

LOCATION: Brent Cross Cricklewood Regeneration Area
NW9

REFERENCE: 17/2694/CON **Received:** 25 April 2017
Accepted: 25 April 2017

WARD: Golders Green, Child's Hill, Hendon **Expiry:** 20 June 2017

APPLICANT: BXS Limited Partnership acting by its general partner
BXS GP Limited

PROPOSAL: Submission of information pursuant to Conditions 4.2, 2.4 and 2.5 of planning permission F/04687/13 dated 23 July 2014 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood regeneration area. Conditions submitted to re-phase infrastructure items and development plots within and between phases: 1A (South), 1B (South), 1C and 2 (South) and to make consequential minor amendments to the approved Revised Design Guide, Revised Development Specification Framework and Revised Design and Access Statement as a result of the phase changes.

RECOMMENDATION

Amend the resolution made by the Planning Committee on the 22nd June 2017 as follows:

1. APPROVE the Conditions Application with reference 17/2694/CON;
2. That delegated powers be given to the Brent Cross Planning and Transport Manager to negotiate and agree the detailed drafting of the Deed of Variation to the existing Section 106 Agreement dated 22nd July 2014 attached to planning permission F/04687/13 associated with the necessary changes resulting from Conditions application reference 17/2694/CON; and
3. That the Deed of Variation be finalised no later than 30th November 2017, or such other date as agreed by the Brent Cross Planning and Transport Manager.

Background

Members will recall that on 22nd June 2017 the Planning Committee resolved to approve the Brent Cross re-phasing application with reference 17/2694/CON in relation to the re-phasing of infrastructure items and development plots associated with the southern development within the Brent Cross Cricklewood development. This resolution was subject to the completion of a satisfactory Deed of Variation to make associated amendments to the existing Section 106 Agreement dated 22nd

July 2014 attached to the section 73 planning permission F/04687/13 ('the s.73 Permission').

This re-phasing application established the content in terms of development plots and infrastructure within the early phases of Brent Cross South ('BXS') and in particular in relation to Phase 1B (South).

In accordance with the resolution, since the 22nd June Planning Committee meeting Officers have been actively engaged with the applicants and their legal representatives in the legal drafting of the necessary deed of variation. Significant progress has been made and a final draft of the legal document has now been circulated between the parties.

Proposal

Approval is sought to amend the previous recommendation for the Condition 4.2 application (17/2694/CON) to allow the application to be approved and the decision notice to be issued prior to the signing of the s106 Deed of Variation, for the reasons set out in this report.

Reasons for the need to change the resolution

The s.73 Permission includes key deadlines by which Reserved Matters Applications (RMAs) have to be submitted. In relation to Phase 1B (South) of the approved development, the relevant deadline is the 28th October 2017.

The Brent Cross South Developer, Argent Related, has prepared the necessary RMA for Phase 1B South in accordance with the amended phasing set out in application 17/2694/CON whereby infrastructure items and development plots were moved between phases 1A (South), 1B (South), 1C and 2 (South).

It is not possible to register the RMA until the rephrasing decision for application 17/2694/CON is issued since this decision formally establishes the content and extent of the amended Phase 1B South.

Whilst very significant progress has been made in drafting the deed of variation since the 22nd June Committee Resolution, due to time required to review what is a complex s106 legal agreement associated with the s.73 Permission, and the fact that there are multiple parties involved (LBB, TfL, Hammers and Standard Life and Argent Related) it has not been possible to complete the Deed of Variation at this point.

There is now a risk that the RMA deadline for Phase 1B South will be missed if the decision on the re-phasing application is not issued. If an RMA is not able to be submitted this would impact on the comprehensive delivery of the Brent Cross Regeneration.

In this instance, whilst noting the progress achieved in the preparation of the Deed of Variation, the Committee is requested to agree to the proposed amendment to the existing resolution and to approve the re-phasing application 17/2694/CON.

It should be noted that the full assessment of the phasing changes and their acceptability having regard to the tests in Condition 4.2 is set out in the full report from the 22nd June. Members were content with the assessment and information provided and resolved to grant approval. There have been no changes to the proposed phasing arrangements and this amendment to the recommendation only relates to the ability to issue the decision on application 17/2694/CON.

Conclusion

The proposed amendments to the Recommendation for application reference 17/2694/CON are necessary to enable the re-phasing application to be approved and the decision notice to be issued so that the reserved matters application for Phase 1B (South) can be submitted to the LPA in order to satisfy the 28th October 2017 deadline specified in Section 73 Permission F/04687/13.