

**LOCATION:** Land In The Vicinity Of Claremont Way, Brent Cross  
Cricklewood Regeneration Area North West London

**REFERENCE:** 18/6645/FUL **Received:** 05.11.2018  
**Validated:** 05.11.2018

**WARD:** Golders Green **Expiry:** 04.02.2019

**APPLICANT:** BXS Limited Partnership

**PROPOSAL:** Construction of highways infrastructure and associated public realm comprising High Street South (East Works), Claremont Park Road (Part 1), Claremont Avenue (south of High Street South (East Works) and Claremont Road Junction North, required in association with Phase 1 (South) of the consented redevelopment of the Brent Cross Cricklewood regeneration area (Ref: F/04687/13). Proposal includes including enabling works and other works incidental to the highways and public realm development | Land In The Vicinity Of Claremont Way Brent Cross Cricklewood Regeneration Area North West London.

## 1. **RECOMMENDATION**

**APPROVE** planning application 18/6645/FUL subject to the recommended conditions listed in Appendix 1 of this report.

**AND** the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions as set out in Appendix 1 to this report and any addendum provided this authority shall be exercised after consultation with the Chairman (or in her absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

## **2. APPLICATION SUMMARY**

### **Brent Cross Cricklewood Regeneration**

- 2.1 The comprehensive redevelopment of the Brent Cross Cricklewood ('BXC') area is a long-standing objective of the Council and has been embedded in planning policy at both the regional and local levels for over 15 years. The BXC scheme is one of the most important and significant regeneration opportunities in London. It will deliver strategic objectives and public benefits including a significant amount of new housing, new employment floorspace and jobs, a new train station, improved bus station, new town centre, additional and expanded retail facilities, enhanced parks and open spaces, new community facilities, replacement and expanded schools, highway infrastructure improvements including new bridges and pedestrian and cycle links.
- 2.2 Outline planning consent for the BXC Development was approved in 2010 and amended in 2014 via a Section 73 application (application ref: F/04687/13) ('the S73 Permission').
- 2.3 In order for comprehensive development of BXC to be achieved it needs to be supported by substantial new infrastructure, including new highways and public realm, as well as improvements to existing roads in order to serve the development plots throughout the scheme and establish a new town centre.

### **What is being proposed under this application?**

- 2.4 This application seeks approval for the new roads and public realm that provide access to and connect the first development plots within Phase 1 (South) of the BXC regeneration. The proposals have been designed to principally serve as the setting and means of access to Plots 11, 12 and 13 as well as to connect to the existing highways network and future streets to be delivered in the next phases of the regeneration. Reserved matters approval for Plot 12 was granted in January 2018. Together, these plots and streets forms the first phase of development within the Southern part of the BXC regeneration and will deliver the first new homes as well as uses that will form part of the new town centre.
- 2.5 The drop-in application has been submitted as part of a suite of applications which include Reserved Matters for the residential-led mixed use buildings on Plots 11 and 13, as well as a Section 96A ('S96A') application to make non-material amendments to the S73 Permission parameter plans to retain Claremont Road and revise Claremont Avenue from a Primary Route to a Managed Vehicular Route (as described in Section 8.12-8.17 of this report). The layout and detailed design of the streets proposed under this application are prepared on the basis of the updated parameter plans.
- 2.6 The applications have been submitted as a suite in order to provide the Council with a comprehensive set of proposals for the Phase 1 (South) area and to enable an assessment of the scheme in the round. The Plot 13 RMA proposals are also before the Committee for consideration under application 18/6337/RMA. It should be noted that the S96A application which will make

amendments to the parameter plans to retain Claremont Road and revise Claremont Avenue from a Primary Route to a Managed Vehicular Route has not been determined at the time of writing this committee report. However, Officers are content with the proposed non-material amendments proposed under the S96A and the application will be determined under Officer Delegated Powers following conclusion of the related technical assessments.

### **What will the new streets look like?**

- 2.7 All of the proposed new streets have been designed using Manual for Streets requirements for 20mph including aspects such as visibility splays and kerb radii. The Mayors Healthy Streets approach has also been incorporated.
- 2.8 A new raised table and zebra crossing is proposed to be installed on the existing Claremont Road incorporating a cycle crossing. This will provide improved pedestrian and cycle connectivity for existing residents as well as from the new development and new town centre, over Claremont Road and into Clitterhouse Playing Fields.
- 2.9 Three raised tables are proposed along the new Claremont Park at the junctions with the new residential side streets in order to provide safe and convenient pedestrian access from the development into Claremont Park. Due to the lower speed the route is suitable for cycling and this is denoted by cycle symbols on the carriageway to make drivers aware. Inset parking bays and a loading bay are provided.
- 2.10 The proposed Claremont Avenue is designed primarily for walking and cycling with access allowed for delivery or service vehicles. This route connects the new Market Square and High Street South with Claremont Park Road and Clitterhouse Playing Fields to the south.
- 2.11 The proposed High Street South will become the primary route through the new town centre and will have buses as well as traffic using it. The High Street will be 10.4m wide including 2m mandatory cycle lanes. Footways are to be 3m to the north of the High Street and 2.8m to the south of the High Street, parking bays are shown as 2.5m and loading bays as 2.7m. Bus stops are provided in both directions. It is proposed to install a zebra crossing and raised table at the point where the pedestrian route from the Living Bridge and Claremont Avenue cross the High Street. This will allow a pedestrian route from the Brent Cross Shopping Centre to the north, across the proposed Living Bridge and down Claremont Avenue and over Claremont Road into Clitterhouse Playing Fields.

### **Are the new roads going to be adopted by the Council?**

- 2.12 The S73 Permission establishes key new primary routes through the development that are expected to be adopted by the Council. This will include High Street South and potentially Claremont Park Road proposed under this application. Claremont Avenue, which will be a pedestrian and cycle route mainly, is not proposed for adoption and, along with the residential streets in the development, will be managed and maintained by the Estate Management

Company for BXS.

- 2.13 The highway layout design has been consulted with the LBB Commissioning Team for the Environment as the proposals include raised tables to be installed on the existing highway (Claremont Road) and on the proposed new streets. The application is based on an overarching strategy to provide high quality public realm that meets all user needs including those of pedestrian and cyclists and the promotion of a 20mph zone. In line with this strategy the applicant has included raised tables to enhance pedestrian and cycle priority and reduce accidents and create a better environment. This has been reviewed by the chair of the Council's Environment Committee who has agreed in principal to raised tables but it should be noted that this will require further detail design under the relevant highways agreements.

### **Why has a full planning application ('drop- in') been submitted?**

- 2.14 The Phase 1 (South) Highways and public realm network that is the subject of this application has been submitted as a full planning application rather than as Reserved Matters Application ('RMA') pursuant to the S73 Permission. The need for this approach has arisen as a result of the Southern Developer's review of the masterplan in this area whereby they are now seeking to revise the design and layout of some of the approved roads and associated public realm to provide street based layout that is more reflective of the place making aspirations that Argent Related and the Council wish to deliver. Those parts in question fall within Phases 1A (North) and Phase 1A (South) for which RMA's have already been approved but the deadline for which further RMAs can be submitted has now passed.
- 2.15 As a result, a stand alone planning application has therefore been submitted for the design of the relevant sections of highway that could 'drop in' to the context established by the S73 Permission and masterplan. This would provide updated highways details for those superseded elements of Phases 1A (North) and 1A (South) and would also provide a coherent integrated single development proposal for the highways and public realm surrounding Plots 11, 12, and 13 allowing for a holistic assessment of the Phase 1 (South).
- 2.16 A separate application has been submitted under Section 96a to make non-material amendments to the approved masterplan to retain Claremont Road and revise the layout and status of Claremont Avenue. These non-material changes principally relate to Parameter Plan 002 (Highways infrastructure) and would ensure that the highways layout proposed under this drop-in application would be consistent with the Parameter Plans and S73 Permission. The S96A application will be determined under Officer Delegated Powers.
- 2.17 The use of drop-in applications is not unusual for large developments such as BXC. Whilst this type of application has to be considered on its own merits it fundamentally also needs to ensure that it doesn't prejudice the delivery of the wider S73 Permission and therefore the policy objective for comprehensive regeneration of BXC. Therefore a key material consideration in the assessment of the drop-in is i) the compatibility of the proposed development with the S73 Permission and whether it would impinge upon or prejudice delivery of the wider

BXC regeneration scheme; and ii) whether it would give rise to any new or significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications. This is set out in the below subsections of this report.

### **3. BRENT CROSS CRICKLEWOOD REGENERATION SCHEME**

- 3.1 The Application Site lies entirely within the BXC regeneration area and Cricklewood/ Brent Cross Opportunity Area as identified by the Council's *Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework* (2005) and the *London Plan* (2016) respectively. Outline planning permission for the comprehensive redevelopment of BXC (as described below) was originally granted in 2010 and subsequently varied through a Section 73 planning application in 2013. The Section 73 Planning Permission was approved in July 2014 ('S73 Permission'). The description of the approved development is:

*'Comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area comprising residential uses (Use Class C2, C3 and student/special needs/sheltered housing), a full range of town centre uses including Use Classes A1 - A5, offices, industrial and other business uses within Use Classes B1 - B8, leisure uses, rail based freight facilities, waste handling facility and treatment technology, petrol filling station, hotel and conference facilities, community, health and education facilities, private hospital, open space and public realm, landscaping and recreation facilities, new rail and bus stations, vehicular and pedestrian bridges, underground and multi-storey parking, works to the River Brent and Clitterhouse Stream and associated infrastructure, demolition and alterations of existing building structures, CHP/CCHP, relocated electricity substation, free standing or building mounted wind turbines, alterations to existing railway including Cricklewood railway track and station and Brent Cross London Underground station, creation of new strategic accesses and internal road layout, at grade or underground conveyor from waste handling facility to CHP/CCHP, infrastructure and associated facilities together with any required temporary works or structures and associated utilities/services required by the Development (Outline Application).*

*The application is accompanied by an Environmental Statement.'*

#### Phasing of the BXC Regeneration Scheme

- 3.2 The S73 Permission is a multi-phase scheme of 7 Phases and a number of sub-phases. Reserved Matters permissions have been granted for sub-Phases 1A (North), 1A (South) 1B (North) and 1B (south) as summarised below:

**Phase 1A (North)** - this includes all highways infrastructure to support the northern development and key highways infrastructure to support Phase 1 South.

**Phase 1A (South)** - this comprises three highway links to support Phase 1 of the Southern Development. Two of these roads have been re-phased and Phase 1A (South) is now comprised solely of Claremont Park Road (Part 1).

**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 replacement bus station, reconfigured shopping centre, extension to the shopping centre, hotel and leisure uses, northern pedestrian routes, the Riverside Park, Sturgess Park improvements and residential uses.

**Phase 1B (South)** - this includes the Market Square, Clarefield Park Temporary Replacement Open Space and residential development on Plot 12 including the Whitefield Estate Replacement Units (Part 2). Phase 1B (South) in addition comprises other development/infrastructure, as follows:

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

**Phase 1C** - this includes the remaining plot development within the southern development area of Phase 1 (South) comprising Plots 11 and 13 which will provide 700 residential units along with retail, community and leisure uses on the ground floor in line with the Market Quarter land use allocations.

- 3.3 The S73 Permission divides the BXC site into a series of Development Zones (as shown on Parameter Plan 001) based on different character areas. The Highways and Public Realm drop-in application is located within the Market Quarter Development Zone.
- 3.4 The Market Quarter Development Zone, as described within the Revised Development Specification and Framework ('RDSF'), is to sit at the heart of BXC masterplan. The predominant land use of the Zone is to be residential, with mixed active ground floor uses. The principal areas of public realm, including the High Street South, are expected to be enlivened by local shops and services that serve the day to day needs of the residential and working population. Development within the Zone is to be facilitated by the demolition of Claremont Industrial Estate, the Rosa Freedman Centre and removal of Clarefield Park. These demolitions form part of the approved outline permission.

## Associated Applications Relating to Phase 1 South

- 3.5 This application forms part of a suite of applications which have been submitted in relation to development within Phase 1 South of the BXC regeneration. These form a comprehensive set of proposals for Phase 1 (south). These are as follows;
- **Plot 13 RMA (18/6337/RMA)** - residential led mixed use scheme for Plot 13 comprising 348 residential units with retail, community and leisure uses on the ground floor. (This application is the subject of a separate report also before the Planning Committee for consideration);
  - **Plot 11 RMA (18/6409/RMA)** - residential led mixed use scheme for Plot 11 comprising 352 residential units with retail uses on the ground floor. This is subject to its own EIA screening opinion request;
  - **Drop-in planning application for Highways and Public Realm (18/6645/FUL)** – (the subject of this committee report) detailed designs for the new road network and public realm surrounding Plots 11, 12 and 13 to reflect the retention of Claremont Road and reclassification of Claremont Avenue. This represents an update to the roads previously approved in this part of the development and encompasses parts of Phase 1A South, parts of Phase 1B (South) and Phase 1C, along with elements of Phase 1A (North) that have been re-phased to Phase 1 South. This is subject to a EIA screening opinion request
  - **Minor Amendments to extant RMA consent for Plot 12 (18/6482/BXE)** – submitted pursuant to Condition 1 of RMA consent 17/6662/RMA to make minor amendments to the consented landscaping for Plot 12 to reflect and tie into the reserved matters details now submitted for Plots 11 and 13;
  - **Two Section 96a applications to the s.73 permission (18/6469/NMA & 18/6447/NMA)** - relating to non-material minor amendments to the S73 Permission for the retention of Claremont Road and the redistribution of floorspace between building zones respectively. These are subject to their own EIA screening opinion request.
- 3.6 The above applications have been submitted concurrently in order to provide the LPA with details of a comprehensive approach to developing Phase 1 South (defined as comprising Phase 1A (South) 1B (South) and 1C), with elements of Phase 1A (North) also falling within its remit.
- 3.7 The highways ‘drop in’ proposals seek to provide an updated highways and public realm design in this part of the approved masterplan and within which the Plots 11, 12 and 13 are situated. This updated layout is then reflected in updates to the relevant highways Parameter Plans through the separate S96a application.
- 3.8 The ‘drop in’ also performs the function of addressing the areas of overlap with consented highways infrastructure under Phase 1A (North) and 1A (South). Specifically, it provides an updated layout that is consistent with the current

RMA proposals and parameter changes, in doing so superseding those areas of extant Phase 1A (North) and Phase 1A (South) approvals that would be inconsistent. These changes could not be pursued through the submission of updated RMA's for Phase 1A (North) and 1A (South) given the time frame for submission of RMA's against these phases has expired (Condition 1.2.1 of the S73 Permission).

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

##### Brent Cross Cricklewood S73 Permission site location details

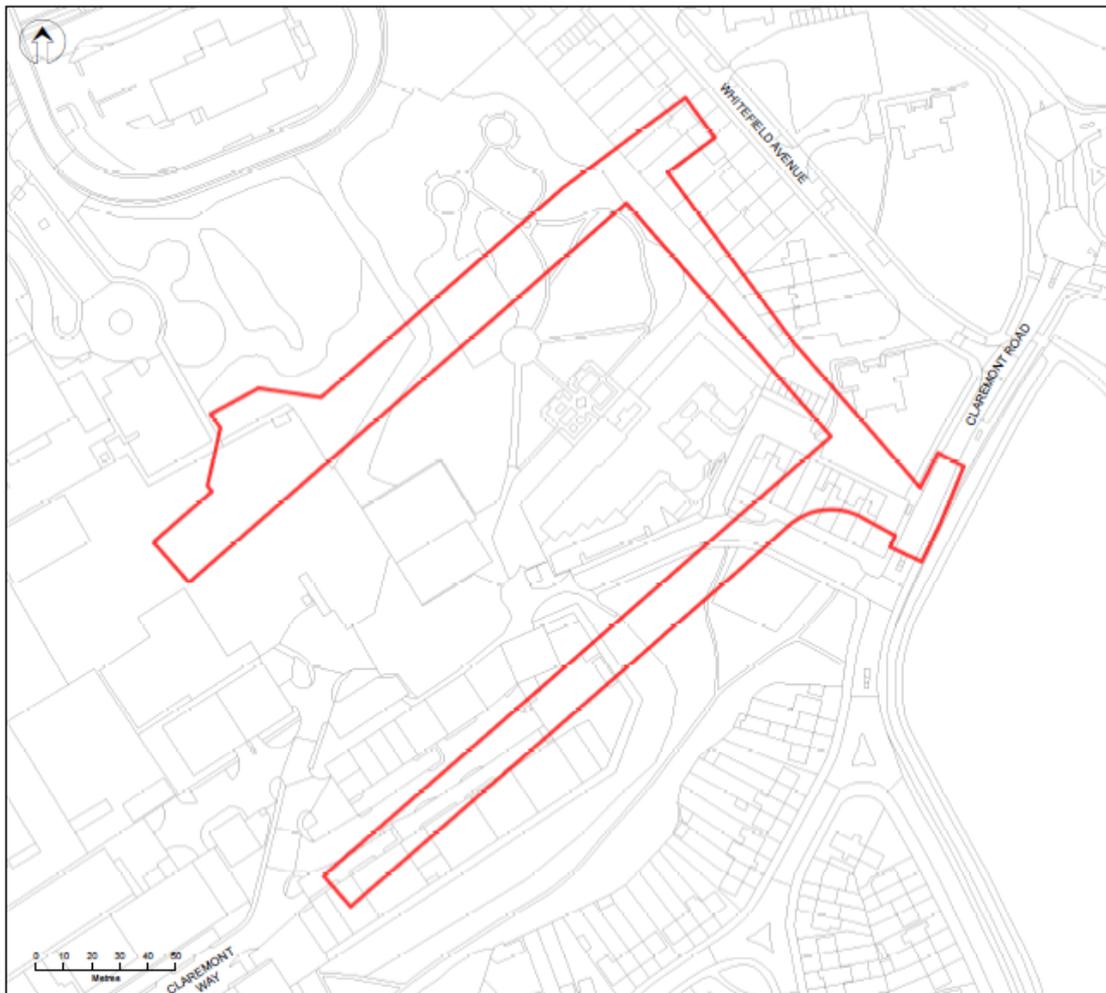
- 4.1 The Highways and Public realm drop-in application is located wholly within the red line boundary of the s73 outline permission for BXC. The Brent Cross Cricklewood (BXC) regeneration area is a 151 hectare development site. On the western side, the site is bounded by the Edgware Road (A5) and the Midland Mainline railway line; and to the eastern side by Hendon Way road (A41). The North Circular road (A406) which runs in an east west direction across the site separates the Northern and Southern development areas.
- 4.2 The Northern development area located north of the A406 consists of the existing Brent Cross Shopping Centre (BXSC) and is identified in the London Plan 2016 as a Strategic Regional Shopping Centre. The Southern development area to the south of the A406 is comprised of some large footprint retail, Hendon Leisure Centre, the Whitefield estate (of approximately 220 units), parks and open spaces, Whitefield Secondary School, Mapledown Special School and Claremont Primary School and Claremont Way Industrial Estate.
- 4.3 The Templehof Bridge and the A41 flyover provide the only existing direct north-south links within the site which run across the A406 North Circular Road, and the River Brent which flows east to west and is located adjacent and south of the existing Shopping Centre.
- 4.4 The BXC site is surrounded to the north, east and south by traditional low rise suburban development, predominantly two storey semi-detached houses. Cricklewood Railway Station located to the west of the BXC site, lies on the Midland Mainline railway line which runs between London St. Pancras and the north of England. Brent Cross Underground Station, served by the Edgware branch of the Northern line, lies to the eastern boundary of the regeneration area. The existing Brent Cross Bus Station provides access to 18 bus routes (including Green Line).

##### Highways and Public Realm site location details

- 4.5 The application site measures 1.1602ha and wholly comprises land included within and consented by the S73 Permission, for redevelopment as part of the BXC scheme. The extent of the application red line boundary comprises the following:

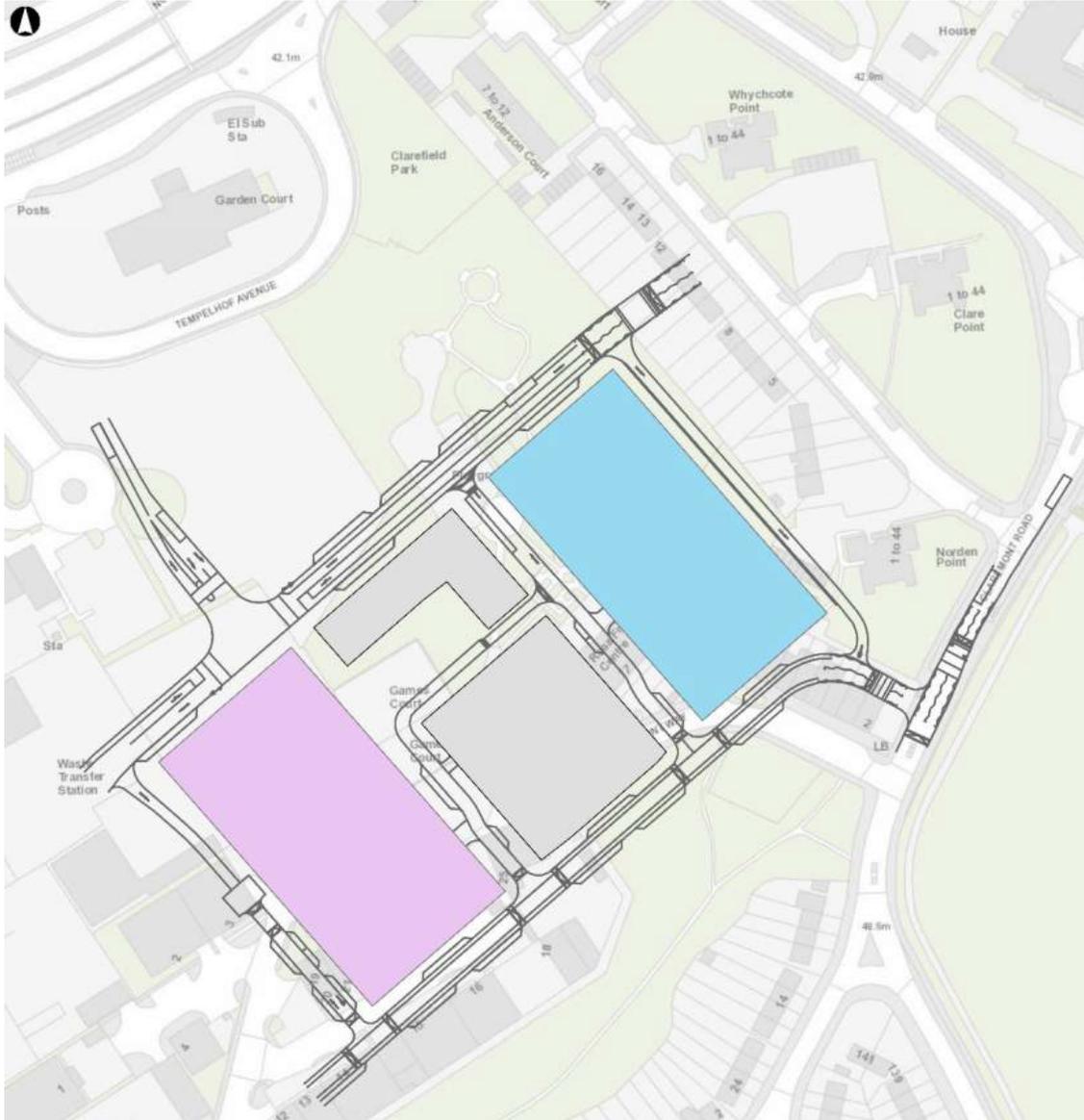
- The southern and north-eastern parts of the Claremont Way Industrial Park;
- Claremont Way Open Space;
- Part of Claremont Way vehicular highway and pedestrian footpaths;
- Retail (with residential above) units to the north-east side of Claremont Way;
- Part of the grounds (including vehicular garages) of Norden Point flats;
- Part of the rear gardens to properties on the south-west side of Whitefield Avenue;
- Two residential dwellings on the south-west side of Whitefield Avenue; and
- Part of Clarefield Park (including part of the play-area).

4.6 The extent of the proposed development is shown on the Site Location Plan Drawing no. BXS-PLAN-PLAP-06-A-P01. Figure 1 below is an extract from the Appendix A of the Planning Statement submitted with this application highlighting the red line boundary of the site only. Figure 2 shown on the subsequent page is an overview of the highways and public realm proposals within the context of the development Plots within Phase 1 (South) which are directly related to the Highways and public realm drop-in proposals.



**Figure 1: Location of the application Site (bound in red) in relation to the surrounding area and key features, adapted from Appendix A: (Application Site Boundary) from the 'Planning statement, Phase 1 (South) Highways and Public Realm Application'<sup>1</sup>**

<sup>1</sup> Appendix A, 'Application Site Boundary', Planning Statement, Phase 1 (South) Highways and Public Realm Application, prepared by DP9, dated November 2018



**Figure 2: Location of the proposed highways layout in the context of development Plots 11, 12 and 13 and surrounding area (adapted Figure 9 (Phase 1 (South) Proposed development) of the Phase 1 (South) Transport Report.<sup>2</sup>**

4.7 There are no statutory or non-statutory designations within the application Site.

<sup>2</sup> Figure 9 titled; 'Phase 1(South) proposed development', Phase 1(South) Transport Report, prepared by Arup, dated October 2018.

## 5 DESCRIPTION OF PROPOSED DEVELOPMENT

5.1 Planning permission is sought for the following proposed development:

*Construction of highways infrastructure and associated public realm comprising: High Street South (East Works), Claremont Park Road (Part 1), Claremont Avenue (south of junction with High Street South (East Works) and Claremont Road Junction North and including all enabling works and other works incidental to the development'.*

5.2 The site layout submitted with this application shows that the proposed highway layout will connect to the existing adopted highway at Claremont Road with a proposed 3 arm priority junction that connects the development via the proposed Claremont Park Road (Part 1), and will replace the existing junction with Claremont Way. The proposed junction is approximately 20 metres north-east of Claremont Way junction with Claremont Road. At this junction a new raised table and zebra crossing is proposed incorporating an uncontrolled cycle crossing. This will provide improved pedestrian and cycle connectivity from the development and new town centre including the Brent Cross Shopping Centre beyond via Claremont Avenue and the Living Bridge, over Claremont Road and into Clitterhouse Playing Fields.

5.3 The rest of the proposals comprise the following new streets: High Street South (East Works); Claremont Park Road (Part 1); Claremont Avenue; and Claremont Road Junction North.

5.4 The proposed Claremont Park Road runs from the proposed priority junction on Claremont Road along the edge of Claremont Park with plot development on it's northern side. It will connect development access streets for Plots 11,12 and 13 giving access to parking and delivery and servicing but these streets do not form part of this application and are instead considered under the related Reserved Matters applications. The proposed design for this street includes raised tables at the junctions with the residential side streets in order to provide safe and convenient pedestrian access from the development into Claremont Park. The Highway Cross Sections shows that the carriageway on Claremont Park Road will be 7.8m wide footways are to be 1.7m. Due to the lower speed the route is suitable for cycling and this is denoted by cycle symbols on the carriageway to make drivers aware. Inset parking bays and a loading bay are provided.

5.5 The proposed Claremont Avenue connects High Street South with Claremont Park Road. This route is designed primarily for walking and cycling with access allowed for delivery or service vehicles.

5.6 The proposed High Street South runs to the north of Plots 11,12 and 13. This will become the primary route through the new town centre and will have bus routes as well as traffic using it. It is proposed to install a zebra crossing and raised table where the carriageway meets the junction of the proposed Claremont Avenue. This will allow a pedestrian route from the Brent Cross Shopping Centre to the north, across the proposed Living Bridge and down

Claremont Avenue and on into Clitterhouse Playing Fields.

- 5.7 A signalised junction is proposed between High Street South and Tempelhof Avenue where it passes over the new Tempelhof Bridge. Advanced stop lines for cyclists and pedestrian crossing points are proposed on all three arms of the junction. The Highway Cross Sections shows that the carriageway for the High Street will be 10.4m wide including 2m mandatory cycle lanes. Footways are to be 3m to the north of the High Street and 2.8m to the south of the High Street, parking bays are shown as 2.5m and loading bays as 2.7m. Bus stops are provided in both directions.
- 5.8 All of the proposed new streets have been designed using Manual for Streets requirements for 20mph including aspects such as visibility splays and kerb radii. The inter-visibility splays for the signalised junction are in accordance with the Design Manual for Roads and Bridges.
- 5.9 As these works replace elements of highways already approved under previous reserved matters approvals, the relevant approvals are listed below:
- High Street South (East Works) (ref. 15/03312/RMA and subsequently amended ref: 17/6836/BXE);
  - Claremont Park Road (Part 1) (ref. 15/06518/RMA and subsequently amended ref: 17/6832/BXE);
  - Claremont Avenue (ref. 15/03312/RMA and subsequently amended ref: 17/6836/BXE); and
  - Claremont Road Junction North (ref: 15/03312/RMA and subsequently amended ref: 17/6836/BXE).
- 5.10 In addition to the proposals under consideration through this application, the Phase 1 (south) Highways and public realm network as a whole comprises the tertiary streets between the development plots and the North – South Access road to the west of Plot 13. The below table provides a list of the Phase 1 (South) Highways network as a whole with corresponding details of the extant RMA details that will be replaced either in part or fully, and the application which the proposed piece of highways infrastructure will fall under. The elements subject to this highways drop-in application are within the shaded cells of the table.

**Table 1: Aspects of Phase 1 (South) Highways network**

<b>Feature</b>	<b>RMA</b>	<b>Proposal</b>
High Street South (East Works)	Approved in detail as part of reserved matters consent (ref: 15/03312/RMA and subsequently amended ref: 17/6836/BXE) – approved when infrastructure item located in Phase 1AN	High Street South (East Works) to be replaced by ‘drop-in’ full planning application which will supersede the relevant part of the RMA.

Claremont Park Road (Part 1)	Approved in detail under reserved matters consent (ref: 15/06518/RMA and subsequently amended ref: 17/6832/BXE) – approved when infrastructure item located in Phase 1AS	To be replaced by 'drop-in' full planning application
Claremont Avenue (south of junction with High Street)	Approved in detail as part of reserved matters consent (ref: 15/03312/RMA and subsequently amended ref: 17/6836/BXE) – approved when infrastructure item located in Phase 1AN	Claremont Avenue to be replaced by 'drop-in' full planning application which will supersede the relevant part of the RMA.
Claremont Road Junction North	Approval in detail as part of reserved matters consent 15/03312/RMA and subsequently amended ref: 17/6836/BXE).	Claremont Road Junction North to be replaced by 'drop-in' full planning application which will supersede the relevant part of the RMA.
Tertiary Street between Plots 11 and 12	Approved in detail under Plot 12 reserved matters consent (ref: 17/6662/RMA) – located within Phase 1BS	Submission varying Condition 1 of RMA consent
Tertiary Street between Plots 12 and 13	Approved in detail under Plot 12 reserved matters consent (ref: 17/6662/RMA) – located within Phase 1BS	Submission varying Condition 1 of RMA consent
Tertiary Street to the west of Plot 13	Forms part of the Plot 13 reserved matters (ref: 18/6337/RMA) – located within Phase 1C - submitted to LBB, pending consideration	Plot 13 RMA (pending consideration)
Public realm within consented Plot 12	Approved in detail under Plot 12 reserved matters consent (ref: 17/6662/RMA) – located within Phase 1BS	Submission varying Condition 1 of RMA consent
Public realm within proposed Plots 11 and 13	Plot 11 reserved matters (ref: 18/6409/RMA) and Plot 13 reserved matters (ref: 18/6337/RMA) – located within Phase 1C – submitted to LBB, pending consideration	Plot 11 RMA& Plot 13 RMA (pending consideration)

## **6 COMPATIBILITY OF THE PROPOSED DEVELOPMENT TO THE BRENT CROSS CRICKLEWOOD S.73 PERMISSION**

- 6.1 As described in Section 4 of this report, the S73 Permission grants outline planning consent for the BXC regeneration, subdivided into a series of development Zones comprising new streets and public spaces as well as plots for new buildings and different uses. The parameter plans establish a hierarchy of streets and their expected functions including the creation of a new High Street and other secondary and tertiary streets serving the development. Therefore, the principle of new streets and highways infrastructure has already been established in planning terms by virtue of that outline planning permission.
- 6.2 The use of ‘drop-in applications’ in the context of outline planning consents, particularly for large regeneration projects delivered over a number of years, is not an uncommon planning approach. Indeed, drop-in planning applications have been approved in relation to the Rail Freight Facility, Waste Transfer Station and Railway Sidings within the S73 Permission for BXC.
- 6.3 The use of ‘drop-in applications’ can only be considered acceptable to the Local Planning Authority providing that (1) the proposed development is compatible with the S73 Permission; (2) it does not undermine or prejudice the overall delivery of the wider masterplan (i.e. comprehensive development of the BXC area); and (3) would not give rise to any significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications.
- 6.4 If Members were minded to grant planning permission for the proposed development, or any other ‘drop-in application’, two planning permissions would effectively coexist for development of the same land at that point in time. In this instance, the Pilkington Principle would apply whereby implementation of any planning permission for the proposed development (if granted) would render the respective part of the S73 Permission un-implementable. However, provided that the alternative proposals within the ‘drop-in application’ does not prejudice the delivery of any other part of the approved BXC regeneration scheme, the proposed development can be delivered in the context of the S73 Permission. The Local Planning Authority is satisfied with this planning approach subject to the aforementioned caveats ((1) to (3)). An assessment of compatibility with the s73 permission is undertaken in subsequent subsections of this report.
- 6.5 Should Members be minded to approve this application, a condition is proposed to be added to any permission requiring that no development take place on any given piece of land within the application boundary until that piece of land is bound by a planning obligation committing not to revert back to the development approved under the previous RMA consents. This will mean that different areas of the red line boundary can be bound by the necessary obligation at different points in time as the relevant developer acquires its interest.
- 6.6 Given that it is likely that at the date works are first carried out pursuant to any permission granted for this drop-in application, the developer will be carrying

out those works pursuant to a licence, and will not have a legal interest in the land. It is further possible that the only entity with a legal interest in the relevant land will be the Council. As the Council is also the local planning authority, it cannot enter into a Section 106 agreement with itself. Therefore the condition is drafted so that the obligation only applies in respect of land which is not owned by the Council at the date of the relevant commencement. This is justified on the basis that, where LBB does own the land at the date of commencement, it has other options to be able to ensure that the necessary obligations are complied with, such as making it a requirement in the licence that only the new planning permission can be implemented, or making it a requirement of any transfer to a third party that a unilateral undertaking in the form required by the condition is entered into at the time of disposal, notwithstanding the fact that development may have already commenced by that time.

6.7 The draft condition wording is as follows:

*"Save in respect of land owned by the Local Planning Authority, no development permitted by this planning permission can be carried out on any part of the land benefiting from the planning permission until the relevant part of the land (which for the avoidance of doubt may be part only of the site) has been bound by a planning obligation entered into pursuant to Section 106 of the Town and Country Planning Act 1990, containing the following obligation:*

*"The Owner covenants that from commencement of planning permission reference [x] within the land shown edged red on Plan [x] no further works shall be carried out on that area of land pursuant to planning permission reference F/04867/13 dated 23 July 2014."*

## 7. MATERIAL CONSIDERATIONS

7.1 The following provides an overview of the matters that constitute material considerations in the determination of this planning application.

### Key Relevant Planning Policy

- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (published March 2016) and the development plan documents in the Barnet Local Plan (namely the Core Strategy DPD and Development Management Policies DPD both adopted September 2012).
- 7.3 Chapter 12 of Barnet's Unitary Development Plan (2006) also remains extant and the policies contained within it are also material considerations given the location of the application site within the Brent Cross Cricklewood regeneration area. Taken together, these statutory development plans are therefore the main policy basis for the consideration of this planning application.
- 7.4 More detail on the policy framework relevant to the determination of this planning application and an appraisal of the proposed development against those relevant development plan policies is set out in subsequent sections of this report dealing with specific policy and topic areas. Table 1 below summarises The London Plan and the Barnet Local Plan policies relevant to the determination of this planning application.

**Table 2: Summary of the development plan policies most relevant to the determination of planning application 18/6645/FUL**

<b>The London Plan (March 2016)</b>	
<b><i>London's Places</i></b>	
Policy 2.13	Opportunity Areas and Intensification Areas
Policy 2.18	Green Infrastructure: The Multi-functional Network of Green and Open Spaces
<b><i>London's Response to Climate Change</i></b>	
Policy 5.2	Minimising Carbon Dioxide Emissions
Policy 5.3	Sustainable Design and Construction
Policy 5.17	Waste Capacity
Policy 5.11	Green Roofs and Development Site Environs
Policy 5.12	Flood Risk Management
Policy 5.13	Sustainable Drainage
Policy 5.14	Water Quality and Wastewater Infrastructure
Policy 5.21	Contaminated Land
<b><i>London's Transport</i></b>	
Policy 6.1	Strategic Approach
Policy 6.3	Assessing Effects of Development on Transport Capacity
Policy 6.9	Cycling
Policy 6.12	Road Network Capacity

Policy 6.13	Parking
<b><i>London's Living Spaces and Places</i></b>	
Policy 7.1	Lifetime Neighbourhoods
Policy 7.2	An Inclusive Neighbourhood
Policy 7.3	Designing out Crime
Policy 7.4	Local Character
Policy 7.5	Public Realm
Policy 7.6	Architecture
Policy 7.8	Heritage Assets and Archaeology
Policy 7.13	Safety, Security and Resilience to Emergency
Policy 7.14	Improving Air Quality
Policy 7.15	Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
Policy 7.19	Biodiversity and Access to Nature
Policy 7.21	Trees and Woodlands
<b><i>Implementation and Monitoring Review</i></b>	
Policy 8.2	Planning Obligations
<b>Barnet Local Plan – Core Strategy DPD (September 2012)</b>	
Policy CS NPPF	National Planning Policy Framework – Presumption in Favour of Sustainable Development
Policy C1	Barnet's Place Shaping Strategy
Policy CS2	Brent Cross – Cricklewood
Policy CS5	Protecting and Enhancing Barnet's Character to Create High Quality Places
Policy CS7	Enhancing and Protecting Barnet's Open Spaces
Policy CS8	Promoting a Strong and Prosperous Barnet
Policy CS9	Providing Safe, Effective and Efficient Travel
Policy CS13	Ensuring the Efficient Use of Natural Resources
<b>Barnet Local Plan – Development Management Policies DPD (September 2012)</b>	
Policy DM01	Protecting Barnet's Character and Amenity
Policy DM04	Environmental Considerations for Development
Policy DM14	New and Existing Employment Space
Policy DM16	Biodiversity
Policy DM17	Travel Impact and Parking Standards
<b>Unitary Development Plan (2006) – Chapter 12: Cricklewood, Brent Cross and West Hendon Regeneration Area</b>	
Policy GCrick	Cricklewood, Brent Cross, West Hendon Regeneration Area
Policy C1	Comprehensive Development
Policy C2	Urban Design – High Quality
Policy C3	Urban Design – Amenity
Policy C4	Sustainable Design
Policy C10	Employment

7.5 A number of other documents, including supplementary planning documents, design guidance and national planning practice guidance, are also material to the determination of the application. This includes:

- Cricklewood, Brent Cross and West Hendon Development Framework (2005);
- National Planning Policy Framework (July 2018);
- National Planning Practice Guidance;
- LB Barnet Sustainable Design and Construction SPD (2016);
- LB Barnet Green Infrastructure SPD (2017);
- The Mayor's Sustainable Design and Construction SPG (2014);
- The Mayor's Control of Dust and Emissions during Construction & Demolition SPG (2014);

7.6 The Local Planning Authority also recognise other relevant topic specific frameworks that may be material to the consideration of this planning application. This includes:

- Mayor's Transport Strategy (2018)
- Mayor's London Environment Strategy (May 2018)
- London Local Air Quality Management – Policy Guidance (2016)
- LB Barnet's Air Quality Action Plan 2017-2022

7.7 In December 2017, the Mayor published a draft new London Plan for consultation. The consultation period ended 2<sup>nd</sup> March 2018. A further draft with the Mayor's minor suggested changes was published on 13<sup>th</sup> August 2018, along with consultation responses received by the Mayor on the draft new London Plan. However, this draft new London Plan remains subject to Examination in Public with the principal hearing sessions likely to be held during the first half of 2019. Any panel report considering this draft new London Plan are indicated as being published in Summer 2019<sup>3</sup>. Given status of this New London Plan limited, if any, weight should be attached to the draft policies contained within it when considering this planning application.

### **Pre-Application Public Consultation**

7.8 As set out in the 'Statement of Community Involvement submitted with the application, the Applicant has undertaken pre-application consultation with residents and other stakeholders in the context of the proposed development and the wider BXS regeneration scheme.

7.9 This consultation has been undertaken in accordance with the spirit of the advice laid out in the National Planning Policy Framework (NPPF), and additionally in response to guidance published by Barnet Council itself. Section 4.1.2 of the Council's Statement of Pre-Application Consultation (2015) states *'The aim of pre-application consultation is to encourage discussion before a formal application is made, enabling communities to have an influence on a planning proposal before it is finalised. The process can help to identify improvements and overcome objections at a later stage. Such pre-application*

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<sup>3</sup> The London Plan Examination in Public 2018-2019 – Panel Note 1: Preliminary Information about the Examination in Public (August 2018)  
([https://www.london.gov.uk/sites/default/files/ex01\\_lp\\_panel\\_note\\_no.1\\_final.pdf](https://www.london.gov.uk/sites/default/files/ex01_lp_panel_note_no.1_final.pdf)).

*consultations can take the form of exhibitions, presentations, workshops or simply a letter or mail shot'.*

- 7.10 The submitted 'Statement of Community Involvement' sets out that initial community and stakeholder engagement was undertaken between February 2016 and February 2017 around the wider masterplan, introducing residents to BXS LP's emerging proposals. Following this, between March 2017 and September 2017, the engagement focus was on the Plot 12 RMA proposals. The statement sets out that during this period, in relation to the wider BXS and Plot 12 RMA proposals, a total of; seven separate Community Liaison Group (CLG) events, nine workshops, two sets of public exhibitions, a number of pop-up street interviews and numerous one to one stakeholder meetings took place. To advertise these events and notify residents and local businesses, a dedicated project website with regular updates has been established, along with a newsletter with a distribution area of 15,000 residential and business addresses, and a GDPR complaint project database with over 500 individuals.
- 7.11 In relation to the Highways and public realm 'Drop-in application specifically, having already introduced residents to the principle of these proposals through previous rounds of consultation, dedicated consultation was undertaken commencing June 2018. In keeping with the previous BXS consultation approach outlined above, two separate communication streams were used. This comprised; written communication and updates on the dedicated website of the proposals and forthcoming public consultation events, and subsequent events themselves, and focussed communication with CLG members ahead of the public exhibitions and CLG events. The material presented to residents and stakeholders through these channels has been centred on the proposals for Phase 1 south as a whole, comprising Plot 11 and Plot 13 Phase 1C RMA's and the Highways and Public realm 'Drop-in' application. Given these applications, in conjunction Plot 12 (Phase 1B), together comprise a holistic picture of this part of the BXS regeneration, and are subject to separate applications submitted concurrently, it is appropriate for consultation to have been undertaken on them collectively.
- 7.12 Two days of public consultation events took place on the 14<sup>th</sup> and 17<sup>th</sup> of July 2018, attended by members of the design teams for the development plots and highways and public realm 'Drop-in' proposals. Further information on the wider project and other forthcoming BXS submissions including Claremont Park Improvements and the Temporary Open Space were also shown alongside to provide context and to allow for early feedback.
- 7.13 Following these events, a single CLG meeting took place on the 30<sup>th</sup> July 2018 held at the Whitefield School, which provided an opportunity for residents who may have already attended the public exhibitions to reflect on the proposals and raise any queries with the BXS developers in the meeting.

## Statutory and Other Technical Consultation Responses

- 7.14 In accordance with the relevant Regulations (Town and Country Planning (Development Management Procedure) Order 2010 (as amended) and Town and Country Planning (Mayor of London) Order 2008), the LPA conducted a number of consultations with both statutory and non-statutory bodies relevant to the development proposed within this planning application.
- 7.15 **London Borough of Brent** confirmed that they have no objection to the application. They conclude that given the siting and distance to the borough boundary, the consideration and assessment of elements such as the design, siting and landscaping would not cause significant harm to the residents of Brent.
- 7.16 **Transport for London** provided comments on the Transport related pre-RMA submissions for Phase 1 (South) submitted alongside this application, which TFL highlight as being of relevance to this drop-in submission. Of particular relevance to this application is the review of the drawings covering the physical environment proposed under the 'Drop-in' application. Associated operational comments are relevant to the pre-RMA submissions comprising the RMTR, SDS, CPS and PCS.
- Trees overhang the highway and on vehicle routes, potential risk to cyclists as well as buses, coaches, vans and HGVs.
  - Clusters of trees placed close to junctions and crossing points. Some planting in visibility splays may be acceptable. This needs to be assessed as part of the road safety audit of the design.
  - Trees appear too close to the end of the loading bays in places. Has the design of the loading bay been safety audited?
  - Has the detail design for cycle lanes, loading bays and bus stops been settled?
  - Doors appear to open onto the public realm or public highway. Doors should open inwards or be set back or include features to avoid people being hit by opening doors. There may be exception such as fire doors/ emergency escape routes.
  - Footways narrow around the loading bays and around "privacy planting"

### Officers comment:

*All of the above points have been addressed in discussions with the applicant and through the submission of information and clarifications. Loading bays have been amended to ensure vehicle tracking and manoeuvring. Landscaping has been amended or species clarified to ensure it does not unacceptably obstruct visibility splays. Doors to buildings adjacent to the adopted highway will all open inwards. Footways are in accordance with the required dimensions of the RDSF and parameter plans.*

- 7.17 The **Environment Agency** raises no objection to the planning application.
- 7.18 **Historic England** raises no objection to the planning application. The Greater London Archaeological Advisory Service have confirmed that, having

considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

7.19 **London Fire Brigade** has responded to confirm that whilst the access and facilities for fire fighters is satisfactory pursuant to section B5 of approved document B, LFB are unable to comment on the highways network aspect of the consultation.

7.20 **National Grid (Cadent Gas Limited)** raises no objection to the planning application, but recommends an informative to advise that operational gas apparatus has been identified within the application site, and therefore appropriate notices on Cadent Gas Limited will be required to take place prior to any works occurring on site that would affect the gas apparatus.

Officers comment:

*The relevant informative is included in the draft decision notice (Appendix 1).*

7.21 The Council's **Environmental Health Officer** raises no objection to the planning application. Comments provided are in respect of potential noise, air quality and contaminated land impacts occurring during the construction phase. For construction related impacts, it was recommended that a condition requiring the submission of a Construction Environmental Management Plan (CEMP) for approval by the LPA prior to the commencement of development. For contaminated land, a condition was recommended to ensure a site remediation assessment is undertaken and be submitted and approved by the LPA prior to the commencement of development.

Officers comment:

*The relevant conditions are included within the draft decision notice (Appendix 1).*

7.22 The Council's **Highways Team** have reviewed the application and have been involved in the detailed process from the pre-application stage as well as throughout the application. They have no objections to the proposed development and have confirmed that the highway layout is agreed subject to the detail design process and Highway Authority agreement and subject to conditions in relation to the following:

- Highways Engineering Drawings and detailed Construction Specifications for estate roads;
- Details of the junction between the proposed service road and the highway to be submitted for approval;
- A Waiver of liability and indemnity agreement to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises;
- A vehicular sight lines on Claremont Park Road and High Street South, and on Claremont Park Road and Claremont Road;

- The junction inter-visibility for the signalised junction on High Street South;
- Details of any highways be stopped under Section 247 of the Town and Country Planning Act;
- Interim highway layouts incorporating turning heads to submitted and agreed.

7.23 The **Lead Local Flood Authority** raises no objection to the planning application, but recommends the inclusion of a condition requiring a detailed Surface Water Drainage scheme for the site to be submitted to and approved in writing by the LPA prior to the commencement of development. The detailed scheme is to be based on the submitted Drainage Statement prepare by Arup dated October 2018 and shall also include:

- i) Flood Risk Assessment/Statement
- ii) Drainage Strategy with plan layout
- iii) Evidence of third party agreement for discharge to their system
- iv) Maintenance program and on-going maintenance responsibilities/adoption of the surface water drainage system;
- v) Detailed development layout
- vi) Detailed drainage design drawings
- vii) Detailed hydraulic calculations including the proposed attenuation and flow control structure
- viii) Development Management & Construction Phasing Plan
- ix) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants.

*Officers comment:*

*An appropriately worded condition has been included within the draft decision notice (Appendix 1).*

7.24 The Council's **Ecology Consultant** raises no objection to the planning application, commenting that the design and scheme is in keeping with the Revised Design and Access Statement and the revised Design Guidelines that form part of the BXC S73 permission F/04687/13. Snowberry species of tree proposed within the public realm planting scheme were noted as problematic and recommend its substitution.

*Officers comment:*

*Trees species provided in the submission are indicative at this stage, with further details to be secured through planning condition providing opportunity for different species choices. See draft decision notice (Appendix 1).*

7.25 The Council's **Tree Officer** raises no objection to the planning application. Comments provided recommended some replacement species for those shown within the submission, namely Tilia tomentosa, Prunus Domestica (plum trees). Connected tree pits along the public highway as opposed to individual tree pits are recommended, to be agreed with Highways as part of the Highways Technical approval process. A Landscape Ecology Management Plan (LEMP) and details of tree species are recommended to be secured through a planning

condition.

Officers comment:

*In response to these comments it is considered appropriate to attach the relevant recommended planning conditions. These are listed within the draft decision notice (Appendix 1).*

### **Elected Members and Local Groups**

- 7.26 All **Ward Councillors** for **Childs Hill** and **Golders Green** were notified of the planning application but no written comments in respect of the proposed development have been provided to the LPA as a result of this.
- 7.27 Based on the Council's current database, a number of other residents' associations and community forums were also consulted on the planning application but have not provided any comments. This included: **Cricklewood Community Forum, Cricklewood Neighbourhood Association, Cricklewood Residents Association, Railway Terrace Community Association, Brent Terrace Residents Association**. No comments have been received from these particular organisations.

### **Public Consultation Responses**

- 7.28 Following registration of the application 1450 neighbouring properties were consulted by letter. The application was advertised in the local press on 6<sup>th</sup> November 2018 and 5 site notices were put up on site also on 6<sup>th</sup> November. The consultation allowed a 4 week period to respond.
- 7.29 The consultation letters and site notices included details of three concurrent applications in relation to Phase 1C of the development as follows:
- Reserved Matters for Plot 13 (18/6337/RMA);
  - Reserved Matters for Plot 11 RMA (18/6409/RMA); and
  - Drop-in planning application for Highways and Public Realm (18/6645/FUL) within Phase 1C.
- 7.30 A single objection from a resident within the vicinity of the site has been received in relation to this application. The Main points raised are;
- The transitional highway works have not taken into account the extremes of traffic in the area at the junction of Claremont Road and Tilling Way. This junction and the rest of Tilling Way gets gridlocked on a regular basis without additional traffic. Gridlock regularly takes place at times of bad weather and flooding, Seasonal Shopping for Brent Cross Shopping Centre and when the North Circular suffers a closure in the area. These gridlocks spread all along Tilling Road to the North Circular - M1 gyratory system, up to the Brent Cross Flyover and junctions with Hendon Way, North Circular Road and Brentfield Gardens. Motorists can be stuck for hours when this happens.

- Fully appreciate the long term plan includes an east - west route through the development and various minor adjustments are proposed to Claremont Road etc. However, in my opinion, these do not fully address the impact on the existing highway usage until the new east - west route has been completed.
- Traffic from the completed build will add an additional burden of traffic on an already fragile road system without any alternative routes for access and egress until the full new road system has been completed. This may take a considerable number of years.
- Propose all new highways are constructed before the build commences to avoid additional traffic grid locks in the area.

Officers comment:

*The overall traffic impacts of the BXC development were assessed and considered at the outline application stage. Further traffic modelling was carried out as part of the Phase 1 Transport Report in relation to the highways infrastructure approved under Phase 1A(North) and 1A(South), the scope of which was discussed and agreed with Highways England, the London Borough of Barnet and Transport for London. The development will also deliver a new railway station and other improvements to public transport and non-car modes, and the section 106 and Conditions contain a robust framework of control to help ensure the future mode split of trips in the local area is more heavily weighted towards these modes. The proposed highway network changes have been assessed in detail from a transport perspective, including both strategic and local highway modelling. The proposals have also been considered in relation to any implications for all topics contained within the Environmental Statement.*

## **8 PLANNING APPRAISAL**

- 8.1 The subsections below set out the different material considerations relevant to considering the highways and public realm scheme proposed under this application. Given the Application Site falls entirely within the boundary of the BXC regeneration scheme which benefits from outline planning permission by virtue of the S73 Permission, a key material consideration is (1) the compatibility of the proposed development with the S73 Permission and (2) whether it would impinge upon or prejudice delivery of the wider BXC regeneration scheme; (3) would not give rise to any significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications. Demonstrating compliance with these three criteria is key to ensuring the S73 Permission is not undermined therefore securing the continued objectives contained within saved Policies GCrick and C1 of the UDP and Policy CS2 of the Core Strategy DPD.
- 8.2 In addition to this, given it is a full planning application in its own right, it needs to be assessed on its own merits against relevant development plan policies and other material considerations. The proposed development has therefore been assessed under each material consideration heading against the relevant development plan policies to inform the Officer's conclusions and recommendations.

### **Principle of the proposed development**

#### Brent Cross Cricklewood Regeneration Scheme

- 8.3 The Application Site falls entirely within the Brent Cross Cricklewood ('BXC') Regeneration Area as identified by the 'Cricklewood, Brent Cross and West Hendon Regeneration Area Framework (2005)' and defined on the Local Plan Proposals Map. This designated regeneration area forms part of the adopted development plan for the area and is the subject of saved policies contained within Chapter 12 of the Council's UDP (2006) and the Local Plan: Core Strategy DPD (2012).). The S73 Planning Permission is the planning permission currently being implemented for the comprehensive redevelopment of the BXC regeneration area.
- 8.4 The expectations in terms of use and character for different parts of the BXC development are set out within the S73 documents, principally the RDAS and RDSF along with appended parameter plans. The S73 Permission divides the BXC site into a series of Development Zones (as shown on Parameter Plan 001) based on different character areas. The application site is located within the Market Quarter Development Zone, and Building Zone MQ1. The RDAS establishes a vision for Market Quarter as an area home to a diverse mix of uses with a vibrant and dynamic town centre character, of which the provision of high quality highway network and public realm are an integral component.
- 8.5 The proposal comprises the highways and public realm environment within which the detailed residential led plot developments within Phases 1B and 1C

are situated. It is an integral component of the Phase 1 (South) proposals providing pedestrian, cycle and vehicular access to and around the plots, servicing and delivery bays and access for emergency vehicles. The proposals also provide pedestrian, cycle and vehicular connectivity from the within the Market Quarter Zone into the wider BXC highways and public realm network, also facilitating wider connectivity across the BXC site as a whole and the strategic road network.

8.6 Key connections are facilitated by:

- High Street (East Works) – between Station Quarter and the new MML station to the west and Eastern Lands and Brent Cross London Underground Station to the east;
- Claremont Park Road (Part 1) – between the Market Quarter and Station Quarter to the west and Claremont Park to the south;
- Claremont Avenue (South of junction with High Street South) – between the Living Bridge and Brent Cross Shopping Centre to the North and Claremont Road and Clitterhouse Playing fields to the south;
- Claremont Road Junction North – between Claremont Avenue and Clitterhouse Playing fields as well as onto Claremont Road itself providing the principle north south route through the BXS area.

8.7 By virtue of the direct association to the Phase 1B and 1C proposals in terms of providing the setting for these plots and means of access to and around the development, the proposal is considered an integral component of delivering comprehensive development for the BXC site and therefore the overarching principle of development is acceptable.

London Borough of Barnet's Planning Policy Framework

8.8 The principle of the BXC regeneration scheme is embedded within the Council's development plan for the area, namely the Local Plan: Core Strategy DPD (2012) ('Core Strategy'). The BXC regeneration scheme is expected to deliver a substantial amount of residential, employment, education, commercial, retail and green/open space development and Policy CS2 of the Core Strategy directs the Council's expectation for this to be delivered comprehensively.

8.9 As set out above, the delivery of a high-quality highway and public realm are integral to the success and comprehensive delivery of the BXC scheme. The Highways and Public realm 'Drop-in' proposals are central to delivering the Phase 1 (South) proposals which include development on Plots 11, 12, and 13 providing a total of 993 new homes, the Claremont Park improvements, and improvements to Clitterhouse Playing Fields. Therefore the principle of providing this linked highways and public realm component of the Phase 1 (South) proposals is considered to be compliant with aims and objectives of LB Barnet's Planning Policy Framework.

The London Plan (March 2016)

8.10 The London Plan (2016) contains a number of strategic policies which support sustainable growth and development of Outer London. The London Plan Policy 2.13 designates the "Cricklewood/Brent Cross" as a Key Opportunity Area (Map

2.4). The Opportunity and Intensification Areas are controlled by Policy 2.13 Part B which indicates that development proposals within areas should support wider regeneration by providing the necessary social and other infrastructure to sustain growth. Given the proposals are an integral part of the delivery of the BXC objectives, they are compliant with the relevant London Plan policies as cited.

#### Draft London Plan (December 2017)

- 8.11 Brent Cross Cricklewood continues to be recognised as an Opportunity Area and Strategic Area of Regeneration within the draft New London Plan, which was published for consultation between December 2017 to March 2018 and is currently undergoing the Examination in Public process. This corroborates the BXC Development's continued overall importance in terms of delivering (inter alia) new homes, commercial development, retail space, open spaces and employment opportunities. Draft Policy SD1 identifies the Mayor of London's commitment to supporting implementation of adopted planning frameworks; and draft Policy SD10 directs Boroughs to support development proposals that contribute to the renewal of town centres within Strategic Areas for Regeneration. As explained elsewhere within this report, the proposed development is a key component that would enable delivery of the BXC regeneration scheme. The principle of the proposed development continues to be enshrined and supported within regional planning policy.

#### **Compatibility with the BXC permission**

- 8.12 An assessment of compliance or divergence with the S73 Permission principles and controls is required in order to be satisfied that the 'drop-in' proposals would be compatible with the S73 Permission and hence not prejudice the continued comprehensive regeneration of BXC.
- 8.13 This assessment has been undertaken in the context of the submitted S96A application for non-material amendments to the S73 Parameter Plans which seek a change to the consented highway network to retain the existing Claremont Road from its junction with Claremont Way north to its junction with Tilling Road, and to consequently reclassify Claremont Avenue within the approved masterplan. The S73 Permission proposed to remove this section of Claremont Road and replace it, slightly to the west of the existing road, with a new stretch of north-south highway referred to within the S73 Permission as Claremont Avenue. Claremont Avenue is designated as a 'Primary Route' with a limit of deviation of +/- 35m. It is also orientated north-south and runs from the northern end of Clitterhouse Playing Fields (and the eastern end of Claremont Park) towards the proposed location of the Living Bridge, through the proposed Market Square. Detailed consent has been granted for Claremont Avenue through Reserved Matters. The S96A application will therefore amend the permission to retain the full length of the existing Claremont Road and to reclassify the proposed Claremont Avenue as a 'Managed Vehicular Route' that will be primarily for pedestrians and cyclists, although some managed vehicle servicing access may be required.
- 8.14 These changes to the proposed highway network within the S73 Permission

are set out in detail and considered separately under the S96A application 18/6469/NMA, including both strategic and local highway modelling. The proposals have also been considered in relation to any implications for all topics contained within the Environmental Statement through an Environmental Impact Assessment Screening Report (application reference 18/6439/ESR).

- 8.15 It should be noted that the S96A application for the amendments to the parameter plans and S73 Permission in relation to Claremont Road has not been determined at the time of writing this committee report. However, Officers are content with the non-material amendments proposed under the S96A application which will be determined under Officer Delegated Powers following conclusion of the related technical assessments.
- 8.16 The assessment below demonstrates that the drop-in highways proposals would not inconsistent with the wider BXC masterplan framework and layout. They would continue to provide an east-west high street route compatible with the specifications and standards expected. They would continue to provide Claremont Park Road in the same location as previously approved and they would provide a north-south route in the form of Claremont Avenue within the location and limits of deviation specified in the S73 Permission. The nature and classification of Claremont Avenue as a Managed Vehicular Route is however different from the original S73 masterplan as a result of the retention of Claremont Road, but this results in the ability to create a more pleasant pedestrian space and route connecting the development to Clitterhouse Playing Fields. The retention of Claremont Road as a primary vehicular route with improved junctions, footways, pedestrian crossings and landscaping adds interest to an otherwise regular block layout in the central area of the BXS masterplan, and its retention will also help minimise disruption for existing residents with less construction required.
- 8.17 It is therefore in the context of the non-material amendments being made through the s96A application that the assessment of compatibility of the streets proposed through this 'drop-in' application against the S73 Parameters and controls is made below.

#### Compatibility with the S73 Approved Highway Network

- 8.18 The S73 Permission provides for the construction of highways infrastructure and public realm as an integral part of the BXC scheme. The layout of this infrastructure is defined on parameter plans, principally Parameter Plans 002 which sets out the classification for different streets depending on their required function. Of relevance to this application are the classifications relating to: Primary Route (Main Road), Secondary Route and Managed Vehicular Routes.

#### *High Street South (East Works)*

- 8.19 High Street South is the main east-west connection within the town centre in BXS that runs from Station Square and the new Thameslink Station in the west to Market Square at the southern foot of the Living Bridge. High Street South (East Works) relates to the eastern section of High Street South between Tempelhof Avenue and Claremont Avenue. It is expected to carry both local and through traffic including buses, and servicing vehicles. In addition, the S73

Permission defines this as part of the primary pedestrian and cycle link between the new Thameslink Station and Brent Cross Underground station.

8.20 Parameter Plan 002 identifies various infrastructure elements that are proposed as part of the site's comprehensive development. The Parameter Plan includes:

- The location of existing adopted highway and junctions to be modified and improved;
- The location of new highway junctions connecting to the new and existing road network;
- Primary routes (main roads);
- The approximate location of:
  - secondary routes (streets)
  - tertiary routes (minor streets)
  - vehicular access points into building zones
  - no through minor streets where no through vehicular access will be available
  - managed vehicular routes within and around the education campus where private vehicles will only be permitted during school drop off and pick up times
  - location of routes for public transport only (although in the initial phases they may need to operate as all traffic routes)

8.21 Parameter Plan 002 provides the principle technical requirements for Primary Routes (Main Roads), specifying that such roads shall have a maximum back of pavement width of 28m and minimum of 13m, including pedestrian footways of no narrower than 2.5m.

8.22 Accordingly, the submitted proposals comprise a 10.4m single lane carriageway road inclusive of 2m mandatory cycle lanes and 3.2m vehicle lanes in each direction. Footways are to be 3m to the north of the High Street and 2.8m to the south of the High Street. In-set 2.5m wide parking bays and 2.7m wide loading bays are provided. The High Street South (East Works) will connect to new highways comprising School Lane to the east, High Street South to the west and Tempelhof Avenue via the new Tempelhof Bridge. These principle highways characteristics adhere with the RDSF requirements.

8.23 Claremont Park Road (Part 1), is defined on Parameter Plan 002 as a Secondary Route. Its role in this location is primarily to serve as a local access road providing access to Plots 11, 12 and 13 as well as Claremont Park on its southern side. The second part of this route, Claremont Park Road (Part 2) will continue further west and connect to Spine Road North which passes through Station Square. Parameter Plan 002 sets out that Secondary Routes will have a maximum building line to building line width of 21m and minimum of 11m, of which pedestrian footways will be a minimum of 2m.

8.24 The dimensions of the proposed road correspond largely with the consented Phase 1A (South) RMA details for Claremont Park Road (Part 1). It is proposed to be 7.8m wide carriageway with minimum 1.7m clear footway widths at the narrowest points, increasing either side of parking bays. Due to the lower speed the route is suitable for cycling and this is denoted by cycle symbols on the

carriageway to make drivers aware. Inset parking bays and loading bays are provided along the street. Flush crossings on raised tables at the eastern end of Claremont Park Road (Part 1) and on Claremont Road immediately northeast of the Claremont Road Junction North will serve to connect Claremont Avenue to Claremont Park and Clitterhouse Playing Fields. These principle highways characteristics adhere with Parameters 002 and 003.

#### *Claremont Avenue (South of junction with High Street South)*

- 8.25 Claremont Avenue (South of junction with High Street South), is to be classified as a Managed Vehicular Access Route under the s96A application. It is being downgraded from its original Primary Route designation under Parameter Plan 002 through the non-material amendments being sought. As a result this area now provides an altered function to its original role, providing primarily a pedestrian and cycle only environment, with managed servicing, whereas originally it served as a primary vehicular route through the BXS area. It should be noted that the primary vehicular function will now be performed by Claremont Road which is now proposed to be retained under the revised masterplan layout and amendments to parameters sought under the S96a application.
- 8.26 Claremont Avenue (South of junction with High Street South) is proposed to be a 3.7m wide “managed vehicular route” between High Street South and Claremont Park Road. A raised table pedestrian zebra crossing is provided across the Claremont Park Road junction to allow pedestrian access into Claremont Park. The route along the eastern side of Plot 11 forms part of the wider public realm between Plots 11 and 27 and is proposed as a managed southbound only route for vehicular traffic to serve only as access for residential refuse collection and emergency vehicle access. Primarily, this route will form part of the strategic walking and cycling network within BXS, not only providing access to Plot 11 but also connecting Market Square and the Living Bridge in the north, to Clitterhouse Playing Fields and Claremont Park in the south.
- 8.27 The new pedestrian and cycle focussed route that Claremont Avenue will provide an opportunity to emphasise the walking and cycling connections along this route and to enhance the associated public realm including Market Square and the connections from the Living Bridge down and into Clitterhouse Playing Fields and Claremont Park. By keeping Claremont Road as the primary vehicle route through the area, the new streets and spaces created in the town centre will offer more opportunities for activities and events as well as the retail and mixed uses that will be delivered on the ground floors of the plot development.

#### *Claremont Road Junction North*

- 8.28 Defined as the junction between Claremont Road and Claremont Park Road (Part 1), this is proposed to be a priority junction, replacing the existing junction with Claremont Way. A raised table will be provided at this junction which will include a zebra crossing for pedestrians and cycles to cross into Clitterhouse Playing Fields.
- 8.29 In the interim condition during construction of Phase 1(South), there is potential to retain the eastern section of Claremont Way and the junction with Claremont Road to provide access before this junction is replaced with the new Claremont

Park Road junction.

- 8.30 Therefore, in the context of the amendments being made through the s96A application, the proposed highways and public realm layout provides sufficient conformity with the S73 Parameters and would not compromise the delivery of comprehensive development at BXC.

#### Compatibility with relevant Pre-RMA Transport Requirements

- 8.31 Pursuant to the requirements of the S73 Permission, a number of pre-Reserved Matters applications have been submitted as part of the suite of applications including this drop-in and the RMAs for Plot 11 and 13. These pre-RMAs include the Reserved Matters Transport Report (RMTR), Servicing and Delivery strategy (SDS), Phase Car Parking Strategy (CPS) and Pedestrian and Cycle strategy (PCS). These separate submissions are required to be submitted at the outset of any sub-phase of the regeneration, to support the submission of a related Reserved Matters applications. This is in order to provide the Council with the relevant detailed highways information to demonstrate that the proposals would be in conformity with the overarching transport objectives of the S73 Permission and would secure the objectives for sustainable highways related infrastructure and to ensure that sufficient capacity exists on the highways network to accommodate the development.

- 8.32 The following detailed elements of compliance have been demonstrated.

#### *Phase Transport Report*

- 8.33 A Phase Transport Report (PTR) has been submitted in support of this highways Drop-in application which also serves as the Reserved Matters Transport report for the RMA applications for Plots 11 and 13. The phase transport report provides information on the trip generation and trip modes splits for Phase 1C, updating any previous Phase 1 PTR. It takes into account the road layouts, junctions, traffic signal proposals and pedestrian and cycle routes.

- 8.34 It provides information on number of car borne as well as sustainable transport mode trips and whether these fall within or exceed the parameters set by the Transport Matrix in the s73 permission. Given that the new Thameslink station will be operational when these plots are completed along with the proposed car parking levels for the phase and the promotion of sustainable modes such as walking, cycling and public transport, the number of trips assessed falls within the threshold set for this phase in the Transport Matrix for the morning (8-9am) and afternoon (5-6pm) road peaks.

- 8.35 Modelling of the car borne trips on the immediate road network has been provided in the PTR as well as junction vehicle turning movements. The assessment has demonstrated that the immediate road network and junctions proposed in this drop-in application is able to accommodate the vehicle movements proposed from the Phase 1C development.

#### *On Street Parking/cycle parking*

- 8.36 On-street car parking within the highways and public realm drop-in application

site are proposed along Claremont Park Road and High Street South. The accompanying Planning Statement clarifies that 20 of the car parking spaces along Claremont Park Road may be utilised as allocated parking for relocated Whitefield Estate residents to fulfil the conditional requirement of the reserved matters approval of Plot 12 (ref: 17/6662/RMA). This is set out in more detail under the separate Car Parking Strategy (CPS) pre -RMA submission for Phase 1 (South) pursuant to Condition 11.2, which also covers the highways drop-in curtilage.

- 8.37 Parking bays on High Street South will cater for visitor parking for the town centre and will be controlled as part of the Council's parking management.
- 8.38 Visitor cycle parking within the public realm for Phase 1 South is detailed within the separate pre-RMA Pedestrian and Cycle Strategy (PCS) submission for Phase 1 (South) pursuant to Condition 2.8. This outlines that cycle parking has been distributed across this area, as shown on Figure 6 of the PCS, serving the land uses within Plots 11, 12 and 13. The provision is in accordance with the adopted London Plan (2016) standards. As illustrated, cycle stands will be located and distributed in the public realm throughout the phase to align with wider desire lines and points of access to the plots.
- 8.39 The cycle and car parking provisions that occur within the application boundary of the drop-in application therefore provide sufficient conformity with the s73 requirements.

### *Servicing*

- 8.40 The servicing and delivery requirements for the S73 Permission are outlined at a site wide level under the Framework Servicing Delivery Strategy (FSDS), approved under condition 1.21. Beneath this, it is a pre-RMA requirement pursuant to condition 1.22 for a Servicing and Delivery Strategy (SDS) to be submitted prior to the submission of any RMA under a particular phase. An SDS has been provided for Phase 1 (South) as a whole.
- 8.41 In relation to refuse servicing requirements for the residential elements of the Phase 1 (South) development plots, the submission outlines the overall strategy, showing the likely routing of refuse vehicles, dedicated bays where required, and approximate stopping locations adjacent to refuse stores where dedicated bays are not provided. The waste and recycling collections for the residential plots with Phase 1 (South), Plots 11, 12, and 13, occur primarily within the tertiary street which loops around Plot 12 and exits either onto Claremont Park Road or High Street. The only exception to this is for Plot 11 where refuse vehicles will be able to access residential refuse stores facing onto Claremont Avenue, under the managed vehicular access arrangements that apply to Claremont Avenue. The tertiary street where the majority of collections take place is subject to a separate determination as listed above under 18/6482/BXE. The drop-in curtilage effectively surrounds this tertiary street and provides a means of access to it. Accordingly, the SDS provides sufficient information, by way of visibility splay assessments and swept path analysis, to demonstrate that these operations could be undertaken safely within the Phase 1 (South) road network.

- 8.42 In relation to servicing requirements for the non-residential uses on the ground floors, such as deliveries, taxi drop offs and other adhoc servicing requirements, these have been calculated using TRICS data as they relate to the individual uses within the development plots. In response to these requirements as detailed within the SDS, the principle dedicated off street servicing bays are located within the highways drop-in application. These consist of three bays located on High Street (East works) in front of each respective development plot, and a single bay at the bottom of Plot 11. There are additional loading bays being provided within the tertiary streets between the plots to supplement these bays as part of the RMA applications. This provision satisfies the servicing and delivery requirements for the plots pursuant to the s73 requirements.

#### *Pedestrian and Cycle Strategy*

- 8.43 Pursuant to Condition 2.8(a) a Pedestrian and Cycle Strategy has been submitted for Phase 1 (South) which also covers the highways drop-in application. This outlines the principle pedestrian and cycle requirements in terms of routes and infrastructure for the Phase, to connect with site wide and wider reaching cycle networking outlined in the Area Wide Walking and Cycling Strategy (AWWCS). The road and cycle lane infrastructure is outlined above under the 'Highway Network' section of this report and is sufficient for the purposes of discharging this requirement of the S73 Permission.

#### Compatibility with Character and Appearance Requirements of the S73

- 8.44 The S73 Permission provides design guidance for areas of public realm and highways through the RDAS, RDG and Public realm and open Space Strategy (PROSS). These controls collectively set out the design aspirations for different parts of the BXC site, providing a range of standards and guidelines that enable the different streets to achieve their required highway function pursuant to the S73 Transport Assessment and Transport Matrix, and character aspirations for different areas throughout the BXC area.
- 8.45 Detailed guidance in terms of street typologies is set out within the RDG, 'Illustrative Street Typologies'. Of relevance to the drop-in proposals are the guidelines for High Street, Claremont Park Road and Claremont Avenue. In relation to Claremont Avenue, it should be noted that the RDG typology is not consistent with the drop-in proposals given that the RDG detail is based on Claremont Avenue's original designation as a primary vehicular route, whereas as a result of the NMA (18/6469/NMA) to Parameter Plan 002 currently under consideration it will become a Managed Vehicular Route with servicing vehicular access only. Following the determination of this NMA application, an application pursuant to Condition 2.5 to incorporate the relevant consequential amendments to the RDG will be submitted in due course.
- 8.46 The PROSS provides the further guidelines for High Streets/Main Roads and for Secondary Streets which are of relevance to the drop-in proposals which fall in either of these categories;

*"6.6.2 Primary streets are streets that form part of the strategic circulation network through the development. They are generally characterised by roadway provision and provide the primary*

*linkages between the Brent Cross Cricklewood Development and the surrounding areas. Wherever possible, provision will be made to include tree planting, seating and segregated cycle and pedestrian routes. Some of these primary routes are also High Streets...*

*6.2.3 The primary street network will be complemented by a series of secondary streets. These are generally associated with local circulation and neighbourhood access, although some streets will be located in the commercial quarter. There will be provision for tree planting and seating, and quiet recreation. There may be opportunities to introduce café seating, where the opportunity for more generous pavement width permits.”*

- 8.47 The Landscape Design Report submitted with the drop-in application sets out the different approaches taken for the three principle routes covered by the application. For High Street (East Works) and Claremont Park Road (Part 1), Concrete paving flags are proposed for the pavement and tarmac on the carriageway, designed to LBB’s adoptable standards. This will provide an urban character and tie the street into their respective surroundings. Elements of landscaping and tree planting are also evident in the proposed layout plans and Landscape design report.
- 8.48 Claremont Avenue is proposed to be paved in feature pavers, with varying unit size and bond to define spill out zones for commercial premises, pedestrian routes and servicing routes. Pockets of seating and amenity areas within the green strip of planting will be paired with self-binding gravel surfacing providing an informal park like character. For all proposed elements of tree planting and landscaping throughout the Phase 1 South drop-in proposals, species have been chosen in order to foster the ecology and biodiversity aspirations of the S73 Permission as well as creating unique character areas.
- 8.49 The Council’s Tree Officers have reviewed the proposals and raise no objections to the approach taken overall. Some substitute tree species have been suggested on practicality grounds, as well as possible opportunities to provide linked tree pits for better rooting areas for street trees. Final details of tree species can be secured by planning condition providing opportunity to fix the species list prior to any planting being undertaken. In terms of tree pits, there will be an opportunity to review the approach prior to planting being undertaken, however it should be noted that the tree pits as proposed adhere with the Council’s current adoptable Highways standards. An informative is recommended to highlight the potential for alternative approaches to be discussed with the Councils Tree’s Officers prior to the installation of the tree pits and planting taking place.
- 8.50 On the basis of the submitted information and above assessment, the highways and public realm proposed in the drop-in application in terms of character and landscaping would represent sufficient conformity with the S73 Permission guidelines and are considered acceptable.

#### Environmental Impacts

- 8.51 As set out above, a key test in being satisfied that a drop-in application is acceptable within the context of the S73 Permission is determining that the proposals would not result in any additional significant environmental impacts compared to those reported within the original ES that supports the S73 Permission. A request for an Environmental Impact Assessment Screening Opinion pursuant to Regulation 6(2) of the Town and Country Planning (Environmental Impact Assessment Regulations) 2017, was submitted to the LPA in November 2018 relation to the drop-in proposals. The screening report tested the drop-in proposals against the Environmental topics that featured within the original s73 ES, and any other topics that have been introduced within the 2017 version of the EIA regulations, and concluded that the drop-in proposals, in lieu of a portion of the outline permission in that location, would not cause any additional significant construction or operation related environmental impacts.
- 8.52 The EIA Screening request has been assessed by the LPA and a formal Screening Opinion will be issued under application 18/6696/ESR prior to the Committee meeting.

#### Conclusion for Conformity with the S73 Permission

- 8.53 In relation to the three considerations and in the context of the amendments being made through s96A application 18/6469/NMA: (1) the proposed designs for the highways and public realm under the drop-in application are considered to be sufficiently compatible with the overarching masterplan for BXC; (2) would be in sufficient conformity with the S73 Parameters and would not impinge upon or prejudice the delivery of comprehensive development of BXC regeneration scheme; and (3) would not give rise to any significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications. The drop-in application is therefore capable of being approved.

#### **Highways and Transport Impacts**

- 8.54 Policy 6.3 of the London Plan (2016) requires development proposals to be fully assessed at both strategic and local level to ensure development does not adversely affect safety on the transport network. This is similarly a requirement set out in the draft New London Plan (2017) – draft Policy T4. Policy CS9 of the Core Strategy DPD identifies the need for major proposals to incorporate transport assessments, travel plans and delivery and servicing plans. Policy DM17 of the Development Management Policies DPD contains matters to be considered when determining planning applications including (but not limited to) road safety, road hierarchy, location and accessibility, travel planning and parking management.
- 8.55 Paragraphs 108 and 109 of the NPPF (2018) are also relevant to the consideration of this planning application. In assessing applications for development, paragraph 108 advises that it should be ensured that (inter alia) *‘(c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.’* Paragraph 109 also states that

*'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

- 8.56 The planning application is supported by a transport assessment entitled, 'Phase 1 South Transport Report', prepared by Arup, dated October 2018. This report has been submitted pursuant to condition 37.6 of the S73 Permission and relates to the composite parts of the S73 Permission currently under consideration in the phase, comprising development Plots 11 and 13, amendments to Plot 12. As an integral part of the Phase 1 South proposals, the highways and public realm drop-in application is also addressed in the submitted transport report.

#### Assessment of Highways Design

- 8.57 The Council's Highways Officer has reviewed the drop-in proposals in relation to the suitability of the highway layout in accordance with LBB and TfL policies and guidance.
- 8.58 The Site Layout submitted with this application shows that the proposed highway layout will connect to the existing adopted highway at Claremont Road with a proposed 3 arm priority junction that connects the development via the proposed Claremont Park Road (Part 1), and will replace the existing junction with Claremont Way. In the interim condition during construction of Phase 1(South), there is potential to retain the eastern section of Claremont Way and the junction with Claremont Road to provide access before this junction is replaced with the new Claremont Park Road junction. The proposed junction is approximately 20 metres north-east of Claremont Way junction with Claremont Road. At this junction it is proposed for a raised table and zebra crossing incorporating an uncontrolled cycle crossing as detailed in Phase 1C Highway Layout General Arrangement Sheet 5 of 5. Visibility splays are shown on Phase 1C Highway Layout Visibility Splay Sheet 5 of 5 shows a visibility splay of 2.4m x 43m that meets Manual for Streets requirements for 30mph. The Swept Path Analysis for 10m Rigid vehicle shows a slight encroachment to the opposite carriageway on Claremont Road that would require some amendment to the kerb radius during detail design stage of the highways approvals process which takes place after the Planning application process.
- 8.59 The rest of the development is new highway apart from a small section of Claremont Way that is required to be stopped up, the developer has indicated through the consultation that they are only offering High Street South for adoption. All of the roads and streets will be designed to adoptable standards however.
- 8.60 The proposed Claremont Park Road runs from the proposed priority junction on Claremont Road west along the edge of Claremont Park as shown on Phase 1C Highway Layout General Arrangement Sheet 4 and 5 of 5. It will connect development access streets for Plots 11,12 and 13 giving access to parking and delivery and servicing but these streets do not form part of this application. It is proposed to install raised tables at the proposed priority junctions with these streets. The Highway Cross Sections shows that the carriageway on Claremont Park Road will be 7.8m wide footways are to be 1.7m and complies with the

agreed outline requirements under the BXC S73 application. Due to the lower speed the route is suitable for cycling and this is denoted by cycle symbols on the carriageway to make drivers aware. Inset parking bays and a loading bay are provided. Visibility splays are shown on Phase 1C Highway Layout Visibility Splay Sheet 4 and 5 of 5 shows a visibility splay of 2.4m x 25m that meets Manual for Streets requirements for 20mph.

- 8.61 The proposed Claremont Avenue runs from the proposed Claremont Park Road to the proposed High Street South from North to South. This is a pedestrian and cycle priority route with occasional delivery or service vehicle access.
- 8.62 The proposed High Street South runs to the north of Plots 11,12 and 13 as shown on Phase 1C Highway Layout General Arrangement Sheet 2 and 3 of 5. It is proposed to install a zebra crossing and raised table where the carriageway meets the junction of the proposed Claremont Avenue and this is proposed to connect to the proposed Living Bridge to the north as part of the BXC Phase 1a North Infrastructure Works. To the north-west section of the proposed High Street a signalised junction is proposed with advanced stop lines for cyclists and pedestrian crossing points on all three arms. The layout is in approved in principal subject to detail design. The Highway Cross Sections shows that the carriageway will be 10.4m wide including 2m mandatory cycle lanes. Footways are to be 3m to the north of the High Street and 2.8m to the south of the High Street, parking bays are shown as 2.5m and loading bays as 2.7m and complies with the agreed outline requirements under the BXC S73 application. Bus stops are provided in both directions and this has been consulted with TfL. Visibility splays are shown on Phase 1C Highway Layout Visibility Splay Sheet 2 and 3 of 5 and shows a visibility splay of 2.4m x 25m that meets Manual for Streets requirements for 20mph. The inter-visibility splays for the signalised junction are in accordance with the Design Manual for Roads and Bridges.

#### 20mph Designed Environment

- 2.18 The new primary routes through the development are proposed to be adopted highways. This will include High Street South and potentially Claremont Park Road, subject to the provision of the dedicated parking spaces for the Whitefield Estate Replacement Units (Part 2). Claremont Avenue, which will be a pedestrian and cycle route mainly, is not proposed for adoption and, along with the residential streets in the development, will be managed and maintained by the Estate Management Company for BXS.
- 2.19 The highway layout design has been consulted with the LBB Commissioning Team for the Environment as the proposals include raised tables to be installed on the existing highway (Claremont Road) and on the proposed new streets. The application is based on an overarching strategy to provide high quality public realm that meets all user needs including those of pedestrian and cyclists and the promotion of reduced speed with a 20mph zone. In line with this strategy the applicant has included raised tables to enhance pedestrian and cycle priority and reduce traffic speed that ultimately will reduce accidents and create a better environment. This has been reviewed by the chair of the Council's Environment Committee who has agreed in principal to raised tables but it should be noted that this will require further detail design under the relevant highways agreements.

### Parking Provisions

- 8.63 Saved Policy C8 of the UDP relates to the provision of parking within the Cricklewood, Brent Cross and West Hendon regeneration area specifying standards for particular uses. Policy 6.13 of the London Plan and associated Table 6.2 in the Parking Addendum sets out the maximum parking standards which are to be the basis for considering planning applications. Policy DM17 (g) of the Development Management Policies DPD requires that development should provide parking in accordance with the London Plan standards.
- 8.64 Parking provision should be considered in view of the strategic approach to transport in Outer London (Policy 2.8 of the London Plan), of which the most salient of these approaches to the proposed development is improving public transport access and encouraging greater use of cycling and walking in respect of how staff travel to and from the site. Policy 6.13 of the London Plan also requires that 1 in 5 spaces provide electrical charging points, parking for disabled people in line with Table 6.2, and meet minimum cycle parking standards.
- 8.65 The proposed highway network subject of this report, supports access to the wider road network, as well as the plots in Phase 1 (South) where car and cycle parking has been provided to the required standards and where walking is encouraged by level access/crossing of roads and through quiet, overlooked and safe streets.
- 8.66 It is considered therefore the proposed parking and cycling provisions comply with saved Policy C8 of the UDP, Policy DM17 of the Development Management Policies DPD and Policy 6.13 of the London Plan.

### Construction Traffic

- 8.67 The Environmental Screening Report submitted to support the drop-in application has considered the traffic and transport effects of the proposals against the ES for the S73 Permission. This concludes that there are no significant highways impacts expected from the drop-in proposals when compared to the consented development due to the fact that the highways proposals do not change the quantum of development and therefore there are no significant changes in traffic flows expected.
- 8.68 However the construction impacts of the highways works do need to be mitigated. Whilst it is expected that the proposed highways and public realm works will be delivered by the Developer as part of the wider development in Phase 1 (South) as approved through the S73 Permission, since this is a stand-alone application it is appropriate and necessary to impose conditions on any drop-in planning permission to secure any necessary mitigation.
- 8.69 Therefore, conditions are recommended to secure the submission of a Construction Environmental Management Plan and a Construction Transport Management Plan to control and mitigate construction activities and construction traffic movements during the works associated with the drop-in application.

- 8.70 It is therefore considered that the applicant has provided sufficient evidence to demonstrate that the proposed development accords with the requirements of Policy 6.3 of the London Plan and Policy DM17 of the Development Management Policies DPD.

### **Protecting Barnet's Character and Amenity**

The proposed development needs to be considered in terms of potential to generate impacts relating to noise and vibration, air quality, visual amenity, and land contamination on nearby sensitive receptors. These are assessed further below under the respective headings.

#### Local Character, Landscape and Visual Impact, and Design:

- 8.71 Policy CS5 of the Core Strategy DPD and Policy DM01 of the Development Management Policies DPD refers to the Council's aspiration for development to respect local context and distinctive local character incorporating high quality design principles including character, continuity and enclosure, quality of public realm, ease of movement, legibility, accessibility, adaptability and diversity<sup>4</sup>. Saved Policy C2 of the UDP also expresses the Council's objective to seek to achieve the highest standard of urban design in the BXC regeneration area; adding that proposals will need to be consistent with the strategic principles set down in the *Cricklewood, Brent Cross and West Hendon Development Framework (SPG)*.
- 8.72 On a more strategic level, London Plan policies under the 'London's Living Spaces and Places' Chapter sets out aspirations for high quality public realm environment. Policy 7.4 of the London Plan states that development should have regard to (inter alia) form, function, scale, mass and orientation of surrounding buildings; ensure buildings create a positive relationship with street level activity; and allow buildings to make a positive contribution to the character of a place to influence the future character of the area. Further to this, policy 7.5 states that London's public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.
- 8.73 The approach to the highways and public realm design has had due regard to achieving a high quality public environment for residents and visitors the area. The proposals are consistent with aspirations within the BXC regeneration and outline permission to create a new town centre which, through the use of considered design and attention to material details and landscaping, fosters a sense of place in its own right whilst also being sympathetic and welcoming to its immediate surroundings.
- 8.74 As such, it is considered that the proposed development would not be incongruous to the existing character of the area, namely the adjacent residential areas, nor the character envisaged by the approved BXC masterplan. In this respect, it is considered that the proposed development is

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<sup>4</sup> Paragraph 10.5.5 of the Core Strategy DPD (2012).

in compliance with Policy 7.4 of the London Plan, Policy CS5 of the Core Strategy and saved Policy C2 of the UDP; and more broadly, befitting to the aspirations of the BXC regeneration scheme.

Air Quality and Noise and Vibration:

- 8.75 Saved Policy C3 of the UDP requires that development within the BXC regeneration area should generally protect and, wherever possible, improve the amenities of existing and new residents. As relevant to the consideration of air quality, Policies DM01 and DM04 of the Development Management Policies DPD states that all development should demonstrate high levels of environmental awareness and contribution to climate change mitigation; be based on an understanding of local characteristics; and ensure that development is not contributing to poor air quality and provide air quality assessments where appropriate. The provision of air quality assessments is also referred to in Policy CS13 of the Core Strategy.
- 8.76 The Application Site is located within an Air Quality Management Area (AQMA) which applies to the entirety of the LB Barnet. Policy 7.14 of the London Plan requires planning decisions to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality, particularly within AQMAs; be at least 'air quality neutral' and not lead to further deterioration of existing poor air quality; and ensure that where provision needs to be made to reduce emissions from a development, this is usually provided on-site
- 8.77 With regards to noise and vibration, Policy 7.15 of the London Plan states that development proposals should seek to manage noise by (inter alia) (a) avoiding significant adverse noise impacts as a result of new development; (b) mitigate and minimise existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without imposing unreasonable restrictions; and (e) the application of good acoustic design principles. Saved Policy C3 of the UDP and Policy DM04 of the Development Management Policies DPD states that development within the (BXC) regeneration area should protect and, wherever possible, improve the amenities of existing and new residents, and that mitigation of noise impacts should be delivered through design, layout, and insulation where appropriate. Policy CS13 of the Core Strategy also makes reference to the need to provide a Noise Impact Assessment.
- 8.78 There is potential for air quality and noise and vibration impacts to occur during the construction phases and operation phases of the development subject to this application. These are addressed below in turn.

*Construction Phase*

- 8.79 The proposals under consideration through this application do not include demolition. This will be undertaken in accordance with the outline permission, which includes relevant pre-commencement conditions that safeguard neighbouring amenity from adverse impacts with respect to air quality and noise and vibration as follows:

- Condition 8 (Code of Construction Practice (COCP) and Construction Environmental Management Plans (CEMP)), specifically Conditions 8.1, 8.2 and 8.3, which will require, inter alia, details of construction management and measures to suppress dust from construction activities and vehicles.
- Condition 28 (Construction) that will require, inter alia, approval of the CEMP prior to any construction, site engineering and preparation works being undertaken, and various compliance conditions with respect to the construction period relating to; inter alia, working hours and maximum noise levels at nearest noise sensitive receptors
- Condition 30 (Air Quality and Dust) will also apply which will require the approval of locations for dust monitoring prior to any demolition being undertaken.

8.80 In relation to the drop-in site curtilage, following the completion of demolition works under the controls set by the S73 Permission, the drop-in permission will be considered to have been formally implemented upon commencement of the construction works associated with the drop-in proposals. At this point, the drop-in permission will supersede the S73 Permission in relation to the area covered by the drop-in. It is therefore necessary and appropriate to impose conditions on any drop-in permission to secure the appropriate level of mitigation to govern the remainder of the construction phase. The Environmental Screening submission to support the drop-in proposals has acknowledged this situation and recommends that conditions are attached to any permission granted so that the same level of mitigation may be secured, in doing so ensuring there would be no additional significant environmental impacts compared to those reported in the original ES.

8.81 Overall it is considered that, subject to the imposition of conditions relating to construction management, that the proposed construction activity would not have a detrimental impact on the amenities of nearby residents and will accord with the abovementioned development plan policies

#### *Operational Phase*

8.82 During the operational phase, the highways network subject to this application will function as an integral component of the BXC highways and public realm environment. The initial operation will be under the interim arrangements which are self contained for Phase 1 (South), and later on linking with the wider greater BXC network and beyond once subsequent phases come forward.

8.83 Principle origins of noise, vibration and air pollutants with regards to the highways network are likely to be the result of vehicular movements around and throughout the site. These have been assessed at the outline stage of the permission under the s73 ES in relation to the highways layout and hierarchy proposed. Appropriate mitigation in relation to the specification of developments through the BXC where sensitive uses are proposed, such as residential and education uses, is secured through the existing S73 Permission controls. In relation to the highways and public realm, the provision of landscaping and planting throughout the BXC area, and in this case occupying the drop-in site curtilage, provides appropriate mitigation for improving the environment at

street level.

- 8.84 In terms of layout, the highways infrastructure proposed for High Street and Claremont Park Road as part of the drop-in proposals provides sufficient conformity with the existing parameters, and changes to Parameters proposed under the Claremont road retention NMA, in terms of location, road hierarchy and uses, so that the assumptions of the ES remain with regards to expectations on adjacent building design and public realm specification. In relation to Claremont Avenue, the drop-in proposals create a managed vehicular access route only in comparison to the outline permission expectations for this road as a primary vehicular route. As set out above, this change is subject to a separate NMA application which is currently under consideration by the Council. The downgrading of Claremont Avenue brings with it benefits in terms of significantly reduced vehicular activity on this stretch of road, with the associated benefits in terms of noise, vibration and air quality.
- 8.85 In relation to areas that are not proposed to be adopted by the Council, namely Claremont Avenue and Claremont Park Road, management arrangements would, under the terms of the S73 Permission, be secured through the Estate Management Framework requirements pursuant to condition 7.1 of the S73 Permission. In the case of the drop-in however, an appropriately worded condition to mirror the estate management requirements will need to be attached to ensure these areas are managed appropriately with respect to tables and chairs in the interest of safeguarding residential amenity.
- 8.86 Therefore, subject to imposing the aforementioned conditions on any planning permission to be granted pursuant to this application, it is considered that the proposed development would not give rise to any significantly adverse or unacceptable air quality or noise impacts and, as such, complies with Policies 7.14 and 7.15 of the London Plan, saved Policy C3 of the UDP and Policy DM04 of the Development Management Policies DPD.

Lighting:

- 8.87 Policy C3 of the UDP seeks to protect the amenity of new and existing residents. More appropriately, Policy DM01 (f) of the Development Management Policies DPD states that, for development proposals incorporating lighting schemes, lighting should not have a demonstrably harmful impact on residential amenity or biodiversity.
- 8.88 The Council's Street light technicians have advised that detailed information has not been provided in order to allow for the assessment of light impacts. An overview of the lighting strategy for the public realm subject to the drop-in proposals is outlined on page 33 of the submitted 'Landscape Design Statement: Public Realm'. This shows the location of street lighting across the site, and confirms the intention to provide coherent street lighting arrangements within this drop-in curtilage. This will be required in order to create a safe and accessible environment, but will also have to be balanced with the need to safeguard amenities of nearby residents as well as protected species.
- 8.89 To mitigate any potential light spill beyond the Application boundary, in particular toward the amenities of new residential properties proposed as part

of the BXC scheme, and any adjacent existing residential properties, a condition is recommended to require details of the lighting to be submitted to and agreed by the LPA. Therefore, subject to this condition it is considered the development would accord with the abovementioned development plan policies.

### **Trees and Biodiversity**

8.90 Policy CS7 of the Core Strategy DPD and Policy DM16 of the Development Management Policies DPD states that the Council will ensure that development protects existing site ecology and makes the fullest contribution to local biodiversity improvements; and also affords protection to existing SINC's. Equally, Policy 7.19 of the London Plan states that development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity; and states that proposals should give sites of borough and local importance for nature conservation the level of protection commensurate with their importance.

8.91 Tree removal in this location had been permitted indicatively at outline level under the terms of the S73 Permission, as part of the overall program of tree planting and landscaping detailed within the PROSS. This includes Clitterhouse Playing Fields and Claremont Park improvements principally, as well as a comprehensive network of planting and landscaping proposed throughout the BXC within smaller open spaces and the public realm proposed.

In lieu of the initial site arboricultural and ecological surveying requirements under condition 27, the drop-in proposals are accompanied by a tree removal plan prepared by Haydens Arboricultural Consultants. This plan has been prepared in accordance with BS 5837 (2012) 'Trees in Relation to Construction' providing details of the position, species, trunk diameter, height, canopy spread and condition of the trees on the drop-in site. This plan identifies that the entirety of the plot curtilage with regards to trees, shrubs and vegetation would be cleared. There are no A category trees on the site, two category B trees are identified as being removed and the remainder of tree removals are within category C or lower. The supporting planning statement identifies that the drop-in proposals considered in isolation would likely result in a net loss of biodiversity in light of the proposals being for highways area predominantly and public realm. However, within the context of the planting and ecological provisions within the wider BXC development, the loss in this instance can be considered acceptable.

8.92 In terms of the provision of landscaping, the submitted landscaping and public realm document outlines how the development has utilised opportunities to incorporate soft landscaping and choices of tree species to foster greater biodiversity. The overview of the approach to landscaping is supported and considered to be appropriate for the site and context. Exact details of species will be secured through planning condition whilst management will be secured through a Landscape and Ecology Management Plan (LEMP) as per the requirements of the S73 Permission.

8.93 Therefore, subject to the inclusion of appropriate conditions, the proposed development is considered to be in compliance with Policy CS7 of the Core

Strategy, Policy DM16 of the Development Management Policies DPD and Policy 7.19 of the London Plan.

### **Sustainable Construction and Climate Change**

- 8.94 London Plan Policy 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy be lean, be clean and be green. Policy 5.3B states that development proposals should demonstrate sustainable design standards in regard to its construction and operation; and meet minimum standards outlined the Mayor's '*Sustainable Design and Construction SPG*' (April 2014) including incorporation of renewable energy technologies and low or zero carbon technologies, and achieve regulated carbon dioxide standards. Whereas, Policies 5.10C and 5.11A relate to the provision of green infrastructure and sustainable design considerations, stating that major development proposals should contribute to urban greening and deliver as many objectives as possible including (but not limited to) sustainable urban drainage and enhancement of biodiversity. Additionally, Policy CS13 of the Core Strategy promotes the highest environmental standards and efficient use of natural resources; and saved Policy C4 of the UDP states that the Council will seek to ensure that the redevelopment of the BXC regeneration area pursues the highest standards of environmental design.
- 8.95 The highways and landscaping proposals within their own right provide limited opportunity reduction in carbon emissions which the hierarchy described above which is applicable to buildings principally.
- 8.96 As such, it is considered that the proposed development is in compliance with Policies 5.2, 5.3, 5.10 and 5.11 of the London Plan, Policy CS13 of the Core Strategy DPD and saved Policy C3 of the UDP.

### **Flood Risk and Drainage**

- 8.97 In respect of flood risk, Policy 5.12B of the London Plan states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and associated technical guidance (now contained within the online Planning Practice Guidance) over the lifetime of the development. The national Planning Practice Guidance provides an indication of flood risk vulnerability classifications for different development types (Table 2) and identifies whether that development would be appropriate within the relevant flood zone (Table 3).
- 8.98 The proposed development would be considered to fall within the 'less vulnerable' category; and coincides with Flood Zone 1 where development is generally considered appropriate across all flood zones, with a less than 0.1% annual exceedance probability of flooding. Policy 5.13A of the London Plan requires development proposals to utilise Sustainable Urban Drainage Systems (SUDS) and ensure that surface water run-off is managed close to its source as possible in line with the following drainage hierarchy: (1) store rainwater for use, (2) use infiltration techniques, (3) attenuate rainwater in ponds or open

water features, (4) attenuate rainwater by storing in tanks, (5) discharge rainwater direct to a watercourse, (6) discharge rainwater to a surface water sewer/drain and (7) discharge rainwater to a combined sewer. This hierarchy is referred to in Policy DM04 (g) of the Development Management Policies DPD stating that development should demonstrate compliance with it. In connection with this, Policy 5.15 of the London Plan states that development should minimise the use of mains water. Also, in regard to wastewater, Policy 5.14 of the London Plan requires development proposals to ensure that adequate wastewater infrastructure capacity is available in tandem with development.

- 8.99 The application is accompanied by a flood risk assessment (FRA) which has been submitted during the course of the application following requests from Officers. It has been undertaken with regards to the previously submitted and approved Section 73 FRA (BXC16), also having regards to relevant policies and guidelines that have since been updated, or not as the case may be, since the s73 FRA was approved. It assessed the risk of flooding arising from, fluvial and tidal, pluvial, groundwater, and from canals and artificial sources. This FRA concludes that the site complies with the planning conditions set out in the BXC Section 73 Permission and is not at significant risk of flooding from all sources and will not increase the risk of flooding to others. The proposals for surface water management are consistent with the aims of the NPPF and demonstrate a sustainable approach consistent with current good practice.
- 8.100 In line with the recommendations of the S73 FRA and FRA submitted to accompany the S73 Permission, a drainage strategy that applies to Phase 1 (South) and includes the Highways and Public Realm curtilage has been prepared by Arup and submitted to support the suite of Phase 1 (South) applications. The proposed drainage strategy outlines that, through a variety of water attenuation methods, including SUDS features, the environment will comply with the s73 compliance conditions that relate to sustainable urban drainage, principally conditions 44.5, 44.9 and 45.2.
- 8.101 The proposed strategy has been assessed on behalf on the Lead Local Flood Authority who have confirmed they have no objections to the proposals subject to the imposition of a condition that requires, prior to the commencement of works, the submission and approval of a detailed surface water drainage scheme based on the recommendations of the aforementioned Phase 1 (South) Drainage Strategy. The Environment Agency have confirmed they have no objections to the proposals. In light of these recommendations, the inclusion of condition to secure these details is set out within Appendix 1. It should be noted that the Lead Local Authority to date has not commented on the FRA submitted with the application given this was submitted late into the determination of this application. Any representations from them between the time of publishing this agenda and reporting the application to Planning Committee will be included as an addendum for Members consideration.
- 8.102 Taking into account the design of the proposed development and mitigation measures proposed alongside the relatively low vulnerability of the Site in terms of groundwater pollution, potential to affect the water quality of the River Brent and flood risk from fluvial and surface water sources; it is considered that the proposed development generally satisfies the requirements of the abovementioned development plan policies, particularly making allowance for

the limited opportunities to provide more innovative SuDS within the boundary of the operational railway.

### **Land Contamination**

- 8.103 Policy DM04 (e) of the Development Management Policies DPD, states that proposals on land likely to be contaminated should be accompanied by an investigation to establish the level of contamination in the soil and/or groundwater and identify suitable mitigation; and London Plan Policy 5.21 states appropriate measures should be taken to ensure previously developed land does not activate or spread contamination. Development which could adversely affect the quality of groundwater will not be permitted.
- 8.104 The S73 Permission includes details site investigation primarily and remediation if required under Condition 31 (Remediation and contamination). The application is not accompanied by details of any dedicated site investigations and remediation. Therefore, subject to inclusion of, and compliance with, the an appropriate condition that secures appropriate site investigation and ermediation, the proposed development is considered to be in compliance with Policy 5.21 of the London Plan and Policy DM04 of the Development Management Policies DPD.

### **Access and Inclusivity**

- 8.105 The S73 Permission sets out strategies relating to access and inclusivity and includes requirements in relation to access consultant involvement to ensure that detailed design meets the required design standards, good practice guidance and Building Regulations access requirements. The application is accompanied by an 'Access and Inclusivity Statement: Plot 11, 13 and the Phase 1 (South) (Highways and Public Realm Application)' dated October 2018 and prepared by All Clear Designs Ltd.
- 8.106 The statement confirms that the access consultant has been actively involved in the preparation of the submitted proposals, and ensured the integration of accessibility measures. In addition to the details outlined within the Access and Inclusivity Statement, the Southern Developer has engaged in pre-application discussions with the BXC Consultative Access Forum (CAF) in the lead up to the submission of applications for Phase 1 (South). The CAF has been set up at the outset of the BXC regeneration and is a group consisting of people with expertise in inclusive access and personal experience of disability issues drawn from the local and regional community including existing users of the local area and other facilities. Its formation is a planning obligation under Schedule 13 of the Section 106 Agreement for the S73 Permission, with the subsequent terms of reference insofar as regularity of engagement with the CAF and provisions for providing advice on development proposals set out within Schedule 13 and also the CAF terms of reference document approved under ref:14/07957/CON.
- 8.107 Two meetings have taken place with the CAF group prior to the submission Phase 1 (South) applications, on the 23<sup>rd</sup> July 2018 introducing members to the Phase 1 (South) proposals, and 24 January 2019 where the outcomes of

previous discussions were presented to CAF members with the addition of the Access and Inclusivity statement for the Highways and Public Realm application available at this juncture for members to view. The focus of these meetings has been on access and inclusivity elements of the proposed Phase 1 (South) applications, including Plot 13 and the drop-in proposals.

8.108 Some of the key provisions within the scheme are outlined below;

- Raised table designs to ensure that the edge is detectable by guide dogs and cane users, also employing the camber of the road and street features.
- All thresholds onto the public realm from buildings will be flush, with no more than a 15mm level change and joints of no more than 10mm wide. Where possible, thresholds between materials will also have a visual contrast (by use of different materials) to assist people with visual disabilities.
- Placement of cycle stands and parking/loading bays coordinated with planting to create clear circulation routes.
- Benches and seating will be provided with a mixture of arm-rests and backs to make them easier to rise from.
- Wayfinding to be secured through planning condition as part of the overall Wayfinding strategy across the BXS site.

8.109 The proposal is considered to comply with the relevant policies and standards for provision of an inclusive and accessible environment.

### **Planning Obligations**

8.110 Paragraph 203 of the NPPF states that Planning Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The Council's *'Planning Obligations SPD'* (April 2013). As set out within this report and schedule of 'Draft Conditions' contained in Appendix 1, a number of conditions are recommended to ensure the impacts of the proposed development are appropriately mitigated.

8.111 Paragraph 204 of the NPPF states that Planning Obligations should only be sought where they meet all of the following tests: (1) necessary to make the development acceptable in planning terms; (2) directly related to the development; and (3) fairly and reasonably related in scale and kind to the development. On the basis and as outlined above, it is considered that the use of appropriate planning conditions is adequate in this instance to control the development.

## 9 ENVIRONMENTAL IMPACT ASSESSMENT

- 9.1 This drop-in planning application is supported by an EIA Screening Report (dated November 2018) prepared by Arup pursuant to Regulation 6 of the Town and Country Planning (Environmental Impact Assessment Regulations) 2017. Given the relationship of the drop-in application with the BXC regeneration scheme and the fact that the proposed adjacent development plots would be delivered as part of the BXC Development permitted by the S73 Permission, the screening submission is structured around the EIA carried out in support of the BXC outline planning application approved in 2010 and subsequent S73 Application in 2014.
- 9.2 The screening report tested the drop-in proposals against the Environmental topics that featured within the original s73 ES, and any other topics that have been introduced within the 2017 version of the EIA regulations, and concluded that the drop-in proposals, in lieu of a portion of the outline permission in that location, would not cause any additional significant construction or operation related environmental impacts.
- 9.3 The relevant assessments and conclusions from the assessments as contained within the Screening submission have been considered by the LPA in consultation with the appropriate statutory and other technical advisers and it is concluded that the proposed development would not give rise to any new or different significant environmental effects that cannot be mitigated through the implementation of appropriate mitigation measures secured through appropriately worded planning conditions as listed in Appendix 1 of this report.
- 9.4 A formal Screening Opinion will be issued by the LPA under application 18/6696/ESR prior to the Committee meeting.

## 10 EQUALITY AND DIVERSITY ISSUES

- 10.1 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:
- *Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
  - *Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
  - *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*
- 10.2 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.

- 10.3 In considering this planning application and preparing this report, Officers have had regard to the requirements of this section and have concluded that should a decision to grant planning permission for this proposed development be taken, it would comply with the Council's statutory duty under this important legislation.
- 10.4 The Application Site would be 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. As such, the proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all. The Southern Developer has also engaged in pre-application discussions with the BXC Consultative Access Forum (CAF) in the lead up to the submission of applications for Phase 1 (South).
- 10.5 Additionally, the proposed development would facilitate the Phase 1 South proposals as part of the wider BXC regeneration scheme which would deliver substantial benefits in respect of accessibility, housing, employment opportunities and community facilities.

## **11 CONCLUSION**

- 11.1 This drop-in application seeks approval for the new roads and public realm that provide access to and connect the first development plots within Phase 1 (South) of the BXC regeneration. The proposals have been designed to principally serve as the setting and means of access to Plots 11, 12 and 13 as well as to connect to the existing highways network and future streets to be delivered in the next phases of the regeneration.
- 11.2 The need for a drop-in application has arisen as a result of the Southern Developer's review of the masterplan for Brent Cross South whereby they are now seeking to revise the design and layout of some of the approved roads and associated public realm to provide street based layout that is more reflective of the place making aspirations that Argent Related and the Council wish to deliver. Those parts in question fall within Phases 1A (North) and Phase 1A (South) for which RMA's have already been approved but the deadline for which further RMAs can be submitted has now passed.
- 11.3 The drop-in application has been submitted as part of a suite of applications which include Reserved Matters for the residential-led mixed use buildings on Plots 11 and 13, as well as a Section 96A ('S96A') application to make non-material amendments to the S73 Permission parameter plans to retain Claremont Road and revise Claremont Avenue from a Primary Route to a Managed Vehicular Route. The layout and detailed design of the streets proposed under this application are prepared on the basis of the updated parameter plans.

- 11.4 The drop-in will provide the High Street South (East Works), Claremont Park Road (Part 1) and Claremont Avenue components of the approved BXC masterplan. High Street South will be put forward for adoption by the Council. Claremont Park Road may be offered for adoption subject to the provision of car parking for Whitefield Estate (Part 2) units. Claremont Avenue will be managed by the Estate Management Company for BXS.
- 11.5 The application is based on an overarching strategy to provide high quality public realm that meets all user needs including those of pedestrian and cyclists and the promotion of a 20mph zone. In line with this strategy the applicant has included raised tables at key locations relating to access to Claremont Park and Clitterhouse Playing Fields and to the new Living Bridge to enhance pedestrian and cycle priority. The highway layout design has been consulted with the LBB Commissioning Team for the Environment. This has been reviewed by the chair of the Council's Environment Committee who has agreed in principal to raised tables but it should be noted that this will require further detail design under the relevant highways approval processes.
- 11.6 The use of drop-in applications is not unusual for large developments such as BXC. The drop-in application for highways and public realm has been considered in the context of the amendments being made through s96A application 18/6469/NMA and has demonstrated that: (1) the proposed designs for the highways and public realm are sufficiently compatible with the overarching masterplan for BXC; (2) the proposals would be in sufficient conformity with the S73 Parameters and would not impinge upon or prejudice the delivery of comprehensive development of BXC regeneration scheme; and (3) would not give rise to any significant environmental impacts when considered against the Environmental Impact Assessment carried out at the outline planning stage, and as updated accordingly through subsequent applications. It is considered that the proposed development would not prejudice the delivery of the wider BXC regeneration scheme and therefore would continue to satisfy the requirements for the comprehensive redevelopment of the regeneration area in accordance with saved Policy C1 of the UDP and Policy CS2 of the Core Strategy DPD.
- 11.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the LPA as set out in this report. The assessment has considered the key material considerations relating to the principle of the proposed development, local character and amenity, highways and transport impacts, biodiversity (including trees), flooding and drainage, contaminated land, and sustainable design and climate change. In summary, the proposed development is considered to be generally acceptable in regard to all of these considerations subject to the imposition of various conditions on any planning permission granted in order to secure the implementation of appropriate mitigation.
- 11.8 It is concluded that the proposed development accords with the relevant development plan policies. It is therefore considered that there are material

planning considerations which justify the grant of planning permission. Accordingly, the application is recommended for **APPROVAL** subject to conditions as set out in Appendix 1 of this report.

