

**LOCATION:** Brent Cross Cricklewood Regeneration Area  
NW9

**REFERENCE:** 16/7489/CON                      **Received:** 25 November 2016  
**Accepted:** 25 November 2016

**WARD:** Golders Green, Child's Hill, Hendon                      **Expiry:** 20 January 2016

**APPLICANT:** Brent Cross Cricklewood Development Partners

**PROPOSAL:** Submission of information pursuant to Condition 4.2 of planning permission F/04687/13 dated 23 July 2014 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood regeneration area to re-phase infrastructure items including the following Highways Infrastructure: Claremont Avenue; Claremont Road Junction North; High Street South (East Works); Orchard Lane; and, the following Open Space Infrastructure: Claremont Park Improvements; Clitterhouse Playing Fields Improvements (Part 1) from Phase 1A (North) to Phase 1B (South).

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## **RECOMMENDATION**

### **Resolution to approve subject to:**

#### **Part 1:**

The completion of a satisfactory Deed of Variation to make the necessary amendments the existing Section 106 Agreement dated 22<sup>nd</sup> July 2014 attached to planning permission F/04687/13, to secure the following:

- 1) Amendment to Definitions to accord with submissions against agreed definition changes under section 96A applications and changes resulting from conditions 2.4 and 2.5 and in accordance with approvals of Phase 1A (North) Reserved Matters Applications;
- 2) Amendments to Schedule 28 "PHASE 1A (NORTH) PARK IMPROVEMENTS - SPECIFICATION OF OUTLINE DESIGN PRINCIPLES" to accord with historic amendments approved under 15/00769/RMA.
- 3) Amendments to Illustrative Sub Phase Drawings under Schedule 8 to accord with Phase changing submitted under this application.

#### **Part 2:**

That upon completion of the Deed of Variation specified in Part 1 of the recommendation above, the Planning Performance and Business Development Manager approve application reference 16/7489/CON under delegated powers.

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## 1. APPLICATION SUMMARY

The application is made pursuant to Condition 4.2 of the section 73 planning permission for the Brent Cricklewood Regeneration (reference F/04687/13) (the 's73 Permission'). This condition allows for amendments to be made to the phases of the approved development. The application seeks to amend the phasing of six infrastructure items including the following four Highways infrastructure items: Claremont Avenue; Claremont Road Junction North; High Street South (East Works); and Orchard Lane, as well as the following two Open Space Improvements: Claremont Park, and Clitterhouse Playing Fields (Part 1).

The above items are currently identified for delivery within Phase 1A (North) and all have detailed consent within the Reserved Matters applications already approved for this sub phase. This application proposes to move the items into Phase 1B (South). This would have the effect of passing the responsibility for delivery of these infrastructure items from the Northern Developer (Hammerson and Standard Life Investments) to the Southern Developer (BXS LP, the joint venture between the Council and Argent Related). There would also be a degree of change in terms of the timing of delivery of these infrastructure items given the Southern Developer's construction timescales.

The proposed re-phasing and change of delivery responsibility to the Southern Developer allows for a number of logistical and practical benefits due to the close proximity and relationship between the infrastructure works and plot delivery within the southern development. The infrastructure items are all located on the south side of the A406 within the southern development. Therefore transferring the delivery responsibility of these items to BXS LP will allow the Council and Argent Related to better control, co-ordinate and integrate the construction of these works with the plot development and buildings within Brent Cross South.

The majority of the highways and other infrastructure improvements will remain within Phase 1A (North) and will be delivered by the Northern Developer to support and enable the delivery of Brent Cross South and fulfil the planning policy imperative of comprehensive development.

. A number of minor changes to approved highway works are proposed to ensure that the highway layout of Phase 1A (North) without the 4 highways elements that will be transferred to Phase 1B (South) can operate satisfactorily to support the Northern Development including the shopping centre and that the associated free flow of traffic can still be accommodated within the resulting highway network should the expanded shopping centre be constructed ahead of the delivery of highways infrastructure to the south.

The proposed re-phasing of Clitterhouse Playing Fields (Part 1) and Claremont Park will alter the timing and sequence of delivery of these open space improvements. It is proposed to deliver the improvements sequentially

rather than all at the same time. This will not alter the overall quantum of open space to be provided but will mean the improvements to Clitterhouse Playing Fields (Part 1) will start later in Phase 1 than previously. However the sequential approach to the delivery of the improvements will ensure that there is a reasonable amount of open space accessible and available to the public at all times during the construction stages by completing enhancement works to one space before moving on to and closing another. On this basis officers are satisfied with the proposed Open Space Strategy and the controls in place to secure delivery. This application does not propose any changes to the detailed designs of the parks already approved under the previous Reserved Matters applications.

A number of other applications have been made alongside this phasing application to make necessary amendments to the s73 Permission and the approved Reserved Matters for Phase 1A (North) to reflect the changes to phasing. These are:

- An application under Section 96A (reference 16/7574/NMA) to undertake non material amendments to conditions of the s.73 Permission and Phase 1A (North) reserved matters consents references 15/00720/RMA and 15/03312/RMA;
- A submission under Condition 2.4 and 2.5 of the s73 Permission to make consequential changes to the approved control documents to reflect the amended design of Bridge Structure B1 and revised phasing, and amendments to definitions under Condition 1.30 attached to the s73 Permission. (Reference 16/7490/CON);
- A Submission Under Condition 1 of Reserved Matters approval reference 15/03312/RMA for the LPA to agree minor amendments to the design of Tempelhof Link Road and Claremont Road/Tilling Road junction, and other consequential changes through the replacement of approved plans;
- An exchange of letters in accordance with Condition 1.30 to amend definitions within the s73 Permission decision notice which result from this phase changing application; and
- A Deed of Variation to the s73 Permission S.106 Legal agreement to address consequential amendments to be made to the existing S106 Application.

## **2. UPDATE ON PROGRESS OF THE REGENERATION**

### Compulsory Purchase Orders

In addition to the reserved matters Councillors will be aware of the CPO Public Inquiry that took place to acquire land for the northern and southern developments in May and June of 2016.

A Compulsory Purchase Order (CPO3) was also been made towards the end of 2016 by Barnet Council to acquire the land for the Thameslink station project for which a public inquiry is expected in mid-2017.

### Current Engagement and next Steps

Pre-application discussions are on-going between Barnet's Planning Authority (LPA) and the three development Partners: The 'Northern Developer' Hammerson Standard Life Investments (BXN); The Southern Developer Argent Related in its joint venture with Barnet Council (BXS LP); and, the Thameslink Developer Barnet Council (BXTL).

In relation to Brent Cross North the focus of pre-application discussions has been the detail of Phase 1B (North) including details of the Shopping Centre and various open spaces A series of exhibitions were held by BXN in November relating to the shopping centre development.

Discussions with BXS LP have been focused on the principles for the first phase of development to the South of the A406.

Barnet Council and Network Rail are working to deliver an additional station on the Thameslink line to serve the area and reprovide waste and freight facilities.

It is expected that a number of applications will be submitted in the coming months in relation to all three of the Brent Cross development areas.

Prior to such progression the Re-phasing applications and accompanying Tempelhof RMA are sought to resolve logistical and practical issues relating to the forthcoming delivery of the Brent Cross regeneration Project.

### **3. RELEVANT PLANNING HISTORY**

#### **3.1 Outline Consent**

The principle of development at Brent Cross Cricklewood (BXC) was first established by way of a site-specific Development Framework produced in April 2004 as Supplementary Planning Guidance (SPG) in accordance with the London Plan. The SPG established a vision to *‘to create a new gateway for London and a vibrant urban area for Barnet’*.

The comprehensive redevelopment of the wider Brent Cross Cricklewood regeneration area was subsequently granted planning permission in outline in 2010 under planning permission C/17559/08 (the ‘2010 permission’). This permission was subsequently revised under a Section 73 planning application (F/04687/13) which was approved on 23 July 2014 (the ‘s73 Permission’) as described below:

*Section 73 Planning application to develop land without complying with the conditions attached to Planning Permission Ref C/17559/08, granted on 28 October 2010 (‘the 2010 Permission’), 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/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).*

Both the 2010 and s73 Permissions were subject to Environmental Impact Assessment. Details of the permissions are provided in Appendix 2 of the Tempelhof RMA 15/06571/RMA (also in front of this committee).

#### **3.2 Reserved Matters Applications**

##### **Phase 1A North Approved RMAs**

Phase 1A (North) is largely an infrastructure phase. It includes necessary highways infrastructure to support the northern development as well as improvements to critical southern junctions including A5/A407 Cricklewood Lane and the A407 Cricklewood Lane/Claremont Road Junction improvements. The infrastructure required relevant to the River Brent re-routeing and Bridge works are also delivered as part of Phase 1A (North), along with the Living Bridge, Replacement Tempelhof Bridge, Clitterhouse Playing Fields Part 1 (excluding the Nature Park) and the Claremont Park Improvements.

Reserved matters for Phase 1A (North) were broken down into four separate submissions due to the size, scale and complexity of this initial sub phase of the Brent Cross Cricklewood Regeneration scheme. All four of the reserved matters applications for Phase 1A (North) have been approved. These are summarised in Appendix 2 of 15/06571/RMA (also under consideration at this committee).

Following approval of the initial reserved matters for Phase 1A (North) a further four reserved matters applications were submitted in relation to distinct elements of the sub phase as a part of a value engineering exercise. Three of these reserved matters applications have now been approved. The remaining reserved matters application for Phase 1A (North) relates to Tempelhof Bridge.

The s73 Permission includes a number of Pre-Reserved Matters conditions intended to establish key principles of the forthcoming development. The majority of these require submission of reports and strategies prior to applications for reserved matters being submitted to the Council. Reserved Matters applications are required to accord with commitments and strategies approved under these conditions where relevant. The relevant Pre-RMA Conditions related to the RMAs approved for Phase 1A (North) have been approved. These are set out in Appendix 2 of 15/06571/RMA (also under consideration at this committee).

### **Phase 1A North Current RMA**

A review of the design of aspects of the approved Phase 1A (North) infrastructure resulted in the Brent Cross Development Partners submitting four further reserved matters applications in October 2015 for alternative designs for specific items of infrastructure as follows:

- Tilling Road West Realignment and Diversion (Part 1)
- River Bridge 1 and Central and Western River Brent Alteration & Diversion Works Central Brent Riverside Park
- Bridge Structure B1 (Replacement A406 Tempelhof Bridge)

The first three of the reserved matters applications listed above were approved in 2016.

The remaining application relating to Bridge Structure B1 (Tempelhof Bridge) proposes a reduction in the width of the bridge from that previously approved and has been subject to on going dialogue between the Developers, TfL and

the Council's Highways Officers. Amended plans were submitted in November 2016 which propose a bridge that would accommodate three lanes of traffic including a northbound bus lane, and a segregated pedestrian footway and cycle lane. The application is also on the agenda for consideration by this committee (reference 15/06571/RMA). Details of this application are set out in Appendix 2 of 15/06571/RMA (also under consideration at this committee).

### **Phase 1A South RMAs**

Details of Phase 1A (South), a small scale phase consisting of only two stretches of new road (Claremont Park Road and School Lane) were submitted under application 15/06518/RMA. These reserved matters were reported to committee of 27 January 2016 and were subsequently approved on 5 February 2016. Details are set out in Appendix 2 of 15/06571/RMA (also under consideration at this committee). Relevant Pre-RMA conditions for Phase 1A (South) were also been approved.

### **Approved S96A Applications**

Five section 96A applications have been approved to date in relation to the s73 Permission. Four relate to minor amendments to definitions within the planning permission to reflect the details of the RMAs for Phase 1A (North) and the associated changes under condition 2.4 that have been approved to support the various Reserved Matters applications to date. They also include minor amendments to the approved A406 Brent Cross Ingress/Egress Junction improvements. Details of these applications are set out in Appendix 2 of 15/06571/RMA (also under consideration at this committee).

The fifth s96a Application (reference 15/06197/NMA) sought to amend the s73 Permission to allow the implementation of Phase 1A (North) in the short term by the carrying out of minor works (specifically the digging of a trench to contain the piled foundations for one of the approved pedestrian bridges). The application was approved on 23 November 2015. The effect of this permission was to insert a new condition at 1.1 of permission F/04687/13 as follows:

*"For the purposes of Condition 1.1.1A, but not for the purposes of Conditions 1.5.2, A(i) or B(i) nor for the purpose of Condition 1.6, notwithstanding that the requirements of any of the other conditions imposed on this planning permission, or any approval granted under it, have not first been met, satisfied or otherwise discharged (either in whole or in part), the development hereby permitted may be begun by the carrying out of the following material operation namely the digging of a trench to contain part of the piled foundations for the northern support of the pedestrian River Brent Bridge (Bridge 10) as shown on drawings BXCR-URS-AH-RM-DR-CE-00007 P09 and BXCR-URS-D2-XX-AP-SE-00001 P03. Before such material operation is begun (a) details of temporary fencing for the relevant area of the works shall be submitted to and approved in writing by the Council, and (b) the temporary fencing shall be provided as approved.*



*Reason: Necessary to enable the planning permission to be implemented whilst retaining control over all other matters”*

Details of the temporary fencing were submitted to the LPA under application 16/1688/CON in accordance with the requirement of 1.1.A. This application was approved on 9 May 2016.

Following approval of the temporary fence details the works described within Condition 1.1.A were undertaken between 19 August 2016 and 28 September 2016 and the temporary fencing for the construction of the Works was erected. Phase 1A (North) has therefore commenced, however prior to any further development being carried out within Phase 1A (North) further pre-commencement conditions and other matters are required to be approved by the LPA.

#### **4. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL**

##### **4.1 Site Description and Surroundings**

The BXC site comprises an area of 151ha and is located within the LBB. The site includes Brent Cross Shopping Centre to the north, the A41 and Brent Cross London Underground Station to the east, Cricklewood Lane to the south and the A5 to the west.

The items of Infrastructure subject to this phase changing application are located within the Brent Cross Regeneration area to the south of the A406.

The Four Highway infrastructure Items (Claremont Avenue, Claremont Road Junction North, High Street South (East Works), and Orchard Lane) would be located between Clitterhouse Playing Fields to the South and the Holiday Inn to the north.

Clitterhouse Playing Fields currently occupy an area extending to some 17 hectares of amenity grassland. The site is bound by residential properties to the east (Prayle Grove) and the south (Cotswolds Gardens). At the south eastern section the site is bound by the existing Clitterhouse Stream and Prayle Grove to the immediate north. The western boundary is largely with Claremont Road, across which lie existing residential properties. A new residential development at the former Hendon FC ground will also adjoin the park on the western boundary. To the south west of the site is Clitterhouse Farm.

Clitterhouse Playing Fields is a significantly under-utilised resource located to the east of Claremont Road which is identified as Metropolitan Open Land (“MOL”). The area currently comprises extensive areas of undulating grassland, however due to poorly defined and lit access points it is underutilised by local residents. A limited number of sport pitches are

currently provided during the summer months, however they are also significantly under-utilised due to poor drainage and marking out, in addition to a lack of changing facilities.

To the east of Clitterhouse Stream are existing allotments that partially front onto Hendon Way. The park crowns at this mid point, slopes northwards down to the northern gateway and south eastwards towards Clitterhouse Stream. There are a number of existing access points to the park.

The existing Claremont Open Space is considerably smaller in area than Clitterhouse Playing Fields and is more wooded in character. The open space currently acts as a green buffer between residential properties on Clitterhouse Crescent and Claremont Industrial Estate. It is bound extensively by tree and shrub planting with open areas in the midst of the park. The open space is used as a thoroughfare connecting the area at Brent Terrace to Claremont Road and also providing connections direct through to the Industrial Estate.

There are no existing facilities at either Clitterhouse Playing Fields or Claremont Open Space with the exception of the limited playing field provision at Clitterhouse Playing Fields and a small children's play area.

The surrounding area is primarily residential in character although to the north of Claremont Open Space is the industrial estate and generally northwards the land use changes to include Whitefield School, retail parks, the North Circular Road and Brent Cross Shopping Centre. Further to the west of the area there are extensive railway lands. Cricklewood Station served by the Thameslink services lies to the south west.

## **4.2 Proposal**

This application has been made pursuant to Condition 4.2 of the s73 Permission and seeks permission to change the phasing of six items of critical infrastructure 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.

Condition 4.2 provides the ability for changes to be made to the phasing of the s.73 Permission subject to confirmation that the changes:

- a) do not have any significant adverse environmental effects; and
- b) do not undermine comprehensive redevelopment.

Condition 4.2 reads as follows:

*The Indicative Phasing Parameter Plan and/or Phase 1A(North) Phase 1A (South), Phase 1B (North), Phase 1B (South) and Phase 1C may be amended from time to time to reflect changes to the phasing of the development on written application and subject to obtaining the prior written approval of the LPA in respect of the definition of (a) any*

*amendment to the Phases shown on Parameter Plan 029 or any subsequently approved Phasing Parameter Plan or (b) any part of a Phase as an approved Sub-Phase, but provided always that such approval to an amended Phase or Sub-Phase shall not be given unless and until any such proposed amendments or changes or the definition of any Sub-Phases shall have been demonstrated to be unlikely to*

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

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

*And Provided that any application for approval of any amendments or changes under this Condition shall (in accordance with Clause 14 of the S106 Agreement) clearly specify any consequential changes to (a) the Critical Infrastructure to be delivered as part of such Phase or (as the case may be) Sub-Phase and/or (b) the payments to be made to the LPA for the purposes of the Consolidated Transport Fund under the CTF Schedule in respect of such Phase or (as the case may be) Sub-Phase and (c) the relevant Phase Details to be approved pursuant to the detailed requirements for pre-commencement approvals in accordance with Conditions 13.1, 14.1, 15.1, 16.1, 17.1, 18.1, 19.1 and Conditions 20,21, 22, 23, 24, 25, and 26.*

*PROVIDED FURTHER THAT any proposed change to reassign Plots 53 and 54 from Phase 1 (South) to Phase 1 (North) and/or other appropriate phase changes to facilitate delivery of the Whitefield Estate Replacement Units (Part 1) and/or Plot 113 from Phase 1 (North) to Phase 1 (South) may be submitted and approved in accordance with this Condition in advance of submission and approval of the A5 Corridor Study and/or any other applications for Other Matters Approvals.*

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

Approval of this application would result in the change of phasing from sub-Phase 1A (North), to sub-Phase 1B (South) of the following Infrastructure items:

- Claremont Avenue;
- Claremont Road Junction North;

- High Street South (East Works);
- Orchard Lane;
- Claremont Park Improvements; and
- Clitterhouse Playing Fields Improvements (Part 1).

The following applications are also being considered in parallel to this phasing application and are also on the agenda for approval by the Committee:

Phase 1 A (North) Tempelhof Bridge Reserved Matters Application Reference 15/06571/RMA

Reserved matters application for alternative design proposals for Tempelhof Bridge. Originally submitted in October 2015 alongside three other reserved matters applications which sought approval for alternative designs for specific items of Phase 1A (North) infrastructure.

This application has been subject to ongoing discussion with TfL and the Council's Highways Officers. Amended plans were submitted in November 2016 and have been subject to further consultation. The current proposal now includes two northbound carriageways, one of which is a designated bus lane, a single southbound carriageway segregated pedestrian and two way cycling route to the west.

Application against Conditions 2.4 and 2.5 of the s73 Permission Reference 16/7490/CON

This conditions application has been submitted to undertake minor revisions to the Development Specification and Framework (DSF), Design and Access Statement (DAS), and Design Guidelines (DG) approved by the s73 Permission.

The conditions allow such changes to be made subject to confirmation being provided that no significant adverse environmental effects would be brought forward by the changes.

Section 96a Application for non-material amendments to conditions attached to the s73 Permission and approved Reserved Matters permissions Reference 16/7574/NMA

The approval of the phasing application and updated RMA for Tempelhof Bridge would require a number of consequential non material amendments to be made to the s73 Permission and to RMA permissions 15/00720/RMA and 15/03312/RMA in response to changes to delivery timescales including the following amendments:

- Condition 13.1 attached to the 2014 Permission to identify the six infrastructure items as part of Phase 1B (South), rather than Phase 1A (North);

- Condition 14.1 attached to the 2014 Permission to identify High Street South (East) being within Phase 1B (South);
- Condition 20.20 to require mitigation for the loss of Clarefield Park to be met by delivery of the 'Clarefield Park Temporary open space', rather than through provision of Clitterhouse playing Fields (Part 1) and Claremont Park as currently required.
- Condition 20.26 of the 2014 Permission to bring forward the trigger for completion of Claremont Park from 'prior to occupation of more than 750 units within the Market Quarter' to 'prior to occupation of more than 200 units within the Market Quarter',
- Insertion of a new condition 20.24 relating to the staged delivery of Clitterhouse Playing Fields (Part 1) and linking such delivery to unit occupation triggers;
- Condition 9 of Reserved Matters Approval Ref No: 15/00720/RMA changing the existing controls relating the development of plots 53 to delivery of Claremont Park and Clitterhouse Playing Fields (Part 1); and,
- Condition 1 of Reserved Matters Approval Ref No: 15/03312/RMA to exempt the four items of highway infrastructure from delivery in accordance with the approved Plans and to subsequently add a new condition 'Condition 1A' to identify these four infrastructure items as falling within Phase 1B (South) and secure their delivery as previously approved under this reserved matters application.

#### Submission Under Condition 1 of Reserved Matters Approval 15/03312/RMA

This submission is made for minor alterations to the design of Tempelhof Link Road and Claremont Road/Tilling Road junction, as well as other consequential changes.

#### Exchange of Letters in accordance with Condition 1.30 of the s73 Permission to amend definitions within the decision notice

Amendments to a number of definitions under Condition 1.30 attached to the s73 Permission which result from this phasing application.

#### Deed of Variation to S106

Approval of the phasing application would result in necessary consequential amendments to be made to the existing S106 Agreement attached to the s73 Permission. A draft deed of variation has been prepared and agreed with lawyers and is ready to be executed subject to the decision of the Committee.

## 5. MATERIAL CONSIDERATIONS

### 5.1 Public Consultations and Views Expressed

#### Public Consultation

1,888 local residents were consulted by letter.

2 Letters of objection were received in response to this consultation.

A summary of the objections received and officer comments in response can be found under **Appendix 3** of this report.

It should be noted that this application has been made pursuant to a planning condition attached to the s73 Permission and therefore there is no statutory requirement for public consultation. However, given the change in phasing of significant items of infrastructure including Open Spaces which have previously been subject to consideration by the Planning Committee it is considered appropriate in this instance for this application to be widely consulted and for it to be reported to the Planning Committee for consideration.

## 6. PLANNING ASSESSMENT

This section will explain the existing sub-phasing for Phase 1 and consider the planning and transport impacts associated with the proposal to move the 4 items of highway infrastructure from Phase 1A (North) to 1B (South) and will consider the differences in the timing of delivery of open space improvements and outline the strategy for the provision of temporary open space and delivery of park improvements. It will then assess the proposed changes against the core tests within Condition 4.2 in relation to compliance with the Environmental Statement and comprehensive delivery of the BXC development.

### 6.1 Current Sub Phasing within Phase 1 of the s73 Permission

The s73 Permission proposes the phased delivery of the comprehensive development for the whole site in accordance with the relevant London Plan and Local Plan policies for the site.

Phase 1 (the Primary Development Package or 'PDP') is proposed to be delivered in sub phases which are divided between north and south. The land to the north of the North Circular will continue to be delivered by Hammerson and Standard Life (BXN). The land to the south of the North Circular will be delivered by a joint venture known as Brent Cross South Limited Partnership ("BXS LP") between the Council and Argent Related (which is itself a joint venture partnership between Argent and Related Companies).

The approved sub phases for Phase 1 are as follows:

- 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), and the residential development of Plots 53 and 54 to enable the decant of the Whitefield Estate Existing Units (Part 1). The Living Bridge is included in 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.
- The following items are currently within Phase 1A (North) but would, subject to approval of this conditions application, be delivered in phase 1B (South). Highways Infrastructure: Claremont Avenue, Claremont Road Junction North, High Street South (East Works), and Orchard Lane. Open Space Improvements: Claremont Park, and Clitterhouse Playing Fields (Part 1).

- Phase 1A (South) – A number of highway improvements needed to support Phase 1 of the Southern Development will be provided including the Waste Handling Facility (Diverted Geron Way/A5 junction; Claremont Park Road (Part 1); and School Lane Works.
- 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 residential homes. 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 Temporary Replacement Open Space, the replacement food store, the Waste Handling facility, the CHP and the new and expanded Claremont School, in addition to more than 1000 residential units. The six infrastructure items that are the subject of this application and which are discussed above will fall under this phase with the approval of this application.
- Phase 1C – This will include the remaining plot development on the south side.

Phasing of the development is shown within the Indicative Construction Program (ICP) which is appended to the S106 Agreement as Schedule 18. The ICP shows the sequencing and approximate duration of operations associated with the delivery of the development.

Amendments to the ICP can be undertaken as far as required and appropriate to support changes to phasing under application 4.2 or in response to the submission of requisite pre-commencement Detailed Delivery Programmes (DDP) under conditions 5.1 or 5.2.

The phasing within the ICP has been subject to a previous phase change application under condition 4.2 (reference F/05552/14) which saw plots 53 and 54 brought forward to Phase 1A (North) from Phase 1C.

This application seeks further amendments to the indicated phasing. These changes are solely within sub phases of the PDP (i.e. they will remain within Phase 1 as a whole), in light of the conditioned triggers proposed, the necessity to submit a DDP prior to commencement of the delivery and the demonstration that the re-phased development continues to accord with the conclusions of the approved Environmental Statement and does not fetter the comprehensive delivery of the wider regeneration scheme, it is not considered necessary to require a formal update to the ICP at this time. However it should be noted that the LPA are in discussions with the Southern Developer



and the Council's delivery team for the Thameslink Station in relation to phasing adjustments associated with development plots within Phase 1B (South) and the timing and early delivery of the new Thameslink Station. As a result of these changes it is expected that a formal update to the ICP will take place.

## **6.2 Phasing of Open Spaces Within Phase 1**

The two open spaces proposed to be re-phased under this application are Clitterhouse Playing Fields (Part 1) and Claremont Park Open Space (together 'the Park Improvements').

Details of the Park Improvements were approved under Reserved Matters application 15/00769/RMA and include significant and extensive improvements to these existing poor quality underused areas of Open Space.

The Park Improvements are identified within the definitions of both the s73 Permission and the s.106 Agreement for delivery within Phase 1A (North). Both are proposed to be moved to Phase 1B (South).

The existing ICP assumed that the Clitterhouse Playing Fields (Part 1) and Claremont Park Open Space Improvements would be delivered at the very beginning of the development with an intended delivery period of approximately a year.

The early delivery of these Open Spaces ahead of any additional housing within the Brent Cross Cricklewood Regeneration Area was required in order to mitigate a temporary deficit of open space that would have resulted from the loss of Clarefield Park and the two triangles informal open space on Brent Terrace prior to delivery of the Clarefield Park Temporary Replacement Open Space (TOS).

### Proposed Early Phases Open Space Strategy

As a core principal, any loss of open space within the BXC development area must be assessed in terms of whether appropriate amounts of existing, temporary or permanent replacement open space are available at all times for local residents, workers and visitors.

This phasing application would see a later delivery of the Park Improvements and therefore these improvements would no longer be provided in time to mitigate the loss of Clarefield Park. An Early Phases Open Space Strategy for Brent Cross South has been submitted with this phasing application to explain how the proposed sequence of delivery of temporary open spaces and improvements to existing open spaces will ensure a sufficient quantum of open space is available and accessible to the existing community through the construction of the Southern Development.

The submitted strategy comprises the following elements:

- the provision of temporary open space to mitigate loss of Clarefield Park and Brent Terrace Triangles;
- the temporary provision of children's play equipment;
- sequenced delivery of improvements to Claremont Park and CPF (Part 1); and
- ensuring continued, convenient access to the parks during construction.

To support the strategy various additional commitments to delivery of the open spaces are proposed via amendments to existing conditions. Each open space is addressed in turn below.

It is important to note that the following open excludes the significant extent of new green and urban open spaces which will still be delivered to the north of the A406 under Phases 1A and 1B (North).

### Clarefield Park

Clarefield Park extends to approximately 2ha. The audit of existing spaces undertaken as part of the original BXC application concluded that the quality of the existing Clarefield Park is 'fair'. It is however under-used, difficult to access and not well overlooked. Nevertheless, it does provide amenity, green space and children's play equipment.

The s73 Permission approved the loss of Clarefield Park to make way for infrastructure and plot development as part of the regeneration. In particular Clarefield Park is needed early on in the development to deliver highway infrastructure required to link the new Tempelhof Bridge to the southern road network. The early loss of Clarefield Park was mitigated by the early delivery of the Park Improvements and would in quantitative terms be made up in later phases of the development when there will be a net increase in open space provision.

The s73 Permission also approved the provision of a temporary open space on Plot 27, although this was not directly related to the loss of Clarefield Park because the location of Plot 27 relates to part of the existing Whitefield Estate and therefore in order to provide this temporary open space the existing residents would need to first be rehoused, and to do that new housing would need to be constructed. Therefore the timing of the provision of the temporary open space assumed in the s73 Permission is not aligned with the loss of Clarefield Park which would still need to be closed earlier to enable the construction of the new roads.

Parallel to this re-phasing application, amendments to Condition 20.20 are proposed to ensure that a Temporary Open Space is provided prior to the closure of Clarefield Park. In order to achieve this, the indicative location of the Temporary Open Space has been changed from Plot 27 to Plot 11 which does not impact on existing homes.

Plot 11 is however restricted by its proximity to Clarefield Park and surrounding roads and buildings as well as future development plots. As a result the indicated area of the Temporary Open Space is reduced from a minimum of 1.2ha to a minimum of 0.8ha within the definition contained within the s73 Permission decision notice. This is secured via a submission against condition 1.30.

The slight reduction in the size of the temporary open space will be compensated by the provision of temporary replacement play facilities within an appropriate area in the vicinity of the Temporary Open Space to off-set those lost from Clarefield Park. It is expected that this will be located in the northern section of Clitterhouse playing fields.

The principles for the temporary open space are to provide:

- a flexible space with the ability to host events;
- a well-managed and maintained space that is clean, safe and secure;
- an accessible space, within easy reach for local residents on foot and by bicycle;
- amenity, including, for example, children's play and a visitor's centre/community hub (to complement other community initiatives in the area, for example, Clitterhouse Farm); and
- hard and soft landscaping.

The proposed criteria for the temporary open space are that it should:

- be open and available for use prior to the closure of the main part of Clarefield Park;
- be around, 0.8ha (although this could vary with the approval of the LPA as development progresses and as more enhanced open space is delivered);
- located within Market Quarter (likely to be Plot 11, although to be agreed with the LPA, also with the potential to move location, if agreed with the LPA); and
- remain in place until completion of Claremont Park and CPF (Part 1) (unless otherwise agreed with the LPA).

The closure of a relatively small area of the northern part of Clarefield Park is still required early in the development programme as part of the Northern developer's infrastructure works in order to deliver the Tempelhof Link Road. This is expected to be in the order of around 0.2ha (although this will be agreed with the LPA) and primarily relates to areas of shrub planting along the northern edge of the park and would not impact on the existing play equipment. The majority of the park would remain open and accessible when this small section is closed off and until such time as the temporary open space is provided. In this context, officers are satisfied with the proposed

closure of this small section of the park to facilitate the early infrastructure works.

The provision of well maintained temporary open space in an appropriate and accessible location in the short to mid-term combined with temporary replacement play facilities is considered to be an appropriate and acceptable temporary provision which would acceptably mitigate the loss of Clarefield Park in the short term. The location of the Temporary Open Space would also be closer to existing residents to the south and west than Plot 27. Public pedestrian access will also be retained or provided from Brent Terrace to Clitterhouse Crescent in the vicinity of the existing path within the western end of Claremont Way Open Spaces from the northern end of Brent Terrace at all times during early construction.

The Clarefield Park Temporary Replacement Open Space is identified as critical infrastructure in 1B (South). Condition 13.1 requires details of critical infrastructure to be submitted to and approved by the LPA prior to commencement of a given sub-phase. Details of the Temporary Open Space including the replacement Play facilities will therefore be submitted prior to the commencement of Phase 1B (South). The information could be provided alongside the Reserved Matters Application for Phase 1B (South) to help understand the relationship with adjacent development plots.

The amendments to condition 20.20 will be secured via the separate s.96a application reference 16/7574/NMA. The proposed wording for the condition can be seen in **Appendix 4**.

Changes to the definition of Clarefield Park Temporary Replacement Open Space are also required and have been submitted against condition 1.30 and will be approved by exchange of letters subject to the determination of this application. Appropriate updates to the RDSF, DAS and DG have also been submitted under applications pursuant to Conditions 2.4 and 2.5 to reflect these changes.

#### Claremont Park

The improved and enlarged Claremont Park as approved under reserved matters for Phase 1A (North) will provide a much enhanced open space of approximately 1.95ha. Condition 20.26 of the s73 Permission currently requires delivery of the Claremont Park Improvements prior to occupation of the 750<sup>th</sup> residential unit within the Market Quarter Development Zone.

Whilst no longer required as direct mitigation for the loss of Clarefield Park, the Southern Developer is committed to the early delivery of the Claremont Park Improvements within Phase 1 and has proposed to amend the trigger for delivery of the Claremont Park Improvements to prior to the occupation of the 200<sup>th</sup> unit within the Market Quarter Development Zone. This change in trigger effectively brings the delivery of Claremont Open Space forward. The Temporary Open Space would also remain in place after the completion of Claremont Park.

This amendment to Condition 20.26 will be secured via the section 96a Application (16/7574/NMA) submitted in parallel to this re-phasing application and will be determined through delegated powers subject to the Committee's determination of this application.

#### Clitterhouse Playing fields (Part 1)

The current delivery of the improvements to Clitterhouse Playing Fields (Part 1) early within Phase 1 of the development was again directly related to the loss of Clarefield Park early in the build process without any replacement open space being provided.

By ensuring that the Clarefield Park Temporary Open Space is now provided prior to the loss of Clarefield Park, the need to deliver the CPF (Part 1) improvements at the very beginning of Phase 1 is removed.

Under the proposed re-phasing, Clitterhouse Playing Fields (Part 1) would be started after Claremont Park had been completed. The Southern Developer is proposing to carry out the improvements to Clitterhouse Playing Fields in up to three construction phases each of which will be linked to the delivery of housing units.

Where the current ICP timescales would have necessitated complete closure of both Claremont Park and Clitterhouse Playing Fields for the year of their delivery, the proposed phased delivery approach would ensure a consistent provision of accessible open space during the development process. At all times during the works to Clitterhouse Playing Fields, broadly two thirds of the park would be open for use by the public while a section was being worked on. It is also important to note that at this point in time the Temporary Open Space and completed Claremont Park would be available to residents.

A new condition, '20.24' (see **Appendix 4**) is proposed to be added to the s73 Permission through the associated section 96a application which would provide control over the delivery of Clitterhouse Playing Fields (Part 1). The condition would require details of the phased delivery of the works to CPF to be submitted and approved by the Council with the first such phase to be completed prior to occupation of no more than 750 units to the south of the A406 and to have completed all of the CPF (Part 1) works prior to occupation of more than 1,400 units to the south of the A406.

A sequential approach to the delivery of the Open Spaces is secured across the Park Improvements rather than the approach indicated within the current ICP of undertaking works to the open spaces in parallel which would result in little or no access to these existing spaces for the duration of the works.

The proposal therefore seeks to ensure that there is a reasonable quantum of open space accessible and available to the public at all times by completing enhancement works to one area of Open Space before commencing works on another.

## Plots 53 and 54

When the application to re-phase Plots 53 and 54 (the Brent Terrace Triangles) was considered (Ref: ) concerns were raised relating to the early loss of these informal open spaces.

The approval of the residential development of the Brent Terrace Triangles under Reserved Matters Application (15/00720/RMA) was therefore subject to a condition which sought to safeguard the timing of the delivery of Clitterhouse Playing Fields (Part 1) and Claremont Park Open Space so that the improvements to these spaces were complete prior to the occupation of the units to be built on Plots 53 and 54. Condition 9 of permission 15/00720/RMA is worded as follows:

*“No material operation relating to the construction of the residential units on Plots 53 and 54 shall commence until arrangements have been made to the written satisfaction of the Local Planning Authority for the provision of the Claremont Park Improvements and the Clitterhouse Playing Fields Improvements (Part 1) and submission against this condition must include a clear commitment to a timetable of delivery.*

*No residential units on the Brent Terrace triangles shall be occupied prior to the practical completion and provision of the Claremont Park Improvements and the Clitterhouse Playing Fields Improvements (Part 1) in accordance with the relevant Necessary Consents unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: To ensure the loss of open space on the Brent Terrace triangles is mitigated in an appropriate timescale by proportionate improvements to open space.”*

This condition was applied to the reserved matters application in the light of the ICP which showed the Park Improvements delivered at the start of the development process. It was considered that this approach would reduce the impact upon local residents resulting from the loss of the two informal open spaces.

An amendment is sought to this condition under the Section 96a application given the later delivery of the Park Improvements that would result from this phase changing application. The condition would be amended to read:

*“Not to Occupy any residential floorspace on Plots 53 and 54 until a construction contract is in place for the Claremont Park Improvements.”*

Such a change is considered to be acceptable for the following reasons:

There is now an alignment between the loss of Clarefield Park and the delivery of the Clarefield Park Temporary Replacement Open Space which would ensure that the existing facilities of Clarefield Park are not lost until such a time as the Temporary Open Space and replacement play facilities are delivered. This will ensure that either the existing park and its facilities or the Temporary Open Space with replacement play facilities in its vicinity will continue to be available to residents including those of Brent Terrace.

The amended condition reflects the earlier trigger for delivery that would result from the section 96a change to condition 20.26. Previously this required provision of the Claremont Park Improvements prior to occupation of more than 750 units whereas this will be reduced to 'prior to occupation of more than 200 Units'. This reflects BXS LP's intent to deliver early improvements even though mitigation for the loss of Clarefield Park is now secured and would result in the delivery of significant park improvements over an area of 1.95ha immediately adjacent to the northern end of Brent Terrace.

Staged delivery of the Park Improvements would be secured with the approval of this phase changing application. This represents a change from the intended delivery approach in the ICP which would result in at least a year of simultaneous closure of both Claremont Park and Clitterhouse Playing Fields (Part 1). Such staged approval will result in early delivery of open space improvements immediately adjacent to Brent Terrace whilst ensuring that the existing open space at Clitterhouse Playing Fields are still available for use. Further commitments are also made to ensure existing pedestrian access routes from Brent Terrace to park facilities are retained throughout the development process.

The current wording of Condition 9 of 15/00720/RMA would have allowed the loss of the Brent terrace triangles prior to the delivery of the Park Improvements. The phase changing proposal and associated change of this condition 9 would ensure that open space facilities remain available and accessible to residents of Brent Terrace throughout the development process of both the Triangles and the Park Improvements. The changes would still see the early delivery of significant park improvements in the immediate vicinity of Brent Terrace and would continue to link the development of the triangles to the delivery of Claremont Park.

The proposed re-phasing of the open spaces under this application will have no impact upon the overall quantity of open space delivered within the Brent Cross Cricklewood Regeneration Scheme, which upon completion will amount to approximately 9ha of additional space.

There is no change in the overall area of open space delivered and whilst the phase change will result in a marginal delay to the delivery of the improvements to these two large areas of open space, this will not be significantly detrimental in the context of the overall development and will still result in the early delivery of significant open space improvements within the

scheme.

In summary, the early delivery of the Claremont Park and Clitterhouse Playing Fields (Part 1) improvements were previously being provided to mitigate the loss of Clarefield Park which will be closed to facilitate infrastructure construction. This re-phasing application and the associated changes under section 96A and condition 1.30, will ensure the provision of a temporary open space at a minimum of 0.8ha supplemented by provision of temporary children's play equipment within the vicinity of the temporary open space, prior to the loss of any usable area of Clarefield Park (notwithstanding the small area needed for construction of the Tempelhof Link Road).

In light of the poor quality and low use of the existing Clarefield Park, the provision of a well maintained temporary open space in an appropriate and accessible location alongside temporary replacement play equipment, is considered to be an acceptable replacement to offset the closure of Clarefield Park at the beginning of Phase 1 of the BXC development.

The change to the condition linking delivery on the 'Brent terrace Triangles' to delivery of open spaces is considered to be acceptable given the staged approach proposed to open space delivery, the commitment to maintain continued pedestrian access routes to available open space and the early delivery of Claremont Park Open Space.

#### Summary of Proposed Indicative Stages of delivery of Open Space

Set out below is a summary description of the proposed revised sequencing of the delivery of open spaces in the early phases of the BXS development.

- Closure of small area of the northern part of Clarefield Park to facilitate Northern Developer's infrastructure works to Tempelhof Link Road.
- Construction of the Temporary Open Space (approximately 4 – 6 months).
- Closure of Clarefield Park once Temporary Open Space complete.
- Closure of Triangle sites for construction of Whitefield Estate Replacement Units (Part 1).
- Clitterhouse Playing Fields remain open and accessible in their current condition.
- Claremont Park closed for improvements (approximately 9 - 12 months). During the Claremont Park Improvements, CPF (Parts 1 and 2) and the temporary open space would be available to the public. Pedestrian access via Clitterhouse Crescent from the northern end of Brent Terrace through the western end of Claremont Park to the Temporary Open Space and Clitterhouse Playing Fields is maintained until Claremont Park is re-opened.
- On completion of the Claremont Park Improvements, Claremont Park would be open to the public together with the temporary space.



- The phased delivery of CPF (Part 1) would then commence. One part of the open space (approximately a third) would be completed and open to the public before commencement of the next part. At any point in time, therefore, around two thirds of CPF (Part 1) would remain open to the public during the improvement works, together with the enhanced Claremont Park and the temporary open space.

Delivery of the open spaces subject to this application have provisionally been indicated to take place as follows:

- Claremont Park: 01/03/2019 to 28/02/2020
- Clitterhouse Playing Fields Part 1 (First Third): 01/03/2020 to 31/12/2020 (Starting after Claremont Park is completed)
- Clitterhouse Playing Fields Part 1 (Remaining Two Thirds): Starting after CPF (first third complete) 12 month period (aligned with completion of 1400th residential unit)

### **6.3 Phasing of Highway Infrastructure**

The following highway links, all of which were approved under Phase 1A (North) RMA 15/03312/RMA, would be re-phased for delivery in Phase 1B (South):

- Claremont Avenue (up to the junction with Tempelhof Link Road / Tilling Road);
- Claremont Road Junction North;
- High Street South (East Works); and
- Orchard Lane.

Claremont Avenue would provide a vehicular link from the southern part of Claremont Road at the Claremont Road Junction (North) to Tilling Road. Traffic from Claremont Avenue (S) would join the Tempelhof Link Road in order to access Tilling Road. The road would pass the Market Square Junction and run parallel to the southern end of the Living Bridge.

Claremont Road Junction North would be located to the northern end of the Clitterhouse Playing Fields providing links to Claremont Park Road, as approved under Phase 1A (South); Orchard lane and Claremont Avenue.

High Street South (East Works) is to the west of Market Square off the New Claremont Avenue the road would in its end state be one of the main roads through the south side of the BXC development for buses, pedestrians and vehicles. The Eastern works include a junction to link to the southern end of Tempelhof Avenue.

Delivery of both Claremont Avenue and High Street South (East Works) would

result in the loss of Clarefield Park.

The proposed change to Phase 1B (South) as the delivery phase for these Highway Infrastructure Items would allow the alignment of the delivery of the Temporary Open Space with the loss of Clarefield Park securing a continuous and acceptable provision of open space. However later delivery removes key vehicular routes from traffic in the South to Cross the A406 on the new Tempelhof Bridge, by way of High Street South (East) junction with Tempelhof Avenue. Additionally the Route from the new Claremont Avenue onto Tilling Road via the Tempelhof Link Road would also be delayed.

Acceptance of this delay to the delivery of these phase changes is therefore contingent upon an alternate vehicular access to these routes being available. This alternate route needs to be able to accommodate a circumstance in which the southern development was not to come forward.

Currently the routes over Tempelhof and onto Tilling Road from the south are accommodated from Claremont Road. A submission has been made against Condition 1 of the Phase 1A (North) Reserved Matters Application which would undertake minor amendments to the approved infrastructure plans under this application to improve the free flow of traffic through the following changes: Alterations to the approved design to allow two way flows on the Tempelhof Link Road and alterations to the Claremont Road/Tilling Road Junction as part of the creation of a signalised junction.

These changes have been subject to modelling and evaluation in light of the alternative proposal for the design of the Tempelhof bridge under consideration at this committee (Ref: 15/06571/RMA). The amended bridge would accommodate two northbound lanes (one of which is a dedicated bus lane) and one southbound lane. Pedestrian facilities would be removed from the eastern side of the bridge but would be retained on the western side with a reduction in pavement width of 0.5m.

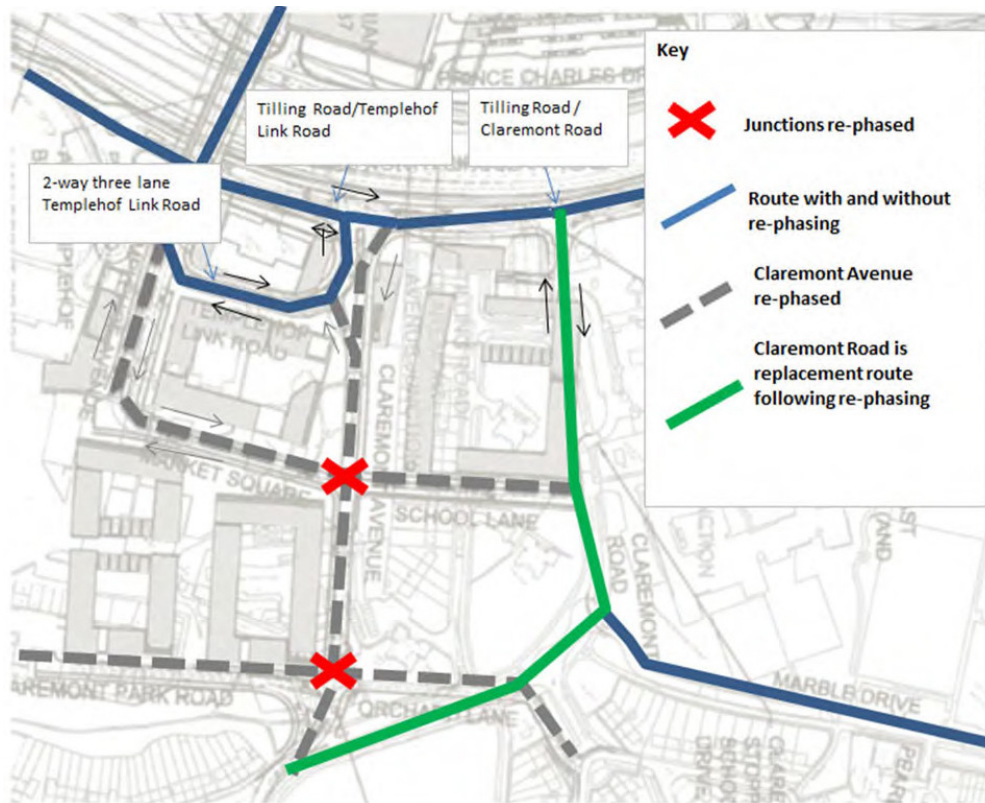
The Council's highways officers have undertaken a review of the alternative layout of Tempelhof Bridge and the minor amendments to the road junctions and link road including the comprehensive modelling of traffic flows to determine the acceptability of these changes. This review follows below.

### Highways Assessment

The traffic and transportation issues associated with the re-phasing have been analysed and assessed in the Phase 1A (North) Reserved Matters Transport Report: Highways, in accordance with scopes previously agreed with the London Borough of Barnet and Transport for London (TfL).

Alterations are proposed to the approved design of the Tempelhof Link Road to allow two way flows to accommodate the re-phasing of High Street South (East Works) and Claremont Avenue. Alterations are also proposed to the Claremont Road/Tilling Road junction as part of the creation of a signalised junction. The diagram below illustrates the proposed changes to the highways

infrastructure.



### Strategic Traffic Modelling

The BXC S73 Consolidated Transport Assessment Main Report (BXC05) sets out the baseline traffic information upon which the development's impacts have been assessed using the BXC Transport Model, which dates from 2006.

To provide more up to date information to support the continued development of the design, a series of traffic surveys were undertaken in 2013. The surveys provided additional information to help build an updated traffic model of the area which the development partners and the transport authorities agreed would be used as part of the detailed highway approval processes. The model, known as the BXC Detailed Design Model uses Transport for London's latest sub regional transport model as a basis, but has a greater level of detail in the Brent Cross area.

The Detailed Design Model has been developed for detailed design purposes with an increased level of detail of both existing and forecast traffic movements on the local roads within the study. The model has been calibrated and validated in line with Transport for London. There has been a good level of agreement in the detailed design assessed by the Detail Design Model and the previous preliminary assessments of the BXC Transport Model.

The impact of the proposed highway changes due to the re-phasing have been assessed via the approved Detailed Design Model.

Across the highway network of the Brent Cross area the impact is, overall, minimal. The most significant changes in traffic flow due to the proposed re-phrasing is on Tilling Road between the proposed traffic signal junctions with Tempelhof Bridge and Claremont Road:

### 2021 Traffic Flows (pcus) on Tilling Road

	With Bus Lane			No Bus Lane			Absolute and (% difference)		
	AM	PM	Sat	AM	PM	Sat	AM	PM	Sat
<b>E/B</b>	267	362	248	584	482	515	317 (119%)	120 (33%)	267 (108%)
<b>W/B</b>	373	771	772	513	918	1085	140 (38%)	147 (19%)	313 (41%)

Due to these increases in traffic flow, the operation and capacity of the proposed traffic signal junctions has been assessed.

### Junction Modelling

Detailed Linisg models have been utilised to rigorously test the new and amended junctions. Future year scenarios for phase 1 (2021) have been developed for weekday AM (08:00-09:00 hours), PM (17:00-18:00 hours) and Saturday (13:00-14:00 hours).

The junction designs and traffic signal timings have been developed in collaboration with Transport for London and the London Borough of Barnet. The designs and associated traffic signal timings will be refined to improve performance through the detailed design process.

Modelling of the proposed Tilling Road /Tempelhof Link Road and Tilling Road / Claremont Road traffic signal junctions indicates that all arms will operate within the critical 90 degree of saturation throughout all peak periods. The longest queue (22 passenger car units) is forecast during the Saturday peak hours on the eastern arm of Tilling Road. This queue can be accommodated within the available road space. Based on the analysis undertaken, the proposed junction arrangement is acceptable.

TfL, who are responsible for the operation and maintenance of traffic signals, supported in principle the proposal to install traffic signals at the Tilling Road / Claremont Road and Tilling Road / Tempelhof Bridge junctions.

The new signals will bring the benefit of positive and safer control of the junction, improving bus reliability and improved facilities for pedestrians and cyclists.

### Pedestrian / Cyclists

The 2m segregated cycle lane and 2m footway on the westside of Tempelhof Bridge will extend to Tilling Road, via the proposed two way Tempelhof Link Road. Controlled pedestrian crossings are provided on the south side of Tilling Road at both Tilling Road /Tempelhof Link Road and Tilling Road / Claremont Road traffic signal junctions, connecting the bridge to the shared

pedestrian/cycle facilities to the south of the North Circular Road.

Advanced cycle stop lines will be provided at the Tilling Road /Tempelhof Link Road junction.

These arrangements provide positive provision for pedestrians and cyclists and are deemed sufficient by both London Borough of Barnet Highway Officers and TfL.

#### Road Safety Audit

A Stage 1 Road Safety Audit for the proposals been undertaken and reviewed by the London Borough of Barnet and TfL. Issues highlighted will be assessed and progressed as part of the detailed design process.

#### Conclusion

The proposed traffic signal junctions at Tilling Road/ Claremont Road and Tilling Road / Tempelhof Bridge have been modelled and are shown to operate satisfactorily during all time periods, with satisfactory degrees of saturation.

London Borough of Barnet Highway Officers and TfL view the proposed changes to the highway network associated with the re-phasing as acceptable.

### **6.4 Assessment against Requirements of Condition 4.2: Compliance with the Approved ES and Comprehensive development**

#### Environmental Statement

This conditions application is supported by the submission of an Environmental Statement Addendum (“ES”) for the Phase 1A (North) further information Report.

The ES analyses whether the proposed delivery phase changes of the highway and open space infrastructure items are likely to result in any significant adverse environmental effects not previously identified, or changes to the likely significance of the previously reported effects. The implications of the amended Tempelhof RMA and the other facilitating applications are also considered.

The ES considers that the proposed amendments would not result in any new or different likely significant impacts from those previously reported in the existing EIA Documentation. It reaches this conclusion as in terms of the wider Regeneration scheme the delivery of the Open spaces would take place within the *same relative timescales* as currently proposed.

The residual impact of the total loss of Clarefield Park, which would now occur

in conjunction with the provision of the temporary replacement open space as part of Phase 1B (South), would remain as previously assessed, i.e. a negative impact of local significance - due to the loss of a non-statutory designated site.

The ES does identify a single exception relating to ecology and nature conservation, where a temporary neutral effect is reported in respect of the deferred loss of the majority of Clarefield Park.

There would also be a slight change to the timescales previously reported in respect of the beneficial townscape and visual impacts associated with the delivery of the two open space enhancements – Claremont Park and Clitterhouse Playing Fields - which would move from short term to medium term. However, neither of these changes are considered to be significant in the context of the assessments previously undertaken and presented in the EIA Documentation.

The ES Addendum therefore concludes that the impacts identified and the mitigation measures reported in the EIA Documentation remain valid for the purpose of determining these applications.

In respect of transport, the Reserved Matters Transport Report (RMTR) demonstrates that the transport network provided by Phase 1A (North) operates well under the proposals to transfer the four items of highway infrastructure. The introduction of two-way flows on the new Tempelhof Link Road ensure that Tempelhof Avenue is connected into the existing highway network and the strategic modelling demonstrates that these proposals have a minimal effect on the operation of the highway network when compared to the approved Phase 1A (North) proposals.

Overall the RMTR concludes that the transfer of Claremont Avenue, High Street South (East Works), Claremont Road Junction North and Orchard Lane with the associated introduction of two-way flows on Tempelhof Link Road and improved junctions has a negligible impact on the highway network and allows the transferred items to be brought forward as part of Phase 1B (South).

The EIA procedure in the UK is directed by the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (the 'Regulations'), EU Directive 85/337/EEC (as amended), as well as the National Planning Practice Guidance (2014).

Regulation 8 of the Regulations requires local planning authorities to consider whether or not the environmental information already before them (i.e. the ES submitted with the 2013 hybrid application F/04687/13 and any additional environmental information) is adequate to assess the environmental effects of the development:

To demonstrate the continued acceptability of the ES associated with F/04687/13 in the context of the detailed reserved matters applications for

Phase 1A (North) an Environmental Statement Further Information Report (the 'ES FIR') was submitted and has been subject to amendments where appropriate.

The information assessed within the ES FIR is based upon the proposals within the eight Phase 1A (North) reserved matters submissions made to the Council as well as any amendments secured through condition submissions, including rephrasing, as well as non-material and minor material amendments secured through their appropriate mechanisms.

The amendments to phasing sought through this condition 4.2 submission do not have any new or different significant effects so as to warrant changes to the relevant parts of the ES FIR.

The existing Environmental Statement associated with the s73 Permission supplemented by the ES FIR with amendments and the other additional environmental information previously submitted satisfactorily assess and address the impacts of the development for the purposes of determining the Plots 53 and 54 Reserved Matters application.

#### Comprehensive Development

A number of infrastructure improvements in the northern development, and specifically Phase 1A (North), will assist the delivery of the southern development. The infrastructure provided within Phase 1A (North) and Phase 1B (North) has a benefit to the BXC regeneration area as a whole and will support the southern development coming forward. For example, the Living Bridge will provide significantly enhanced pedestrian connectivity across the A406 (a significant current barrier to movement), linking the southern development into the new mixed use commercial development to the north. In addition, the new Brent Cross Bus Station will improve public transport accessibility and provide a facility that can be more easily accessed by occupants of the southern development. Furthermore, the significant highway improvements provide capacity enhancements that cater for the development as a whole and therefore assist the delivery of the southern development. To this extent the re-phasing application, and residual infrastructure left in the northern development, assist the delivery of the comprehensive development.

In comparison to the extent of 'priming' infrastructure remaining in Phase 1A (North) which will encourage the regeneration of land south of the A406, the infrastructure items subject to phase changing under this application are relatively minor. Further the associated changes in delivery of the temporary open space as well as commitments to early staged delivery of Claremont Park and Clitterhouse Playing Fields (Part 1) combined with the minor amendments to the phase 1A (North) road infrastructure present a rational and achievable development process to Phase 1B (South).

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 works and plot delivery within the southern development.

The appointment of Argent Related as LBB's delivery partner for the southern development of BXC is a significant step toward the realisation of development south of the A406 and combined with the securing of Reserved Matters Approval Ref No: 15/06518/RMA for Phase 1A (South), and on-going pre-application discussions relating to Phase 1B (South) provides assurance that comprehensive development to the south of the A406 will be forthcoming.

In light of the above, the rephrasing of the Phase 1A (North) infrastructure items identified to Phase 1B (South) will not undermine comprehensive redevelopment but instead allow specific elements of infrastructure to be delivered in a more logical manner alongside the development plots that they support. This will assist the longer term comprehensive development of BXC in accordance with saved Policy C1 of the UDP and other policies in the development plan.

## **8. EQUALITY AND DIVERSITY ISSUES**

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need 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; and
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to approve the phasing application under Condition 4.3 will comply with the Council's statutory duty under this important legislation.

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.



## **9. CONCLUSION**

A thorough review has been undertaken to determine the impacts that would result from the rephrasing of Highways and Open Space Infrastructure from Phase 1A (North) to Phase 1B (South).

The rephrasing of the open spaces would ensure the continued delivery of an appropriate extent of replacement open space to account for the loss of Clarefield Park within Phase 1 existing Open Space lost

The s73 Permission allows for mitigation of loss of the open spaces by way of provision of temporary open space. The loss of Clarefield Park is proposed to be mitigated, in the short term, by the provision of well maintained temporary amenity space in an appropriate and accessible location, in the short to mid-term by significant enhancements to the existing open spaces and in the longer term, by an overall uplift in the quality of open space across the BXC regeneration area.

## **LIST OF APPENDICES**

- 1. APPENDIX 1: SITE PLAN**
- 2. APPENDIX 2: INFORMATIVES**
- 3. APPENDIX 3: OBJECTIONS AND OFFICER RESPONSE**
- 4. APPENDIX 4: SECTION 96A CONDITION CHANGES**