

LOCATION: Central Brent Riverside Park, Brent Cross Cricklewood, London, NW2

REFERENCE: 15/03315/RMA **Received:** 29 May, 2015
Accepted: 2 June, 2015

WARD: Golders Green **Expiry:** 24 July, 2015

APPLICANT: Brent Cross Development Partners

PROPOSAL: Reserved Matters application within Phase 1A (North) of the Brent Cross Cricklewood Regeneration area, submitted pursuant to conditions 1.2.1A, and 2.1 and for the part discharge of condition 13.1 of Planning Permission F/04687/13 dated 23 July 2014 for the comprehensive mixed use redevelopment of Brent Cross Cricklewood, relating to Layout, Scale, Appearance, Access and Landscaping for the Open Space of the Central Brent Riverside Park. Application is accompanied by an Environmental Statement Further Information Report.

RECOMMENDATION

Resolution to approve subject to:

Part 1:

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

- 1) Amendment to introductory text to Schedule 1 to allow the minor amendment of defined terms in Schedule 1 of the S106 agreement to be agreed in writing between the Brent Cross Partners, CRL, the LPA and / or TFL where applicable;
- 2) Amendment to Definitions to accord with submissions against agreed definition changes under section 96A applications and changes resulting from conditions 2.4 and 2.5 and in accordance with approvals of Phase 1A (North) Reserved Matters Applications; and
- 3) A contribution of £200,000 (Index Linked) for naturalisation works to an area of Mutton Brook upstream of the application site to compensate for the loss of 1217m² to The Brent River Corridor.

Part 2:

That upon completion of the Deed of Variation specified in Part 1 of the recommendation above, the Assistant Director of Development Management and Building Control approve reserved matters application reference

15/03312/RMA under delegated powers subject to the conditions set out in Appendix 1 to this report and any changes to their wording and or deleting and or adding conditions as considered necessary by the Assistant Director for Development Management and Building Control.

1. APPLICATION SUMMARY

The proposal is a reserved matters application for the provision of enhanced open space and biodiversity associated with the Central Brent Riverside Park that will form the setting of the proposed diverted River Brent and the Brent Cross Shopping Centre.

The provision of enhanced open spaces is a matter reserved for further approval under the 2014 Section 73 outline planning permission (the '2014 S73 Consent') for the Brent Cross Cricklewood Regeneration Scheme, granted in July 2014. The proposed enhancements associated with the diverted River Brent will be provided in three distinct phases. The current phase within this RMA relates to the Central Brent reach of the river, 'Reach 2'. Details of the adjoining Reaches 1 and 3 will be subject to a future Phase RMA.

The central reach of the riverside park will be provided as part of Phase 1A (North). The provision of landscaping and biodiversity details under this phase is appropriate given the close linkage between the diversion of the River Brent, the provision of new highways infrastructure and the desire to provide a completed scheme to complement these works. The infrastructure requirements of the river diversion, a realigned Prince Charles Drive and the provision of the 'Living Bridge' have to be provided prior to the completion of the proposed landscaping, public access and ecology enhancements proposed within Riverside Park. The infrastructure works will be delivered under the separate reserved matters application reference 15/03312/RMA which is also reported to this Committee.

The open space RMA application includes indicative landscaping details for Reaches 1 and 3 that adjoin the planning application site. The submission of these indicative landscaping proposals demonstrates the wider landscape context of Riverside Park and how Reach 2 will sit within this context. The landscaping details for the adjoining Reaches are however indicative only and cannot be approved with this current application. Full details of the remainder of Riverside Park outwith Reach 2 will be delivered in subsequent phased RMAs.

The Riverside Park will form a new east-west cycle and pedestrian route creating new links to existing and proposed residential areas as well as providing an enhanced amenity space for visitors to the extended Brent Cross Shopping Centre. Riverside Park, once completed will also connect into the proposed sequence of open spaces lining different green spaces throughout

Brent Cross, primarily by way of access to/from the Living Bridge which connects south via Market Square to Clitterhouse Playing Fields and Claremont Park.

The application was submitted in June 2015 and is one of a suite of applications for Phase 1A (North) of the Brent Cross Cricklewood Regeneration Scheme. Four separate RMAs have been submitted covering the following matters:

- Development Plots 53 and 54, Brent Terrace, (reserved matters granted 9th June, 2015);
- Clitterhouse Playing Fields and Claremont Park Opens Spaces (reserved matters consent granted 10th July, 2015);
- Central Brent Riverside Park Open Space (submitted June 2015); and
- Infrastructure (submitted June 2015 and also before Members at this Committee).

Planning permission was granted by the Council on 9th June 2015 for Plots 53 and 54 for the redevelopment of Brent Terrace to provide housing under application reference 15/00720/RMA and similarly, planning permission has been granted for the provision of enhanced open spaces at Clitterhouse Playing Fields and Claremont Park under application reference 15/00769/RMA on the 25th June, 2015. The current application was submitted along with a reserved matters application relating to the proposed Infrastructure, which includes the provision of the Living Bridge and the diverted River Brent, the principal highways' infrastructure works and the provision of a temporary bus station.

The principle works in the RMA before Members comprise the provision of a combined Environment Agency maintenance access, footpath and cyclepath access along the diverted river corridor, detailed landscaping proposals and ecology and habitat improvements.

A separate application, which is also in front of Members at this Committee, has been made against conditions 2.4 and 2.5 of the Section 73 Consent (F/04687/13) to make changes to the content of the approved DSF, DAS and DG and Parameter Plan 011: River Brent. The changes sought under application reference 15/05040/CON primarily relate to the Infrastructure requirements however the following matters specifically fall under the Central Brent Riverside Park proposals:

- Reduction in the proposed area of Riverside Park from 3.1ha to 3.07ha due to an increase in the width of Prince Charles Drive and reduction in the width of Reach 2, with a marginal reduction within Reach 1;
- Reduction in the proposed area of Nature Park 5 adjacent to the Riverside Park from 0.2ha to 0.13ha to accommodate a change in design of the western roundabout to include a signalised roadway through the centre. The associated embankment structure cuts

through the area defined as Nature Park NP5 as shown on Parameter Plan 003; and

- In order to compensate for the loss of 0.07ha from NP5 it is proposed to increase the area of Nature Park NP4 within the western section of the River Brent from 0.2ha to 0.27ha.
- Change in the size definition of Nature Parks within the Open Space Hierarchy from 0.2-0.5ha to 0.1-0.5ha to reflect these proposals.

The applicants have engaged with the Environment Agency to agree a financial contribution of £200,000 that will be secured via the section 106 agreement to mitigate for the loss of habitat area within the diverted River Brent channel. This payment will be used towards improving biodiversity and ecology habitats off-site but within the London Borough of Barnet.

The reduction in the area of Nature Park 5 is addressed in the Environmental Statement: Further Information Report that supports the RMAs and which proposes mitigation due to the reduced habitat area by a like for like addition to the extent of Nature Park 4 which is located to the west of the development scheme.

In addition, a separate application has been submitted under s96A in respect of non-material amendments to the Section 73 Consent. The amendments comprise consequential changes to some definitions. The s96A application relates to non-material changes and can be determined under powers delegated to officers.

The application is for approval of detailed matters reserved under the 2014 outline planning permission. The proposals are generally consistent with the earlier planning approval and accord with Development Plan and national planning policy and guidance.

This submission provides details of the layout, scale, appearance, access and landscaping of the proposed enhanced open space. The proposals are in accordance with all the parameters and principles (as may be revised under application 15/05040/CON) relevant to specified open space requirements.

2. BACKGROUND TO THE BRENT CROSS CRICKLEWOOD REGENERATION

2.1 Outline Consent

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

The comprehensive redevelopment of the wider Brent Cross Cricklewood regeneration area was subsequently granted planning permission in outline in 2010 under planning permission C/17559/08 (the 2010 permission). Subsequently, this permission was revised under a Section 73 Planning application (F/04687/13) which was approved on 23 July 2014 (2014 Section 73 Consent') described below:

Section 73 Planning application to develop land without complying with the conditions attached to Planning Permission Ref C/17559/08, granted on 28 October 2010 ('the 2010 Permission'), for development as described below: Comprehensive mixed use redevelopment of the Brent Cross Cricklewood Regeneration Area comprising residential uses (Use Class C2, C3 and student/special needs/sheltered housing), a full range of town centre uses including Use Classes A1 - A5, offices, industrial and other business uses within Use Classes B1 - B8, leisure uses, rail based freight facilities, waste handling facility and treatment technology, petrol filling station, hotel and conference facilities, community, health and education facilities, private hospital, open space and public realm, landscaping and recreation facilities, new rail and bus stations, vehicular and pedestrian bridges, underground and multi-storey parking, works to the River Brent and Clitterhouse Stream and associated infrastructure, demolition and alterations of existing building structures, CHP/CCHP, relocated electricity substation, free standing or building mounted wind turbines, alterations to existing railway including Cricklewood railway track and station and Brent Cross London Underground station, creation of new strategic accesses and internal road layout, at grade or underground conveyor from waste handling facility to CHP/CCHP, infrastructure and associated facilities together with any required temporary works or structures and associated utilities/services required by the Development (Outline Application).

Both the 2010 and 2014 permissions were subject to Environmental Impact Assessment.

2.2 Phasing of the BXC Regeneration Scheme

The 2014 S73 Consent is a multi-phase scheme for delivery over a period of 16 years. The permission proposes the phased delivery of acceptable comprehensive development for the whole site in accordance with the planning policy.

Phase 1 is proposed to be delivered in sub phases which are divided between north and south. This is to reflect the new delivery responsibilities including the Council's intention to procure a new development partner for the area south of the A406. The sub phases are as follows:

- Phase 1A (North) – this includes all the highways infrastructure to support the northern development including the key highways infrastructure to support the Phase 1 South, such as the improvements

to the southern junctions of the A5/A407 Cricklewood Lane and the A407 Cricklewood Lane/Claremont Road Junction improvements. In addition the River Brent re-routeing and Bridge works will be delivered as part of Phase 1A (North), along with the Clitterhouse Playing Fields Part 1 (excluding the Nature Park) and the Claremont Park Improvements. The Living Bridge is included in (and its details will be approved before the commencement of) Phase 1A (North). Under the Revised Section 106 Agreement, its delivery will be triggered by the commencement of Phase 1B (North) and its delivery will be programmed to commence and be completed no later than before the occupation of Phase 1B North plots.

- Phase 1A (South) – A number of highway improvements needed to support Phase 1 of the Southern Development will be provided including the Waste Handling Facility (Diverted Geron Way/A5 junction; Claremont Park Road (Part 1); School Lane Works.
- Phase 1B (North) – This includes all of the plot development on the north side with the exception of the residential development within the Brent Cross West Zone. The sub phase also includes the new bus station, reconfigured shopping centre, Brent Cross Main Square, High Street North and other northern pedestrian routes, as well as the Riverside Park, Sturgess Park Improvements and around 300 housing units. Commencement of this Sub-Phase will trigger the BXP's obligations to deliver the Living Bridge which will link into the buildings and public realm to be provided on the Plots forming part of this Sub-Phase.
- Phase 1B (South) – This includes the Market Square, the Clarefield Park Temporary Replacement Open Space the replacement food store, the Waste Handling facility, the CHP and the new and expanded Claremont School, in addition to more than 1000 residential units.
- Phase 1C – This will include the remaining plot development on the south side.

2.3 Phase 1A (North)

This application is one part of the Phase 1A (North) Reserved Matters applications.

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

Playing Fields Part 1 (excluding the Nature Park) and the Claremont Park Improvements.

The reserved matters for Phase 1A (North) have been broken down into four separate reserved matters submissions due to the size, scale and complexity of this initial sub phase of the Brent Cross Cricklewood Regeneration scheme.

Four Reserved Matters Applications were submitted to London Borough of Barnet for Phase 1A (North) in January, 2015. As a result however of discussions with the Development Partners, it was agreed that the Infrastructure and Central Brent Riverside Park Reserved Matter Applications would be withdrawn prior to registration whilst their design was progressed further. These two RMAs were subsequently submitted together in June 2015.

The reserved matters that make up Phase 1A (North) are shown in the table below:

Table 1.0

No.	Summary Description	Planning Reference	Status
1.	The residential development of Plots 53 and 54.	15/00720/RMA	Approved at Committee on 18 th May, 2015.
2.	The Open Space Improvements of Clitterhouse Playing Fields (Part 1) and Claremont Park	15/00769/RMA	Approved at Committee on 25 th June, 2015.
3.	Open Space proposals for Central Brent Riverside Park	15/03315/RMA	Subject of this application
4.	Infrastructure Proposals including Roads and Junctions, Templehof and Living Bridges and diversion of the River Brent corridor.	15/03312/RMA	Submitted in June 2015 and reported to Members at this Committee.

2.4 Pre-Reserved Matters Conditions

The Section 73 permission for the Brent Cross Regeneration project (the '2014 Section 73 Consent') includes a number of Pre-Reserved Matters conditions intended to establish key principles of the forthcoming development. The majority of these require submission prior to applications for reserved matters being submitted to the Council. Reserved Matters applications are required to accord with commitments and strategies approved under these conditions where relevant.

Appendix 3 of this report shows those Section 73 Consent Pre Reserved Matters Conditions for Phase 1A (North).

3. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSALS

3.1 Site Description and Surroundings

The application site currently comprises car parking and associated urban form related to Brent Cross Shopping Centre. The wider site comprises a mix of different land uses broken up by major road and rail infrastructure. As part of the wider Brent Cross Cricklewood Regeneration proposals (BXC) the River Brent will be diverted from its current channelled/canalised course to create a more naturalised meandering river course. The diverted river runs east to west and will meander towards the realigned Prince Charles Drive and the A406 North Circular Road in order to maximise the developable space to accommodate the extended Brent Cross Shopping Centre before meandering back to its current course to the west and on to Welsh Harp reservoir. The proposed diversion and development works afford an opportunity to create a new riverside park along the course of the diverted river in order to create a significantly enhanced public open space. The riverside park will provide an attractive park environment as an integral element of the wider BXC works and will provide enhanced public amenity space in an area where there is currently little opportunity for public access. The riverside park will provide an improved setting to the Brent Cross Shopping Centre, make provision for recreational park space and enhance local habitat and ecology. The works will improve biodiversity in the area. The works to the River Brent are also designed to contribute to water quality within the River Brent corridor.

The river diversion is defined in three 'reaches'. The current application relates to the central reach and is bookended by an eastern reach and western reach. The eastern reach, Reach 1, extends west from A41 Hendon Way and comprises the land between the existing centre and the North Circular Road. The western reach, Reach 3, takes up the space between the North Circular and existing residential property on Brent Park Road before running under the M1 and into the Site of Special Scientific Interest (SSSI) Welsh Harp Reservoir.

The development includes the provision of a nature park, defined as Nature Park 5 which sits under elevated road infrastructure to the west of the central reach. More specifically, a new Templehof Avenue will connect into a new western roundabout to provide improved vehicular access to the Shopping Centre; Nature Park 5 sits beneath the elevated roundabout structure. An additional nature park, Nature Park 4, is located to the western end of the river diversion within Reach 3. A number of road and pedestrian bridges cross the riverside park and the detail of these are included in the separate RMA, 15/03312/RMA relating to Infrastructure and before Members at this Committee.

The Design Development Report that accompanies the planning application identifies the following general site conditions:

- Limited biodiversity
- Low ecological value
- Limited public access

- Limited amenity value
- Poor landscape character

It is intended that the proposed development will unlock the potential of the River Brent and reveal it as a major asset to the wider mixed use regeneration site, as well as becoming an enhanced asset for the public and the environment, by creating a park with:

- Improved water quality and reduced flood risk
- Significant biodiversity value and ecological habitats
- Positive amenity value as a riverside park and key cycle / pedestrian route for existing residents as well as visitors to Brent Cross Shopping Centre

3.2 Description of the Proposals

The context of the proposals contained within this RMA need first of all to be clarified.

With the granting of the 2014 S73 Consent in July 2014 the development proposals for Brent Cross Cricklewood (BXC) will be brought forward in a number of different phases over a number of years. Phase 1A(North) is the first phase of development to be progressed and it is an essentially infrastructure orientated phase that once implemented will allow subsequent phases to be brought forward.

As explained at section 3.3 and table 1.0 above, Phase 1A(N) comprises four separate RMAs covering infrastructure, enhanced open spaces provision, the delivery of residential development plots and the provision of the River Brent Riverside Park.

The Infrastructure RMA (reference 15/03312/RMA) provides details of the proposed roads infrastructure, the provision of new bridges including the river bridges and the Living Bridge that will connect the southern development zone into Brent Cross Centre and the diversion of the River Brent.

The application which is the subject of this report relates to the Central Brent Riverside Park RMA which provides details of the proposed landscaping and ecological enhancements for the Central section of the proposed Riverside Park, including public access and maintenance access provision.

The current RMA covered by this report is restricted to the central Reach (Reach 2) of the proposed River Brent diversion works as this area is directly related to the provision of the infrastructure works proposed in the Infrastructure RMA and will ensure that the works are provided in a coherent and joined-up manner. Whilst the Infrastructure RMA (15/03312/RMA also before Members at this Committee) seeks planning permission for the details of the full diversion works of the River Brent, the current open space

application seeks detailed planning permission for the associated Riverside Park only in so far as it relates to the Central Brent Riverside Park (Reach 2) of the diverted river. The details of the Eastern Brent Riverside Park (Reach 1) and Western Brent Riverside Park (Reach 3) are to be submitted for approval through the Phase 1B North RMA with the river diversion infrastructure works are therefore considered in the Infrastructure RMA.

It will be noted that the landscaping and access proposals contained in the current RMA cannot proceed in isolation from the infrastructure works and both applications must therefore be considered together.

In order to enable an understanding of the development proposals in their wider context and to understand how the open space proposals for Central Brent Riverside Park will sit within the context of similar development on either side of the central reach, details of the proposed landscaping, access and open space provision proposals for the full extent of the River Brent diversion area and details of the whole extent of the Riverside Park have been provided. The details which are outside of the central reach are however illustrative and have been submitted for information purposes only and, whilst some detail has been presented, this are regarded as illustrative material to enable assessment of the current proposals and to ensure that the Central Brent Riverside Park is not considered in total isolation. The illustrative material however is not for discussion under the current reserved matters application.

The reserved matters submission under consideration in this report therefore provides details of site layout, scale, appearance, access and landscaping in relation to the central reach of the proposed Riverside Park or more specifically, Central Brent Riverside Park, (Reach 2).

The main elements of the development proposal are:

- Landscaping and open space proposals for Central Brent Riverside Park (Reach 2);
- Bench seating on river terrace set at even intervals throughout;
- The provision of a naturalised meandering River Brent (in respect of landscaping and ecology enhancements)
- Provision of a naturalised riparian environment;
- Enhanced habitat for local flora and fauna;
- Environment Agency maintenance access;
- Inclusive access via steps and a ramp;
- The provision of a lift to connect the riverside park to the Living Bridge and Bus Station levels
- Footpath and cyclepath access, and
- Provision of Nature Park 5.

The application consequently is supported by the following documents:

- Application Covering Letter;
- Explanatory Report (June 2015);
- Environmental Statement – Further Information Report (revised and updated, dated May 2015);
- Central Brent Riverside Park Design Development Report;
- Application Detailed Plans;
- Sustainability and Energy Statement (revised May 2015)
- Statement of Community Involvement;
- Illustrative Reconciliation Plan; and
- Reserved Matters Transport Report

3.3 Relationship to Other Phase 1AN RMAs

As stated above the delivery of the open space and biodiversity proposals within this RMA are inextricably linked with the Infrastructure RMA which is also reported to members at this Committee.

The Infrastructure RMA provides the framework for the open space RMA, including setting down the route of the diverted River Brent and surrounding highway network. The proposed infrastructure comprises the upgraded highway framework that will improve access to and around Brent Cross Shopping Centre. The Brent Cross regeneration project will see the delivery of a new town centre at Brent Cross and the delivery of the necessary infrastructure in Phase 1 will consequently enable the different development elements to be brought forward.

The elements of critical infrastructure delivered in Phase 1AN include the diversion of the River Brent, the realignment of Prince Charles Drive to follow the course of the diverted river and the provision of new bridges including vehicular and pedestrian river bridges spanning the diverted River Brent and a 'Living Bridge' which will provide connectivity for pedestrians and cyclists through a series of public spaces that will link the southern development to the Shopping Centre. This broad sweep of public realm will frame the entrance leading towards the new extended shopping centre. In addition the improved road network will see a number of new road bridges crossing the diverted river corridor to provide access into the Shopping Centre and the new Bus Station. A number of pedestrian bridges are also proposed to cross the river corridor to provide connectivity.

The open space and biodiversity works contained within the current RMA is restricted to the extent of Central Brent Riverside Park, or Reach 2; the adjoining Reaches 1 and 3 will complete the open space and biodiversity provision within the new Riverside Park with the detail of these Reaches to be provided within the Phase 1B North RMA.

An inclusive access strategy has been approved for the whole of Phase 1AN including the current RMA. In the current application, access to the Riverside

Park accommodates a maintenance route for the Environment Agency as well as pedestrians and cyclists. Inclusive access is provided by way of ramped access and a proposed lift (the details of which are to come forward via a condition) in a proposed zone to the west of the Living Bridge.

Additional works proposed through the Infrastructure that will impact on the current RMA include a number of road bridges, primarily those related to the western and eastern roundabouts which provide entry to the Shopping Centre, including the Bus Station, at an elevated level. Additional road bridges provide access to different basement areas within the shopping centre. The Living Bridge, as noted above, provides a direct connection to the southern development area, including Clitterhouse Playing Fields and Claremont Park. All the bridges that cross the river corridor impact on the amenity and biodiversity that will be available within the riverside park. Where bridges cross the park and river there will be impacts caused by shadow that will affect the type of flora and fauna that can be introduced. The bridges will in addition restrict headroom to park visitors. The park layout, in relation to bridge headroom and the biodiversity strategy has therefore been critically designed by the applicants in discussion with relevant consultees to ensure that these matters are adequately addressed.

The Infrastructure RMA also includes the provision of an acoustic barrier between the A406 North Circular and Riverside Park. Full details of the acoustic barrier are not provided in this RMA however the location and scale of acoustic barrier that will be required has been assessed in the Environmental Statement Further Information Report that supports the current RMAs. Without the acoustic barrier the amenity of park users would be adversely impacted by traffic noise from the A406. Full design details of the barrier are reserved for the further assessment of the planning authority by way of a planning condition (Condition 29.10 attached to the 2014 S73 Consent).

The Infrastructure RMA includes a Temporary Bus Station strategy which will see a temporary bus station being provided to the west of the Shopping Centre. In time, the new Bus Station will be provided one level up from and to the north of the Riverside Park overlooking the eastern section of Reach 2. Road bridges will connect across the park and river corridor to provide access and egress to the new permanent Bus Station. The detailed design and location of the permanent bus station will be submitted in a future phase RMA.

4. MATERIAL CONSIDERATIONS

4.1 Key Relevant Planning Policy

In this case, the Development Plan comprises the London Plan (Consolidated with Further Alterations since 2011) (March 2015) at the strategic level and, at the local level, Barnet's Local Plan (Core Strategy (2012)) and the Saved UDP Policies GCRICK and C1-C11, which apply to the application site and

are supplemented by the Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework (2005).

The Council's Development Management Policies DPD (2012) states at paragraph 1.4.3 that it will not apply to planning applications for comprehensive development in the Brent Cross unless and until the Core Strategy is reviewed in accordance with Policy CS2 and Section 20:13 of the Core Strategy.

Detailed consideration of the application against key London Plan and London Borough of Barnet policies can be found in **Appendix 2**. Suffice to state here that the application is considered to be in accordance with Policy. The application is for matters reserved following the grant of the outline planning permission under the 2014 permission and as such the policy considerations have previously been considered and have been found to have been met.

National Planning Policy Framework

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

4.2 Assessment Against Outline Consent

The RMA must comply with the approved 2014 permission, or any subsequent variation to that permission. The 2014 planning permission includes revisions to the 2010 permission including revised parameter plans, a revised Development Specification and Framework (DSF), revised Design Guidelines (DG), revised Public Realm and Open Stage Strategy (PROSS) and a revised Design and Access Statement (DAS).

The relevant Parameter Plans approved in the DSF, in relation to Central Brent Riverside Park are 003: Public Realm and Urban Structure and 011: River Brent. The former is development-site wide and shows how the open space provision and the riverside park fits into the wider development, including the relationship of the proposed riverside park with the proposed infrastructure including the diverted River Brent and the relationship with proposed green corridors and cycle and footpath networks.

The approved 2014 Section 73 Consent includes a requirement for open space/habitat provision for the proposed Riverside Park and Nature Park 5 (contained within the wider Riverside Park) of 3.1 ha and 0.2 ha respectively. The current proposals include an overall reduction in the amount of open space to be provided within the River Brent Corridor.

The detailed design process for the road infrastructure in Phase 1A (North) has been ongoing with LBB highways and TfL. As a result of these discussions it is proposed to widen Prince Charles Drive through Reach 2 and it is proposed to run a signalised roadway through the western internal roundabout within Brent Cross East Development Zone which links to the replacement A406 Tempelhof Bridge.

The widening of Prince Charles Drive results in the area for central section of the Brent Riverside Park being reduced by 0.12 ha from 1.01ha to 0.89ha. The area of Nature Park NP5 (which is located within the western roundabout) will reduce from 0.2ha to 0.13ha. However, to compensate for the area lost in Nature Park NP5, it is proposed to increase the area of Nature Park NP4 from 0.2ha to 0.27ha. Overall the reduction in the open space provision within Riverside Park is from 3.1ha to 3.07ha when the increased area of NP4 is factored in.

As stated above these reductions are as a result of the detailed design of the road infrastructure which has resulted in the need to widen Prince Charles Drive to ensure it is of sufficient Highways' standard and this has consequently resulted in the reduction in the available width of the Riverside Park and space for biodiversity planting. It is important to note that the width of the walkway and river channel remain unchanged. The reduction in Nature Park 5 is as a result of design changes and the need to include a further lane across the western, Tempelhof Road, roundabout. This requires embankments to support the roadway and which have consequently reduced the size of the Nature Park. A third marginal reduction relates to changes to the eastern roundabout design. The eastern roundabout however is located in Reach 1 and impacts arising from detailed design of the roundabout, in relation to open space and biodiversity within Riverside Park, cannot be approved in this application. The detailed design of the eastern roundabout is however considered within the current Infrastructure RMA.

The Environment Agency ("EA") has stated that the reduction in Riverside Park can be addressed by the provision of compensatory provision, either by way of financial contribution or the provision of open space elsewhere in the area. The EA response relates to the reduction in habitat and biodiversity within Riverside Park and the applicants have engaged with the EA in order to determine the compensation sum to be agreed. This compensation payment will be used to improve biodiversity and ecology habitats outwith the application site but within the Borough and will need to be secured via S106 Agreement. The approach adopted is considered by officers to be a practical approach to addressing the reduction in open space. It is noted that the reduction is to habitat on the south side of the diverted River Brent where there is no public access. A compensatory sum of £200,000 has been agreed between the EA and the applicants.

The reduction in open space within Nature Park 5 is discussed in the Environmental Statement: Further Information Report that accompanies the current RMAs and which concludes that the loss can be mitigated by a like for

like expansion in Nature Park 4 (increasing from 0.2ha to 0.27ha) which is located outwith the current RMA in the west of the wider Brent Cross scheme, the details of which are to be submitted under Phase 1B North RMA. The Developers have therefore confirmed that the reduction in the area of Nature Park 5 will be compensated by a corresponding increase in Nature Park 4. This is also captured in the accompanying application under condition 2.4 and 2.5 which will update Parameter Plan 003 and associated Table 4. .

A contribution of £200,000 has also been agreed towards improvements in biodiversity and ecology habitats off-site within the borough. This will need to be secured via a deed of variation to the section 106 agreement attached to the S73 Consent. In combination, these measures are considered sufficient to mitigate and compensate for the reductions in area within the Riverside Park and Nature Park 5. The Environment Agency have agreed to this package of measures and do not object to the application.

The proposed development is, subject to the changes proposed under the application under Conditions 2.4 and 2.5 (15/05040/CON) – see section 5.4 below), generally consistent with the requirements of the Section 73 2014 planning permission.

4.3 Public Consultations and Views Expressed

Public Consultation

4,173 local residents were consulted by letter. The application was advertised in the local press on 11th June 2015 and 17 site notices were put up on site on 11th June 2015. The consultation letters allowed a 5 week period to respond. 5 letters of objection were received in response to this consultation. Statutory consultees and other interest groups were also consulted on the application.

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

The consultation process carried out for this application is considered to be appropriate for a development of this nature. The extent of consultation exceeded the requirements of national planning legislation and the Council's own adopted policy.

The S73 Consent includes a requirement under Condition 1.23 for submission of a Public Consultation Strategy This was submitted to the Council and considered under planning reference 14/07891/CON. It was approved on 31 March 2015. Details of the developer's own consultation process are set out in the Statement of Community Involvement submitted with the Phase 1A (North) Reserved Matters Submission and accorded with the requirements of the approved strategy.

Consultation Responses from Statutory Consultees and other interest

groups

Environment Agency:

The Environment Agency have assessed the Central Brent Riverside Park proposals in conjunction with the parallel RMA for Infrastructure and have provided comments that respond jointly to both applications given the interrelationship of the river diversion with the riverside park landscaping. The EA have reviewed both applications from the perspectives of the impacts on the ecological environment, the Water Framework Directive (WFD), flood risk and the risks of surface water pollution. More detail on their comments is provided in Appendix 4.

The EA have confirmed that they do not object to the approval of the Central Brent Riverside Park RMA subject to securing a S106 financial contribution towards procurement of Ecological Environment and Water Framework Directive improvements to a stretch of the Mutton Brook within Barnet; and subject to the imposition of a number of conditions relating to the construction of the river channel, installation of furniture within the riverside park, and construction method statement to demonstrate how pollution to surface water will be prevented. Appropriate conditions and informatives are included in Appendix 1.

Transport for London:

TfL does not object to the approval of the Central Brent Riverside Park RMA subject to the comments and advice provided, summarised in Appendix 4.

London Fire Brigade:

No objection Raised

Highways Agency:

No objection Raised

Brent:

No objection Raised

Thames Water:

No objection Raised

Consultative Access Forum (CAF):

The Consultative Access Forum has assessed the Central Brent Riverside Park proposals in conjunction with the parallel RMA for Infrastructure and have provided comments that respond jointly to both applications given the interrelationship of the river diversion with the riverside park landscaping. The Consultative Access Forum does not object to the approval of the Central Brent Riverside Park RMA and have provided comments regarding inclusive access to the Riverside Park including in relation to the pedestrian/cycle ramp and lift access to the lower level riverside walkway. Their comments are summarised in Appendix 4.

London Borough of Barnet Internal Consultation responses:

Environmental Health:

The EH officers have reviewed the Brent Riverside Park RMA information in conjunction with the details submitted for the Infrastructure RMA and have no objections to the approval of the Central Brent Riverside Park RMA.

Transport and Regeneration:

Transport and Regeneration officers have reviewed the Brent Riverside Park RMA information in conjunction with the details submitted for the Infrastructure RMA. The interfaces between the riverside walkway/cycleway with the proposed road network have been designed in consultation with transport officers. There are no transport objections to the approval of the Central Brent Riverside Park RMA.

4.4 Application under Conditions 2.4 and 2.5 for the variation to the provision of open spaces (ref: 15/05040/CON)

Conditions 2.4 and 2.5 of the 2014 permission allow for amendments to be made to the DSF, DAS and DG where changes brought about, through for example a Reserved Matters Application, necessitate such amendment.

An application has been submitted under condition 2.4 and 2.5 to vary a number of provisions relating to the principal Infrastructure RMA and also to the Central Brent Riverside Park RMA. It is noted in the application that the requirements of Parameter Plan 003 relating to Public Realm and Urban Structure defines in Table 4 the area of Nature Park 5 and the Riverside Park. The marginal reduction in the available area of each is addressed in detail in the current application under 15/05040/CON whereby the area of Nature Park 5 will be reduced from 0.2ha to 0.13ha and where the area of the river corridor is reduced from 3.1ha to 3.07ha. The developers argue that the reduction in Riverside Park arise as a result of the need to widen Prince Charles Drive, to ensure it is of sufficient Highways' standard and as a result of minor changes to the design of the eastern roundabout.

The proposed change in the area of Nature Park 5 is addressed in this separate application by way of consequential changes to the Design and Access Statement changing the size parameters of Nature Parks from 0.2ha – 0.5ha to 0.1ha – 0.5ha. In addition, the spatial extent of the Riverside Park was approved in the Section 73 Consent at 3.1ha. The current application proposes a park at 3.07ha.

It is the applicants' intention that changing the parameters and definitions within the approved planning permission will consequently render the current changes as acceptable as the development is brought back into accordance with the 2014 S73 Consent.

The s73 planning permission is designed in such a manner so as to allow such changes in order to reflect the phased approach to delivery of the wider

development and the likelihood of delivery being impacted by external economic events.

The application, reference 15/05040/CON under Condition 2.4 and 2.5 is also before Members at this Committee for approval. Approval of the application will ensure that the RMA application is consistent with the development's supporting documents. Officers recommend that the Condition 2.4 and 2.5 application reference 15/05040/CON is approved.

It will be noted that the Environment Agency have sought compensation for the loss of open space within the river corridor; this is discussed in more detail in section 5.2 above and will be secured via a deed of variation to the section 106 agreement attached to the 2014 S73 Consent.

5. PLANNING ASSESSMENT

5.1 Assessment Against Parameters of the 2014 Section 73 Consent

The 2014 S73 Consent for Brent Cross Cricklewood is a 'hybrid' permission, in that planning permission has been granted in outline for the majority of the proposed development, whilst detailed permission has been granted in relation to the key gateway access junctions.

Parameters and principles are provided in the approved application documents, in particular within the Revised Development Specification and Framework and the Parameter Plans appended to it, to control the nature and timing of reserved matters applications to accord with the assessments undertaken within the EIA of the likely significant environmental impacts of the Scheme.

The 2014 permission is tied to those key parameters and principles in order to ensure that that proposed development is carried out, used and occupied in accordance with the assumptions which underpin the EIA Process. The current RMAs have been considered under the requirements of the EIA Regulations and it has been agreed that the assessment of the proposals under the Regs can be dealt with by way of an Environmental Statement Further Information Report. The Further Information Report accompanies the Infrastructure and Central Brent Riverside Park RMAs.

The revised Development Specification and Framework (the 'DSF (2013)') sets out the updated physical and other parameters and principles to guide and govern the subsequent design and approval of details in accordance with conditions attached to the 2014 permission. The DSF (2013) identifies aspects of the proposed scheme that fall within the parameters and principles approved under the 2014 permission, and those that do not (the Reserved Matters) which are therefore subject to application to obtain Reserved Matters approval.

The development has been assessed as being generally compliant with the Section 73 planning permission. An assessment against the relevant parameter plans within the Revised Development Specification Framework is provided in **Appendix 5**.

As with other large-scale redevelopment schemes, the need for flexibility was anticipated in framing the 2010 Permission in a way which was specifically designed so as to allow the BXC Development to evolve and respond to market forces and opportunities, as well as to enable improvements to be made to the design and delivery of the development in accordance with relevant development plan policies and other guidance. Conditions 2.4 and 2.5 of the Section 73 Consent therefore allow applications to be submitted to vary the content and development parameters set down in the DSF, DAS and DG documents (see section 5.4).

Once the phase or sub phase condition 2.4/2.5 application is approved, the development proposed in any corresponding RMA will be expected to be in full compliance with the revised s73 planning permission. The current RMA application consequently must be assessed with the changes made under 2.4 and 2.5 in mind.

The RMA must also accord with the planning conditions attached to the Section 73 Consent. The Section 73 Consent contains specific conditions requiring submission of further details pre-commencement or compliance with the terms of the condition.

With this in mind, it will be noted that conditions 44.2 - 44.4 of the Section 73 Consent relate specifically to the diversion of the River Brent and associated works. Condition 44.2 is a pre-commencement condition and states that no development is to take place within Phase 1 or any sub phase or phase unless and until details of the River Brent alteration and diversion works relevant to phase 1 have been submitted and approved; the details are specified in the condition and include for example details of flood storage and a scheme to provide a return overland flood flow route from the flood plain on the North Circular Road to the River Brent.

Condition 44.3 relates to the storage of materials within the River Brent corridor. Condition 44.4 is also a pre-commencement condition and states that no development will begin within Phase 1 (or Sub Phase of Phase 1) or any other Phase unless and until a geomorphological assessment and scheme demonstrating, for that element of the River Brent Alteration and Diversion Works relevant to such Phase, that the realignment of the River Brent is sustainable, shall have been submitted to, and approved in writing by, the LPA.

In addition, Condition 44.5 – 44.9 relate to surface water drainage and 44.5 requires that any Sustainable Urban Drainage System to be submitted for approval in accordance with Condition 1.27 in relation to each Phase or Sub-Phase shall be integral to the site and ensures a commitment to a minimum 25% reduction in surface runoff of current 1 in 100 year flow plus 30% for

climate change through incorporation of SUDS features, such as Green and Brown Roofs, detention basins, gravelled areas, swales, permeable paving and pipe storage. It must be demonstrated that SuDS have been maximised across the site, with justification provided if targets set in the London Plan cannot be met.

Condition 44.10 relates to the Water Framework Directive and states that no development shall begin within any Phase or Sub Phase until a detailed Water Framework Directive Assessment examining the impacts to the watercourses on site and associated mitigation measures has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Matters relating to surface water management and flood risk are addressed below in section 6.8.

It will be noted that the development has been subject to previous Flood Risk Assessment during the 2010 permission and the Section 73 Consent. The separate Infrastructure RMA (15/03312/RMA) includes an addendum to the Section 73 Consent Flood Risk Assessment.

Where these matters have not been fully addressed in the current application then clearly work cannot commence until the planning authority is satisfied that the full requirements of the planning conditions have been met. The Developer's attention is drawn to this requirement. Omission of aspects from the current application that are required under pre-commencement conditions does not in itself prevent determination of the current application.

It is therefore considered that the proposed open space and ecological habitat improvements for Central Brent Riverside Park conform to the Parameter Plans and s73 2014 permission documents, as modified by application under conditions 2.4 and 2.5 (reference 15/05040/CON see Section 5.4 above). In addition, the proposed development will continue to need to comply with all relevant conditions attached to the s73 planning permission.

5.2 Principle of Use

The principle of use has already been established through the granting of the original 2010 outline planning permission and the subsequent Section 73 outline planning permission (F/04687/13) (the 2014 permission or Section 73 Consent). The 2014 permission masterplan was supported by a Revised Development Specification and Framework (RDSF), Revised Design Guidelines (RDG), Revised Public Realm Open Space Strategy (RPROSS) and a Revised Design and Access Statement (RDAS) along with a number of other supporting background documents.

The masterplan includes Parameter Plans 003: Public Realm and Urban Structure and 011: River Brent which are relevant to the development proposals and which identify the significant enhancement to the current River

Brent corridor by way of the river diversion.

Parameter Plan 003 defines the general location of the Riverside Park and establishes the location of Nature Park 5 to the west of the central reach. The provision of a connecting access from the proposed Living Bridge to the river is also shown. In addition, Parameter Plan 011 defines the extent of the three different reaches proposed, the general width of the riverside park, different user group access points and the vertical connection between the Riverside Park and Living Bridge/Bus Station. The location of walkways and crossing points are identified.

The proposed development has been assessed against current development plan policies and has been found to be in accordance with policy.

Worth particular note here is Policy CS 7 of Barnet's Core Strategy (adopted September 2012) which aspires to create a greener Barnet. The policy aims to meet increased demand for open space through:

- Securing improvements to access, children's play and sports facilities.
- Maintaining and improving the greening of the environment through protection of green space, trees, hedgerows and watercourses and enabling green corridors to link green spaces.
- Ensuring development protects existing site ecology and makes the fullest contributions to enhancing biodiversity, both through on-site measures and by contribution to local biodiversity improvements.

In addition, 'saved UDP policy' Policy C4 – Sustainable Design, states that the Council will seek to ensure that the redevelopment of the Regeneration Area pursues the highest standards of environmental design. Development should for example:

- Meet high performance standards for environmentally sustainable design and construction;
- Create an integrated network of open spaces and pedestrian and cycle routes to meet leisure, access, urban design and ecological needs both within the Regeneration Area and through enhanced connections to the surrounding area; and
- Ensure the restoration and enhancement of the River Brent and its corridor in order to provide both amenity and nature conservation to the area; development which would be directly or indirectly detrimental to the nature conservation value of the Brent Reservoir Site of Special Scientific Interest will not be permitted.

The planning history and support in principle for the development proposals is long established. Nevertheless, the current proposals must in the first instance be assessed against the 2014 planning permission documents, including any relevant planning conditions attached to that permission that may impact on or control the proposals.

5.3 Timetable for delivery of different Riverside Park elements

The current RMAs under consideration by Members relate to the Infrastructure proposed under Phase 1A(N) and the open space relative to the central reach of the diverted River Brent. The Infrastructure reserved matters application includes the diversion works for the River Brent, the roads infrastructure and the provision of bridges across the diverted River Brent, including the proposed Living Bridge linking a series of green spaces to the extended Brent Cross Centre. The relationship between the two RMAs is discussed in section 4.3 above.

Whilst the Infrastructure RMA proposes to deliver the full infrastructure requirements pertaining to Phase 1A(N), the Central Brent Riverside Park RMA relates solely to the design details of Reach 2 of the diverted river corridor. The diverted River Brent corridor is divided into three separate reaches with the central reach area being the subject of this application. The information submitted in respect of the adjoining reaches to the west and east provide indicative details only and cannot be approved under this application. They do however demonstrate how the proposed works in Reach 2 will tie into the adjoining river diversion proposals.

The two current RMAs must be determined at the same committee because the open space provisions for the Riverside Park are inextricably linked to the provision of the base infrastructure. Without the infrastructure being confirmed, the open space design cannot be confirmed. In effect, Members are asked to approve the infrastructure in its entirety but approve the open space detail for the central reach of the proposed Riverside Park to the exclusion of the eastern and western reaches.

Members should also note that a number of planning conditions attached to the Section 73 Consent will continue in force and require the submission of further details relating to for example flood prevention and drainage design. These need to be submitted to and approved by the planning authority prior to any work commencing on site and will be considered in subsequent applications.

5.4 Overall Design Principles

In relation to the RMA under consideration at this Committee, there are no buildings proposed. The works comprise the provision of landscaping to accompany the new river corridor, including planting details of the marginal riparian environment, the planting of amenity spaces, the design of retaining walls where required and the design and route of the combined pedestrian, cycle and Environment Agency maintenance route that runs through the riverside park. The Infrastructure RMA (15/03312/RMA) incorporates details of the River Brent diversion alignment, however all other matters relating to Reach 2 or Central Brent Riverside Park are contained in this current application.

Drawings 1065-03-003J, 004J, 005J and 006J provide the General Arrangement drawings for the proposed Central Brent Riverside Park.

Whilst the road and pedestrian bridges, including the proposed Living Bridge, are not included in the current planning application (see 15/03312/RMA for relevant details) these structures will have a considerable impact on the amenity of Riverside Park and the manner in which it can be landscaped. More particularly, the area under the more substantial vehicular bridges is more difficult to landscape and this impacts on the design approach that has been adopted.

Full details and discussion on all the proposed bridges can be found in the separate reserved matters application report for Infrastructure application reference 15/03312/RMA. It is useful to briefly describe the key structures here however in order to understand their influence on design and layout of the current RMA.

It is proposed to replace the existing Tempelhof Avenue Bridge with a new bridge that will improve transport links between the north and south sides of the development. The bridge spans over the:

- A406 North Circular Road and associated slip roads;
- Re-aligned Prince Charles Drive;
- Tilling Road; and
- Re-aligned River Brent.

The design of Templehof Avenue Bridge leads into the western roundabout which has consequently resulted in a reduction in the available open space within Nature Park 5 as discussed elsewhere in this report.

The Living Bridge is the main pedestrian connection route from the southern development area into the shopping centre and the design of the Living Bridge will allow views from that structure over the Riverside Park.

As noted above, the realigned Prince Charles Drive, running parallel to the A406 North Circular, reflects the diversion of the River Brent. The road runs between the A406 and the new river corridor with a number of vehicular bridges crossing the realigned River Brent. There are two bridges associated with the Western Roundabout accessed via Templehof Bridge. There are also two bridges associated with the Eastern Roundabout. Between the two roundabouts there is a series of 4 access bridges (Bridges 3 – 6) that provide vehicular access from Prince Charles Drive to development plots to the north of the diverted river. Bridge 6 to the east gives access direct into the new proposed Bus Station location.

The bridges are presented as a 'family' of bridge structures, comprising curved, simple, elegant structures including steel or aluminium railings.

The initial design of Prince Charles Drive provided for two lanes of traffic with no pedestrian pavement. Through discussion with the applicants the design

has been amended to include sufficient space for pedestrian in the event of a vehicle breakdown. This resulted in an approximate 2.5m increase in the width of the proposed Prince Charles Drive. This also accommodates improved forward sightlines for traffic emerging from the bridge crossings across the River Brent. The result of the increased width in Prince Charles Drive is a reduction in the available width of the proposed Riverside Park within the Reach 2 area as outlined in section 4.4 above. The applicants have engaged with the Environment Agency to ensure that the design and layout of the park and river channel now proposed is acceptable.

The proposed Riverside Park remains in accordance with the 2014 S73 Consent and associated Parameter Plans as adjusted by the corresponding application under conditions 2.4 and 2.5.

A consequence of the reduction however, is to reduce the available planting area available south of the river, between the river and the proposed Prince Charles Drive; this area is not accessible to the public.

There is no pedestrian or cycle access to the south bank of the river within Reach 2, a typical cross section of the river shows that Prince Charles Drive will sit at an elevated level south of the river. An acoustic barrier between the A406 and Prince Charles Drive has been identified as a potential requirement to ensure that the amenity of park users is not significantly adversely impacted by excessive noise.

The available space between the highway infrastructure and the river bed is to be landscaped with a permanent turf reinforcement planted geo-textile mat. No details of the acoustic barrier have been provided with this RMA and this detail is subject to a further planning condition of the s73 Consent (condition 29.10) that must be agreed prior to beginning development on Brent Riverside Park.

The vertical sloping walls of Prince Charles Drive fronting the river incorporate a mix of different methods of 'greening' the vertical walls; these include the use of weldmesh panels with climbing plant species fixed to the retaining wall and the use of 'living willow' panels. The mix of finishes ensures a varied appearance to the vertical walling.

The river corridor comprises marginal planting areas and gabion baskets to define the actual river channel. An area of river gravel, of varying width, separates the marginal planting area from coir rolls which then mark the interface between the marginal planting areas and the river flow.

The north bank of the diverted river is wider and accommodates the footpath/cycle path and EA maintenance track as well as areas of amenity planting. Bench seating areas are provided at locations throughout the riverside park. The amenity grass areas incorporate trees, these will all be located above the 1 in 100 year flood level to ensure they are less likely to suffer from water inundation.

The proposed access route is to be formed in brushed concrete. The 2014 S73 Consent requires that the maintenance route is provided with a 6m wide access track. The proposed route within Reach 2, to connect into the reaches on either side, is a minimum of 6m in width. However in order to create a route of enhanced interest areas of appropriate perennial planting will be allowed to encroach into the path, effectively reducing the width to 4m in places. The effect of the planting is to form a more sinuous meandering and softer green route to reflect the adjoining river channel. The construction of this green edge, employing a 'grasscrete' type construction method, will still enable the EA to use the full 6m width for vehicular traffic. The effective reduction in width has been raised with the Environment Agency however they have not expressed any concerns about the proposal. Officers therefore consider the proposals acceptable.

As noted above, in order to address potential constraints to vegetation growth under the proposed bridges the surface finish tends to a greater use of river gravel and harder surfacing materials compared to less shaded planted areas.

Access to the Park is discussed in more detail in section 6.6 however it can be noted here that the access arrangements within Reach 2 comprise four stepped access points, incorporating cycle ramp channels, one at the east roundabout from the river walkway to the bus station level, one in the vicinity of the Living Bridge where this crosses the diverted river to access the bus station, one towards the western roundabout that would access the high level walkway proposed in a future phase of development and one in the vicinity of the western roundabout that will also access the future high level walkway.

In addition a ramped access is proposed from Tempelhof Avenue to provide access from the river path to the high level walkway. In discussion with the applicants it has been agreed that the developers will provide a lift access to the immediate west of the Living Bridge. Full details of the lift structure and its location will be provided by way of planning conditions. Access will also be available from the east via the A406 underpass.

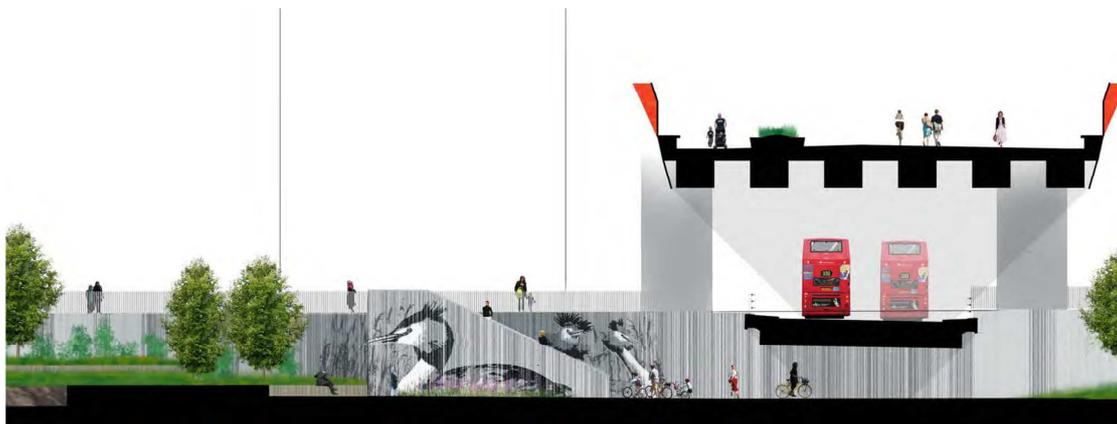
Drawings 1065-03-203F, 204F, 205F, and 206F provide detailed information of the proposed planting regime, including species, numbers, location and size of planting.

Included in the Central Brent Riverside Park RMA is the provision of Nature Park 5 (NP5). NP5 is located to the west of Reach 2 and is located beneath the western roundabout. The road infrastructure sits at a higher level than the nature park and the area within the roundabout is open. The diverted river is allowed to meander into the nature park area by way of a narrow channel. The soft landscaping areas and riverside park areas will be planted in a similar manner to the rest of the riverside park. Given the design of the area, a more substantial wetland area will be created. The area of Nature Park 5 as noted above, has been reduced to reflect the detailed design of the highway infrastructure. There is no public access to Nature Park 5.

Typical cross sections through the riverside park accompany the planning application. These show how the south bank will be formed between the river channel and Prince Charles Drive and define the construction of the river channel, designed below a 1 in 5 year + climate change flood level. To the north of the river channel is the combined access/EA maintenance route and then the north bank. A large extent of the central reach of riverside park will front onto (and sit lower than) the proposed bus station within Brent Cross Centre. The interface between the proposed bus station and the riverside park will be dealt with in a future RMA.

As noted above, a number of bridges are proposed to cross Riverside Park and details of these are provided in the associated Infrastructure RMA 15/03312/RMA. The proposed Living Bridge detail is also provided in 15/03312/RMA and shows that the Living Bridge sits at a higher level than the river crossing bridges. The Living Bridge takes access from Market Square in the south and will link directly into the extended Shopping Centre on the north side. The proposed Bus Station sits at a lower level compared to the level that the Living Bridge accesses the Shopping Centre.

The indicative section below provides some clarity on the different levels. The footpath/cycle path runs at a level above the river channel. The section shows a proposed access road into the bus station with the Living Bridge access into the Shopping Centre above the access road level. Whereas the riverside park forms a green corridor with rising planted ground on the north bank, the construction geometry of the access road bridges and the shadow that these create require a hard landscape solution and retaining walls which will be subject to an artwork strategy.



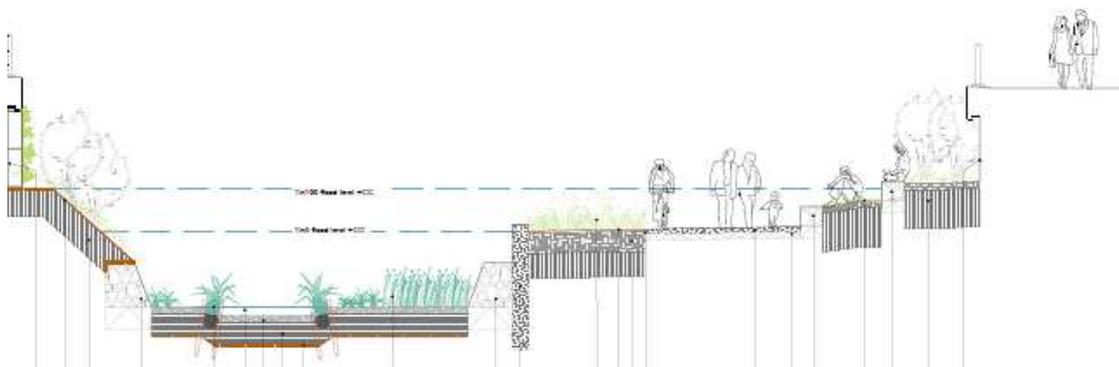
Illustrative section through Living Bridge

Similarly, the eastern section of the riverside park and its interface with access/egress roads into/from the bus station requires a more formal hard landscaped approach to the northern face as shown in the image below; again the indicative art work strategy is shown. The stepped access from the park to the bus station level is also shown in this view.



Illustrative section at eastern end of Riverside Park

With regard to the western section of the proposed central reach the cross section below shows the relationship between the river channel, the low level access road and north bank; the high level access route shown on the right of the extract will be provided in a subsequent development phase.



Illustrative section through river channel and park

An acoustic barrier (the details of which is to come forward under Condition 29.10 of the 2014 S73 Consent) is proposed to be erected between the A406 and Riverside Park. The provision of the acoustic barrier is discussed in more detail in the Infrastructure RMA. The barrier is essential to ensure that the amenity of park users is significantly adversely affected by noise pollution arising from the A406.

The design and layout of the proposed Central Brent Riverside Park is considered acceptable. The park is designed to provide an area of open space for visitors to the shopping centre as well as providing a linear green corridor for residents in the area. The opportunity to divert the river Brent facilitates the expansion of Brent Cross Shopping Centre however it also presents an opportunity to enhance biodiversity and ecological habitat in the area.

The proposals achieve their aim by virtue of the fact that they fall within the parameters of the 2014 S73 Consent which they must comply with. Whilst the parameters have been met this has been achieved in some cases through minor variation to the parameters. Officers have negotiated with the applicants to ensure that any reductions in open space are satisfactorily compensated by corresponding elsewhere within the development or via contributions to deliver ecological improvements elsewhere. In the circumstances the

development proposed is considered acceptable.

5.5 Ecology, Landscaping and Bio-diversity

The 'sustainable development' imperative of NPPF 2012 includes enhancing the natural environment and improving biodiversity (para 7). London Plan 2011 policy 7.19 states that development proposals, where possible, should make a positive contribution to the protection, enhancement, creation and management of biodiversity. One of the principal aims of this application is to significantly enhance local habitats, landscaping, ecology and biodiversity.

One of the key aims of the river diversion is to improve local bio-diversity within the riverside park environment. The creation of a marginal wetland environment associated with the river will help facilitate this aim.

The development proposals relative to reach 2 include a number of measures designed to specifically improve bio-diversity; these can be summarised:

- Bird tunnels – to provide habitat for kingfishers and sand martins;
- Log piles/insect hotels;
- Bird boxes;
- Bat boxes;
- Vertical pre-grown willow panels – to provide nesting opportunities for breeding birds;
- Invasive species – programme of removal;

These features are provided throughout Riverside Park. Details of the provision of bat and bird boxes for example are also included in the Infrastructure RMA as these will be incorporated into the proposed bridge structures.

In terms of landscaping, the development proposes a landscaping regime that is appropriate to the riverside park environment. Within the river corridor this will include the provision of marginal and aquatic planting, including coir rolls and different aquatic planting mixes. Tree and shrub planting will be introduced within the wider corridor outwith the river channel. Amenity grass areas will be planted in a mix of general meadow and wildflower planting in addition to general amenity grass planting areas.

The southern walls of the river park are steep given the difference in level between the park and the adjoining Prince Charles Drive. These will be 'greened' with a combination of willow stakes, vertical pre-grown willow panels and climbers.

As a result of the increased width in Prince Charles Drive, required to ensure the highway is constructed to meet Highways' requirements, there is a reduction in width along the length of Riverside Park within Reach 2. This in turn has led to a reduction in the available open space and area of biodiversity. In addition, changes in the design to the eastern roundabout to

improve visibility on the roundabout have resulted in a negligible reduction in the area of open space at that location; this area is however outwith Reach 2 and is located in Reach 1. Reduction in the extent of Nature Park 5, beneath Templehof Bridge roundabout to the west of the site will also result in a marginal loss of open space and biodiversity.

The design changes are necessary to ensure that the roads infrastructure is designed to meet required road safety standards following discussion with TfL and LBB Highways and to facilitate improved access to the Shopping Centre. The loss of open space in Nature Park 5 is addressed by a variation to the size range for Nature Parks as detailed in the Section 73 Consent Design and Access Statement, changing the small nature park range of 0.2 – 0.5ha to 0.1 – 0.5ha. The reduction is compensated however by a like for like increase in Nature Park 4. This ensures that the development accords with the Section 73 Consent. The loss in areas of biodiversity within the river channel has been subject to discussion with EA and it has been agreed that a sum will be paid by the Development Partners to the EA by way of compensation.

The loss of open space is considered marginal in the context of the River Brent diversion works and is therefore acceptable. The loss of habitat areas has been accepted by the Environment Agency and is also consequently considered acceptable.

5.6 Pedestrian, Cycle and Maintenance Access

The revised DSF incorporates Parameter Plan 011 with specific reference to River Brent. The Parameter Plan shows the general arrangements relating to the river diversion route, extent of riverside park and access points.

With regard to Reach 2, the approved DSF states that the combined pedestrian/cycle and Environment Agency maintenance route to be located on the northern side of the diverted river is to be a minimum of 6m wide. There is no requirement to provide access along the southern side of the riverside park within Reach 2.

The detailed plans accompanying the application (1065-03-003J, 004J, 005J and 006J) confirm that the proposed layout is in accordance with the requirements. The 6m wide access route is shown to incorporate planting in order to create a more sinuous route. Whilst overall the 6m width is retained the route is on occasion reduced to 4m wide of an open surfaced route. The approach is however considered by officers to be acceptable and the Environment Agency has confirmed that they have no objection. The route provided in this phase of development is a low level route. In future phases a high level route for pedestrians will be added.

The DSF also states that on the northern side of the riverside park there will be 4 locations where steps from the upper level drop down to meet the lower level pedestrian and cycle path. The proposed plans show the 4 locations, the details of how they link with the upper walkway will be submitted with the

Phase 1B North RMA. The step access points include cycle channels to facilitate use by different user groups.

With regards to inclusive access the developers have offered two options to provide all-inclusive access. The first is the provision of a ramped access within Reach 3 to the west, the details of which will come forward with the Phase 1B North RMA. .

The other graded ramped access is located within Reach 2 and is located at Plot 101. It is considered that this ramp provides an acceptable access for different user groups to the Riverside Park.

Given the different levels, inclusive access to the Living Bridge from Riverside Park is problematic. Whilst a number of stair access points will be available, incorporating cycle channels to facilitate cycle users, a more inclusive solution is required. Whilst the proposals are generally consistent with the Section 73 Consent it is considered by officers that inclusive access is essential to ensure that all potential users will benefit from access to the new riverside environment. Through discussion with the Development Partners it has therefore been agreed that an access lift will be provided to the west of the Living Bridge. The lift will ensure access is fully inclusive between the upper walkway, which is approximately at the level of the Bus Station, and the Riverside walkway. Full details of the lift have still to be provided and it is considered that this can be addressed by way of an appropriately worded planning condition.

A Phase 1A(N) Reserved Matters Transport Report (RMTP) accompanies the Infrastructure RMA and confirms that the route through the Riverside Park will be a combined footpath and cycle path route.

5.7 Archaeology

The 2014 permission includes Condition 43 requiring the approval and implementation of a programme of archaeological investigation in the following terms:

Prior to beginning the Development an over-arching Scheme of Archaeological Investigation will be submitted to the LPA setting out the process for assessing and mitigating the impact of development on archaeological interest, including appropriate post-excavation analysis, archiving and publication.

No part of the Development shall begin within any Phase or Sub Phase unless and until proposals have been submitted to and approved by the LPA for a site-specific Scheme of Archaeological Investigation to preserve or record any archaeological evidence within the Phase or Sub Phase.

Each Phase or Sub-Phase of the Development shall take place in accordance with the approved over-arching Scheme of Archaeological Investigation and the site-specific Scheme of Archaeological Investigation approved for that Phase or Sub-Phase.

In order to protect the potential heritage interests on the site it is necessary to impose a planning condition requiring a scope of investigation to be completed with the agreement of GLAAS. The condition will ensure adequate investigation is undertaken, recorded and reported with such mitigation as may be deemed necessary undertaken prior to work commencing on the proposed development.

5.8 Surface Water Management

As noted above, there are a number of conditions attached to the 2014 S73 Consent relating to surface water management and flood risk.

Essentially the development needs to demonstrate that Sustainable Urban Drainage Systems have been considered across the development site, in terms of each phase or sub-phase. As Phase 1AN is taken forward there is a clear commitment expressed by the applicants to ensure that SuDS is accommodated across the development. With regard to this current planning application however the developers have made it clear that it is not possible to accommodate SuDS provision within the river park corridor area.

This omission has been discussed with the applicants who have highlighted that the maintenance route which runs along the north bank of the diverted river is designed at a level that means the paved route will be permitted to flood during events beyond a 1 in 5 year scenario in order to maximise the capacity of the third stage river channel and thereby minimise flood risk to the adjoining development.

Given the frequency that the paved route will flood and the infrequent nature of vehicular traffic using the route it is considered impractical to incorporate Sustainable Drainage Systems within the drainage network to attenuate and improve the quality of runoff. For example it will not be practical to provide SuDS to attenuate runoff from rainfall events with a return period of 1 in 100 years + 30% climate change in an area that is inundated by fluvial floodwater during a 1 in 5 year event.

Nevertheless a new drainage network will be provided to intercept surface water from the paved route and to direct it to the river channel. This drainage network will be designed to enable floodwater to be effectively directed off the path into the main channel to enable the paved route to be quickly reopened following a major flood event. Non-return valves will also be provided on drainage outfalls to prevent floodwater from inundating the paved route when water levels are elevated within the river channel. Details of these features will

be submitted for the approval of the planning authority by way of planning conditions.

Whilst the riverside park is an integral element of the Brent Cross Regeneration scheme project it is accepted in this case that the applicants have endeavoured to ensure a robust surface water management strategy is in place for the wider development. The omission of SuDS from the river corridor in this instance is acceptable. It is also noted that the EA has not objected to these proposals.

The drainage strategy has been subject to extensive modelling and sensitivity testing by the applicants and the EA has commissioned an independent review of the proposed strategy. Support colleagues in the planning authority have also reviewed the drainage strategy and it is considered that the strategy is robust.

It should also be noted that conditions attached to the s73 planning permission will continue to exert control over the development to ensure that SuDS requirements and the requirements of the Water Framework Directive Assessment are adhered to as the development is delivered.

With regard to the latter WFD assessment, the EA consultation response to the S73 application in 2013, stated that the WFD assessment submitted at the time (Appendix D of BXC16 FRA October 2013) provided a good high level appraisal of the potential risks of deterioration to WFD quality elements. However the EA were not satisfied that the proposals would not prevent improvements required to promote recovery of the water body as required by the WFD.

A condition was placed on the S73 permission requiring a detailed WFD assessment to be submitted prior to commencement of works, there is no explicit requirement for discharge of that condition alongside this reserved matters application. Officers however consider that the assessment would usually go hand in hand with demonstrating that the river diversion proposals are acceptable under this reserved matters application. It follows that given a detailed WFD assessment is not available at this time, the applicant hasn't demonstrated that the proposals will comply with the requirements of WFD.

The EA however recommend that the only way to offset the impacts of the development and make it acceptable from an ecological and WFD perspective would be for the developer to provide a financial contribution towards achieving ecological benefit and the aims of the WFD elsewhere within the same waterbody, secured via a Section 106 (S106) agreement.

A WFD action has been identified to naturalise a stretch of the bank of the Mutton Brook and the EA believe that the naturalisation of an appropriate stretch of the Mutton Brook could be a suitable mitigation for the loss of value in Reach 2 of Brent Cross as a result of the latest proposals. This would include, but not be limited to the removal of the existing river bank treatment and replacement with a treatment that mimics a naturally occurring river. The

EA and developers have agreed a s106 contribution of £200,000 to undertake this work.

5.9 Lighting Strategy

Details of a lighting strategy have been provided within the documents that accompany the planning application. The information is illustrative in detail only and the developers have suggested that a planning condition could be imposed requiring full design details of the proposed Riverside Park lighting to be submitted for the further approval of the planning authority prior to commencing the work.

5.10 Estate Management Framework for Phase 1A (North)

Condition 7.1 of the Section 73 Consent requires an Estate Management Framework to be submitted for each phase of the development. The Estate Management Framework submitted in respect of Phase 1A North anticipates a structure for Estate Management Companies to be established for each phase of this development and sets out some general principles.

The longer term ownership of the northern element of the project will remain with the Brent Cross Partners whilst the southern part of the development will be largely owned and managed by the LB Barnet and another development partner – likely to be Argent Related.

The Brent Riverside Park – the central section of which is the subject of this RMA - will be managed and maintained by the Brent Cross Development Partners in perpetuity whilst the river channel itself will remain the responsibility of the Environment Agency.

An acoustic barrier is required to ensure that the Brent Riverside Park is protected from the noise of adjacent roads such as the A406 and can meet suitable standards expected for a publically accessible open space. It is anticipated that this noise barrier may be within the public highway and it is expected that the Highways Authority will either give a license to the Brent Cross Cricklewood development partners to allow them to maintain the structure or the structure will be adopted as part of the public highway by the relevant highway authority and a commuted sum will be paid by the Developer to cover maintenance costs.

5.11 Summary

The application is a Reserved Matters Application, a detailed application following the grant of planning permission in outline under the Section 73 Consent in July 2014. As a detailed planning application it would be anticipated that the proposals are generally complete and that the application is wholly in accordance with the outline planning permission and current

Development Plan policy. Some final details have however still to be confirmed, principally relating to matters such as a lighting strategy or art strategy.

Despite the application being for reserved matters and some final details still requiring final approval, officers are satisfied that the application can be determined as submitted and that further conditions attached to the planning permission will ensure that the final detail of those elements mentioned will be subject to the further consideration and written approval of the planning authority.

The planning application is in accordance with the existing planning permission and the principle of development has therefore been established. An assessment against Development Plan policy supports the application. Members are requested to note that this application must be considered and determined at the same time as the Infrastructure RMA and the application under Conditions 2.4 and 2.5 of the Section 73 Consent, referenced 15/03312/RMA and 15/05040/CON respectively and both before Members at this Committee.

6. ENVIRONMENTAL IMPACT ASSESSMENT

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

Regulation 8 of the Regulations requires local planning authorities to consider whether or not the environmental information already before them (i.e. the ES submitted with the 2013 s73 application F/04687/13 and any additional environmental information) is adequate to assess the environmental effects of the development:

To demonstrate the continued acceptability of the ES associated with application F/04687/13 in the context of the detailed reserved matters applications for Phase 1A (North) an Environmental Statement Further Information Report (the 'ES FIR') has been submitted.

Within the ES FIR it is necessary to consider the impact of all relevant aspects of Phase 1A (North). The report therefore considers all of the Reserved Matters submissions to date and their individual and cumulative effects.

The ES FIR was first submitted and based upon the proposals within the original Reserved Matters submissions made to the Council in January. Since that time, further changes to detail in relation to the Infrastructure and Riverside Park RMAs have resulted in a revised Further Information Report being submitted with the current RMAs in order to further assess these more recent changes to the development proposals.

The supporting statement concludes that there are no new or different significant effects so as to warrant changes to the relevant parts of the ES FIR.

The ES FIR has assessed the potential cumulative impact arising from a number of committed development schemes in the wider area and has consequently identified where mitigation will be required to address any significant impacts arising from the proposed Phase 1AN development. In general, where mitigation has been identified as required the impacts have been designed out. The most critical area is that relating to noise impact from the A406 affecting the amenity of users of the Riverside Park. The incorporation of an acoustic barrier has been tested through different options within the ES FIR and a preferred solution identified that will address this matter.

The existing Environmental Statement associated with the 2014 permission supplemented by the ES FIR and the other additional environmental information previously submitted satisfactorily assess and address the impacts of the development for the purposes of determining the Central Brent Riverside Park and Infrastructure Reserved Matters Applications.

7. EQUALITY AND DIVERSITY ISSUES

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

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with

the Council's statutory duty under this important legislation.

The site will generally 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. Access to the Riverside Park is restricted to no motor based traffic, with the exclusion of Environment Agency maintenance vehicles.

This RMA has been prepared in consultation with the Consultative Access Forum (CAF) which has been set up specifically to advise on inclusive access requirements of the Brent Cross Cricklewood regeneration. Design aspects that incorporate inclusive design have been reviewed by the CAF to insure that the development proposal for the Central Brent Riverside Park is designed, delivered and managed in accordance with the Inclusive Access Strategy and the Way finding Strategy.

To provide inclusive, step free access to the Brent Riverside Park three facilities have been incorporated comprising two graded ramps and the provision of lifts from Living Bridge level to the bus station level and from the bus station level down to the lower Riverside Park walkway. The first graded ramp option is the provision of a ramped access within reach 3 to the west and is essentially the EA maintenance access route but is designed to also be suitable for use by pedestrians. The other graded ramped access is located within reach 2 and is located between the point where Tempelhof Bridge crosses the river and crosses over Nature Park 5.

With regards to the lift from the bus station/Living Bridge level to the Riverside Park, the submitted plan alongside this RMA application is indicative. The exact location of the lift within the identified zone of the Riverside Park, along with the specification and design, will be controlled via condition and will be submitted to and approved by the Local Planning Authority in consultation with the Consultative Access Forum. The submitted scheme is considered to provide for inclusive access for all users.

8. CONCLUSION

The application proposes the provision of hard and soft landscaping, ecology and bio-diversity enhancements and pedestrian and cycle path access to a proposed riverside park to be developed along the route of the diverted River Brent at Brent Cross Shopping Centre. The proposals relate solely to the provision of works within the central reach of three reaches proposed to accommodate the works to the Park. The works tie in with the diverted river, the new Prince Charles Drive and the Living Bridge that connects the Shopping Centre to the southern development area within the wider Brent Cross Cricklewood regeneration area and which crosses the riverside park. A number of bridges will also cross the park. Details of the roads and bridges infrastructure are submitted in a separate RMA planning application (reference 15/03312/RMA) which is also before Members at this Committee.

The works under this application cannot proceed without the river diversion infrastructure being approved and constructed in advance of the works hereby proposed.

There are a small number of matters that still require addressing in terms of some fine details and consequently a number of conditions are recommended to accompany any planning permission. The application has been subject to statutory consultation and a small number of third party representations have been made. No significant issues have been raised that have not been addressed or which would move officers to recommend refusal.

The application is in accordance with Development Plan policies and accords with the conditions and parameters approved in the Section 73 planning permission for the wider Brent Cross Cricklewood regeneration scheme.

Overall, officers find the proposals acceptable and recommend that the application is approved subject to conditions as outlined in Appendix 1.

LIST OF APPENDICES

APPENDIX 1 – CONDITIONS

APPENDIX 2 – POLICY COMPLIANCE

APPENDIX 3 – PRE RESERVED MATTERS CONDITIONS

APPENDIX 4 – OBJECTIONS AND OFFICER RESPONSES

APPENDIX 5 – CONFORMITY WITH REVISED DEVELOPMENT
SPECIFICATION AND FRAMEWORK

APPENDIX 6 – SITE LOCATION PLAN