

LOCATION: Brent Cross Cricklewood Regeneration Area, North West London

REFERENCE: 16/7490/CON

Received: 25th November 2016

Accepted: 25th November 2016

WARD: Childs Hill, Golders Green, West Hendon

Expiry: 20th January 2017

APPLICANT: Brent Cross Development Partners

PROPOSAL: Submission under Condition 2.4 and Condition 2.5 to make minor amendments to approved documents (Revised Design Guide, Revised Development Specification Framework and Revised Design and Access Statement) of planning permission F/04687/13 approved 23/07/2014 for the comprehensive mixed use redevelopment of Brent Cross Cricklewood regeneration area.

Changes relate to minor amendments to the parameters/principles as a result of the amended design of Bridge Structure B1 (Replacement A406 Tempelhof Bridge) including associated infrastructure, and to the re-phasing of six items of infrastructure (Claremont Avenue; Claremont Road Junction North; High Street South (East Works); Orchard Lane; Clitterhouse Playing Fields Improvements (Part 1) and Claremont Park Improvements) from Phase 1A (North) to Phase 1B (South).

Further changes relate to minor amendments to the parameters/principles and definitions of Clarefield Park Temporary Replacement Open Space and Community Facilities (Clitterhouse Playing Fields Zone).

RECOMMENDATION

This application is recommended for **APPROVAL**.

1. APPLICATION SUMMARY

A submission has been made under Conditions 2.4 and 2.5 of the 2014 Section 73 planning permission Ref: F/04687/13 (the 's73 Permission') to make minor modifications to the Revised Development Specification and Framework (RDSF) and to the Revised Design Guide (RDG) and Revised Design and Access Statement (RDAS).

The application was submitted as part of a suite of applications required in connection with the approval process set out in the s73 Permission whereby Re-phasing Applications and Reserved Matters Applications are expected to be preceded or submitted in conjunction with detailed information pursuant to a reconciliation mechanism. This set of conditions was purposefully included in the s73 Permission decision notice to allow acceptable adjustments to be made to the specifications, parameters and definitions of the s73 Permission.

In the case of this particular submission, the application was submitted together with application 15/06571/RMA for Reserved Matters associated with Bridge Structure B1 (Replacement A406 Tempelhof Bridge). The following associated applications were also submitted at the same time:

- An application under condition 4.2 of the s73 Permission to allow six items of critical infrastructure to be re-phased from Phase 1A (North) to Phase 1B (South) thereby transferring responsibility for delivery of these infrastructure items from the Northern development partner to the Southern development partner. These infrastructure items include:
 - o Claremont Avenue (up to the junction with Tempelhof Link Road and Tiling road);
 - o Claremont Road Junction North;
 - o High Street South (East Works);
 - o Orchard Lane;
 - o Claremont Park Improvements; and
 - o Clitterhouse Playing Fields Improvements (Part 1).
- An application under Section 96A to make non material alterations to: Condition 13.1 attached to the s73 Permission to identify the six infrastructure items as part of Phase 1B (South), rather than Phase 1A (North); Condition 14.1 attached to the s73 Permission to identify High Street South (East) being within Phase 1B (South); Condition 9 of Reserved Matters Approval Ref No: 15/00720/RMA relating to the revised delivery of Clitterhouse Playing Fields (Part 1) and Claremont Park; Conditions 20.20 and 20.26 of the s73 Permission relating to existing Clarefield Park, and inserting a new condition (Condition 20.24) relating to re-phasing of Clitterhouse Playing Fields (Part 1); and Condition 1 of Reserved Matters Approval Ref No: 15/03312/RMA and inserting new Condition 1A relating to the approved drawings associated with the re-phased items of highway infrastructure (Reference 16/7574/NMA).
- A submission under Condition 1 of the Reserved Matters approval (Ref: 15/03312/RMA) to update plans contained in Volume 4 of the submission.

Amendments include alterations to the approved design to allow two way traffic flows on the Tempelhof Link Road, to accommodate the re-phasing of High Street South (East Works) and Claremont Avenue, and alterations to the Claremont Road/ Tiling Road Junction to create a signalised junction.

The application seeks to update the parameters/principles contained within the s73 Permission control documents as a result of the amended design of Bridge Structure B1 (Replacement A406 Tempelhof Bridge) together with the six re-phased infrastructure items.

Additional alterations required under the provisions of conditions 2.4 and 2.5 relate to minor amendments to the parameters/ principles of Clarefield Park Temporary Replacement Open Space and the (Clitterhouse Playing Fields Zone) Community Facilities.

These amendments, if approved, will align the documents approved as part of the s73 Permission with; (a) the proposals in the Reserved Matters Application Reference 15/06571/RMA (Phase 1A (North) - Bridge Structure B1 (Replacement A406 Tempelhof Bridge)); and, (b) the documents in the re-phasing applicaiton under Condition 4.2 (reference 16/7489/CON).

Non-material amendment application reference 16/7574/NMA submitted under section 96A of the Town and Country Planning Act 1990 (as amended) seeks, equally and accordingly, to update the conditions in the s73 Permission.

The proposed alterations are minor in nature and, in their essence, seek to ensure that the permission documents are adjusted to reflect the alterations to the design of the Replacement Tempelhof Bridge from four lanes to three lanes and to the rephasing of the above listed items from Phase 1A (North) to Phase 1B (South).

The modifications have been assessed in relation to the s73 Permission and its attendant supporting documents and, due to their minor nature and alignment with the aims and objectives of the original consent, are considered to be acceptable.

2. MATERIAL CONSIDERATIONS

2.1 Relevant Planning History

Outline Consent

Outline planning permission was granted for the redevelopment of the Brent Cross Cricklewood regeneration in 2010 and was amended in 2014 via application under Section 73. Please refer to Appendix 2 attached to committee report for RMA application reference 15/06571/RMA in relation to Tempelhof Bridge. (This application – 15/06571/RMA - also before the Committee tonight)

Previous Condition 2.4 and 2.5 applications

The RMAs for Phase 1A (North) were supported by applications under Conditions 2.4 and 2.5 for minor changes to the DSF, DAS and DG which were approved accordingly.

These previous applications can be summarised as follows:

- 15/00834/CON – minor updates to the scale thresholds for buildings in Building Zone BT1;
- 15/00664/CON – minor updates to the parameters relating to Clitterhouse Playing Fields and Claremont Park;
- 15/05040/CON – minor updates to the parameters relating to specific infrastructure items including Bridge Structure B1; and
- 15/07802/CON – minor updates to the parameters to reflect the alternative at-grade pedestrian and cycle crossings at the M1/A406 and A5/A406 Gateway Junction.

3. DESCRIPTION OF THE SITE AND PROPOSAL

3.1 Site Description and Surroundings

Brent Cross Cricklewood Regeneration Area

The s73 Permission for the Brent Cross Cricklewood development relates to a 151 hectare site which 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.

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).

4. AMENDMENTS AND VARIATIONS PROPOSED

4.1 Revisions to DSF – Condition 2.4

Description of proposed revisions to the Revised Development Specification & Framework (RDSF)

A406 Tempelhof Bridge (Ref B1)

The alternative design of the bridge proposes three lanes and as such it is necessary to amend Paragraph 4.5 of the DSF, as follows:-

Paragraph 4.5

*4.5 The application seeks permission for a new bridge, as a replacement to the existing Templehof Bridge to provide a link over the A406, linking Market Quarter and Brent Cross East & West Development Zones. The general location of the bridge is identified on Parameter Plan 002. The bridge will provide **4 3** traffic lanes (**two one** of which will have a public*

transport priority) as well as pedestrian and cyclist facilities. Initial construction management principles are set out in Section 5.54 of the Construction Impact Assessment Addendum (BXC 21) which will inform the detailed construction management of the bridge. The implementation of these works will be governed by a detailed phase delivery programme to be approved before commencement of the relevant phase and is related to the delivery of a specified amount of development controlled by the infrastructure triggers set out in **Appendix 7**.

Paragraph 4.6 sets parameters for the detailed design of the bridge, including the overall length (160-200m) and width (18-34m) of the structure. The alternative design for the bridge measures approximately 164m in length and between 17.6m and 21.8m in width, with minimum clearance of 5.3m. The alternative proposal is therefore slightly beneath the minimum width parameters and it is proposed to amend Paragraph 4.6 as follows:-

Paragraph 4.6

4.6 The detailed design of the bridges will be subject to later approval by the LPA. However, it will have the following principal characteristics:

- *Minimum headroom clearance of 5.3m above the A406 (after an allowance for deck deflection from permanent loads and differential settlement) and a maximum of 7m;*
- *3 or 4 Intermediate piers, as shown in the Approval in Principle plans and none of which will be located between individual lanes of the A406, as shown on the Approval in Principle plans;*
- *Cycle route;*
- *Approximate overall length (between abutments) and width of structure 160 - 200m and **25-18-17** - 34m respectively (these details will be refined at the detailed design stage).*

Tempelhof Avenue

Paragraph 5 of the supporting text to Parameter Plan 002 (Transport Infrastructure) in Appendix 2 of the DSF sets out the minimum width of pedestrian footways (as modified by approval Ref No: 15/05040/CON) which requires updating for Tempelhof Avenue, as follows

Appendix 2 - Primary Routes (Main Roads)

*5. These will provide the main circulation corridors for vehicles within the site. These routes would accommodate buses and service/delivery vehicles. The plan identifies the location of these routes, their connection points into the existing highway network as well as connection to rail and tube stations and fixed bridge links. Main roads will have a maximum back of pavement to back of pavement width of 28m (aside from Tempelhof Avenue which is to have a maximum width of 34m and Claremont Avenue which is to have a maximum width of 31m) and a minimum of 13m, of which pedestrian footways will be a minimum of 2.5m (apart from Tempelhof Link Road **and Tempelhof Avenue** which is are to have a minimum pedestrian width of 2m). The location of these routes are subject*

to a limit of deviation of +/-35m, however, these are further constrained by the following which will have to be reflected:

Rephrasing Claremont Avenue and Claremont Road North Junction

It is proposed to amend paragraph 6.29b of the DSF to reflect that Claremont Avenue and Claremont Road North Junction (North) are no longer proposed to be part of Phase 1A, as follows:-

Paragraph 6.29b

6.29b Sub Phase 1A (North) contains a substantial infrastructure package which not only facilitates the delivery of plot development in Brent Cross East Zone in Phase 1B North, but also includes infrastructure necessary to enable the realisation of plot development south of the A406 in Phase 1B (South) and the remainder of the town centre south, such as the A5/Cricklewood Lane and Cricklewood Lane/Claremont Road Junctions; ~~Claremont Avenue; Claremont Road North Junction;~~ Claremont Avenue Junction with Tilling Road, etc. This infrastructure is necessary to enable development south of the A406 to commence. Ensuring its commitment as part of Phase 1A (North) therefore provides a significant start on the comprehensive development of the application site.

Rephrasing to the delivery of the temporary open space

Alterations are required to paragraph 2.68 to reflect changes to the delivery of the temporary open space, as follows

Paragraph 2.68 - Ecology and Open Space

2.68 The Scheme will result in an overall increase in public open space of 9ha. Parameter Plan 003 identifies the approximate location of new and retained open spaces, which achieves a minimum area of around 34ha. This exceeds the existing provision which equates to 25.46ha. A schedule of existing and new spaces is shown in Table 5 below and explained in more detail in Parameter Plan 003 (as well as within the Revised Open Space & Public Realm Strategy BXC7). The development results in the loss of existing Clarefield Park and small open spaces off Brent Terrace (as shown on Parameter Plan 016), which are re-provided in alternative locations across the site. These open spaces are removed in the PDP and as a result early improvements are made to Clitterhouse Playing Fields Part 1 (excluding the Nature Park) and Claremont Park, ~~before~~ and an area of temporary open space (circa ~~1.2~~ 0.8 ha) immediately north of Clitterhouse Playing Fields, as shown indicatively on Parameter Plan 019, is provided. ~~The temporary open space will be retained until the land is required for redevelopment (as part of the Education Campus or other development).~~

Rephrasing of Claremont Avenue, Claremont Road North Junction, Clitterhouse Playing Fields (Part 1) and Claremont Park Improvements

It is proposed to update Table 11b to also reflect the fact that Claremont Avenue, Claremont Road North Junction, Clitterhouse Playing Fields (Part 1) and Claremont Park Improvements are no longer proposed to be part of Phase 1A (North) as follows:-

Table 11b - Delivery of Infrastructure

Phase 1	2010 Permission	Section 73 Application
Sub Phase 1A	<ul style="list-style-type: none"> - Site Engineering and Preparation Works insofar as these are comprised in Phase 1; - A406 Brent Cross Ingress/Egress Junction Improvements; - A41/A406 Junction Improvements; - A407 Cricklewood Lane/Claremont Road Junction Improvements; - A5/Diverted Geron Way (Waste Handling Facility) Junction. - A5/A407 Cricklewood Lane Junction Improvements. - Claremont Avenue - Claremont Road Junction North; - Claremont Park Road (Part 1); - Templehof Avenue and Templehof Link Road - Tilling Road West Re-alignment and Diversion (Part 1) - Claremont Avenue Junction with Tilling Road - Brent Cross Pedestrian Underpass Works ; - Prince Charles Drive Diversion; - Bus Station Temporary Enhancement Works - Clarefield Park Temporary Replacement Open Space - Clitterhouse Playing Fields Improvements Part 1 - Eastern River Brent Alteration & Diversion Works. - Bridge Structure B1 (Replacement A406 Templehof Bridge) - River Brent Bridges (as relevant to the Eastern River Brent Alteration and Diversion Works) 	<ul style="list-style-type: none"> - A406 Brent Cross Ingress/Egress Junction Improvements (N) - A41/A406 Junction Improvements (N) - A407 Cricklewood Lane/Claremont Road Junction Improvements (N) - A5/Diverted Geron Way (Waste Handling Facility) Junction (S) - A5/A407 Cricklewood Lane Junction Improvements (N) - Claremont Avenue (N) - Claremont Road Junction North (N) - Claremont Park Road (Part 1) (S) - Templehof Avenue and Templehof Link Road (N) - Tilling Road West Re-alignment and Diversion (Part 1) (N) - Claremont Avenue Junction with Tilling Road (N) - Brent Cross Pedestrian Underpass Works (N) - Prince Charles Drive Diversion (N) - Clitterhouse Playing Fields Improvements Part 1 (N) - Eastern River Brent Alteration & Diversion Works (N) - Bridge Structure B1 (Replacement A406 Templehof Bridge) (N) - River Brent Bridges (as relevant to the Eastern River Brent Alteration and Diversion Works) (N) - M1/A406 and A5/A406 Junction Improvements (N) - Central River Brent Alteration & Diversion Works (N) - Bridge Structure B6 (M1 Junction 1 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) - Plots 53 and 54 (N)

Sub Phase 1B	<ul style="list-style-type: none"> - Southern Plots 18, 25, 28, 46, 59 (subject to compliance with Conditions 35.3, 35.4 and 35.6) and 63 - Brent Cross Main Square - River Brent Nature Park - Eastern Brent Riverside Park - School Green Corridor - Claremont Park Improvements - Market Square - Brent Terrace Green Corridor - Whitefield Estate Replacement Units 	<ul style="list-style-type: none"> - 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) - Transport Interchange T2 (Replacement Brent Cross Bus Station) (N) - Whitefield Estate Replacement Units (Part 2) (S) - All Northern Development Plots (N) - 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) - Claremont Avenue (S) - Claremont Road Junction North (S) - Clitterhouse Playing Fields Improvements Part 1 (S) - Claremont Park Improvements (S)
Sub Phase 1C	<ul style="list-style-type: none"> - all Plot Development and other Critical Infrastructure within Phase 1 (but not including Phases 1A and 1B) 	<ul style="list-style-type: none"> - All Other Southern Development Plots (less Plots 53 and 54) - Temporary Health Centre - Neighbourhood Police Unit (Market Quarter)

4.2 Revision to DAS and RDG - Condition 2.5

Description of proposed revisions to the Revised Design and Access Statement (RDAS) and Revised Design Guidelines (RDG)

Tempelhof Avenue and Tempelhof Bridge.

The alternative design for Bridge B1 provides one dedicated bus lane, a cycleway and footpath and as such it is proposed to amend the text at Section A3.9 of the DAS, as follows:-

Section A3.9 (page 124)

A3.9 Tempelhof Avenue and Tempelhof Bridge. This road is yet to be designed in detail but the bridge will offer a multi modal link between north and south, comprising a dedicated bus lanes, cycle routes, and pedestrian

walkways. A residential development on the west side of the street and a new department store and hotel on the east will create a strong edge to this part of the development.

The scale of these buildings will define and create an imposing civic street as it slopes down from the new Tempelhof Bridge, through Tempelhof Circus to the western roundabout.

Rephasing Claremont Avenue

It is proposed to update Section A4.1 of the DAS to reflect that Claremont Avenue and Claremont Road North Junction are no longer proposed part of Phase 1A (North), as follows:-

Section A4.1 of the DAS

Claremont Avenue/ Claremont Road North Junction (page 146)

*A4.1 Sub Phase 1A (North) contains a substantial infrastructure package which not only facilitates the delivery of plot development in Brent Cross East Zone in Phase 1B (North), but also includes infrastructure necessary to enable the realisation of plot development south of the A406 in Phase 1B (South) and the remainder of the town centre south, such as the A5/Cricklewood Lane and Cricklewood Lane/ Claremont Road Junctions; **Claremont Avenue; Claremont Road North Junction**; Claremont Avenue Junction with Tilling Road, etc. This represents a significant infrastructure investment and is necessary to enable development south of the A406 to commence. Ensuring its commitment as part of Phase 1A (North) therefore provides a significant start on the comprehensive delivery of the development.*

Phasing Plans - Rephasing of items from Phase 1A (North) to Phase 1B (South)
(Claremont Avenue, Claremont Road North Junction, Clitterhouse Playing Fields (Part 1) and Claremont Park Improvements)

It is proposed to update the Phasing Plans at Appendix 2 of the DAS to reflect the proposed rephasing of these items from Phase 1A (North) to Phase 1B (South), in accordance with updates to the re phasing of the six Infrastructure items. (The keys below reflect changes to large scale plans which are not reproduced within the report.):-

Appendix 2 of the DAS (Phasing Plans Phase 1A N, Phase 1A S, Phase 1B N, Phase 1B S and Phase 1C)

Phase 1A (North)

KEY

- K1 - A406 Brent Cross Ingress/Egress Junction Improvements
- K2 - A41/A406 Junction Improvements
- K3 - A407 Cricklewood Lane/Claremont Road Junction Improvements
- K4 - A5/Diverted Geron Way (Waste Handling Facility) Junction
- K5 - A5/A407 Cricklewood Lane Junction Improvements
- K6 - Claremont Avenue
- K7 - Claremont Road Junction North
- K8 - Claremont Park Road (Part 1)
- K9 - Templehof Avenue and Templehof Link Road
- K10 - Tilling Road West Re-alignment and Diversion (Part 1)
- K11 - Claremont Avenue Junction with Tilling Road
- K12 - Brent Cross Pedestrian Underpass
- K13 - Prince Charles Drive Diversion
- K14 - Clarefield Park Temporary Replacement Open Space
- K15 - Clitterhouse Playing Fields Improvements Part 1 (Excl C. Stream Nature Park, Inc plots 52&8)
- K16 - Eastern River Brent Alteration & Diversion Works
- K17 - Bridge Structure B1 (Replacement A406 Templehof Bridge)
- K18 - River Brent Bridges (as relevant to the Eastern River Brent Alteration and Diversion Works)
- K19 - M1/A406 and A5/A406 Junction Improvements
- K20 - Transport Interchange T2 (Replacement Brent Cross Bus Station)
- K21 - Central River Brent Alteration & Diversion Works
- K22 - Bridge Structure B6 (M1 Junction 1 Pedestrian and Cycle Bridge)
(or a safe, direct and high quality alternative at grade pedestrian and cycle link between the
and Station Quarter if agreed with the highway authorities),
- K23 - River Brent Bridges (as relevant to the Central River Brent Alteration and Diversion Works)
- K24 - Living Bridge
- K25 - School Green Corridor
- K26 - Claremont Park Improvements
- K27 - Market Square
- K28 - Brent Terrace Green Corridor
- K29 - Community Facilities (Market Quarter)
- K30 - All BXE Development Plots
- K31 - Brent Cross Main Square
- K32 - River Brent Nature Park
- K33 - Eastern Brent Riverside Park
- K34 - Central Brent Riverside Park
- K35 - Community Facilities (Brent Cross East)
- K36 - Sturgess Park Improvements
- K37 - High Street North
- K38 - Neighbourhood Police Unit (BXE)
- K39 - Western River Brent Alterations & Diversion works
- K40 - River Brent Bridges (as relevant to the Western River Brent alteration and diversion works)
- K41 - Western Brent Riverside Park
- K42 - Temporary Health Centre
- K43 - Neighbourhood Police Unit (Market Quarter)
- K44 - High Street South "East Works"
- K45 - Orchard Lane
- K46 - School Lane
- K47 - Waste Handling Facility Rail Sidings and Gantry Crane
- K48 - Threshold spaces - Layfield Place, Fenwick Place and Templehof Circus

- Current Phase
- Implemented
- North/South Element
- Yet to be Implemented

Phase 1B (South)

KEY

- K1 - A406 Brent Cross Ingress/Egress Junction Improvements
- K2 - A41/A406 Junction Improvements
- K3 - A407 Cricklewood Lane/Claremont Road Junction Improvements
- K4 - A5/Diverted Geron Way (Waste Handling Facility) Junction
- K5 - A5/A407 Cricklewood Lane Junction Improvements
- K6 - Claremont Avenue**
- K7 - Claremont Road Junction North**
- K8 - Claremont Park Road (Part 1)
- K9 - Templehof Avenue and Templehof Link Road
- K10 - Tilling Road West Re-alignment and Diversion (Part 1)
- K11 - Claremont Avenue Junction with Tilling Road
- K12 - Brent Cross Pedestrian Underpass
- K13 - Prince Charles Drive Diversion
- K14 - Clarefield Park Temporary Replacement Open Space**
- K15 - Clitterhouse Playing Fields Improvements Part 1 (Excl C. Stream Nature Park, Inc. plots 51 & 82)**
- K16 - Eastern River Brent Alteration & Diversion Works
- K17 - Bridge Structure B1 (Replacement A406 Templehof Bridge)
- K18 - River Brent Bridges (as relevant to the Eastern River Brent Alteration and Diversion Works)
- K19 - M1/A406 and A5/A406 Junction Improvements
- K20 - Transport Interchange T2 (Replacement Brent Cross Bus Station)**
- K21 - Central River Brent Alteration & Diversion Works
- K22 - Bridge Structure B6 (M1 Junction 1 Pedestrian and Cycle Bridge)
(or an at-grade pedestrian/cycle solution if agreed with the highway authorities).
- K23 - River Brent Bridges (as relevant to the Central River Brent Alteration and Diversion Works)
- K24 - Living Bridge
- K25 - School Green Corridor**
- K26 - Claremont Park Improvements**
- K27 - Market Square**
- K28 - Brent Terrace Green Corridor**
- K29 - Community Facilities (Market Quarter)**
- K30 - All BXE Development Plots
- K31 - Brent Cross Main Square
- K32 - River Brent Nature Park
- K33 - Eastern Brent Riverside Park
- K34 - Central Brent Riverside Park
- K35 - Community Facilities (Brent Cross East)
- K36 - Sturgess Park Improvements
- K37 - High Street North
- K38 - Neighbourhood Police Unit (BXE)**
- K39 - Western River Brent Alterations & Diversion works
- K40 - River Brent Bridges (as relevant to the Western River Brent alteration and diversion works)
- K41 - Western Brent Riverside Park**
- K42 - Temporary Health Centre**
- K43 - Neighbourhood Police Unit (Market Quarter)**
- K44 - High Street South "East Works"**
- K45 - Orchard Lane**
- K46 - School Lane
- K47 - Waste Handling Facility Rail Sidings and Gantry Crane
- K48 - Threshold spaces - Layfield Place, Fenwick Place and Templehof Circus**

- Current Phase
- Implemented
- North/South Element
- Yet to be Implemented

5. BACKGROUND TO CONDITIONS 1.6, 2.4 & 2.5 OF THE S73 PERMISSION

The s73 Permission is supported by a suite of documents which together provide the parameters, principles and controlling framework to facilitate delivery of the Brent Cross Cricklewood Regeneration Scheme. The s73 Permission is also subject to a S106 Agreement which, along with relevant Planning Conditions, provides a further layer of control for the implementation of the development.

Planning Condition 1.6 of the s73 Permission

Condition 1.16 seeks to ensure that the Reserved Matters Applications pursuant to the 2014 Section 73 Outline Consent are submitted in line with the permission documents and it states, as follows:

All Reserved Matters Applications and Reserved Matters Approvals and all Other Matters Applications and Other Matters Approvals required by the Conditions contained in this Permission shall be in accordance with the parameters and principles described mentioned or referred to in the DSF (including all of the Parameter Plans) and the principles described mentioned or referred to in the Design and Access Statement and Design Guidelines (or such revised or amended documents as may have been approved in accordance with Conditions 2.4 and 2.5).

In essence, under Condition 1.16, the s73 Permission requires Reserved Matters approvals to be in accordance with the parameters and principles described, mentioned or referred to in the RDSF including all of the Parameter Plans and the principles described mentioned or referred to in the D&A Statement and the Design Guidelines.

In addition, Condition 1.16 also seeks to permit changes to the parameters and principles of the s73 Permission via the submission of “revised or amended documents”. In order to give effect to these changes it requires that the proposed alterations are in accordance with Conditions 2.4 and 2.5 so long as those changes are unlikely to cause any significant adverse environmental impacts beyond those already assessed in the Environmental Statement.

As such, this condition acknowledges the outline nature of the s73 Permission by recognising that it will be necessary to make minor revisions to the permission documents from time to time while detailed designs are developed in the form of RMAs or Other Matters Applications (OMAs).

This is further reinforced in paragraphs 6.8 of the RDSF, which states:

“(....) To assist the Council in this process it is proposed that the indicative layout plan and relevant indicative zonal layout plan in its updated form as at the time the Development Partners apply for an Relevant Reserved Matters or other approvals under a Planning Condition anticipated in the planning permission sought, shall be used as the starting point for an Illustrative Reconciliation Plan (IRP) which will then be updated as successive reserved matter applications are submitted and approved.”

Therefore, Condition 1.16 of the s73 Permission requires all RMAs to be in accordance with the parameters and principles contained in the RDSF, the RDAS and RDG or such revised or amended documents as may have been approved in accordance with Conditions 2.4 and 2.5.

Planning Condition 2.4 of the s73 Permission states:

The DSF shall be revised by the Developer (subject to obtaining approval in accordance with this Condition) from time to time in order to incorporate approved revisions into the Reconciliation Mechanism reflecting any changes brought about through:

- 2.4.1.1 Reserved Matters Approvals, Other Matters Approvals or best practice guidance, or any other matters; and/or**
- 2.4.1.2 any Further Section 73 Permission and/or Alternative Energy Permission and/or any Additional Planning Permission; and/or**
- 2.4.1.3 any consequential changes as a result of any approved variation of the Phases in accordance with condition 4.2.**
- 2.4.2 Any application for a proposed revision pursuant to condition 2.4 will be determined in accordance with the requirements of the EIA Directive.**
- 2.4.3 The development of each Plot or other part of the Development approved thereafter shall be designed and carried out in accordance with such approved revised Development Specification and Framework.**

Planning Condition 2.5 of the s73 Permission states:

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

- 1.5.1.1 Reserved Matters Approvals, Other Matters Approvals or best practice guidance, or any other matters; and/or**
- 1.5.1.2 any Further Section 73 Permission and/or Alternative Energy Permission and/or any Additional Planning Permission and/or**
- 1.5.1.3 any consequential changes as a result of any approved variation of the Phases in accordance with condition 4.2.**
- 1.5.2 Any application for a proposed revision pursuant to condition 2.5 will be determined in accordance with the requirements of the EIA Directive as appropriate.**
- 1.5.3 The development of each Plot or other part of the Development shall thereafter be designed and carried out in accordance with such approved revised Design and Access Statement.**

As such, Conditions 2.4 and 2.5 of the s73 Permission are therefore structured specifically to investigate and enable minor amendments and changes to the RDSF, the RDAS and RDG subject to confirmation that the proposed amendments will not give rise to significant adverse environmental effects.

6. PLANNING APPRAISAL

A submission has been made under Conditions 2.4 and 2.5 of the s73 Permission (Ref: F/04687/13) to make minor modifications to the Revised Development Specification and Framework (RDSF) and to the Revised Design Guide (RDG) and Revised Design and Access Statement (RDAS).

The application was submitted together with application reference 15/06571/RMA (Reserved Matters Application within Phase 1A (North) - Bridge Structure B1 (Replacement A406 Tempelhof Bridge), application reference 16/7489/CON (for the approval of amendments required in connection condition 4.2), an application under s96A (non-material amendment) with reference 16/7574/NMA (for the insertion of a further condition - number 20.24 - in relation to the re-phasing of Clitterhouse Playing Fields (Part 1)) and details pursuant to conditions number 1.30 (Glossary Definitions), 13.1 (Phase 1 - Critical Infrastructure Details), 14.1 (Phase 2 - Critical Infrastructure Details), 20.20 (Timelines - Tempelhof Avenue and Link Road) and 20.26 (Timelines - Claremont Park Improvements).

The applications are required in connection with the approval process set out in the s73 Permission to update the parameters/principles as a result of the amended design of Bridge Structure B1 (Replacement A406 Tempelhof Bridge) together with the B1 Bridge associated infrastructure, and to the re-phasing of six Infrastructure Items, as follows; Claremont Avenue; Claremont Road Junction North; High Street South (East Works); Orchard Lane; Clitterhouse Playing Fields Improvements (Part 1) and Claremont Park Improvements) from Phase 1A (North) to Phase 1B (South). Further changes relate to minor amendments to the parameters/principles and definitions of Clarefield Park Temporary Replacement Open Space and Community Facilities (Clitterhouse Playing Fields Zone).

Bridge Structure B1 (Replacement A406 Tempelhof Bridge)/ Tempelhof Avenue

The Reserved Matters Application (RMA) 15/06571/RMA, seeking planning consent for an alternative design for Bridge Structure B1 (Replacement A406 Tempelhof Bridge) is also on the agenda before the Committee. This application proposes a revised configuration comprising three lanes of traffic including a northbound bus lane, a footway and segregated two way cycle lane on the western side.

It is worth noting that should the Committee resolve to grant permission for the Reserved Matters Application then the current submission under the 2.4 and 2.5 Conditions will, accordingly, enact the amendments to the 2014 outline permission documents. This will ensure that the permission documents are fully aligned with the detailed design and information contained in the Reserved Matters Application proposals for Bridge Structure B1.

The committee report assessing the RMA application concludes that the proposed alternative design for the Bridge Structure B1 is considered acceptable in planning terms and is generally in conformity with the parameters and specifications of the s73 Permission. Likewise, it is considered that the design proposed for the Bridge Structure B1 (Replacement A406 Tempelhof Bridge) does not raise significant impacts relating to the Environmental Impact Assessment submitted with the s73 application or have implications relating to the comprehensive delivery of the Brent Cross Cricklewood Regeneration Project.

Re-phasing of Infrastructure Items

Claremont Avenue; Claremont Road Junction North; High Street South (East Works); Orchard Lane; Clitterhouse Playing Fields Improvements (Part 1);

Claremont Park Improvements) and Community Facilities (Clitterhouse Playing Fields Zone) from Phase 1A (North) to Phase 1B (South);

Application reference 16/7489/CON was submitted pursuant to Condition 4.2 so as to re-phase the six - above listed - items of Critical Infrastructure together with the Clitterhouse Playing Fields Zone Community Facilities from Phase 1A (North) to Phase 1B (South). The application submitted under Condition 4.2 is recommended for approval and is available elsewhere in this Committee agenda for decision.

The current application under Conditions 2.4 and 2.5 is submitted with respect to the phasing of the listed items and seeks to ensure that the permission documents are fully aligned with the details submitted for approval under Condition 4.2.

The submission clarifies that the rationale for the re-phasing relates to the delivery structure of the development south of the A406 following the appointment of Argent Related as LBB's delivery partner.

The transfer of responsibility for delivering these infrastructure works (which lie south of the A406) to Phase 1B (South) has significant logistical and practical benefits due to the close proximity and relationship between the infrastructure and plot delivery within the southern development.

Conditions 2.4 and 2.5 provide for the necessary arrangements and procedures to regularise such minor changes to the phasing of the Section 73 Decision Notice to Grant Planning Permission with Ref: F/04687/13 ('the 2014 S73 Consent'). The current submission refers to changes to the phasing of Infrastructure Items, as follows:

The proposed rephasing of the listed Infrastructure Items is considered acceptable in planning terms and the alterations are considered to be minor and non-material in planning terms. Therefore, the proposed rephasing is considered to be in conformity with the parameters and specifications of the 2014 Section 73 planning permission.

Similarly, it is considered that the rephasing proposed for the Infrastructure Items does not raise significant additional impacts relating to the Environmental Impact Assessment submitted with the s73 Permission or have implications relating to the comprehensive delivery of the Brent Cross Cricklewood Regeneration Project.

As such, there are no objections to the rephasing amendments proposed to the RFDS, RDG and RDAS under conditions 2.4 and 2.5.

7. CONCLUSION

It is considered that the proposed alterations under conditions 2.4 and 2.5 will not materially affect the conclusions of the October 2013 Section 73 Environmental Statement and they have been properly addressed under the revised ES Further Information Report.

The proposed rephasing of the Infrastructure Items listed with this application and the amended design for Bridge Structure B1 (Replacement A406 Tempelhof Bridge) are considered acceptable in planning terms and the alterations are considered, individually and in combination, to be minor and non-material in planning terms.

Therefore these amended proposals are considered to be in conformity with the parameters and specifications of the 2014 Section 73 planning permission.

Moreover, it is considered that the Bridge Structure B1 (Replacement A406 Tempelhof Bridge) amended design and rephasing proposed for the Infrastructure Items do not raise significant impacts relating to the Environmental Impact Assessment submitted with the S73 application or have implications relating to the comprehensive delivery of the Brent Cross Cricklewood Regeneration Project.

The proposed amendments and updates are acceptable and therefore APPROVAL is recommended.