

LOCATION: Brent Cross Cricklewood Regeneration Area
North West London

REFERENCE: 18/6337/RMA **Received:** 25.10.2018
Accepted: 25.10.2018

WARD: Golders Green **Expiry:** 24.01.2019

APPLICANT: BXS Limited Partnership

PROPOSAL: Reserved Matters Application in respect of Plot 13 of Phase 1C pursuant to Condition 1.3(i), 2.1 and 1.7 of planning permission F/04687/13 (dated 23rd July 2014) for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood Area. The application seeks approval of details relating to layout, scale, appearance, access and landscaping for the residential led mixed use development of Plot 13, comprising 348 residential units, flexible retail (Use Classes A1/A3), cinema (Use Class D2) and a community facility (Use Class D1), basement car parking, cycle parking, refuse storage and plant to be provided within two buildings (six blocks) with heights ranging from 7+1 to 16 storeys arranged around a private courtyard, together with a north-south publicly accessible tertiary street for the provision of access. Application is accompanied by an Environmental Statement of Compliance.

1. RECOMMENDATION

This application is recommended for APPROVAL subject to conditions attached in Appendix 1 of this report.

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

2. APPLICATION SUMMARY

This report relates to a Reserved Matters Application for housing-led mixed-use development on Plot 13 within Phase 1C of the Brent Cross Cricklewood Regeneration Scheme. It has been submitted as part of a suite of applications in relation to development within Phase 1 South of the BXC regeneration which include Reserved Matters for Plot 11 and a 'drop-in' application for new roads and public realm around these first development plots. Together, this forms the first phase of development within the Southern part of the BXC regeneration and will deliver the first new homes as well as uses that will form part of the new town centre.

The proposal for Plot 13 comprises 348 residential units, flexible retail (A1 and A3 uses) and cinema on ground floor along with a new community centre proposed over ground and first floor. The development comprises two principal buildings formed from six blocks, arranged around a central podium residential courtyard which provides private amenity and a communal outdoor amenity space for residents. The site also includes the southern section of the tertiary street to the west between Plot 13 and Plot 16.

The majority of the proposed buildings on the plot comprise 7 storeys with a set-back 8th level. The height increases to 7 plus 2 set-back levels on the north western corner facing a new public space referred to as 'neighbourhood square'. On the north east corner of the plot at the intersection of High Street with Tempelhof Avenue at the end of the route over the new Tempelhof bridge, the building features a tower element of 16 storeys.

The submission provides details of Layout, Scale, Appearance, Access and Landscaping for the proposed buildings on Plot 13. It conforms with the general parameters and principles relevant to these development plots and the residential form of development. However in relation to building height, the proposed 16 storey would breach the height parameter plan with respect the north east corner of the plot facing onto High Street. The townscape and visual impact of this breach has been assessed through information submitted with an Environmental Impact Assessment Screening Opinion in accordance with regulation 6(3) of the Town and Country Planning EIA Regulations 2017 and found to not give rise to any new or different significant environmental effects from those reported in the Environmental Statement supporting the S73 Permission for the BXC development.

3.0 BACKGROUND

3.1 Outline Consent

The proposed RMA is submitted in association with the delivery of the Brent Cross Cricklewood ('BXC') regeneration scheme, in particular, the delivery of a residential led mixed use development plot within the Market Quarter Zone. The BXC regeneration was first established as a Supplementary Planning Guidance (SPG) in 2004, in accordance with the then current London Plan. The comprehensive redevelopment of the wider BXC regeneration area was granted outline planning permission in 2010 (with planning reference C/17559/08) and was subsequently amended via a Section 73 planning application (with planning reference F/04687/13) which was approved on 23 July 2014 (the 'S73 Permission'). The description of the 2014 permission is as follows:

"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)."

3.2 Phasing of the BXC Regeneration Scheme

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

Phase 1A (North) - this includes all highways infrastructure to support the northern development and key highways infrastructure to support Phase 1 South. Phase 1A (North) falls under eight Reserved Matters Applications (RMAs). Subsequent to these RMA approvals, six items of infrastructure have been re-phased to Phase 1B (South).

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

Phase 1B (North) - this includes all of the plot development on the north side with the exception of the residential development within the Brent Cross West Zone. The sub phase also includes the replacement bus station, reconfigured shopping centre, extension to the shopping centre, hotel and leisure uses, northern pedestrian routes, the Riverside Park, Sturgess Park improvements and residential uses.

Phase 1B (South) - this includes the Market Square, Clarefield Park Temporary Replacement Open Space and residential Plot 12, RMA approval for which has been granted providing 292 units including the Whitefield Estate Replacement Units (Part 2). Phase 1B (South) in addition comprises other development/infrastructure, as follows:

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

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

3.3 Associated Applications Relating to Phase 1 South

This application forms part of a suite of applications which have been submitted in relation to development within Phase 1 South of the BXC regeneration. These form a comprehensive set of proposals for Phase 1 (south). These are as follows;

- **Plot 13 RMA (18/6337/RMA)** - residential led mixed use scheme for Plot 13 comprising 348 residential units with retail, community and leisure uses on the ground floor. (The subject of this committee report);
- **Plot 11 RMA (18/6409/RMA)** - residential led mixed use scheme for Plot 11 comprising 352 residential units with retail uses on the ground floor. This is subject to its own EIA screening opinion request;
- **Drop-in planning application for Highways and Public Realm (18/6645/FUL)** – detailed designs for the new road network and public realm surrounding Plots 11, 12 and 13 to reflect the retention of Claremont Road. This represents an update to the roads previously approved in this part of the development and encompasses parts of Phase 1A South, parts of Phase 1B (South) and Phase 1C, along with elements of Phase 1A (North) that have been re-phased to Phase 1 South. This is subject to a EIA screening opinion request.

(This application is the subject of a separate report also before the Planning Committee for consideration);

- **Minor Amendments to extant RMA consent for Plot 12 (18/6482/BXE)** – submitted pursuant to Condition 1 of RMA consent 17/6662/RMA to make minor amendments to the consented landscaping for Plot 12 to reflect and tie into the reserved matters details now submitted for Plots 11 and 13;
- **Two Section 96a applications to the s.73 permission (18/6469/NMA & 18/6447/NMA)** - relating to non-material minor amendments to the S73 Permission for the retention Claremont Road and the redistribution of floorspace between building zones respectively. These are subject to their own EIA screening opinion request; and
- **Relevant pre-RMA condition discharge applications** to support the two RMA submissions for Plot 11 and 13 and the highways and public realm drop in submission. These are pursuant to Conditions 1.22 (Servicing and Delivery strategy), 2.8 (Pedestrian and Cycle Strategy), 11.2 (Car Parking Standards Strategy), 27.1 (Landscaping Mitigation strategy), 33.3 (Telecommunications Strategy), 37.5 (Reserved Matters Transport Report), 1.17 (Illustrative Reconciliation Plan) and 29.1 (Acoustic Design reports for plots 11 and 13).

The above applications have been submitted concurrently in order to provide the LPA with details of a comprehensive approach to developing Phase 1 South (defined as comprising Phase 1A (South) 1B (South) and 1C), with elements of Phase 1A (North) also falling within its remit.

This approach was necessary in order to enable the changes to the parameter plans in relation to the retention of Claremont Road and floorspace distribution proposed by Argent Related through NMA applications to be assessed by the LPA in the context of detailed designs for Plot 11, Plot 13 and associated Highways and public realm as listed above.

The layout changes relate primarily to Parameter Plan 002 (Highways Infrastructure) involving the retention of Claremont Park Road, and concurrent downgrading of Claremont Avenue from its original primary vehicular route designation to a pedestrian approach to the living bridge with managed vehicular access only. The floorspace changes involve the transfer of office floorspace from the Station Quarter Development Zone to the Market Quarter, with the concurrent transfer of residential floorspace within the Market Quarter Building Zone to MQ1 to align with the greater residential quantum now proposed in this initial phase.

In layout terms, the highways 'drop in' proposals respond to the need to provide an updated highways and public realm context, that is consolidated against the updated highways Parameter Plan, and within which the RMA's are situated. The 'drop in' also performs the function of addressing the areas of overlap with consented highways infrastructure under Phase 1A (North) and 1A (South). Specifically, it provides an updated layout that is consistent with the current RMA proposals and parameter changes, in doing so superseding those areas of extant Phase 1A (North) and Phase

1A (South) approvals that would be inconsistent. This is set out in detail in the committee report for 'drop in' application reference 18/6645/FUL. These changes could not be pursued through the submission of updated RMA's for Phase 1A (North) and 1A (South) given the time frame for submission of RMA's against these phases has expired (Condition 1.2.1 of the S73 Permission).

The proposed plot developments for Plot 11 and 13 are dependent on the transfer of floorspace proposed under 18/6447/NMA. This is explained in more detail under Parameter Plan 'Development Quantum' section below. Equally the acceptability of transferring floorspace into the MQ1 building zone as proposed under the NMA application is dependent on an acceptable design being demonstrated for the associated Plots. As such the applications have been submitted concurrently given their interdependence and need to maintain a deliverable and comprehensive development package that aligns with the s.73 outline permission.

It should be noted that for Plot 13 is not directly affected by the Claremont Road changes sought under 18/6469/NMA, and is therefore consistent both the updated and existing Parameter Plan 002 and capable of determination ahead of the NMA.

3.4 Pre-Reserved Matters Conditions

The Section 73 Permission for the Brent Cross Regeneration 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.

All of the relevant pre-RMA conditions applications have been submitted. However, there remain a number of which are yet to be approved. The wording of these conditions does not specifically require their discharge prior to the approval of Reserved Matters but in some instances there is a direct material relationship between the details of the reserved matters submission and the principals being captured within the conditions.

Appendix 3 of this report shows those Pre-Reserved Matters Conditions for Phase 1 (South) and Phase 1C which have relevance to Plot 13 but have yet to be formally determined. In most instances agreement has been reached on the content of the submission but the application was unable to be formally discharged prior to the publication of the Committee agenda papers. In some cases there remain issues subject to discussion between the Developer and the LPA which are being resolved. In all of these circumstances those sections relevant to the reserved matters application for plot 13 have been confirmed in discussions between the LPA and the Developer to be acceptable.

Condition 1.31 allows for the determination of relevant reserved matters applications in circumstances where conditions have yet to be approved:

“Where in these conditions any document strategy plan or other document or information is required to be submitted prior to any Reserved Matters Application or Other Matters Application required under this Permission, the grant of the relevant Reserved Matters Approval(s) or Other Matters Approval(s) shall be subject to the LPAs prior or simultaneous approval or confirmation (as the case may require) of the relevant document strategy plan or other document or information.

Reason: To ensure that an accurate and consistent interpretation is applied in the application and enforcement of these Conditions and the corresponding provisions in the S106 Agreement.”

As the relevant aspects of these conditions are acceptable to the LPA in the development of the Plots, the Planning Committee is in position to make a decision prior to the formal approval of these outstanding conditions.

An update will be reported in the Addendum to the Planning Committee in relation to those Pre-RMA applications that have been discharged since the publication of this report.

4. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

4.1 Site description and Surroundings

The Brent Cross Cricklewood (BXC) regeneration area is a 151 hectare development site. On the western side, the site is bounded by the Edgware Road (A5) and the Midland Mainline railway line; and to the eastern side by Hendon Way road (A41). The North Circular road (A406) which runs in an east west direction across the site separates the Northern and Southern development areas.

The Northern development area located north of the A406 consists of the existing Brent Cross Shopping Centre (BXSC) which is identified in the London Plan 2016 as a Strategic Regional Shopping Centre, Bus Station and existing Sturgess Park and will continue to be delivered by Hammerson and Standard Life. Brent Cross London Underground Station is situated to the east of this Brent Cross East (BXE) development.

The Southern development area to the south of the A406 is comprised of some large footprint retail, Hendon Leisure Centre, the Whitefield estate (of approximately 220 units), parks and open spaces, Whitefield Secondary School, Mapledown Special School and Claremont Primary School and Claremont Way Industrial Estate.

The Templehof Bridge and the A41 flyover provide the only existing direct north-south links within the site which run across the A406 North Circular Road, and the River Brent which flows east to west and is located adjacent and south of the existing Shopping Centre.

The site is surrounded to the north, east and south by traditional low rise suburban development, predominantly two storey semi-detached houses. Cricklewood Railway Station located to the west of the BXC site, lies on the Midland Mainline railway line which runs between London St. Pancras and the north of England. Brent Cross Underground Station, served by the Edgware branch of the Northern line, lies to the eastern boundary of the regeneration area. The existing Brent Cross Bus Station provides access to 18 bus routes (including Green Line).

Plot 13 Site

This application relates to Plot 13 within Phase 1C which forms part of the BXS portion of BXC regeneration. The site extends to 0.8 hectares within the Market Quarter Development Zone. This location is to the south east of the A406 North Circular and to the north west of Clitterhouse Playing fields, and directly north of the proposed Claremont Park Road (currently Claremont Way).

The Market Quarter Development Zone, as described within the Revised Development Specification and Framework ('RDSF'), is to sit at the heart of BXC masterplan. The predominant land use of the Zone is to be residential, with mixed active ground floor uses. The principal areas of public realm, including the High Street South, are expected to be enlivened by local shops and services that serve the day to day needs of the residential and working population. Development within the Zone is to be

facilitated by the demolition of Claremont Industrial Estate, the Rosa Freedman Centre and removal of Clarefield Park. These demolitions form part of the approved outline permission.

4.2 Proposal

The development proposed for Plot 13 is a residential led mixed use development comprising 348 residential units, flexible retail (A1 and A3 uses) and cinema on ground floor along with a new community centre proposed over ground and first floor.

The proposed unit mix is as follows:

Unit size	Number of units
Studio 1 person	31
1 bed 2 person	137
2 bed 4 person	150
3 bed 6 person	28
4 bed 8 person	2
Total	348

The proposed development comprises two principal buildings formed from six blocks, arranged around a central podium residential courtyard which provides private amenity and a communal outdoor amenity space for residents. The site also includes the southern section of the tertiary street to the west of the Plot.

The two buildings are comprised of six courtyard blocks of varying heights. Blocks facing the north south routes to the west of the plot, along the southern façade facing Claremont Park Road and on the eastern edge facing the pocket park and neighbouring development Plot 12 are 7 storeys with a set-back 8th level. The height increases to 7 plus 2 set-back levels on the north western corner facing a new space referred to as 'neighbourhood square'. It should be noted that Neighbourhood Square does not form part of the RMA proposals and is shown indicatively on Figure 1 of the 'Layout Update' document, submitted with the RMA, and is identified as likely to be brought forward in future detailed applications for that part of BXS in due course.

On north east corner of the plot, the building features a tower element which is 16 storeys tall. The tower is located at the termination of the approach over the new Templehof Bridge.

Blocks E and F, on the southern side of the plot comprise market sale units. Blocks A, B C and D on the northern portion of the plot are proposed with the flexibility to be either market sale or 'Build to Rent' (BTR).

5.0 MATERIAL CONSIDERATIONS

5.1 Key Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan comprises the London Plan at the strategic level and, at the local level, Barnet's Local Plan - the Core Strategy and the saved UDP Policies. The 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 regeneration area unless and until the Core Strategy is reviewed in accordance with Policy CS2 and Section 20:13 of the Core Strategy.

The London Plan Consolidated with Alterations since 2011 published March 2016 and updated January 2017 forms the Development Plan for Greater London.

Policy within Barnet's Local Plan (2012) which comprises the Development Plan for Brent Cross includes the Core Strategy (2012) and the saved UDP Policies (saved in 2012). Relevant policies are referred to in the body of this report.

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The London Plan Consolidated with Alterations since 2011 published March 2016 and updated January 2017 forms the Development Plan for Greater London.

Policy within Barnet's Local Plan (2012) which comprises the Development Plan for Brent Cross includes the Core Strategy (2012) and the saved UDP Policies (saved in 2012). Relevant policies are referred to in the body of this report.

5.2 Pre-Application Public Consultation

Applicant has undertaken pre-application consultation with residents and other stakeholders in the context of the proposed development and the wider BXS regeneration scheme.

This consultation has been undertaken in accordance with the spirit of the advice laid out in the National Planning Policy Framework (NPPF), and additionally in response to guidance published by Barnet Council itself. Section 4.1.2 of the Council's Statement of Pre-Application Consultation (2015) states '*The aim of pre-application*

consultation is to encourage discussion before a formal application is made, enabling communities to have an influence on a planning proposal before it is finalised. The process can help to identify improvements and overcome objections at a later stage. Such pre-application consultations can take the form of exhibitions, presentations, workshops or simply a letter or mail shot’.

The submitted ‘Statement of Community Involvement’ sets out that initial community and stakeholder engagement was undertaken between February 2016 and February 2017 around the wider masterplan, introducing residents to BXS LP’s emerging proposals. Following this, between March 2017 and September 2017, the engagement focus was on the Plot 12 RMA proposals. The statement sets out that during this period, in relation to the wider BXS and Plot 12 RMA proposals, a total of; seven separate Community Liaison Group (CLG) events, nine workshops, two sets of public exhibitions, a number of pop-up street interviews and numerous one to one stakeholder meetings took place. To advertise these events and notify residents and local businesses, a dedicated project website with regular updates has been established, along with a newsletter with a distribution area of 15,000 residential and business addresses, and a GDPR compliant project database with over 500 individuals.

In keeping with the previous BXS consultation approach outlined above, two separate communication streams were used. This comprised written communication and updates on the dedicated website of the proposals and forthcoming public consultation events, and subsequent events themselves, and focussed communication with CLG members ahead of the public exhibitions and CLG events. The material presented to residents and stakeholders through these channels has been centred on the proposals for Phase 1 south as a whole, comprising Plot 11 and Plot 13 Phase 1C RMA’s and the Highways and Public realm ‘Drop in’ application. Given these applications, in conjunction Plot 12 (Phase 1B), together comprise a holistic picture of this part of the BXS regeneration, and are subject to separate applications submitted concurrently, it is appropriate for consultation to have been undertaken on them collectively.

Two days of public consultation events took place on the 14th and 17th of July 2018, attended by members of the design teams for the development plots and highways and public realm ‘Drop in’ proposals. Further information on the wider project and other forthcoming BXS including Claremont Park Improvements and the Temporary Open Space were also shown alongside to provide context and for allow for early feedback submissions

Following these events a single CLG meeting took place on the 30th July 2018 held at the Whitefield School, which provided an opportunity for residents who may have already attended the public exhibitions to reflect on the proposals and raise any queries with the BXS developers in the meeting.

5.2 Public Consultations and Views Expressed

Adjoining occupiers

Following registration of the application 1450 neighbouring properties were consulted by letter. The application was advertised in the local press on 6th November 2018 and 5 site notices were put up on site also on 6th November. The consultation allowed a 4 week period to respond.

The consultation letters and site notices included details of three concurrent applications in relation to Phase 1C of the development as follows:

- Reserved Matters for Plot 13 (18/6337/RMA);
- Reserved Matters for Plot 11 RMA (18/6409/RMA); and
- Drop-in planning application for Highways and Public Realm (18/6645/FUL) within Phase 1C.

1 x Letter of objection was received in response to this consultation. The letter made comments on the highways drop-in application in relation to existing junctions and highway capacity in the area. These are addressed in the committee report for application 18/6645/FUL. No comments or objections were made in relation to the Plot 13 proposals.

Consultation Responses from Statutory Consultees and Other Bodies

Environment Agency:

The Environment Agency have confirmed that they have no comments to make on the application and have no objection to the reserved matters submitted.

Historic England (Archaeology):

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

London Fire Brigade:

On the basis of revised details provided to The Fire Brigade consultee, LFB have provided a written response to confirm that no objections to the proposed development are raised.

Metropolitan Police, Designing Out Crime Officer (DOCO)

The DOCO contact for Barnet has raised no objections to the development but recommended the inclusion of a condition that requires the scheme to provide details of Secured by Design accreditation. A condition has been incorporated accordingly.

Thames Water:

Thames Water have confirmed they have no comments to make on the Reserved Matters application but have requested conditions relating to confirmation prior to occupation of the development that surface water network upgrades and waste water network upgrades required to accommodate the additional flows from the development

have been completed or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

In relation to waste they have suggested that the surface water drainage strategy for this development should follow policy 5.13 of the London Plan. Typically greenfield run off rates of 5l/s/ha should be aimed for using the drainage hierarchy. The hierarchy lists the preference for surface water disposal as follows: Store Rainwater for later use > Use infiltration techniques, such as porous surfaces in non-clay areas > Attenuate rainwater in ponds or open water features for gradual release > Discharge rainwater direct to a watercourse > Discharge rainwater direct to a surface water sewer/drain > Discharge rainwater to the combined sewer.

Officer comment:

A Drainage Statement covering Plot 11, 13 and the highways works has been submitted with the application. This includes a detailed drainage statement for Plot 13. Furthermore, water usage and drainage are covered by the following conditions attached to the S73 Permission:

33.1 – impact statement for existing water supply infrastructure;

33.2 – statement of compliance with water use principles of the RDSF;

1.27 and 44.5 – Sustainable Urban Drainage Systems to ensure surface water run-off rates;

44.7 – strategy for monitoring water levels;

44.9 – no infiltration of surface water drainage into the ground from development without express written consent of the LPA;

Officers are therefore satisfied that water and drainage have been adequately addressed for the proposed development.

LB Brent:

The London Borough of Brent confirmed that they have no objection to the application. They conclude that given the siting and distance to the borough boundary, the consideration and assessment of elements such as the design, siting and landscaping would not cause significant harm to the residents of Brent.

NHS Barnet Clinical Commissioning Group:

NHS Barnet CCG have raised no objections to the application and have confirmed that they do not require the Temporary Health Centre to be provided in the Development, and therefore it does not need to be included within the Plot 13 reserved matters application. NHS Barnet CCG's preference is for a single new health centre to serve the Development to be provided as the Main Health Centre in Phase 2. It envisages that the demand for services from Phase 1 (South) can be accommodated by providing additional capacity at existing GP practices. However, this is a short term solution and it is likely that this additional capacity will need to be re-provided in the Main Health Centre, in accordance with the aim to provide primary care services 'at scale'. NHS Barnet CCG are exploring options for the Main Health Centre and are in ongoing discussions with Argent Related with regards the size, timing and specification requirements for the facility.

Consultation Responses from Internal Consultees

LBB Environmental Health:

The EHO has reviewed the Acoustic Design Report submitted separately under Condition 29.1 in relation to Plot 13 which addresses mitigation against noise from A1/A3/D1/D2/gym activity and noise from plant and are satisfied with the details.

No objections were raised in relation to the Plot 13 RMA, however comments were raised in relation to potential for odour impact from cooking odours associated with the A1/A3 units. It should be noted that Condition 30.4 of the S73 Permission requires details of all extraction and ventilation equipment to be submitted to and approved in writing by the LPA prior to commencement of any building. This will include details of any flues and odour filtration systems for the A3 units to ensure that odour can be adequately controlled.

LBB Transport team:

The Transport Officer has reviewed the submitted RMA, the associated Reserved Matters Transport Report and other Pre-Reserved Matters details in relation to car parking strategy and servicing and delivery strategy. Following responses from the applicant and amended information, the Transport Officers have no objections to the approval of this RMA subject to the inclusion of appropriately worded conditions in respect of details of bicycle stand and storage design. (Full appraisal in Section 6.6 of this report).

LBB Trees and Landscape

The Arboricultural Officer has been engaged in discussions with the Developer throughout the pre-application and submission stage of the process. Comments and have been addressed in the submitted information. No objections raised in relation to Plot 13 RMA subject to a standard landscape condition requiring details of tree and shrub species to be submitted prior to commencement, and subject to a LEMP.

Condition 27.9 of the S73 Permission requires a Landscape and Ecology Management Plan (LEMP) to be submitted and approved by the LPA for each phases or sub-phase of the development. This includes long-term design objectives, proposed management responsibilities and draft maintenance schedules for all landscaped areas (except privately owned domestic gardens).

LBB Urban Design Officer

The Council's Urban Design Officer has been engaged in the pre-application design process for Plot 13 since November 2017 and has reviewed the application and confirmed it complies with the overarching principles established in the control documents of the Outline Permission and raised no objection.

LBB Community Commissioning Team:

The LBB Commissioning team for community facilities have review the proposed community facility with Plot 13 and note that whilst the existing proposals provide a community space that delivers on the specific floorspace requirements set out in the outline application and the S106 agreement, the lack of clarity around how the D1 space will be used at this Reserved Matters stage has limited their ability to consider the impacts of, and have confidence in the deliverability of, intentions behind the

outline application - namely the provision of community space that includes useful and meaningful local facilities, and is available to local communities at affordable rates.

They have requested an appropriate condition that requires the developer to:

- i) Identify the proposed uses of the D1 (community) space
- ii) Identify the means for funding the fit-out of the D1 space – clarifying if fit out costs are to be passed on to the lettings.
- iii) Clarify the extent to which day-to-day management, maintenance and operation of the facility are funded through lettings or alternative funding sources, and the impact this has on the ability to offer preferential (affordable) rates to community groups.
- iv) Provide a business plan to demonstrate that the proposed use of the D1 space is a viable proposition, and that it will deliver community benefit to the local area.
- v) Clarify the impact of the proposed D1 uses and how they will be mitigated in relation to the surrounding residential spaces in a way that will not impact on the operation or viability of the community facility.

They also suggested that an appropriate condition that requires the developer to have:

- i) Secured planning permission for the above agreed facilities
- ii) Secured funding for the delivery and operation of the agreed facilities
- iii) Secured any other appropriate approvals required prior to commencing the fit-out of the community facilities.
- iv) Any other requirement to demonstrate that the D1 community space is deliverable and therefore can be made available to the neighbouring communities in timely manner.

6.0 PLANNING APPRAISAL

The main areas for consideration are set out in the below table. This section of the committee report is structured to deal with each consideration in turn.

Principle of development	Reserved matters details Parameters of the S73 Permission
Landuse	Mix Development Quantum Market Quarter Zone Obligations
Housing	Principle of Build to Rent, Affordable Housing and Viability Residential Density Residential Mix
Design	Layout - Masterplan Details Layout Plot Details Scale and Massing Elevation Design Treatment Landscaping
Residential amenity	Communal Space Standards (Internal) Housing Space Standards External Amenity Play Strategy Daylight and Sunlight Assessment Wind Assessment Noise Assessment
Highways	Car and cycle parking Refuse and Recycling Storage
Other material considerations	Access and Inclusivity Safety and Security Sustainability

The RMA has been submitted pursuant to the following conditions:

- 1.3(i) relates to timescales for the submission of RMA's in Phase 1C;
- 1.7 relates to attainment of all RMA approvals prior to the commencement of relevant Critical Infrastructure (Non Pre-Phase) in that phase; and
- 2.1: relates to documents and topics covered that all RMA's must be accompanied by.

Pursuant to condition 1.3(i), this RMA was received and registered by the LPA 25 October 2018. As set out in the Section 3 of this report, RMA's for Phase 1A (North), 1B (North) and 1A (South) have been submitted and approved in line with their respective timeframes under Condition 1 of the S73 Permission.

Pursuant to Condition 1.7, the proposals incorporate a multi-use community centre which is a requirement set by the Phase 1 Triggers and Thresholds (Condition 20.19 relating to Community Facilities in the Market Quarter Zone). This is an item of Critical Infrastructure ((Non Pre-Phase (South) as defined in both the s73 Glossary to Conditions and Schedule 1 (Defined Terms) of the Section 106 definitions under; Critical Infrastructure ((Non Pre-Phase (South), paragraph (c)(vi).

Pursuant to condition 2.1, the Explanatory Report (Table 2.1 'Requirements') submitted with the RMA sets out structure of the submission, providing details of the documents submitted under the relevant material consideration headings. Condition 2.1 states that such documents shall be required by the LPA to consider the proposals. The application is accompanied by the relevant documentation and therefore provides the LPA with appropriate details for considering the RMA proposals pursuant to Condition 2.1.

6.1 Principle of Development

The principle of submitting residential led mixed use development in this part of the BXC masterplan is established by Section 73 planning permission F/04687/13 which was approved on 23 July 2014 (the 'S73 Permission').

Parameters of the Section 73 Permission

The S73 Permission provides a number of parameter plans which establish a series of clear principles and guidelines to help shape the future of the development. These plans also help drive the direction of the development and set a fixed quantum of works, while determining the maximum and minimum controls in relation to the built forms, land uses, height levels and access arrangements.

The approved Parameter Plans need to be read in conjunction with the other control documents approved under the S73 Permission, in particular: the Revised Design Guidelines (RDG), Revised Design and Access Statement (RDSF) and the Revised Development Specification Framework (RDSF) which the Parameter Plans are appended to. Collectively these establish a series of development principles are used to guide the detailed design of future phases. For information, the key parameter plans of relevance to the consideration, as identified on page 15 of the submitted Explanatory Report, are as follows:

- *Parameter Plan 001: Development Zones (Rev 16):* This plan identifies development zones across BXC that reflect specific areas of character.
- *Parameter Plan 002: Transport Infrastructure (Rev 19):* This plan identifies a range of transport infrastructure requirements to facilitate the comprehensive redevelopment of BXC.
- *Parameter Plan 003: Public Realm & Urban Structure (Rev 19):* This plan identifies the network of new and existing public spaces and routes between them for pedestrians and cyclists. The development parameters

specify the limitations for projecting balconies on key frontages, namely that they may project beyond the façade to a depth no greater than 6m, and shall retain a minimum clearance from finished ground level of no less than 6m.

- *Parameter Plan 004: Ground Level Land Uses to Frontages (Rev 16):* This plan identifies the describes the land uses on principle ground floor frontages.
- *Parameter Plan 005: Upper Level Land Uses to Frontages (Rev 17):* This plan identifies the general geometry and use of upper floor frontages.
- *Parameter Plan 006: Proposed Finished Site Levels (Rev 17):* This plan identifies finished site levels above ordinance datum (AOD) for infrastructure and public realm.
- *Parameter Plan 007: Maximum Building and Frontage Heights (Rev 15):* This plan identifies the maximum building and frontage heights permitted within different building zones.
- *Parameter Plan 008: Minimum Frontages Heights (Rev 12):* This plan identifies the minimum frontage heights permitted within different building zones in order to define key public spaces and routes.
- *Parameter Plan 009: Basement and Service Access (Rev 14):* This plan identifies the building zones where basements are, or are not, permitted and those frontages that can incorporate direct carpark or service yard entrances.
- *Parameter Plan 014: Floorspace Thresholds (Rev 15):* This plan and supporting text identifies floorspace thresholds for Building Zones within their respective Development Zones, listing the Primary Use and Remaining Floorspace.
- *Parameter Plan 015: Indicative Layout (Rev 7):* This plan illustrates one layout which the BXC development could be constructed.
- *Parameter Plan 020 – Parameter Plan 28: Indicative Zonal Layout Plans (Rev 7):* This plan illustrates one way in which the development zones could be implemented.
- *Parameter Plan 029: Indicative Phasing Plan (Rev 6):* This plan illustrates the staging of each phase of the overall BXC scheme under the s73 planning application.

Details submitted as part of this Reserved Matters application for Plot 13 demonstrate conformity with the parameters of the outline consent with some exceptions. These are addressed in more detail in the relevant subsections of this report. In terms of deviations from parameters, a summary is set out in the below table, including the relevant sections of this report where these deviations fall to be considered.

Deviations from Parameter Plans:

Parameter Plan	Deviation	Impact, consideration
<i>Parameter Plan 003: Public Realm & Urban Structure (Rev 19):</i>	Some of first floor balconies on Claremont Park road and western tertiary street do not achieve minimum clearance	Highways Impact upon refuse vehicles
<i>Parameter Plan 004: Ground Level Land Uses to Frontages (Rev 16):</i>	Some non-residential uses on the ground floor in locations identified for predominantly residential	Landuse Residential amenity Highways (Servicing)
<i>Parameter Plan 007: Maximum Building and Frontage Heights (Rev 15):</i>	16 storey tower on north-eastern corner of the plot extends to a maximum height of 53.55m AOD, exceeding the frontage parameters by 18.55m (including the +2m limit of deviation), and the overall height parameter by 8.55m.	Design Residential amenity
<i>Parameter Plan 008: Minimum Frontages Heights (Rev 12):</i>	Minor breaks in the massing, western and eastern facades, where minimum frontage height not achieved.	Design

With regard to the impact of these deviations in Environmental Impact terms, namely whether or not the changes would render the conclusions of the s73 ES valid or warrant the submission of the further Environmental Statement, paragraph 1.8 of the RDSF states:

“Wherever parameters and principles are referred to in the planning permission sought, the design and other matters subsequently submitted for approval will be required to comply with such parameters and principles, unless any proposed departures would be unlikely to have any significant adverse environmental impacts beyond those already assessed.”

Therefore, in environmental impact assessment terms, deviations from the parameters and principles referred to in the S73 Permission may be considered acceptable providing the proposals have no adverse environmental impacts. The LPA issued an Environmental Screening Opinion (18/6400/ESR) dated 28 January 2019 which assessed the proposal for Plot 13. This Screening Opinion confirmed that the Plot 13 proposals would not give rise to additional significant environmental impacts compared to those assessed and mitigated against under the S73 Permission and ES and is not therefore required to be accompanied by a EIA. This is further explained in Section 7 of this report.

6.2 Landuse

Mix

The landuse expectations for different parts of the BXC development are set out within the s73 documents, principally the RDAS and RDSF along with appended parameter plans. The S73 Permission divides the BXC site into a series of Development Zones (as shown on Parameter Plan 001) based on different character areas. Plot 13 is located within the Market Quarter Development Zone, and Building Zone MQ1. The RDAS establishes a vision for Market Quarter as an area home to a diverse mix of uses with a vibrant and dynamic town centre character.

The proposals for Plot 13 comprise a residential led mixed use development incorporating primarily a mix of different types of residential homes ranging from 1 to 4 bedrooms on the upper floors, and a range of non-residential uses on the ground floor.

As such, the mix of uses is consistent with the character aspirations for the Market Quarter Zone as set out within RDSF and RDAS, and more specifically with Table 8a where the Anticipated Primary Use for Plot 13 is listed as 'Residential and Retail.' A more detailed discussion around the layout of the uses, in particular the non-residential uses on the ground floor, and how they relate to their surroundings is set in in the 'Layout' section of this report.

Development Quantum

The RDSF through a series of schedules provides a hierarchal breakdown of floorspace by use and Development Zone as follows:

- Table 1 'Development Floorspace' provides the overarching consented quantum for each landuse in the BXC;
- the 'Zonal Floorspace Schedule' (contained in Appendix 5 of the RDSF), sets out how the consented floorspace under Table 1 'Development Floorspace' may be distributed across the BXC within the respective Development Zones.
- the 'Floorspace Thresholds for Building Zones' table, included within Parameter Plan 014, divides the floorspace quantities within each Development Zone further into Building Zones, listing the Primary Use and Remaining Floorspace. The Primary Use is specified whilst the Remaining Floorspace comprises all other uses consented within the Development Zone as set by the 'Zonal Floorspace Schedule'.
- The Indicative Plot Schedule (Table 8a), which forms part of supporting text to Parameter Plan 029: Indicative Phasing, provides further controls by way of setting out the primary landuse for each development plot.

The Council recently approved a Section 96a non-material amendment (18/6447/NMA) which re-distributed a portion of floorspace from the Station Quarter Zone into the Market Quarter Zone (update to the 'Zonal Floorspace Schedule') and

then within Market Quarter Building Zone (update to the 'Floorspace Thresholds for Building Zones'). This increased the permitted development quantum within the Market Quarter Zone to align with the detailed designs being proposed for Plot 13 and Plot 11, including the development already approved on Plot 12. The revised floorspace values are set out below:

Floorspace Thresholds for Buildings Zones – Proposed Amendments

Development Zones	Building Zone	Development Floorspace m ² (Primary Use)	Remaining Floorspace m ²
Brent Cross East	BXE1	33,459 (any permitted use)	0
	BXE2	16,956 (any permitted use)	0
	BXE3	93,206 (any permitted use other than)	0
	BXE 4	4,035 (residential)	0
Brent Cross West	BXW1	4,942 (residential)	0
Eastern Lands	EL1	32,158 (residential)	20,996
	EL2	58,138 (residential)	416
	EL3	71,125 (residential)	20,113
	EL4	51,092 (residential)	3,902
	EL5	16,274 (residential)	279
	EL6	24,463 (any permitted uses other than residential)	1,974
Market Quarter	MQ1	48,707 51,450 (business and employment residential) – see note 1	28,574 25,831 – see note 2
	MQ2	100,266 56,204 – see note 3 (residential)	1,595
	MQ3	63,098 (residential)	1,138
Station Quarter	SQ1	96,683 140,745 – see note 4 (business and employment)	1,161
	SQ2	232,806 (business and employment)	73,691
Brent Terrace	BT1	5,575 (residential)	46
	BT2	83,200 (residential)	93
	BT3	4,864 (any permitted uses other than residential)	0
	BT4	105,779 (residential)	465
Railway Lands	RL1	24,618 (WHF)	5,574
	RL2	29,263 (rail freight facility)	7,433
Cricklewood Lane	CL1	2,380 (residential)	1,800
Clitterhouse Playing Fields	CPF	251 (any permitted uses other than residential)	0

The proposed residential floorspace for Plot 13, including that consented under Plot 12 and proposed as part of the Plot 11 RMA amount to 100,266sqm which corresponds exactly with the revised 'Floorspace Thresholds for Building Zones' value for MQ2.

In relation to the 'Remaining Floorspace' field in the updated 'Floorspace Thresholds for Building Zones' table, which covers all other non-residential uses, the total for development plots in MQ2, comprising Plots 11, 12, and 13, would amount to 5,127sqm. This is 3,532sqm above the MQ2 threshold for Remaining Floorspace. However as illustrated within the table associated with paragraph 4.5 of the 'Floor Area and Landuse Statement', the Remaining Floorspace proposed in MQ2 would not breach the 'Zonal Floorspace Schedule' limits for the Market Quarter Zone as a whole. Pursuant to this, Parameter Plan 014 allows for the uplift of floorspace within a Building Zone of 15%, with an equivalent reduction in floorspace to a neighbouring Building Zone within the same Development Zone, which in this case is the Market Quarter Zone. Accordingly, an additional 3,532sqm of Remaining Floorspace is equivalent to a 3.5% increase above the MQ2 thresholds, and as set out above, there is sufficient Remaining Floorspace within the Market Quarter Zonal Floorspace Schedule allocations for it to be deducted from. As such the quantum of development is acceptable as it would align with the relevant floorspace schedules.

Market Quarter Zone Section 106 Obligations

Community Centre

The provision of a Community Centre within the Market Quarter Zone, with a minimum floor area of 1000sqm within the Market Quarter Zone, is a requirement of the s73 controls, namely the infrastructure triggers under condition 20 (Phase 1 Triggers and Thresholds). The s73 permission provides a broad definition of what uses the Community Centre shall provide as set out below:

“Community Facilities (Market Quarter Zone)” means 1,000 sq m gross external floorspace of the multi-use flexible floorspace the whole or part of which is to be provided in either Plot 11, Plot 12 and/or Plot 13 as shown on the Indicative Phasing Parameter Plan and outlined by reference to its anticipated primary use in Table 8a of Appendix 2 of the DSF and to be provided in accordance with paragraphs 2.35 to 2.36, and Table 11 of the DSF and to be used for the purpose of providing community facilities which may include multi-functional space meeting rooms play space recreation cooking and dining areas and arts and cultural activities available for use by residents of the Development;

The scheme incorporates a Community Centre with a floor area of 1007sqm. Appendix 1 of the submitted Design Access statement provides two indicative layouts (Fig 107 and 108) which have been prepared with regard to the above definition. The indicative layouts show how the Community Centre could be set out over two floors and provide a range of community orientated facilities including a community café, theatre, Creche, multi-purpose space, meeting rooms and office space. The submitted Design and Access statement clarifies that the internal layout will be developed in the next stage

of design and construction with the appointed providers.

The Section 106 Agreement requires the Developer to provide the Community Centre to the stage of Practical Completion which is defined as “shell and core stage whereby the building(s) are suitable for fitting out” (S106 Schedule 1, Defined Terms), and to “ensure that community groups will have usage rights at preferential rates, subject to reasonable limitations” (Schedule 21, Estates Management Framework (clause 6)).

The indicative layouts have been prepared by the Applicant in consultation with LBB Commissioners for Community Centres. A number of questions have been raised that relate principally to details of the proposed use and operation and who will be responsible for the fit out of the space, and what measures will be in place to ensure the Community Centre is a financially viable operation whilst securing usage rights for community groups at preferential rates. These concerns have been acknowledged by the Developer who will be seeking to secure an occupier for the space.

A planning condition is recommended in this report to provide the Council with operational details including a management plan with details of hours of use, number of staff, and management arrangements to ensure the amenity of adjoining residents is safeguarded.

In light of the above, it is considered the inclusion of the community floorspace within the scheme satisfies the landuse requirements set by Condition 20.19, subject to the submission of further details as part of a planning condition, whilst the operational requirements as set out under the above stated terms of Section 106 Agreement will be ongoing obligations once the use is commenced.

Temporary Health Centre

The provision of a Temporary Health Centre within the Market Quarter Zone is a requirement of the S73 Permission, namely the infrastructure triggers under condition 20 (Phase 1 Triggers and Thresholds). Condition 20.17 which relates to the Market Quarter Zone states:

20.17. On the date of the submission of the first Reserved Matters Application for residential units in the Market Quarter zone the Developer shall confirm with the Barnet NHS/healthcare provider (or successor body or appropriate health provider as agreed with the LPA) its space requirements and location for the Temporary Health Centre (up to 300 sq.m) in the Market Quarter Zone and shall not occupy any residential units in Market Quarter Zone until the developer has offered a lease to the Barnet NHS/healthcare provider of that facility on reasonable terms. Subject to completion of an agreement of the lease in accordance with the obligations as set out in paragraph 7 of Schedule 2 to the S106 Agreement, no more than 450 residential units in the Market Quarter Zone shall be occupied until the Temporary Health Centre has been provided. The facility shall remain in place until the Main Health Centre is provided or the lease of the Temporary Health Centre expires, whichever is the earlier.

Reason: To ensure the timely provision of the Temporary Health Centre in accordance with the ICP.

Officers have engaged with Barnet NHS Clinical Commissioning Group (CCG) to understand their requirements and the current health care capacity within the area. The CCG have provided a response to the consultation on Plot 13 RMA confirming that they do not require the Temporary Health Facility. This is in response to up to date HUDU modelling undertaken on behalf of the CCG, assessing the need for additional health floorspace for existing and projected population in the area, the results of which clarify that there is sufficient capacity within existing surrounding facilities to deal with existing and projected population arising from this first phase of the regeneration. Through engagement with the CCG the Developer has begun discussions over the requirements for the permanent Main Health Centre which will be delivered in Phase 2.

The Temporary Health Centre floorspace is not a component of the 'Zonal Floorspace Schedule' in Appendix 5 of the RDSF, given its temporary nature until the permanent facility is delivered. In addition, Schedule 2, paragraph 7 (Health Facilities) 'Southern Development' of the s73 Section 106 Agreement includes provisions for a payment in lieu to the Council in the event that the health facility is not provided, to be paid prior to the occupation of residential units within Phase 1C. The CCG letter confirms that such funds should be directed toward the provision of the Main Health Centre to be delivered in Phase 2.

6.3 Housing

Principle of Build to Rent accommodation

Phase 1 South of the BXC development comprises Plot 11, 12 and 13. Plot 12 is within Phase 1B (South) and includes the provision of affordable housing for the Whitefield Estate replacement units Part 2. Plots 11 and 13 fall within Phase 1C and are not required to include any further affordable housing (see Affordable Housing section below).

All of the units within Plot 13 are designed as homes for market sale in terms of the relevant design and amenity space standards. However, the Developer has indicated their intention to retain a proportion of the homes on this plot as Build to Rent (BTR).

Build to Rent (BTR) accommodation comprises blocks of homes that are purpose built for longer rental tenancies. The apartment blocks are professionally managed with high quality customer services and often include additional on-site facilities. BTR is not the same as Private Rental Sector (PRS) accommodation which is typified by investors buying individual or groups of flats in a regular market sale housing development which they then rent out. This leads to multiple landlords and no unified management regime for the building as a whole.

BTR is attractive to institutional investors seeking long-term income stream. For this reason BTR does not operate the same financial model as conventional for-sale housing where the Developer takes a risk on the property market and where return is

dependant on the speed at which they can sell the new homes. Conversely, entire blocks of BTR accommodation will be sold, but the Developer's investment is tied up for longer. BTR offers a reliable long-term income stream by avoiding downturns in the property sale market. Including BTR as part of a mix of housing in a development alongside private sale homes, can accelerate speed of delivery overall because the Developer is not restrained by the market absorption rate when it comes to selling individual flats.

Because BTR is a relatively recent product in the UK housing market, the S73 Permission for BXC does not recognise it as a housing type within its control documents and Section 106 Agreement. However BTR is now recognised within Chapter 3.3 (Build to Rent) of the Mayors Housing SPG (March 2016). Chapter 3.3 of the housing SPG has been updated through Part 4 of The Affordable Housing viability SPG (August 2017). This SPG recognises the role of the private rented sector in providing homes for Londoners, acknowledging that at the time of publication it accounted for 28% of all households in London. Pursuant to this, the SPG cites Policy 3.8 (B a1) in its recognition that the planning system should take a more positive approach to enabling this sector to contribute to the achievement of housing targets, and that positive support should be given for purpose built private rented homes through the land use planning system at the local as well as the strategic level.

In terms of the characteristics of BTR, Affordable Housing Viability SPG (August 2017) sets out that BTR housing shall:

- be a development, or block/phase within a development, of at least 50 units;
- hold its constituent homes as Build to Rent under a covenant for at least 15 years;
- provide units that are all self-contained and let separately;
- operate under unified ownership and management;
- offer longer tenancies (three years or more) to all tenants, with break clauses that allow the tenant to end the tenancy with a month's notice any time after the first six months;
- offer rent certainty for the period of the tenancy, the basis of which should be made clear to the tenant before a tenancy agreement is signed, including any annual increases which should always be formula-linked;
- include on-site management, which does not necessarily mean full-time dedicated on-site staff, but must offer systems for prompt resolution of issues and some daily on-site presence;
- be operated by providers who have a complaints procedure in place and are a member of a recognised ombudsman scheme; and
- not charge up-front fees of any kind to tenants or prospective tenants, other than deposits and rent-in-advance.

In addition to the above criteria, BTR developments also typically provide shared amenities beyond the "front door" of individual homes such as a large entrance lobby

and concierge, gym or other sports facilities, hireable meeting rooms, bookable dining and entertaining suites, shared internal and external amenity spaces, gardening facilities, cycle maintenance workshops etc.

In the case of Plot 13, all of the homes have been designed to the same standards as market sale homes with the same approach to amenity space provision and car parking. The housing is therefore acceptable in terms of quality of accommodation as either rental and sale properties (See Residential Amenity below). The impact of providing a proportion of the units on Plot 13 as BTR accommodation has also been tested as part of the viability assessment for Phase 1 South and does not alter the viability and trigger for further Affordable Housing requirements (See Affordable Housing below). It is therefore not required to secure the units as BTR for a covenanted period in this instance.

In the context of Plot 13 and Phase 1 South, it is considered that BTR accommodation has the potential to provide a wider mix of housing products and a further choice for future occupiers in the BXC in line with London Plan policy 3.8 which advises that: 'Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments'. In the case of Phase 1 South, delivering a proportion of the units as BTR would allow the Developer to construct and deliver homes on concurrent plots at the same time by not being restricted to sales absorption rates which in turn enables a critical mass to be established more quickly in this early phase of the regeneration. This means that a sense of place is able to be created promoting place making and stewardship at an early stage in the scheme.

Affordable Housing

Phase 1 (South) Affordable Housing Obligations

The S73 Permission (RDSF, Paragraph 2.24) sets a baseline requirement to provide 15% of all residential floorspace, with a target of up to 30%, as Affordable Housing, that is housing that would fall under the Section 106 definitions of Social Rented, Affordable Rent and/or Intermediate Tenures.

For Phase 1 (South), within which Plots 11, 12 and 13 are situated, the Section 106 Agreement contains specific Affordable Housing requirements reflecting the need to provide replacement homes for the Whitefield Estate. In relation to Phase 1 (South) these are defined in the Section 106 Agreement as 'Whitefield Estate Replacement Units (Part 2)'

In addition to the Whitefield Estate Replacement Units (Part 2), the S106 agreement sets out the circumstances where any additional affordable housing would be triggered in Phase 1 South.

Therefore the 15% affordable housing provision for Phase 1 (South) is established through the sum of the Whitefield Estate Replacement Units (Part 2) and any 'Phase 1 South Additional Minimum Affordable Housing Units'.

Phase 1 (South) Additional Minimum Affordable Housing Units is defined as follows:

"Means 50 (fifty) Affordable Housing Units to be delivered within Phase 1 (South) pursuant to clause 1.6.7(b) of Schedule 2A SAVE THAT if pursuant to the approved Affordable Housing Scheme for Phase 1 (South) or pursuant to Reserved Matters Approvals covering the whole of Phase 1 (South) the proposed number of Dwellings within Phase 1 (South) is higher or lower than 1568 (one thousand five hundred and sixty eight) Dwellings (which is the number assumed at the date of this Agreement) then the said minimum figure of 50 (fifty) Affordable Housing Units shall be:

- (a) increased by 1 (one) Affordable Housing Unit for every 6.67 Dwellings by which the total in Phase 1 (South) in excess of the assumed 1568 (one thousand five hundred and sixty eight) Dwellings; or*
- (b) decreased by 1 (one) Affordable Housing Unit for every 6.67 Dwellings less than the assumed 1568 (one thousand five hundred and sixty eight) Dwellings proposed within Phase 1 (South)."*

The effect of this would be that, in accordance with 'part (a)' for every 6.67 dwellings within Phase 1 (South) above the 1568 units assumed at the time of the outline approval there would be a requirement for an additional affordable housing unit. Similarly in accordance with 'part (b)' for every 6.67 units below the 1568 units assumed at the time there would be a reduction of an affordable housing unit.

Therefore the minimum provision for Phase 1 (South) therefore comprises:

- The Whitefield Estate Replacement units; and
- The Phase 1 (South) Additional Minimum Affordable Housing Units which is 50 Affordable Housing Units subject to adjustment described above.

Reserved Matters have been approved for Plot 12 within Phase 1B South which comprises 292 residential units including the 110 Whitefield Estate Replacement Units (Part 2). Phase 1C comprises Plots 11 (352 units) and 13 (348 units) giving a total of 992 units for Phase 1 South. Part (b) of the ratchet mechanism set out above is therefore applicable. If the total number of units in Phase 1 South is 334 units (i.e. 50 x 6.67) below 1,568 there is no requirement for additional affordable housing in Phase 1 (South). i.e. if the phase comprises less than 1,252 units. The total number of residential units to be provided within Phase 1 (South) is 992, which is below the threshold of 1,252 units and therefore no additional affordable homes beyond the Whitefield Estate Replacement Units (Part 2) are required to be delivered.

The inclusion of the Whitefield Estate Replacement Units towards the minimum provision of affordable housing in these early sub phases of the development was agreed at the outline application stage in recognition of the significant infrastructure costs associated with such early phases and the need to rehouse the Whitefield Estate Residents.

From Phase 2 onwards the minimum of 15% affordable housing will be provided as new affordable housing with a site-wide target of providing 30%.

The Affordable Housing Viability Testing Report (AHVTR) for Phase 1 South pursuant to condition 1.13 was approved by the Council in February 2018. The AHVTR assumed

a total of 997 residential units in Phase 1 South. The viability appraisal which was independently reviewed by the District Valuation Service (DVS) of the Valuation Office Agency, concluded that based on the predicted provision of 997 units within Phase 1 (south) as a whole, the provision of further Affordable Housing could not be viably delivered within Phase 1 (South). The conclusions reached on viability grounds were found to be acceptable, based largely on the first phase having the highest infrastructure costs, including the re-provision of social housing for the Whitefield Estate (Part 2).

Plot 13 Affordable Housing Requirements

As outlined above, there are not any 'Phase 1 (South) Additional Minimum Affordable Housing Units' required for Plot 13.

In terms any additional Affordable Housing Requirements in line with the Phase 1 South AHTVR assessment, the independent appraisal of the Phase 1 South AHTVR recommended the conclusions on viability may be affected if the residential floorspace within actual RMA proposals for Plots 11 and 13 resulted in an increase or decrease of 5% or more in comparison to the assumptions within the AHTVR. The total Phase 1 (South) proposals based on 292 consented units within Plot 12, 352 proposed within Plot 11 and 348 proposed within Plot 13 would not breach 5% limit of deviation and therefore with respect to quantum the AHVTR conclusions remain valid.

The AHVTR appraisal for Phase 1 (South) assumed 200 units within Plot 13 would be provided as BTR. However as set out above, the proposals for Plot 13 now seek the flexibility for those units to be market sale also. Given this is a different tenure to that considered under the Phase 1 (South) AHVTR, the LPA commissioned the DVS to further independently check the sensitivity test on the impact of this change upon the conclusions reached within the AHVTR. The conclusions were that assessing these 200 units as private sale rather than BTR would not enhance the overall development viability of the Phase. In fact, the effect of delivering these 200 units as private sale had a negative impact on viability of the phase for a number of reasons.

In summary, the development of Plot 13 is not required to provide Affordable Housing as this has already been provided for Phase 1 South through the Whitefield Estate Replacement Units (Part 2) on Plot 12.

Residential mix

The Plot 13 proposals provide the following mix of residential homes

Unit size	Number of units	% of Plot 13 mix	% of Plot 13 mix	RDSF Site Wide Target Private Mix (Para 2.23)
Studio 1 person	31	9%	48%	35%
1 bed 2 person	137	39%		
2 bed 4 person	150	43%	34%	47%
3 bed 6 person	28	8%	9%	18%

4 bed 8 person	2	1%		
Total	348	100%	100%	100%

There are departures from the RDSF site wide target, notably a higher quantity of one bedroom units and a lower quantity of 3 and 4 bed properties. The submission sets out that the mix is weighted in this way due to Plot 13 forming part of the first phase of the regeneration, to be constructed and occupied prior to the delivery of much of the new and improved infrastructure proposed across the regeneration, principally the Education campus, Children Centre's and Main Health Centre, all of which are required within Phase 2.

In addition, it should be noted that the RDSF target mix is a site wide requirement and therefore not to be enforced strictly on a plot basis. Rather it is an ongoing control to be monitored throughout the regeneration with the aim of providing a balanced community pursuant to the development objectives. On this basis, and taking into consideration the fact that this plot is part of the early phase of the development, the mix is considered acceptable for the Plot 13 proposals.

Residential Density

The proposal has an approximate residential density of 435 units per hectare, based a plot size of 0.8 hectares. Table 3b of the RDSF outlines an illustrative residential density of 386 units per hectare (u/ha) for the Market Quarter Zone. The indicative densities were derived primarily from the parameter controls and thresholds identified in the RDSF in relation to building heights, floorspace and other standards. The London Plan density matrix under policy 3.4 'Optimising Housing Potential' outlines a maximum range of 215–405 u/ha, for central locations with between 4-6 PTAL levels. The proposed development would therefore exceed both ranges.

Notwithstanding the above, The Mayors Housing SPG also advises that in appropriate circumstances, it may be acceptable for a particular scheme to exceed the ranges in the density matrix (paragraph 1.3.51), such as in an Opportunity Area or Area of Intensification pursuant to London Plan Policy 2.13 'Opportunity Areas and Intensification Areas'. In addition, paragraph 2.28a of the RDSF identifies that density is not an assessment tool in its own right, and actual densities will be calculated at reserved matters stage as a derivative of various controls and standards including sunlight/daylight, private amenity space, building heights as well as the scale thresholds.

Noting the above, it is accepted that appreciation of housing density is important to realising the optimum potential of sites in the BXC. However, the LPA will only consider a departure from the indicative density for the Zone if development proposals can clearly demonstrate that they comply with or exceed the necessary residential amenity, design and parking standards and not result in any demonstrable harm. This is discussed in below subsections of this report with the conclusion that in this instance the development meets acceptable standards with regards to residential amenity and design.

6.4 Design

Layout

Masterplan context

The indicative masterplan layout for BXC is shown on Parameter Plan 015 (Indicative Layout Plan). A closer zonal indication for the area relevant to Plot 13 is shown on Parameter Plan 020 (Indicative Zonal Layout Plan Market Quarter). The parameters do not fix the layout or location of the development plots, rather they provide a general arrangement as one way in which the regeneration would be built out in accordance with the parameters. Accordingly, the parameters incorporate limits of deviation.

The S73 Permission incorporates a reconciliation process through Condition 1.17 (Illustrative Reconciliation Plan), that requires an up to date base plan to be submitted based on Parameter Plan 015 and containing the approved RMA proposals. The purpose of this is to reconcile the proposed RMA against extant RMA's and Parameter Plans, to demonstrate that the proposals are complimentary and as such demonstrate that comprehensive delivery of the masterplan is capable.

In this instance, the IRP has been submitted for Phase 1C which incorporates Plots 11 and 13. The plot details are shown in basic plan form. Plot 13 is shown as occupying the development plot in its entirety at ground level, rising up to a series of distinct massing elements around a central raised podium giving the development a perimeter block character.

The IRP for Phase 1C has been submitted under application (18/6438/CON). Of relevance to the Plot 13 RMA proposals are the following conclusions of the IRP process:

- The Plot aligns itself with extant Plot 12 RMA curtilage, maintaining an appropriate width for the tertiary street between the two plots pursuant to Parameter Plan 002 (Highways Infrastructure);
- The Plot aligns itself with its Local Highways network pursuant to Parameter Plan 002 (Highways Infrastructure), namely 'Claremont Park Road' to the South, and 'High Street South' to the North;
- The kink in the High Street shown to the west of Plot 13 would be within the limits of deviation of up to 35m (Notwithstanding this is outside of the Phase 1C and Plot 13 RMA site curtilages);
- Parameter Plan 015 incorporates an east west pedestrian route from Market Square, through Phase 1B and 1C development Plots adjoining Claremont Park, and terminating at Station Square. This is not featured in the current Plot 13 proposals, nor within the IRP. This route however is not defined within the s73 Parameter Plans, and not therefore strictly required. The IRP illustrates that a combination of east west routes are still enabled through the BXS area, namely via Claremont Park Road, High Street and a route to the north of the flat iron building.

Layout - Plot details (uses)

The S73 Permission documents, namely the RDSF and appended Parameter Plans, RDAS and RDG, together create a series of development controls to secure the mixed use development aspirations for this part of the Market Quarter Zone.

In terms of uses, the main guiding principle for Plot 13 is the establishment of Key Frontages within Parameter Plan 004. This establishes predominantly retail, leisure or hotel uses facing onto High Street to the north of the plot in line with the Market Quarter use and activity aspirations to make this a vibrant area within the development. This is contrasted by ground floor residential use allocations on the southern and western sides, facing Claremont Park Road and Claremont Park beyond, and the adjoining Plots to the west, which adheres with the more residential neighbourhood feel to these locations.

The proposed building footprint occupies the full extent of the building plot creating a defined ground floor edge around the building perimeter with a minor break in the continuous frontage on the western façade. In terms of addressing the Key Frontages, the buildings principal façade faces onto the High Street with predominantly retail uses at ground level. The Claremont Park Road façade comprises maisonettes featuring private front doors at ground level. Residential lobby entrances are also located on the residential street to the west. These details adhere with Key Frontage Parameters.

On the eastern façade, the building is orientated toward the tertiary street in between Plot 13 and Plot 12 and the Pocket Park. This frontage is not a designated Key Frontage. The environment approved under the Plot 12 RMA, which included the tertiary street within its curtilage, created a neighbourhood street environment. The proposed Community Centre within Plot 13 is located on this façade and deliberately addresses the Pocket Park space. The residential basement car park access a refuse stores are also located on this façade. In terms of ground floor uses, this is an appropriate location for the Community Centre given the residential neighbourhood location, whilst the parking and refuse access also corresponds with the proposed residential vehicular access and servicing route.

In terms of the western façade, the ground floor would be occupied by a combination of non-residential uses, comprising flexible retail/restaurant uses on the corner with High Street and 'Neighbourhood Square' and toward the Claremont Park Road end, and a cinema positioned approximately in the middle of the frontage. Parameter Plan 004 identifies the key frontage in this location as residential. The proposed uses however remain in line with the Market Quarter mixed use town centre character and also correspond more closely with the evolving masterplan aspirations for this area of 'Neighbourhood Square', which is shown indicatively and likely to come forward in future RMA proposals. As such the principle of the departure from residential uses in this location is acceptable. This change is further discussed in subsequent sections of this report in relation to residential amenity and servicing implications.

Layout – Local Highways Infrastructure

The Plot 13 site curtilage subject to this application includes a single item of Highways Infrastructure to the west of the plot. This is proposed as an access only tertiary street,

providing a servicing bay and vehicular turning head for transit sized vehicle and visitors parking bays. This no-through tertiary route adheres with Parameter Plan 002 (Highways Infrastructure). Only emergency vehicular access is provided to the tertiary route from the High Street South. Pedestrian and cycle access is provided along the entire length of this tertiary route, in compliance with Parameter Plan 003 and its designation as a Main Connection for pedestrians and cyclists. The footpaths adjacent Plot 13 are a minimum of 2m in width. The height of the footpath kerbs along tertiary streets are 50mm which create an informal 'home zone' character to the streets surrounding the residential buildings. A more detailed assessment of how this physical infrastructure corresponds with servicing and other related highways requirements for the plot is set out under the 'Highways' section of this report.

In terms of the wider BXS highways context, within which the Plot 13 proposals are shown, as set out in the 'Development Context' to this report, these adjoining areas are subject to their own applications which together provide the details for the Plot development and highways and public realm infrastructure for this part of the masterplan area. Of key relevance to this Plot 13 proposal in terms of local highways infrastructure is the Highways and Public Realm 'drop in' application and amendments application to the extant Plot 12 RMA. In summary, the physical highways and public realm layout proposed through these applications is considered to comply with the relevant parameters in terms of layout. This is not set out in detail under this Plot 13 committee report but dealt with in detail within the respective drop in and Plot 12 amendments applications.

Scale and Massing

The proposed development comprises two principal buildings formed from six blocks, arranged around a central raised podium courtyard which provides private and communal outdoor amenity space for residents.

The two buildings are comprised of six courtyard blocks of varying heights. The approach is to create a series of linked yet distinct building forms on each side of the development plot which address the townscape which they face onto. On the east and west façade, small breaks in the massing are incorporated providing separation between the different blocks. On the north and south elevations, the massing is continuous creating a strong and defined edge to the Market Square to the north and Claremont Park boundary to the south.

Blocks facing the north-south routes to the west of the plot, along the southern façade facing Claremont Park Road and on the eastern edge facing the pocket park and neighbouring development Plot 12, are 7 storeys in height with a set-back 8th level. The height increases to 7 plus 2 set-back levels on the north west corner facing 'Neighbourhood Square'. On the north east corner of the plot at the termination of Templehof bridge approach, the building features a tower element of 16 storeys.

The proposed layout and massing has been prepared with due consideration for the S73 Permission controls, namely the RDSF and appended Parameter Plans, RDAS and RDG. These controls seek to regulate the height and form of buildings in order to secure a varied, high quality and considered townscape but also to ensure

development creates a good quality of external amenity for residents and people moving through the public realm.

The principle of the perimeter block approach is in accordance with the RDAS which identifies this as an acceptable way for delivering residential led development plots in the BXC. It is also a recognised good practice urban design principle for providing active frontages to streets and public spaces while locating private space within the block. The main parameter controls relating to height are: Parameter Plan 007: 'Maximum building heights' and Parameter Plan 008: 'Minimum Frontages Heights (Rev 12)'. The RDAS provides further detailed guidance on height and massing. Of particular relevance to this scheme and the tower element especially is Guideline 4 which explains that there is an opportunity for buildings to exceed the maximum frontage height for a restricted length for no more than 30% of the length of any frontage.

The perimeter block approach maintains a legible park frontage and defined building edge facing onto the Market Square as prescribed by the Masterplan principles. Small breaks in the massing on the east and west side represent deviations in terms of minimum frontage height requirements, however these are minor in width and provide relief with associated benefits to the townscape and residential amenity within and outside the plot curtilage.

The variation in height combined with variations in materiality allow for the development to be perceived as a collection of buildings. The predominant scale of seven storeys and a set back above (8 total) is fitting for this urban environment and creates a legible height to width ratio along with the proposed tertiary streets. This also complies with the maximum building height parameters. Having regards to the above, the general massing on the Plot would have sufficient conformity with the requisite massing and height controls and guidance contained in the s73 Permission. The exception is the 16 storey tower on the north eastern corner of the plot which has been designed to act as a visual marker and bookend to the urban block on the High Street.

The 16 storey tower element extends to a maximum height of 53.55m AOD, exceeding the frontage parameters by 18.55m (including the +2m limit of deviation), and the overall height parameter by 8.55m. In terms of the width of this height deviation, this would not occupy more than 30% of the frontage in accordance with RDAS guideline 4 cited above. Nevertheless, the breach of height parameters requires assessment in townscape and amenity terms.

The RMA was accompanied by an EIA Screening Opinion Request to determine whether or not in the LPA's view the massing, in particular the breach in height for the tower element, would result in unacceptable environmental impacts in Townscape and Visual terms, in comparison to the original indicative massing prepared with the S73 Permission. The 'Visual Assessment Study' dated October 2018 prepared by Arup, based on the viewpoints 1-6 established in the original ES during the construction period, operation (year 1) and the completed scheme, concluded that there would be no significant additional environmental impacts compared to those reported in the original ES. Other Environmental indicators relating to microclimate, namely wind comfort and daylight and sunlight, concluded equally that the additional height would not result in additional significant environmental impacts. These are dealt with in more

detail under the 'residential amenity' part of this report. Based on these conclusions, the LPA issued its screening Opinion (18/6400/ESR) dated 28 January 2019 confirming that the RMA proposals, namely the additional height, would not result in additional significant impacts in comparison to the effects reported in the original ES. The additional height would be seen in the context of the setting within the approved development and the new skyline created by it which includes buildings to the north of Plot 13 adjacent to the A406 North Circular which are permitted up to 100m in height.

When considering the Plot as a whole, the massing would satisfy the overarching principles for a strong presence on the High Street, a legible park interface and a marker structure on the north-eastern corner as a way of terminating the route over Templehof Bridge approach. It would also provide for calmer residential streets to the east and west of the southern perimeter block. The massing is therefore considered to be acceptable and in accordance with the principles of the approved S73 Parameters.

Elevation Design Treatment

The S73 Permission contains various controls in relation to the appearance of the BXC development. Those of relevance to the proposed buildings at Plot 13 are explained and assessed in this section.

Section A2.5 of the RDAS emphasises the need for buildings to be "durable, attractive and visually harmonious". In respect of low and medium rise buildings specifically, this section states they will "be generally solid, rather than lightweight – a masonry architecture should prevail; although lighter elements in metal, timber and as well as moments of ornament will add delicacy and richness to the composition". This same section encourages the use of natural materials and states that brick should be the most typical material.

The RDG sets out guidance relating to the appearance and architectural design of buildings. Section B4.2 provides palettes for building frontages and also provides elevation typologies which are intended to inform the design of the development. Section B4.2.1 specifically sets out guidance of frontage detailing including vertical articulation, horizontal articulation, doors and entrances, building projections and balconies, breaks in frontages and material. The guidelines are non-prescriptive but rather set a framework for the grain and articulation of the building frontages that relates to the hierarchy of streets and spaces

The design evolution for the plot 13 is outlined within the submitted Design and Access Statement. Within this analysis, a summary of the relevant design guidance provided by the S73 Permission is set out, as well as acknowledgment of the architectural precedents and sources which have inspired the chosen approach. In summary, the perimeter blocks take inspiration from the London Mansion Block building typology, in particular; the ordered façade treatment with appropriate and considered distribution of both recessed and projecting balconies, an appropriate solid to fenestration ratio, predominantly brick finished façade treatment with incidences of detailing providing interest, and a set back mansard level constructed in a darker material typically slate.

The majority of the Plot 13 building facades are finished in brick with the 16 storey tower which clad in glass reinforced concrete. The tower element is deliberately clad

in a contrasting material to distinguish it from the other buildings and emphasise it as a marker block. Paragraph 4.4.3 of the submitted Design and Access Statement illustrates the distribution of different brick types across the development blocks, applying a 'Red Brick' to Blocks B, C and D within the northern portion of the plot and 'Buff Brick' to the southern element facing the park. Such an approach is successful in creating a distinction between the different parts of the scheme and reducing the overall impression of scale across the development as a whole.

In detailed design terms, the elevations are approached through a series of defined and well-proportioned bays with a vertical emphasis that correspond with the internal layouts; incorporating windows, reveals and brick detail within each respective bay. These provide good legibility to the facades in terms of identifying a particular residential unit both internally facing the courtyard and externally, whilst also serving to introduce articulation and interest reducing the overall impression of mass across the façades. The overall impression is of a series of well ordered facades that also incorporate sufficient variety through fenestration, balconies and massing form.

In terms of the 16 storey tower element, the Design and Access statement explains that the building adopts a vertical emphasis to make its profile more slender. In this instance this is achieved through the Glass Reinforced Concrete grid structure following the internal apartment layouts, incorporating patterned metal panels to the side of the windows and inset balconies adding visual interest and articulation and breaking up the scale. This approach is considered to be complimentary with the remainder of the scheme, whilst also creating a sufficiently striking building in its own right that is appropriate for this "marker element".

A condition is recommended to secure details of all external materials for approval by the LPA. The elevation design treatment is considered to be acceptable. External landscaping and overall scheme sustainability is dealt with in subsequent sections of this report.

Landscaping

The S73 Permission contains various controls in relation to the landscaping of the BXC development. Those of relevance to the proposed development of Plot 13 are explained and assessed below.

Parameter Plan 003 (Public Realm & Urban Structure) identifies a network of new and existing public spaces and routes between them for cyclists and pedestrians. The accompanying text to this plan explains that the general location of a series of green spaces, civic squares and green corridors have been identified on Parameter Plan 003, however, the exact location, configuration and size of such spaces will be defined at the reserved matters stage. The relevant extracts from the s73 control documents are outlined below;

Section A2.6.1 of the RDAS sets out the following principles that underpin the landscaping strategy for BXC and are to inform RMA proposals:

- Create a sense of place and identity;
- Promote health and wellbeing;

- Integrate and enhance ecology;
- Make spaces that are inclusive, accessible and secure;
- Promote education and learning through the public realm;
- Create a place for pedestrians and cyclists;
- Integrate the private vehicle and public transport without overwhelming streets and spaces;
- Make a place where stopping and relaxing is encouraged;
- Place the concepts of play and leisure at the centre of the strategy; and
- Make a public realm that is lively and diverse.

The same section states that the character of each open space and street will vary according to the role it plays in the overall hierarchy of the development. The strategy proposes a comprehensive network of public parks, city gardens, and public squares interlinked by a highly accessible pedestrian and cycle network.

The typology of residential development which clusters apartments around communal garden courtyards will provide a substantial network of private green spaces that will offer safe accessible environments for recreation and play for new residents. In addition to this many apartments will have their own private balconies or terraces while new houses will have their own private gardens.

The consented RDG sets out in more detail the configuration of streets and spaces throughout the development while also articulating how building frontages will relate to these spaces. The most relevant extracts are listed below;

- Section B4.1 provides component palettes for the public realm to inform the design of new development at Plot 12. It should be noted these are indicative and illustrative.
- Section B4.1.1 sets out detailed guidance in respect of soft landscaping. The guidance identifies the type(s) of planting that may be suitable for the various street typologies across BXC.
- Section B4.1.2 sets out a detailed pallet providing guidance of materials that may be suitable for the various street typologies across BXC. The palette includes details of: street surface, footpath surface, car parking surface, and facilities in spaces (such as play facilities, sports facilities, performance space).
- Section B4.1.3 sets out the palette of street furniture and facilities including details of: lighting, seating, bollards, refuse, cycle stands, bus stops, public art and water features, thresholds, and fences and screens.

Lastly, the s73 permission itself includes conditions, principally 2.1 (g), that requires RMA's to be accompanied by details of the landscape including summary of tree details, specification of temporary and permanent surface finishes, post-construction landscaping near trees, tree planting (including tree pit details) and details of green and brown roofs. Other landscape related conditions such as 27.4 and 27.6 and Table 10 of the RDSF require landscape proposals of RMA applications to be supported with ecological enhancement, maintenance, and programme for commencing and

completing planting.

Pursuant to the above the Plot 13 proposals are accompanied by a scheme of landscaping which is centred principally on three areas. Firstly, the raised podium communal garden in the centre of the plot featuring private gardens, communal terrace on the eighth floor, and the tertiary street on the western side of the plot. These are addressed in turn.

With regards to plot specific proposals, the application is supported by a Landscape and Design Statement (Plot 13) prepared by Andy Sturgeon Design, dated October 2018. The statement outlines the design evolution having regards to the s73 guidelines outlined above. The resulting scheme in relation to the courtyard garden is described in the submitted documentation as being inspired by a flowing natural river, represented by an arrangement of stones, green spaces and plants. The arrangement creates a hierarchy of spaces and areas of different characters and planting styles referred to as; Dry Riverbed, Shade tolerant, Sun loving, Landscaped Stairs and Lawn, according to the planting conditions. The scheme also features a cascading, stepped landscaped element on the western side down to street level. The communal terrace on the eighth floor provides a variety of sitting areas with raised planters and pergolas creating subdivision. The surface is finished with paving and timber decking.

Overall the approach is considered to provide a high quality and considered approach to landscaping within the plot. The Council's Tree Officer has reviewed the scheme of landscaping and planting and is satisfied with the overall approach subject to final species being subject to detailed approval through planning conditions.

With regards to the street level landscaping and tree planting, details are set out within the Landscape Design Statement: Public Realm for Phase 1 (South) prepared by Townshend Landscape Architects, dated October 2018. Relevant details are those that relate to the tertiary street to the west of the plot on page 14 ('Residential Streets') of the document. It sets out that the primary objective for the street is to provide a pedestrian focused environment by minimising traffic speeds and maximizing the amount of space for planting. This is achieved through carriageway design incorporating recessed parking bays with street trees and planting beds providing the setting. The approach is conducive to the neighbourhood aspirations and contributes to the overall biodiversity of the scheme. The details have been reviewed by the Council's Tree Officer who has queried the choice of species on practicality grounds, as well as the tree pit specification on grounds of potential to provide better rooting environment for trees. Final tree species will be secured through planning condition including tree pit details. Based on the details provided and forthcoming additional details secured through planning condition, the landscaping is considered acceptable.

Flood Risk and Drainage

In line with the recommendations of the S73 Flood Risk Assessment, a drainage strategy that applies to Phase 1 (South) as a whole has been prepared by Arup and submitted to support the suite of Phase 1 (South) applications. The Plot 13 provisions are outlined within Appendix F, prepared by Consulting Structural and Civil Engineers AKT II Ltd. The proposed drainage strategy outlines that, through a variety of water attenuation methods, including SUDS features, the environment will comply with the

s73 compliance conditions that relate to sustainable urban drainage, principally conditions 44.5, 44.9 and 45.2.

In terms of ground levels, Condition 45.2 requires that all finished floor levels (excluding car parks, service yards, customer collection areas, goods handling and ancillary basement activities) shall be set no lower than 300mm above the 1 in 100 year (+climate change) flood level. Section 4 of the accompanying Drainage Statement prepared by AKT II confirms all finished floor levels and basement levels are above the requisite level accordingly. Therefore, in respect of flood risk, the proposed development is in accordance with the parameters and principles of the S73 Permission.

Condition 44.5 requires SUDS to be maximised across the site and integral to the proposal. Paragraph 2.75 of the RDSF requires proposals to include a careful selection of SUDS features. Section 4 of the accompanying Drainage Statement prepared by AKT II confirms the design for the plot and public realm incorporates a number of proposed SUDS features such as Green and Brown Roofs, detention basins, gravelled areas, swales, permeable paving and pipe storage. Therefore, in respect of SUDS, the proposed development accords with the parameters of the S73 Permission.

In terms of green/brown or biodiverse roofs, Condition 1.17 and 2.69 of the RDSF requires green and brown roofs to be provided on a minimum of 10% of available roof area distributed across the site. This is achieved within the Plot 13 proposals, as set out within the accompanying application pursuant to condition 1.17. Therefore, the total green roof area proposed for Plot 13 adheres with the minimum requirement and accords with the requirements of the S73 Permission.

As such the drainage environment for Plot 13 is considered acceptable and in compliance with the relevant requirements within the s73 permission.

6.5 Residential Amenity

This section of the report focusses on the residential amenity and standard of accommodation aspects of the proposed scheme, focussing primarily on the conditions that would be experienced by future residents and also, where appropriate, the impact of the development upon the amenity of the users of surrounding public realm, neighbouring development plots and also existing residential properties in the vicinity of the development.

Communal Space (Internal)

The development provides three principle entrances. The main entrance to northern blocks (A, B and C) is located on the High Street frontage, which comprises a large reception and lounge with a separate package room. The secondary entrance to the northern portion, namely Block D, is located on the tertiary street frontage to the east of the plot. On the south west corner with Claremont Park Road, the principle entrance to the southern block is provided which also provides a generously sized reception and lounge.

In terms of internal circulation, these entrances lead onto their respective lift and stairwell cores. The maximum number of units served by a single lift core in the development is 9. These are located in Block F (1st to 5th floor) and Block D (1st to 6th floor). For Blocks E and C the number of flats served by a single lift core is typically 8, for Block B its 7 and the within the tower element (Block A) its 5.

The Mayors Housing SPG (March 2016), Standards 12, advises on the benefits of maintaining a reduced number of residential units per core in developments, not exceeding 8. The rationale is that this can help in creating a sense of community and ownership of communal corridor spaces, whilst physically reducing the distances residents will need to travel in corridors which often lack natural light and outlook owing to design constraints. For Plot 13, it is acknowledged that Blocks F and D would marginally exceed the recommended level, however the layout incorporates a source of natural light and outlook facing into the courtyard gardens. This is also incorporated in Block C. In addition the corridor widths will need to be designed to Building Regulations Part M4 (2) standards, as secured through planning condition attached to the S73 Permission, that requires communal parts of the approach route to dwellings including corridors to have a minimum clear width of 1200mm or 1050mm where there are localised obstructions. Further accessibility details are outlined under the accessibility part of this report.

The shared circulation provisions are considered acceptable whilst the above shared provisions enhance the amenity afforded to future residents.

Further to shared amenity, in addition to the generous sized lounge and receptions at ground level, the development incorporates a number of other elements including: at basement level a workshop space; at ground level a pet cleaning room, gym for residents and rentable lockers; at first floor a lounge and private dining/co-working space facing onto the central podium garden; and at eighth floor communal lounge space facing onto the shared roof terrace. These provisions add to the general amenity afforded to future residents.

Housing Space Standards

Condition 36.10 of the S73 Permission requires all housing to meet the space standards set out in Policy 3.5 and Table 3.3 of the London Plan. The table below provides a minimum gross internal floor area for different types of dwelling and shows the areas relevant to the unit types in this proposal.

Table 3.3 Minimum Space standards for new dwellings (adapted from London Plan)

	Dwelling Type (bedroom/persons-bed spaces)	Minimum Gross Internal Area (GIA) (m ²)
	1 bedroom 2 person	50
Flats	2 bedroom 3 person	61
	2 bedroom 4 person	70
	3 bedroom 5 person	86
	3 bedroom 5 person (2 storey)	93

4 bedroom 6 person	99
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The submitted plans and accommodation schedule demonstrate that all flats proposed meet these minimum standards with many exceeding them. The individual dimensions and room sizes within the flats comply with the standards set out in Annex 1 of the London Housing SPG and have been designed to incorporate sufficient storage. A further assessment of quality of outlook and natural light afforded to the development including the individual dwellings is set out below under the 'Daylight and Sunlight' section.

External Amenity Space Provision

Section A2.6.4 of the RDAS sets out that the strategy for the provision of private amenity space for residential development in the BXC. This is to provide a variety of private amenity space typologies in the form of balconies, terraces, communal courtyards and private gardens. The relevant RDAS standards are set out in the table below for reference;

Unit Type	Minimum private amenity space per dwelling (m ²)	How private amenity space can be achieved.
1 or 2 Bed Flat on Ground Level	5m ²	Terrace min. depth 1.5m (separate from communal courtyard)
1 or 2 Bed Flat on Upper Level	5m ²	communal courtyard, terrace or balcony min. depth 1.5m*
3 or 4 Bed Flat on Ground Level	14m ²	Terrace min. depth 1.5m (separate from communal courtyard)
3 or 4 Bed Flat on Upper Level	8m ²	Terrace or Balcony min. depth 1.5m

*30% of units to have a minimum 3sqm balcony or terrace

In line with the RDAS guidelines, the development provides a mixture of both private and communal amenity space. The amenity space provision is principally orientated around a central podium level communal garden which incorporates a variety of landscaped and sitting areas with elements of natural play. Apartments on this level facing inwards also benefit from private gardens around the periphery of the podium space. On upper floors, the amenity space requirements are provided through a combination of private recessed and projecting balconies. On the 7th floor, which is set back from the front elevations the flat roof area is utilised as private amenity space for residential units at that level. On the eighth floor, a decked communal terrace that is available for all residents of the development is proposed with sitting areas, trees and pot planting.

In terms of quantum, chapters 5.3 - 5.4 of the submitted Design and Access Statement detail how the requirements set out above are delivered through the combination of

these private and communal amenity spaces. In terms of private space;

- Apartments and maisonettes on the first floor facing onto the Courtyard Garden will have private gardens achieving the minimum sizes of 5sqm for 1/2 beds and 14sqm for 3/4 beds at ground level. This ground floor level requirement is rightly interpreted at podium level given the proposed layout of the site;
- 47% of 1 bed and 2 bed units will have a private balcony or terrace exceeding the minimum requirement of 30%.
- all upper level 3/4 bed units will have private balcony or terrace achieving the minimum size of 8sqm.

This satisfies the minimum requirements for private amenity. In terms of communal external space, for those 1 bed and 2 bedroom apartments that do not have private amenity, the RDAS guidelines allows for the required 5sqm quantum to be delivered through communal space. Accordingly, paragraph 5.3 of the submitted Design and Access Statement calculates that based on the number of 1 and 2 beds that do not have private amenity space, there would be a requirement to provide a minimum of 114sqm shared outside space. The development would exceed this through the provision of 1690sqm of shared amenity space within the communal garden, as well as the shared roof terrace. As such, the external amenity provision is acceptable.

Play Strategy

Section A2.6.3 of the RDAS sets out the broad play space strategy for the BXC. A hierarchal approach is set out. This is of comprised of: 'Doorstep Play' to be provided within communal courtyards and the public realm within 125m walking distance of the front door; 'Neighbourhood Play Space' including play equipment, sports facilities and social spaces within 400m walking distance, and 'Community Play Space' characterised as a destination play space for both formal and informal play including equipment and sports facilities.

For plot developments, condition 46.6 is of particular relevance which requires residential development to provide on-site under 5 play space in accordance with the GLA SPG 'Shaping Neighbouring hoods: Play and Informal Recreation' (September 2012). In addition, Section A2.6.3 of the RDAS states that where 'Doorstep Play' is required, it needs to be at least 180sqm. A summary of the estimated child yields for Plot 13 and associated play space requirements for all age groups including under 5 years old using GLA's Play Space Calculator is summarised below. The GLA's benchmark standard is a minimum of 10sqm of dedicated play space per child.

Building 12N		
Age group	no. children	Playspace requirement (m2)
under 5	16	160
5 to 11	6	60
12 +	4	40

Total	26	260
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Based on the GLA calculator, the proposed development would need to provide 'Doorstep Play' for a minimum of 16 children. Chapter 4 (Play Strategy) of the submitted Landscape Design Statement sets out that a total of 472sqm of 'Doorstep Play' is proposed within the communal courtyard. This is based on 244sqm of 'Natural Play' comprising a landscaped dry riverbed (shown in orange in Figure 19 of the Landscape Design Statement) which creates individual playable spaces, machined and rounded rocks and boulders to climb, play and sit on, as well as immersive planting areas, simple metal features, insect hotels and a range of interesting textures. The remaining quantum is arrived at through the inclusion of the open lawns which amount to 228sqm.

In terms of the wider provision in line with the open space hierarchy, other parks in the wider regeneration in close proximity to Plot 13, namely Claremont Park and Clitterhouse Playing Fields, provide Neighbourhood and Community play space to accommodate for the needs of older age groups.

Claremont Park is located immediately to the south of this plot (maximum distance of 270m from the furthest residential core of Plot 12). The consented Claremont Park Improvements (15/00769/RMA) and will provide a minimum play space area of: 500m² for 1-5 years, 1,000 m² for 5-12 years old, 500m² for Youth Activity Areas, and 1,000m² of Informal Wild Play Area. Clitterhouse Playing Fields is also located to the south of Plot 13 where consent for additional and enhanced playing facilities and sport pitches are to be provided. It is therefore considered appropriate that the play space requirements for 5 to 11 and over 12 years old be provided in nearby Claremont Park and Clitterhouse Playing Fields within the wider development.

Having regard to the play provision as a whole, with regards to the 'Door Step Play', the inclusion of open lawns which also function primarily as amenity space for residents in the development are not strictly play space. Notwithstanding this, given the amenity space provisions for the development as a whole exceeds the minimum standards there will be opportunities for the lawns to function as playable areas, whilst the 'Natural Play' provisions exceed the requirements in their own right. In addition, as set out above the development is located within close proximity to Neighbourhood and Community Play space, including the recently approved 'Pocket Park' as part of the Plot 12 proposals. As such the play provision is considered acceptable.

Daylight, Sunlight and Overshadowing

Assessment Criteria

Page 48-49 of the RDSF requires buildings to be designed to meet best practice standards, that is 'Site Layout Planning for Daylight and Sunlight, a guide to good practice' (Second Edition, BRE).

The application is accompanied by a Daylight, Sunlight and Overshadowing Assessment prepared by appointed consultants GIA. In undertaking the assessment, the report has made baseline assumptions around the built environment surrounding Plot 13, namely using the consented built form for Plot 12 RMA, and a 3d model of the

updated illustrative masterplan context surrounding the plot, produced by Allies and Morrison, the original masterplan architects for the outline scheme.

With regards to daylight, the BRE outlines principally three methodologies for calculating levels received within residential homes. These are; Average Daylight Factor (ADF), Room Depth Criterion (RDC) and No Sky Line (NSC). These Indicators should be interpreted concurrently, together providing an accurate indication of daylight levels.

The BRE also provides guidance on measuring sunlight using 'Annual Probable Sunlight Hours' (APSH), in relation to individual dwellings and external amenity space. An explanation of these individual forms of measurement is set out below. It should be noted that whilst an assessment of these individual increments of natural light is required, a holistic assessment is also required in order to reach a view overall as to whether a satisfactory natural lighting environment is being provided.

- Average Daylight Factor (ADF) - Is the amount of daylight received inside a habitable room and is the principle indicator of daylight. The BRE provides minimum ADF values for specific rooms in dwellings which is; 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. In assessing the combined living / kitchen / dining (LKD) spaces within the development, whilst there is an aspiration to achieve 2% (as per kitchen), given these rooms are inherently larger than either a standalone kitchens or living space, 1.5% ADF is considered an appropriate minimum target value for these spaces.
- Room Depth Criterion (RDC) – is a measure of the ratio of room depth to window area. This is particularly of use where access to daylight from windows in one wall only, and therefore the depth of a room can become a factor in determining the quantity of light.
- No Sky Line (NSC) – is the percentage of floorspace within a habitable room where, at a working plane height of 0.85m, there would be no view of the sky. The BRE guide recommends that this area should not exceed 20% of the floor area.
- 'Annual Probable Sunlight Hours (APSH) – is the form of measurement for the calculating amount of sunlight reaching an individual dwelling. It is only applicable to homes that contain windows within 90 degrees of due south as these are likely to receive sunlight. For those dwellings, the BRE advises they will receive reasonable levels if the centre of the main living room can receive at least 25% APSH, including at least 5% APSH in winter months between 21 September and 21 March.
- 'Annual Probable Sunlight Hours (APSH) – is the form of measurement for calculating the amount of sunlight within external amenity areas. The BRE advises in paragraph 3.3.17 that for areas to appear to be adequately sunlit throughout the year, at least half of the area should receive at least two hours of sunlight on 21 March.

Plot 13 Assessment (Daylight/Sunlight/Overshadowing)

The results are set out within the report; Part 8 (daylight/sunlight individual dwellings) and Part 9 (APSH external amenity areas), with the conclusions over total natural light levels set out in Part 6 (6.1 – 6.4).

In relation to daylight for individual dwellings, the report sets out that overall; 75% of rooms would meet ADF minimum requirements (rising to 90% for bedrooms alone), all rooms would satisfy RDC requirements, and 69% of rooms would achieve NSL requirements. The report also remarks that overall 84% of L/K/D's specifically would achieve satisfactory NSL level. In addition only 3 out of the total 31 of studio flats would experience below what could be considered a reasonable ADF level of 1.5%, one of which would also achieve an extremely high compensating APSH level in any case.

In daylight terms specifically, notwithstanding the results outlined in the report, Officers calculated that of the 348 dwellings in total, 32 L/K/D's and 78 Living Rooms fail to achieve 1.5% ADF. This accounts for 31.6% of all apartments within the development. In relation to those living rooms, it should be noted that these are also open plan spaces as per the L/K/D's recorded, and hence the windows which serve them also serve as a source of natural light for kitchen that is generally set further back into the room.

With regards to NSC, of those 110 units recorded with main living space ADF deficiencies, 19 L/K/D's and 54 living rooms would not achieve the recommended NSC levels. The dwellings where the greatest deficiencies are recorded are predominantly located at lower levels, within the inner corners of the courtyard (at the junctions of Blocks B and C in the northern portion, and E and F in the southern portion in particular), and on facades without a window within 90 degrees of due south.

In terms of APSH, for those units within the scheme which have a living room window within 90 degrees of due south, the report identifies that 90.5% would achieve or exceed recommended levels. Whilst these results for those units recorded is positive, it should be noted that this accounts for 199 dwellings whilst 149 units (43% of the scheme) would not feature a living room window within 90 degrees of south and therefore would be perceived as insufficiently sunlit.

In terms of APSH levels afforded to external amenity spaces, the overshadowing test shows that 100% of the roof terrace area within Block C would receive at least two hours of sunlight on 21st March, far exceeding the 50% minimum as recommended by the BRE. For the raised podium courtyard, this level is reduced to 40%. As set out in the report however, the assessment revealed that 9 days after the 30th March, the 50% minimum would be achieved. It should also be noted that the 1690sqm podium space far exceeds the minimum requirements for communal space of 114sqm, which rises further with the inclusion of the communal roof terrace, hence the scheme would provide in excess of external amenity space with acceptable APSH levels.

In terms of assessing these results together for natural light, focussing primarily on those 110 units with living rooms or L/K/D's with ADF deficiencies, 35 would have a compensating factor of acceptable APSH levels. For those 75 units without this compensating APSH level, 22 would have acceptable NSL levels, leaving 53 units

where ADF, NSL and APSH deficiencies would be experienced.

The Daylight Sunlight Report sets out that additional compensating factors have been incorporated for these units comprising; maximising window area, placing bedrooms in areas receiving less light, incorporating light veneer to internal floors and optimising the layout to have the living area closer to the window, dividing the kitchen area from the living room.

It is also acknowledged that in some instances the positioning of balconies have had a negative impact on natural light levels but have the benefit of providing good quality private amenity space of residents. Additional compensating factors should also be acknowledged, having regard to the provision of a compliant amount of external amenity in terms of its size and APSH levels as set out above, the additional internal amenities provided within the development and the compensating views to the north for those units without a living room window within 90 degrees of due south. In light of these compensating elements, it is considered on balance the natural lighting environment for residents is acceptable.

Daylight/sunlight Assessment - Neighbouring Plots

An assessment was carried out to assess the impact of the Plot 13 proposals upon habitable room windows within the consented Plot 12 scheme, in comparison to levels recorded in the Plot 12 daylight and sunlight assessment based on a parameter compliant Plot 13 scheme. The methodology for assessing the impact was to assess the impact on ADF, NSL and RDC levels. The report identifies that the Plot 13 massing would have only a minor impact upon the lowest floor level of south western façade, with only 4 bedrooms falling below the minimum ADF recommendations, seeing a reduction of 0.1 – 0.2%. In sunlight terms, in relation to the Pocket Park the Plot 13 scheme would result in an improvement of APSH levels in comparison to the Parameter compliant scheme whilst for the central podium the impact would be negligible. As such, in sunlight and daylight terms, the impact upon Plot 12 would be acceptable.

In terms of impact upon neighbouring plots, the daylight potential within a Parameter compliant Illustrative Masterplan has been undertaken. The assessment is based on the Vertical Sky Component (VSC) predicted within habitable rooms of adjacent developments with the proposed Plot 13 development in place. The BRE guide states that daylighting may be affected if the VSC calculation is less than 27% or less than 0.8 times its former value as a result of the proposed development. This test is useful at the massing stage, but it has some limitations as it does not take into account internal and external reflectance values, and type and size of fenestration and internal arrangement.

The expected VSC levels are mapped across neighbouring building facades using a colour code. The lighter colours (yellow) denote facades that will meet the recommended VSC level whilst darker tones identify where achieving minimum VSC levels will require careful design (orange), be very difficult to achieve (red) and is often not possible to achieve (purple). The report sets out that the results are typical of an urban regeneration, and that the daylight potential for plots surrounding Plot 13 will have the opportunity to achieve appropriate daylight levels indoors through the design

of their developments.

Wind

Condition 34.1 requires any RMA that includes a building of more than 4 storeys in height which abuts any principal open space or public realm or any pedestrian route to be accompanied by a wind tunnel or other assessment which demonstrates that appropriate levels of amenity, as set out in the Lawson Criteria for Distress and Comfort, which are summarised in Table 7 of the DSF, can be met.

Condition 34.5 requires all RMAs to demonstrate that mitigation measures (such as recessing of entrances, entrance screens, softening sharp building corners, canopies above entrances, localised shelter to create pockets for outdoor sitting) have been considered in order to alleviate adverse wind conditions in accordance with the mitigation proposed in the ES of the S73 Permission.

Pursuant to this, the application is accompanied by a Pedestrian Wind Comfort assessment for Plot 13 proposals, dated October 2018 prepared by AKTII. The conclusions of this assessment confirm trends of acceptable pedestrian wind comfort across the external environs of the scheme, including the central podium garden, 8th floor terrace and individual balconies, with some minor exceptions. Where exceptions are recorded, the summary table sets out these are not significant departures and tend to only effect in the winter months.

In Environmental Impact terms, the Council recently issued an EIA screening opinion confirming that, where these minor exceptions are recorded, which would fall under the 'Microclimate' topic of the original ES, based on the findings of the submitted wind comfort analysis these would be unlikely to result in any new or different significant effects related to wind from those reported in the original ES. As such the proposals are acceptable with respect to wind comfort.

Noise

Condition 29.1 requires, prior or coincident with Reserved Matters Applications submissions, an Acoustic Design Report that describes the design features that have been used to achieve good internal noise standards with reference to BS8233 as also referred to in Paragraph 2.82 of the RDSF. The report is required to demonstrate that a hierarchy of noise mitigation measures has been considered so that the use of noise insulation, whilst necessary in some areas, is minimised.

An 'Acoustic Design Report' was submitted coincident to this application for the discharge of Condition 29.1 regarding the design measures that have been and will be adopted, and the potential noise impacts upon Plot 13.

Based on an assessment of the external traffic noise and sound insulation performance of the building façade, the report confirmed the predicted noise levels within the proposed development are acceptable and that good internal noise standards with reference to BS8233 can be achieved for all proposed units, through the adoption of acoustically rated glazing and either high performance acoustic passive ventilation or mechanical ventilation.

The Council's Environmental Health Officer has reviewed the submitted documentation and raised no objections in relation to above assessment based on traffic borne noise sources. Concerns have however been raised in relation to the ability of the residential units to be adequately protected against noise generated from plant extraction equipment associated with ground floor flexible restaurant uses in particular, and airborne and structure borne noise arising from the non-residential uses on the ground floor, and first floor in the case of the community centre.

In relation to plant extraction equipment, the submitted roof plan provides details of the proposed location of plant extraction equipment, including restaurant extractors. Details of the equipment have not been provided. The S73 Permission sets maximum noise levels for any plant equipment installed through Condition 29.5, which is they may operate at levels of at least 5db(A) below prevailing background LA90 noise levels, measured at the nearest noise sensitive premises, in this case any residential window. This is a compliance condition that will apply in perpetuity to any plant extraction equipment that is installed on the roof in due course, whilst details of any mitigation required to be installed to satisfy these noise limitation requirements is an existing pre-commencement requirement through Condition 29.8. As such, these details provide sufficient safeguarding against noise from plant equipment.

In relation to noise generation from the non-residential uses within the development this can be subdivided into: noise spilling out from the non-residential premises; and airborne and structure borne noise from within the development transmitted through the building.

In terms of external noise, this would likely arise from customer comings and goings especially late at night, customers potentially sitting and dining outside where the units are occupied with restaurants and lastly noises emanating from any doors left open. With regards to the Cinema and Community Centre, similarly visitors comings and goings could also result in activity around the entrances with noises from open windows and any non self-closing doors. With regards to restaurants, it is considered appropriate therefore to exert some operational controls, namely opening hours, and permitted hours that tables and chairs may be placed outside, to apply in the event the flexible A1/A3 units are used as restaurants. For all ground floor premises, a condition is also recommended that requires all doors to be self-closing to prevent the spilling out of noises.

In relation to the Community Centre, as set out in the landuse section of this report, a separate planning condition will be attached that requires details of the use to be submitted to the LPA for approval, prior to the occupation of the Community Centre. This will require, amongst other things, details of the proposed use, hours of operation and facilities management to satisfy that the community centre will not become a source of noise nuisance in due course.

In terms of internal noise transmission, concerns were expressed around activities within the non-residential uses, in particular restaurants, cinema and the community centre, as well as ancillary residential uses such as the gym. Such uses would need to incorporate sufficient insulation to the fabric of the building, in particular separating walls and floors between the non-residential uses, to ensure the noise amenity of

residents would be safeguarded. Pursuant to this, Condition 29.8 requires a scheme of detailed noise mitigation measures before development begins to demonstrate compliance with the relevant internal noise standards set out within paragraphs 2.82 – 2.85 of the RDSF and Condition 29.4, and as such the permission incorporates sufficient controls to ensure the residential noise amenity is safeguarded.

6.6 Transport and Highways

As set out in the introduction to this report, the Plot 13 scheme has been submitted alongside separate applications to secure the highway network for Phase 1 (South). This comprises the drop-in highways proposals (18/6645/FUL) also subject to consideration under this Planning Committee agenda, and a minor variation application (18/6482/BXE) pursuant to condition 1 of the extant Plot 12 RMA (17/6662/RMA) which makes minor alterations to the consented tertiary streets around Plot 12 in order to align with the current Plot 11, 13 and drop in proposals. Together, alongside the section of highways within the Plot 13 application curtilage, these applications collectively provide the Phase 1(South) highways network within which Plots 11, 12 and 13 are situated, and which connects to the wider BXC and strategic highways network.

In support of these applications, the applicant has submitted four separate pre-RMA condition discharge applications, covering different highways and transport issues as they relate to the Phase 1 South proposals as a whole. These are listed below with the status of their determination also listed as of the day of publishing this Committee Agenda.

- Reserved matters Transport report pursuant to condition 37.5 (18/6437/CON) – pending determination.
- Car Parking Standards and Strategy pursuant to condition 1.22 (18/6304/CON) – pending determination.
- Servicing and Delivery Strategy pursuant to condition 1.22 (18/6304/CON) – pending determination.
- Pedestrian and Cycle Strategy pursuant to condition 2.1(a) (18/6296/CON) – pending determination.

As set out above, these applications are presently pending determination. This is due to some minor outstanding issues subject to discussion between the Developer and the LPA which are being resolved. This is partially due to the breadth of the development proposals within Phase 1 (South) as a whole which these Pre-RMA's cover. However, in all of these circumstances those sections relevant to the reserved matters application for plot 13 have been confirmed in discussions between the LPA and the Developer to be acceptable

Reserved Matters Transport Report (RMTR) – Phase 1 (South) Transport Report

Prior to the submission of Phase 1 (South) Transport report, herein referred to as the RMTR, the LPA approved the scope of the RMTR document under condition 37.1 (18/5794/CON). This document approved the principle of the RMTR fulfilling the function of covering the full extent of Phase 1 (South), as well as elements of 1A (North) and 1A (South) where it relates to areas to be replaced by the highways and drop in

application. The Highways and Public realm application (18/6645/FUL) currently under consideration on this committee agenda provides full details of the wider breadth of the RMTR where it relates to highways and public realm drop curtilage.

The highway layout design of the drop-in curtilage has been consulted upon with the LBB Commissioning Team for the Environment as it includes raised tables as traffic calming features and to improve pedestrian accessibility. The applicant has provided information to support this application on the overarching strategy to provide a public realm that meets all user needs including those of pedestrian and cyclists and the promotion of reduced speed with a 20mph zone. In line with this strategy the applicant has included raised tables to enhance pedestrian and cycle priority and reduce traffic speed that ultimately will reduce accidents and create a better environment. This has been reviewed by the chair of the Council's Environment Committee who has agreed in principal to raised tables but this will require further detail design and agreement under a highway agreement if on adopted highway

Based on the network as proposed under the drop-in proposals, and the wider network as assumed under the s73 permission, in relation to Plot 13, the Phase 1 South RMTR provides information on the trip generation and trip modes splits for Phase 1C based on the mix of uses proposed and updates any previous Phase 1 Phase Transport Reports. It takes into account the road layouts, junctions, traffic signal proposals and pedestrian and cycle routes.

It provides information on number of car borne as well as sustainable transport mode trips and whether these fall within or exceed the parameters set by the Transport Matrix in the s73 permission. Given that the proposed car parking provision for the phase is low and the sustainable modes such as walking, cycling and public transport (the new Thameslink station will be operational when the first residents move in) are to be promoted to new residents and employees, the number of trips is within the numbers set for this phase in the Transport Matrix for the morning (8-9am) and afternoon (5-6pm) road peaks.

Modelling of the car borne trips on the immediate road network has been provided in the RMTR as well as junction vehicle turning movements. The immediate road network as proposed in this application is able to accommodate the vehicle movements proposed from Phase 1C. The Claremont road retention NMA application is providing modelling for the wider road network.

Phase Car Parking Standards and Strategy

Car parking

The S73 Permission envisaged that car parking provision for the residential elements of the BXC developments would be provided in a staggered fashion with the highest provision being provided for the first 2000 units at a maximum ratio of 1 car parking space per unit. This was to drop to a maximum of 0.7 car parking spaces per unit in subsequent phases of the residential development when the rail station, bus station and improved walking and cycling routes would be in place.

In terms of Plot 13 proposals, 17 parking spaces are located on the ground floor whilst a further 156 spaces are provided within the basement. This amounts to a parking ratio of 0.5. These spaces will include bays for disabled parking (10% of total provision) and Electric Charging points (20% of total parking space with capacity for further provision) to London Plan standards. A single blue badge bay is proposed within the tertiary street.

As set out in the submissions in support of Plot 12, the existing residential areas in the vicinity of BXS show a consistent car ownership level equivalent to 0.45-0.54 vehicles per household for similar residential typology in both the 2001 and 2011 LBB census. Taking account of the completion of the new Brent Cross Thameslink Station alongside occupation of Plots 12 and 13 prior to occupation of Plot 11 as well as connection to the replacement Bus Station via the Living Bridge, it is reasonable to consider a lower range of parking provision at an earlier time in the development.

The lower car parking ratio also reflects the current Draft London Plan car parking standards and responds to the Mayor of London's aspirations in the Draft Transport Strategy and Healthier Streets guidance; more use of cycling, walking and sustainable transport for journeys, leading to better air quality and quality of life for Londoners.

To supplement parking provision, car club bays will be provided throughout the BXS development. The RMTR sets out that two bays are proposed within the Phase 1 (South) proposals should operators require them. In addition, the roads within BXS that are proposed to be adopted and publicly maintained, will become a part of a new or an extended Controlled Parking Zone (CPZ), through which on street parking can be controlled.

On street parking permits are not proposed to be offered to any of the new residential or commercial units within the BXC development. The introduction of new or extended CPZs and the prevention of new residents from accessing these areas will control on street parking in existing residential roads and allow LB Barnet Highways to provide for loading/unloading, visitors, disabled drivers and shoppers in a controlled manner. Enforcement of parking on adopted roads will lie with LB Barnet.

No on-site parking is proposed for the commercial elements of the building, although they will be able to use the loading bays and visitor spaces by prior arrangement with the estate management company.

Cycle parking

Cycle storage is provided to London Plan standards on site for residents and businesses, with visitor cycle parking provided at ground level within the tertiary street. The secure cycle storage comprises a mix of two-tier racks and Sheffield stands required to cater for all bicycle types. The store sizes are sufficient to meet the adopted and draft London Plan standards. Table 17 of the RMTR indicates that for Plot 13, residential cycle parking amounts to a total of 604 long stay spaces within the ground floor secure cycle areas, and 9 short stay spaces externally. This provision exceeds the current London Plan minimum requirements and meets the draft London Plan standards. A further 10 spaces are provided in the public realm around the plot for the visitors to the non-residential uses including the cinema and community centre. The

scheme also features shared secure cycle parking for staff of the non-residential ground floor uses through a secure area with changing facilities and 12 Sheffield stands. Based on the land uses for the proposed scheme and the cycle parking minimum standards set out in the London Plan for these uses, the provision exceeds the requirements.

Servicing and Delivery Management Strategy

The servicing and delivery requirements for the S73 Permission are outlined at a site wide level under the Framework Servicing Delivery Strategy (FSDS), approved under condition 1.21. Beneath this, it is a pre-RMA requirement pursuant to condition 1.22 for a Servicing and Delivery Strategy (SDS) to be submitted prior to the submission of any RMA under a particular phase. An SDS has been provided for Phase 1 (South) as a whole.

In relation refuse servicing requirements for the residential elements of the Phase 1 (South) development plots, the submission outlines the overall strategy, showing the likely routing of refuse vehicles, dedicated bays where required, and approximate stopping locations adjacent to refuse stores where dedicated bays are not provided. The waste and recycling collections for the residential plots within Phase 1 (South), Plots 11, 12, and 13, occur primarily within the tertiary street which loops around Plot 12 and exits either onto Claremont Park Road or High Street. The only exception to this is the for Plot 11 where refuse vehicles will be able to access residential refuse stores facing onto Claremont Avenue, under the managed vehicular access arrangements that apply to Claremont Avenue. The tertiary street where the majority of collections take place is subject to a separate determination as listed above under 18/6482/BXE. The drop-in curtilage effectively surrounds this tertiary street and provides a means of access to it. Accordingly, the SDS provides sufficient information, by way of visibility splay assessments and swept path analysis, to demonstrate that these operations could be undertaken safely within the Phase 1 (South) road network.

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

In terms of dedicated refuse and recycling provisions for Plot 13, Paragraph 2.66 of the RDSF requires provision of dedicated recycling facilities in accordance with the Council's requirements. In addition Condition 40 requires that residential schemes put in place facilities to enable a minimum of 40% of waste to be recyclables, rising to 60% for commercial waste.

The Council's Waste requirements for households are set out in document Information for developers and Architects: 'Provision of Household Recycling and Waste Service April 2017'. Within this document a maximum collection distance of 10m is allowed

between the bin stores and refuse vehicle. All resident routes to the bin stores shall not exceed 30m. The document also sets out the minimum bin quantities and qualities to be provided subject to the accommodation schedule.

Section 6.3 of the submitted Design and Statement contains a Refuse and Recycling strategy. A total of 90 x 1100-litre Eurobins are proposed within the building. These are located in the basement within separate stores serving each core (blocks A – F). Management arrangements, through the use of electric karts, are in place for the transfer of the bins to the ground floor store adjacent to the dedicated off street bay. All resident routes to the bin stores are less than 30m and therefore comply with LBB standards. All collection routes between bin stores and refuse vehicle are less than 10m and therefore also comply with LBB standards. The proposed strategy therefore complies with the Council's requirements and is considered acceptable.

Pedestrian and Cycle Strategy

Pursuant to Condition 2.8(a) a Pedestrian and Cycle Strategy has been submitted for Phase 1 (South) which also covers the tertiary route to the west of Plot 13, included within this application curtilage. This outlines the principle pedestrian and cycle requirements in terms of routes and infrastructure for the Phase, to connect with site wide and wider reaching cycle networking outlined in the Area Wide Access and Cycle Strategy (AWACS). Pursuant to this, the proposed tertiary road which falls within the Plot 13 site curtilage provides pedestrian and cycle circulation on this side of the site. The wider road and cycle lane infrastructure for Phase 1 (South) as a whole is outlined within the Highways and Public Realm drop in application subject to a separate consideration under this committee agenda. The conclusions are sufficient for the purposes of discharging this requirement of the S73 Permission in relation to Plot 13.

Individual Travel Plan

The Individual Travel plan (ITP) is a framework document for Plot 13 and will be populated with survey information once the site is occupied. The aim of the ITP is to minimise car use particularly for journeys that can reasonably be undertaken by sustainable methods of transport, and promote walking, cycling and public transport use.

The ITP will have objectives and targets which will need to be met. The first targets for the site will be set using the S73 permission modal splits for the different uses on site. Given the infrastructure improvements within BXC that will support walking, cycling and public transport use, it is expected that the Plot 13 targets will be exceeded, with lower car based trips and higher sustainable mode trips.

Monitoring of the ITP will be undertaken by Industry Standard surveys (Trics) for consistency and to meet TfL guidance. Management, monitoring, marketing and reporting on the ITP will be through a Travel plan Co-ordinator who will be appointed prior to occupation of the buildings.

6.7 Other Material Considerations

Safety and Security

Section 6.11 – 6.12 of the submitted Design and Access Statement refers to Site Management and Secured by Design elements respectively. This section confirms the design team has met with the Designing Out Crime Officer (DOCO) who made recommendations that will be addressed in the future specification of the buildings. In summary the recommendations cover topics such as Compartmentalization and Access (stair cores, front doors, lifts) Physical Security (doors, windows, post boxes, external intercoms, access control systems, fire exit overrides, CCTV); Landscaping (planting, street furniture including lighting and fencing, level changes); Visitor Accesses, and Basements (allocated parking, gates/shutter, fob in/fob out, induction loops, intercom). As such the provisions within the scheme are acceptable.

Access and Inclusivity

The S73 Permission sets out strategies relating to access and inclusivity and provides details of access consultant involvement to ensure that detailed design meets the required design standards, good practice guidance and Building Regulations access requirements. The application is accompanied by an 'Access and Inclusivity Statement: Plot 13' dated October 2018 and prepared by All Clear Designs Ltd.

The statement confirms that the access consultant has been actively involved in the preparation of the submitted proposals, and ensured the integration of accessibility measures. The statement details accessibility measures in relation to parking, entrances and exits, vertical circulation (lifts and stairs), doors, floor finishes, and Wheelchair Accessible Homes. In relation to the design of residential housing, the statement outlines compliance with Conditions 36.5 and 36.6, which requires all housing to comply with the relevant accessibility standards and for 10% of housing to be wheelchair accessible/adaptable. The LPA recently approved a non-material amendment application (18/6445/NMA) to the S73 Permission to incorporate the most up to date accessibility and wheelchair standards to apply to future development plots. The relevant standards are; Part M4 (2) (Accessible and Adaptable Dwellings) of the Building Regulations which replaces Lifetime Homes requirements, and Part M4(3) (Wheelchair Accessible) which relates to wheelchair accessible/adaptable housing replacing the current wheelchair housing standards. The scheme complies with these standards, through the distribution of appropriately located M4(3) units and the entirety of the housing provision beyond those M4(3) units fulfilling M4(2) housing standards.

In addition to the details outlined within the Access and Inclusivity Statement, the Southern Developer has engaged in pre-application discussions with the Consultative Access Forum (CAF) in the runup to the submission of applications for Phase 1 (South) comprising the plot proposals for 11 and 13 and the Highways and Public Realm Drop in application. The CAF has been set up at the outset of the BXC regeneration and is a group consisting of people with expertise in inclusive access and personal experience of disability issues drawn from the local and regional community including existing users of the local area and other facilities. Its formation is a planning obligation under Schedule 13 of the s73 Section 106 Agreement, with the subsequent terms of reference insofar as regularity of engagement with the CAF and provisions for

providing advise on development proposals set out within Schedule 13 and also the CAF terms of reference document approved under ref:14/07957/CON.

Two meetings have taken place with the CAF group prior to the submission Phase 1 (South) applications, on the 23rd July 2018 introducing members to the Phase 1 (South) proposals, and 24 January 2019 where the outcomes of previous discussions were presented to CAF members with the addition of the Access and Inclusivity statement for Plot 13 available at this juncture for members to view. The focus of these meetings has been on access and inclusivity elements of the proposed Phase 1 (South) applications, including Plot 13 and the Drop-in highways and public realm proposals. At these meetings forthcoming applications in relation to the Claremont Park improvements have also been discussed.

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

- Compliance with Building Regulations Part M4(2) (Accessible and Adaptable Dwellings) outlined in section 3.0 which incorporates step free access throughout the development, including a lift on the western entrance to allow wheelchair access to the Podium Garden;
- 35 of the basement car parking spaces will be accessible. This equates to 20% of the parking spaces, and 10% of the number of units. One accessible space is therefore provided for each M4(3) wheelchair user dwelling, should this be required by the occupant;
- cycle parking exceeds minimum standards providing space for further review of cycle parking layouts at detailed design stage to increase provision for larger and non-standard cycles while still providing cycle parking numbers at least consistent with current London Plan standards.

As such, the provision is considered to comply with the relevant policies and standards for provision of an inclusive and accessible scheme.

Sustainability

The s73 Permission contains various controls within the control documents and conditions in relation to energy and sustainability for the BXC development. Those of relevance to this RMA application for Plot 12 are explained and assessed in this section. An 'Energy and Sustainability Statement', prepared by Sweco, dated October 2018 forms part of this submitted documentation for Plot 13.

In relation to the residential homes, the Council recently approved an NMA application (18/6645/NMA) to remove condition 35.1 (Level 4 requirement of the Code for Sustainable Homes) from the s73 permission. This requires developments to demonstrate, inter alia, carbon (CO₂) emission reductions, reduced water use, and other sustainability measures. This was submitted by the Southern Developer owing to its revocation nationally as a tool for assessing sustainability credentials of residential schemes. This is principally the result of the 2015 Deregulation Act which, following the Housing Standards Review which began in 2013, and the Government's published Written Ministerial Statement (WMS) 25 March 2015, withdrew the ability of Planning Authorities to set requirements for development to comply with technical standards drawn from sources other than Building Regulations. More precisely,

Section 43 of the Act amended section 1 of the Planning and Energy Act 2008 with the effect of removing the ability of LPA's to set energy efficiency standards that exceed the energy requirements of building regulations.

The NMA was approved owing to this wider legislative background and on the basis that the change shifted the origin of control for sustainability matters previously dealt with through the Code for Sustainable Homes to more appropriate channels within the current building regulations, which schemes including Plot 13 will have to adhere with in due course. Other controls still incorporated within the s73 controls are set out below.

Carbon Emissions Residential

The s73 permission requires schemes to demonstrate c02 reductions above Building Regulation Part L (2010) levels under conditions 35.6 and 35.7. This requires a minimum reduction of 40% c02 in line with the Revised Energy Strategy approved under reference 14/08106/CON, dated July 2015. Pursuant to this, the Sweco report demonstrates that, in accordance with the London Plan (2016) Energy Hierarchy (policy 5.2), the scheme will achieve a saving of regulated c02 saving of 46.5% above Part L (2010) levels. This meets the condition 35.6 and 35.7 requirements for the residential units.

Carbon Emissions Non-residential

Condition 35.6 and 35.7 requires RMA applications for Plot Development comprising non-residential units to accord with the consented Revised Energy Strategy, application reference 14/08106/CON dated July 2015, including achieving a 25% reduction in regulated carbon emissions over Building Regulations Part L 2010 for nondomestic buildings.

The accompanying Energy and Sustainability Statement provides simulation calculations (using approved software IES VE) that achieves a reduction of 25% over Part L (2010) levels for the non-residential areas. This meets the condition 35.6 and 35.7 requirements for the non-residential units.

Further to non-residential carbon reductions, Condition 35.2 (BREEAM) requires all commercial spaces to achieve at least Very Good rating under BREEAM standards. The accompanying Energy and Sustainability Statement confirms compliance with the above standards. A BREEAM pre-assessment of the retail areas achieving 'Very Good' rating is appended to the Sweco report. Therefore, in respect of this requirement the proposed development complies.

District Heat Network

Conditions 35.3, 35.6 and 35.7 require all principal residential buildings pursuant to RMA applications to connect to the district heat network, where feasible to do so. The Revised Energy Strategy approved under the S73 Permission provided for a main energy centre located in Plot 59 as an early phase development.

Section 6 (Be Clean – Heating Infrastructure) and Appendix D (Buro Happold's

Technical Note on the Site-wide Energy Strategy) of the accompanying Energy and Sustainability Statement confirms that all residential and non-residential units of Plot 13 will be served by the district heating network at a later stage when the rest of the first phase plots come online.

In the interim, a short-term energy strategy has been proposed within the RES to cover Phase 1 South (Plots 11, 12, 13 and 18). The Plot 12 RMA was approved by the Council in January 2018 and incorporated within it a heat plant to accommodate this interim provision. As part of the approved strategy under the Plot 12 RMA, another heating plant room is expected to be provided within Plot 19 to serve elements of the Station Quarter area, which will become operational in a later phase. The Sweco report identifies Plot 13 as being connected to this network. As such on the basis of these details the proposals meet the abovementioned conditions

Water Efficiency

Paragraph 2.63 of the RDSF requires commitment to reduce water use in residential development to 105 litres/person/day. The Energy and Sustainability Statement submitted also incorporates water use assessment confirming the residential dwellings have been designed achieve a water usage of 105 litres per person per day.

In terms of rainwater harvesting, Paragraph 2.71 of the RDSF sets a site wide target for 10% rainwater falling on the site to be harvested for irrigation and cleansing use. The Energy and Sustainability Statement also confirms that rainwater harvesting has been designed to capture 10% of rain falling on the site for irrigation and cleansing use, and 'grey' water will be recycled from commercial buildings, if that proves necessary to meet demand. These provisions satisfy the RDSF requirements.

The Conclusion of the Energy and Sustainability Statement submitted confirmed compliance with all energy and sustainability requirements stated above and provided evidence documentation within the report with the exception of the Drainage Strategy (comprising rainwater harvesting drawings) which was submitted separately. Therefore, in respect of all energy and sustainability requirements the proposed development is in accordance with the parameters and principles of S73 Permission.

7. ENVIRONMENTAL IMPACT ASSESSMENT

The EIA procedure in the UK is directed by the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'Regulations'), EU Directive 85/337/EEC (as amended), as well as the National Planning Practice Guidance (2014).

The S73 Permission and the original 2010 Outline Permission were subject to Environmental Impact Assessment. The Environmental Statement (the 'ES') for the BXC scheme is comprised of the approved Environmental Impact Assessment which accompanied the S73 Permission and subsequent ES Addendums, Further Information Reports (FIRs) and Supplementary Environmental Statements which have accompanied Reserved Matters Applications (RMAs), Re-phasing Applications and Non-Material Amendments (NMAs) against the S73 Permission.

Regulation 9 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 application F/04687/13 and any additional environmental information) is adequate to assess the environmental effects of the development.

In accordance with Table 10, Section 6, RDSF (scope of Explanatory Reports for RMAs), RMA submissions are to confirm that a EIA Screening Opinion (where appropriate) has been issued (and that a further ES is not required) and to set out the scope of environmental information, if any, to be submitted.

The RMA was accompanied by an EIA Screening Opinion Request to determine whether the proposals would give rise to environmental impacts not previously assessed. In in Townscape and Visual terms,

The LPA issued its EIA Screening Opinion (18/6400/ESR) dated 28 January 2019 confirming that the RMA proposals, and in particular the additional height of the 16 storey tower, would not result in additional significant impacts in comparison to the effects reported in the original ES. Therefore, the environmental information already before the Council with respect Plot 13 remains adequate to assess the environmental effects of the development and has been taken into consideration in this decision.

8. 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 Reserved Matters approval for this proposed development will comply with the Council’s statutory duty under this important legislation.

The site is 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. 31 of the flats will be wheelchair accessible and/or able to be modified to accommodate a wheelchair occupier. This provision equates to 10% of the units. The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. Within the Plot 13 curtilage a single blue badge parking bay is provided within the tertiary street to the west of the Plot. The Southern Developer has also engaged in pre-application discussions with the BXC Consultative Access Forum (CAF) in the lead up to the submission of applications for Phase 1 (South).

The proposals are considered therefore to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

9. CONCLUSION

The proposal seeks approval for the next development plot within Phase 1C of the Brent Cross Cricklewood development. The application proposes residential-led mixed use development on Plot 13 to provide 348 new residential units.

The reserved matters have been considered against the parameters and controls captured within the S73 Permission. Details relating to Landscape, Access, Appearance, Layout, Scale, including land use have been demonstrated to comply with the S73 Permission with the exception of the 16 storey tower element which exceeds the frontage parameters by 18.55m and the overall height parameter by 8.55m. This deviation is within the 30% frontage tolerance in accordance with RDAS guideline 4 and has been assessed in townscape and amenity terms as part of the EIA Screening Opinion. The tower acts as a marker building in the wider masterplan terminating the route over Templehof Bridge approach and the additional height would not result in additional significant impacts in comparison to the effects reported in the original ES.

The supporting technical details accompanying this application demonstrate satisfactory compliance with the relevant standards and policy including daylight and sunlight, drainage, residential space standards and amenity, accessibility and sustainability. Where minor deviations have been identified these have been demonstrated to be acceptable.

The plot will provide a car parking ratio of 0.5 spaces per unit in accordance with Plot 12 previously approved. The level of car parking accords with parking standards established by the S73 Permission and wider policy requirements for a site of PTAL 4-5 at the time of occupation.

The design of the buildings and environment proposed would provide a high quality residential environment and new urban realm.

Overall, officers find the proposals acceptable and accordingly **APPROVAL** is recommended subject to conditions as set out in Appendix 1 of this report.