

LOCATION:	Brent Cross Cricklewood Regeneration Area NW9		
REFERENCE:	17/2694/CON	Received:	25 Apr 2017
WARD:	Golders Green, Child's Hill, Hendon	Accepted:	25 Apr 2017
APPLICANT:	BXS Limited Partnership acting by its general partner BXS GP Limited		
PROPOSAL:	Submission of information pursuant to Conditions 4.2, 2.4 and 2.5 of planning permission F/04687/13 dated 23 July 2014 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood regeneration area. Conditions submitted to re-phase infrastructure items and development plots within and between phases: 1A (South), 1B (South), 1C and 2 (South) and to make consequential minor amendments to the approved Revised Design Guide, Revised Development Specification Framework and Revised Design and Access Statement as a result of the phase changes.		

RECOMMENDATION

That delegated powers be given to the Brent Cross Planning and Transport Manager to APPROVE the Conditions Application subject to:

Part 1:

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

- 1) Amendments to Definitions and Primary Development Package to accord with submissions against agreed definition changes under section 96A applications and changes resulting from conditions 2.4 and 2.5;
- 2) Amendments to Schedule 8 (Drawings) references in the Section 106 Agreement to delete and accord with all the necessary amendments;
- 3) Amendments to references in the Section 106 Agreement relating to the definition of Primary Development package.

and,

Part 2:

That officers be authorised to negotiate and agree the detailed drafting of the proposed Deed of Variation agreement.

1. APPLICATION SUMMARY

The application is made pursuant to Conditions 4.2, 2.4 and 2.5 of the section 73 planning permission for the Brent Cross Cricklewood Regeneration (reference F/04687/13) (the 's73 Permission'). Condition 4.2 allows for amendments to be made to the indicative phasing of the approved s73 development. Conditions 2.4 and 2.5 allow for updates to be made to the relevant control documents within the s73 Permission.

This re-phasing application has been submitted to facilitate the delivery of the early phases of Brent Cross South ('BXS'), which requires a revised approach to the order of delivery of plots, to respond to the key constraints of the site. The s73 Permission anticipated the first substantive phase in BXS to be centred on Plots 18, 25 and 28 (as identified on Parameter Plan 029 of the s73 Permission) which lie immediately to the south of the Holiday Inn and in the northern part of the Whitefield Estate, respectively. However, much of this area will be needed for the construction of critical infrastructure by the Northern Developer, Hammerson and Standard Life, in relation to the delivery of Brent Cross North ('BXN'), including the Living Bridge and the Tempelhof Bridge and Link Road.

The proposed re-phasing therefore seeks to establish the first phase of plot development within BXS, by commencing to the south of the proposed High Street South and on land fronting on to Claremont Park and the new Claremont Park Road (i.e. Plots 11, 12 and 13). In this instance, from a place-making, logistical and practical perspective it is considered more appropriate to bring forward the plots further to the south of the High Street first. An Environmental Statement of Compliance was submitted in support of the Re-Phasing application under Condition 4.2 demonstrating that the re-phasing of these items and plots is unlikely to result in any new or different significant effects from those reported in the s73 Permission Environmental Statement.

It is worth drawing the attention of members of the Planning Committee to the fact that applications under condition 4.2 can only seek to re-sequence the order of the items for which planning permission has been granted. The amendments to phasing will not change the triggers for the delivery of the community benefits as set out in the Conditions of the s73 Permission and secured in the associated Section 106 agreement (s106).

In addition, it is worth noting that approval of the current application will not result in any increases, decreases, deletions or alterations in the approved parameters, including the number of items or plots approved as part of the existing s73 Permission. Likewise, the current application does not seek to change any of the designs approved by previous Reserved Matters Applications (RMAs) or Other Matters Applications (OMAs).

Therefore, the current application seeks approval to re-arrange the existing indicative phasing sequence of a number of infrastructure items and plots currently set for delivery within the Sub-Phases of Phase 1 South and Phase 2 South, only.

The application also includes an associated submission under Conditions 2.4 and 2.5 of s73 Permission proposing consequential modifications to the Revised Development Specification and Framework (RDSF) and to the Revised Design Guide (RDG) and Revised Design and Access Statement (RDAS). Detailed tracked changes of these consequential amendments are set out in the attached Appendix 3.

In this instance, it is considered that, as set out in the Condition 4.2 requirements, the applicant has effectively demonstrated;

1. That the proposed rephasing of the items and plots, subject of this application, accord with the EIA process whilst ensuring an orderly and satisfactory development of the site in accordance with the assumptions that underpinned the s73 Permission Environmental Statement; and,
2. That the proposed indicative sequence of delivery of the plots and infrastructure items, subject to this rephasing application, would continue to, positively, assist in achieving the planning benefits of the comprehensive development of the Regeneration Scheme.

Therefore, it is recommended that the application to re-phase the infrastructure items and plots, within the sub-phases of Phase 1 South and Phase 2 South, is approved subject to the satisfactory completion of a section 106 Legal Agreement (Deed of Variation), securing the consequential amendment to accord with the submissions and associated changes resulting from conditions 2.4 and 2.5.

2. RELEVANT PLANNING HISTORY

Outline Planning Consent

Outline Consent was granted in 2010. This was accompanied by a Section 106 agreement (S106) and an approved Environmental Statement (ES).

The s73 Permission, granted in July 2014 with reference F/04687/13, was accompanied by a revised S106 and an ES addendum.

The s73 permission includes 7 Phases which are, in part, further broken down into sub-phases. Reserved Matters have been approved for Phase 1A (North) and 1A (South).

Previous Condition 4.2 Re-Phasing Applications

Two Re-Phasing applications under Condition 4.2 have been considered to date in relation to the s73 Permission.

The Re-Phasing of plots 53 and 54 from Phase 1 (South) to Phase 1 (North); and associated changes were approved under reference F/05552/14. These changes were approved on 02 February 2015. Relevant consequential amendments to the RDSF and RDAS were also approved under separate applications under conditions 2.4 and 2.5.

The Planning Committee resolved to Grant the re-phasing of 6 items of infrastructure from Phase 1A (North) to Phase 1B (South) with reference 16/7489/CON on 22 February 2017. Relevant consequential amendments to the RDSF and RDAS will be approved under a separate associated application pursuant to conditions 2.4 and 2.5.

Previous Conditions 2.4 and 2.5 applications

Previous applications under Conditions 2.4 and 2.5 for minor changes to the DSF, DAS and DG which were approved can be summarised as follows:

- 16/7490/CON - minor amendments relating to the parameters/principles resulting from the amended design of Bridge Structure B1 (Replacement A406 Tempelhof Bridge) and to the re-phasing of six items of infrastructure. 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).
- 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.

Compulsory Purchase Orders

Compulsory Purchase Orders 1 and 2 were made in 2015 by Barnet Council to acquire land for the northern and southern developments and a Public Inquiry took place in summer 2016 for which the Inspectors report is expected at the end of June 2017.

A Compulsory Purchase Order (CPO3) was also made in September 2016 to acquire the land to deliver the new Thameslink station as part of the

development for which a public inquiry is scheduled in September 2017.

3. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

3.1 Site Description and Surroundings

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 Tempelhof 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).

3.2 Proposal

This application has been made pursuant to Conditions 4.2, 2.4 and 2.5 of the s73 Permission and seeks permission to reorder the indicative phasing of infrastructure items and development plots within the sub- phases of Phase 1 (South) and within Phase 2 (South).

The plots and items to be re-phased by virtue of the submission made pursuant to Condition 4.2, include: School Lane, School Green Corridor, Market Square, Brent Terrace Green Corridor, Community Facilities (Market Quarter) and Plots: 12, 18, 21, 25, 28, 30, 45, 46 (Claremont Primary School), 58, 59 & 93. These items and plots are identified in the s73 planning permission for delivery within Sub Phase 1A South, Sub Phase 1B South, Sub Phase 1C, and Phase 2. An itemised sequence of the timings for the delivery of the relevant infrastructure items and plots is provided in the Phase Definitions attached to this report in Appendix 5.

The application also comprises of details pursuant to Condition 2.4 and 2.5 of the s73 Permission. These details have been submitted to give effect to the changes proposed under Condition 4.2 and comprise of minor revisions to the Development Specification and Framework (DSF), Design and Access Statement (DAS), and Design Guidelines (DG) approved by the s73 Permission.

A number of items to be re-phased are designated within the Primary Development Package and therefore the Primary Development Package Plan (Parameter Plan 019) together with the Indicative Phasing Plan (Parameter Plan 029) are also proposed to be amended as part of the application under Conditions 2.4 and 2.5.

Conditions 2.4 and 2.5 allow such changes to be made subject to confirmation being provided that no significant adverse environmental effects would be brought forward by the changes. Tracked changes and details of the proposed consequential amendments sought under Condition 2.4 and 2.5 are provided in Appendix 3, attached to this report.

Deed of Variation to S106

Approval of the re-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.

Subsequent Consequential Applications

The approval of the re-phasing application will subsequently require a number of consequential non material amendments to be made to the s73 Permission. These amendments will be secured through the submission of a separate s96A application. A comprehensive list of conditions requiring consequential

amendments is set out in the Explanatory Report submitted in support of this application.

Similarly, an exchange of Letters in accordance with Condition 1.30 of the s73 Permission will give effect to the amendments required to the definitions set out within the decision notice.

4. MATERIAL CONSIDERATIONS

4.1 Public Consultations and Views Expressed

Public Consultation

Some 423 neighbouring households, amenity groups, and local businesses were notified of the proposal by letter on 1st May 2017 with the consultation period ending on 28th May 2017.

At the time of writing this report 6 letters and 1 Petition with 53 signatures objecting to the proposals were received in response to this consultation.

The letters and petition submitted as an objection against this re-phasing application principally seek clarification over the terms and conditions for the rehousing of leaseholders and the Council's Secure Tenants of the Whitefield Estate.

The content is however not material to this re-phasing application and the queries raised are being addressed as a part of a wider engagement with Whitefield Estate residents and their relocation strategy.

A detailed summary of the objections received and officer comments in response can be found under **Appendix 4** of this report.

It should be noted that this application has been made pursuant to a planning condition attached to the s73 Permission and as such there is no statutory requirement for a public consultation exercise on the proposed re-phasing. However, given the proposals include the re-sequencing of plots sited where the Whitefield Estate Replacement Units (Part 2) residents are due to be re-located, Officers considered it appropriate, in this instance to consult on the application. As a result of the number of objections received, it is necessary to report the application to the Planning Committee.

5. PLANNING ASSESSMENT

5.1 Need for Rephasing

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.

The proposed re-phasing application seeks to allow the southern development of BXC to start on site concurrently with the works for BXC North. Under the current sequence of phases in the s73 Permission there would be a conflict between the sequence of delivery for the southern plots and the provision of the Whitefield Estate Replacement Units (Part 2) and the items of critical infrastructure associated with the northern development.

Under the approved Indicative Phasing Plan (Parameter Plan 029), the first phase in BX South would be delivering Plots 18, 25 and 28 and associated infrastructure. However, a considerable part of this area will be required for the construction of the critical infrastructure for Phase 1A (North) by the Northern Developer, including the Living Bridge, Tempelhof Bridge and Link Road. Therefore under the current sequence of phasing, the BX South development would have to wait for the Northern Developer to complete the construction of infrastructure and vacate the land before the first southern development plots could commence.

Therefore in order for the first Southern development phase to be able to commence concurrently with the works for the delivery of infrastructure in connection with BX North, the BXS development will need to commence on different plots, hence this application has been submitted pursuant to condition 4.2, to enable the re-phasing of the Phase 1 (South) plots.

As proposed, the resulting first phase within BX south would be formed by plots 11, 12 and 13. These plots are positioned mainly to the south of the High Street and alongside Claremont Park and the new Claremont Park Road. Plots 18, 25 and 28 would be moved to Phase 2 (South).

The resulting first phase would form the core of the future southern development and would deliver a number of items of critical infrastructure, including part of High Street South, enhancements to Claremont Park, the Whitefield Estate Replacement Units (Part 2) and enhancements to Clitterhouse Playing Fields.

The Whitefield Estate Replacement Units (Part 2) will be delivered first within Plot 12 alongside the first market residential units, together with a temporary open space that will assist in mitigating against the closure of Clarefield Park, surrounding streets, Claremont Park Road (Part 1) and the enhanced Claremont Park.

The amended sequence of delivery would therefore ensure that the first plots to be delivered would benefit from enhanced open space to the South, proximity to established residential areas and frontages to the new section of the southern High Street, allowing the establishment of a 'place' from the beginning.

5.2 Principle of the Proposed Changes

CONDITION 4.2 OF THE s73 PERMISSION

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.

As such, condition 4.2 purposefully 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.

In this instance, in principle, there should be a presumption in favour of the current proposals provided that the submission meets each of these tests. Sections 5.3 and 5.4 of this report provide an assessment against these key tests.

CONDITIONS 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 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:

2.5.1.1 Reserved Matters Approvals, Other Matters Approvals or best practice guidance, or any other matters; and/or

2.5.1.2 any Further Section 73 Permission and/or Alternative Energy Permission and/or any Additional Planning Permission and/or

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

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

2.5.3 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 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.

It is worth noting that 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.

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.

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.

The application is supported by a revised Indicative Phasing Plan (Parameter Plan 029 Rev. 04) and a Primary Development Package (PDP) Plan (Parameter Plan 019 Rev. A) that reflect the changes to the phasing sought with the current submission. The revisions to these plans enable the application to comply with this limb of the Conditions 1.6, 2.4 and 2.5.

In conclusion, in principle, there should be a presumption in favour of the current proposals under conditions 2.4, 2.5 and 4.2 provided that the submission meets each of these tests, as it will be assessed further on in this report.

5.3 Environmental Statement of Compliance

This conditions application is supported by the submission of an Environmental Statement of Compliance (ESC) Report to demonstrate the continued acceptability of the ES associated with the s73 Permission in the context of the re-phasing exercise. The ESC therefore assesses whether the proposed delivery phase changes of the infrastructure items and plots 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 information assessed within the ESC is based upon the proposals within the s73 Permission, as well as the information submitted in support of reserved matters applications approved to date and any amendments secured through condition submissions, including previous re-phasing exercises, non-material and minor material amendments secured through their appropriate mechanisms.

The EIA procedure in the UK is directed by the provisions in the recently adopted Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 'Regulations') having regard to the Transitional Provisions set out in para 77, the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (the 'Regulations'), the EIA Directive 2011/92/EU (as amended by Directive 2014/52/EU), as well as the National Planning Practice Guidance (2014).

Section 3 of the EIA Regulations in particular requires local planning authorities to consider whether or not the environmental information already before them (i.e. the ES submitted with the 2013 Section 73 application F/04687/13 and any additional environmental information) is adequate to assess the environmental effects of the development.

The impacts assessed in the ESC include; Archaeology and Cultural Heritage, Carbon Dioxide Emissions, Ecology and Nature Conservation, Ground Contamination, Landscape and Visual Effects, Microclimate, Socio-Economic, TV/ Radio & Mobile Reception, Waste, Water Resources and Flood Risk, Traffic Based Effects, and the Combined Cumulative Impacts of the proposed re-phasing changes.

The ESC establishes 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, *inter alia*, on the broad basis that as there is no change in the quanta of development there is unlikely to be any material change to the environmental impacts from those reported in the S73 Permission Environmental Statement (s73 ES).

The ESC covers all aspects of the re-phasing proposals, and includes a detailed assessment of impacts on Construction, during the Intermediate Years. The construction impact assessment undertaken in the ESC takes into account the revised indicative ICP, which presents the proposed sequence the Development would be built out and provides a full assessment of the operational impacts and the environmental impacts during construction in terms of the end state of the development and during the intermediate years. This is a requirement of the ES in order to assess likely significant environmental effects as it provides a realistic interpretation for the undertaking of the development.

Bearing in mind the ICP submitted in support of the s73 Permission ES did not break down the assessment of construction effects into sub-phases, the likely impact of movement of development plots within a phase, i.e., between sub-phases 1A, 1B and 1C, is considered negligible as the effects reported in the ES would experience no change.

The construction effects reported in the ES are therefore likely to remain valid or could possibly be less than those quantified in the ES, as although a significant part of the Phase 1 construction effects are being moved to Phase 2, there would be less overlap of construction activity with the BX North programme compared to the intensive construction period during the consented Phase 1, which was assessed as the worst case scenario in the ES.

As such, the ESC establishes that the assessment of effects from the s73 ES remains valid and the amendments to phasing sought through this condition 4.2 application do not have any new or different significant effects so as to warrant changes to the relevant parts of the approved ES.

These conclusions are also valid with respect to the consequential amendments to be incorporated onto the RDSF and RDAS under the submissions pursuant to condition 2.4 and 2.5.

Moreover, the mitigation proposed by the 2014 Permission and ES including the Code of Construction Practice, Global Remediation Strategy, Construction Transport Management Plans, Construction Environmental Management Plans, and Demolition and Site Waste Management Plans remain valid.

Accordingly, the existing Environmental Statement associated with the s73 Permission, supplemented by the ESC and the other additional environmental information previously submitted, satisfactorily assess and address the impacts of the development for the purposes of determining the re-phasing of

the relevant infrastructure items and plots.

5.4 Comprehensive Development

The appointment of Argent Related as LBB's delivery partner for the southern development of BXC represented 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.

On 22nd February 2017 this Committee resolved to grant permission for a re-phasing application (with ref. 16/7489/CON) to transfer the responsibility for delivering a number of infrastructure works (which lie south of the A406) to Phase 1B (South) with significant logistical and practical benefits due to the close proximity and relationship between the infrastructure works and plot delivery within the southern development. This re-phasing application sought to ensure that the northern and southern delivery partners would be able to organise the delivery of their respective developments independently and unencumbered by logistical practicalities associated with the delivery of infrastructure items and plots outside their zones of influence.

The re-phasing of the infrastructure items and Plots across Phases 1 and 2 (South) sought under this application pursuant to condition 4.2 provides continuity to this re-organisation of the delivery sequence in a logical manner which will also seek to provide the conditions that will enable critical infrastructure development to be delivered concurrently with plot development.

The proposed re-phasing seeks to create the first functional phase of plot development within BXS, by commencing to the south of the proposed High Street South on land fronting on to Claremont Park (i.e. Plots 11, 12 and 13). As the proposed re-phasing allows BXS to start on site alongside BXN works it will act as a trigger for comprehensive development both north and south of the A406.

The resulting Phase 1BS will incorporate a number of items of critical infrastructure, including part of High Street South, enhancements to Claremont Park and the Whitefield Estate Replacement Units (Part 2). The provision of such infrastructure benefits the wider development of BXS by providing part of an important East-West route and extensive areas of open space for new and existing residents, supporting rather than undermining comprehensive development.

The re-phasing proposals have no impact on the overall quantum of floorspace proposed through the 2014 Permission as the changes wholly relate to the sequence in which development will come forward and hence do not impact or undermine comprehensive development.

There is no change resulting from the re-phasing to the overall level of

community, education and health facilities to be provided as part of the BXS masterplan. The amendments will not undermine comprehensive redevelopment of BXC, and will in fact assist in ensuring its long-term successful delivery by permitting a more appropriate phasing.

It is considered that the proposed re-phasing exercise will not undermine comprehensive redevelopment but will instead enable an order of delivery of infrastructure items and plots that will ensure that other aspects of the scheme can be delivered concurrently and in a more logical manner.

As such, the re-phasing exercise 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.

5.5 Planning Assessment Conclusion

The proposed re-phasing of a number of plots and items will make a substantial contribution towards enabling and facilitating the wider comprehensive regeneration of the area to the south of the A406 in accordance with the key tests set out in Condition 4.2 of the s73 Permission. The submissions under conditions 2.4 and 2.5 will give effect to these alterations through the consequential amendments to the RDSF and RDAS and are set out in Appendix 3.

Overall, it is considered that the proposed re-phasing of the infrastructure items and plots, subject of this application, would result in a comprehensive regeneration scheme.

As such, in planning terms, the proposed re-phasing application under condition 4.2, subject to the sequence considered in the ICP and ESC submitted in support of this application, is considered to be consistent with key tests set out in this condition.

6. 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 4.2 will comply with the Council's statutory duty under this important legislation.

7. CONCLUSION

The Brent Cross Cricklewood regeneration scheme will be implemented over the next fifteen to twenty years. As a result the planning permission includes a series of mechanisms that allow the phasing to be amended to reflect changes in requirements and for the control documents to be updated. These mechanisms, such as conditions 4.2, 2.4 and 2.5 continue to ensure that the forthcoming applications for plot development and/or individual buildings under the s73 permission will be required to be designed to a high standard and comply with the parameters and principles established as part of the framework of control under the permission by reference to the DSF and Design and Access Statement.

The proposals have no bearing on the overall quantum of floorspace proposed through the s73 Permission as the changes only relate to the sequence in which development will come forward and hence do not impact or undermine comprehensive development. Likewise, there is no change resulting from the re-phasing to the overall level of community, education and health facilities to be provided as part of the BXS masterplan. As such, the amendments will not undermine comprehensive redevelopment of BXC.

The Environmental Statement of Compliance accompanying this application has addressed all relevant environmental issues and concluded that there are not likely to be any adverse, significant different effects from those assessed in the s73 Permission Environmental Statement. Any mitigation measures secured in the s73 Permission Environmental Statement are controlled by conditions and obligations in the s73 Permission itself.

The applicant has produced a series of consequent amendments to the delivery sequence and principles set out in the Revised Development Specification and Framework, the Revised Design and Access Statement and the Design Guidelines of the s73 Permission, which continues to ensure the relevance of the s73 Permission framework for control.

These amendments, together with the existing conditions and associated planning obligations will continue to ensure that the quality of future

development and regeneration area develops as anticipated in the masterplan.

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

APPENDICES

- 1. APPENDIX 1: SITE PLAN**
- 2. APPENDIX 2: INFORMATIVES**
- 3. APPENDIX 3: ASSOCIATED AMENDMENTS UNDER CONDITIONS
2.4 AND 2.5**
- 4. APPENDIX 4: OBJECTIONS AND OFFICER RESPONSE**
- 5. APPENDIX 5: PHASE AND SUB-PHASE DEFINITION
AMENDMENTS**