

ADDENDUM REPORT – F/04687/13

30 January 2014 Planning and Environment Committee

Brent Cross Cricklewood Regeneration Area – Section 73 Planning Application

This Addendum Report is divided into four sections:

Part 1 sets out responses to further representations received since the committee report was written.

Part 2 contains amended recommendations to include referral to the Secretary of State.

Part 3 contains recommended amendments to the draft conditions (Appendix 1 to the committee report). These amendments reflect comments from the applicant on the draft conditions. This part of the addendum also contains amendments to the draft conditions suggested by the applicant but which are not recommended by officers.

Part 4 corrects minor errors in the committee report and its appendices.

PART ONE

FURTHER REPRESENTATIONS

Brent Cross Shopping Centre – General Manager

Full support for the Section 73 planning application as it will improve the customer experience and meet the changing needs of retailers. Customers are excited about the plans and want the development to be delivered quickly. Brent Cross is a major contributor to the economic strength of the Borough. Over 5000 people are employed at Brent Cross Shopping Centre mostly from Barnet, Brent, Camden and Hertfordshire. The retail environment is changing. Retailers are seeking greater integration between online and in store and wish to develop larger 'showroom' style stores in key locations where they can display their full range of products for customers to buy either in store or online.

In addition to the greater range and choice of stores, a new cinema and other leisure options including restaurants will be provided. This will encourage people to spend time at Brent Cross during the evening as well as the day and this will be a key element in developing a town centre environment at Brent Cross. The new streets and spaces and the new bridge will improve the connections locally and the improvements to the road network will make it easier for people to travel to and from Brent Cross.

John Lewis Partnership

Support the application as the proposals represent a perfect opportunity to reinvigorate the Shopping Centre and the area around it, attract more shoppers and in turn, jobs and investment to Barnet. Particularly into the local area and the Cricklewood community. JLP consider that the changes will arrest the decline in the existing centre and allow it to expand and diversify the range of its retail, leisure and service offer. If the proposal goes ahead JLP will be able to provide modern facilities to complement existing shops at Westfield Stratford City and the proposed shop at Westfield London. Better transport connections, more leisure and dining opportunities and a more pleasant town centre experience will cement our existing customer base and potentially attract more visitors.

Comments of the Greater London Authority

The Mayor of London considered a report on this application on 15 January 2014. The comments of the Greater London Authority are outlined in the committee report (P61). The GLA are treating this as an informal referral and do not consider it necessary to refer the Section 73 back to the GLA after the Planning and Environment Committee decision.

Comments of a Resident

A resident has asked that planning officers advise the committee that under the planning laws the Section 73 is either approved or rejected in its entirety.

Comment – This matter is already covered in the Summary Report at pages 10 and 11. The LPA may grant permission subject to such conditions as it considers appropriate and is not obliged to accept the conditions proposed in the S73 Application. The recommended conditions differ from those proposed by the applicant in submitting this application. The officers' recommendation to grant permission is on the basis that the recommended conditions (including those set out elsewhere in this addendum) are accepted in their entirety, as the planning conditions and draft S106 (a summary of which is attached as Appendix 4) represent the outcome of officers' full appraisal of the Section 73 planning application and they provide what are considered to be an appropriate framework of control and delivery.

However, members are entitled to propose amendment to the conditions - or new conditions – as long as these are considered to meet the proper tests for conditions.

PART 2

AMENDED RECOMMENDATIONS

The application is analysed with reference to Regional and Local Planning Policy in Appendix 2. It is considered to be compliant with the vast majority of planning policy but is considered to be only partially compliant with a few

policies – CS9, C7, C10 and with some aspects of the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework SPD 2005. (Please see pages 466, 471, 473 and 474 of the Committee Report).

As a result of this partial non-compliance it has been decided that as a matter of proper caution (should the Committee resolve to grant planning permission) to refer the application to the Secretary of State. The Secretary of State will have 21 days from the date of referral to indicate whether or not they wish to intervene.

The recommendations should therefore be as follows:

RECOMMENDATIONS:

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) The application being referred to the Department for Communities and Local Government and no Direction being made by the Secretary of State to call in the application.
- 2) 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.
- 3) Subject to the Secretary of State's decision not to call in the application 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).

PART 3

AMENDMENTS TO THE DRAFT CONDITIONS (APPENDIX 1)

These amendments reflect comments from the applicant on the draft conditions. This part of the addendum also contains amendments to the draft conditions suggested by the applicant but which are not recommended by officers.

RECOMMENDED AMENDMENTS

Condition 29.3 (Noise) relates to providing appropriate fencing for noise attenuation purposes along the eastern boundary of the railway line upon occupation of any residential within Station quarter, Brent Terrace and Cricklewood Lane zones.

Proposed Amendment – the applicant has requested the inclusion of the words “where necessary and appropriate” as it is likely that some peripheral residential development in the zones will not trigger the need for fencing.

Reason for agreement to Amendment – officers agree to this amendment as it is likely that there are some sites that could be developed in these zones without the need for acoustic fencing along the eastern boundary of the railway line. This will be determined at the Reserved Matters stage.

Condition 31.1 – (Remediation of Contamination) The applicant has requested a change to this condition in view of the Section 73 phasing changes so as to make sure that the implementation of the development is not held up.

Proposed amendment:

No Reserved Matters Application shall be submitted in relation to any part of Phase 1(North) or Phase 1 (South) and/or Phase 2(North) or Phase 2 (South) (as the case may be) or in relation to any other Phase and no works shall be carried out pursuant to this Planning Permission unless and until details of proposed Remediation Zones or Sub-Zones for the relevant Phase or Sub-Phase along with schedules of earthworks and soil treatment activities relevant to each Remediation Zone or Sub-Zone covering or comprising such Phase or Sub-Phase shall have been submitted to and approved by the LPA. No Development shall be commenced on any subsequent Phase or Sub Phase, unless and until the locations of the Remediation Zones or Sub Zones relevant to such Phase or Sub Phase shall have been reviewed, and details of such review have been submitted to and approved by the LPA in accordance with this condition and the Global Remediation Strategy and the relevant Site Specific Remediation Strategy.

Reason for agreeing to the amendment – Officers agree to this amendment as it clarifies the meaning of this condition in the context of the phases and sub-phases proposed.

Condition 34.5 – (Microclimate) this new condition proposes measures to alleviate adverse wind conditions in accordance with mitigation proposed in the Environmental Statement.

Proposed Amendment – the applicant has suggested that the condition is modified to refer to buildings i.e. should exclude infrastructure.

Reason for agreement to Amendment – officers agree that in the interests of clarity the condition should be amended to expressly refer to ‘all Reserved Matters for buildings and bridge structures’.

Condition 36.9 (Development Floorspace, use and design criteria) this new condition seeks to prevent retail trading from the extensive area of additional depth of basement sought in the Section 73 application. The Section 73 application proposes an increase in the maximum depth of basements within the BXE zone of 2m. The applicant states that the need for this has arisen following the recent design work which has highlighted this is required for headroom and car parking at basement level given the varying depths of lower ground and ground level across the zone. They state that the ability to trade from basement areas is necessary for some retailers and will assist in the reduction of the proposed building mass within the BXE zone. Existing conditions limit the total amount of retail floorspace that can be provided so it will not be possible to provide additional retail floorspace through the provision of trading in basements.

Proposed Amendment – The applicant requests deletion but officers recommend that the condition is retained with the following amendment:

36.9 Not to use for retail trading or car parking any basement floorspace contained within the additional 2m depth of basements permitted by the S73 Permission unless and to the extent that it shall be demonstrated to the LPA's reasonable satisfaction as part of the relevant Reserved Matters Application for the relevant Building's or Plots that such proposed uses of the proposed basements in such Buildings or Plots will be in accordance with (a) the relevant development plan policies and guidance requiring the Development to achieve a high quality of architecture and design and (b) the floorspace thresholds and the relevant Phase Parking Standards.

Reason: To ensure that the proposed increased basement volumes proposed in the Section 73 Application are subject to proper control and regulation in the interests of ensuring that high quality design and development are achieved in accordance with relevant planning policies and that the floorspace thresholds are not exceeded.

Reason for proposing this Amendment - Officers accept that the total quantum of retail floorspace is fixed as part of this application and that at the Reserved Matters stage this additional flexibility may assist in reducing the massing of the buildings proposed. However the area covered in the proposed amendment is extensive and the maximum height parameters already allow significant flexibility to allow Reserved Matter applications to come forward which respond to the varying levels across the site. This further flexibility has not been fully justified in the application documents and is considered unnecessary. It will need to be fully justified at the Reserved Matter stage as required by the proposed amended condition 36.9.

APPLICANTS PROPOSED AMENDMENTS THAT ARE NOT RECOMMENDED

Condition 20.10 (Phase 1 Triggers and Thresholds) states that no part of the southern development can be occupied prior to the practical completion of

the Cricklewood Lane A407/Claremont Road and A407/A5 junction improvements.

Proposed amendment – the applicant has requested that the condition specifically exclude the replacement Whitefield Estate units (Part 1) otherwise significant delay is likely to be caused to the delivery of the northern development.

Officer response – Officers do not agree with this suggested amendment as the southern junctions referred to above are considered to be at capacity and must be improved before any further development takes place. There is no reason why these improvements cannot be completed prior to occupation of the Whitefield Estate Replacement Units (Part 1) even if they are to be provided to the south of the A406. No specific sites have been agreed for the relocation of the Whitefield Estate residents and it is possible that sites could be identified north of the A406 to allow the Northern Development to proceed without delay.

Condition 36.10 – (Housing Space Standards) this new condition has been imposed in response to concerns by both officers and the Mayor of London that the application does not include reference to the most recent London Plan residential space standards and residential quality standards. Officers have included reference to Policy 3.5 and Table 3.3 and added reference to 'having regard to any successor policy or guidance'

Proposed amendment – the applicant has stated that it is not appropriate to refer to policies or guidance not yet in circulation.

Officer Response – Officers do not agree with this amendment as Reserved Matter applications will be coming forward over the next twenty years and it is anticipated that high design standards will be achieved throughout the proposed Brent Cross Cricklewood development. This is a high density development which will approach London Plan maximum densities in areas close to the town centre and it is appropriate to have regard to current best practice in terms of residential space and amenity standards.

PART 4

MINOR CORRECTIONS

Page 10 and Page 14 refer to the A406/A41 Junction being brought forward into Phase 1A however this junction was in Phase 1A in the 2010 permission.

Page 77 – Waste Handling Gantry Crane is in Phase 1A South not Phase 1A North.

Also add School Lane into Phase 1A South

Page 78 – Second Bullet – the River Brent alteration and diversion works and associated bridge works are undertaken in Phase 1A North not Phase 1B North.

Page 78 – Fourth Bullet – the Riverside Park and Nature Park are in Phase 1B North not Phase 1A North.

Page 79 – should read Section 5.7

Page 98 and 99 refer to the removal of residential uses from High Street North. This is correct in relation to the Illustrative Master Plan but Parameter Plan 004 would still permit a residential use in this location.

Page 145 – After the sentence that finishes with bracketed text add “(but outside school holidays). This data was not collected on the same basis as the DfT data, and cannot be compared to it, which in any event, is not considered necessary for the S73.” This should also be added to the end of the first paragraph of the officer response to Brent Council on page 493.

Page 243 – Condition 14.1. For the purposes of clarification it should be noted that all of the Critical Infrastructure in Condition 41.1 forms part of the Sub-Phase 2 (South).

Page 289 – Condition 30.7 should read:

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 in advance with LBB’s Scientific Services (SS). The developer is responsible 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 including 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 a period of 5 years following first occupation of each plot and at the request of the LBB SS team.

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

Page 297 – Condition 35.5 – Sub heading A refers to 44% and 20% reductions in CO₂ omissions and should instead read 40% and 25% consistent with the submission which responds to amendments to the regulations.