

LOCATION: Brent Cross Regeneration Area

REFERENCE: 15/05040/CON **Received:** 01 June, 2015
Accepted: 01 June, 2015

WARD: Childs Hill, Golders **Expiry:** 27 July, 2015
Green, West Hendon

APPLICANT: Brent Cross Development Partners

PROPOSAL: Submission under conditions 2.4 and 2.5 for revision of the Development Specification and Framework and Design and Access Statement attached to Section 73 permission reference F/04687/13 for the Comprehensive mixed-use redevelopment of the BXC Regeneration Area. Changes relate to the provision of Phase 1A (North) Infrastructure and Central Brent Riverside Park (Reach 2) Open Space, Landscaping, Access and Bio-diversity proposals together with minor consequential changes to the section 73 permission.

RECOMMENDATION

This application is recommended for **APPROVAL**.

1. APPLICATION SUMMARY

An application has been made under Conditions 2.4 and 2.5 to vary the Revised Development Specification and Framework (RDSF), including the Parameter Plans and Revised Design and Access Statement (RDAS) as approved under Section 73 application F/04687/13 ("2014 S73 Consent). The minor changes to the aforementioned documents are consequential modifications brought about through development design changes to the Phase 1A (North) RMAs, specifically, but not exclusively in relation to the provision of site wide Infrastructure (reference 15/03315/RMA) and the provision of open space, landscaping, access arrangements, biodiversity and design of the Central Brent Riverside Park (reference 15/03312/RMA).

In addition to the changes to the current RMAs before Members at this Committee the application under Conditions 2.4 and 2.5 seeks to make minor variations to the 2014 S73 Consent which relate to the suite of Phase 1A (North) RMAs.

Justification for the proposed modifications has been established under assessment of the two Reserved Matters Applications against the Development Plan and in respect of their likely environmental impacts under the EIA Regulations. The modifications have also been assessed in relation to the 2014 S73 Consent and its attendant supporting documents and are found to be satisfactory.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

2.1 Site Description and Surroundings

The 151 hectare application site is defined to the west by the Edgware Road (A5) and the Midland Mainline railway line and to the east by the A41 and is bisected east to west by the A406 North Circular Road. It is adjacent to Junction 1 of the M1 (Staples Corner) and includes the existing Brent Cross Shopping Centre and Bus Station to the north of the A406. The River Brent runs east to west through the northern development area through a concrete lined channel.

To the south of the North Circular Road the area contains the Brent South Shopping Park, existing Tesco store and Toys 'R' Us store, the Whitefield estate (approximately 220 units), Whitefield Secondary School, Mapledown Special School and Claremont Primary School, Hendon Leisure Centre, Brent Cross London Underground Station to the east; Clarefield and Claremont Parks and Clitterhouse Playing Fields (Metropolitan Open Land), the Hendon Waste Transfer Station, Claremont Way Industrial Estate and Cricklewood Railway Station to the far south.

The application site can be described as under-utilised urban development

land and the regeneration proposals will see significant investment and development throughout the development site with improved infrastructure and enhanced open spaces and biodiversity. The Infrastructure RMA that this application primarily relates to is site wide whereas the Riverside Park RMA relates solely to Central Reach 2 of the diverted River Brent corridor. Previous Phase 1A (North) RMAs in relation to Clitterhouse Playing Fields and Development Plots 53 and 54 were approved by Members in May and June 2015.

2.2 Proposals

The 2014 S73 Consent is supported by a suite of documents which together provide the parameters, principles and controlling framework to facilitate delivery of the Brent Cross Cricklewood Regeneration Scheme. The 2014 S73 Consent is also subject to a S106 Agreement which, along with relevant Planning Conditions, provides a further layer of control for the implementation of the development.

Condition 1.16 of the 2014 S73 Consent requires all RMAs to be in accordance with the parameters and principles contained in the RDSF, the RDAS and Revised Design Guidelines (RDG). It was however recognised in the permission that as detailed designs are developed in the form of RMAs it may be necessary to make minor revisions to these documents, subject to obtaining approval from the local planning authority

Conditions 2.4 and 2.5 of the 2014 S73 Consent are therefore structured to specifically enable changes to the RDSF, RDAS and RDG subject to confirmation that the proposed amendments will not give rise to significant adverse environmental effects.

The current RMA submissions have been subject to a lengthy process of consultation and engagement with the local planning authority and statutory consultees to ensure that the evolving design is in accordance with the overarching aims and vision of the Development Plan, the 2014 S 73 Consent and its associated supporting documents, and that it is to all intents and purposes acceptable in its form. The development must also demonstrate that the evolving design has been assessed in terms of its environmental impact and that any changes have been assessed against the original Environmental Impact Assessment to ensure that changes are captured and assessed accordingly.

2.3 Revisions under Condition 2.4

RDSF Parameter Plan 002: Transport Infrastructure and Parameter Plan 003: Public Realm and Urban Structure

The 2014 S73 Consent Parameter Plan 002 states that Primary Routes are to provide a maximum building line to building line width of 28m and a minimum

of 13m, of which pedestrian footways will be a minimum of 3m wide. The supporting text to Parameter Plan 003 states that main connections will have a minimum width of 10m between buildings.

This approach assumed that in all instances buildings would immediately frame Primary Routes. However, as a result of the detailed design process, it is clear that in certain locations building will not always frame these routes. For example, the location of the Living Bridge southern approach buildings do not frame both sides of Claremont Avenue and, as a result, the width of road exceeds the maximum building line to building line threshold.

In order to address this issue it is considered that it would be more appropriate to measure the width of the proposed route from back of pavement to back of pavement as the main purpose of the control is to ensure the route (including road, pedestrian and cycle facilities) is of sufficient width, rather than control the location of buildings, which is managed by other parameters.

The RDSF also states that along Primary Routes pedestrian footways will be a minimum of 3m wide. Claremont Avenue for example provides a pedestrian footway of between 4m and 2.5m which in places is less than the minimum width. However, the proposed width of 2.5m is considered to be acceptable given that it can accommodate pedestrian flows in excess of those likely to be observed along the route. In addition, Tempelhof Avenue typically has a 4.5m segregated footway/cycleway and a 2.5m pedestrian footway. The width of the pedestrian footway is below the minimum parameter, although the proposed width of 2.5m is considered to be an acceptable width given that it would be able to accommodate pedestrian flows.

In all cases it is considered that the extent to which the various routes deviate from the approved parameters can be justified. Consequently, it is proposed to amend the wording of paragraph 5 of the supporting text to Parameter Plan 002 as follows (deleted text struck through and revised text in bold underlined):

*“Main roads will have a maximum building line to building line **back of pavement to back of pavement** width of 28m **(aside from Tempelhof Avenue which is to have a maximum width of 34m and Claremont Avenue which is to have a maximum width of 31m)** and a minimum of 13m, of which pedestrian footways will be a minimum of **2.5m** ~~(2-3m)~~ **(apart from Tempelhof Link Road which is to have a minimum pedestrian width of 2m)**”*

Note that Tempelhof Link Road has an existing approved footway width of 2m in the Section 73 Consent.

Bridge Structure B1

Proposed bridge structure B1 provides a link over the A406 North Circular to connect Market Quarter and Brent Cross East and West Zones and is the

western most bridge that crosses the riverside park and western leg of the western roundabout. Paragraph 4.6 of the approved RDSF identifies the principal characteristics for the detailed design of the bridge to include 'intermediate piers, none of which will be located between individual lanes of the A406.' Four piers were proposed in the 2014 S73 Consent drawings.

Following the design review of the bridge in discussion with LBB it is now proposed to provide 3 piers with a pier being removed at Tilling Road. The southern abutment has consequently been brought further north reducing the span between Pier 3 and the southern abutment. As a result it is proposed to amend paragraph 4.6 of the RDSF to read as follows:

'...3 or 4 intermediate piers, as shown in Approval in Principles plans and none of which will be located between individual lanes of the A406, as shown on the Approval in Principle plans.'

River Brent Bridges, Access Ramps and Lift Access

The S73 Consent provides consent for up to 4 vehicular bridges across the central section of the River Brent, and pedestrian and cyclist only bridges across the western section in addition to the vehicular bridge structures which form part of the eastern and western internal roundabout. The general locations of these bridges are shown on Parameter Plan 011. The Living Bridge is also included as a pedestrian/cycle route.

Paragraph 4.23 of the RDSF identifies that the pedestrian/cyclist bridges will have length, width and height thresholds of 15 - 30m, 4 - 8m and 600mm – 2,000mm (above the 100 yr plus climate change water level) respectively, and that the vehicular bridges will have length, width and height thresholds of 20 - 48m, 8 - 26m and 600mm – 1200mm (above the 100 yr plus climate change water level) respectively.

As a result of design development it has been identified that it will be necessary to build the vehicular and pedestrian/cyclist bridges to a height which marginally exceeds the limits defined in the 2014 S73 Consent. The reduction in the width of the river corridor (to accommodate LBB's requirement for an increase in the size of Prince Charles Drive to address Highway safety concerns) has also reduced the length of a number of the bridges slightly beneath the defined minimum length threshold. Although the widths of the bridges are compliant over the centre of the river, so as to ensure that the bell mouths of the bridges are also within the thresholds it is proposed to make minor amends to the length, width and height parameters of the pedestrian/cycle bridges and the vehicular bridges respectively, as follows;

- 15 - 30m, 4 - 8m and 600mm – **2,600mm** (above the 100 yr plus climate change water level); and

- **16** - 48m, 8 - **39m** and 600mm – **3,600mm** (above the 100 yr plus climate change water level).

Parameter Plan 011 also identifies the proposed approximate crossing point levels for bridges 2 and 8 (the eastern most bridge on the western and eastern roundabouts). Through the design review process it has been established that the bridge crossing levels do not fully comply with the approximate figures identified on the plan. To address this, the following minor amendments to change the levels are proposed:

- Bridge 2 – change from 42.5m to **43.6m**;
- Bridge 8 – change from 43.0m to **44.10m**.

Parameter Plan 011, paragraph 4.25, identifies principles which apply to the access ramps to the River Brent bed including:

- width of 4m clearance i.e. allowing for lockable infill panel gate at top of ramp with 4 metres internal clearance; and
- Minimum height clearance 4m.

Through the design development process it has been agreed with the Environment Agency (EA) that owing to the constraints of the river channel, the width of the access ramp clearance can be reduced to **3.5m**. In addition, as agreed with the EA, the height clearance has been amended to provide for a clearance of between **3.1m and 4.4m**.

Officers have also engaged with the applicants to ensure that inclusive access opportunities to the riverside walkway can be maximised. The provision of the ramped access alone was deemed to be insufficient provision given its location some distance from the Living Bridge and Bus Station indicative access points to the walkway. The applicants have therefore agreed that a lift will be provided in the River Brent Central zone (Reach 2) to allow access between the lower level riverside walkway and the lower ground level (bus station level). The annotation on Parameter Plan 011, specifically River Re-alignment Plan 1, has therefore been modified to reflect the lift provision and now reads:

*‘vertical connection between **lower level riverside walkway**, lower ground level and upper ground level.’*

In order to address the above points consequential amendments are made to paragraphs 4.23 and 4.25 of the RDSF.

Brent Riverside Park and Nature Parks

The detailed design process for the road infrastructure has resulted in a roadway being driven through the western internal roundabout to the replacement A406 Templehof Bridge. This roadway is to be delivered as an

embankment structure and cuts through an area defined in the 2014 S73 Consent as Nature Park NP5 as defined on Parameter Plan 003. In order for the proposed section of road to be accommodated it is necessary to reduce the area of NP5 from 0.2ha to 0.13ha. This is addressed in the Central Brent Riverside Park RMA report (15/03315/RMA) also before the Members at this committee.

In order to compensate for the loss of 0.07ha from Nature Park NP5 it is proposed to increase the area of Nature Park NP4, which is within the western section of the River Brent Corridor, from 0.2ha to 0.27ha. In addition to this minor amendment, as a result of the widening of Prince Charles Drive, the river corridor within the central section (Reach 2) has been slightly reduced in size by 0.1ha. This reduction is compensated via a financial contribution of £200,000 which has been agreed with the Environment Agency and is discussed in more detail in the Central Brent Riverside Park RMA report (reference 15/03315/RMA) also before the Members at this committee.

The total area of the Brent Riverside Park has therefore reduced from 3.1ha to 3.07ha when the increased area of NP4 is factored in.

In light of the above changes it is proposed that Table 5, within page 43 of the RDSF, as well as Table 4 in Appendix 2 will be amended to reflect these changes. In addition, Nature Park NP5 was previously omitted from Table 4 and this omission has been rectified through this submission.

The updated tables are included at Appendix 2 of this committee report.

2.4 Revisions under Condition 2.5

As described above, the size of Nature Park NP5 is to be reduced and Nature Park NP4 increased to ensure there is no net loss as a result of the design changes to the highway layout. Consequential changes are therefore required to be made to Section A2.6 of the RDAS, which is concerned with Landscape and Public Realm. Paragraph A2.6.2 identifies the Open Space Hierarchy and currently refers to Nature Parks ranging in size from 0.2-0.5ha. This is to be updated to read as 0.1-0.5ha to reflect the aforementioned proposals.

2.5 Minor Consequential Changes

As a result of the ongoing development design process, the following minor updates and revisions are proposed:

- Minor updates to the quantum of existing open space at Clitterhouse Playing Fields and the Whitefield Estate following the discharge of Condition 2.3 (Ref No: 14/07888/CON) are required;
- Update reference to Highway Plan revision number P/D111870/H/100/1007 from Rev C to Rev F regarding the A406

Ingress/Egress Junction (as related to the current Section 96a application Ref No: 15/01038/NMA);

- Updates to the revision numbers of Parameter Plans 006, 011, 012, 014 and 016 (as related to the current Section 96a application Ref No: 15/01038/NMA); and
- Minor updates to the replacement units within the Whitefield Residential Estate to reflect the Reserved Matters Approval Ref No: 15/00720/RMA and the current application under Condition 1.10 (Ref No: 15/01038/NMA) regarding the residential relocation Strategy.

3. MATERIAL CONSIDERATIONS

Consideration of applications under Conditions 2.4 and 2.5 for variations to the RDSF or the RDAS need to also consider the likelihood of such changes having a material impact on the findings of the October 2013 Section 73 ES submitted with Section 73 application F/04687/13.

The applicants have considered the changes proposed in the current application against the terms and content of the approved Environmental Statement as well as the subsequent Environmental Statement: Further Information Report (ES FIR) that was submitted to assess design detail within all the Phase 1A (North) Reserved Matters Applications. Additional revisions have been made to the ES FIR to reflect matters raised by officers and statutory consultees in relation to the RMA proposals. The applicants have concluded that the RMAs do not have any new or additional significant adverse impact beyond those previously assessed in the original 2014 S73 permission Environmental Statement.

The changes proposed in the current application under Conditions 2.4 and 2.5 have similarly been assessed against the previous Environmental Statement and found not to incur any additional impacts.

There is one exception to the foregoing statement and that relates to the loss of biodiversity habitat in Nature Park 5 and the overall reduction in the area of Riverside Park. With regard to the impact of the design changes to NP 5 the applicants have determined that the marginal loss of biodiversity land can be mitigated through a like for like increase in the area of Nature Park 4 which is located within Brent Riverside Park to the west. This is addressed in the Central Brent Riverside Park RMA and this report.

In addition, the reduction in available open space and marginal wetland biodiversity associated with the diverted River Brent has led to the applicants agreeing with the Environment Agency compensatory payment of £200,000 which will be utilised by the EA to improve biodiversity out with the BXC application site but still within the Borough of Barnet.

Officers accept that the modifications discussed within this Report will not result in any significant environmental effects not previously identified in the 2014 S73 Consent nor would the changes materially affect the outcome of the assessments or mitigation measures presented in the Section 73 ES. The modifications have also been considered within the scope of the Phase 1A (North) RMA ES Further Information Report.

In accordance with Reg 3 (4) and Reg 8 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, it is considered that under this submission there are no additional or different likely significant environmental effects than those that have been considered in the environmental information already before the Council (the Environmental Statement (ES) (BXC02) submitted with the Section 73 application (F/04687/13) and any further and/or other information previously and subsequently submitted.

4. CONCLUSION

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

The changes proposed result from extended pre and post submission engagement between the Council, statutory consultees and the developer in order to secure the best design solutions to the proposed infrastructure and design of the Central Brent Riverside Park. The changes ensure that access is more inclusive in relation to the Riverside Park.

The proposed changes are therefore recommended for approval in line with the recommendation for approval of the Reserved Matters Applications relating to Infrastructure, 15/03315/RMA, and Central Brent Riverside Park, 15/03312/RMA.