and 2023. It is assumed that these test dates relate to the construction programme. This is considered an acceptable approach.

The turnover of the convenience element of the proposal at 2023 is estimated to be £48.6m (para 6.36 and Table 7.3). The sales densities have been derived from Verdict Groceries 2012 and appear appropriate given the type of floorspace proposed. A distinction is made between the convenience and comparison turnover (para 6.38) and the case made that the new floorspace will compete mainly with comparable larger foodstores (para 6.24). Accompanying guidance to PPS4 (which remains in force post-publication of the NPPF) acknowledges that like tends to impact with like.

An allowance is made for the additional population resulting from the BXC development (para 6.34 of the Retail Report Addendum). This generates an estimated £26m of convenience goods expenditure. This may be optimistic as it is unlikely that all residents would undertake their food shopping trips in the area. However, given the estimated increase of circa £54m in convenience expenditure between 2013 and 2023, this is not expected to make a significant difference to the findings. In considering available expenditure the Town Centre Floorspace Needs Assessment (2010) identified convenience capacity at 2021 for 2,210 m<sup>2</sup> across Barnet net. This capacity factored in the New Superstore (potentially occupied by Tesco) and unit shops at Brent Cross South as coming forward by 2018.

It is claimed (para 6.34) that a large proportion of the turnover of the proposed convenience floorspace is derived from the closing of the existing Tesco and Lidl stores. This is considered to be a realistic assumption.

A number of qualitative benefits arising from the proposal are also identified (para 6.24-6.27 of the Retail Report Addendum), including: the opportunity for linked trips; the synergies associated with retailers gravitating towards centres; consumer choice; and the creation of a diverse town centre meeting the needs of a growing local residential population and workforce. Such assumptions are considered to be realistic.

Overall the nearby centres are considered to be healthy and the likely impacts associated with the convenience element of the S.73 proposal for the BXC Development are not considered significant.

### **Conclusion**

The Retail Report Addendum (2013) has been produced to support a planning application under Section 73 of the Town and Country Planning Act 1990 for planning permission for the regeneration of Brent Cross, Cricklewood (BXC).

The overall quantum of permitted retail floorspace approved in the 2010 Permission is broadly identical to that now being proposed in the Section 73 Application, although within this total the net increase in gross convenience rises by 76m<sup>2</sup> resulting from a proposed reduction in the size of the New Superstore (from 19,509m<sup>2</sup> to 18,200m<sup>2</sup>), and the reallocation in floorspace across comparison, convenience and classes A1 to A5 elsewhere within the Eastern Lands Zone. Overall this appears to be effectively a re-phasing of the permitted 2010 retail floorspace.

Whilst the planning policy position has evolved since the granting of planning permission in 2010, the principle of comprehensive redevelopment of BXC to provide a new town centre for Barnet is supported in the London Plan, Barnet's Local Plan (Core Strategy), the Saved UDP Policies for Cricklewood (particularly C6 in this context) and the adopted Development Framework (2005) which is expressly referred to in Core Strategy Policy CS2.

Officers have sought independent expert retail advice on the contents of the Retail Report Addendum (2013) accompanying the S.73 application and are satisfied that the approach taken is appropriate and accords with the requirements of the NPPF, principally paras 24 and 26.

Although the identification of 'need' is no longer a requirement of such applications there remains a growing quantitative need for additional retail floorspace to serve the proposal and surrounding area, despite the economic climate.

The provision of neighbourhood comparison and convenience retail, in additions to high order comparison retail is consistent with adopted policy and aspirations to create a thriving metropolitan town centre at Brent Cross Cricklewood.

In summary it is not considered that there has been any significant change in circumstances in the context of retail and other town centre uses which would justify refusal of the S.73 Permission sought. The retail elements of the S.73 application are therefore considered to be acceptable.

## 5.6 Master Plan and Design

### **Policy Background**

Chapter 7 of the NPPF states that good design is a key aspect of sustainable development and “*indivisible from good planning*”. The policy requires that development should “*contribute positively to making places better for people*” and be planned positively for the “*achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes*”.

The Mayor published the replacement London Plan in July 2011 placing an emphasis on ensuring high quality environments in all places and neighbourhoods. Policies 2.15, 4.7 and 4.8 set out criteria for the integrated planning of town centres. Policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and wider environment. Policies 7.1 to 7.6 set out requirements for the design of new development including creating inclusive environments, designing out crime and ensuring local character with high quality public realm and architecture.

The Mayor’s Housing SPG published in November 2012, provides guidance on how to implement the housing policies in the 2011 London Plan. Part 2 ‘Quality’ supports the NPPF in seeking “to deliver a wide choice of high quality homes”. In particular, Policy 3.5 requires that “housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London’s residential environment and attractiveness as a place to live”.

Policy 7.7 sets out the circumstances, criteria and principles for the location of tall buildings and for the design and impact of large scale buildings. These policies support the strategy of creating the highest level of activity at locations with the greatest transport capacity. The policy stresses the need for tall and large scale buildings to be flexible and adaptable and of exemplary design.

Barnet’s Local Plan was adopted in 2012, following approval of the 2010 Permission.

Thirteen UDP policies for Brent Cross Cricklewood have been "saved" as part of the Local Plan, as expressly referred to in Core Strategy Policy CS2. Saved UDP Policy GCrick and Policy C2 (Urban Design: High Quality) confirm that the Council will require the highest standard of urban design in the Regeneration Area and that proposals are of 'landmark quality'. Saved UDP Policy C3 (Urban Design: Amenity) requires that development should protect and improve the amenities of existing and new residents and Saved UDP Policy C4 refers to environmental design. Saved UDP Policy C6 (Brent Cross Town Centre) seeks to maximise the potential of a new town centre at Brent Cross, referring to an increase in intensity and mix of new town centre uses, improvements to the setting and environment of the town centre, public transport improvements, better accessibility for shoppers and enhanced pedestrian and cycle links to the surrounding areas.

The adopted Cricklewood Brent Cross and West Hendon Development Framework SPG stresses the need for a high quality, cohesive environment, not just a collection of individual buildings.

### **Approved 2010 Scheme**

The 2010 Permission included a phased approach to the comprehensive redevelopment of the Brent Cross Cricklewood regeneration area to create a mixed use town centre for LB

Barnet and wider North London sub-region including substantial residential, commercial and retail uses in line with the Policy Framework. The 2010 Permission permits up to approximately 7,500 housing units.

As an outline planning consent, all aspects of design are reserved for future Reserved Matters and Other Matters Applications (except for the strategic accesses). The approved 2010 parameter plans set out the principles and parameters relating to scale, layout, access, quantum and land uses. Further design principles and parameters are set out in BXC03 DAS (2013) (including the Design Guidelines appended to it), as approved in the 2010 Permission and referred to in the relevant planning conditions contained in that permission. These documents describe in some detail the masterplanning and design process, character and identity of development zones that will together form the new town centre. Subsequent evolution of the masterplan design has taken place since the 2010 permission and is reflected in the revised S.73 proposals. This design evolution is described in the revised Design and Access Statement and summarised below.

Parameter Plan 015, as approved in the 2010 Permission, provides an indicative masterplan layout and the approved Parameter Plans 020-028 provide indicative layouts for the individual development zones.

Conditions 13.1, 14.1, 15.1, 16.1, 17.1, 18.1 and 19.1 of the 2010 Permission require the phased development to be designed and delivered in accordance with the parameters and principles contained in the DSF and the Design and Access Statement (including the Design Guidelines) approved under the 2010 Permission.

Condition 2.1 of the 2010 Permission requires all Reserved Matters and Other Matters Planning Applications to demonstrate accordance with these documents.

Condition 1.17 and 2.1 of the 2010 Permission makes provision for an “Illustrative Reconciliation Mechanism” as outlined in Section 6 of the DSF. This is will update Parameter Plan 015 Indicative Layout plan and relevant zonal layout plan at the time that the Developers apply for a Reserved Matters or Other Matters planning application demonstrating how proposals will comply with the design principles, and how any changes will impact upon proposals in subsequent phases.

Condition 2.5 of the 2010 Permission enables the approved Design and Access Statement and Design Guidelines to be revised by the developer (subject to approval) to reflect any changes brought about through Reserved Matters Approvals, Other Matters Approvals or best practice guidance; any Section 73 permission, alternative planning permission and/or any consequential change as a result of approved variation.

### **S.73 Design**

The design proposals set out within the S.73 application reflect the evolution in the BXC scheme design in accordance with the policy commitment to achieve comprehensive development of the regeneration area.

A number of factors (including changes to phasing and delivery requirements) have led to the refinement of the design parameters and principles approved in the 2010 Permission and these are reflected in the amendments to conditions as proposed in the S.73 application. As noted earlier in this report (and within the S.73 Application documents), some of the proposed changes are within the limits of deviation contained in the parameters and principles approved in the 2010 Permission, but some are not.

In order to present the S.73 Application more clearly, the S.73 Application includes all of the proposed design changes, rather than separating out (for separate applications) those which are within the limits of deviation contained in the 2010 approved parameters and principles. By adopting this approach, the applicant has aimed to provide a clear and complete position as to the evolving design and delivery of the BXC Development as at the present time.

### **Design Principles and Master Plan Refinements**

The Design and Access Statement describes alterations to the masterplan and parameter plans for BXC included in the proposed amendments to the 2010 planning conditions in the S.73 Application.

In summary, the principal design alterations proposed in the S.73 Application comprise the following:

- The delivery of the Living Bridge as a pedestrian and managed cycle route over the A406 North Circular Road. This will provide an area of public realm and will improve pedestrian and cycle connectivity across the site as well as providing better integration between the key town centre elements in the northern and southern parts of the BXC development;
- Alterations to the layout of the BXC development within Brent Cross East Development Zone (in and around a remodelled Brent Cross Shopping Centre). This retains the same amount of floorspace, but reconfigures the redevelopment within this Building Zone to form a connection to the new proposed Living Bridge, the repositioned and redesigned Brent Cross Main Square and High Street North, as well as the Replacement Brent Cross Bus Station (Transport Interchanges T2), which will be more closely integrated within the shopping centre than the design approved in the 2010 Permission. The revised design identifies the potential to cover (wholly or partially) Brent Cross Main Square and High Street north with a roof structure.
- Alterations to Market Square and Building Zones in Market Quarter and Eastern Lands Development Zones to accommodate the Living Bridge and focus on the improved link from these Zones to the Brent Cross East Zone via the Living Bridge.

These proposed changes to the BXC Development, as approved in the 2010 Permission, reflect the evolution in the scheme design and Officers consider that the proposed design changes are on the whole beneficial, although the analysis in this report also identifies some negative aspects of the proposed changes.

### **Development Zones**

As Parameter Plan 001 demonstrates, the nine development zones across the masterplan remain consistent with the consented scheme. As identified above, minor changes have been made to these zones with an alteration to the boundaries of the Brent Cross East and Brent Cross West Zones (principally to include a residential Plot (Plot 113) within the BXE Zone), and the Market Quarter/Eastern Lands zones to accommodate changes to the illustrative masterplan (in particular adjustments to accommodate the Living Bridge).

A summary of main design changes by Development Zone is outlined below:

#### *Market Quarter*

Market Quarter occupies the central part of the regeneration area, south of the A406. The proposed maximum heights (12-100 metres) and land uses (ground floor uses for predominantly retail, hotel and leisure uses, upper floor residential or any permitted use) remain unchanged from the consented scheme.

As identified in Table 1b of the Applicant's Revised DSF, Market Quarter has the highest residential density within the BXC scheme at approximately 386 units/hectare. This figure remains the same in the S.73 application as that approved in 2010 and reflects the Zone's central location as part of the new town centre, with good levels of public transport accessibility within walking distance to both Brent Cross London Underground Station, the proposed Midland Mainline new station and bus station. The pedestrian connection to the reconfigured Brent Cross Bus Station will be improved through the inclusion of the Living Bridge.

The layout of Market Square represents the most significant change within this zone. Market Square has been altered from the consented east-west alignment, to enable a north-south connection between the Living Bridge and Clitterhouse Playing Fields. A western extension of Market Square is now proposed comprising a triangular shaped space suitable for activities such as street markets and performance space. A landmark building, previously identified in the consented scheme as Plot 13, has been removed and replaced by Plot 93. This will be a tall building situated adjacent to the Living Bridge.

The 2010 consented scheme provided the pedestrian/cycle/vehicle links across Templehof Bridge from Market Square to Brent Cross East Zone. The inclusion of the Living Bridge represents a significant improvement in pedestrian and cycle connectivity, providing a more direct and segregated route between north and south. The Market Square is now part of a direct link between the northern town centre development and Clitterhouse Playing Fields, completing a chain of spaces from North to South.

Market Square remains a key focal point and is bisected by Claremont Avenue and High Street South, although High Street South will be restricted to public transport in later phases. The proposal represents a slight decrease in the area of Market Square from 0.81ha to 0.68ha in comparison to the consented scheme.

Following requests by officers at pre-application stage the Applicants have provided additional illustrative information to demonstrate how Market Square may be brought forward. This is provided in Section A3.2 of the DAS (2013).

#### *Eastern Lands*

The majority of the design of Eastern Lands Zone remains unaltered by the S.73 application in comparison to the 2010 consented scheme. It remains a high density, predominantly residential community of approximately 289 units/hectare (RDSF, 2013, Table 3b) and is proposed include the education hub, private hospital, supermarket and Eastern Park.

The main changes proposed facilitate the extension of the Building Zone to include part of Market Square and the approach to the Living Bridge. The New Superstore (plot 28) has been amended slightly to accommodate the Living Bridge approach. Plot 93 has been included within Eastern Lands as a landmark tower (maximum height 65 metres in the centre of the bridge approach. There are also changes to include active ground floor uses (refer to parameter plan 004) along the western edge of the Eastern Lands development zone as a result of the Market Square extension and need for active frontages around the perimeter of Market Square.

#### *Station Quarter*

This zone is predominantly commercial development around the new Midland Mainline railway station to be delivered in the later stages of the BXC development. Some residential is included within Plot 44.No alterations are proposed to the consented design principles,

parameters and zonal layout plan for this zone in accordance with the DAS and Parameter Plans.

#### *Brent Terrace*

This zone is proposed as predominantly high density residential with an approximate proposed density of 298 units/hectare. It includes the proposed replacement primary school. No alterations are proposed to the consented design principles, parameters and zonal layout plan for this zone in accordance with the DAS and Parameter Plans.

#### *Cricklewood Lane*

This zone includes two main plots on Clitterhouse Lane, one adjacent to the existing Midland Mainline Station, the other adjacent to the B&Q building. Residential (at approximately 106 units/hectare), retail and community uses are proposed. No alterations are proposed to the consented design principles, parameters and zonal layout plan for this zone.

#### *Railway Lands*

Railway Lands includes the Rail Freight Facility, Waste Handling Facility and business floor space (plot 62). No alterations are proposed to the consented design principles, parameters and zonal layout plan for this zone in accordance with the DAS and Parameter Plans.

#### *Clitterhouse Playing Fields*

Clitterhouse Playing Fields includes an improved open space and associated sport, recreation and community facilities. No alterations are proposed to the consented design principles, parameters and zonal layout plan for this zone in accordance with the DAS and Parameter Plans.

#### *Brent Cross West*

Brent Cross West is proposed for high density residential development on the vacant car park site adjacent to the M1/A1/A406 junction. The S.73 application proposes an increase in residential density within this zone (from 241 units/hectare to 356 units/hectare). The zone has been reduced in size to now exclude Plot 112 (now included as part of BXE zone). The zone is in close proximity to the new town centre and reconfigured bus station. The increase in density is at the upper end of the London Plan density matrix.

Although density has increased, the proposed design principles, parameters and zonal layout plan remain consistent with the 2010 consented scheme in accordance with the DAS and Parameter Plans.

#### *Brent Cross East*

Brent Cross East Zone includes the most significant proposed alterations in terms of urban design and layout.

As identified in Table 1 in Section 2 of this report Parameter Plans have been altered to reflect the revised layout as follows:

- Repositioning of Brent Cross Main Square;;
- Realignment of High Street North;
- Inclusion of the Living Bridge as the primary pedestrian connection between North and South;
- Potential to cover streets and spaces, wholly or partially, within the Brent Cross East Zone;
- Inclusion of new “threshold” spaces, at main entrances to the retail area;
- The principle that Brent Cross Main Square, High Street North and other new streets (including links to Transport Interchange T2 (Replacement Brent Cross Bus Station)

and the Riverside Park will be open 24 hours and 7 days per week throughout the year (with the exception of linkages into the shopping centre);

- Removal of residential activities from High Street North and inclusion of dwellings on the western side of Brent Cross East Zone including blocks of up to 67m to the north west of Templehof Bridge;
- Repositioning of the bus station to be more integrated with commercial activities within the zone and have improved pedestrian connections to the south via the Living Bridge;
- Potential for further residential development on the western edge of the proposed multi-storey car park;
- Realignment of the River Brent to the south of the Building Zone;
- The inclusion of the Living Bridge as a north-south connection and useable area of public realm and landscaping.

The heights and land uses (with the exception of changes to the residential uses identified above) remain broadly consistent with the consented scheme, while the floorspace quantum do not exceed those approved in the 2010 Planning Permission.

### **Design of an extended Brent Cross Shopping Centre**

The 2010 consented scheme responded to the planning policy requirements to develop an outward facing town centre by developing a layout of streets and spaces around the existing Brent Cross Shopping Centre that more closely resembled the surrounding street pattern. The new High Street North was to be lined by mixed use buildings with retail/commercial uses on the ground floor and residential uses above. Brent Cross Main Square was to be the heart of the new town centre, adjacent to the re-routed River Brent and with a number of pedestrian routes passing to and through the new public space.

The evolution of the Brent Cross East Development Zone in the S.73 application has resulted in a multi-layered design that is based around modern comparison retail requirements. This includes the aim to make shopping more of a leisure experience and a range of town centre uses, including restaurants, cinemas as well as retail, are all proposed. Covering may be proposed for the formerly open air High Street North. However, the S.73 application has sought to apply the same principles of permeability and connectivity to the re-configured shopping centre layout. The multi-layered "mall" style of development in this Zone facilitates easy pedestrian access to the Living Bridge and to and from the southern parts of the new town centre. This will significantly improve integration across the BXC development as a whole.

Heights remain broadly similar to those approved in the 2010 Permission but the lack of variation in lengths and widths for buildings in the Brent Cross East zone is a potential concern (see the scale thresholds section below). Careful consideration needs to be given to this aspect of the proposal at the Reserved Matters Stage to prevent undesirable massing of the blocks in the town centre adjacent to the reconfigured shopping centre.

The bus station design remains outline, but will form part of the undercroft to plot 103, which will include retail and leisure uses at ground floor fronting onto Brent Cross Main Square with any permitted use above. TfL have been involved in discussions around the configuration of the bus station and detailed parameters have been agreed in Schedule 6 to the proposed Revised S.106 Agreement and the indicative drawings 13 and 14, which are contained in Schedule 8 to the proposed Revised S.106 Agreement. Officers have raised concern over the bulk and massing of this building and this will need to be carefully dealt with at the Reserved Matters stage.

Residential uses are no longer proposed along High Street North, with much of the residential floorspace proposed as part of Plot 101 in a building of up to 67m west of Templehof Bridge and within Plot 113 to the west of the John Lewis car park, previously identified as part of the BXW development zone. Illustrations as to how this building may be brought forward are contained in the DAS (2013).

The potential for covered streets may provide a more enclosed environment around High Street North and Brent Cross Main Square which is a considerable change from the consented scheme. At the request of Council Officers, a number of illustrations are included within the DAS (2013) to demonstrate how this covering may look and function. A condition is recommended to ensure that any roof covering within the zone is made of transparent materials to ensure the ethos of “an outward facing network of streets and spaces” (Para 3.8 of the DAS (2013)) remains consistent with the consented scheme. A further condition and/or planning obligation is recommended to ensure that routes through the zone are accessible by members of the public at all times of the day and night.

The realigned River Brent is proposed to run around the southern edge of the BXE Building Zone, which means that for much of its diverted length it will be adjacent to the newly positioned Prince Charles Drive and the A406. The proposal retains a riverside park. This is considered to continue to provide an important east-west pedestrian and cycle link and amenity space, although will be a less prominent feature as part of the development. A sound barrier is proposed if necessary to reduce noise from the A406 in this area. This requirement proposed to be covered by a new condition.

### **Inclusive Access**

In line with Policy 7.2 ‘Inclusive environment’ of the 2011 London Plan it is considered that the S.73 proposals fulfil the requirements of this policy.

The DAS (2013) (BXC03) has been updated to reflect the accessibility opportunities proposed within the proposed revised scheme, particularly the way in which people will move through the development to access local parks, transport interchanges or the shopping centre.

It is anticipated that the Living Bridge will be fully accessible and will provide a much improved link between the BXC Development north and south of the A406. The Living Bridge will be accessed via a ramp shallow graded route and will have step free access to the new bus station.

The commitments of the applicants in relation to inclusive access will be secured through planning condition and obligations in very similar terms to those attached to the 2010 Permission. Planning Condition 1.26 requires the development of an Inclusive Access Strategy.

Planning Condition 1.18 requires the establishment of a Consultative Access Forum at the request of the GLA and a requirement that they are consulted in the detailed strategies and design issues relevant to ensuring that inclusive access is achieved across the whole development.

In accordance with the 2010 consent, Lifetime Homes Standards will be met for all new residential buildings. In the event that one or more standards cannot be met this will need to be identified and justified at the detailed design stage. 10% of new homes will be designed to meet wheelchair standards or capable of easy adaptation to wheelchair standards.

## **Scale Thresholds**

Scale thresholds were included as Appendix 10 of the DSF approved in 2010 in accordance with Circular 01/06. These set maximum and minimum heights, widths and depths for each building zone.

Officers raised a number of issues following the submission relating to the revised scale thresholds and as a result a revised Appendix 10 was submitted as part of the S.73 Errata submission in December 2013.

These identify the following significant changes in scale, reflecting changes to the scheme as described above and illustrated within the DAS:

- BXE1 – hotel and residential uses increased in maximum length and width, but decreased in height (67m to 27m). Increase in car park height (27m to 40m within BXE1.2);
- BXE2 – increase in maximum length and width of residential (70 m to 100m);
- BXE3 – decrease in maximum heights for leisure/retail/car park. Increase in maximum widths and lengths within zone (e.g. maximum length for retail increased from 105m in the consented scheme to 200m proposed (BXE3.4).
- BXE4 (previously BXW1) – significant increase in maximum length of residential from 32 m to 100 m.
- MQ3 – decrease in maximum height of residential (courtyard) from 45m to 12m.
- EL3: Significant increase in width of residential courts - i.e. 25m to 80m (max)
- EL4: Significant increase in residential terrace heights - i.e. 12m to 42m (max)
- Decrease in SQ2 residential tower from 100m to 65m (max) reflecting error in approved scale thresholds.

### *Officer Comment*

Officers remain concerned by some aspects of the revised Scale Thresholds, particularly within Brent Cross East Zone. It is considered that the extensive increases in widths and depths from that consented in 2010 may lead to proposals displaying excessive massing coming forward at the Reserved Matters stages. However, this is an outline application and the alterations fall within the maximum height parameters set out within Parameter Plan 007 and accord with revisions to the illustrative layout and massing principles set out within the Revised Design and Access Statement. It should also be noted that the scale of buildings will be further controlled by floorspace thresholds for each building zone.

To deal with officers concerns, a condition (Condition 48.2) is proposed to ensure that care is taken at the Reserved Matter Stage to ensure that proposals comply with the high standards of design anticipated within the Planning Policy Framework, in particular the NPPF, London Plan and Barnet Local Plan, as well as the Development Framework (2005).

## **Tall Buildings**

Policy 7.7 of the replacement London Plan (2011) sets out the circumstances, criteria and principles for the location of tall buildings and for the design and impact of large scale buildings. This remains consistent with Policy 4B.9 and Policy 4B.10 of the 2008 London Plan against which the consented scheme was assessed.

Policy CS6 of the Barnet Core Strategy Local Plan identifies Brent Cross Cricklewood as a location where tall buildings (8 storeys (or 26 metres) may be appropriate. Policy DM05 of the Development Management Policies Local Plan sets criteria for the development of Tall Buildings.

As shown by Parameter Plan 007, proposed building heights for the S.73 application have remained largely unaltered in comparison to the 2010 consented scheme and the tallest building clusters are still proposed to be located within and around Station Quarter and Market Quarter development zones. The DAS (2013) identifies taller elements within the Brent Cross East zone, particularly the residential block adjacent to Templehof Bridge. However, these are consistent with the parameters approved in the 2010 Permission. In addition the proposed landmark building adjacent to the Living Bridge is a new addition to the illustrative masterplan but its addition also remains consistent with the 2010 approved parameters.

#### *Officer Comment*

As with the consented scheme officers consider the principle of tall buildings to be acceptable in terms of their impact on their surroundings and in terms of public transport accessibility and policy framework.

#### **Changes to the River Brent**

The route of the River Brent diversion has been revised from the 2010 permission. In the 2010 permission the central section of the River Brent ran through the building plots in the centre of the Brent Cross East Development Zone. In this central section it ran alongside Brent Cross Main Square and formed the focus of activity for the new town centre north of the A406.

The S.73 application proposes three distinct sections for the River Brent and Brent Riverside Park re-alignment. The Western Section follows a similar route to the 2010 permission to the north of the proposed Brent Cross West housing development. The river channel is narrower than in the consented scheme and the park area is wider. The Eastern Section follows a roughly similar alignment to the 2010 permission but the river course is narrower and the park area wider than in the consented scheme

The low flow channel of the river is narrower than in the consented scheme to satisfy the hydraulic model but the flood channel and river park is wider, and there is no loss of the overall river channel volume compared with the 2010 permission.

More significant changes have been made to the alignment of the central section. In this section the new route of the river Brent has now been revised towards the A406 to run around the southern part of the Brent Cross East Zone. The repositioned River Brent is now located within a linear park in the southern part of Brent Cross East benefitting from its position on the southern side from increased sunlight and incorporating a pedestrian and cycle route along its length.

The park will provide pedestrian connections between Brent Cross East and West and will be accessible from the Living Bridge and the southern development. The banks of the river will be planted with native wetland species and where appropriate will form natural habitat. This will create a green foreground to the Brent Cross East buildings and a naturalised river corridor environment. To protect the river corridor from the noise of the A406 an acoustic barrier (subject to detailed design) may be located between Prince Charles Drive that will be along the southern side of the River and the A406. .

As outlined above, all three sections of the River Brent Alteration and Diversion Works are now proposed to be completed in the first Phase (1AN). The Brent Riverside Park will be delivered in its entirety in Phase 1B(N).

It is considered that the changes to the River Brent proposed in the Section 73 application are acceptable and have the potential to provide a more natural course for the river in a green setting. These changes will not only provide a pedestrian and cycle link but will improve water flow and quality and provide natural habitat. These changes have been reviewed by the Environment Agency and their representations are reflected in the recommended conditions and the Draft Revised S106 Agreement.

### **Summary of Changes to the Master Plan**

The S.73 Application is considered to respect the urban design principles established within the 2010 consented scheme to create a high quality urban environment. It is considered that the S.73 Application builds upon the 2010 consented scheme to achieve a stronger connection between the northern and southern parts of the BXC Development. In particular, the inclusion of the 'Living Bridge' is considered to provide an important new link that will achieve improved integration of the town centre and assist in catalysing development across the BXC site on both sides of the A406 in accordance with the relevant development plan policies.

Additional illustrative material has been provided within the DAS (2013), providing a clear description of the proposed design changes to elements such as the Market Quarter, Living Bridge and Brent Cross East. This provides a reasonably detailed understanding of how the BXC scheme may be brought forward. However, the application is still in outline stage and is likely to further evolve in accordance with the mechanisms and controls established within the S.73 Permission.

## 5.7 Open Space, Play and Amenity Space

### **Policy Background**

The updated 2011 London Plan contains revised policies relating to London's open space, including Policy 2.18 (Green infrastructure: the network of open and green spaces), Policy 3.6 (Children and young people's play and informal recreation facilities) and Policy 7.18 (Protecting local open space and addressing local deficiency).

The Mayor published the 'Shaping Neighbourhoods: Play and Informal Recreation SPG in September 2012. The guidance supports the implementation of the London Plan Policy 3.6 on 'Children and Young People's Play and Informal Recreation Facilities,' and other policies on shaping neighbourhoods (Chapter 7 of the London Plan), in particular Policy 7.1 on Lifetime Neighbourhoods.

The SPG states that existing national standards of play space are too high for practical application in London. Therefore, new housing development should provide 10 sq m of well-designed, dedicated on-site play and recreation space for every child.

The Mayor's Housing DPD sets minimum standards for private amenity space within new homes in London. These are as follows:

- 4.10.1 - A minimum of 5 sq m of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq m should be provided for each additional occupant.
- 4.10.2 - Private outdoor spaces should have level access from the home.
- 4.10.3 - The minimum depth and width of all balconies and other private external spaces is 1,500 mm.

Policy CS 7 of Barnet's Core Strategy (adopted September 2012) aspires to create a greener Barnet. The policy aims to meet increased demand for open space through:

- Securing improvements to access, children's play and sports facilities.
- Maintaining and improving the greening of the environment through protection of green space, trees, hedgerows and watercourses and enabling green corridors to link green spaces.
- Ensuring development protects existing site ecology and makes the fullest contributions to enhancing biodiversity, both through on-site measures and by contribution to local biodiversity improvements.

Policy DM15 of the Development Management Policies DPD sets out local space standards for public parks, children's play facilities outdoor spaces and natural and semi-natural green space.

The policy states that in exceptional circumstances, loss of open space will be permitted where the following can be satisfied

- a. The development proposal is a small scale ancillary use which supports the use of the open space or
- b. Equivalent or better quality open space provision can be made. Any exception will need to ensure that it does not create further public open space deficiency and has no significant impact on biodiversity.

ii. In areas which are identified as deficient in public open space, where the development site is appropriate or the opportunity arises the council will expect on site provision in line with the following standards:

- Parks (1.63 hectares per 1,000 residents)
- Children’s play (0.09 hectares per 1,000 residents)
- Sports pitches (0.75 hectares per 1,000 residents)
- Natural green spaces (2.05 hectares per 1,000 residents)

Barnet’s Sustainable Design and Construction SPD (November 2012) provides standards for outdoor amenity space.

Outdoor amenity space is defined as:

- ‘Usable space’ that is highly valued and suitable to protect and improve the living standards of residents.
- Areas not including shared surfaces, driveways, vehicle parking areas or hard standings, cycle storage areas (‘dirty’ storage) footpaths, servicing areas and refuse storage areas.

Outdoor amenity space can only be considered usable if it has a reasonable level of privacy. For houses, amenity space should be provided in the form of individual rear gardens. For flats, amenity space can include communal spaces around buildings, or on roofs or as balconies.

**Table 5 – Barnet Sustainable Design and Construction SPD Outdoor Amenity Space Standards**

Outdoor Amenity Space Requirements Development Scale	Development Scale
<b>For Flats:</b> <ul style="list-style-type: none"> <li>• 5 m2 of space per habitable room.</li> </ul>	Minor, Major and Large scale
<b>For Houses:</b> <ul style="list-style-type: none"> <li>• 40 m2 of space for up to four habitable rooms</li> <li>• 55 m2 of space for up to five habitable rooms</li> <li>• 70 m2 of space for up to six habitable rooms</li> <li>• 85 m2 of space for up to seven or more habitable rooms</li> </ul>	Minor, Major and Large scale

The SPD notes that high density development may not always be able to provide amenity space to the standards outlined. Where the standards cannot be met and an innovative design solution is not possible the council will seek a Planning Obligation.

**S.73 Open Space proposals**

Parameter Plan 003 and associated information within the DSF provides principles and parameters for the provision of open space. Further illustrative information in terms of layout and design of spaces is provided in BXC07 Revised Public Realm and Open Space Strategy (PROSS) (2013). The DAS (2013) and PROSS (2013) provide a number of revised

visualisations for open spaces across the scheme, in particular Market Square and Brent Cross Main Square. The Revised Design Guidelines (2013) provide layout specifications for areas of Open Space.

Proposed design changes to open space as set out in the S.73 application are in summary as follows:

- Changes to the location, configuration and size of Brent Cross Main Square
- Changes to the configuration and size of Market Square
- Changes to the routing of the River Brent and linear park
- The introduction of the Living Bridge as a new piece of public realm as well as a new link for pedestrians and managed cycle access
- Three new 'Threshold Spaces': Fenwick Place, Layfield Place and Templehof Circus.

### **Amount of Open Space**

Table 5 of the RDSF (2013) (summarised below) demonstrates that the proposed scheme will result in an overall increase of approximately 9ha of public open space. An increase of approximately 0.56 ha above the consented scheme. This table provides minimum sizes for space to be brought forward within the scheme in accordance with Condition 2.4.

**Table 6 - Schedule of Existing and Proposed Open Spaces**

<b>Location (Ref on Parameter Plan 003)</b>	<b>Existing Area (ha)</b>	<b>2010 Consented Area (ha)</b>	<b>2010 Net Gain or Loss</b>	<b>S.73 Proposed Area (ha)</b>	<b>S.73 Net Gain or Loss</b>	<b>Difference between 2010 Consent and S.73 proposal</b>
<b>Large Open Spaces</b>						
Clitterhouse Playing Fields (incl. Clitterhouse Stream Nature Park NP1) (CP1)	17.6	18.2	0.6	18.2	0.6	0
						0
<b>Medium Open Spaces</b>						
Clarefield Park	2	0	-2	-	-2	0
Eastern Park (NH1)	-	1.2	1.2	1.2	1.2	0
Claremont Park/Claremont Way (Triangles) Open Space (NH2)	2.30	1.95	-0.35	1.95	-0.35	0
Brent Terrace Park (NH3)	-	2.1	2.1	2.1	2.1	0
Sturgess Park (NH4)	0.7	0.7	0	0.7	0	0
Eastern Lands Green Corridor (GC1)	-	1.43	1.43	1.43	1.43	0
Brent Riverside Park (RBC)	-	2.7	2.7	3.1	3.1	0.4
<b>Small Open Spaces</b>						

Location (Ref on Parameter Plan 003)	Existing Area (ha)	2010 Consented Area (ha)	2010 Net Gain or Loss	S.73 Proposed Area (ha)	S.73 Net Gain or Loss	Difference between 2010 Consent and S.73 proposal
Whitefield Sports Facilities	1.1	0	-1.1	Within CP1	-1.1	0
Whitefield Estate Amenity Space	1.1	0	-1.1	-	-1.1	0
Station Square (M1)	-	0.87	0.87	0.87	0.87	0
Market Square (M2)	-	0.81	0.81	0.68	0.68	-0.13
Brent Cross Main Square (M3)	-	0.34	0.34	0.35	0.35	0.01
Community Square (S1)	-	0.19	0.19	0.19	0.19	0
Gas Governor Square (S2)	-	0.16	0.16	0.16	0.16	0
Cricklewood Station Square (S3)	-	0.16	0.16	0.16	0.16	0
Brent Cross LUL Station Square (S4)	-	0.15	0.15	0.15	0.15	0
School Square (S5)	-	0.26	0.26	0.26	0.26	0
Tower Square (S6)	-	0.51	0.51	0.51	0.51	0
Whitefield Square (S7)	-	0.13	0.13	0.13	0.13	0
Fenwick Place (S8)	-	0	0	0.05	0.05	0.05
Templehof Circus (S9)	-	0	0	0.03	0.03	0.03
Layfield Place (S10)	-	0	0	0.05	0.05	0.05
Railway Lands Nature Park (NP2)	-	0.42	0.42	0.42	0.42	0
Northern Nature Park (NP3)	-	0.2	0.2	0.2	0.2	0
River Brent Nature Park (NP4)	-	0.2	0.2	0.2	0.2	0
Office District Park (CG1)	-	0.6	0.6	0.6	0.6	0
Millennium Green (CG2)	0.43	0.48	0.05	0.48	0.05	0
Living Bridge (CG3)	-	0	0	0.15	0.15	0.15
<b>TOTAL</b>	<b>25.23</b>	<b>33.76</b>	<b>8.53</b>	<b>34.32</b>	<b>9.09</b>	<b>0.56</b>

As set out above an increase of some 0.56ha is proposed within the S.73 scheme compared to the 2010 consented scheme. This is as a result of a small increase to the size of Brent Cross Main Square, Brent Riverside Park, the “threshold squares” and the “Living Bridge”.

This equates to 34.32 ha of space within the S.73 scheme in comparison to an existing open space area of 25.23 (an increase of 9.09 ha).

The broad parameters for open space in terms of qualitative improvements remain unaltered from the consented scheme and the slight increase in proposed space is supported by officers. The updated schedule of minimum spaces is contained in the DSF and provides a minimum standard against which Reserved Matters will be assessed.

Following discussions at pre-application stage, the Applicant has agreed to bring forward Clitterhouse Playing Fields Part 1 and Claremont Park to Phase 1AN. This will assist in mitigating quantitative loss of existing open space in the early phases through a significantly enhanced qualitative improvements to these areas of space.

### **Space adjacent to B&Q, Cricklewood Lane**

A number of consultation responses have been received relating to the inclusion in the outline planning application of the space adjacent to the B&Q building on Cricklewood Lane. This area totals some 0.2 ha. The proposals remain unchanged for the uses and for the maximum and minimum heights for this site. It has been moved to the first Phase as it is a potential site where the early provision of housing accommodation could be achieved.

This space is not designated within the Local Plan or approved planning application as open space although (as explained below) it was provided for use as public open space as part of the planning process leading to approval of the adjoining retail development and was transferred to the Council for that purpose.

In the 2010 Permission this site (Plot 58) was granted outline consent for retail or health uses on the ground floor and residential uses on the on the upper floors. It was programmed for delivery in Phase 2 of the development. This site had historically been subject to anti-social behaviour and a building was approved in this location under the outline consent as it was felt that there were urban design reasons for continuing the built frontage to this side of Cricklewood Lane. The building approved in outline under the 2010 Permission would provide a continuous active frontage to an area dominated at present by the blank side of the B & Q building.

This area was provided as open space at the time of the construction of the building currently occupied by B & Q under the terms of a S52 agreement dated 30 January 1987 and was acquired from the Crown Commissioners by the Council in September 2004 with a restrictive covenant requiring it to be used as open space. Both of these restrictions are not unusual situations when comprehensively developing sites in existing urban areas such as town centres. Statutory powers under Section 237 of the Town and Country Planning Act would be used to override these restrictions at the development stage, if appropriate in order to allow this part of the BXC development to be delivered.

Since 2010 a number of community events have been held on this site and there is now substantial local support to retain this area as open space. In response to this, proposals are also advanced to widen the paved area and plant trees in this location funded by the Mayor of London through the Outer London Fund (OLF). These recent OLF proposals are potentially compatible with the BXC proposals.

Although it is noted that this space provides a level of local amenity space it is considered that the qualitative and quantitative improvement to local open spaces provided early in the wider BXC scheme delivery programme will sufficiently mitigate the loss of this space. In addition, it is likely that some area of public realm will be provided and retained as part of the Outer London Fund proposals.

### **Temporary Open Space**

As proposed within the 2010 Permission, the S.73 application proposes that Clarefield Park will be lost in the first phase of the redevelopment. Condition 20.20 requires temporary open

space provision to be made prior to the closure of the existing Clarefield Park ahead of its permanent replacement.

The Indicative Construction Programme submitted as part of the S.73 Application highlights potential timing issues in the delivery of the Clarefield Temporary Open Space as the Temporary Open Space cannot be delivered until after the complete demolition of the Whitefield Estate. There is therefore likely to be a period of time between the construction of Claremont Avenue through Clarefield Park (April 2017) and the opening of the temporary provision (June 2022) and this could result in a deficiency in open space for existing residents and new residents within early phases

To mitigate and in response to the concerns raised by the LPA relation to this temporary deficit, the Applicants have agreed to bring forward the Clitterhouse Playing Fields Improvements (Part 1) and the Claremont Park Improvements as an early part of the of development in Phase 1A (North). This obligation is incorporated into the revised Section 106 Agreement and the ICP (which is Schedule 18 in the Revised Draft S106 Agreement) in order to mitigate this impact. These improvements are programmed to be completed by February 2017.

Although this will not rectify the quantitative loss in provision, officers consider that it will bring about a significant qualitative improvement in the short term to meet the space provision of existing and new residents. On this basis it is considered that the proposed amendment to Condition 20:20 and the related planning obligations will provide sufficient mitigation for the early loss of Clarefield Park as part of the delivery of the BXC Development.

### **Clitterhouse Farm Buildings**

Several buildings previously part of Clitterhouse Farm remains in the south western corner of the Playing Fields with access from Claremont Avenue. These have been utilised as a Council depot and are in the ownership of the Council. They are in a poor condition and the outline consent proposed their demolition and replacement with a park maintenance store and offices together with a small parking area.

A large number of consultation responses have been received objecting to the loss of these buildings and highlighting the potential use of these buildings for community activities, potentially as part of the planned improvements to Clitterhouse Playing Fields.

The improvements to Clitterhouse Playing Fields Part 1 (excluding the Nature Park) are proposed to be a direct Phase 1A (North) delivery obligation on the applicant, as part of the Revised S106 agreement. A specification will be agreed in accordance with the Revised S106 Agreement and the details will be approved under Condition 13.1 before the BXC Development commences. Initial discussions have been held between the promoters of the community use for the building and the applicant. The applicant has stated that they will consider this proposal as part of the detailed planning stage for Clitterhouse Playing Fields and is open to the retention of these buildings by means of either an amendment application under the proposed S.73 Conditions or (if necessary) a new Section 73 application. It should also be noted that renovation of these buildings is likely to be considerably more expensive than their demolition and replacement with the uses approved in the 2010 permission. Therefore it is likely that the community proposals will need to be further developed, including developing a viable business case. The detailed consideration of the area containing the farm buildings will be dealt with at the Reserved Matter Stage – probably in 2014.

### **Play Space Provision**

The approach to play space provision remains unchanged compared to the 2010 consented scheme with a site specific play strategy set out in the revised Public Realm and Open Space Strategy (2013). This confirms that the 2013 strategy complies with updated guidance including Planning and Design for Outdoor Sport and Play - Fields in Trust (2008) and the Mayor's SPG - Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation (2012).

The revised S.73 ES (2013) notes that there will be up to 2,363 children aged 0-16 (based upon 30% affordable housing). Based upon the Mayor's SPD requirement of 10 sq m of space per child, a requirement of approximately 23,630sq m of open recreational space will be required. This target continues to be met through the proposed S.73 scheme that continues to propose access to a range of spaces.

### **Outdoor Amenity Space**

The revised Public Realm and Open Space Strategy (2013) (BXC07) provides minimum standards for private amenity space. This has been reviewed to take account of the Mayor's Housing DPD. However, it does not make reference to the Barnet Sustainable Design and Construction SPD. Proposals remain consistent with the consented scheme. These are summarised below against the Mayor's Housing SPG and the standards set out in Barnet's Sustainable Design and Construction SPD:

**Table 7 – Proposed Outdoor Amenity Space Standards within BXC – Comparison with Policy Requirements.**

<b>Unit size</b>	<b>Mayor's Housing Design SPG</b>	<b>Barnet Sustainable Design and Construction SPD standard</b>	<b>Proposed standard</b>	<b>Officer Comment</b>
1+2 bed flats (ground floor)	5 – 7 sq m	5 sq m per habitable room	Min 5 sq m per unit (terrace/separation from communal spaces)	This proposed provision is considered to accord with both the Mayor's and LBB's standards.
1+2 bed flats (upper floors)	5 – 7 sq m	5 sq m per habitable room	5 sq private/communal. Minimum 3 sq m balcony/terrace	It is considered that this provision may fall short of the LBB and Mayor's standards. Officers note that the applicant has committed to ensuring that further provision will be made in communal areas. This will require further consideration within each Reserved Matters application that will be required to accord with the prevailing standard.
3+4 bed flats (ground floor)	7-10 sq m	5 sq m per habitable room	Either 1.5 m deep threshold or 14 sq m terrace	It is considered that this provision may fall short of the LBB and Mayor's standards. Officers note that the applicant

Unit size	Mayor's Housing Design SPG	Barnet Sustainable Design and Construction SPD standard	Proposed standard	Officer Comment
				has committed to ensuring that further provision will be made in communal areas. This will require further consideration within each Reserved Matters application that will be required to accord with the prevailing standard.
3+4 bed flats (upper floors)	7 – 10 sq m	8 sq m	8 sq m – combination of balcony and/or roof terrace	This proposed provision is considered to accord with both the Mayor's and LBB's standards
3 bed houses	7- 9 sq m	40 sq m (assuming four habitable rooms)	Min 25 sq m	This provision is considered to meet the Mayor's requirements. However it may fall short of the LBB standards.
4 bed houses	8- 10 sq m	55 sq m (assuming five habitable rooms)	Min 40 sq m	This provision is considered to meet the Mayor's requirements. However it may fall short of the LBB standards.

The residential amenity standards remain unchanged in comparison to the 2010 consented scheme. As outlined above it is demonstrated that the proposed standards in most instances meet or exceed the Mayor's housing design standards, although do not fully meet the Barnet SPD standards.

The Applicants DAS (2013) and PROSS (2013) highlight how this approach has been taken based upon a number of case studies to review provision within high density residential schemes across the Country. This approach is considered to remain acceptable for the purposes of the proposed Section 73 scheme, noting that Reserved Matters applications will be required to address issues of private amenity space in the context of the principles and parameters outlined in the DAS (2013) and Design Guidelines (2013), together with prevailing standards at the time of submission.

In instances where space is not completely provided as private balconies/gardens/terraces, the Applicant has stated that further amenity space requirements will be met within communal courtyards and gardens. This is considered to be acceptable at the Outline Stage. However, it is expected that Reserved Matters applications will accord where practical with the prevailing standards.

#### **Officer Comment**

The proposed development will deliver a high density new "town centre" area not comparable with the majority of Barnet's suburban urban forms. Given the proposed nature of

development, which will be part of a new town centre in close proximity to a number of new/improved public open spaces, it is considered that the approach to public and private amenity space continues to be acceptable.

## **5.8 Ecology and Nature Conservation**

### **Policy Background**

The *Conservation of Habitats and Species Regulations 2010* consolidate all various amendments made to the *Conservation (Natural Habitat & c) Regulations, 1994* as amended. The 2010 regulations also require the compilation and maintenance of a register of European sites, to include SACs and Special Protection Areas (SPAs) classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). These sites form a network termed Natura 2000.

NPPF Paragraphs 109, 110 and 118 seek to minimise adverse effects on the local and natural environment.

Several policies within the London Plan (2011) relate to biodiversity, in particular Policy 7.19 which relates to biodiversity and access to nature, and requires that proposals plan for nature from the beginning of the development process and take opportunities for positive gains for nature.

The following policies in Barnet's Local Plan (Core Strategy) 2012 are of particular relevance:

- Policy CS7 (Enhancing and protecting Barnet's open spaces) seeks to protect existing Sites of Importance for Nature Conservation. It also urges new developments to protect existing site ecology and make 'fullest contributions to enhancing biodiversity through on-site measures and by contribution to local biodiversity improvements.'
- Policy C4 of the saved UDP seeks the restoration and enhancement of the River Brent and its corridor for nature conservation purposes. It is also clarified that 'development which would be directly or indirectly detrimental to the nature conservation value of the Brent Reservoir Site of Special Scientific Interest will not be permitted.' The policy also seeks appropriate protection to legally protected species and encourages new development to take opportunities to enhance the biodiversity of the area.

### **Applicant's Conclusions (based on Chapter 11 of the S.73 ES, 2013)**

The assessment of ecology and nature conservation presented in the 2008 Environmental Statement (as amended in 2009) has been reviewed in light of the proposed S.73 amendments to the 2010 Consented Scheme, particularly the altered River Brent realignment and associated Riverside Park, and updates in respect of planning policy context. The baseline conditions have also been reviewed following a Phase 1 Habitat Survey (July, 2013) update and bat surveys of the Site. None of the aforementioned changes materially affect the conclusions of the assessment of ecology and nature conservation presented in the ES 2008 (as amended in 2009) that was accepted at the time of granting planning permission in 2010.

### **Commitments**

Commitments by the applicant remain consistent with the 2010 permission :

- For Designated sites: Green infrastructure will be created in the community parks, including a mosaic of tall grassland, short grassland, scrub and the creation of a pond, along with additional biodiversity enhancements where possible. Creating two nature parks on the site, green and brown roofs and eight green corridors.
- For Habitats loss: the use of native species or species with known wildlife value and sensitive management of the habitat, adherence to “BS5837: 2012 Trees in relation to design, demolition and construction.”
- Reduction in invertebrate habitat: a 10% minimum of roofs to be green and brown roofs and additional surveys will be undertaken to inform the detailed design of the roofs.
- For Breeding birds: sensitive timing of works and/or pre clearance nest checks. The design of quality habitat and including a total of 600 bird nesting boxes or bricks will be provided as follows:
  - House Sparrow boxes – total of 300;
  - Artificial House Martin nests – total of 100;
  - Swift bricks – total of 100; and
  - Various sized nests boxes and bricks (e.g. selection for Tit species, Robins, Wrens and Starlings) total of 100.

General design principles and location for these bird boxes have been provided. These include the following:

- For Roosting and foraging bats: sensitive timing of works, a like for like replacement of roosts to be lost under a Natural England licence. The design of quality habitat. Bat boxes on trees with roosting potential that are to be lost, at least three bat boxes, for each tree. Limiting the use of artificial lighting along the river Brent stating some design principals.
- For Potential spread of non native invasive species: Invasive species (Japanese knotweed, giant hogweed and Himalayan balsam) will be controlled and removed from the survey area following a strategy developed using Environment Agency guidelines.
- For the River Brent: Ecology on Site during construction will be safeguarded via the CoCP which included the EAs Pollution Prevention Guidance, to providing further information with relation to the exact details of the final design of the channel realignment and the potential benefits/ impacts that this will have on the overall scheme.

No new commitments have been proposed in the S.73 Application.

### **Officer Response**

The S.73 ES concludes that there are no overriding concerns with respect to ecology and nature conservation which would prevent development taking place.

The applicant is committed to mitigating the impacts on habitats and fauna, both in the short-term from construction related impacts and the longer term operational impacts. This is detailed in the following conditions in the 2010 Permission that will remain unaltered if the S.73 Permission is granted:

- Condition 1.17
- Condition 8.1
- Condition 27
- Condition 27.1
- Condition 27.5

- Condition 27.9
- Condition 27.14
- Condition 34.3

In addition, in response to the Environment Agency's representation, a £50,000 contribution is to be paid by the BXPs under the Revised S106 Agreement for the restoration of Clitterhouse Stream through Basing Hall Park, which they say will have ecological benefits.

## 5.9 Landscape and Visual

### **Policy Background**

Paragraphs 59 and 60 of the NPPF state that policies should avoid unnecessary prescription or detail and concentrate on '*guiding the overall scale, density, Massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally*'.

The London Plan (2011) identifies the following policies relating to Landscape and Visual issues:

- Policy 2.18 that promotes the provision of an integrated network across London that performs as green infrastructure;
- Policy 7.2 that states that all new development should achieve the highest standard of accessible and inclusive design;
- Policy 7.4 that requires that developments should respect their local context, character and communities; and
- Policy 7.6 that promotes world-class architecture and design through partnership working to improve London's public realm and community involvement in the design process.

The following policy in the Barnet's Local Plan (Core Strategy) 2012 is of relevance at the local level:

- Policy CS 5 (Protecting and enhancing Barnet's character to create high quality places) states that new development in Barnet needs to respect and enhance the distinctive natural landscape of Barnet. The policy also encourages such developments to protect important local views from places within Barnet. The policy also encourages the protection and enhancement of Barnet Plateau and Finchley Ridge (the two identified landscape character types in Barnet).

### **Applicants Conclusions (based on Chapter 10 of the S.73 ES, 2013)**

The landscape and visual assessment has been reviewed in light of the proposed changes to the Consented Scheme, particularly the inclusion of Living Bridge (B7), the altered River Brent realignment, changes to the orientation and layout of buildings within Brent Cross East, Market Quarter and Eastern Lands, and changes to the configuration of some open spaces. As in the RES 2008 (as amended in 2009), the assessment considers the effects of the maximum building parameters of the amended Scheme including strategic mitigation planting measures as part of the overall landscape strategy. The assessment has taken the highest potential level for each section of the site into account to allow for a 'worst case assessment' to be made.

### **Commitments**

The applicants' commitments to landscape and visual are described within the DSF (2013), the Design and Access Statement (2013) and Design Guidelines (2013) and the PROSS (2013).

The Applicants are committed to the protection of vegetation (in accordance with BS 5837: British Standard – Trees in Relation to Construction) within the various working areas which is further underpinned by the requirements contained within the Code of Construction Practice (CoCP). The Applicants are also committed to the eradication of Japanese Knotweed and other invasive species.

No new commitments have been identified in the S.73 application.

### **Officer Response**

The proposed Scheme is not considered likely to have any significant permanent negative effects on landscape/townscape character or visual amenity and is considered to be consistent with the policy objectives for the area. Once the overall development is completed and various areas of new planting are established, the development will be effectively integrated within the townscape.

The overall character of the development area will change from the present poor condition in terms of the current townscape to a renewed townscape, enhancing the overall integrity, character, value and quality of the area. Within this, the density of the development and intensity of land use and activity will change the character of the area which for the most part is considered to be positive and in accordance with planning policy.

## **5.10 Air Quality**

### **Policy Background**

Policy 7.14 of the London Plan seeks to ensure that proposals minimise increased exposure to existing poor air quality, do not lead to further deterioration of air quality and make provision to address existing air quality problems. Barnet's Local Plan Policy DM04 states that proposals should be designed and sited to reduce exposure to air pollutants and ensure that development is not contributing to poor air quality.

Barnet is designated as an Air Quality Management Area due to high levels of nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) attributable to road traffic emissions. The areas of greatest concern are adjacent to busy roads and junctions including the A406/M1/A5.

### **Applicant's Conclusions (based on Chapter 14 of the ES, 2013)**

The air quality and dust assessment has been reviewed in light of the proposed changes to the Consented Scheme. It should be noted that the operational traffic data and the proposed Energy Strategy for the S. 73 Scheme have not been subject to alteration and remain as consented in 2010. However, the assessment methodology for road traffic and dust has been reviewed and updated and the assessment has been updated to reflect the updates in methodology and the latest emissions factors. None of the proposed changes materially affect the conclusions of the air quality and dust assessment that were presented in the RES 2008 (as amended in 2009) and accepted at the time of granting the 2010 Permission.

### **Commitments**

The applicant has committed to managing air quality and dust impacts of the scheme during construction through the implementation of measures identified within the Code of Construction Practice.

No new commitments have been identified in the S.73 Application.

### **Officer Response**

The air quality and dust assessment has followed published guidance and has been updated in line with the latest methodology and emissions factors. However no model verification has been undertaken for the base year assessment which means that the model predictions could be underestimating in the base year. Also although Defra published emission rates have been used in the assessment, in light of current knowledge, these are likely to underestimate future concentrations.

It is therefore considered that the conclusion of negligible impacts could be underestimating the resulting impacts on air quality and a contribution to monitoring should be made. This will assist LBB to build a better baseline to inform the detailed assessments for Reserved Matters applications.

The applicant has committed to managing air quality and dust impacts of the scheme during construction. The following conditions from the 2010 Permission will remain unaltered under the S.73 Permission if granted:

- Condition 8.1
- Condition 30
- Condition 35.5

To address air quality concerns emerging through the S73 Environmental Statement, together with consultation responses, the Council propose the following Conditions to ensure that Air Quality is sufficiently addressed during the implementation of the scheme:

#### **Condition 30.5:**

*'Six months prior to the commencement of development to the North of the A406 an Air Quality Monitoring Station shall have been established within Brent Cross West Development Zone to monitor levels of NO<sub>2</sub> and PM<sub>10</sub>. The specification and location must be agreed in advance with LBB's Scientific Services. The developer is responsible and hence must carry out all the duties of the day to day running of the stations. This includes servicing, calibration, ratification of data and all data management. Ratified data from these monitoring stations will be submitted to LBB SS officers prior to commencement of construction activities to provide a baseline and on a monthly basis throughout the entire BXC construction period and at the request of the LBB SS team.'*

#### **Condition 30.6**

*'Six months prior to the commencement of development to the South of the A406 an Air Quality Monitoring Station shall have been established within Eastern Lands Development Zone to monitor levels of NO<sub>2</sub> and PM<sub>10</sub>. The specification and location must be agreed in advance with LBB's Scientific Services. The developer is responsible and hence must carry out all the duties of the day to day running of the stations. This includes servicing, calibration, ratification of data and all data management. Ratified data from these monitoring stations will be submitted to LBB SS officers prior to commencement of construction activities to provide a baseline and on a monthly basis throughout the entire BXC construction period and at the request of the LBB SS team'*

**Condition 30.7**

*'All development plots including residential development adjacent to the A5, M1, A406 or A41 must include air quality monitoring tubes to monitor levels of NO2 and PM10 within new residential development and amenity space. The specification and location must be agreed before commencement of the relevant Plots with LBB's Scientific Services. The developer is responsible 103 and hence must carry out all the duties of the day to day running of the stations for a period of [x] years following the final occupation of the building. This includes servicing, calibration, ratification of data and all data management. Ratified data from these monitoring stations will be submitted to LBB SS officers prior to commencement of construction activities to provide a baseline and on a monthly basis throughout the entire BXC construction period, for 5 years following first occupation of each plot and at the request of the LBB SS team.'*

**5.11 Noise and Vibration****Policy Background**

In 2010 DEFRA published the Noise Policy Statement for England. This remains relevant despite the introduction of the NPPF and states the aims of the Government's policy as follows:

*'Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:*

- 1. avoid significant adverse impacts on health and quality of life;*
- 2. mitigate and minimise adverse impacts on health and quality of life; and*
- 3. where possible, contribute to the improvement of health and quality of life.'*

With the introduction of the NPPF, PPG24 was formally revoked to allow local planning authorities more flexibility in making planning decisions. However, the guidance PPG24 gives in terms of noise effects at given noise levels has been used in the noise assessment in judging the significance of environmental impacts.

**Applicants Conclusions (based on Chapter 9 of the ES, 2013)**

The noise and vibration impact assessment has been reviewed in light of the proposed changes to the Consented Scheme, including the implications for construction noise of the amendments to the proposed phasing. The planning policy context and assessment methodology have been reviewed, particularly in relation to the National Planning Policy Framework (1) (NPPF) (2012) and associated revocation of Planning Policy Guidance 24: Planning and Noise (1994), and the baseline conditions updated to account for noise monitoring conducted on the Site in July 2013. The operational traffic noise modelling has been re-run to reflect the revised 2013 S.73 proposals and minor changes to road junction layouts. None of these changes materially affect the conclusions of the noise and vibration assessment that were presented in the ES 2008 (as amended in 2009) and accepted at the time of granting the 2010 Permission.

**Commitments**

The applicants have identified various noise standards that will be achieved at a detailed design stage including BS4142 and BS 8233.

There are various commitments related to construction noise included within the Code of Construction Practice relating to management of noise impacts during the construction phase.

Specific to the S.73 application it is identified that the area around the realigned River Brent will be exposed to higher levels of noise from the A406 than in the consented scheme due to the realignment of the central section and riverside park to the south of the BXE building zone (and no longer surrounded by buildings as consented). To improve the amenity of this space a noise barrier approximately 4m high is proposed to be provided as mitigation along the northern side of the A406.

### **Officer Response**

It is considered that the S.73 Application proposals do not give rise to any unacceptable adverse impacts arising from noise and vibration. There will be the need to carry out further noise and vibration assessment work at the reserved matter stages.

The applicant has committed to managing the noise and vibration impacts of the scheme both during construction and operation. The following conditions from the 2010 Permission will remain unaltered should the S.73 Permission be granted:

- Condition 8.1
- Condition 8.3
- Condition 28.3
- Condition 28.6
- Condition 29.1
- Condition 29.2
- Condition 29.3
- Condition 29.4
- Condition 29.5
- Condition 29.7

In addition the following conditions are proposed to be included as Condition 29.9 and 29.10 to address specific additional noise issues identified within the S73 Environmental Statement:

#### **Condition 29.9:**

*'Prior to or when submitting the first Reserved Matters Application for the Rail Freight Facility the applicant shall demonstrate (with evidence based on appropriate detailed noise modelling) that the design and layout of the Rail Freight Facility and any proposed noise barriers will achieve the maximum night time noise levels of  $L_{Aeq, 5min}$ , 45dB at 1m from the facades of the residential properties in the Railway Cottages Conservation Area.'*

#### **Condition 29.10:**

*'Prior to commencement of development of the Brent Riverside Park, details of the A406 noise barrier, or alternative noise mitigation measures will be submitted to and approved by the local planning authority prior to development. The approved mitigation scheme shall be implemented in its entirety before the use commences.'*

## **5.12 Contaminated Land**

### **Policy Background**

Paragraph 120 of the National Planning Policy Framework seeks to prevent unacceptable risks from pollution. It is also clarified that if a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.

In paragraph 143 planning authorities are urged to evaluate planning applications against certain set environmental criteria which includes potential “migration of contamination from the site”.

The London Plan (2011) sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031 and forms part of the development plan for Greater London.

The Barnet’s Local Plan (Core Strategy) sets out the vision, objectives and related strategic policies for sustainable development in Barnet. Barnet’s Local Plan (Development Management Policies) Policy DM04 states that Proposals on land which may be contaminated should be accompanied by an investigation to establish the level of contamination in the soil and/or groundwater/surface waters and identify appropriate mitigation.

### **Applicant’s Conclusions (based on Chapter 15 of the S.73 ES, 2013)**

Updates to the Ground Contamination S.73 assessment, take into consideration the latest legislative and planning policy context and new data from project specific ground investigations that have been undertaken (detailed in full in BXC17 s. 73 Supplementary Phase 1 Geo-Environmental Assessment and Geotechnical Development Report). However, this does not materially change the conclusions of the assessment.

### **Commitments**

The need for further ground investigation work which will better define the extent and nature of contamination on the site is acknowledged. Output from this work will inform the detailed design and remediation that will be required.

No new commitments have been identified for the S.73 application.

### **Officer Response**

It is recommended that conditions 28 and 31 of the Outline Planning Permission for the Consented scheme granted in 2010 remain unaltered should the s. 73 Permission be granted. In addition, the appropriate planning of the various stages of remediation (as identified based on the site investigations as discussed above) will assist in ensuring that uncontaminated/remediated areas are not subsequently affected by areas of contamination identified for remediation later in the development programme.

## **5.13 Archaeology and Cultural Heritage**

### **Policy Background**

There have been changes to the legislative system and policies since the RES 2008 (as amended in 2009) was prepared for the consented scheme. However, these do not manifestly alter the methods used. The aims of the report are appropriate and comprehensive and take into account the release of the NPPF (2012) and the Barnet Core

Strategy (2012). Consultation was undertaken with appropriate bodies including English Heritage Greater London Archaeological Advisors (GLAAS).

### **Applicant's Conclusion (based on Chapter 13 of the ES, 2013)**

Updates to the archaeology and cultural heritage assessment, since the RES 2008 (as amended in 2009) and granting the 2010 Permission, comprise updates in light of the latest planning policy context. Following the submission of the RES in 2008 (amended in 2009), the Government issued the National Planning Policy Framework (NPPF) (2012) and the status of some local planning policies has also changed. The S.73 ES chapter has been updated in light of these changes in policy, although this does not materially affect the assessment (as policy remains very similar to the previous guidance).

Aside from the policy changes, the S.73 scheme does not propose to alter conclusions reached within the ES that accompanied the 2010 Consent.

### **Commitments**

The S.73 ES (2013) heritage chapter recommends a wider pre-construction phase suite of archaeological evaluation than the original planning condition imposed in the 2010 Permission. Given the lack of certainty of potential and preservation within the site and the consequential risk to the client's proposals and construction timeframes, monitoring is not considered the most appropriate mitigation technique and could lead to delays, additional costs and an ineffective method of assessing and preserving the historic environment. The more proactive evaluation approach recommended in the ES (2013) chapter is considered to be suitable and better risk management and the S.73 conditions are recommended on this basis (see below).

### **Officer Response**

The English Heritage Greater London Archaeology Advisory Service (GLAAS) have recommended the following re-wording of Condition 43:

- (1) Prior to the commencement of development an over-arching Scheme of Archaeological Investigation will be submitted to the LPA setting out the process for assessing and mitigating the impact of development on archaeological interest, including appropriate post-excavation analysis, archiving and publication.*
- (2) 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 site-specific Scheme of Archaeological Investigation to preserve or record any archaeological evidence within the Phase or Sub Phase.*
- (3) Each Phase or Sub-Phase of the Development shall take place in accordance with the approved over-arching Scheme of Archaeological Investigation and the site-specific Scheme of Archaeological Investigation approved for that Phase or Sub-Phase.*

*Reason: To secure the provision of archaeological assessment and to minimise or mitigate harm to remains of archaeological interest.*

It is recommended that condition 43 as worded above is included in the S.73 Permission to ensure that a sufficient level of archaeological assessment is provided to minimise or mitigate any potential harm to remains of archaeological interest. The imposition of the above condition will ensure that no adverse impacts in relation to archaeology will arise from the proposal.

## **5.14 Water Resources and Flood Risk**

### **Policy Background**

The key policy change since the 2010 Permission was granted is the publication of the NPPF. This is highlighted in the report and comments on the use of the NPPF with regards to flood risk and how this has been developed since PPS25. The key fundamentals of the NPPF are discussed and how NPPF extends upon these principles in its approach to managing flood risk.

### **Applicant's Conclusions (based on Chapter 12 of the S.73 ES, 2013)**

The water resources and flood risk assessment has been reviewed in light of the proposed amendments to conditions contained in the 2010 Permission, particularly the altered River Brent realignment. The S.73 ES (2013) Chapter has been updated to take account of the Water Framework Directive Assessment and updated FRA that are submitted as part of the S.73 application (BXC 16). None of the aforementioned changes, materially affect the conclusions of the water resources and flood risk assessment that were presented in the RES 2008 (as amended in 2009) that was accepted at the time of granting the 2010 permission.

### **Commitments**

The applicant has committed to the following;

- Details of surface water drainage, including recycling and storage, to be agreed with LB Barnet, Thames Water and the EA.
- Flood pathways from the A406 into the River Brent will not be inhibited by the proposed s. 73 Scheme.
- Further investigation should be made at the detailed design stage to identify and mitigate any risks of groundwater levels to basements proposed in the proposed detailed s. 73 Scheme designs.
- During detailed design, further consideration to be given to Clitterhouse Playing Fields drainage and Clitterhouse Stream.
- All potential areas at risk from overland flow and drainage sources will be identified and taken into account during the detailed design

In accordance with the requirements of the EA, an average of 8 m will be allowed between top of banks and maintenance access.

No new commitments have been identified for the S.73 application.

### **Officer Response**

The re-alignment of the channel has been well considered within the S.73 ES and throughout the developed FRA process. The S.73 ES (2013) represents the current FRA and portrays the information presented by the FRA. However, some concerns were raised within the review in relation to the new aligned river channel to ensure that the best possible improvement to the area can be made.

A meeting was held between LB Barnet officers, Environment Agency and the Applicant during which further clarification was provided on a number of queries raised including access provision along the realigned River Brent and some of the outputs of the flood modelling and the reduction in rainfall run-off rates that could be achieved on the site.

The Environment Agency has responded to confirm that they have no objection to the S.73 Application. However the following amendments to conditions 44.2 and 44.5 have been requested by the Environment Agency:

**Condition 44.2:**

*No development shall commence within Phase 1 or any 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, and 13.1 as appropriate having regard to the relevant Phase or Sub-Phase), which shall include (as appropriate):*

- a) the channel design incorporating natural river features such as riffle pool sequences, naturally graded banks and marginal habitats;*
- 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.*

**Condition 44.5:**

*A Sustainable Urban Drainage System to be submitted for approval in accordance with Condition 1.27 in relation to each Phase or Sub-Phase shall be integral to the site and ensures a commitment to a minimum 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, and permeable paving and pipe storage. It must be demonstrated that SuDS have been maximised across the site, with justification provided if targets set in the London Plan cannot be met. The system must treat water pollution in line with section C of Defra's National Standards for Sustainable Drainage Systems with regard to specific hazards and receptors.*

In addition the following condition is recommended by the Environment Agency as Condition 44.10:

*No development shall commence within any Phase or Sub Phase until a detailed Water Framework Directive Assessment examining the impacts to the watercourses on site and associated mitigation measures has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.*

Close liaisons between the applicant, the EA and London Borough of Barnet should continue throughout the detailed design phase of the channel realignment to ensure the most suitable and beneficial solution is sought.

The applicant is committed to providing further information during the ongoing detailed design process (assuming that the Section 73 Permission is granted) in relation to the exact details of the final design of the channel realignment and the potential benefits/ impacts that this will have on the overall scheme. The applicant should ensure that the new realigned river does not increase (and ideally reduce) flood risk within the proposed scheme and ideally have a positive improvement on the current situation under all flow conditions. If implemented correctly the realigned scheme should improve environmental quality and usability of the river whilst enhancing the local area and reduce flood risk wherever possible.

It is recommended that Conditions 1.27, 8.1, 12.1, 28.2, 44 (with above amendments) and 45 of the 2010 Permission should remain if the S.73 permission is granted.

In addition a planning obligation recommended by the Environment Agency will require a contribution of £50k towards the de-culverting of Clitterhouse Stream through nearby Basing Hill Park. This is included in the Draft Revised S106 Agreement now on the planning register as summarised in Appendix 4.

## **5.15 Waste Management**

### **Policy Background**

Policy and legislation has been updated to reflect changes since 2010, which includes a review of the NPPF, The Mayor's Municipal Waste Management Strategy 2011, London Plan (2011), the London Business Waste Strategy 2011 and Environmental Permitting Regulations. The direction of waste policy remains the same so no significant changes to the assessment and conclusions were anticipated.

### **Applicant's Conclusions (based on Chapter 16 of the ES, 2013)**

Updates to the Waste assessment, since the RES 2008 (as amended in 2009) and granting of Planning Permission in 2010, comprise updates in light of the latest planning policy context only and changes in recycling rates. The ES (2013) chapter has been updated in light of these changes, although this does not materially affect the conclusions of the assessment.

### **Commitments**

Developers will be required to develop plot specific Site Waste Management Plans which will help to ensure construction waste on site is minimised and where produced, efforts will be made to maximise onsite recycling and reuse .

The applicants will provide a new waste handling facility (CHP) and at grade or underground waste transfer subject to agreement and feasibility.

No new commitments have been identified in the S.73 Application.

### **Officer Response**

The prediction of impact magnitude is very detailed, covering long and short term impacts in a logical way and are illustrated by a number of tables. The current and future estimates of waste generation show a significant increase in waste due to the operational stage of 2010 consented scheme. However there is an actual reduction in operational waste predicted in the S.73 when compared to the 2010 consented scheme, this is due to an updated and better informed baseline utilising updated information from the London Borough of Barnet.

The mitigation section is comprehensive and notes that waste management will be mitigated through the principles of the Code of Construction Practice (CoCP) and Site Waste Management Plan (SWMP).

It is recommended that conditions 8.1, 9.1, 41 and 40.1 of the 2010 Permission remain unaltered should the s. 73 Permission be granted.

### **5.16 TV, Radio and Mobile Communications**

The proposed amendments to the 2010 Consented Scheme represent a relatively small change in built form that would not result in a significant change to the predicted effects on TV, Radio and Mobile Phone Reception. Additionally, the switchover from analogue to digital television transmission has already occurred (prior to commencement of the development). Accordingly, there have been no amendments to the TV, radio and mobile phone reception ES chapter.

### **5.17 Microclimate**

#### **Policy Background**

The microclimate S.73 ES chapter provides a comprehensive background on the international, national and regional and local policies regarding microclimate. Policy and legislation has been updated to reflect changes since 2010, in particular the 2011 London Plan update and the adoption of Barnet's Core Strategy and Development Management Plan DPDs in 2012.

#### **Applicant's Conclusions (based on Chapter 17 of the S.73 ES, 2013)**

Updates to the microclimate assessment, since the ES 2008 (as amended in 2009) and granting of the 2010 Permission, comprise updates to reflect changes in the arrangement of the proposed layout of the development and some alterations in infrastructure, in particular, the addition of Bridge Structure B7 and movement of some buildings and infrastructure towards the A406. The S.73 ES (2013) chapter has been updated in light of these changes, although this does not materially affect the conclusions of the assessment.

#### **Commitments**

The need for further wind tunnel modelling of key buildings at the detailed design stage is acknowledged, this is in conjunction with the detailed design of soft and hard landscaping that can be utilised to mitigate any impacts.

No new commitments have been identified in the S.73 application.

### **Officer Response**

The microclimate assessment has incorporated updates to reflect changes in the arrangement of the proposed layout of the BXC development and some alterations in infrastructure, in particular, the addition of the Living Bridge (Bridge Structure B7) and movement of some buildings and infrastructure towards the A406.

It is concluded that the proposed S.73 scheme does not materially affect the conclusions identified in the ES 2008 (as amended in 2009) It does however identify the following proposed additional mitigation measures to effectively alleviate adverse wind conditions, the requirement for which would be identified at the detailed design stage:

- Recessing of entrances;
- Entrance screens;
- Softening sharp building corners;
- Canopies above entrances;
- Localised shelter to create pockets of areas suitable for long periods of outdoor sitting or general recreational activities as required.

A new condition (34.5) is proposed to ensure that the above mitigation measures are adhered to through Reserved Matters applications. Condition 34.1 of the Outline Planning Permission for the consented scheme granted in 2010 will remain unchanged should the S.73 Permission be granted.

## **5.18 Daylight**

### **Policy Background**

The sunlight and daylight assessment updated the policy and guidance section to reflect changes since 2010, BR 2009, Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, 2011.

### **Applicants' Conclusions**

Updates to the sunlight and daylight assessment, since the ES 2008 (as amended in 2009) and grant of the 2010 Permission, comprise updates to reflect changes in the arrangement of the proposed layout of the BXC development and some alterations in infrastructure, in particular, the addition of the Living Bridge (Bridge Structure B7) and movement of some buildings and infrastructure towards the A406. The S.73 ES (2013) chapter has been updated in light of these changes, although this does not materially affect the conclusions of the assessment.

### **Commitments**

The need for further detailed design studies to ensure adequate daylighting standards are achieved is acknowledged.

No new commitments have been proposed in the S.73 Application.

### **Officer Response**

The sunlight and daylight assessment has incorporated updates to reflect changes in the arrangement of the proposed layout of the BXC development and some alterations in infrastructure, in particular, the addition of "Living Bridge" B7 and movement of some buildings and infrastructure towards the A406.

It is concluded that the proposed S.73 scheme amendments do not materially affect the conclusions identified in the previous 2008 Environmental Statement (as amended in 2009). However, it does indicate that the Office District Park remains inadequately sunlit on the 21st March whilst the Tower Square and Station Square are now expected to be adequately sunlit. The Community Square and Market Square now receive reduced amounts of sunlight as compared to the 2010 Consented Scheme. However this is still identified as being above best practice guide values. The sunlight availability at these locations can be improved by increasing the spacing between buildings or reducing their roofline.

Commitments made by the Applicant to limiting daylight and sunlight impact on the surrounding residences, amenity space and wildlife / habitat area may take the form of increased building setback, alteration to final building height or an adjustment in roofline . It is recommended that in addition to these mitigation measures, that condition 34 of the Outline Planning Permission for the consented scheme granted in 2010 remains unchanged should the S.73 application be granted permission.

## **5.19 Energy**

### **Policy Background**

The updates to the Revised Energy Strategy (2013) have been made in light of the revised London Plan Policy 5.2 that requires the application to achieve more stringent energy performance criteria. As such, the Revised Energy Strategy does not ostensibly change from the 2010 approved scheme in approach, but;

- updates carbon reduction commitments to reflect new standard Building Regulations and other policy – an overall commitment to reduce carbon dioxide emissions in the development by 40% for residential and 25% for non-domestic buildings against a baseline of Building Regulations Part L 2010.
- provides a revised energy from waste strategy reflecting developments in the availability of refuse derived fuel
- updates the energy from waste appendix, supporting the approach to using refuse derived fuel
- restructures content through minor revisions to the document, such as the inclusion of the energy hierarchy of 'be lean, be clean, be green' as set out in policy 5.2 of the London Plan and to ensure it adheres to the recommendations set out in the GLA's Energy Assessments Guidance.

As such Revised Energy Strategy (2013) sets out the approach of:

- Being 'lean' – demand reduction through passive design and energy efficient buildings.
- Being 'clean' – efficient generation through CHP. The preferred option is for this to align with the waste strategy and be driven by reuses derived fuel (RDF). If this is not possible then an alternative option of gas-fired CHP is also given which demonstrates how the commitments might be achieved.
- The CHP is to be linked to a community heat network.
- Being 'green' – renewable energy contribution, assumed to be 50% from the RDF. The alternative option requires the equivalent of an additional 9% reduction in the baseline emissions to be delivered by other renewable technologies or through an approved offset scheme in order to deliver the 40% target improvement on 2010 Building Regulations. Although this is acknowledged in the text, it is not highlighted in the summary tables (2.6) as outlined in the GLA's Energy Assessments Guidance.

### **Applicants Conclusions**

The applicant concludes that the preferred option (CHP powered by refuse derived fuel) will deliver an overall carbon saving of 53% onsite, once all phases of the BXC development are complete. This meets Buildings Regulation requirements and a 40% reduction on 2010 Building Regulations for residential properties. The applicant highlights that non-domestic buildings will meet a 25% reduction below 2010 Building Regulations. This is compliant with the London Plan target which was in place during August and September 2013 when the targets were discussed and agreed with the GLA, as per their guidance (please refer to the GLA document 'Energy Planning: GLA Guidance on preparing energy assessments, Section 1.5 which states that the 25% target for non-domestic buildings was to be used for applications made up until October 2013.

The alternative option (CHP probably powered by natural gas) relies on using additional unspecified renewable energy or carbon offsetting equivalent to 9% of the baseline demand. This could be achieved in a number of ways which will be determined in consultation with the Energy Panel which is to be set up by the Applicants and on which the Borough, GLA and developers will have a seat.

Although London Plan Policy 5.7 does not set out a target for a specific carbon reduction to be met by renewable energy, paragraph 5.42 of the London Plan does make the '*presumption that all major development will seek to reduce carbon dioxide emissions by at least 20 per cent through the use of on-site renewable energy generation wherever feasible*'. The proposed alternative energy strategy does not make an on-site renewable energy contribution. However, this strategy does make overall carbon dioxide reduction commitments of over 20% and there is scope for the consideration of renewable energy sources to contribute the additional 9% reduction in carbon dioxide emissions required to meet the commitment to reduce carbon dioxide emissions in the development by 40% for residential buildings from a baseline of Building Regulations Part L 2010.

### **Commitments**

The applicant is committed to reduce carbon dioxide emissions in the development by 40% for residential and 25% for non-domestic buildings against a baseline of Building Regulations Part L 2010. Post any further revisions to the Building Regulations the applicant has committed to meeting them where they go beyond this initial commitment. The Reserved Matters applications for each plot will be required to comply with building regulations in force at the time.

The applicant will set up and Energy Panel, on which the Borough, GLA and developers will have a seat. This Panel will agree the approach to meeting the additional 9% reduction in carbon dioxide emissions required to reduce carbon dioxide emissions in the development by 40% for residential buildings from a baseline of Building Regulations Part L 2010 if the alternative strategy is taken forward. This will include consideration of using renewable energy or offsetting.

### **Officer Response**

No further condition is required to secure the use of renewable energy as this is already secured through the developer's commitment to delivering the energy strategy (Condition 2.1) which complies with the London Plan and Mayor's Energy Hierarchy. This includes a commitment to reduce carbon dioxide emissions in the development by 40% for residential and 25% for non-domestic buildings against a baseline of Building Regulations Part L 2010.

## **5.20 Revised Environmental Sustainability Statement (2013)**

### *Policy Background*

A number of sustainability related policies have been adopted since the 2010 permission was granted, in particular:

- London Plan (2011) – Particularly chapter 5
- Delivering London's Energy Strategy (2011)
- Barnet's Local Plan (2012) – Core Strategy and Development Management Policies

A Supplementary Planning Document on Sustainability Design and Construction was also adopted by the LBB in 2013 and the GLA have also developed draft Supplementary Planning Guidance on Sustainability Design and Construction (2013).

The Statement includes a summary of the policies and the way in which the scheme will respond.

The Revised Environmental Sustainability Statement (2013) sets out how the proposed design, construction and operation of the proposed development at Brent Cross Cricklewood will meet sustainability related planning policies. The Statement sets out a number of Environmental Sustainability Objectives that the Development Partners have agreed to implement through a number of specific strategies, including:

- Energy Strategy
- Water Resource Efficiency Strategy
- Materials Resource Efficiency Strategy, and
- Operational Waste Strategy

The Statement provides a high level approach to 'addressing global and local environmental impacts' focusing on issues related to climate change, the urban heat island effect, pollution and noise.

The Statement includes a summary of other documents submitted in support of the planning application that also address environmental sustainability issues including:

- Sustainability and Open Space Strategy (including biodiversity and habitat)
- Sustainability and the Transport Strategy, and
- Sustainable Urban Drainage

### **Applicant's Conclusions**

The applicant acknowledges that the 'Sustainability Strategy' has not changed significantly since the 2010 Permission, with the main changes responding to updated commitments to reflect the development of planning policy over the intervening period. The most significant changes relate to more stringent requirements for carbon reduction associated with energy use. Allied to this, the chapter on operational waste has also had a number of changes. Changes in all other sections are not materially different, however, with increased focus on cross topic credit based assessment through new requirements for Code for Sustainable Homes level 4\* and BREEAM Very Good, there is a need for each section to highlight how credits could be achieved.

The applicant concludes that 'by providing the environmental sustainability measures summarised above, the Development Partners will ensure that the proposed Brent Cross Cricklewood development will perform significantly better than the minimum required by legislation. For a development of this size, it will be a precedent for others in London'.

## **Commitments**

No new commitments are identified.

## **Comment**

By nature, the Revised Environmental Sustainability Statement (2013) is broad reaching and high level; drawing on the various thematic strategies to provide the detail. Where there is not a thematic strategy in place, the RESS (2013) does provide a framework of appropriate commitments to be considered within reserved matters applications. The summary of commitments against Barnet's and the Mayor's current and Draft SPG's on Sustainable Design and Construction illustrate the extensive coverage of the issues and the environmental sustainability objectives set out the applicants anticipation in committing to these within relevant planning conditions.

## **5.21 CO<sub>2</sub>**

### **Policy Background**

Updates have been made within the RESS (2013) in light of the updated London Plan Policy 5.2. This requires the application to meet and exceed more stringent energy performance criteria.

### **Applicant's Conclusions**

The CO<sub>2</sub> assessment has identified that the proposed s. 73 amended scheme leads to a small reduction in traffic emissions in comparison to the 2010 consented scheme. However, this reduction is not sufficient to achieve the overall target of the Climate Change Act and Carbon budgets of the Committee on Climate Change The BXC development as a whole is expected to lead to a 75% increase in CO<sub>2</sub> emissions in comparison to the existing site use; however this increase is directly due to the increase in the density of the development which leads to a 672% increase in floor space. The assessment has identified that the proposed S.73 amended scheme is expected to result in a negative impact in respect of CO<sub>2</sub> emissions.

## **Commitments**

No new commitments are identified.

## **Officer Response**

The applicant has included measures to reduce the impact of the development which has been designed to achieve carbon emissions 25% lower than that set out in Part L of the Building Regulations 2010 for non-domestic buildings. The applicant concludes that the preferred option (CHP powered by refuse derived fuel) will deliver an overall carbon saving of 53% onsite, once all phases of the BXC development are complete. This meets Buildings Regulation requirements and a 40% reduction on 2010 Building Regulations for residential properties.

The alternative option (CHP probably powered by natural gas) relies on using additional unspecified renewable energy or carbon offsetting equivalent to 9% of the baseline demand. This could be achieved in a number of ways which will be determined in consultation with the Energy Panel which is to be set up by the Applicants and on which the Borough, GLA and developers will have a seat. The proposals for renewable energy in the alternative strategy is below the previous GLA policy for a 20% renewable energy contribution. This requirement for major schemes to deliver 20% on-site renewable energy is no longer London Plan policy but an expectation, where feasible (see London Plan para 5.42). The energy statement sets out a commitment to use renewable energy as part of the energy hierarchy to achieve the carbon reduction commitments, and the carbon reduction commitments exceed this 20% level.

## **5.22 Housing**

The delivery of a substantial contribution to the Borough's housing target as part of the BXC development is a key planning consideration in support of the application and is an important element in the Core Strategy's objectives and strategy for meeting the Borough's housing needs during the plan period. The BXC development is forecast to deliver approximately 7,500 new units with a target of over 30% of these units as Affordable Housing.

### **Policy Update**

The Government's planning policy for housing is contained within the NPPF which requires LPAs to meet objectively assessed need and deliver housing which provides people with a choice about where they live and the type of accommodation available.

The NPPF also amends the definition for affordable housing to now include social rented, affordable rented and intermediate housing following the introduction of affordable rent as part of the Homes and Communities Agency's 2011-15 Affordable Homes Programme.

The Local Plan – Barnet's Core Strategy (2012) - states that the Council will seek at least 22,550 additional homes up to 2025/26.

### **The Applicants Proposals**

#### *Quantum*

The Scheme continues to propose the same amount of residential floorspace (712,053m<sup>2</sup>) which could provide approximately 7,500 homes. This floorspace is distributed across the development in accordance with the Zonal Floorspace Schedule and includes a number of units that will be delivered early in the development and made available to residents who need to relocate from the Whitefield Estate and the Rosa Freedman Centre (approximately 217 existing dwellings).

As the S.73 Application is largely an outline application, exact housing numbers and unit sizes to be delivered in each phase cannot be precisely determined at this stage and will be determined at the detailed stages subject to compliance with the defined parameters and principles to which the proposed S.73 Permission will be tied. Any unit numbers currently available are therefore indicative and will depend on the detailed design of individual reserved matter applications. However, whatever the ultimate total of residential unit numbers within the Development, the Revised Section 106 Agreement will secure a minimum percentage of 15% as Affordable Housing and through the application of the review mechanism (which will operate as per the mechanism agreed between the applicants, the Council and the GLA in connection with the 2010 Consented Scheme) the Revised Section 106 Agreement will target such further Affordable Housing provision as is reasonably (and viably) possible over and above that minimum requirement.

#### *Mix*

No changes are proposed under the S.73 application to the baseline housing mix as previously proposed in terms of the range of housing sizes.

Affordable housing will be in accordance with the previously agreed mix and at a split of 60/40 social rent/affordable rent (the latter tenure having been introduced subsequent to the 2010 Consented Scheme) and intermediate tenures.

### **Affordable Housing and the Affordable Housing Review Mechanism**

As well as the 217 replacement units that will be provided and made available as Affordable Housing Units in Phase 1 of the Development to facilitate the relocation of the existing

residents of the Whitefield Estate and of the sheltered housing in the Rosa Freedman Centre (should they wish to take them), the application will (as with the 2010 Consented Scheme) target the target the delivery of 30% (approximately 2,200 units) of the remaining residential units as Affordable Housing across the Development and the Revised Section 106 Agreement (and the review mechanism therein) will allow for the possibility (although this is considered unlikely) of up to 50% of residential units in each Phase as Affordable Housing.

This will be subject to viability in compliance with policy. The proportion of Affordable Housing to be delivered for each specific phase (as identified in the Indicative Construction Programme) will be approved by the LPA when the applicant submits a Reserved Matters or other matters planning application at or before the commencement of each Phase or sub-phase.

The review mechanism by which the approved proportion of affordable housing will be calculated and defined is set out in the Revised S106 agreement. Each individual phase could potentially deliver up to 50% Affordable Housing (which was the current policy target in 2010) but this will be subject to the conclusions of the Review Mechanism. As stated above, the mechanics of the Review Mechanism itself remain unchanged from those agreed in connection with the 2010 Consented Scheme. However, the provisions of the Revised Section 106 Agreement in relation to Phase 1 (the PDP) have necessarily had to be adjusted from the previous Section 106 Agreement due to the fact that there are now some proposed residential units in the northern part of Phase 1 and that also there are likely to be more residential units in the southern part of Phase 1 than previously anticipated (indicative numbers show there may now be up to a total of approximately 1567 residential units in Phase 1 (South)).

This necessarily has required some adjustment to the section 106 provisions because the 15% Affordable Housing requirement in Phase 1 (the PDP) was previously met by the provision of the 217 residential units that are required be made available early in the development so that they are available for residents relocating from the Whitefield Estate and Rosa Freedman Centre. This was therefore the only "guaranteed" provision within the PDP under the 2010 Consented Scheme, although further Affordable Housing provision in the PDP was required if viable. Also in the northern PDP previously there were no residential units at all so any contribution towards Affordable Housing was to be made via a commuted sum. Under the Revised Section 106 Agreement provisions, the arrangements for Phase 1 have therefore been amended so as to:

- a. Require the provision of the requisite number of additional Affordable Housing units within Phase 1 (over and above the 217 previously referred to and required under the previous section 106 Agreement) so as to ensure that the Affordable Housing provision within Phase 1 continues to constitute at least 15% of the residential units within the Phase and ensure that any movement of residential units from later phases into Phase 1 does not result in a loss of guaranteed Affordable Housing units taking numbers below the 15% secured by the previous s106 Agreement. Based on the current indicative housing numbers for the Phase, this will require the provision of at least 59 additional Affordable Housing units in Phase 1 (to be split proportionately between north and south based on the number of residential units in each) although this number will be subject to adjustment at the time of approval of reserved matters so as to maintain the minimum 15% provision.
- b. Secure on site provision of Affordable Housing units within the residential units which will now form part of Phase 1 (North). There may now be approximately 278 residential units in Phase 1 (North). As part of this provision, 85 Affordable Housing

units will now be provided and available to accommodate those Whitefield and Rosa Freedman residents who will need to be relocated first so as to enable the relevant infrastructure to be put in place as part of Phase 1 (North), along with a further number of guaranteed additional Affordable Housing units to make a proportionate contribution towards the overall Phase requirement of 15% (currently estimated at 9 units) and such further Affordable Housing provision (initially on site but there is still also potential for a commuted sum) as is shown to be viable applying the Review Mechanism.

As well as being necessary to reflect the revised phases and indicative unit numbers and ensure a continued guaranteed provision of 15% Affordable Housing across the scheme, any Affordable Housing secured by the above adjustments will also come forward earlier than it would have done under the 2010 permission (now being within Phase 1 rather than Phase 2) and (in line with Council policy and officer's strong preference) will mean that in the event Phase 1 (North) can viably make a contribution towards Affordable Housing then said contribution should be delivered as on-site units integrated within the town centre element of this Development rather than through a commuted sum for Council provision elsewhere in Barnet.

The timely delivery of the 217 units of affordable housing to be delivered and made available for relocating Whitefield Estate and Rosa Freedman residents (should they wish to take them), prior to any of said residents being required to relocate will be secured through the revised Section 106 Agreement as well as the Residential Relocation Strategy which is to be approved and implemented under the conditions and the s106 Agreement. The Revised Section 106 Agreement also provides that if any of these 217 units are not taken by relocating residents (and it is likely to be the case that not all will want to remain within the area) they will be made available via an approved Registered Provider to house other Barnet residents in housing need.

For all other phases there remains (as before) a guaranteed provision of 15% Affordable Housing (meaning (regardless of viability) based on the current indicative numbers a guaranteed provision of approximately 1,132 Affordable Housing units across the Development (including in this context the 217 replacement units) if it is all built out and (subject to viability) a cumulative target of 30% of all residential units (excluding in this context the 217 replacement units) as Affordable Housing subject to an agreed percentage of developer's profit being achieved. As well as this 30% target, there is the potential for each phase to deliver up to 50% affordable housing subject to viability – i.e. some phases could exceed the 30% target if viability permits.

### **Phasing and Delivery**

As outlined above, the Section 73 proposal includes 278 more residential units in Phase 1 (North) and approximately 1567 residential units in Phase 1 (South), giving an indicative total for Phase 1 of 1845. Under the 2010 Permission the 278 units in Phase 1 (North) were included in Phase 2 of the Northern Development and in the Southern Development there has also been some movement of residential units from later phases into Phase 1. This increase in housing in Phase 1 generally is considered appropriate as more commercial plot development is also now proposed and this increased number of residential units in the first phase will contribute to creating a town centre by providing a full range of uses that can be expected to bring activity to the extended Brent Cross shopping centre outside of normal shopping centre hours.

## **Design**

The applicant has committed to high quality residential design through the DAS (2013) and Design Guidelines. Innovative and sustainable high density designs will be required at the Reserved Matter Stage.

Lifetime homes standards will be met for all new residential buildings. In the event that one or more standards cannot be met this will need to be identified and justified at the detailed design stage. 10% of new homes will be designed to meet wheelchair standards or capable of easy adaptation to wheelchair standards and all Affordable Housing units will be required to meet various minimum standards including the essential standards from the London Housing Design Guide.

## **Whitefield Estate**

The council has taken a number of steps to improve communications with the residents on the Whitefield Estate and Rosa Freedman Centre. This includes appointing PEP as the Resident Independent Advisor (RIA) service on the Whitefield Estate. The RIA provides free impartial advice to residents on all matters relating to the regeneration of their homes and it also act as source of key information. The council feels that is crucial for residents (some of whom are vulnerable) to have access to these services and be supported (independently from the council and the development partners) through this difficult process

In addition, the RIA has set up a Steering Group, which comprises several residents with different tenures to act as representatives for their Estate. The Whitefield Steering Group was established in late 2011, and since then, the Council has been meeting regularly with this Group. The Council has consulted with this group on scheme progress and on specific elements of the programme.

The Council, the Whitefield Steering Group and the RIA have been working together to create a consultation framework, which includes arranging special consultation events for the Whitefield Residents (with the developers in attendance), and holding public open meetings with representatives from the delivery partners and Barnet Homes. As the scheme progresses, the intention is for the development partners with the support of the Council and Barnet Homes to hold specific workshops e.g. Design etc with the residents.

Different housing solutions will be required for Council tenants, and residents who are long leaseholders or freeholders. A shared equity scheme has been suggested, whereby resident long leaseholders and freeholders can invest their equity (and the home loss payment to which they will probably be entitled) in a brand new property, thereby making a new property built as part of the scheme more affordable for existing home-owners. Alternatively, home owners can be given the existing value of their homes, to reinvest either in a new property in the scheme or elsewhere. Council tenants will be offered new homes to be built as part of the scheme, and the details of this process and exactly where the new properties will be built, will be discussed fully with the Whitefields Steering Group over the next 2 years. The Council have gained considerable experience of this process from the other major regeneration schemes in the borough, at Grahame Park, Stonegrove Spur Road, West Hendon and Dollis Valley. All existing socially rented homes on the Whitefields Estate will be reprovided.

For the Rosa Freedman Centre (Sheltered Housing Units), the Council, Barnet Homes and the Development Partners have held a series of separate meetings with the occupants, and they will be holding further meetings in the future. It is likely that many of these residents will be moved into existing sheltered accommodation elsewhere in the Borough, rather than the replacement Rosa Freedman units. These replacement units will be specially designed

'extra care' units (to cater specifically for elderly residents who are in need of specialist care and support services). The Rosa Freedman Centre (Residential Care Home element) and the Day Care centre are not being reprovided as part of the scheme, which is no change from the existing consent.

It is likely that the Whitefields Estate will be rebuilt and relocated in phases, and residents will be kept fully informed at all times. Further meetings are being set up for early 2014 to explain the likely phasing in more detail, and the proposed sites. More meetings and consultations will be held as the detailed proposals come forward.

## 5.23 Social Infrastructure

### Policy background

The NPPF identifies the important role planning can take in facilitating social interaction and creating healthy, inclusive communities (paragraph 69). It advises that planning authorities should plan positively for the provision and use of shared space, community facilities and other services to enhance the sustainability of communities and residential environments and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services (paragraph 70).

London Plan policy 3.16 Protection and enhancement of social infrastructure requires additional and enhanced provision to meet the needs of growing and diverse populations. Loss of facilities in the absence of proposals for re-provision should be resisted.

Barnet's Local Plan (Core Strategy) Policy CS10 (Enabling Inclusive and Integrated Community Facilities and Uses) states that the Council will work with its partners to ensure that community facilities including schools, libraries, leisure centres and swimming pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities. This is a key part of managing Barnet's future growth.

Local Plan Core Strategy Policy CS11 (Improving Health and Wellbeing) states that the Council will support the plans of NHS Barnet and its successor bodies to deliver modern primary and community care services in the borough.

### 2010 Approved scheme

Social Infrastructure provision approved within the 2010 Permission is set out in Table 8:

**Table 8 – Social Infrastructure Provision within 2010 Approved Scheme**

Use	Size	Zone
<b>Pre-School, Education &amp; Learning</b>		
Claremont School		Brent Terrace
Children's Centre	558 m <sup>2</sup>	Eastern Lands
Non-Statutory Pre-School (1)	232 m <sup>2</sup>	Eastern Lands
Whitefield School		Eastern Lands
Library and UK Online Centre	400 m <sup>2</sup>	Eastern Lands
Mapledown School		Eastern Lands
Non-Statutory Pre-School (2)	232 m <sup>2</sup>	Brent Terrace
Non-Statutory Pre-School (3)	232 m <sup>2</sup>	Station Quarter
<b>Health</b>		
Primary Care Centre (incl. Social Services)	Up to 3,000 m <sup>2</sup>	Eastern Lands
GP Surgery/Drop In Centre	Up to 1,150 m <sup>2</sup>	Cricklewood Lane

Use	Size	Zone
Temporary GP Surgery	Up to 300 m <sup>2</sup>	Market Square
<b>Community &amp; Other</b>		
Multi-Use Community	1,000 m <sup>2</sup>	Market Square
Multi-Use Community	1,000 m <sup>2</sup>	Eastern Lands
Multi-Use Training	500 m <sup>2</sup>	Brent Cross East
Leisure (Replacement)	2,800 m <sup>2</sup>	Eastern Lands
Police Unit 1	93 m <sup>2</sup>	Market Square
Police Unit 1	93 m <sup>2</sup>	Brent Cross East

The delivery of the social infrastructure provision within the 2010 Permission was primarily driven by the development of residential units as well as being governed by the approved detailed delivery programme. The majority of the proposed facilities were in the proposed Community Campus situated in the Eastern Lands Zone to be delivered within phase 2 of the development. The Community Campus included the new Whitefield Secondary and Mapledown Schools as well as the replacement Leisure Centre and Primary Care Centre.

### **Changes to approved scheme**

The total amount of social infrastructure provision in terms of facilities and floorspace proposed within the S.73 application is the same as that within the 2010 approved scheme.

The phasing changes in the S.73 application (explained in **Section 5.3** of this report) mean that the split of responsibility for delivery of social infrastructure facilities between the Northern Developer as intended developer for development in phases 1B (North) and 2 (North) and the Southern Developer for Phases 1B (South), 1C and all subsequent phases (2-7) of the BXC development.

Through ongoing assessment of the application and dialogue with Barnet officers the applicant has clarified two additional elements of social infrastructure provision which were not explicit in the 2010 permission. This comprises:

- An additional non-statutory pre-school facility (232sq.m with capacity for up to 25 FTE pupils) to be delivered in the primary development phase and located in Brent Cross East.
- Clarification that the 15,232sq.m floorspace set aside to provide a replaced and expanded Whitefield Secondary school can also accommodate an additional 3FE primary school to provide for up to 630 pupils with nursery provision of 90 places. The floorspace for the additional primary school was included within the 2010 permission, but updated school capacity analysis included within the Socio Economics chapter of the S.73 ES (2013) has confirmed the lack of available spaces in the existing surrounding schools and therefore a greater probability that the additional primary school will need to be built in addition to the replaced and expanded Claremont school.

### **Education and Childcare**

Proposals for education and childcare remain unaltered as per the consented scheme. This approved the following education facilities as identified within paragraphs 2.34a, 2.34b and 2.34c of the Revised Development Specification and Framework (2013). This (and the conditions referred to below) will remain essentially the same under the S.73 Permission:

- An education campus in the Eastern Lands zone (Education Zone E1), the approximate location of which is identified on Parameter Plan 001 and comprises some 2.5ha. This remains to be delivered within Phase 2 and will remain an obligation on the southern development. It includes:

- Up to 15,232m<sup>2</sup> (as re-provision for Whitefield School – 1,052 places as identified within revised in the S.73 DSF) with capacity for up to 1,200 pupils and for further expansion if required. The provision of the replacement Whitefield School is subject to Conditions 21.10 and 21.11, restricting the closure of the existing school until the replacement is complete, and ensuring that Library provision is completed prior to occupation of the new school.
- Up to 4,394m<sup>2</sup> (as re-provision for Mapledown Special Needs School – 64 places as identified within revised in the RDSF (2013)) with capacity for up to 112 pupils. This is subject to Condition 21.12 of the consented scheme, requiring the replacement school to be completed prior to closure of the existing facility; and
- A new Children's Centre of up to 558m<sup>2</sup>, with the capacity for 50 places. The facility could potentially offer a range of other services given the proximity to adjacent health, community and educational facilities. The facility will include external play space and could be run by either the public, private or community sector.
- The re-provision of Claremont Primary School (Education Zone E2 as identified on Parameter Plan 001) to a 3 Form Entry facility sufficient for 630 pupils (up to 4,864m<sup>2</sup>). This continues to be provided in Phase 1 (1B South). This is subject to Condition 20.16 restricting the occupation of no more than 1,350 residential units prior to completion of the school; and
- The provision of up to 700m<sup>2</sup> of nursery facilities (child care facilities) within Brent Terrace, Station Quarter and Eastern Lands zones. This floorspace is in addition to expansion of nursery provision within Claremont Primary School. Each centre could be run by the private or voluntary / community sector and will be built to Building Bulletin standards. It is envisaged that these centres will be located on the ground floor of buildings with provision of external play space. The facilities are subject to conditions 21.13 (1,500 residential units in Eastern Lands Zone), 23.5 (1,500 residential units in Brent Terrace Zone), and 24.6 (100,000 sq m of office space in Station Quarter Zone).

As per the 2010 consented scheme, the precise location, specification and size of each new school or childcare facility will be subject to approval by the Council as the Local Educational Authority in conjunction with existing schools.

*Education and childcare needs generated by the S.73 application proposals*

The S.73 application updates the socio-economic assessment undertaken in support of the 2010 Permission. This identifies changes to the existing capacity in the surrounding area, and assumptions to calculate the future population within the proposed development.

The Socio Economics chapter of the S.73 Environmental Statement (BXC02) and the Social Infrastructure Report Addendum (BXC 10) which accompanies the application contains an audit of existing facilities in the area. The need to provide new facilities has been assessed in relation to spare capacity in existing facilities. The assumptions on capacity within existing community facilities are as follows:

- Education (pre-school) facilities: There is one statutory pre-school facility in the application site which is the two pre-school nursery classes in Claremont Primary School. There are two non-statutory pre-school facilities adjacent to the application site (Kidz First Nursery on Brent Terrace and Jack & Jill playgroup in Childs Hill. There are also nursery classes in the following primary schools within 1km of the application site: Parkfield, Childs Hill, The Hyde and St Agnes. No assumption has been made on the capacity of local pre-schools. **The assessment assumes that the**

**development has approved and allocated floorspace to enable it to meet its own need for statutory pre-school places.**

- Education (primary) facilities: Surplus capacity amongst the primary schools listed above within 1km of the application site (including Claremont Primary School) is 9% (equivalent to 177 places). Capacity is unevenly spread across the years, however, with reception classes predominantly full. The surplus capacity of these schools has reduced considerably since the 2010 permission – down from 16% to 9%. **This trend is expected to continue as the resident population grows. Therefore, it is accepted that additional capacity is required to support the Section 73 application proposals.**
- Education (secondary) facilities: There is one secondary facility in the application site which is the Whitefield Secondary School in the Eastern Lands zone. In 2012, Whitefield School had a total capacity of 750 pupil spaces and a number of roll of 616 pupils which results in a surplus capacity of 18% (or 134 places). In secondary schools across Barnet there is a total capacity of 18,615 places and 10% surplus capacity (equivalent to 1,814 places). **This surplus capacity is slightly higher than at the time of the 2010 permission.**
- Education (special) facilities: There is one special school facility in the application site which is the Mapledown Special Needs Schools in the Eastern Lands zone. **Mapledown has a current school roll of 65 pupils and is currently operating at full capacity.**

The demand arising from the development has been calculated on the basis of population projections from 7,682 homes which represents the physical capacity of the scheme (the actual number of units with permission is 7,500). The population projections and education planning requirements are based on an assumption of 15% affordable housing with a second scenario of 30% affordable housing in which the Phase 1 affordable housing remains at 15% with the potential for later phases to increase to a target of 30%. The breakdown of affordable housing is assumed to be 60:40 social rented/affordable rented/intermediate tenures. The total population at 15% affordable housing is 13,415 people and 13,841 people at 30% affordable housing.

Using the above assumptions and the unit mix breakdown by tenure as set out in tables 2 and 3 of the RDSF (2013), the Socio Economics chapter of the ES (2013) (BXC02) and the Social Infrastructure Report Addendum (BXC 10) identifies the following full-scheme needs for education and childcare infrastructure:

- Pre school - 160 full time places (based upon 15% affordable housing) to 180 full time places (based upon 30% affordable housing);
- Primary School - 512 'gross' primary school places, equivalent to 2.4 forms of entry (based upon 15% affordable housing) to 650 'gross' primary school places, equivalent to 3.09 forms of entry (based upon 30% affordable housing);
- Secondary School – c.250 'gross' secondary places, (equivalent to 2.08 forms of entry) plus 130 sixth form places (based upon 15% affordable housing) to c.335 'gross' secondary places, (equivalent to 2.7 forms of entry) plus 130 sixth form places;
- 16-18 Sixth Form Provision - 100 sixth form places for 16-18 year olds (based upon 15% affordable housing) to 130 sixth form places for 16-18 year olds (based upon 30% affordable housing).

#### *Requirement for additional Primary School Provision*

The Applicants have undertaken a population sensitivity analysis to age the residents identified from the initial population model results. This is principally because the number of

primary aged children will increase over time as the initial pre-school cohorts from the early phases work their way through the education system. The applicant's identify that this could increase demand by around 25%. This ageing could increase the number of primary school children to around 640 (equivalent to 3 forms of entry), or one additional primary school. This increase refers to the completed scheme development and is an increase on the 512 or 650 primary school age children on the consented scheme.

The applicant has demonstrated that the 15,232sqm floorspace available within the Eastern Lands education campus can provide for a replaced and expanded Whitefield Secondary school (with total capacity of up to 1,200 places for pupils, equivalent to 8 forms of entry) and also accommodate an additional 3FE primary school to provide for up to 630 pupils and with nursery provision of 90 places. The requirement for the additional primary school facility will be subject to monitoring during the implementation of the scheme including appropriate triggers to safeguard the floorspace and ensure that LBB can take the option to specify or secure the school at the same time as the specification of the new Whitefield and/or Mapledown schools are being brought forward/agreed.

### *Conclusion*

The provision of education and childcare facilities has been further assessed to take account of changing background information and demographic circumstances further to the consent in 2010.

While the proposals for delivery of education and community facilities remain essentially unchanged, the Applicant's assessment has identified the potential for further primary school places. This may be accommodated as part of a further 3FE primary school within the Eastern Lands Education Campus. This requirement will be subject to monitoring as the scheme is implemented through Reserved Matters Applications [ and Other Matters Applications.

To reflect revised phasing the Northern Developers (the Brent Cross Partners), are committed to S106 financial contributions to mitigate education and childcare requirements emerging from residential development brought forward in Phases 1B and Phase 2 (North). The remaining education contributions or costs will be borne by the Southern Developers. This is outlined in Appendix 4.

A new Condition is proposed (21.25) to trigger the additional 3FE primary school provision at 3,000 housing units south of the A406.

### **Community Facilities**

Community Facilities proposed under the 2010 consent are not proposed to be altered in the S.73 Application.

The 2010 consent proposes two existing community facilities within the application site in the Eastern Lands zone. These are the Hendon Leisure Centre and Whitefield School (which is an extended full service school containing wider community provision). There are over 100 community facilities within 1km of the application site including: places of worship, educational facilities, community centres and libraries.

The Socio Economics chapter of the S.73 ES (2013) (BXC02) and the Social Infrastructure Report Addendum (BXC 10) identify the following full-scheme needs for community facility infrastructure:

- One small library facility;
- Safer Neighbourhood provision for the Metropolitan Police

- Other community provision providing a range of room types, which can be used for general community use, faith provision, access to information technology, and arts and cultural uses.

Community facility provision assumed within the S.73 application remains as in the 2010 Permission. Elements of the infrastructure are to be provided earlier as a result of the phased changes within the S.73 application with responsibility split between the Brent Cross Partners as intended developer for development in phases 1B (North) and 2 (North) and the Southern Developer for Phases 1B (South), 1C and all subsequent phases (2-7) of the BXC development.

Some 3,086 sq m of community facilities is proposed in the consented scheme (and the S.73 application) as follows:

- Up to 400m<sup>2</sup> of library space within the Eastern Lands zone. This may be delivered as part of the Community Campus and may be co-located and integrated with the new Whitefield School with a specific community entrance;
- Two police units (or if the Metropolitan Police so requires a single unit within either the Northern Development or the Southern Development) of up to 186m<sup>2</sup> in total in the Brent Cross East (Phase 1B North) and Market Quarter zones (Phase 1B (South)). Subject to the outcome of future discussions with the Metropolitan Police, it is envisaged that the unit in Brent Cross East will form part of the bus station building, whilst that in Market Quarter will form part of a ground floor shop front unit; and
- Multi use community facilities of up to 2,500m<sup>2</sup>, potentially including a hall and spaces to rent for use by community groups, training space for retail and other related training activities. These and other multi use community facilities may be co-located with other community facilities, integrated with the extended school services, the Children's Centre and Health Facilities. This provision will provide a range of community services designed to meet the needs of all in the community and will include advice, training, recreational and social facilities. This is likely to include:
  - 500 sq m Multi-Use Training facility within Brent Cross East Zone to be delivered within Phase 1B (North) (subject to Condition 20.18 restricting no more than 10,000 m<sup>2</sup> of new built comparison retail to be occupied in Brent Cross East Zone and not to reoccupy the existing John Lewis store). This remains as an obligation on the northern developer under S.73 proposals.
  - 1,000 sq m multi-use community facility within Market Square within Phase 1BS (subject to Condition 20.19 restricting no more than 451 residential units to be occupied in the Market Quarter Zone and/or the Eastern Lands Zone.) This remains as an obligation on the southern developer under S.73 proposals.
  - 1,000 sq m multi-use community facility within Eastern Lands Zone within Phase 3 (subject to Condition 22.3 restricting no more than 1,000 residential units in Eastern Lands to be occupied). This is remains as an obligation on the southern developer under S.73 proposals.

The precise location of this floorspace and its potential co-location with other facilities will be subject to approval through Reserved Matters applications and will be subject to approval with other relevant stakeholders at the detailed design stage.

The proposed triggers (which form the basis for planning conditions under the approved scheme) remain the same.

### **Replacement Leisure Centre**

Leisure Centre provision assumed within the S.73 application remains as in the 2010 Permission.

This comprises a centre of up to 2,880 sq m to be delivered during Stage 2 within the Eastern Lands Zone. Condition 46.2 of the 2010 Permission requires the new centre to be open prior to the closure of the existing Hendon Leisure Centre. Under the S.73 application Condition 46.2 will remain and the replacement leisure centre will continue to be an obligation for the southern development.

### **Health and social care provision**

Proposed healthcare assumed within the S.73 application remains as in the 2010 permission. As defined within Paragraph 2.31 of the Revised Development Specification and Framework. This comprises:

- A Primary Care Centre of up to 3,000m<sup>2</sup>, located within the Eastern Lands zone. This centre will meet the primary care requirements of the entire development as well as the wider surrounding area. The centre will include GP surgeries, a range of preventative medicine services delivered by nurses and specialists and may also include a pharmacy. It will have patient drop off space and limited staff parking. This is due to be provided during Phase 2 and will be triggered at 1,501 units in the Eastern Lands Zone in accordance with Condition 21.14. The obligation for delivery will remain on the Southern Developer;
- A drop in Health Centre of up to 1,150m<sup>2</sup> within the Cricklewood Lane zone. This smaller GP surgery would be provided based on the development of residential units in the southern part of the site and would be developed with the relevant healthcare provider, subject to a need being identified. It is envisaged that this would be fully accessible and may be part of a larger building. This is due to be provided during Phase 1C (previously Phase 2 in the consented scheme) and will be triggered at 26 units in the Cricklewood Lane Zone in accordance with Condition 21.15. The obligation for delivery will remain on the Southern Developer; and
- A temporary health facility of up to 300m<sup>2</sup> will be offered (if required by the relevant healthcare provider) in the Primary Development Package (PDP) to meet the needs of the emerging community, in advance of the main Primary Care Centre being provided. The facility offered comprises a GP surgery which is likely to be provided as part of a larger residential/mixed use building. The facility may be used as a retail unit once the permanent health resource has opened. This is due to be provided within Market Square during Phase 1C. It will be triggered by 451 units in the Market Quarter Zone in accordance with Condition 20.17. The condition requires the facility to remain in place until the Main Health Centre is provided or the lease of the Temporary Health Centre expires, whichever is the earlier.

#### *Assumptions on existing health and social facilities*

The Socio Economics chapter of the S.73 ES (2013) (BXC02) and the Social Infrastructure Report Addendum (BXC 10) contains an audit of existing health facilities in the area. The need to provide new facilities has been assessed in relation to spare capacity in existing facilities.

There are 28 GP practices within 1km of the application site. An analysis of recent GP-patient list sizes shows that the average number of patients per GP in the area is 1,928. This is above the guideline target of 1,800 recommended by the Healthy Urban Development Unit (HUDU) and has grown since the previous assessment was undertaken. No capacity is assumed to be provided from the existing health facilities.

### *Health and social care needs generated by the application proposals*

The Socio Economics chapter of the S.73 ES (2013) (BXC02) and the Social Infrastructure Report Addendum (BXC 10) identifies the need for an 8 GP surgery and approximately 15 additional healthcare staff (including 3 mental healthcare staff). The social infrastructure needs at the end of Phase 1 identifies a need for 1.94 GPs.

### *Commitments made by applicants*

Social Infrastructure provision assumed within the S.73 application remains as in the 2010 permission. Elements of the infrastructure may be provided earlier as a result of the phased changes within the S.73 application. However, under the triggers set out within the extant 2010 Conditions and the 2010 Section 106 Agreement, all healthcare delivery obligations fall on the Southern Developer and that will not change under the S.73 Permission and the Revised S.106 Agreement as recommended.

The health contribution S106 offer is set out in Appendix 4.

## **5.26 Employment and Training**

### **Existing Employment (based on Chapter 8 of the S.73 ES (2013))**

At the time of the 2001 Census there were estimated to be around 5,400 existing jobs on the site, the majority of the jobs (3930) are within Brent Cross East and West zone, almost all of which are in the Brent Cross Shopping Centre. A review of the Business Register and Employment Survey (BRES) data (formerly ABI data) (2011) suggests that since the 2001 Census was conducted there has been growth in employment in some areas of the site and a decline in others.

The overall figures of existing employment on site remains in line with the 2001 figure (see Table 8.10 of the S.73 ES). Retail employment continues to account for the majority of jobs across the site. The proposal will involve the loss of some employment land, currently used for light industrial units. It is estimated that 30 companies or individuals have freehold land interests within the site with a further 150 companies or individuals possessing leasehold interests.

Table 5.1 of the ES sets out the list of existing land uses in more detail.

### **Development and Commercial Impacts (based on Chapter 8 of the S.73 ES (2013))**

The scale and impact of one of London's largest regeneration schemes is bound to affect existing businesses and industrial employers. Employment in businesses that will need to relocate is estimated at less than 1,500. The applicant considers that these jobs are unlikely to be lost – most will be relocated on or off site. This is particularly considered to be the case in the Distribution (including retail and wholesale), Hotels and Restaurants sectors. Some of these jobs will be relocated on site (i.e. Tesco) and in other cases the spending that supports the jobs will be diverted to other areas, including other shops at BXC. The applicant therefore considers that there will be little overall impact on existing employment in this sector as a result of the proposed development. In addition, should any local residents lose their jobs as a result of the re-location they will be assisted by a range of programmes to re-train or access new job opportunities at Brent Cross Cricklewood.

The impact on businesses not dependent on retail or consumer spending is less predictable, some may relocate elsewhere and some may cease trading. The Council is concerned to ensure as many existing businesses and jobs are safeguarded or re-provided wherever

reasonably practical. The applicant will be required to submit a business relocation strategy before the commencement of development in any Phase or Sub-Phase.

### **Business Relocation (based on Chapter 8 of the S.73 ES and Section 2 of the RDSF(2013))**

There is policy support for changes of use in the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework which states that the Council will promote a CPO to achieve the comprehensive delivery that it requires. If agreement cannot be reached with all occupiers with a long term interest, then it may be necessary to use Compulsory Purchase Orders. Relocation of some occupiers is therefore already anticipated and supported by planning policy. The applicant will work with occupiers and the Council to minimise the impact. A planning condition is proposed to require the applicant to produce a Business Relocation Strategy for the approval of the Council before the commencement of development in any phase or sub-phase.

Details of how existing businesses will be affected are set out in Table 8.12 of the ES.

#### **Business Relocation in Phase 1**

Phase 1 will affect the Market Quarter zone. There will be a need to relocate occupiers of the Claremont Way Industrial Estate and the small retail units nearby. It is anticipated that the Holiday Inn will be retained. The Brent Cross Shopping Centre will be retained along with the Topsy Turvy Play Centre. It is anticipated that the existing Tesco store will be relocated and expanded. It is proposed to relocate the existing Waste Transfer Facility to the new Waste Handling Facility in the Railway Lands zone. Therefore the jobs in the Waste Transfer Facility will be relocated whilst those jobs provided by the Bestway cash and carry warehouse will be either relocated as part of the business relocation strategy or displaced.

Any business or job displacement is regrettable but with the S106 obligation to produce a business relocation strategy, jobs and business loss will be minimised and proper compensation will be payable for these costs in accordance with the CPO compensation regime. There is bound to be some business displacement impacts in a regeneration development of this scale and whilst specific businesses may be affected on balance the overall employment and economic benefits outweigh any adverse impacts on individual businesses.

### **Employment Generation (based on Chapter 8 of the ES (2013))**

The construction phase has the potential to generate significant employment. This is estimated to be equivalent to 1,400 full time jobs over the anticipated lifetime of the construction phase of the scheme. The peak headcount on site is estimated to be in 2020. It should be noted that construction employment is relatively mobile and is likely to have a limited local impact.

Table 8.13 of the ES (2013) shows that uses within the completed development are estimated to accommodate just under 27,000 jobs. Net employment gain will be not less than 25,300 jobs. This in excess of the target specified for the Brent Cross Cricklewood Opportunity Area within the London Plan (2011) SRDF (2006), Local Plan (2012) and the Development Framework (2005). The S.73 scheme can be expected to exceed the employment figure set out in the London Plan (2011) of 20,000 jobs.

### **Spatial Distribution of Brent Cross Cricklewood Employment (based on chapter 8 or the S.73 ES)**

Although a range of 2011 Census data is now available updated figures for Travel to work have not yet been released by the Office for National Statistics. Therefore the assumptions

in this section remain unchanged from the 2009 RES. According to 2001 Census travel-to-work data, 42% of those who work in the Immediate Impact Area live in LB Barnet and 18% live in Brent. These patterns are expected to continue for the new retail and leisure employment. Office employment (which will form the majority of the new employment) typically has a longer commuting time. The applicants estimate that 50% of office workers will live within 5 km of the site. Table 8.15 in the S.73 ES (2013) shows a comparison between new employment and the usual occupations of unemployed workers in the Wider Impact Area. This analysis shows that there is likely to be a significant mismatch between new jobs and the usual occupation of local unemployed people. The applicants' proposals for skills development and training, aim to assist local people to take advantage of these opportunities by increasing the skills of local people.

### **Skills and Training**

As the development offers a substantial number of new jobs there will be significant opportunities for local people. During both the construction period and the operation of the development a significant number of jobs will be created. The applicant has stated that approximately 25,300 new jobs are likely to be created by the development.

The applicant has taken part in a joint skills study with the Council to inform a future Skills Development Plan for the Borough. It is anticipated that the applicant will be required, through planning obligation and condition, to identify the impacts of the scheme and the local training infrastructure that will be required to allow local people to benefit from the opportunities offered by the development. The S106 Agreement will require the applicant to develop and implement a BXC Employment and Skills Action Plans (incorporating a Skills Development Method Statement) on a phase by phase basis that will apply across the whole of the development in conjunction with the Barnet Skills Development Plan. It is likely that expenditure will be phased to reflect development quantum on a phase by phase basis.

### **Officer Comment**

The proposal will generate a substantial number of new jobs over the twenty year development period, some 25,000 new jobs in total. Some of these jobs will be short term (construction) some of the jobs will be in sectors that are already well developed in the area (retail) and others will be types of jobs that will be new to this part of London (office). Under the proposed planning conditions and obligations, the applicant, in conjunction with the Council, will produce an Employment and Skills Action Plan to make sure that the benefits of this regeneration scheme in terms of employment and training are maximized insofar as is reasonably practical for local people.

This application, if approved, will transform the character of this part of North London. Some existing uses will need to be relocated, particularly industrial (B2) uses and distribution and warehouse uses that are not compatible or sustainable in this town centre location. The applicant will be required under the planning conditions and planning obligations to produce and implement a business relocation strategy before the commencement of development in any phase or sub-phase. It is considered that this will make sure that employment generating uses are protected as much as possible.

## **5.25 Estate Management**

The development of this proposal is likely to take place over the next fifteen to twenty years. It is recognised that the comprehensive regeneration of the site will require an effective management and maintenance structure to be established that will ensure that a high quality environment is maintained both during construction and following completion.

The Council is concerned that the future management and maintenance of the wide range of public realm within the BXC Regeneration Area is dealt with in an appropriate manner. This proposal is for a major new town centre with a range of different uses and a new network of highways, routes and public spaces.

Appropriate management and maintenance arrangements will need to be made for the existing parks to be improved by the applicant and for the new parks to be created. The management of the proposed new synthetic sports pitches and the shared use with Whitefield School will also need careful consideration as will arrangements for the management of community floorspace included as part of the scheme. A number of new urban squares will be created which have different functions and may require different management solutions. The ownership, management and future maintenance of the highway network and the proposed network of cycle and pedestrian paths will also need to be agreed.

In particular, it will be important that the 24 hour access routes through the new town centre are identified and safe-guarded for the use and enjoyment of future generations of residents and visitors. Some routes with slightly more limited access hours are also proposed, particularly within the area of the existing covered shopping centre. Routes have been suggested by the applicant and the most appropriate management regimes will need to be agreed for each one. Planning conditions and obligations are proposed to secure 24 hour access routes.

The applicant has suggested that an Estate Management Company be established to ensure that the common areas of the town centre are effectively managed. This body could also have a role in ensuring the future design quality of the development and be involved in the proposed Transport Advisory Group and the Access Advisory Group. The detail of this will need to be agreed with the Council including safeguards should the proposed Estate Management Company become insolvent.

A planning condition is suggested to ensure that an Estate Management Framework is agreed with the Council prior to the commencement of the development and there are proposed to be planning obligations to require the implementation of the arrangements approved by the LPA in the Estate Management Framework. This Framework will deal with issues such as the cleaning, physical management, maintenance and security of all public realm areas and other public facilities. It will cover the situation that although different areas will be owned and managed by either the public or private sector, there will be an agreed set of standards which the managers of each area will have to adhere to.

In summary, the Estate Management strategy will ensure management and maintenance of the highest quality of public realm, highways, routes and spaces across the BXC regeneration area.

## **5.26 Movement, Transport and Highways**

### **Introduction**

This section of the report examines the transport and highways aspects of the Section 73 application.

As explained below the main transport and highway impacts of the Section 73 are the addition of the Living Bridge over the A406 (Bridge Structure B7) and the inclusion of transport improvements that were previously to be provided in Phase 2 included in the

proposed new Phase 1 and this is consistent with the need to accommodate an increase in plot development in the new Phase 1 compared to Phase 1 in the 2010 Permission.

There is no reduction in transport-related Critical Infrastructure which is currently included in Phase 1 under the 2010 Permission. The additional items of transport Critical Infrastructure proposed for inclusion in the new Phase 1 (North) comprise principally the new bus station (in a new indicative location partly within the shopping centre) and the M1/A406/A5 junction improvements, including the new pedestrian and cycle bridge over the A406 (B6), as well as the Living Bridge (B7).

The Section 73 application includes a Consolidated Transport Assessment (BXC05 volumes 1 to 4) together with a Transport Report (TR (2013)) in volume 5 that includes an analysis of the impact of the new Phase 1, based on the model used for the previous Primary "Development Phase Plus (PDP plus)" analysis undertaken, as a sensitivity test, for the consented scheme as this most closely resembles the new phase 1. The TR (2013) is considered to provide sufficient evidence to demonstrate that the continued use of the modelling approach adopted for the consented scheme is appropriate, and also provides a robust assessment for the Section 73. The scope for the TR (2013) has been approved by LB Barnet and TfL, and is set out in the appendices to volume 5 of the TR (2013).

### **Policies**

The development proposals have been examined in relation to all relevant national, regional and local policies, and a detailed updated framework policy review is set out in chapter 4 of the TR (2013). It is considered that the proposals comply with the relevant policies in terms of the accessibility for all users. Consideration has been given to the sustainability of travel to, from and within the BXC Development in relation to public transport, cycling and walking and the need to generate a mixed use development which will not unacceptably affect the existing highway network by encouraging alternatives to the private car. The key transport policies, such as the National Planning Policy Framework, The London Plan and the Barnet Local Plan, are considered by the applicants to be satisfied. Having carefully reviewed the policies officers agree with the updated review.

### **Updated Baseline**

The update to 2013 of the accessibility baseline for the regeneration area from that described in the 2008 TA and the Transport Assessment Supplementary Reports (TASRs) ("the 2010 TA") considered prior to granting the 2010 Permission is set out in chapter 5 of the TR (2013) and shows that little has changed in the BXC area and its surroundings, in terms of highways and transportation, since the 2010 Permission and its related assessments.

In terms of public transport, bus route 324 was introduced in October 2010 running between Tesco Brent Cross and Stanmore adding to the already extensive bus network in the area. There have also been some minor adjustments to the coach routes in the area with the introduction of Route 712, 771 and 772 and some minor adjustments to the frequency of other services.

National Rail and London Underground services remain largely unchanged from those described in the 2010 Permission. The Public Transport Accessibility Levels (PTALs) for the regeneration area therefore have also remained largely unchanged.

In regard to walking and cycling, since 2008 there have been no specific schemes in the immediate area which have upgraded either the pedestrian or cycle environment or provided additional facilities. There have been some improvements to pedestrian and cycle facilities in the Hendon Central area between 2010 and 2013. However the facilities for pedestrians

remain poor in general. Facilities for cyclists are somewhat better, with a number of signed routes and areas of both shared surface facilities and cycle lanes. However cycle parking facilities in the Brent Cross area remain limited and cyclists still face traversing a number of busy junctions and highways.

Similarly there have been no strategic or local highway schemes in the regeneration area and the layouts of the key junctions and corridors remain as described in the 2008 TA and the TASRs considered prior to granting the 2010 Permission. The Roads Task Force (RTF) and Outer London Fund (OLF) however are both recent initiatives for addressing the need for highway and public realm improvements across London. The RTF specifically mentions the A406 North Circular Road as a potential investment opportunity. In January 2012 the Greater London Authority awarded Cricklewood town centre £1.676 million from the Mayor's OLF Round 2, towards a Cricklewood Improvement Programme (CIP). The CIP is a joint project between Barnet, Brent and Camden with Barnet as the accountable body with funding contributions from both Barnet and Brent and a total project fund of some £2.2m. Various public realm improvements are being progressed in the town centre.

Brent council intend to implement by March 2014 some road safety improvements, including a new pelican crossing over the A5, just south of Humber Road. It has been agreed with Brent that these would need to be modified as part of the delivery of the proposed Waste Handling Facility which is part of the BXC Development under the 2010 Permission and this will not be altered under the Section 73 Application.

#### **Traffic flow changes 2008 - 2012**

The background traffic flow changes are set out in chapter 8 of the TR (2013). Overall, traffic flows in London have been found to have fallen by 4.5% since 2008. Traffic in the LB Barnet has followed this trend and has reduced by 3.4% during this period. In order to determine changes in traffic flows on individual roads local to the Brent Cross Cricklewood (BXC) site, reference was made to data collected by the DfT for sites along the M1, A406, A41, A5 and A407. Average daily traffic flows have fallen on the M1, A41 and A407, in line with national and local trends. Traffic on the section of the A406 North Circular that runs through the BXC site has increased by 11.1% since 2008, and on the A5 (north of the A406) traffic flows have increased by 7.1%. However given the reduction in flows on all other local roads and the overall reduction in flows across the borough, it is believed that this is due to localised issues. For example, the increase in flow at the A406 is likely to reflect changes implemented by TfL at Henlys Corner and Bounds Green, which have had the effect of attracting traffic to the North Circular Road.

With respect to any localised impact of any changes in background traffic at the gateway junctions, it should be remembered that the detailed design process for all junctions will be supported by detailed modelling work and will be based on the latest traffic flows. To help inform this process a comprehensive series of movement surveys were undertaken across a wide area in and around BXC during July to September 2013 (but outside school holidays). TfL undertake continuous monitoring of traffic flows at various locations on their road network and this data will also help feed into the detailed design work.

Given the strategic nature of the application an analysis of the impact of the changes in traffic flows has been undertaken in the TR (2013) using data for the three boroughs, Barnet, Brent and Camden. This demonstrates that with the fall in overall traffic levels across these boroughs the forecasts of traffic levels in 2026 are lower than was calculated for the 2010 Permission. This means there is potentially a level of contingency (or headroom) in the predicted background traffic volumes forecast for 2026 within the 2008 TA and the TASRs

considered prior to granting the 2010 Permission, therefore helping to give confidence that the Section 73 application is supported by a robust Transport Assessment.

### **Other Movement Changes 2008 - 2012**

These are also described in section 8 of the TR (2013), and show that bus and coach passenger levels have fallen, passenger levels have also fallen at Brent Cross LUL Station but increased at Hendon Central; passenger levels have fallen at both Cricklewood and Hendon train stations and more people are cycling to work in the Barnet wards local to the BXC site. This data in future years will help inform the monitoring strategy, discussed later in this section, by providing a useful context within which the amount of mode-shift from car to public transport, and other modes, will be measured.

### **The involvement of other agencies**

TfL, the Highways Agency, and the London boroughs of Brent and Camden continue to be involved in the scheme as appropriate. Other organisations, such as the Environment Agency and Network Rail have also been liaised with. Brent and Camden have been closely involved in the A5 Corridor Study as discussed below, which is currently being carried out.

### **The Section 73 Application**

The Section 73 transport submission (2013), is in six volumes. Volumes 1 to 4 are a consolidation of the 2008 TA and the TASRs considered prior to granting the 2010 Permission; volumes 1 and 2 the TA, volume 3 the travel plans and volume 4 the highway engineering. Volumes 5 (Transport Report (TR 2013)) and 6 (Highways Engineering Report) describe the transport proposals and impacts of the Section 73 proposed amended masterplan. The TR (2013) considers any changes in the forecast transport impacts which were previously reported in the context of obtaining the 2010 Permission.

Other documents submitted as part of the assessment of the transport and highways aspects of the Section 73 include BXC01, a full set of revised drawings and plans; BXC20, the Approval in Principle (AiP) documents for Bridges (including the Living Bridge); and BXC21, the Addendum to the Construction Impact Assessment (CIA). The latter includes an updated proposed Indicative Construction Programme (ICP) which sets out the Applicants' proposed framework for the delivery of the 7 phases of development. A First Draft of the proposed Section 106 Agreement (BXC22) was also submitted, and negotiations are ongoing in relation to the detailed drafting, and Appendix 4 summarises the principles of what is proposed for the Draft Revised S106 Agreement which has been sent on behalf of the LPA to the Applicants and which has also recently been put on the planning register. Appendix 4 also identifies the key differences between the Revised S106 Agreement to be entered into and the 2010 S106 Agreement, insofar as they are material to determination of the Section 73 Application,

Dialogue between the Developers, their consultants and the Council has continued since 2010 (including pre-application discussions relating to the Section 73 Application), and this has also involved TfL and the Highways Agency where appropriate. Discussion has continued since submission of the Section 73 Application in October 2013 and the Applicants submitted a short Erratum report produced in December, which includes clarification of the version numbers of various Highway drawings submitted with the Section 73 Application.

### **Highways and Public Transport Models**

A thorough review has been carried out in chapter 8 of the TR (2013) of trip rates, growth rates and committed developments relevant to the Section 73 Application and this is considered to demonstrate that the information used in the assessment of the 2010 consented scheme remains robust and fit for purpose for the assessment of the Section 73

Application proposals. Therefore the same traffic and public transport models and modelling approach is used for the Section 73 transport assessments.

The test carried out on traffic growth presents a calculated level of headroom within the background traffic flow volumes used in the 2010 Consent, as discussed earlier in this section. The TR (2013) demonstrates that the predicted growth in baseline traffic flows has not materialised to the levels forecast in the 2010 Consent. In fact traffic flows have actually fallen in general between 2008 and 2012.

The tests on trip rates utilised the latest information from recent London developments and industry standard databases and found that whilst some trip rates used in the 2008 TA and the TASRs considered prior to granting the 2010 Permission are marginally higher than those used in recent planning applications, others were identified as being lower and therefore the overall figures used in granting the 2010 Permission are considered to be robust on this basis. Comparing trip rates used in connection with the 2008 application against relevant recent London developments reveals that BXC trip rates associated with the residential and office developments are considered robust. Weekday AM and PM peak trip rates associated with food retail seem to be under-estimated. However this would be more than off-set by the reduction in growth between 2008 and 2012. A search of the most relevant database (known as TRAVL) focusing on those sites which are most relevant to the development area show that the trip rates used in the 2008 application remain robust. Linked trips have also been examined and similarly found to be robustly analysed. The committed developments were also reviewed by the developer's transport consultants to ensure that the TA includes the correct schemes. This analysis and its conclusions are generally agreed by TfL.

The agreed assessment years for the delivery of the Section 73 Application proposals are 2023 for the proposed new Phase 1 and 2031 for the end-state. The 2010 Permission included an interim assessment for the year 2016 (which was the assumed end of the Phase 1 in that Permission with the end-state for the whole development assumed to be at 2026). During the scoping of the Section 73 modelling assessment it was agreed to use the existing 2016 PDP Plus Transport Model as a proxy for the assessment of the proposed new Phase 1 of the Section 73 proposals. There are a number of reasons for the validity of this approach, however it is predominately related to the general reduction in background traffic on the surrounding road networks such that the baseline assumptions remain valid and TfL have agreed it is an appropriate approach for assessment of the planning application.

The Section 73 application includes exactly the same quantum of development overall and its distribution across development zones by the end-state is essentially the same, therefore the end-state modelling has not been re-run, particularly as 2031 analyses were undertaken as sensitivity tests, and are included in the consolidated TA.

The modelling of the enlarged new Phase 1 reflects the proposed changes to the Plot development in the new Phase 1 (mainly a reduction in residential development compared to the PDP plus) and changes required to the models accounting for the addition of the Living Bridge, relocation of the bus station and minor changes to the local highway network. Impacts for weekday AM, PM and Saturday peaks are again assessed and comparisons made with the previous analysis carried out for the PDP plus as that most closely resembles the new Phase 1.

To conclude, in the light of the above the use of the existing BXC transport model for the Primary Development Package Plus (PDP plus) presented in the 2010 Permission is considered acceptable as the basis for assessing the proposed new Phase 1, as set out in

the TR (2013); and the end state is reasonably assumed to remain as reported in the 2010 TA documents, which included 2031 analyses as a sensitivity test.

### **Highway Impact and Junction Assessment**

The objective of the highway modelling work is to demonstrate and assess the effects of the changes to the 2010 Phase 1 (PDP) of the BXC regeneration scheme as proposed in this Section 73 application. The network wide assessment uses the same industry standard traffic model (known as SATURN) and the analysis set out in chapter 9 of the TR (2013), summarised below, shows that the changes proposed by the Section 73 Application will have no significant impact on the strategic road network with only limited impact on the local roads in the immediate area surrounding the BXC site.

The strategic modelling demonstrates that where network-wide changes occur they are minor and there is a positive impact on the road performance for all time periods. A 1% network-wide increase in average vehicle speed was recorded in both the PM Peak and Saturday periods, with a 0.3% increase in average speed recorded in the AM Peak.

Junction modelling has been carried out for the key junctions, the M1/A406/A5, A406/A41, A5/A407 and A407/Claremont Road to provide a finer level of assessment. Comparisons were made with the 2026 end-state modelling for the M1/A5/A406 as this junction was not included in the previous PDP plus assessment, (The PDP plus included some development from the original phase 2, as well as from the original 2010 phase 1 (PDP), in order to test the point at which the M1/A406/A5 junction would be required) and with the 2016 PDP plus model for the A406/A41, and the results of these assessments demonstrates that the overall junction performance will be similar to the performance reported in the 2010 TA documentation. The proposed new Phase 1 traffic flows at the southern junctions were compared against the end-state models for the 2010 Permission and shown to be more than previously reported which is considered to be mainly due to the improved performance of the A5/A406/M1 Junction attracting trips onto the strategic road network.

To ensure the most appropriate detailed designs for all the junctions are taken forward post planning to implementation within the parameters set by the Section 73 application, further and more detailed modelling is currently being developed utilising 2013 base year flows to help inform a new strategic transport model (BXC Detailed Design Model) that will be used to test the effects of the BXC development proposals on traffic flows in the vicinity of all of these junctions. TfL's formal modelling processes are being adopted to help ensure the robust development of this detailed traffic model is fit for the purpose of undertaking these detailed designs.

The impact of changes to the local roads internal to the BXC area is discussed in chapter 11 of the TR (2013). The changes include minor amendments to Templehof Avenue and the bridge over the A406, Tilling Road and junctions with the various side roads including those with the proposed Tesco access and the petrol filling station, Whitefield Street and Prince Charles Drive including the roundabouts at each end, together with the inclusion of the Living Bridge.

The modelling results for the proposed Section 73 scenario predicts that the junctions will operate well with little or no delay or operational difficulties following the introduction of the amended Section 73 masterplan and in any event these will be fully re-assessed as part of the detailed design work as well as the A5 Corridor Study and the Transport Reports required under the recommended conditions and planning obligations. The operation of the Brent Cross Shopping Centre (BXSC) bus station (T2) and multi-storey car park access points have also been assessed, including the appropriate modelling and vehicular swept

path analysis. A stage 1 Road Safety Audit (RSA) carried out on all junctions where changes have been made as part of the Section 73 proposals is set out in volume 6 of BXC05, and is considered acceptable. TfL have been closely involved in agreeing and approving the operational assessments of the bus station.

### **Public Transport Impact and Assessment**

This is set out in Chapter 9 of the TR (2013) and demonstrates that the revisions to the assessments which represent the changes proposed to Phase 1 by the Section 73 Application have a negligible effect on the predicted flows on underground and national rail networks. On a few sections, the relative changes may be considered significant, however these are all either reductions in demand, or are in regard to contra-peak flows. Consequently, officers agree with the conclusion that the proposed Section 73 changes will not adversely affect Underground or National Rail crowding levels.

The impact of the changes on the bus network is slightly more significant in the new Phase 1 in the local area. Several corridors in the vicinity of BXC are now forecast to have significantly lower patronage at that stage of the development when compared with the PDP plus because of the provision of less residential land use in the new Phase 1 than there was in the PDP plus modelling analysis undertaken for the consented scheme. This is due to the fact that many residential trips would have been anticipated in the modelling to use bus, compared to retail trips. The addition of the Living Bridge is also predicted to encourage shorter distance trips on foot rather than bus.

It should be noted that the public transport modelling in the TR (2013) had been based on incorrect floorspace figures for some of the land uses and the corrected models have been re-run. The results show very small non material changes. The amended public transport assessments have been carefully checked by officers, and by TfL, to ensure they do not affect any of the conclusions in the Section 73 Transport Report.

Chapter 14 of the TR (2013) discusses the taxi provision. The Section 73 proposed amendments include modified levels of taxi rank provision, in particular the removal of taxi rank facilities from within the bus station and relocating them to a number of areas around the Brent Cross shopping centre BXSC site. A recent taxi demand survey has identified the level of demand currently experienced by the BXSC, and identified that the current level of provision easily accommodates the current demand. Based on the proposed increase in retail and leisure provision, and the improved taxi provision at the shopping centre, it is therefore expected, and officers agree, that the proposed provision of taxi facilities will be adequate to cater for the future demand.

Aspects of the likely Section 73 application impacts on coach travel are discussed in chapter 13 of the TR (2013). Coach parking will be available to the north of the BXSC away from the bus station, and some minor changes to the coach stops on the A406 are proposed as part of the Section 73 Application. Both of the above are considered acceptable with coach drop-off and pick-up arrangements at the BXSC to be agreed at the appropriate stage of the detailed design.

The bus subsidy calculation has been re-assessed to reflect the Section 73 Application proposals and to reflect both the predicted increased costs associated with operating buses and the increased revenue earned per passenger. The analysis shows that the overall subsidy remains unchanged. The subsidy is designed to be front loaded with an initial payment to cover Phases 1, 2 and 3 of £4,300,000 (index linked from November 2009) at commencement of Phase 1B (North). The front loading of the payment provides for 'pump priming' bus services, encouraging increased bus patronage in the early phases of

development. This will help to support mode shift and sustainable travel patterns, in conjunction with the individual plot related travel plans. The initial payment also enables the Council and TfL to plan future services at an early stage.

### **Walking and Cycling Impact and Assessment**

The key difference between the cycling and walking provision between the 2010 consented scheme and the Section 73 Application proposal is the provision of the new Living Bridge and the modification of the cycleway/footway along the diverted river Brent. The walking and cycling impact and assessment of the Section 73 proposals is therefore similar overall to the 2010 Consented scheme, and is discussed in chapter 12 of the TR (2013) for the Living Bridge and chapter 15 for the networks in general. The Living Bridge however has been demonstrated to provide a significant improvement in connectivity between north and south of the A406 for pedestrians and the modelling assessments indicates that this will be a very well used route both internally and for trips between the Retail and Leisure site and the Underground Station.

### **Sensitivity Tests and Interim Assessments**

Due to the nature of the Section 73 application the tests reported on in the 2010 Permission, and as set out in the Consolidated TA documents (BXC05 volumes 1 to 4) remain valid, and it is not necessary to undertake any new sensitivity assessments in the circumstances of the Section 73 Application.

### **Approvals of Details in relation to Transport Infrastructure**

The Section 73 application seeks outline approval for most aspects of the BXC Development (as with the 2010 Permission) but the 2010 permission approval for the gateway junctions is not proposed for changes and therefore the details of the gateway junctions will remain exactly the same as those already approved.

### **Transport Proposals**

The Integrated Transport Strategy (ITS) developed in association with the consented scheme will continue to apply if the Section 73 Permission is granted, as will the controls via the A5 Corridor Study and the matrix and transport reports provisions in schedules 3 and 17 to the 2010 S106 Agreement. Schedule 17 is to be updated in the Revised Section 106 Agreement to reflect the proposed phasing changes and to ensure that future impacts of Phase 1 (North) and Phase 2 (North) in subsequent phases, as the comprehensive development proceeds, are prospectively assessed and any mitigation measures for the northern development are funded by the Northern Development, but, apart from these changes, Schedule 17 will remain essentially the same if the Section 73 Permission is granted.

### **Public Transport Proposals by Phase**

The following modifications to the phasing of the public transport elements of the scheme are proposed as part of the Section 73 application:-

- Phase 1B North - New Brent Cross bus station now partly contained within the expanded shopping centre (Plot 103) and brought forward to Phase 1B (North) from Phase 2 in the 2010 consented scheme;
- Phase 1 - Rapid transit service (RTS) and Cricklewood and Brent Cross station interchange / forecourt improvements, which were largely to accommodate the RTS, remain in the Section 73 application but will not be funded under the Revised S.106 Agreement;
- Phase 1B North – Step-free access at Brent Cross station remains in the Section 73 application and Draft Revised S.106 Agreement but developer funding is proposed to be limited to £6m within the CTF, index linked from now based on the findings of the

initial feasibility study, but with a maximum cap of up to £10m, with the additional £4m being funded by the developers, but outside the CTF;

- Phase 2 – Step-free access at Cricklewood station remains in Section 73 application proposals and the Revised S106 Agreement but there is proposed to be no funding from the developer.

The changes to the funding are discussed towards the end of this section below. Provision continues to be made for the RTS at the new bus station, should such a scheme be introduced in the future, although it should be remembered that both the 2010 TA documentation and the TR (2013) show very little demand for a RTS. There is expected to be available capacity on other bus services that operate between the proposed RTS terminal points and the proposed RTS routes would duplicate frequent bus services already provided by TfL.

As part of the Brent Cross East (BXE) development north of the A406 Transport Interchange T2 (Replacement Brent Cross Bus Station) will be constructed as part of Phase 1B (North). In the early part of the development works to Prince Charles Drive and junctions at each end access to the bus station will be maintained. However, in order to allow the Phase 1B (North) construction work to take place it is planned that the existing Bus Station will be likely to be relocated to a Bus Station Temporary Relocated Facility on the existing surface car park adjacent to the Fenwick department store. The LPA and TfL would be consulted throughout to ensure that this arrangement fully conforms to their requirements. Under the recommended conditions, details of this Bus Station Temporary Relocated Facility will be approved before the commencement of the Phase 1A (North) development and, under the Revised S106 Agreement, the provision of this facility will be required before there is any closure or restriction on the bus services and/or public use of the existing Brent Cross bus station. It is anticipated that the Bus Station Temporary Relocated Facility will be operational prior to Christmas 2017 and that this temporary arrangement will operate for a period of approximately 3 years until the New Bus Station is open as currently programmed in the revised ICP for late 2020. Controls are proposed through appropriate planning obligations in the Draft Revised S.106 Agreement and the conditions recommended to be included in the Section 73 Permission to ensure timely delivery of the permanent new Bus Station.

The Section 73 application's proposed amended location of Brent Cross Bus Station has been designed in close consultation and agreement with both TfL and LB Barnet and will provide the desired features specified in the 2010 Permission, including capacity in the new bus station to accommodate the planned increase in bus use and as a high quality bus station it will encourage bus travel rather than the private motor car. It will be highly accessible and passengers will be sheltered from the elements. The bus station will be located on the ground floor of the enlarged shopping centre (Plot 103) and its features are discussed in chapter 13 of the TR (2013). Compared to the 2010 Permission one additional bus stand is provided, but no taxi, motor or pedal cycle parking, as requested by TfL, and agreed by council officers. The bus station will be open 24 hours a day and be accessible via a number of 24 hour pedestrian routes, these including via the Living Bridge and other routes in the vicinity of the BXSC.

### **Car Parking**

The Section 73 application proposes changes to the location of car parking provision within the development to the north of the A406. There will be no change in the overall maximum number of car parking spaces approved in the 2010 Permission either in the Northern Development or in the Southern Development (or overall).

The greater use of multi-level car parking areas is proposed within the Section 73 application which will result in more land being released for other land uses as well as reduced impact of extensive ground level car parking areas.

As set out in Drawings 13 and 14 in Schedule 8 and the principles contained in Schedule 16 of the Draft Revised S106 Agreement, the design of the proposed car parks in the BXE Zone will be discussed and agreed with the LPA and TfL at the appropriate design stage along with the use of up to date car parking surveys to forecast future demand as part of the Phase and Reserved Matters Transport Reports process under Schedules 3 and 17 of the Draft Revised S106 Agreement and recommended Condition 37 of the S,73 Permission. Developer funded controlled parking zones will be introduced as necessary, with the areas around the new town centre being reviewed and likely to be extended as part of the enlarged Phase 1.

It is not currently proposed to make any changes to the proposed car parking standards as approved within the 2010 Permission, and as such these remain as approved and agreed with TfL, and are considered policy compliant.

The approved scope for the car parking management, including the Phase 1 car parking standards and car parking strategy is set out in the appendices in volume 5 of the TR (2013) and will be regulated under Conditions 37 and 38.

### **Highway Proposals by Phase**

The new Phase 1 proposed under the Section 73 Application includes the entire BXE Development Zone and the addition of the Living Bridge. It will also include as additional Phase 1 Critical Infrastructure the M1/A406/A5 junction improvements and associated bridges as well as the Replacement Brent Cross Bus Station (T2) which were in Phase 2, as approved in the 2010 Permission.

In the BXC 21 Addendum to the Construction Impact Assessment dated March 2009 the Indicative Construction Programme (ICP) Year 1 was identified as 2011 with completion in 2026 giving an overall construction period of 16 years for all the Phases. The revised ICP included in the Draft Revised S106 Agreement identifies Year 1 as mid 2016 with completion of all works (Phases 1 – 7) in 2031 giving an anticipated overall construction period of 15.5 years.

Sub Phase 1A (North) and 1A (South) have been separated to specifically identify Critical infrastructure to be delivered by the Northern and Southern Developers respectively. Phase 1A (North) contains a very substantial critical infrastructure package which is needed not only to enable the delivery of the increased amount of plot development in Phase 1 (North) (i.e. the whole of the enlarged BXE Zone), but will also facilitate the delivery of a significant part of the plot development in the Southern Development included in Phase 1 (South). For example, the A5/Cricklewood Lane and Cricklewood Lane/Claremont Road Junctions; Claremont Avenue; Claremont Road North Junction; Claremont Avenue Junction with Tilling Road, as well as the M1/A5/A406 Junction Improvement Works, which are all important in enabling the development of the Southern Development, as well as being necessary to accommodate the enlarged Phase 1 (North).

The commitment to initially deliver the new Phase 1A (North) therefore provides a substantial contribution to the comprehensive delivery of the BXC Regeneration Area as a whole as envisaged in the Section 73 Application and the Draft Revised S.106 Agreement. Provision of the Living Bridge in Phase 1 (North) will also significantly benefit and facilitate development south of the A406 with a major improvement to connectivity across the A406,

linking the Northern and Southern Developments at the heart of the new Town Centre. The highway infrastructure works are critical to the delivery of BXE, and some of these works will be for the benefit of existing occupiers too.

The Phase 1A (North) highway works are programmed in the revised ICP to commence in June 2016 with completion for Autumn 2020 to tie in with the opening of development in BXE Zone. The intention is to complete the works associated with A406/A41 and Templehof Bridge first, followed by M1/A406/A5 Junctions works and the two southern junctions of the A407 with the A5 and with Claremont Road. The only overlap would be six months of enabling works to the existing central island area. The ICP assumes suspension of those Highway Works which affect the operation of the Highway network for a period of approximately two months in November and December each year.

### **Pedestrian and Cycle Improvements**

The Section 73 Application proposes to create a development with a good level and quality of pedestrian and cycle access throughout, allowing both pedestrians and cyclists to access, egress and move within the development safely and conveniently.

There will be a choice of stair, escalator and lift access between the Living Bridge and the Bus Station, also connecting the lower and upper ground BXSC levels. The bus station will also be fully accessible at all times from the riverside park, cyclepath and footpath also open to all pedestrian and cycle traffic at all times of day and night. The inclusion of the Living Bridge in the updated masterplan, to be some 15-20m wide, along with the 24/7 accessibility on certain routes through BXSC are considered to provide very good pedestrian connections 24 hours a day, including with the new bus station and will reduce the severance impact of the A406.

Slight modifications have been made to the new bridge (B6) for pedestrians and cyclists provided across the A406 at the M1/A406/A5 junction to incorporate a step free access arrangement, rather than a lift as was previously consented. This is considered a welcome improvement in accessibility.

The Living Bridge will be accessible to cyclists at the southern end along the bridge approach ramp leading up from the Market Square. Cycling will not be permitted beyond the northern end of the Living Bridge but 40 cycle parking racks are proposed at this point. Three other locations are proposed for cycle parking in the vicinity of the enlarged shopping centre in the Northern Development, to be arranged at locations where cyclists would be expected to arrive at. A two-way shared 3.5m wide cycle and pedestrian route is proposed along the northern side of the diverted river Brent. This route will connect to the BXSC as well as all 3 of the proposed bridges over the A406. Otherwise, there are no changes to the proposed walking and cycling networks as permitted in the 2010 Permission.

Where possible the Section 73 Application proposed amended design continues to ensure that cyclists and pedestrians are segregated from each other, with many cycle networks being accommodated on quieter roads and dedicated cycle routes. However, to ensure the continuity of some routes, cycle and pedestrian corridors will be shared. In these situations the aim will be to delineate between the different users, as was the case with the 2010 consented scheme. An acceptable level of cycle parking will continue to be provided.

In summary a network of cyclepaths and footpaths create north-south and east-west axes through the BXC site, connecting the various land uses and linking the site to existing and proposed infrastructure including public transport interchanges and local neighbourhoods. Conditions governing the site-wide wayfinding and inclusive access strategies will continue to

apply, ensuring a high level of accessibility and the area wide walking and cycling study which is a pre-reserved matters requirement will assess the pedestrian and cycling networks in more detail, including their connections to the existing wider pedestrian and cycling networks. This latter study is discussed in more detail later in this section.

Overall it can be concluded that the development proposals provide a high level of pedestrian and cycling infrastructure to help encourage the use of walking and cycling as the primary means of travel across and within the site. The proposals enable safe and convenient usage of the walking and cycling facilities within the site for all users, with a particular focus on the mobility impaired.

### **Control of the Development**

There are a number of updates to the framework of control as approved in the 2010 Permission and as proposed to continue in the Section 73 Application and these are set out below.

#### *A5 Corridor Study and Area Wide Walking and Cycling Study*

Both of these studies have commenced and are involving other stakeholders, such as Brent and Camden. The A5 Corridor Study includes an assessment of any local impacts of the BXC scheme, including in the adjoining areas within LB Brent and LB Camden, and builds on the outline scope contained in the 2010 Section 106 Agreement for the 2010 consented scheme. The full scope for the study, set out in the appendices to volume 5 of the TR (2013), has been agreed with all the relevant transport authorities and will also encompass a detailed model of the A5 and an assessment of all transport facilities along the A5. The assessment of any local impacts will use a new traffic model based on TfL's sub-regional model for north London, which is also planned to be used for the detailed junction design and approval processes under the Highways Act. Initial traffic forecasts are expected in spring 2014. The developer will be required under the Revised S106 Agreement to fund any supplementary mitigation measures in Barnet, Brent and Camden that may be identified as part of the study.

The Area Wide Walking and Cycling Study also has an agreed scope (in the appendices to Volume 5 of the TR (2013) ) and is focusing on examining key walk and cycle routes from the BXC site to its immediate hinterland and on to various interchanges / destinations such as Golders Green, Kilburn and Dollis Hill. Pedestrian and Cycling environment route system (PERS and CERS) assessments are being carried out along the routes between the Development and the adjoining areas and the study is expected to report in the spring. It is expected that the developers will also fund schemes arising out of the study that are identified as supplementary mitigation measures.

#### *Detailed Delivery Programmes*

There is the same essential level of control proposed under the Section 73 Application and the Draft Revised S.106 Agreement as for the 2010 consented scheme, with the developers being required to submit, and receive approval from the LPA to, a detailed delivery programme for each phase (including the Primary Development Delivery Programme for Phase 1) prior to commencement of the relevant Phase. The Detailed Phase Delivery Programmes will be required to adhere to the relevant delivery framework parameters and principles set out in the ICP, and to use reasonable endeavours to complete the Critical Infrastructure in the relevant Phase Delivery Programme or sub-phase (once commenced) in accordance with the approved Phase delivery programme and the relevant Necessary Consents. The developers will need to work in partnership with all the highway authorities: LB Barnet, LB Brent, TfL and HA, as well as other agencies such as Network Rail, to enable the delivery of critical infrastructure.

### *Triggers and Thresholds*

The conditions containing the relevant triggers and thresholds for delivery of Critical Infrastructure are proposed to be updated under the recommended conditions (and in the Revised S.106 Agreement) and this framework of control and delivery is considered by officers to provide a sufficient basis for confidence that all necessary critical infrastructure will be delivered in time to accommodate the Plot Development as proposed in the S73 Application and to provide the necessary mitigation.

### *Necessary Consents: Section 278 agreements and bonds*

A modification to the necessary consents required before a phase can commence is proposed in the Section 73 Application and the Draft Revised S.106 Agreement in order to facilitate commencement of delivery of Phase 1A (North) as the first sub-phase of the Development which would not include any Plot Development and comprises a substantial commitment to deliver Critical Infrastructure. In the light of the considerable size of the proposed enlarged Phase 1A (North), which is estimated to involve infrastructure costs amounting to around £250m and the very substantial bond costs if it must all be bonded from the commencement of Phase 1A (North), as required under the 2010 Permission and S.106 Agreement it is proposed in the Revised S.106 Agreement that requirements related to the completion of the S 278 Agreements and bonds should be relaxed so as to allow some of the Section 278 Agreements and bonds needed for certain highway improvements in Phase 1A (North) to be provided subsequent to the commencement of Phase 1A (North) but nevertheless in sufficient time to secure the delivery of such works in accordance with the Primary Development Delivery Programme.

The details are summarised in Appendix 4 and they provide specifically for the M1/A406/A5 junction improvements and the Living Bridge in a way which will ensure that the works are secured, commenced and completed in time to meet the need created by the Phase 1 development (particularly the relevant Phase 1B (North) development) without unnecessarily preventing the commencement of that development.

These arrangements are considered to provide sufficient security and certainty that the Phase 1A (North) Critical Infrastructure will be delivered in accordance with the Primary Development Delivery Programme so as to provide the necessary capacity and mitigation needed to accommodate the plot development contained in Phase 1B (North) and the relevant Plot delivery within Phase 1 (South). On this basis, the LPA is recommended to relax the requirement under the 2010 Permission to require all necessary consents (including bonds) to be completed before the commencement of Phase 1.

### *Matrix and Transport Reports*

The approach to Matrix assessments and Transport Reports is essentially unchanged. However, the new Phase 1 (North) and therefore the Phase benchmarks are being adjusted to reflect the proposed new phasing of the BXC development if the S.73 Permission is granted and will also include the necessary details relating to the assessment and mitigation of future impacts of Phases 1 North and 2 North when subsequent phases are delivered. A proposed scope for the Phase 1 matrix and transport report is contained in the appendices to volume 5 of the TA (2013) but this will still be required to be submitted in accordance with Condition 37.1 of the S.73 Permission, taking into account relevant information derived from the A5 Corridor Study and related work. The amended benchmarks will also be set out in the updated version of the annex 2 to Schedule 17 of the S.106, which will be completed as part of the detailed drafting of the S.106, should permission be granted.

The new Phase 1 (North) now contains the majority of the total BXC development to the north of the A406 and the applicant proposes to cap some of their liability for supplementary

transport measures (STMs) that were previously secured as uncapped measures, jointly liable with all developers across the regeneration phases. STMs are in effect, additional transport mitigation works, not specified or identified in the transport submission BXC05 . As under the 2010 S106 Agreement, the Northern Developers' obligations under the Revised S106 Agreement will remain an essential part of any package of mitigation to address future transport effects not currently identified in BXC05. It is expected that under the A5 Corridor Study and the Matrix and Transport Reports mechanism the need for such STMs is likely to be identified and the necessary cost provided for at that stage. However, to achieve the level of costs certainty necessary for the BXPs to fund and commence Phase 1A (North) they require a cap of £2 million in relation to future liability for unquantified STMs needed to mitigate impacts on the bus network and bus services as subsequent phases of the development are delivered. These arrangements will be set out in the Revised S106 Agreement, Schedule 3. This cap will not apply to other STMs required, identified and costed under the provisions for the A5 Corridor Study and Phase 1 Matrix and Transport Reports. In this context, the BXPs will be required to undertake additional modelling and assessment within the Transport Reports to support the development of phases 1 and 2 and taking account of the likely impact of Phases 1 (North) and Phase 2 (North) during the delivery of future subsequent phases (Phases 3 – 7) and to provide funding for (or a fair and reasonable contribution towards) any future supplemental mitigation measures and the necessary legal commitment for this specific purpose will be achieved through a subsequent planning obligation linked to approval of the A5 Corridor Study or the Phase 1 or Phase 2 Transport Report (as the case may require). This is considered to be a reasonable approach as it will enable future mitigation to be identified when further modelling and analysis such as the A5 Corridor Study and/or the Phase 1 and/or Phase 2 Transport Reports have been undertaken. As noted above, Schedules 3 and 17 of the Revised S106 Agreement will provide the legal framework within which these arrangements will be delivered.

The reason for this proposed change above in the context of the Section 73 Application and the Draft Revised S.106 Agreement is because the Northern Developers are likely to find that the costs of bonding the entire Phase 1A (North) works package before commencement of development could be prohibitive and this, combined with the uncertainties of the future costs of un-quantified STMs, would create an insuperable barrier to delivery of Phase 1A (North).

Therefore a position will be struck in the Revised S.106 Agreement which is considered to be an acceptable pragmatic balance of risk in order to secure the delivery of the development as soon as reasonably practicable, without exposing the LPA or other authorities to undue risks of partial completion of the Critical Infrastructure works or the necessary mitigation measures.

#### *Framework Travel Plan, Framework Servicing and Delivery Strategy and Individual Travel Plans*

The controls in relation to these important plans and strategies will be essentially unchanged in the Section 73 application and the Revised S.106 Agreement. Servicing and delivery is discussed in more detail later in this section below.

#### *The TAG*

The Transport Advisory Group has yet to meet as the development has not yet commenced. The intended role of the TAG is unchanged in the Draft Revised S.106 Agreement.

#### *TSG and the Consolidated Transport Fund*

As with the TAG, the Transport Strategy Group has also not yet met although there has been close collaboration between the LPA and TfL in addressing the issues raised by this S73 Application. Again, the intended role of the TSG is unchanged in the proposed Section 73

Permission and the Draft Revised S.106 Agreement. There have been changes to the Consolidated Transport Fund (CTF), which in summary has been reduced to £26.67m. This is discussed below near the end of this section of the report.

#### *Planning conditions and section 106 planning obligations*

The recommended conditions have been modified to reflect the Section 73 application and its supporting documents in the light of the officers' analysis and stakeholder representations, but they follow the same basic structure as for the consented scheme. The amended covenants to reflect the Section 73 proposals (and enforcement of the amended commitments) are to be contained in the Revised S.106 Agreement.

#### *Control on Roll-out of the Development Phases*

As well as the controls set out above, including detailed delivery programmes, necessary consents, matrix and transport reports and triggers and thresholds, modified as appropriate in light of the Section 73 application and the Draft Revised S.106 Agreement, the following sections review some of the proposed controls to monitor and regulate the transport impacts of the BXC scheme, most of which are essentially unchanged from the 2010 Permission and the 2010 S.106 Agreement.

#### *Monitoring*

The approach to monitoring the impact of the development is unchanged from that in the 2010 consented scheme, and the proposed scope for the work to address the requirement set out in the existing condition (37.8) is contained in the appendices to volume 5 of the TA (2013) but this will still need to be submitted and approved under condition 37.8.

#### *Construction Traffic Impacts and Consolidation Centres*

With respect to the anticipated generation of construction traffic flows, these have been assessed in line with the assessment carried out as part of the 2010 Permission, and this is set out in the Addendum to the Construction Impact Assessment (CIA), (2013) BXC21. A review of the cumulative impacts of the construction traffic at the key gateway junctions, M1/A406/A5 and A406/A41, indicates that the increase in the level of works within the proposed enlarged Phase 1 is likely to lead to an increase in the construction traffic impacts above the level of that predicted in the 2010 TA documentation. This increase in the volume of works being carried out in Phase 1 will lead to a reduction in percentage in future phases, as the works previously identified to occur in later phases will now occur in Phase 1.

Even with the increased percentage impact over the 2016 modelled flows, the percentage increase in vehicles remains below 2.5% during the AM peak hour, and below 2% during the PM peak hour. In addition to reviewing the CIA, a review of the construction traffic information included in the 2010 S106 Agreement was undertaken. This assessment looks at the total weekday, AM peak period and PM peak period HGV and LGV volumes at the gateway junctions. When compared to the 2010 consented S106 numbers, there are some reductions in traffic volumes within the first assessment period (Quarter 3 2017), and some minor increases in volumes within the second assessment period (Quarter 3 2020) which reflect a review of the profile of construction traffic movements. Whilst it is recognised that there are some minor increases, these may be attributed to the increase in construction works occurring in Phase 1 and these increases are not significant in volume with a maximum weekday increase of only 29 vehicles.

The requirement to investigate the feasibility of one or more construction consolidation centres, including the possibility of being rail linked, remains as per the 2010 consented scheme, although the Section 73 Permission proposes that these will now be examined on a phase-by-phase basis as this is necessary to ensure a pragmatic approach to controlling

construction operations by the various Contractors. There will also be a duty to co-operate on their use between developers and phases.

#### *Framework Construction and Logistics Plan*

A draft Framework Construction and Logistics Plan (FCLP) for phase 1 is set out in Appendix A of BXC21 (2013) and will form the basis for subsequent detailed Construction Logistics Plan (CLP) documents to be developed upon the appointment of a main contractor. The detailed plan will be based on TfL's Construction Logistics Plan Guidance for developers.

The proposed construction vehicle access routes avoid using minor roads as far as possible, and have specifically avoided residential roads adjoining the sites. These measures will ensure that delivery vehicles have minimal impact on surrounding residential roads to the site. In addition, waiting vehicles will be avoided through strict management of delivery times.

This FCLP will aim to ensure that construction and servicing of the BXC construction programme and existing commercial entities in the area can be carried out efficiently, minimising negative impacts. This will look to reduce and eliminate where possible impacts upon the local highway network, residents and commercial occupiers within and surrounding the site, and the environment. In order to ensure impact is minimised the contractor will commit to the 'considerate contractor' code of practice.

A Delivery management system will be used to control material flows to the production points in the safest and most efficient manner possible to meet programme requirements and reduce potential congestion or delays and minimise impacts on the local community.

#### *Framework Servicing and Delivery Strategy (FSDS)*

The servicing and delivery strategy for the proposed development has been reviewed in the context of its FSDS as outlined within the 2010 S106 Agreement and assessed in terms of ease of access and manoeuvrability for HGV vehicles.

Swept path analysis was carried out at the key servicing areas in the vicinity of the BXSC to ensure that large HGVs can comfortably access and egress the proposed loading and servicing bays. The results from the swept path analysis are contained in the TR (2013) and indicate that servicing and delivery of the BXSC and the adjoining service areas can be carried out comfortably and without difficulty.

Although no significant changes have been made to the development proposals in terms of the delivery and servicing strategy as part of the Section 73 Application proposals and the proposed Revised S.106 Agreement, some minor relocation of service areas has been included. However, the changes made are minor and do not affect the operation and access of servicing and delivery vehicles. As such the proposals remain in line with the FSDS as contained within Schedule 26 of the 2010 S106 Agreement.

The approved scope for the FSDS which is required to be submitted and approved in writing by the LPA prior to the submission of the first reserved matters application is set out in the appendices to volume 5 of the TR (2013).

#### *Travel Plan Co-ordinator (TPC)*

The intended role and specification for the Travel Plan Co-ordinator are unchanged in the Section 73 application and the proposed Revised S.106 Agreement.

#### *Consolidated Transport Fund (CTF)*

As a consequence of the Section 73 application, and although the proposals remain within the overall package, specific funding is not included for the delivery of the Rapid Transit Scheme (RTS) because it is considered to be unnecessary (Reg. 122, CIL Regulations applies). The TA does not identify a specific requirement for a dedicated RTS because there is expected to be available capacity on other bus services that operate between the proposed RTS terminal points and the CTF includes funds for improving these local bus services. Under the terms of the Draft Revised Section 106 Agreement the TSG has discretion to allocate funds for its delivery, but this is not currently proposed.

A similar approach is taken in the Section 73 Application with regards to the Step Free Access (SFA) scheme at the existing Cricklewood station, where the proposal continues to be included but it is not funded in the CTF. The TA forecasts that Phase 1 will generate few additional passengers at Cricklewood station and therefore the SFA is no longer considered to be a necessary mitigation measure.

The SFA scheme at Brent Cross LUL is to be funded through a contribution of up to £10m, being what is considered to be the necessary and fairly and reasonably related mitigation (Reg. 122, CIL Regulations), which replaces the £13.4m previously allocated to both SFA schemes. £6m of this cost will be paid into the CTF (indexed from January 2014) prior to commencement of Phase 1B (North).

The CTF was £46m in the consented scheme, and as a result of the removal of the RTS (£11.93m) and Cricklewood SFA (£8.4m) is now proposed to be reduced to £26.67m (index linked from November 2009 apart from the above SFA figure which will be indexed from January 2014). All other contributions and timings are unchanged and so the Phase 1 contribution is £15.17m, replacing the previous figure of £16.6m.

The above needs to be considered in the wider context of the improvements that are planned to be delivered in the enlarged Phase 1, including SFA at the new Brent Cross bus station, brought forward from phase 2, the contribution to SFA at Brent Cross LUL and the Living Bridge (itself estimated to cost some £30m), as well as the future SFA at the new BXC railway station. The bus subsidy was discussed earlier in this section and on balance and in combination all the proposed changes are considered acceptable.

### **Conclusion**

The transport and highway aspects of the Section 73 application in BXC05 have been thoroughly reviewed. In particular volumes 5, the TR (2013), and 6, the Highways Engineering Report, assessments and findings have been carefully considered in close liaison with TfL. The TR (2013) and the Highways Engineering Report appropriately assesses the new enlarged phase 1 and addition of the Living Bridge, together with the extensive transport infrastructure provided in Phase 1A (North). Overall in the application appropriate mitigation measures are proposed and the impacts are acceptable in transport and highways terms. The comprehensive framework of control and delivery will continue to ensure that the transport and highway impacts of the whole development are kept within acceptable limits as the development proceeds, and after completion.

### **5.27 Utilities**

Since the new proposals contain identical quantum of development floorspace and distributions as approved under the 2010 Permission, there are no significant material changes to the Revised Utilities Strategy. Following updates to the Illustrative Masterplan Buro Happold, in consultation with the relevant utility providers, have reviewed the original

utility strategy and confirmed that there are no changes to the utility networks above those consented in 2010.

A new primary substation rated at 30MVA (Summer/ 40MVA (Winter)) is required as part of Phase 1. Prior to Phase 2 being brought on line, the water supply will require upgrading to meet the increase in demand. Thames Water have confirmed that a 450mm dia. pipe approximately 750 metres in length of new water main feeding from the trunk main in Hendon Way will be required. The other utility demand requirements can be dealt with by installing new infrastructure provisions as part of any diversion works as the development progresses.

As the detail designs progress a management plan is recommended to be developed to co-ordinate the procurement of utility diversions, reinforcement of existing services and the provision of new services.

## **6. COMMUNITY INFRASTRUCTURE LEVY**

The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100sqm. Within LB Barnet, two CIL charges apply:

- *Mayoral CIL* - The Mayor of London is a charging authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge a Community Infrastructure Levy in respect of development in Greater London. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.
- *Barnet CIL* - Barnet Council adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development within the borough. All other uses and ancillary car parking are exempt from this charge.

As this application is for alteration to a permission granted in 2010 (i.e. prior to the introduction of both Mayoral CIL and Barnet CIL), the application and subsequent Reserved Matters Applications are not liable to pay any charge.

Regulation 9(6) of the CIL regulations means that (as there is no increase in the chargeable floorspace under the new permission) the development for this purpose is as permitted in 2010 and so no CIL is chargeable for the development under the S73 permission.

## 7. EQUALITIES AND DIVERSITY ISSUES

The Section 149 of the Equality Act 2010, which came into force on 5<sup>th</sup> April 2011 imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in the preparation of this report had regard to the requirements of this section and have concluded that a decision to grant the S,73 permission for this proposed development will comply with the Council’s statutory duty under this important legislation.

The new buildings proposed as part of the application would be required to comply with current legislative requirements in respect of equality and diversity related matters, for example inclusive access under Part M of the Building Regulations. In addition to this the development, as controlled by the conditions recommended, would ensure that in several regards the building constructed would exceed the minimum requirements of such legislation. Examples of this would include all the proposed residential units being constructed to meet the relevant Lifetime Homes standards, the provision of level or appropriately sloping access within the site, and the provision of wheelchair accessible flats and the provision of disabled standard parking spaces.

The involvement of local people and community groups during the design process has enabled the diverse needs of existing and future residents to be met in the masterplan. The S.73 amendments will not dilute the merits of BXC Development as permitted under the 2010 Permission and will produce an accessible integrated new town centre serving all of Barnet’s diverse communities and those of North West London. In some respects (such as the Living Bridge and the alterations to High Street North and the relocated bus station) the proposed S.73 alterations appear to be a significant improvement in terms of inclusive access and other issues relevant to the equality duty.

New jobs will be created for local people including those in adjoining boroughs. New schools, health facilities and sports and leisure facilities will be accessible to local people.

A full range of housing unit sizes and tenures will be produced. These new homes will increase access to housing and provide housing choice. All of the new housing in the development will be built to ‘Lifetime Homes’ standards (where applicable) and 10% of the

properties will be wheelchair accessible or easily adaptable for residents who are wheelchair users. This fully accords with London Plan Policy 3A.4.

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. All new public transport facilities and buildings to be used by the public will be fully accessible. The Living Bridge, which will be fully accessible, will significantly improve access between the new and existing communities north and south of the A406.

Future detailed applications under the S.73 Permission will make sure that a safe and secure environment is created throughout the regeneration area. This will include consideration of the public realm and the need to make pedestrian access safe and well lit. A new network of pedestrian routes will be created throughout the development with the aim of making the area accessible to all, including young people and others who do not have access to a car.

The applicants will fund a Skills and Employment Training Programme which will make sure that the benefits of this regeneration scheme in terms of employment and training opportunities are available to local people. It is anticipated that this will include initiatives to make sure that all sections of the community will benefit from this development.

With the conditions recommended the S.73 Application and related proposals are considered to accord with development plan policies as they relate to the relevant equalities and diversity matters, by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The design of the proposed development is such that the site would, as an area of land, become significantly more accessible to all members of the community. In this sense the development would have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and support the council in meeting its statutory equality duties.

## 8. CONCLUSIONS

The S.73 application represents an evolution of the 2010 scheme which would allow this important regeneration project to proceed. The BXC project represents a very substantial private sector investment and the applicant has revised the form, phasing and delivery of the development to improve the prospects for delivery despite the challenging economic times.

- This is important to Barnet as it will secure (and substantially increase) the jobs and economic activity at the Brent Cross Shopping Centre
- Secure a substantial investment in infrastructure – particularly highways infrastructure and the Living Bridge – that will not only mitigate the impacts of the development but also allow the closer integration of the south side development.
- The increased infrastructure investment package will be increasing the prospects of the southern development by improving access and through the ‘regeneration affect’ produced by the commencement of such a strategically important project.
- The proposed Living Bridge represents a substantial improvement in connectivity over the 2010 permission.

Officers are satisfied that the composition of the first Phase and its further subdivision into A, B and C North and South represents a practical compromise which will result in an implementable scheme which still conforms with the policy imperative of delivering a new town centre spanning the A406.

Around 25,000 new jobs and 7,500 homes will be created and the underused and disjointed parts of the regeneration area will be brought back into productive use in the most sustainable way. The proposal creates a coherent integrated town centre which is well connected with the existing suburban area which surrounds it.

The proposal includes new schools and community, health and sporting facilities and will provide new parks and urban squares and improvements to existing open spaces. The new shopping areas created are extensive but will not directly threaten the viability of nearby town centres. The overall increase in retail space is supported by London and local planning policy and has been appropriately justified by the applicant. Employment will be created not only through the expansion of the shopping area but also through the office area which will be served by a new railway station.

The transport proposals assume an increased use of public transport over the development period of the proposal and the Transport Reports and other mitigation measures required (if appropriate) as the scheme proceeds will monitor and review and secure the achievement of the improved benchmarks and modal split targets. Car parking will be appropriate for the location and level of accessibility and improvements to public transport will include a new bus station and improvements to bus services, as well as a new railway station. Highway improvements will be undertaken at the key gateways to the proposal.

As this strategic regeneration proposal will be implemented over approximately the next fifteen to twenty years, it is essential that a sophisticated but easily understood series of controls are imposed. These controls will ensure that the individual applications for plot development and/or individual buildings under the permission sought are designed to a high standard and comply with the parameters and principles established as part of the framework of control under the permission by reference to the DSF and Design and Access Statement.

The applicant has produced a series of parameters and principles set out in the Development Specification and Framework, the Design and Access Statement and the Design Guidelines which provide a framework for control. These documents have formed the basis for the extensive set of planning conditions set out in Appendix 1 of this report. These conditions and associated planning obligations will control the type and quality of future development to make sure that the regeneration area develops as anticipated in the masterplan. Sufficient mitigation measures have also been proposed to make sure that the development does not give rise to additional costs but instead contributes fairly to the surrounding area in a way that is of benefit to existing and future local residents, workers and visitors. The detailed summary of the planning obligations (S106) is set out in Appendix 4 to this report. The full Revised S106 Agreement will need to be agreed with the applicant and other parties and completed before any planning permission is issued. It is recommended (in accordance with Recommendation 1) that the Revised Draft S106 Agreement be agreed by the Council's Assistant Director of Strategic Planning, Regeneration and Transport under delegated powers, but in accordance with the principles set out in Appendix 4.

Should Committee members approve this application, it is likely that a number of sites and properties not in the ownership of the Council will need to be acquired. It is anticipated that a Compulsory Purchase Order will need to be obtained if agreement with other landowners cannot be reached to acquire their interests by agreement. To accommodate this process, it was agreed in the 2010 permission to extend the normal period in which planning permission should commence from 3 years to 7 years and with an extended period of up to 21 years for phased reserved matters applications. This timescale remains unchanged as part of this S.73 proposal and the applicant will need to proceed swiftly to complete all the pre-commencement processes and commence this much anticipated regeneration project.

This proposal has been planned and developed over many years and has been the subject of extensive discussion and consultation with strategic bodies as well as with local residents and interest groups. Officers are satisfied that the mixed use town centre to be delivered through this proposal will be of great benefit to Barnet and to surrounding areas of North West London.

The Environmental Statement accompanying this application has addressed all relevant environmental issues and concluded that there will be no long term, adverse, significant effects. Any mitigation measures put forward in the Environmental Statement can be controlled by the imposition of conditions and obligations.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any planning application in accordance with the statutory development plan unless material considerations indicate otherwise.

All relevant policies contained within the Barnet's Local Plan, the Mayor's London Plan (2011) and Supplementary Planning Documents, have been fully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development taken overall accords with the relevant development plan policies and that there are no material circumstances which would indicate that the application should be refused. Accordingly, subject to the satisfactory completion of the Revised S106 agreement **APPROVAL** is recommended as set out in the Recommendations section at the beginning of the report.

**ANNEX – PLANS AND ILLUSTRATIONS**

**APPENDIX 1: Conditions**

**APPENDIX 2: KEY POLICY CONTEXT AND ANALYSIS**

**Appendix 3 – Summary of Consultation Responses**

**Appendix 4 – Summary of Amended Draft S106 Agreement**

