

LOCATION: Brent Cross Cricklewood Regeneration Area
North West London

REFERENCE: 21/4063/RMA **Received:** 21/07/2021
Accepted: 21/07/2021

WARD: Golders Green **Expiry:** 20/10/2021

APPLICANT: BXS Limited Partnership

PROPOSAL: Reserved Matters relating to layout, scale, appearance, access and landscaping for the student accommodation led mixed use development of Plot 25, comprising student rooms provided as either self-contained studios or within a shared unit, communal student amenity space, flexible commercial space (Use Classes A1/A3/B1/D1/D2), and cycle/refuse storage space, to be provided within a building ranging from ground and mezzanine plus 9 to ground and mezzanine plus 22 storeys, including surrounding areas of public realm and adjacent interim servicing area. The application is submitted pursuant to Condition 1.3(iv) and 2.1 in relation to Phase 4A of planning permission F/04687/13 (dated 23rd July 2014) for the comprehensive mixed-use redevelopment of the Brent Cross Cricklewood Area. The application is accompanied by an Environmental Statement of Compliance. Reserved Matters relate to land to the east of Brent South Shopping Park, and within the development site at Brent Terrace.

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).

1. APPLICATION SUMMARY

This report relates to a Reserved Matters Application (RMA) for Plot 25 of the Brent Cross Cricklewood ('BXC') Regeneration Scheme. The plot is proposed to deliver a purpose building student accommodation ('PBSA') scheme providing 662 student accommodation rooms along with associated ancillary facilities as well as a flexible use commercial unit on ground and mezzanine levels providing options for occupation by Class A1, A3, B1, D1 and D2 uses. The proposals comprise a linear building of three distinct forms, comprising a taller central block of 23 storeys (plus a ground and mezzanine level), and two shoulder elements at either side of 9 storeys (plus a ground and mezzanine level).

The building results in a breach of building frontage parameter heights controls, albeit falling comfortably within the zonal height restrictions. Further, elements of the flexible commercial ground floor unit, relating to potential B1 and D1 uses, would result in a breach of ground floor designated frontage use class expectations for this location, albeit the overall character of the scheme and ground floor established through the reserved matters details would complement the aspirations for vibrancy and activity for this part of the regeneration area. In addition, the scheme includes a section of Tempelhof Avenue designed to function as an interim hammerhead servicing area, to be replaced eventually by a passable section of Tempelhof Avenue to link with Tempelhof Bridge.

The submission provides details of layout, scale, appearance, access and landscaping for the proposed building and areas of highway and public realm. It generally conforms with the parameters and principles relevant to this development plot. As mentioned above, there is a limited breach of parameter height in relation to the taller central element and some divergence from parameters regarding ground floor uses in this location. These breaches have been assessed in townscape and amenity terms and found to be acceptable whilst also being deemed not to 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.

The application is therefore recommended for approval.

2. BACKGROUND

2.1 Outline Planning Consent

This RMA has been submitted in association with the delivery of the Brent Cross Cricklewood ('BXC') regeneration scheme. 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).”

The S73 Permission for the redevelopment of BXC regeneration area is divided into multiple phases which are further divided into sub-phases. This application relates to the detail required in relation to Phase 4A. This sub-phase comprises solely of the development of Plot 25 within the Market Quarter Development Zone.

The regeneration of BXC is being delivered in three parts: Brent Cross North around the Brent Cross Shopping Centre to the north of the A406; Brent Cross Town comprising land to the south of the A406 and the bulk of the regeneration area; and Brent Cross West comprising the new train station and associated rail infrastructure to the west of the site.

Significant progress has been made in relation to the delivery to date. The new Thameslink Station, Brent Cross West, is under construction and the associated new

railway sidings are complete and operational. In relation to Brent Cross Town, Reserved Matters for Plots 11, 12, 13, 14 and 15 falling within Phase 1 (South) and Phase 2 (South) (Plots), as well as the replacement Claremont Primary School (Phase 2 (South) (School)) have been approved along with drop-in planning consents for highways and public realm infrastructure and Claremont Park improvements. The demolition of the Claremont Way Industrial Estate and ground preparation and preliminary piling works for the Phase 1 (South) tranche of works have been completed. Utilities have been installed, ground reprofiling undertaken and works to excavate and form the combined basement beneath Plots 12, 13 and 14 is underway. Exploratory Park, a temporary open space off Claremont Way, has been completed and is open to the public and the interim Claremont Way Improvement works and Visitor Centre building are nearing completion.

3. DESCRIPTION OF THE SITE AND PROPOSED DEVELOPMENT

3.1 Site description and Surroundings

Brent Cross Outline permission

The S73 Permission for the regeneration of BXC covers a 151-hectare area. This area is bounded by the Edgware Road (A5) and the Midland Mainline railway line to the west and by the A41 to the east. The area is bisected east to west by the A406 North Circular Road with Junction 1 of the M1 (Staples Corner) located on the north west boundary.

The Northern Development area located north of the A406 consists primarily of the existing Brent Cross Shopping Centre (BXSC) along with the Brent Cross bus station and the River Brent.

The Southern Development area to the south of the A406 is comprised of the Brent South Retail Park, former Claremont Way Industrial Estate, the Whitefield estate (of approximately 220 homes), Hendon Leisure Centre, 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 25 application site

Plot 25 is located centrally within the masterplan for the Brent Cross Cricklewood regeneration area and relates. The site for Plot 25 is located to the south of the A406 North Circular and corresponds to land currently occupied by a small surface car park adjacent to Costa Coffee within the Brent South Shopping Park (at the southeast extent of the retail park) as well as land partly located within the former Claremont Way Industrial Estate.

There is a change in level from south to north across the site, with the level of the access road and Brent South Shopping Park being lower than the level within the former Claremont Way Industrial Estate.

Brent South Shopping Park and associated surface car park is located to the west of the application site and is accessed off Tilling Road. The Holiday Inn Hotel and the elevated section of Tempelhof Avenue is located to the north east of the site. The land to the south and east of the site comprises a construction site associated with the development in Phase 1 (South) and Phase 2 (South) of the S73 Permission which includes the new High Street South, plot development and a new neighbourhood park, 'Claremont Park'. The Exploratory Park, a temporary replacement open space, is located further to the east. The nearest residential properties are some 200m to the south of the site.

The Plot 25 development site partly falls within land which is subject to The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No. 1 & 2) 2015.

3.2 Pre-RMA Conditions

The Section 73 Permission for the regeneration of BXC includes a number of Pre-RMA 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 that are yet to be approved. The wording of these conditions does not specifically require their discharge prior to the approval of Reserved Matters. **Appendix 2** of this report shows those Pre-Reserved Matters Conditions of relevance to Plot 25 RMA and where relevant highlights where they are yet to be formally determined. In all instances relating to those Pre RMA applications that are yet to be formally determined, agreement has been reached on the content of the submission in relation to the Plot 25 proposals but were unable to be formally discharged prior to the publication of the Committee agenda papers.

As the relevant aspects of these conditions are acceptable to the LPA with regards to 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 papers to the Planning Committee in relation to those Pre-RMA applications that have been discharged since the publication of this report.

3.3 The Proposed Development

This application for reserved matters relates to a mixed-use development providing predominately student housing, plus a commercial unit with flexible permission for uses falling within Class A1, A3, B1, D1 or D2 uses.

The proposed building is a linear development of three distinct forms, comprising a taller central block of 23 storeys (plus a ground and mezzanine level), and two shoulder elements at either side of 9 storeys (plus a ground and mezzanine level). Table 1 below provides details of the proposed quantum of development.

Table 1: Plot 25 development proposals

| | GEA (m ²) | GIA (m ²) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------|
| Student Accommodation | 21,229 | 19,494 |
| Flexible Commercial Space | 1,032 | 921 |
| Commercial Ancillary Area (cycle storage and waste storage) | 29 | 29 |
| Student Accommodation ancillary areas (Cycle storage, waste storage, car parking, plant, attenuation, risers in cores, building management office/ parcel store) | 2,071 | 1,532 |
| TOTAL | 24,361 | 21,967 |

The student accommodation is provided at the upper levels (above ground and mezzanine level). A total of 662 student rooms are proposed, 80% of which are as self-contained studios with bathrooms and cooking facilities ranging between 18sqm (GIA) and 25sqm (GIA), whilst the remaining 20% of student rooms are provided within communal units that have individual bedrooms but share a communal kitchen and living space. At ground and mezzanine level, a substantial internal communal amenity space for the students is proposed, providing a variety of student activities shown indicatively at this planning stage. Private communal external amenity space for students is provided at mezzanine level and within a roof terrace at level 10.

Separate from the student accommodation element, the scheme comprises a flexible commercial unit of 921sqm (GIA) at ground and mezzanine level within the shoulder

building facing High Street South. Flexibility is sought so that this unit may be occupied by uses falling within the following use classes: A1 and A3 (retail and related uses meaning a restaurant or café), B1 (business), D1 (Social and Community Infrastructure) and D2 (Leisure).

Details of the layout of individual student units, communal student spaces, and the flexible commercial unit are contained within the submitted floorplans and supporting Design Statement. These have been developed by Glenn Howells Architects in consultation with established student housing provider 'Fusion Students' who will be responsible for the student housing portion of the scheme. These details are shown for information purposes, providing an indication of how the individual units, communal spaces and flexible commercial unit may be occupied, and will be developed further at the next stage of detailed design.

Three different character areas of public realm are proposed around the building. Firstly, a hard and soft landscaped area is proposed to the rear (north) at lower ground level providing connectivity with the Brent South Shopping Park to the north of the site. This area will form part of a publicly accessible covered pedestrian access route through the building that will connect the High Street South through to Tilling Road. Secondly an area of widened pavement facing onto the proposed High Street South (as already approved). Thirdly a hammerhead servicing area to the east of the building situated on Tempelhof Avenue is proposed which fulfils the servicing vehicle access needs for the development.

4.0 MATERIAL CONSIDERATIONS

4.1 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 for the site consists of The London Plan (March 2021), and the development plan documents which constitute the Barnet Local Plan (namely the Core Strategy DPD and Development Management Policies DPD both adopted September 2012).

With regards to the regeneration area for Brent Cross, paragraphs 1.4.2 - 1.4.3 of the Development Management Policies DPD states that in light of the progress that has been made toward the implementation of the Brent Cross regeneration scheme and therefore the implementation of the historic 2006 Unitary Development Plan policies which relate to its delivery, for applications relating to the comprehensive delivery of the Brent Cross scheme, the Development Management Policies will not be of relevance. Rather, the suite of UDP policies, that were saved by the Direction issued by the Secretary of State on 13 May 2009, will form the policy basis for determining applications. This comprises Chapter 12 and policies contained therein of Barnet's Unitary Development Plan, and the 2005 'Brent Cross and West Hendon Regeneration Area Development Framework' Supplementary Planning Guidance. These policies within the saved UDP shall continue to be part of the development plan for applications

relating to comprehensive development in Brent Cross unless and until the Core Strategy DPD is reviewed in accordance with Policy CS2 and Section 20:13 of the Core Strategy DPD. To date, this review has not yet taken place.

4.2 Pre-Application Public Consultation

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

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 (Soundings, July 2021) provides details of consultation undertaken in relation to Plot 25 proposals specifically and also the ongoing wider phased delivery of the Brent Cross Outline scheme.

4.3 Public Consultations and Views Expressed

Adjoining occupiers

Following registration of the application 261 neighbouring properties were consulted by letter dated 29th July 2021. The application was advertised in the local press on 3rd August 2021 and a site notice was put up on site on the 5th August 2021. The consultation allowed a 4 week period to respond. No representations have been received.

Consultation Responses from Statutory Consultees and Other Bodies

Consultation with Statutory Consultees and Other Bodies was carried out 29th July 2021. The following responses were received.

London Fire Brigade (16/09/2021):

The Fire Brigade have confirmed that they are satisfied with the proposals for firefighting access.

Thames Water (17/08/2021)

Thames Water raise no objection to the development proposed in relation to Foul Water and Surface Water.

Historic England (Archaeology) (16/09/2021)

The Greater London Archaeological Advisory Service have provided comments to setting out that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest, and therefore make no archaeological requirements.

Metropolitan Police, Designing Out Crime Officer ('DOCO') (09/08/2021)

The DOCO contact for Barnet has raised no objections to the development in principle but highlighted aspects of the scheme which require careful planning in order to improve safety and reduce the risk and opportunities for crime. These are summarised in the bullet points below:

- Pedestrian access way through the site, given its sheltered nature could provide an easy opportunity for misuse ((for example loitering, street-drinking, rough sleeping, drug use, criminal damage such as graffiti, urination & defecation and so on). Preference for pedestrian route to be secured in hours of darkness.
- In the event this is not achievable, DOCO outlines a number of measures to overcome concern including; lighting scheme to British Standard BS EN 5489-1:2020 devoid of dark spots and areas of concealment; external doors to commercial units compliant with either LPS 1175 Issue 7:SR2 (Issue 8:B3) or STS 202 Issue 6:BR2; Security patrolled ('capable guardians') and centrally monitored by CCTV.
- Fob access incorporated wherever possible to help secure areas for residents/management access only and to provide an audit trail in case of any misuse of these areas
- Recommendation for planning condition to achieve secure by design accreditation.

Officer comment:

Officers raised these concerns with the Applicant who provided a response to the points raised. As set out in the response, the Applicant already has plans to incorporate measures within the scheme to improve safety and reduce opportunities for crime and is willing to incorporate some of the additional features raised by the DOCO. With regards to potential gating of the external pedestrian access route through the scheme, there is a need in to maintain pedestrian permeability through the site pursuant in this location in accordance with Parameter Plan 003 'Public Realm and Urban Structure', and Officers consider the concerns may be addressed through a variety of measures to promote safety such as lighting and CCTV. Conditions are recommended to secure; 24 hour lighting within the pedestrian access route, a report demonstrating compliance with the Secured By Design standards; and a security measures scheme to secure specific design specifications as recommend. The draft conditions have been discussed with the DOCO who have confirmed their support for this approach and have no objections to the scheme.

Counter Terrorism Security Advisor ('CTSA') (11/08/2021)

The CTSA queried the likely number of pedestrians to occupy the building frontage on High Street South to ascertain if it could be a likely target from VAW (Vehicle as a weapon), and further queried the absence of details relating to electronic access controls to initiate a dynamic lockdown.

Officer comment:

The Developer has responded to these queries by providing details of the physical barriers such as raised planters along the High Street South edge which in the Applicants view provides a proportionate deterrent. In response to the recommendation for a dynamic lockdown system, the Agent acting on behalf of the Developer confirmed their agreement to a planning condition secure details of an electronic access control system and operating procedure capable of securing the building. These responses are considered proportionate to the Plot 25 scheme in light of the ongoing analysis undertaken by the Applicant in consultation with the CTSA relating to areas of risk across the Southern Development and resulting level of mitigation.

Environment Agency (27/08/2021)

Environment Agency commented that due to the lack of environmental constraints affecting this particular reserved matters plot, we would have no concerns or comment to make. The only constraint is showing as historic landfill but there are no groundwater source protection zones underlying the Brent Cross area.

Officer comment:

The S73 permission is subject to pre commencement condition 31.2 requiring the submission of a site-specific remediation strategy for the relevant Remediation Zone or Sub-Zone that proposals within any phase, sub-phase or construction site fall within. Therefore, any investigations and remediation if found to be necessary is secured through the requirement to address this condition.

Transport For London ('TFL') (29/07/2021)

TFL commented to confirm they would not object to approval of the Plot 25 reserved matters, but raised a number of queries relating to the following:

- Change of level via the pedestrian access route, therefore query if level access to the cycle parking provided.
- What are the servicing proposals once the interim hammerhead area is removed?
- Regarding the interim servicing yard, potential conflicts between servicing vehicles and cyclists travelling along the cycle lane on High Street South.
- Wind assessment limited to plot, and there are potential risks of adverse impacts upon pedestrians and cyclists using High Street South. Has the assessment measured the wind impact on the adjacent highway?
- Query the conclusion of paragraph 3.1 of the wind report, that the adverse wind conditions within the interim service yard are not predominantly the result of the proposed Plot 25 scheme.

Officer comment:

These matters were raised with the Applicant who provided clarifications to the points raised. These are summarised below and further expanded upon where necessary.

- *The pedestrian access contains a lift provided in accordance with LCDS requirements, and stairs contain a wheel ramp.*

- *When the Tempelhof Avenue works continue northwards towards Tempelhof Bridge and the interim service yard ceases, a recessed servicing bay on Tempelhof Avenue will be provided. The plans supporting this future arrangement are contained within the approved servicing and delivery strategy for Phase 4A and whilst they are indicative at this stage, they have been reviewed by the Councils Highways Officers who raised no objections.*
- *The siting of servicing activities on Tempelhof Avenue is a deliberate strategy to minimise servicing activity on High Street South. Minimal visual and physical street clutter is proposed on the junction of High Street South and Tempelhof Avenue to increase awareness of vulnerable road users for drivers entering/exiting the loading area.*
- *During the windiest season (winter), there is no risk of adverse impact on pedestrian and cyclist using High Street South as the comfort grade is 'strolling'. A full assessment is provided within the Wind and Microclimate Report submitted alongside the RMA. Further, the wind assessment has been undertaken based on the masterplan massing, as shown in paragraph 2.3, and therefore wind conditions predicted under the assessment will factor in the impacts of the indicative massing. As stated in the wind assessment, this will be developed through the development of adjacent plots.*

Lead Local Flood Authority ('LLFA') (15/09/2021)

The LLFA commented to confirm that based on the information provided with the RMA, they were unable at this stage to reach a conclusion on drainage matters, and that the RMA would need to be supported by a Surface Water Drainage Strategy featuring specific details as set out within the LLFA comments. This includes, inter alia, a fully labelled Sustainable Urban Drainage ('SuDS') network diagram showing, pipes and manholes, SuDS features with reference numbers etc, and SuDS design input data and results to support the design. Further, the LLFA confirmed that, by virtue of the submission of sustainable urban drainage ('SUDS') being controlled by pre commencement condition 1.27 of the S73 Permission, that the necessary details and further assessment could be dealt with prior to the commencement of the development pursuant to the condition requirements.

Officer comment:

The RMA is accompanied by a Drainage Statement (Arup, July 2021) which considers matters relating to flood risk and surface water drainage. The conclusions of the report are that the site is at low risk of flooding from fluvial and tidal sources, pluvial sources, (sewers, ground water sources and from artificial sources (reservoirs, canals etc). In relation to pluvial sources (surface water/overland flow), a small portion (18sqm) of the site is shown to be at risk in a 1:1,000-year storm, however this does not encroach onto the proposed building footprint. Therefore, flood risk from surface water is considered low.

Surface water drainage design details are described the Drainage Statement. Regarding surface drainage arising from the roofs and lower ground floor hardscaped area, the need for an attenuation tank to collect and then pump surface water located in the Lower Ground Floor into the external drainage network to the south of the plot (to the High Street South) is established. Regarding SuDS features, the area behind the Plot as shown in Figure 6 of the Drainage Statement proposes trees, shrubs and

rain gardens which will receive runoff from the hard landscaping and channel drains and will assist in the reduction of runoff rates.

As such based on the details provided, to be further supplemented by details submitted in relation to Condition 1.27 of the S73 Permission, the scheme will benefit from sufficient surface water drainage considerations.

Brent Council LPA (08/10/2021)

Brent Council LPA have considered the proposals and have no objection.

Consultation Responses from London Borough of Barnet ('LBB')

Internal Consultations with London Borough of Barnet ('LBB') departments were carried out 29th July 2021. The following responses were received,

LBB Environmental Health Officer ('EHO') (06/08/2021)

Environmental Health commented on the RMA to conform the following: A review of the air quality assessment by AQC (ref. J10-12555A10A/1/F1, dated July 2021) has been undertaken. No objections are raised to the conclusions reached, namely that no mitigation is required given the air quality is not likely to be impacted by development, nor are future residents likely to be affected poor air quality (evidenced by modelling and local monitoring).

The EHO has reviewed the Acoustic Design Report (ADR) submitted separately under Condition 29.1 and as part of the RMA submission. Concerns raised in relation to the ability of student rooms at first floor to be adequately protected against airborne and structure borne noise arising from the ancillary spaces at ground floor level and flexible commercial units, and the need for a noise report to be submitted to the LPA following the fit out of the gym, in particular to demonstrate that that noise levels in the nearest noise sensitive premises would be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

Officer comment:

Condition 29.8 of the s73 permission requires a scheme of detailed noise mitigation measures to be submitted to the LPA for approval prior to above ground works commencing, demonstrating compliance with the relevant internal noise standards set out within paragraphs 2.82 – 2.85 of the RDSF and Condition 29.4 which links to the noise standard, BS8233:1999. Pursuant to this, the ADR provides consideration of the likely strategies to be adopted to safeguard the amenities of student bedrooms from the transmission of airborne and structure borne sound. This includes the installation of sound insulation for separating floors between these uses, that would exceed the minimum required for compliance with Approved Document E of The Building Regulations (ADE2003).

It is noted that these observations are illustrative given it is not a requirement of the RMA nor of condition 29.1 to provide such details at this stage. Notwithstanding this, given the mixed-use nature of this plot, early consideration of these matters is welcome in order to ensure that the structural elements of the scheme are sufficient to avoid the

adverse transmission of sound, and specific noise mitigation designs will be developed and details submitted for approval in line with Planning Condition 29.8

LBB Building Control (18/08/2021)

Planning Officers consulted Building control colleagues on the fire safety matters, specifically regarding the incorporation of Category B cooking devices to BSEN 50615 within individual student rooms to mitigate the location of cooking facilities not being remote in many cases from the access/egress to individual rooms. Further, the layout of the bathrooms shown indicatively on the plans was queried as to its likely compliance with Building Regulations in due course. Regarding the fire safety query, it was clarified that the standard only states that kitchens should be 'remote' so are assessed on a case-by-case basis, whilst solutions such as those proposed are accepted to mitigate kitchen arrangements in open plan flats for example. Regarding the design of bathrooms, compliance with Building Regulations in due course would depend on the part of Part M that they would seek to demonstrate compliance with.

Officer response:

At the request of Officers, supplemental information relating to the provision of cooking facilities within individual rooms and compliance with BS9991 was supplied. This further outlines the Applicants consideration of and future compliance with the means of escape travel distances for cluster apartments and individual studios in accordance with BS 9991:2015. The provision of Category B devices is further explained as featuring in every cooking location, and providing the necessary mitigation, coupled with suppression system, for instances where the cooker locations are closer to the escape routes due the structure of the building reducing or localised obstructions such as smoke shafts.

Regarding the design of individual bathrooms, the acting agent confirmed that the design of individual rooms is indicative at this stage however the operator has achieved approval for such layouts in similar schemes in Swansea and Sheffield, whilst in relation to the Plot 25 proposals the operator has engaged an Approved Inspector on the design development, and these will be developer further at Stage 4 design.

LBB Highways (27/08/2021)

LBB highways have reviewed the proposed development and raise no objections subject to a condition to secure details of cycle parking and a condition/informative to prevent doors from opening onto the street confirming that in such instances LBB will not be able to adopt the land. Further, it should be noted that LBB Highways have commented on the supported transport Pre RMA conditions and raised no objections, in particular to the design and function of the interim hammerhead servicing area.

Officer Response:

A cycle parking condition is recommended, as well as a condition relating to doors opening as suggested. It is recommended however that the condition restricting doors opening outwards excludes fire exit doors and managed plant and refuse doors, in order to fulfil the operators requirements. An informative will be included highlighting LBB Highways remarks regarding the inability for highways land to be adopted where refuse doors open outwards.

LBB Commercial Services – Street Scene (Refuse collections) (27/08/2021)

LBB commercial services confirm that the details submitted to date are satisfactory given the requirement to provide full details in due course through Condition 40.1 submission. Further, the swept path assessments relating to the interim servicing area meet with what the collections team would require to collect waste bins from this development.

LBB Arboricultural Officer (11/10/2021)

The LBB Tree Officer comments outline that the Plot 25 RMA Landscape design statement provides an outline of the proposal rather than detailed designs. Recommendations relating to the specification of tree and shrub species are therefore included, to be specified as part of a scheme of detailed landscaping secured by way of planning condition. On this basis, and on the assumption that a number of trees will be planted as described in the submission, no objections are raised.

Officer Comment:

It is recommended to include a condition requiring a detailed landscaping scheme to be submitted to the LPA for approval, including details of species and number of trees and shrubs.

5.0 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.

Table 2: Matters to be addressed in Committee Report

| | |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.1 Principle of development | <ul style="list-style-type: none"> • Reserved Matters Details • Parameters of the S73 Permission |
| 5.2 Landuse | <ul style="list-style-type: none"> • Principle of proposed land uses within the S73 Permission • Quantum of Development • Affordable Housing Obligations |
| 5.3 Design | <ul style="list-style-type: none"> • Spatial Considerations for proposed development • Designated frontages • Plot 25 layout – masterplan context • Scale and Massing • Elevation Design Treatment • Landscaping |
| 5.4 Quality of Accommodation | <ul style="list-style-type: none"> • Onsite facilities and space requirements • Daylight and Sunlight Assessment • Wind Assessment • Noise Assessment • Air Quality |
| 5.5 Transport | <ul style="list-style-type: none"> • Transport Considerations • Highways Considerations • Car and Cycle Parking • Servicing and Delivery Management Strategy, refuse collections • Pedestrian and Cycle Strategy • Individual Travel Plan |
| 5.6 Other material considerations | <ul style="list-style-type: none"> • Estate Management • Safety and Security • Fire Safety • Access and Inclusivity • Sustainability • Flood Risk and Drainage • Construction Management |

5.1 Principle of Development

Reserved matters details

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

This RMA has been submitted pursuant to the following conditions:

- 1.3(iv) relates to timescales for the submission of RMA's for Plots and Bridge Structures in Phase 4, to be submitted 11 years from the date of 28 October 2010;
- 2.1: relates to documents and topics covered that all RMA's must be accompanied by.

Pursuant to condition 1.3(iv), the RMA for Plot 25 was received and validated by the LPA 21 July 2021 and hence prior to the deadline for submission of 28 October 2021. As such the RMA has been received by the LPA in accordance with the necessary timeframes.

Pursuant to Condition 2.1 of the S73 Permission, the Explanatory Report (Table 2: 'Condition 2.1 Requirements') submitted with the RMA sets out the 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.

Parameters of the S73 Permission

Central to the determination of this reserved matters application is consideration of the proposals against the Parameter Plans contained within Appendix 2 of the Development Specification and Framework ('RDSF'). The Parameter Plans establish a series of principles and guidelines orientated principally around transport infrastructure, public realm and open space and land uses, as well as maximum and minimum controls in relation to key transport routes, building heights, and access arrangements. There are limits of deviation for certain elements of the parameter plans. 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') and RDSF which the Parameter Plans are appended to. These controls will shape the Brent Cross development.

Details submitted with this RMA for Plot 25 demonstrate conformity with the Parameter Plans of the outline consent with some exceptions. These are addressed in more detail in the relevant subsections of this report.

Table 3: Deviations from Parameter Plans:

| Parameter Plan | Deviation | Impact, consideration |
|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Parameter Plan 004: Ground Level Land Uses to Frontages (Rev 16):</i> | Proposed Class D1 and Class B1 uses within Flexible commercial unit contrary to retail and hotel ground floor “Predominantly Retail or Leisure or Hotel” designations for this frontage. | <ul style="list-style-type: none"> • Plot 25 layout – masterplan context • EIA Assessment |
| <i>Parameter Plan 007: Maximum Building and Frontage Heights (Rev 15):</i> | 23 storey element has a maximum height of 71.4m from ground level. This is within the zonal height limit of 100m. However a breach of <i>Parameter Plan 007</i> occurs due to this the length of this element occupying of 54% of the Tempelhof Avenue frontage, exceeding the limit of 30% for such incidences of greater frontage height. | <ul style="list-style-type: none"> • Scale and Massing • Daylight and Sunlight Assessment • Wind Assessment • EIA Assessment |

When considering the impact of these deviations in Environmental Impact terms, consideration needs to be given to whether or not the changes would render the conclusions of the S73 ES invalid 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. An Environmental Screening and Statement of Compliance Report for Plot 25 (Arup, July 2021) has been submitted with this RMA and responds to the question of Environmental Impacts associated with the development more generally and also specifically in relation to the abovementioned parameter plan breaches, concluding that no additional significant environmental impacts, in comparison to those already identified in the S73 ES, would arise as a result of the development. This is dealt with more in Section 6 (Environmental Impact Assessment) of this committee report.

5.2 Landuse

Principle of proposed land uses within the S73 Permission

The proposals for Plot 25 comprise a student housing development (Use Class Sui Generis) and flexible use commercial floorspace for which use classes A1, A3, B1, D1 and D2 are sought.

The description of development for the S73 Permission for the Brent Cross Cricklewood scheme includes the provision of student housing in the following context "...residential uses (Use Class C2, C3 and student/special needs/sheltered housing)...". Table 1 'Development Floorspace' of the RDSF specifies an allowance of up to 89,785sqm (GEA) of the total residential quantum for the scheme that may be delivered as special needs (Class C2), student housing (sui generis) or sheltered accommodation (Class C2), instead of residential (Class C3) floorspace. Further, Table 1 specifies that of the 89,785sqm (GEA) no more than 45,000sqm (GEA) may be used for student housing and no more than 70,000sqm (GEA) may be for older persons housing.¹

Condition 36.7 of the S73 Permission is the primary control through which a proportion of residential (Class C3) floorspace may be utilised for student housing in accordance with the floorspace quantum outlined above. The Condition also requires a separate submission to be made to the LPA for approval, prior to the commencement of such a development for student housing, which contains details of the proposed balance of uses and justifications as to how it will contribute to a balanced community within the relevant phase and across the wider development. This separate application has not been submitted at this point. The RMA submission has however provided reasoning as to why Plot 25 and its location within the masterplan context is suitable for student housing, and Officers have given consideration to this matter in the determination of this RMA.

As such, the principle of the provision of student housing is established through the S73 Permission as set out above. This is subject to consideration of the overall composition of uses within the regeneration area, and adherence with the floorspace Schedules for the S73 Permission which set the overarching limitations and distribution of different types of floorspace across the regeneration area. This is discussed below in the '*Spatial Considerations for student housing*' and '*Quantum of Development*' sections of this committee report.

With regards to the flexible commercial floorspace component of the proposed development, this is provided on the ground floor and upper ground level of the shoulder block which fronts onto High Street South, and comprises a flexible commercial unit, for which use classes A1, A3, B1, D1 and D2 are sought. The description of development for the S73 Permission includes the uses sought through this RMA in the following context "...Use Classes A1 – A5, offices, industrial and other

¹ The permitted floorspace for student/special needs/sheltered housing, by virtue of non-material amendment application to the S73 Permission, pursuant to Section 96a of the Town and Country Planning Act 1990 (as amended, is expressed in gross floorspace terms rather than by reference to a fixed number of residential units as originally specified. Details of the NMA application and the LPA's consideration of the NMA application are held on the LPA's planning records (LPA ref: 21/1964/NMA).

business uses within Use Classes B1 - B8, leisure uses, community, health and education facilities...). These use classes, with reference to the Use Class Order effective at the time of granting the S73 Permission and reflected within Table 1 'Development Floorspace' of the RDSF, comprise Classes A1 and A3 (Retail and related uses, the latter falling within the restaurant or café use), Class B1 (Business), Class D1 (Social & Community Infrastructure), and Class D2 (Leisure). As such the provision of these uses in principle comply with the floorspace expectations for the S73 Permission. This again is subject to spatial considerations within the context of the overall composition of uses within the regeneration area the floorspace Schedules for the outline S73 Permission which set the overarching limitations and distribution of different types of floorspace across the regeneration area. This is discussed below in the '*Spatial Considerations for student housing*' and '*Quantum of Development*' sections of this report.

Quantum of development

The BXC site is divided into a series of Development Zones, as shown on Parameter Plan 001, based on different character areas. A series of schedules within the RDSF provide a hierarchal breakdown of floorspace (Gross External Area) requirements for the S73 Permission by land use and Development Zone as follows. This controls the the allowable quantum of different land uses and their distribution across the Development Zones.

- Table 1 'Development Floorspace' provides the overarching consented quantum for each land use 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 land use for each development plot.

Condition 36.1 of the S73 Permission requires compliance with the Zonal Floorspace Schedule (Appendix 5, RDSF) as follows:

"The total quantum of built floorspace for the Development across the Development Zones shall not exceed the gross floorspace for individual land uses set out in the Zonal Floorspace Schedule (revision 2) and be in general accordance with the Indicative Plot Schedule set out within Table 8a of DSF Appendix 2 (and with the Table 1 of the Development Specification & Framework) and the Floorspace Thresholds for Building Zones Schedule (revision 2) set out within Table 6 of DSF Appendix 2"

Table 4 below sets out the floorspace consented to date within the Market Quarter Development Zone across the different Plot Developments. The table also provides

details of the proposed Plot 25 quantum, cumulative floorspace for the Market Quarter Zone including proposed Plot 25 floorspace, the total permitted floorspace for the Market Quarter Development Zone, and finally the residual floorspace within the Market Quarter Development Zone as permitted by the Zonal Floorspace Schedule following the occupation of the extant Market Quarter RMA approvals and the Plot 25 development.

Table 4: Gross development floorspace ('GEA') consented to date (Market Quarter development Zone) plus Plot 25 proposals, in relation to the Zonal Floorspace Schedule

| Landuse | Plot 11 | Plot 12 | Plot 13 | Plot 14 | Plot 15 | Proposed Plot 25 | Cumulative total | 'Zonal Floor - space Schedule' MQ Zone | Remain- ing Floor space MQ Zone |
|---------|---------|---------|---------|---------|---------|------------------|------------------|----------------------------------------|---------------------------------|
| C3 | 33,647 | 31,234* | 35,306 | 27,438 | 27,043 | 21,229 | 175,897 | 191,873 ² | +15,976 |
| A1/A3 | 1,355 | 579 | 789 | 858 | 1,039 | 1,032 | 5,652 | 5,652 | 0 |
| D1 | 94 | | 1,024 | - | - | 1,032 | 2,150 | 1,075 | -1,075 |
| D2 | - | | 907 | - | - | 1,032 | 1,939 | 2,787 | +848 |
| B1 | | | | | | 1,032 | 1,032 | 48,707 | +47,675 |

*including 75sqm (GEA) ancillary housing office

In addition to the above, the 'Floorspace Thresholds for Building Zones' table, included in the RDSF alongside Parameter Plan 014, states the primary use for MQ1 as Class B1 with a permissible quantum of 48,707sqm. The remaining floorspace is listed as 49,695sqm and consists of all other uses permitted within the Market Quarter Development Zone, subject to compliance with the Zonal Floorspace Schedule. The table below sets out the Plot 25 proposed development quantum within each land use and the impact of the utilisation of such land uses upon the MQ1 allowances.

² Gross permitted residential (Class C3) floorspace of 191,873sqm (GEA) for the Market Quarter Zone is the result of a recent approval to Condition 2.4 of the S73 Permission (LPA ref:21/1382/CON, dated 30th June 2021. The amendments relate to the transfer of 21,121sqm (GEA) residential floor area from the Brent Terrace Development Zone to the Market Quarter Development Zone.

Table 5: Gross development floorspace ('GEA') Plot 25 proposals consented to date, in relation to the Market Quarter Building Zone 1 (Floorspace Thresholds for Building Zones'

| Landuse | Plot 25 proposed floorspace | Development Floorspacem ² (Primary Use) | Remaining Floorspace m ² |
|----------------------------------|-----------------------------|----------------------------------------------------|-------------------------------------|
| MQ1 | | <u>48,707 (business and employment)</u> | <u>49,695³</u> |
| B1 | 1,032 | 47,675 | n/a |
| C3 | 21,229 | n/a | 25,466 |
| A1/A3 | 1,032 | | 24,343 |
| D1 | | | |
| D2 | | | |
| Total residual floorspace | | 47,675 | 24,343 |

In respect of the proposed uses for Plot 25, the student floorspace would require 21,229sqm of residential floorspace. As per Table 4 and 5 there is sufficient floorspace within the Zonal Floorspace Schedule and within the Remaining Floorspace for MQ1 within the Floorspace Thresholds for Building Zones table. Further, the quantum of 21,229sqm of student housing floorspace would be within the 40,000sqm limit for this use as specified by Table 1 'Development Floorspace' of the RDSF and Condition 36.7 of the S73 permission. As such, the provision of student housing complies with the controls of the S73 Permission and is considered to be acceptable having regard to the location within the masterplan, specifically within the Market Quarter Zone, and in terms of the quantum of student housing that is proposed.

With regards to the flexible commercial unit of 1,032sqm, an assessment of available floorspace has to be undertaken based on a scenario where any of the permitted uses utilise the full 1,032sqm floor area for this unit.

- For Class B1 use in occupation, the residual floorspace for both tables is 47,675sqm and therefore complies.
- For Class A1, A3 and D2 uses in occupation, a residual floorspace of 24,343sqm would be left as per Table 5 along with sufficient floorspace within Zonal floorspace schedule as per the last column of Table 4
- For Class D1 use in occupation, the residual floorspace of 24,343 would be left as per Table 5 however this is accompanied by a negative balance of minus 1,075sqm within Zonal floorspace schedule as per the last column of Table 4

As such, except for the proposed D1 floorspace, the quantum of development would accord with the Zonal Floorspace Schedule and the Floorspace Thresholds for Building Zones' table. In respect of the proposed D1 floorspace, the following planning informative is recommended to be attached to any decision:

³ Consequentially, the Floorspace for Buildings Zones Schedule was updated to accommodate the same transfer of floor area between the BT4 and MQ1 Building Zones. Accordingly, 'Remaining Floorspace' for MQ1 changed from 28,574sqm (GEA) to 49,695sqm (GEA).

“You are reminded of the requirements Condition 36.1 of planning permission F/04687/13 (dated 23rd July 2014) for the comprehensive mixed-use redevelopment of the Brent Cross Cricklewood Area (‘S73 Permission’) which states that the total quantum of built floorspace for the Development (meaning the outline planning permission) across the Development Zones shall not exceed the gross floorspace for individual land uses set out in the Zonal Floorspace Schedule contained in Appendix 5 of the RDSF. At present due to extant RMA consents for Plot 11 (LPA ref:18/6409/RMA) and Plot 13 (LPA ref: 18/6337/RMA) within Market Quarter Building Zone 2, there is no Class D1 floorspace available within the Zonal Floorspace Schedule for Market Quarter Development Zone for further development. The approved ground floor flexible commercial unit of Plot 25 measures 1,032sqm (GEA), so would be at risk of exceeding the Zonal Floorspace Schedule for Market Quarter Development Zone, in breach of Condition 36.1 of the S73 Permission, if occupied in its entirety for D1 use. For the avoidance of doubt, such uses as consented by this permission are subject to compliance with the requirements of Condition 36.1, and you are therefore advised to have due regard to the Zonal Floorspace Schedule limitations for the Market Quarter Development Zone well in advance of occupying the flexible commercial unit for uses falling within Class D1.”

Affordable housing obligations

The affordable housing obligations for the S73 Permission are contained within Schedule 2a of the Section 106 Agreement. This sets a minimum requirement of 15% of all housing within a phase to be affordable housing, with a target of up to 30%. The Plot 25 development does not provide residential (Class C3) floorspace, and therefore as a non-residential sub-phase there is no obligation to provide affordable housing within the Plot 25 development.

In this circumstance, the Section 106 Agreement requires a financial viability appraisal to be undertaken in relation to a non-residential sub-phase, specifically an Affordable Housing Viability Testing Report (‘AHVTR’) pursuant to Condition 1.13 of the S73 Permission. Through this review process, an affordable housing commuted sum may be generated in the event the phase is forecasted to return above 20% ungeared IRR to the Master Developer. Specifically, the definition of an affordable housing commuted sum in this event means:

“an amount equal to 50% of any forecasted returns above 20% Ungeared IRR to be received by the developers (as the Master Developer) from the relevant phase or sub-phase”

The commuted sums are required by Schedule 2a to be provided as affordable housing units within the next available sub-phase of the regeneration to deliver residential (Class C3) floorspace. The conversion of a monetary sum to affordable housing units is calculated in accordance with the formula outlined within Paragraph 1.4 of Schedule 2A.

The AHVTR for Phase 4A, submitted pursuant to Condition 1.12 of the S73 Permission under LPA reference: 21/3885/CON, covers the Plot 25 scheme and its application curtilage, as well as Phase Infrastructure and a proportionate contribution towards the costs of Strategic Infrastructure for the wider S73 development. The AHVTR has been

modelled on the basis of anticipated gross external areas (GEA) for the Plot 25 scheme. The AHVTR has been independently appraised by the Council's appointed professional advisors, the District Valuation Service (DVS) which is part of the Valuation Office Agency. The DVS concluded that for Phase 4A, the 20% hurdle would be exceeded and therefore a contribution would be generated. A contribution of £7.6m has been agreed. The LPA is due to issue formal decision in relation to Condition 1.13 (LPA ref: 21/3885/CON) and confirmation of this will be reported to members through addendum papers. Details of the AHVTR are held on the Councils Planning records under LPA reference: 21/3885/CON.

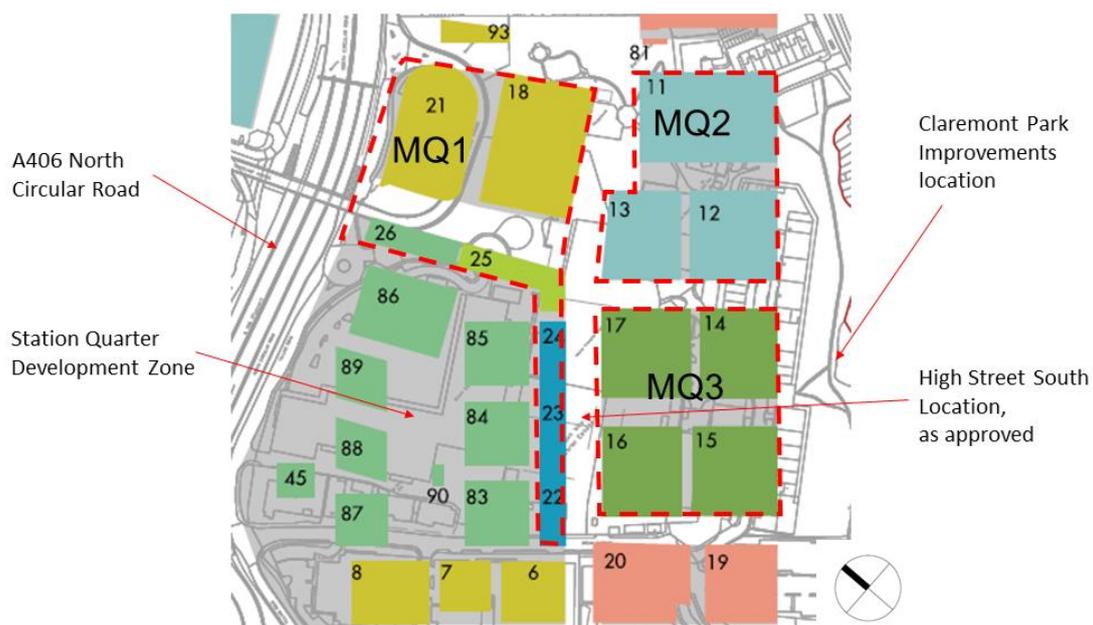
5.3 Design

This section of the report covers matters relating to the design of the Plot 25 application curtilage, focussing firstly on the masterplan context, the approach to layout in terms of built form and location of different uses/activities, and secondly the approach to development plot massing and elevation design treatment and details concerning the landscaping both within the plot and its environs. Details concerning the highways activities and management of these ground level areas of public realm and highways infrastructure are covered within subsequent sections of this report.

Spatial considerations for proposed development

Plot 25 is situated within the Market Quarter Development Zone, described within the RDSF as forming the heart of the BXC masterplan. The Market Quarter Development Zone is split into three Building Zones (MQ1, MQ2 and MQ3). Figure 1 below is an excerpt from Parameter Plan 029 (Indicative Phasing Plan) annotated to show the Building Zone boundaries.

Figure 1: Parameter Plan 029 (Indicative Phasing Plan), annotated to include Building Zones and key items of infrastructure.



Building Zones MQ2 and MQ3 are situated on the southern side of the proposed High Street South (as annotated) and adjacent to the amenities of the Claremont Park Improvements site (as annotated), making them the most appropriate location within the Market Quarter Development Zone for residential led developments. This is reflected by the Indicative Plot Schedule (Table 8a) in support of Parameter Plan 029 (Indicative Phasing Plan), forming part of Appendix 1 (Parameter Plans) to the RDSF, insofar as the primary uses for Development Plots within MQ2 and MQ3 (11, 12, 13, 14,15, 16 and 17) are either residential or residential and retail. Accordingly, a total of 1,540 new homes have been consented across the two Market Quarter Zones, MQ2 and MQ3, comprising 990 within three development plots in Phase 1 (South) (Plots 11, 12 and 13) and 550 homes within Phase 2 (South) (Plots 14 and 17 and Plots 15 and 16).

MQ1, within which the proposed Plot 25 development is situated, contains seven development plots (18, 21, 22, 23, 24 25 and 26) and is on the northern side of the proposed High Street South. The northern extent of MQ1 is adjacent to Tiling Road and the A406 North Circular road beyond. Adjacent to MQ1 on the western side is the beginning of the Station Quarter Development Zone where a greater concentration of commercial floorspace is envisaged. The MQ1 Building Zone is bisected north south by the approach to Tempelhof Bridge. Development Plots 25 and 26 lie on the western side of the approach to Tempelhof Bridge, and Plots 21 and 18 on the eastern side. The remaining plots create a defined edge to High Street South. The abovementioned Indicative Plot Schedule envisages a mixture of uses for MQ1 which are commensurate with its proximity to anticipated residential environs to the south and the A406 and commercial environs to the north and west. Plot 18 is for Residential & Retail/Leisure, Plot 21 relates to the existing Holiday Inn Hotel, Plot 26 is for Residential & Retail Car Park, Plot 25 is for the development of Community and Retail, and Plots 22, 23 and 24 are for Residential & Retail.

It is acknowledged that the plot schedule is indicative and not binding, and therefore alternative land uses may be brought forward providing they are deemed acceptable in all other respects. It is considered that Plot 25 is a suitable location in the masterplan context for BXC for the provision of student housing led scheme, supported by flexible commercial uses on the ground floor. This plot will be at the heart of the town centre and located on a key corner of the High Street South and Tempelhof Avenue. Students can generate economic spend for a local area and in the context of the regeneration at BXC, will help support the establishment of new shops, services and leisure facilities being delivered in the new town centre.

Land uses on defined frontages of the plot are discussed below.

Designated frontages

Parameter Plan 004 (Ground Level Land Uses to Frontages) and Parameter Plan 005 (Upper Level Land Uses to Frontages) seek to control land uses defined frontages, in order to reinforce the place making and character aspirations of the RDAS and RDSF. The Plot 25 frontages facing High Street South and the proposed Tempelhof Avenue approach to Tempelhof Bridge are frontages with defined uses.

At upper level for both frontages, Parameter plan 005 (Upper Level Land Uses to Frontages) allows “Any Permitted Uses”, therefore the proposed student housing and flexible commercial unit would be in compliance.

At lower level, the High Street South frontage is designated for “Predominantly Retail or Leisure or Hotel” whilst the Tempelhof Avenue frontage is designated for “Predominantly any uses other than residential”. The student housing frontage facing Tempelhof Avenue therefore complies. With regards High Street South frontage, the proposed student housing use, and potential D1, and B1 uses within the flexible commercial unit, would not align with the “Predominantly Retail or Leisure or Hotel” uses. The emphasis in this location is on uses oriented to visiting member of the public and uses that provide a good level of activity and animation at ground level commensurate with the vibrant town centre objectives for the Market Quarter Zone. Notwithstanding the conflicts with this designation, the student use and flexible commercial unit is anticipated to bring an equal level of activity at ground level such that it would also be commensurate with the Market Quarter character. As such, the uses within the context of the are considered to be acceptable.

Plot 25 layout – masterplan context

Parameter Plan 015 (Indicative Layout Plan) represents an indicative Parameter Plan compliant layout for the entire development. However, it is noted that this is only one way in which the development could be delivered. To support an assessment of layout within the context of the masterplan, the S73 Permission incorporates a reconciliation process through Condition 1.17 (Illustrative Reconciliation Plan) (‘IRP’), that requires an up-to-date base plan to be submitted based on Parameter Plan 015 and containing the approved RMA proposals. The IRP for Phase 4A has been submitted to and approved by the LPA (LPA ref:21/1500/CON). Key layout conclusions from the IRP process and consideration of other relevant Parameters are set out below.

With regards to the Plot 25 proposals, the building footprint adopts an ‘L’ shape and extends broadly east to west along the proposed High Street South frontage and north to south along the proposed Tempelhof Avenue approach to Tempelhof Bridge. In massing layout terms, the Plot 25 scheme broadly follows the form established through Parameter Plan 015 (Indicative Layout Plan), leaving sufficient space at the northern side of the building to accommodate Tempelhof Avenue. This is reflected within the approved IRP where only minimal adjustments to the indicative layout in this location are shown. As such the footprint of the building would not conflict with the Parameters.

In terms of maintaining a pedestrian and cycle networks through the building zone as required by Parameter Plan 003 (Public Realm and Urban Structure), this is maintained through the provision of the covered pedestrian access route through the building, which provides connectivity with the Station Quarter Zone and High Street South environs. In the immediate term, owing to the phasing of the S73 Permission, the link to the north west would be with the Brent South Shopping Park.

In terms of considerations beyond the envelope of the Plot 25 building, the application curtilage includes the following elements of public realm and highways infrastructure: firstly, a section of pavement along the High Street South edge; secondly a section of Tempelhof Avenue leading to Bridge Structure B1 (Replacement A406 Tempelhof

Bridge), and lastly lower ground level hard and soft landscaped area to the rear of the development connecting with Brent South Retail Park. These are discussed in layout and masterplan terms below.

The southern interface of the Plot 25 scheme facing High Street South is a key consideration in masterplan terms, given that it connects with the public realm environs and pedestrian routes through the regeneration area, established through reserved matters and drop in planning permissions. High Street South benefits from detailed approval, by way of a drop in planning permission for High Street South (East Works) (LPA ref: 18/6445/FUL) and through reserved matters approval with respect to High Street South (Excluding East Works) (LPA ref: 20/5534/RMA). Further south, beyond the High Street South lies residential led development on Plots 12, 13, 14 and 15 which all benefit from reserved matters approval. As such the wide pavement is befitting of the broader public realm environment established through the provision of the Plot 14 environs which includes an area of public realm referred to as 'Neighbourhood Square'.

A section of Tempelhof Avenue to the west of the proposed Plot 25 building is proposed. On the submitted floorplans, Tempelhof Avenue is truncated at its northern end where it meets the existing car park to Brent South Shopping Park, prior to the beginning of what will eventually be the raised approach to Bridge Structure B1 (Replacement A406 Tempelhof Bridge) which is Phase 1A (North) (Infrastructure 2). The truncated road incorporates a hammerhead turning area and is the location for servicing vehicles to access the Plot 25 for collections and deliveries. Notwithstanding the proposed highway layout, the RMA submission in its supporting documents as well as the pre-RMA approvals for Phase 4A (namely the IRP and Servicing and Delivery Strategy ('SDS')) recognise the required longer-term connectivity with Bridge Structure B1 which is in Phase 1A (North) (Infrastructure 2). However, in the immediate term, the Tempelhof Avenue proposals are capped as described. Both arrangements require the provision of a dedicated servicing area, to be located on the Tempelhof Avenue side of the building, away from the High Street South frontage. This is a deliberate strategy to keep the High Street South free from significant servicing activities.

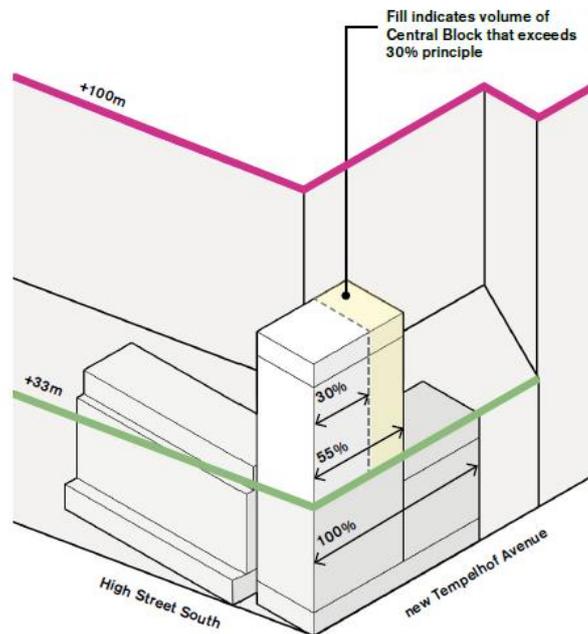
To the rear of the building at lower ground level, a hard and soft landscaped area providing connectivity in the immediate term between Brent South Shopping Park and High Street South is proposed. In the longer term, this area will interface with land falling within Phase 7 of the BXC regeneration and within the Station Quarter Zone. The approved Indicative Construction Program (ICP) sets out that the development plots within this phase are scheduled to commence works no sooner than 2029. The expected land use for in Phase 7 is predominantly business floorspace as per uses envisaged for Plot Development within the Table 8a: Indicative Plot Schedule of the RDSF. The IRP provides a coherent interface with this neighbouring development zone. The only adjustments to this zone compared to the previous round of IRP's relates to the change in orientation to Plot 85. This does not prejudice the future delivery of the Station Quarter Zone nor the provision of the 'Office District Park' ('CG1') which is unchanged in terms of its indicative size and layout.

Scale and massing

The main parameter controls relating to building scale, massing and building height are: Parameter Plan 007 (Maximum building heights) and Parameter Plan 008: (Minimum Frontages Heights). These controls seek to regulate the height and form of buildings to secure a varied, high quality townscape whilst ensuring a good quality of amenity for residents and people moving through the public realm is provided for. In terms of maximum heights, Parameter Plan 007 sets a Zonal limit for this location of 100m and frontage height maximum of 33m (L.O.D. +/-2m). In recognition of the benefits in urban design terms for incidences of greater height on building frontages, for example to provide variations in massing and greater building legibility and definition, Parameter Plan 007 allows the frontage height limits to be exceeded, up to the Zonal height limit and for length that is no greater than 30% of the building frontage.

As described in the '*Plot 25 Layout – masterplan context*' section of this report above, the building follows closely the indicative layout established of Parameter Plan 015, given its location on a prominent junction of proposed highways infrastructure, comprising High Street South, Tempelhof Avenue and approach to Bridge Structure B1 (Replacement A406 Tempelhof Bridge). The building therefore is characterised by a linear built form, made up of three distinct elements, which follows these defined highway routes, creating an 'L' shaped footprint. In terms of height, the building is characterised by a central taller block of 23 storeys (plus a ground and mezzanine level) and two shoulder elements at either side completing the 'L' shape footprint. The shoulder elements are 9 storeys in height (plus a ground and mezzanine level). In relation to the Parameter Plan 007 (Maximum building heights), the tallest part of the building extends to 71.4m from ground level and therefore does not breach the 100m Zonal limit. In terms of frontage height compliance, both shoulder elements, including the setback upper floor on the High Street South frontage, are within the frontage height maximum of 33m (L.O.D. +/-2m). The Taller element, at 71.4m from ground level, forms part of the frontage and therefore extends above the maximum height restriction of 33m (L.O.D. +/-2m). The Parameter Plans permit the frontage height to be exceeded up to the zonal height for the plot, provided it does not exceed 30% of the frontage. In this case the proposed tower element results in a breach of the parameters due to its occupation of 54% of the new Tempelhof Avenue frontage, 24% greater than the 30% limit set. This is depicted in figure 2 below, which is an excerpt from the Design Statement (Figure 101).

Figure 2: excerpt from the Design Statement (Figure 101) showing massing highlighted in yellow that constitutes a breach of Parameter Plan 007



In considering the massing and height of the proposed building, and the single breach of parameters as shown above, Section 3 of the Design Statement 'Design Evolution' provides details of the approach to the design and massing of the building and provides justifications for exceedance of parameters in this part of the masterplan. The approach to massing has had regard to the immediate environs and wider views that would be afforded to the scheme. As an overall composition, the variations in height including the taller central element are well considered. The shoulder elements create strong linear defined edge for the respective street frontages they face onto, whilst the taller central element establishes a marker and landmark feature at this key junction in the masterplan. Further, the increased width afforded to the taller element is justified based on the need to maintain an appropriate balance of massing between the different blocks. A slimmer tower, technically compliant with the permitted exceedance level of 30% of the frontage, would appear out of proportion with the rest of the block. The approach to elevational design treatment and detailing (further discussed in the elevational design treatment' section of this report) is such that the three blocks are distinct from one another and of high quality, having a positive townscape contribution. As such, the approach to massing is considered to represent an appropriate response in massing terms to the immediate environs and masterplan context of the plot. The deviation is therefore considered to be acceptable in townscape design terms. Consideration of the parameter breaches in Environmental Impact Assessment terms and in terms of the impact upon amenity including natural light and wind environment, is considered in respective sections of this report.

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 25 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.

Further, Section B4 (Component Materials) of the RDG provides guidance relating to different aspects of a façade composition. Sub section B4.2.1 provides examples of buildings where vertical and horizontal articulation and variety façade materials are incorporated. Sub section B4.2.2 goes on to provide series of elevation typologies with different approaches toward vertical articulation and the arrangement of front doors provided. It is noted that the elevation typologies are intended to provide an illustrative, diagrammatic, summary of how a number of specified component elements could come together to make a building elevation.

The elevation design approach for plot 25 is set out within Section 4.8 (Façade Strategy and Materiality’ of the Design Statement. The guiding principles for the development are set out in Section 4.8 and comprise the following:

- *“Regular facade module driven by internal programming to provide a clean and crafted building;*
- *Differentiate each block through massing and material choice to articulate a townscape scale;*
- *At the same time, uniform external wall build-up and limited window types to help maintain harmony across the Site with a correct balance between distinction and unity; and to facilitate optimisation and repetition of components;*
- *Use of durable, robust and timeless materials with single and good quality detailing, in line with S73 Revised Design Guidance.”*

Some examples of the Bay Study details are included below to aid consideration of elevation design treatment.

Figure 3: excerpts from Bay study drawings submitted with RMA⁴



Accordingly, the building has been developed based on the above principles, resulting in three distinct yet related building blocks. The shoulder elements have a brick masonry appearance and utilise brick detailing such as horizontal soldier courses to add a richness of texture to the facades. There is a slight variation in brick (and mortar) colour between the two Shoulder Blocks, with a darker composition for the North Shoulder facing the North Circular, for a more durable finish, and a brown colour with

⁴ Images taken from submitted drawings: 'North Shoulder Bay Study 01', West Shoulder Bay Study 01, and 'Central Block Bay Study 01'. The full drawings including stated scale are available to view on the Councils planning portal under reference 21/4063/RMA.

a warmer tone for the West Shoulder facing the public realm of Neighbourhood Square. The West Shoulder also features a set back upper level of two storeys finished with ribbed grey metal cladding. The Central Block features a lighter precast concrete cladding with a stone-colour finish. This lighter material choice is better suited to taller elements (as recommended in the RDAS) and is similar in tone to the adjacent tall element of Plot 13. Consistent window frames and recessed ribbed metal side-panels across all 3x Blocks keep a consistent language over Plot 25 as a whole.

In detailed design terms, the elevations are approached in an uncomplicated manner derived from the uniform arrangement of fenestration incorporating metal work, reveals and brick detail. The overall impression is of a series of well-ordered facades that also incorporate sufficient variety through fenestration, detailing and massing form.

At ground level and mezzanine level, as explained within Section 4 of the Design Statement, due consideration has been given to the design of the facades and future signage zones, that is befitting for the variety of future activities and uses that will animate this level of the building. This includes double height windows and entrance lobby facades which are commensurate with the overall scale of the building. Further, the double height windows include the potential to install retractable awnings in the central section and defined signage zones are incorporated.

As such the elevation design treatment for the scheme is considered acceptable. A condition is recommended to secure details of all external materials for approval by the LPA.

Landscaping

Condition 2.1 (g) of the S73 Permission 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 for RMA applications to be supported with ecological enhancement, maintenance, and programme for commencing and completing planting.

Pursuant to the above the Plot 25 proposals are accompanied by a Landscape Statement (Gillespies, July 2021) which provides detail of the guiding principles, subsequent design development and final landscaped proposals for the scheme. These are centred on three areas principally which are listed below and dealt with in turn in this section of the report;

- Character Area 1, Southern Edge;
- Character Area 2, Northern Edge;
- Character Area 3, Interim Servicing Area

Regarding Character Area 1, Southern Edge, this character area is located along High Street South and its design accommodates wide footpaths for high footfall whilst maintaining clear views to aid wayfinding. The footpath width is a minimum of 3m to provide comfortable pedestrian movement. Commercial space spill-out zones are provided for commercial units on the ground floor serving to activate the public realm

at the front of the plot. A variety of low-level planting and clear stem trees are proposed to soften the space and promote visibility, whilst the choice of paving materials ensure durability and align with approach already established through the High Street South extant approvals. It should be noted that the palette of materials for High Street South has been subject to discussions between the Applicant and the Councils Highways Officers to reach agreement on a suitable set of materials in the event High Street South becomes part of the adopted Highway for London Borough of Barnet. Details of final materials will be required to be submitted for approval prior to the commencement of this part of the development.

Regarding Character Area 2, Northern Edge, it is described in the Landscape Statement as creating a green pedestrian and cycling link between Brent Cross Town and the existing Brent South Retail Park. The character area accommodates a wide footpath (3m minimum) to maintain clear views, and aid wayfinding. This space has the potential to offer quiet refuge from the High Street South through the provision of low-level planting and trees framing the space, as well as some visitor cycle parking and seating. The Applicant also proposes to ensure lighting is incorporated in this location during the hours of darkness, as well as CCTV monitoring.

Lastly, Character Area 3, Interim Servicing Area primarily performs its function as a vehicle servicing location for the development as well as providing the pavement return up Tempelhof Avenue. The area is referred to as an interim state given that it will remain closed off at the top end until Tempelhof Avenue is extended northwards to connect with Tempelhof Bridge. The scheme of landscaping utilises the opportunity to install seeded turf with wildflower so as to soften this location.

The landscape management of these spaces will be secured through Condition 27.9 of the S73 Permission which 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. In addition, details of planting and tree species, including plot sizing and tree pit details, will be secured through planning condition. As such, based on the details provided and forthcoming additional details secured through planning condition, the landscaping proposals across the plot is considered acceptable.

5.4 Quality of Accommodation

Onsite facilities and space requirements

The overall composition and character of the student housing development is set out within the submitted Design Statement. The scheme has been developed in close consultation with Fusion Living, who are an established student housing provider, and provides a mix of student rooms accompanied by communal external and internal amenity spaces, secure cycle parking plus a wide range of onsite facilities. These on-site facilities cover essential utilities such as a laundry and parcel room, 24 hour reception and in-house management. Further facilities include large study areas, library and private study rooms, cinema room, wellness studio, sports rooms including a basketball court, private dining room with kitchen and dining facilities for students to dine in larger groups, and flexible events spaces at ground floor.

The detailed makeup of the student housing is set out in table 6 below which is adapted from Figure 40 of the submitted Design Statement.

Table 6: mix of student rooms

| | Quantity | Typical Room Size (sqm) (GIA) | Mix |
|-----------------------|----------|-------------------------------|-----|
| Ensuite Rooms | 39 | 14 | 6% |
| Social Studios | 90 | 15 | 14% |
| Studio Type A | 452 | 18 | 68% |
| Studio Type B | 6 | 20 | 1% |
| Studio Type C | 66 | 23 | 10% |
| Studio Type D | 9 | 25 | 1% |
| TOTAL | 662 | | |

In terms of the quantum of communal amenity spaces for students, the scheme provides a total of 165sqm of external amenity space (70sqm first floor external mezzanine level and 90sqm level 10 roof terrace), plus the 1,159sqm communal internal space at ground and mezzanine level providing the range of facilities set out above. This amounts to an average quantum of 2sqm of communal amenity space per student. It should also be noted that a variety of public realm and open space environs on the doorstep of the Plot 25 scheme will be available for students to access including the landscaped area to the rear of the development, Neighbourhood Square on the opposite side of the High Street South and Claremont Park beyond as well as Clitterhouse Playing Fields beyond that.

In terms of undertaking an assessment of the quality of accommodation, the S73 Permission does not include any specific requirements relating to the design of student housing. Therefore, to guide assessment of the student housing, Officers have drawn on any relevant local and regional planning policy and other guidance documents, as well as having regard to other successful examples of student housing. Further, Officers sought confirmation from the Applicant that student rooms, in particular the ensuite rooms and social studios which have between 3 and 5 bedrooms and share a kitchen and living room, would comply with the Barnet Councils adopted standards for Houses in Multiple Occupation (2016) which applies to HMO's including larger sui generis uses.

In terms of relevant planning policy, H15 of the London Plan (2021) is noteworthy which states that:

“Boroughs should seek to ensure that local and strategic need for purpose built student accommodation is addressed, provided that... (5) the accommodation provides adequate functional living space and layout.” (London Plan, 2021)

As set out above, the scheme provides a variety of different types of student accommodation supported by a range of onsite facilities. Officers looked at examples of built and occupied student housing schemes in other UK cities developed by Fusion such as in Cardiff (planning reference: 18/03004/MJR), Sheffield (planning reference: 17/04517/FUL) and Swansea (planning reference: 2016/3704/FUL) and found that the

overall composition of Plot 25 scheme including the size of individual units and relative quantum and quality of communal amenity spaces was comparable.

Further, in terms of checking against Barnet Council's adopted standards for Houses in Multiple Occupation, the individual studios would exceed the minimum sizes for bedrooms of 13 sqm. The ensuite rooms and social studios, as detailed within the floorplans, Design Statement and supplemental information supplied by the Applicant relating to the indicative layout of a communal kitchen living room, would be in compliance with Barnet Council's adopted standards for Houses in Multiple Occupation with regards to individual storage, worktop, cooking and overall communal living space requirements. As such the standard of accommodation for prospective students is considered to be acceptable. Further details regarding the access strategy, cycle parking and fire safety are discussed in the relevant subsection of this report.

Daylight and sunlight assessment

Page 48-49 of the RDSF requires residential 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 Plot 25 Development does not include residential (Class C3) accommodation. Notwithstanding this, student housing is a form of housing and therefore prior to the submission of the RMA it was agreed with Officers that an assessment against the BRE standards for the natural light levels for student rooms should be carried out. Further, such an assessment is useful for determining the impact of the development upon the natural light environment for the application environs. Accordingly, 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 25, namely using the extant RMA approvals to date, 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.

Assessment of student accommodation natural light levels

In terms of methodology, the report states that given the transitory nature of student rooms, an assessment against the BRE standards is rarely undertaken. These circumstances are acknowledged by Officers and an approach to the assessment that takes into consideration the expected shorter occupation terms by students is justified. Accordingly, the report states that a 1% Average Daylight Factor ('ADF'), which is the primary measurement for daylight, is targeted for the student rooms. This is the targeted value for bedrooms within permanent residential accommodation. Officers do not raise any objections to this approach for an assessment of bedrooms. It should however be acknowledged that communal shared kitchen living rooms in permanent residential accommodation target 1.5% and therefore an improved result beyond 1% for these spaces within the Plot 25 scheme would be welcome.

662 student units and 30 shared living areas have been assessed for daylight and sunlight availability. The results show that 590 (85%) of all the assessed rooms meet or exceed the 1% target level for ADF, the most comprehensive of daylight tests, and

324 (86%) of the south-facing rooms enjoy levels that meet or exceed the recommendation for sunlight exposure throughout the year.

In regard to the student units only, 585 (87%) of the rooms meet or exceed the recommended levels for ADF and 311 (88%) of these rooms will enjoy very good levels of sunlight availability throughout the year. Overall, the student units will offer very good levels of daylight and sunlight to its future occupants.

Despite seeing lower levels of daylight, 25 of the 30 shared living areas located on the first ten floors provide good sky visibility for more than half of their area (60%-99% NSL). In addition, these rooms serve student units where very good levels of daylight and sunlight are seen throughout the year.

In terms of external communal amenity spaces for students, the GIA report states that all the main external shared amenity spaces within the building, with exception of the mezzanine at the rear, perform very well in terms of sunlight. The analysis also extends to Neighbourhood Square which confirms trends of good levels of sunlight continuing to be met. The hard and soft landscaped area to the rear of the building is not assessed and given its location at the rear of the building to the north of the west shoulder element, it is expected that sunlight levels to this location will be challenging. It should be noted that the building will feature extensive amenity features for residents whilst also being in close proximity to areas of public realm with good levels of sunlight including Neighbourhood Square, Claremont Park and Clitterhouse Playing Fields.

Notwithstanding the relatively low levels of sunlight to areas of public realm and communal amenity space at mezzanine level to the rear of the plot, the conclusion of the GIA report is that Plot 25 offers its future occupants good levels of daylight and sunlight amenity overall, as well as delivering other complementary communal student amenities. Officers agree with these conclusions and consider the scheme to be acceptable on grounds of natural light.

Daylight/sunlight Assessment - Neighbouring Plots

With regard to impacts upon neighbouring plots, the application has assessed Plot 25 relative to Plots 12 and 13. All other consented residential plots would be too far away to see any natural light impacts changes as a result of the Plot 25 scheme. The report includes details of technical assessments (pp. 14-17) comparing the two plots between the principal consent and the proposed Plot 25 massing. The conclusions are that the proposed Plot 25 massing will result in some limited reductions to the daylight received by the overlooking façades within Plot 13 and Plot 12. This relates to three rooms within Plot 13, which are affected to the extent that they used to meet and are subsequently falling short of the ADF target recommendations. Within Plot 12, 12 rooms (all of which are bedrooms) fall short of the ADF recommendations as a result of Plot 25.

Such results are regrettable, however it is also acknowledged that the impacts are not significant within the context of the extant RMA schemes. Further, it is the nature of the phased delivery of the masterplan that some reduction to natural light levels, as recorded initially at RMA stage, is likely to be incurred as new plots are brought forward

and considering the scale and high density nature of the urban environment consented by the S73 Permission.

Wind assessment

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. The criteria grade environments from 1 to 5. Grade 1 comprises the least excessive wind environment and therefore suitable for accommodating any kind of pedestrian or residential activities. Grade 5 comprises the most excessive wind environment and is suitable only for roads and car parks.

Further, based on an assessment using the Lawson Criteria for Distress and Comfort, 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 where needed, in order to alleviate adverse wind conditions in accordance with the mitigation suggested within the ES of the S73 Permission.

The application is accompanied by a Pedestrian Wind Comfort assessment prepared by AKT II (July 2021) for the Plot 25 scheme which relates to: the proposed pavements adjacent to the building; accessible pedestrian access environs to the rear of the building including the covered pedestrian access route; and the communal student amenity spaces at mezzanine and L10 roof terrace. The conclusions of this assessment confirm trends of acceptable pedestrian wind comfort across in both the summer and winter months in all areas assessed. The north east corner of the application curtilage, characterised by the landscaped area adjacent to the servicing hammerhead and future Tempelhof Avenue continuation, records the most excessive wind levels as well as registering a reading under the distress assessment which relates to potential unsafe velocities. This part of the application curtilage however is intended to provide a landscaped setting to the building, so is not oriented for use and access by students or pedestrians. Further, the assessment recommends that some alleviation to these levels may be achieved through careful selection of landscaping features.

In Environmental Impact terms, 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 assessment – Plot 25 proposals

Condition 29.1 requires the submission of an acoustic design report ('ADR') containing details to demonstrate that sufficient mitigation against the ingress of noise for residential units is incorporated, with reference to BS 8233:1999 (as amended, 2014) 'Guidance on Sound Insulation and Noise Reduction for Buildings'. Notwithstanding

the Plot 25 scheme does not contain residential (Class C3) units, following discussions with the LPA, a submission was made against this condition in relation to Plot 25 and has been approved (LPA ref: 21/4027/CON). The main conclusions of this assessment are outlined below.

As set out within paragraphs 2.2 of the ADR, it is recognised that the proposed student use in planning terms would fall under Sui Generis rather than a residential use (Class C3). Notwithstanding this, the LPA consider it is appropriate for the student rooms to be afforded the same level of safeguarding from ingress of noise as a residential use, to ensure the student rooms would benefit from an acceptable noise environment and quality of accommodation. As such, as clarified in paragraph 2.3 of the ADR, student accommodation is considered as residential use for the purpose of the ADR, and the standards outlined within the condition that are applicable to Class C3 uses are in this instance applicable to the student rooms.

The ADR outlines measures incorporated to mitigate against the ingress of steady, anonymous noise sources, such as road traffic and building services plant pursuant to the hierarchy of noise reduction measures set out in condition 29.1 under subheadings (a) to (e). The main sources of noise in this locality are from road traffic on the A406 which is approximately 140m to the north of the site. The ADR confirms that the BXS Masterplan building massing has been used to inform the ADR assumptions. In terms of the findings of the ADR, based on the anonymous noise sources such as that arising from traffic, Table 3 recommends minimum façade sound insulation requirements of between 21db and 36db across the different facades of the building. The ADR goes on to provide recommendations on façade construction, glazing and ventilation strategy to achieve these requirements. The recommendations have been reviewed by the Councils Environmental Health Officers and found to be satisfactory regarding predicting traffic noise sources and appropriate mitigation for plot 25 premises.

With regards to the transmission of noise internally between adjoining non-residential uses and the noise sensitive uses on site, namely the student rooms, the ADR confirms that the detailed design of Plot 25 will consider the different uses and will adopt an appropriate scheme to reduce noise transfer. Pursuant to this, Chapter 8 of the ADR states the following:

“8.1 Sound insulation between internal spaces is controlled by Part E the Building Regulations, however planning requirements can also apply to the sound insulation between different uses if they are separate demises, which for this scheme would apply between the retail / commercial uses on the ground floor and the residential student bedrooms on level 1.

“8.2 Commercial uses

8.3 Noise from the commercial uses should be controlled so that it is virtually inaudible in the bedrooms above. That will require a combination of sound insulation through the floor slab and control of the noise generated in the commercial units.

8.4 At the completion of the commercial units, it is proposed that the noise limit in the student bedrooms above should be no more than NR20

Leq, 15min and NR25 Lmax,F for typical activities within the commercial spaces.

8.5 *The proposed limits are based on potential night-time operation.*

8.6 *It is proposed that the separating floor at the shell and core stage should achieve the Building Regulation requirements plus 10 dB. This would enable any occupiers to improve the performance at the fit-out stage, if that was required.*

8.7 *A summary of the proposed sound insulation requirements is provided in Table 4.”*

Further, it is noted the Ventilation and Extraction Statement (Amber Management and Engineering Services Limited, July 2021) submitted with this RMA includes a number of strategies to reduce incidence of undue noise arising from any mechanical ventilation and extraction featuring on the development. This includes the following:

- *“Plant will be appropriately selected to meet the specified noise criteria.*
- *Air intake and discharge louvres are kept away from noise sensitive receptors such as nearby windows.*
- *Noise attenuation of air intake/discharge louvres with duct-mounted attenuators and or/acoustic louvres provided where required.*
- *Internal plant rooms will include appropriate sound insulating measures.*
- *Anti-vibration mounts to control structural-borne noise and vibration.”*

Given the mixed-use nature of this plot, early consideration of these matters are welcomed in order to ensure that the structural elements of scheme are sufficient to avoid the adverse transmission of sound and future MVHR and extraction do not cause noise disturbances. A scheme of detailed noise mitigation measures and details of any mechanical plant will be developed, and details submitted for approval pre-commencement, pursuant Condition 29.8 and 30.4 of the S73 Permission respectively.

Air Quality

The outline permission is subject to pre commencement conditions that aim to secure an acceptable air quality environment during the construction phase and for the lifetime of the development. Condition 30.6 requires that no less than 3 months prior to the commencement of construction works south of the A406, details of the type and location of equipment to monitor the levels of nitrogen oxides (NOx) and particulate matter (PM10) need to be agreed with the Councils Scientific Services. This has taken place and the necessary monitoring stations are in place. Further, Condition 30.1 requires a scheme for pollutant and dust management to be submitted to the LPA prior to the commencement of works within a sub-phase identifying the arrangements for monitoring dust and pollutants over the construction period in relation to the nearest sensitive premises. These obligations are required to be fulfilled for the duration of construction works for the regeneration and so is a long-term objective. In addition, these activities are required to be in accordance with the approved Code of Construction Practice (COCP) (LPA ref:18/2380/CON).

Further to assessing air quality for the Plot 25 proposals specifically, 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. In advance of such a submission, the RMA is accompanied by a Ventilation and Extraction Statement (Amber Management and Engineering Services Limited, July 2021) which sets out the key principles and features of future MVHR and extraction to avoid any air quality and odour nuisances. These are summarised below.

- *“...Odour control – space is provided to install future odour abatement and grease removal to potential tenant Retail kitchen exhausts.*
- *External pollutants – pollutants from incoming air will be minimised by locating intakes well above street level and providing air filtration on all mechanical ventilation supply systems.*
- *Avoid re-entrainment of exhausts - maintain separation between intake and exhaust ventilation points to avoid re-entrainment of exhaust air, where possible.*
- *Additionally, all plant and systems will be designed to meet the requirements for external plant noise specified by the project acoustician and to be agreed by the London Borough of Barnet prior to its installation.”*

5.5 Transport

This RMA application is supported by a series of interrelated transport strategies and reports that are required to be submitted to the LPA prior to the registration of the relevant RMA they support. They provide the relevant transport principles and details which the respective RMA is required to be aligned with. These strategies and the relevant conditions that they have been submitted pursuant to are as follows;

- Phase 4A Transport Matrix ('TM') pursuant to Condition 37.1 (LPA ref: 20/0721/CON – approved 28 April 2021;
- Phase 4A Phase Transport Report ('PTR') pursuant to Condition 37.2 (LPA ref: 21/1348/CON) – approved 9 August 2021;
- Plot 25 Reserved matters Transport report ('RMTR') pursuant to condition 37.5 (LPA ref: 21/4028/CON) – pending determination;
- Phase 4A Car Parking Standards and Standards and Strategy ('PCPSS') pursuant to condition 1.22 (LPA re: 21/4030/CON) – approved 25 August 2021;
- Servicing and Delivery Strategy ('SDS') pursuant to condition 1.22 (LPA ref: 21/1347/CON) – approved 23 September 2021;
- Pedestrian and Cycle Strategy (PCS) pursuant to condition 2.1(a) (LPA ref: 21/4029/CON) – pending determination.

The Plot 25 RMA submission has been prepared in line with the conclusions and proposals set out within these strategies. The RMA secures the relevant physical transport infrastructure comprising the layout and design of public realm and section

of Tempelhof Avenue, however the transport operations for these spaces are required to align with the above strategy documents. This section of the report evaluates the relevant transport elements for the Plot 25 RMA proposals, drawing on the detail contained within the relevant pre-RMA strategies where necessary.

Transport considerations

The scale of the proposed development aligns with the assumptions used to inform the transport assessment presented within the Phase 4a Transport Matrix Report and Phase 4a Phase Transport Report, which incorporates development within the Phase 4a sub-phase in respect of the quantum of development and expected trip generation on the local highway network.

The proposed student block (and associated ground floor uses) are anticipated to generate an additional total of 159 trips on the highway network during the AM peak, with the majority of these trips to be via non-car modes including walking (32) and bus (61). 0 of these additional trips would be by private vehicle. During the PM peak period, only a total of 7 additional trips across all modes of transport would be expected on the highway network.

Further, the Phase 4a Transport Matrix Report concluded the impact of BXC development to date (including the proposed development within the Phase 4a sub-phase) at the key Gateway Junctions of the BXC scheme, resulting in a -5% to +5% fluctuation in traffic flows during the AM, PM and Saturday peak periods. This is considered a neutral change and generally within the typical daily variation in peak hourly traffic flows and does not, therefore, meet the significance test threshold criteria for further transport assessment.

As such, the proposed development of Plot 25 remains within the envelope of transport impacts assessed at the outline planning stages; and that the mitigation already established by the S73 Permission remains appropriate for the BXC development.

Highways Considerations

The recently consented Reserved Matters Application for High Street South within the Phase 2 (South) (Plots) sub-phase (LPA ref. 20/5534/RMA) proposes the construction of a 10.4 metre-wide carriageway inclusive of 2 metre cycle lanes and 3.2 metre traffic lanes in each direction, and pedestrian footways of a minimum of 3.0 metres in width on either side. This would connect into High Street South (East Works) at the frontage of Plot 25 which has been consented by way of drop-in planning application 18/6645/FUL and also comprises a 10.4-metre-wide carriageway with 2-metre wide cycle lanes and pedestrian footways. Notwithstanding the interim service are details (discussed below), details of the new Tempelhof Avenue are yet to come forward, which will form part of the infrastructure falling within Phase 1A (North) (Infrastructure 2). The Plot 25 proposals incorporate a building curtilage that connects to this already consented section of High Street South. The London Borough of Barnet Highways consultee not raised any objections to the pavement extensions proposed, however highlights that doors should not open onto pavements that are proposed to be adopted by London Borough of Barnet.

The interim servicing solution for Plot 25 comprises a hammerhead vehicular turning area for servicing purposes. Tempelhof Avenue as a result is temporarily truncated and will remain so until the end state proposals are provided. It is the interim proposals that are shown within the proposals in detailed form as far as drawings are concerned, given this is the design the scheme will be built in accordance with in the first instance. From a highway’s perspective, following requests from Officers, swept path diagrams for the largest expected servicing and refuse vehicle were provided showing access and egress from the servicing area. These are contained within drawings: BXS-M1025-PRJ001-D-STR-DR-07-P203-XX and BXS-M1025-PRJ001-D-STR-DR-07-P204-XX. These have been reviewed by London Borough of Barnet Transport Planning and Regeneration Team as well as the Commercial Services – Street Scene Officers, who have found the arrangements to be acceptable.

Car and Cycle Parking

Car parking provision

The maximum quantum of parking envisaged by the S73 Permission is set out within Condition 38.2 of the S73 Permission. For reference, Condition 38.2 reads as follows:

“The Reserved Matters Application for any car parking area or any surface car parking spaces or any proposed multi-storey car park (including any above or below ground structure) or on-street parking spaces shall (in accordance with this Condition and Condition 2.1(e)) be accompanied by a statement to be provided as part of the Reconciliation Mechanism described in Section 6 of the DSF to demonstrate that such Development will be managed and used at all times in accordance with the Phase Parking Standards and the following maximum car parking standards as may be varied from time to time under the operation of Condition 37 relating to the Matrix and Phase Transport Reports or Reserved Matters Transport Reports:

| Use | Standard |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Residential | PDP and up to 2,000 units capped ratio 1.0 2,000 – 4,000 capped ratio 0.95 4,000 – 5,000 capped ratio 0.8 5,000 – 7,500 capped ratio 0.7 |
| Retailing and related uses & Leisure within Brent Cross East zone | 7,600 spaces (No additional parking applied for) |
| Other Retail and related uses | 1 space per 75 – 50sq.m |
| Other Leisure | 1 space per 22sq.m |
| Employment (B1 – B8) | 1 space per 300sq.m (Cap at 1,000 spaces) |
| Hotel | 1 space per 2 bedrooms, plus 1 space per 5 seats for conference facilities |
| Community Facilities | 1 space per 3-5 staff |
| Use | Standard |
| Private Hospital | 1 space per 2-4 beds |
| New and Existing Mainline Station | Parking only for disabled passengers and staff, and pick up and set down |
| Rail Freight Facility | 120 car parking and 40 HGV spaces |
| Other Uses | In accordance with the London Plan |

NB – Figures in the above Table are maximums and the appropriate level of car parking is to be set out having regard to paragraph 2.6 of the Matrix and Transport Reports Schedule.

Reason: To comply with the DSF and Transport Assessment.”

Of relevance to the proposed land uses to be delivered within the Phase 4A sub-phase are the standards provided in relation to ‘other uses’ capturing the proposed student accommodation, and ‘Employment (B1)’, ‘Other Retail and related uses’, ‘Other Leisure’, ‘Community Facilities’.

The table supporting Condition 38.2 of the S73 Permission states that for ‘other uses’ capturing the proposed student accommodation, the London Plan standards should apply. The adopted London Plan (2021) states in Policy H15 ‘Purpose-built student accommodation’ that,

“...(B) Boroughs, student accommodation providers and higher education providers are encouraged to develop student accommodation in locations well connected to local services by walking, cycling and public transport, as part of mixed-use regeneration and redevelopment schemes.”

Further Policy T6.1 ‘Residential parking’ states;

“...(E) Large-scale purpose-built shared living, student accommodation and other sui generis residential uses should be car-free.”

In relation to the proposed flexible commercial floorspace of circa 1,032sqm (GEA, based on the maximum occupation by any of the proposed uses and the standards outlined in the table supporting Condition 38.2 the following maximum standards would apply: 3.4 spaces for business uses, between 14 – 20 spaces for Retail and related uses, 47 spaces for Other Leisure uses. Given the details of a potential community use are not contained within the RMA submission a relevant quantum of parking cannot be confirmed.

The submitted PCPSS for Plot 25 outlines that the proposed will be “car free” with no dedicated parking proposed for either the student housing or the commercial floorspace. The proposals would provide two short stay parking spaces on the High Street South frontage outside of the development although these would not be dedicated to the Plot 25 development, rather they are proposed as short stay visitor bays within the wider Brent Cross Town centre, one of which is a blue badge visitor parking bay. These specified car parking spaces were secured as part of the Reserved Matters Approval for Claremont Park Road (Part 2) and High Street South (LPA ref: 20/5534/RMA, dated 28 April 2021).

Having regard to the approach to parking and the relevant standards, firstly in relation to the student housing, a car free development would be in accordance with the London Plan Policy T6.1 as highlighted above, subject to good public transport accessibility levels and sufficient alternatives to car ownership such as pedestrian and cycle connectivity and cycle parking as well as access to car sharing clubs. This is further discussed in subsequent paragraphs of this report. With regards to the commercial floorspace, the provision of zero parking would not contravene this standard given it is a ‘maximum’ standard.

In considering the car free approach to Phase 4A, in particular with regards to the commercial element of Plot 25 where the maximum standards would significantly exceed the zero parking approach proposed for the plot, the approved Transport Matrix for Phase 4A (LPA ref: 20/0721/CON, approved 28 April 2021) sets out that due to the delivery of the New Thameslink Train Station considerably earlier than originally envisaged in the Section 73 Permission, revisions to the transport mode splits have been incorporated to reflect a higher proportion of trips using public transport and less car reliability than originally assumed for these early phases. Moreover, these mode splits have formed the basis of the transport modelling underpinning the most recent re-phasing changes to the S73 Permission (LPA reference: 20/0243/CON).

Further to public transport accessibility, regard should be had to the earlier delivery of the New Train Station, Brent Cross West, Interim Transport Interchange and the associated changes to bus routes and services being delivered as part of the wider development and the effect this is expected to have upon public transport accessibility level (PTAL) for the Phase 4A sub-phase. Analysis of the WebCat data sourced from TFL provides a comparison of current PTAL levels for the Plot 25 site (PTAL 4, Good) in relation to forecasted years of 2021 and 2031. It shows a 3% increase in bus frequency across all services, plus an additional 16 trains per hour on the Northern Line in the AM peak at Brent Cross LUL Station by 2031. The WebCat PTAL forecasting does not include developer funded schemes such as those related to BXC unless they have already been implemented and as such increase in public transport accessibility will be greater than the forecasted years set out in the Webcat data.

From a policy standpoint, zero parking provision would align with the most up to date objectives within the Mayors Transport Strategy, the London Plan (2021), and Healthy Streets guidance. In terms of Barnet's Regulation 19 Local Plan provisions, Policy TRC03 'Parking Management' states that parking for all non-residential uses should be accordance with the London Plan standards. As set out above, an expectation of zero parking is expected for student developments in areas of good transport accessibility, whilst the standard for commercial floorspace as set out within Table 10.4 of the London Plan (2021) is for a single space per 600sqm (GIA) in outer London Opportunity Areas such as the Brent Cross Cricklewood Regeneration Area. No objections regarding the approach to parking have been received from TFL whilst the approach to parking would broadly align with Barnet emerging policy on parking.

On-street parking

In terms of mitigating any impact associated with 'overspill' car parking as part of the wider BXC development, and as outlined in the approved site-wide Car Parking Management Strategy (LPA ref: 14/08109/CON), the Council will consider the implementation of Controlled Parking Zones (CPZs) funded in part by the BXC development in the wider area. CPZ obligations are also set out in paragraph 11.3 of Schedule 3 to the S106 Agreement. Restrictions on existing residents parking will safeguard existing spaces for residents in the area, whilst also discouraging those who do not have access to one of the BXS car parking spaces to own a car.

In terms of on street visitor parking, Appendix A (Proposed On-Street Parking) of the Phase 4A PCPSS provides details of the number and location of on-street parking spaces comprising a single visitors pay and display parking space and a single blue

badge parking space. The PCPSS also refers to the wider visitors parking strategy that is proposed in the vicinity of Phase 4A (Plot 25) including the spaces provided as part of the Phase 1 (South) and Phase 2 (South) (Plots) sub-phases. The provision of on-street visitor parking aligns with the expected provisions outlined in (Paragraph 6.3.1 Brent Cross Redevelopment Site) of S73 Transport Assessment which states the following:

“Some limited on-street parking provision will be made available on the access roads to the office and residential developments. Primarily this will be used for setting down/picking up and loading/unloading. It may also be desirable to allow some short stay parking or waiting areas in the vicinity of appropriate land uses such as neighbourhood retail outlets. In addition some on-street parking may need to be allocated for specific purposes such as blue badge holders and resident visitor parking. This will need to be identified in marked bays and controlled by the issue of permits to the intended users.”

Further, Schedule 16 ‘Car parking management principles for car parking management strategy’ of BXC Section 106 Agreement reiterates the above requirements and adds in clause 3.3 that:

“...Such spaces will be included within the overall Phase Car Parking Standards and Phase Car Parking Strategy for each Phase of the Development.”

With regards to parking on High Street South as is proposed in the PCPSS, the highways and parking bays will be designed in consultation with the Local Highway Authority on the expectation of future adoption of the High Street South by the London Borough of Barnet. As such the provision of some limited on-street visitor parking is considered to align with the outline permission expectations.

Therefore, supported by the advice received from the relevant technical advisers, the LPA is satisfied with the approach to car parking as proposed through the Plot 25 scheme and supporting pre RMA strategies.

Cycle parking provision

The RMA and supporting Pedestrian and Cycle Strategy (‘PCS’) for Phase 4A and Plot 25 provide details of secure long-stay cycle parking. For students, this is provided within a secure store at lower ground level, accessed either internally via a lift or externally from the landscaped area to the rear of the scheme. Long-stay cycle parking spaces for the commercial unit are provided within the unit. Further short-stay on-street cycle parking is to be integrated within the public realm outside of Plot 25 (indicatively at High Street South and to the rear of Plot 25). Accordingly, in total 548 cycle parking spaces are provided as summarised below:

- Student long-stay cycle parking spaces (497);
- Student short-stay cycle parking spaces (17);
- Flexible Commercial Unit long-stay cycle parking spaces (8); and
- Flexible Commercial Unit short-stay cycle parking spaces (26).

The above proposed cycle parking provision equates to 0.75 spaces per student bed. The quantum of cycle parking spaces adheres with cycle parking requirements contained within the London Plan (2021), as set out in Policy T5 and the accompanying Table 10.2. Details of secure cycle parking for Plot 25 will be secured through Condition 38.6 of the S73 Permission which states that: “Prior to the beginning of any Plot Development within any Phase or Sub Phase details of a scheme for the provision of facilities for the secure storage of cycles for that Plot shall be submitted to and approved by the LPA”.

In terms of wider pedestrian and cycle infrastructure, the early phases of the regeneration pay particular attention to facilitating pleasant and convenient journeys both on foot or by bicycle. This is through the delivery of a well-considered and accessible public realm and extensive bicycle infrastructure by way of segregated and integrated cycle lanes where appropriate, and improvements to facilitate routes outside of the regeneration area as outlined within the Area Wide Walking and Cycling Strategy (‘AWWCS’). Additional crossings across the A41 are also being explored to improve the wider connectivity. The AWWCS improvements are summarised in the below table.

Table 7 – proposed pedestrian and cycle improvements as identified within the Area Wide Walking and Cycling Strategy:

| Location | Proposals |
|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Purbeck Drive leading to Clitterhouse Playing Fields | To install pedestrian and cycle directional signage including cycle warning signage |
| Purbeck Drive between Clitterhouse Playing Fields and Pennine Drive | To install CCTV at the entrance of the playing fields, to install dropped kerbs and tactile paving at the Purbeck Drive and Gotsworld Gardens approaches to the junction and to provide cycle symbol road markings and re-lining |
| Cheviot Gardens between Pennine Drive and Cheviot Gardens | To install cycle symbol road markings and cycle warning signage |
| Cheviot Gardens between Purbeck Drive and Mendip Drive | To install cycle directional signage and relining |
| The Vale | To install cycle directional signage, cycle warning signage, re-aligning and advanced stop lines and feeder lanes on the Vale approaches to junctions |

In terms of wider cycle parking provisions, the PCPSS refers to the intended provision of cycle hire services. There are no details provided regarding the specific nature of cycle hire services and it is noted that the establishment of a site wide Cycle Hire Club

prior to the occupation of 200 dwellings in the development is a requirement of Condition 39.1 of the S73 Permission.

Servicing and Delivery Management Strategy, refuse collections

Condition 1.22 of the S73 Permission requires details to be submitted for the LPA's approval setting out a Servicing and Delivery Strategy to support development within any Phase or Sub-Phase before or coincident with the submission of the first RMA for that Phase or Sub-Phase. The SDS is defined in the Glossary of the S73 permission as follows:

“Servicing and Delivery Strategy’ means the Servicing and Delivery Strategy which sets out on a Phase or Sub-Phase basis how the parameters and principles in the agreed Framework Servicing and Delivery Strategy will be delivered for the particular Phase or Sub-Phase and how the Phase or Sub-Phase Servicing and Delivery Strategy will operate in conjunction with adjoining Phases or Sub-Phases in accordance with Condition 1.22 of this Permission”.

It is a requirement of Condition 1.22 for any phase SDS to be informed by the approved site-wide BXC Framework Servicing and Delivery Strategy ('FSDS'), which was discharged in February 2015 under LBB planning reference 14/08112/CON. The approved FSDS recognises that there will be three main generators of servicing and delivery requirements within the BXS regeneration scheme comprising the Waste Handling Facility, Rail Freight Facility and the Brent Cross Shopping Centre. Phase 4A does not contain any of these. Notwithstanding this, the FSDS recognises that the servicing strategies contained within the FSDS will be applicable to significant generators of servicing and delivery trips where commercial contracts allow a level of control by the developer, and all land uses, with the exception of residential, will meet these criteria and therefore will be covered by the FSDS and SDS process.

To satisfy this Condition, the Applicant has submitted a report titled 'Servicing and Delivery Strategy, Phase 4A' (Steer, July 2021). The submitted Servicing and Delivery Strategy ('SDS') relates to the Phase 4A containing Plot 25 and its immediate environs.

Expected servicing and delivery trip generation for the Plot 25 scheme has been calculated using TRICS survey data and equates to an expected daily servicing and trip generation quantum of 40 for the student accommodation and 19 for the flexible commercial ground floor space. The nature of delivery and servicing trips are listed in paragraph 4.12 of the SDS and comprise: Post and parcel deliveries; Food delivery (Deliveroo, etc.); Equipment and furniture deliveries (including home removals); Residential grocery deliveries; Service/maintenance engineer visits; Food and beverage supplies for commercial units (e.g. beverages, ambient, chilled and frozen food products, general goods); and Building services. Further, paragraph 4.113 states that goods will be delivered to Plot 25 in the following ways: Food and beverage deliveries for commercial units are often palletised or delivered in plastic/wooden crates or trolleys, or boxed in roll cages; and Equipment and furniture are sometimes wrapped in plastic or delivered in cardboard boxes. These calculations on expected servicing needs have been reviewed by the Transport Officers, Commercial Services – Street Scene Officers, and TFL, and no objections have been raised.

In terms of waste collections and disposals, page 12 and figure 4.3 of the SDS provide an overview of the waste provisions to be incorporated within the Plot 25 scheme. It is stated that refuse collections for both the student accommodation and commercial space will be through private arrangements, and that all waste stores will be designed to accommodate storage of two days waste assuming the private waste contractor would provide collection daily. The detailed design of the refuse stores forms part of the detailed plot design proposals for the Plot 25 RMA. Details will also be required to form part of the future discharge of Condition 40.1 submission, which requires details of arrangements for storage and collection of refuse to be submitted to the LPA for approval prior to the commencement of development. The details available at this stage have been reviewed by Commercial Services – Street Scene Officers and found to be acceptable.

In terms of the physical servicing provisions for the scheme, the SDS makes a clear distinction between an interim and future permanent servicing arrangement. Both arrangements require the provision of a dedicated servicing area, to be located on the Tempelhof Avenue side of the building, away from the High Street South frontage. This is a deliberate strategy to keep the High Street South free from significant servicing activities. The two arrangements are addressed in order to account for the short-term arrangements on the one hand, and the longer term phased delivery of the masterplan on the other. In the immediate term, the interim arrangement aims to secure an acceptable servicing arrangement for the site within the confines of the Southern Development and therefore prior to the delivery Tempelhof Avenue and the approach to Bridge Structure B1 (Replacement A406 Tempelhof Bridge) which falls within Phase 1A (North) (Infrastructure 2). The longer-term arrangement is shown diagrammatically in the SDS plans and incorporates Tempelhof Avenue and the approach to Bridge Structure B1 (Replacement A406 Tempelhof Bridge) which falls within Phase 1A (North) (Infrastructure 2).

Some concerns have been raised by TFL with regards to the relationship between servicing vehicles accessing and egressing the hammerhead area and the pedestrians and cyclists navigating this section of highway and the crossing over Tempelhof Avenue in particular. TFL also queried if the designs were subject to a road safety audit at this stage. In reviewing this, the proposals are supported by swept path diagrams which have been reviewed by the Councils Highways Officers who found the arrangements to be acceptable from a highway a safety perspective. Secondly, the applicant highlighted to officers that the pavements in this location is of generous proportions with no visual obstructions incorporated, to provide both pedestrians and cyclists, as well as servicing vehicles a clear view of each other so as reduce the chance of an accident. The Applicant also points out that the expected volume of servicing trips is not such that would present a conflict in road safety terms that would necessitate an alternative arrangement to be provided. Regarding road safety audits, the Applicant advised that the detailed proposals have not been the subject of this, but it will form part of subsequent practical stages of the construction this section of highway.

Overall, the SDS is considered to provide sufficient information by way of an overall strategy for the Phase 4A sub-phase. The LPA are therefore satisfied that the requirements of Condition 1.22 have been met in relation to the Phase 4A sub-phase of the BXC regeneration scheme.

Pedestrian and Cycle Strategy

Condition 2.8 (a) of the S73 Permission requires the submission of a Pedestrian & Cycling Strategy ('PCS') for the relevant Phase or Sub-Phase prior to, or coincident with, the submission of the first Reserved Matters Application for that Phase or Sub-Phase. Thereafter, all further Reserved Matters Applications and Other Matters Applications within that Phase or Sub-Phase are required to accord with the approved Pedestrian & Cycling Strategy. As stated within this Condition, the submitted PCS should set out the programme and details for the construction of new and/or improved pedestrian and cycle links and cycle parking spaces as previously identified by the Area Wide Walking and Cycling Strategy approved pursuant to Condition 1.20 of the S73 Permission.

Both the S106 Agreement and the S73 Permission define a 'Pedestrian and Cycle Strategy' as:

"...means the Phase-by-Phase or Sub-Phase by Sub-Phase strategy submitted and approved in accordance with Condition 2.8 of the S73 Permission and setting out the quantum, programme and details of pedestrian and cycle links to be provided within the relevant Phase or Sub-Phase of the Development in a way which is in accordance with the Area Wide Walking and Cycling Study and the Phase Transport Report."

Phase 4A of the BXC development is embedded within the heart of the new town centre being delivered south of the A406 North Circular. As such, the site would sit within the context of new pedestrian and cycling routes to be delivered by the Southern Developer as part of the BXC scheme. Therefore, there are no AWWCS recommendation relating to, or connecting, land required to deliver Plot 25.

The S73 Permission establishes a number of principles and parameters within which the BXC regeneration scheme is expected to be delivered. This includes principles established in respect of pedestrian and cycle routes within the BXC development as identified on Parameter Plan 003: Public Realm and Urban Structure. This Parameter Plan identifies the location of new and existing public spaces within the scheme and the routes between them for pedestrian and cyclists, including main connections and both a secondary and tertiary pedestrian and cycle network. A pedestrian link through the plot is proposed to response to the pedestrian route shown in this location on Parameter Plan 003. Further, Plot 25 would be positioned on the junction of High Street South and new Tempelhof Avenue both of which form part of the 'Main Connections' and principal circulation corridors for pedestrians and cyclists within the regeneration scheme. This also corresponds to part of a Primary Route for vehicles through the BXC site as set out on Parameter Plan 002: Transport Infrastructure. The development of Plot 25 would therefore be well connected in its immediate environs in respect of providing pedestrian and cycle accessibility; and, as set out within the submitted PCS, would ultimately be connected into the site-wide pedestrian and cycle network (Figures 3.1 and 3.2).

Individual Travel Plan

The Individual Travel plan ('ITP') (Steer, July 2021) is a framework document for Plot 25 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 25 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.

5.6 Other Relevant Material Considerations

Estate Management

The Section 73 scheme is subject to an estate management framework condition (7.1) that will be required to be approved by the LPA in advance of the streets and areas of public realm to be managed by the Developers Estate Management Company (BXS LP) coming into use. The condition sets out that the estate management details:

"...may include the establishment of an Estate Management Body for adopting managing cleansing maintaining repairing and/or renewing such areas of Public Realm and other parts of the Critical Infrastructure within the Development (as may be appropriate in respect of the relevant Phase or Sub-Phase)..."

A submission against Condition 7.1 of the S73 Permission is currently pending determination (LPA ref:21/0788/CON). Appendix C of the submitted Estate Management Framework includes the following principles:

"Management and Maintenance:

The non-adopted publicly accessible routes and spaces within Phase 4A will be in line with the aims and objectives of the management and maintenance principles set out in the Estate Management Framework. This ensures stakeholders such as TfL will have access for maintaining their facilities such as bus stops and traffic lights, if required.

Service Charge

The non-adopted publicly accessible spaces within Phase 4A will be in line with the aims and objectives of the service charge principles set out in the Estate Management Framework.

Safety and Security

In line with the key principles of the Estate Management Framework, the aim is to create a secure and safe environment for the non-adopted publicly accessible spaces within Phase 4A. These spaces have been designed to be as open as possible and will be built to Secure by Design standard to ensure natural surveillance and crime prevention. The lighting of these spaces will also be maintained at an appropriate level through a Building Management System (BMS) to balance environmental and safety requirements.

Communication and Community

As set out in the main body of this document, a variety of communication methods will be used to ensure that the Brent Cross Town-EMC will engage with occupiers, plot owners and stakeholders to ensure that the role and position of Brent Cross Town-EMC with regards to the spaces in Phase 4A is fully understood in respect of estate service charges. This will also include effective communication with relevant stakeholders such as transport providers to ensure active travel is facilitated”

The estate management principles have therefore been considered at this planning stage and are considered to be acceptable. Further details of safety and security specifically are addressed below.

Safety and Security

Section 6.4 of the submitted Design refers to Site Management and Secured by Design principles to be adopted through the design and specification of the Plot 25 scheme. 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, external intercoms, access control systems, fire exit overrides, CCTV); Landscaping (planting, street furniture including lighting and fencing, level changes).

The DOCO responded to this application consultation to expand on matters discussed with the Applicant prior to submission. The hard and soft landscaped area to the rear, covered pedestrian access way and lift were highlighted as areas of safety and security concern, during the hours of darkness in particular. This is due to these spaces being publicly accessible but with lower levels of natural surveillance and activity. These concerns have been discussed with the Applicant and further clarifications regarding security features and management provided. The Plot 25 reception and concierge will establish a 24-hour presence which, alongside the communal amenity space and commercial unit at ground floor, will provide some natural surveillance. The rear space and covered pedestrian access route will have lighting during the hours of darkness and be served by centrally monitored CCTV. In order to secure key security features a conditions are recommended to secure: firstly, a report demonstrating compliance with the Secured By Design standards for residential dwellings; secondly a security measures scheme outlining key safety and security features to be provided. These recommended conditions have been discussed with the DOCO who is satisfied with the level of control secured through the permission. For information, the detailed

elements to be secured through the second condition are listed below:

- All door-sets at lower ground level facing into Character Area 02 'Northern Edge' and the covered Pedestrian Access Way (including access to cycle store) shall be third-party certificated to security rating LPS 1175 Issue 7:SR2 (Issue 8:B3) or STS 202 Issue 6:BR2. It is recommended this specification is extended to all external ground level door-sets.
- All glazing at lower ground level facing into Character Area 02 'Northern Edge' and the covered Pedestrian Access Way shall be laminated and third-party certificated to security rating of at least BS EN 356:2000 P3A. It is recommended this specification is extended to all ground level windows.
- Details of centrally monitored CCTV to be installed on such building, principally covering Character Area 02 'Northern Edge', the covered Pedestrian Access Way and external pedestrian lift, accompanied by clear and obvious signage alerting pedestrians to the formal CCTV in operation.
- Proposed measures to achieve 'Security compartmentalisation'

The DOCO notified the Counter Terrorism Security Advisor (CTSA) for Barnet on this application who raised two comments. This relates to the likely number of pedestrians to occupy the building frontage on High Street South to ascertain if it could be a likely target from VAW (Vehicle as a weapon), and the absence of details relating to electronic access controls to initiate a dynamic lockdown.

Officers raised these concerns with the Applicant who provided a response to the points raised. The Applicant highlighted that the estate will be thoroughly managed by an estate management team and will be surveyed appropriately through CCTV. In addition, a planter (maximised in size when taking into consideration footway constraints), is proposed along the front of the pavement in front of the commercial units, providing a deterrent and obstruction in the event of a VAW incident. Further, outside of this RMA specifically, the Southern developer has been undertaking a risk assessment for the Southern Development (Brent Cross Town TVRA – Issue 4) in consultation with Officers and the CTSA, to establish the level of risk posed by incidents, primarily VAW, with recommendations for suggested mitigation where justified. Regarding the overall threat level to the Southern Development, it is stated as relatively low and therefore protective measures should be proportionate. The High Street South location specifically is among the locations at a higher level of risk of VAW, given the long straight runs and relative openness of pavements to aid pedestrian flow. The recommendations for High Street South are to install regular street furniture combined with regular tree planting to resist an attack and to break up straight line runs meaning a vehicle is limited to the speed it may build up. This is consistent with the approach to the High Street South overall whilst within this RMA curtilage, a substantial planter is proposed as described above. Notwithstanding this, the TVRA report states that there would be a residual risk posed by not installing barriers in this location to Protection Level 2 of the CPNI guidance (Countering Vehicle As a Weapon (VAW) A Good Practice Guide For Mitigating The Risk of VAW Attacks", CPNI/ NaCTSO, 12 September 2017). The Applicant is aware of this residual risk and as the party ultimately responsible for the Plot 25 application Curtilage may elect to install greater measures with a higher protection level as described in the TVRA recommendations. This will be highlighted through planning informative.

Regarding the electronic access controls, the acting agent confirmed that the applicant is willing to agree to a planning condition that requires a report demonstrating compliance with Secured by Design standards including the potential of any electronic access control and operating procedure capable of securing the building.

Fire Safety

In terms of fire safety, Policy D12 of the London Plan (2021) requires major development to be accompanied by fire statement providing details of, inter alia; building construction methods, means of escape and access to fire services personnel. The application is accompanied by a Fire Statement (Helios Fire & Construction Consultancy Ltd, July 2021). This is comprehensive report demonstrating that fire safety has been an integral design consideration throughout the initial design conception of the scheme. Further, details of the key design features within the physical building and also elements of the application curtilage are set out, that demonstrate compliance with the relevant sections of the Building Regulations (principally Part B) will be achievable as due course when formal submissions against the building regulations are made. Further, the Fire statement highlights 'The Regulatory Reform (Fire Safety) Order 2005' & 'Fire Safety Act 2021' will become the controlling fire safety legislation once the building is completed and occupied which requires, among other things, for the owner/occupier of the building to carry out and maintain a fire safety risk assessment. The building's management team will also be responsible under this order to ensure that the building's fire safety provisions are appropriately managed, maintained and tested over the whole life of the building. Key features of the design are discussed below.

With regards to access for fire engines, the primary access to the Plot 25 development is via the proposed High Street South to the front of the building, additionally there will be access for firefighting from the rear of the Plot 25 site via Tilling Road and the access road to the main Brent South Shopping Park. These are detailed on Figure 10 'Fire Brigade Access to the Development'. Regarding access to sufficient firefighting water supplies, Section 4.2 states that the fire service requires to get a pump appliance within 18 metres of the wet rising main inlets. Accordingly, the access to the Plot 25 development is provided by the local infrastructure, High Street South and from the rear via Tilling Road and the access to the main Brent South Shopping Park. The proposals have been based on the actual hose distances where all parts of all floors can be accessed with a 60m hose distance as stipulated in BS9991 for suitable hose distances.

In terms of the building design, the Fire Statement outlines specific design features and options where available which will feature in the building to address the relevant fire safety requirements. These are not reiterated in full in this report and can be referenced in full within the Fire statement. Some of the key features and options include the following:

- Fire Fighting Stairs provided at 1200mm in excess of the minimum requirements within Clause 50.3.2.1 of BS 9991:2015.
- Fire Fighting Stair Lobbies at ground floor level exits provided with the 120-minute fire protection and lobby protection as noted in BS9999.
- Fire fighting Lift connected to primary and secondary supplies conforming to BS

EN 81 – 72.

- Ventilation measures to ensure common corridors for both means of escape and firefighting to maintain the staircase free of smoke including; automatic opening ventilators (AOV), a smoke shaft, mechanical smoke ventilation system and pressure differential system.
- Firefighting power supplies and rising mains water within the main central staircase to achieve the required hose distances.
- Wayfinding strategy, automatic water fire suppression system (sprinklers) and evacuation alert systems

Details of the horizontal means of escape are detailed within Section 6 of the Fire Statement which demonstrates compliance for individual student rooms and communal amenity spaces with the maximum travel distances in accordance with BS9991. Considerations of fire safety for individual student rooms are contained within Section 5. This includes principally the specification of cooking apparatus to have a Category B devices fitted to mitigate instances where they are not sufficient remote from the access and egress to units, complying with BSEN 50615. This was queried by Officers specifically in consultation with Building Control Officers who confirmed such specification are typical of open plan units, whilst supplementary information was provided by the Fire consultants to further demonstrate that such an approach would be compliant with building regulations in due course.

Lastly, Section 8 and 9 of the Fire Statement relates to the design specification of the building including, inter alia, materials and cavity barrier sections, to promote resistance to fire within the fabric of the building and the building curtilage. This is a comprehensive section of the Fire Statement providing reassurance that due consideration has been given at planning stage to this matter.

The Fire Statement overall comprises a comprehensive assessment of the different elements of fire safety design that will feature in the Plot 25 development, providing reassurance, for the purpose of this planning assessment, that fire safety is an integral design consideration, and that the building will be capable of complying with the relevant Building Regulation and other statutory requirements in due course.

Access and Inclusivity

The S73 Permission sets out strategies relating to access and inclusivity and requires the involvement of an access consultant 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 25 (All Clear Design, July 2020). The statement confirms that the access consultant has been actively involved in the preparation of the submitted proposals to ensure the integration of accessibility measures. The statement details accessibility measures in relation to, entrances and exits, vertical circulation (lifts and stairs), doors, floor finishes, and Wheelchair Accessible rooms.

In terms of the detailed accessibility design requirements for the development (comprising the student housing, flexible commercial space and external environs), and specifically details relating to wheelchair accessibility, the Access and Inclusivity Statement provides a list of relevant guidance including statutory Building Regulations

standards (namely Part M (M1 'Access and use of buildings other than dwellings') and other relevant guidance documents.

The student housing constitutes sleeping accommodation covered principally in Provisions 4.24 of Part M1 of the Building Regulations, which includes minimum standards for all bedrooms in uses such as student housing and hotels. Accordingly, the sleeping accommodation will be required to adhere with Part M1 in due course. Regarding wheelchair accessible rooms, Section (g) of 4.24 of Part M1 states that at least one wheelchair-accessible bedroom shall be provided for every 20 bedrooms, or part thereof which equates to a minimum provision of 30 wheelchair accessible rooms for Plot 25 scheme.

Accordingly, the Plot 25 scheme provides 44 wheelchair adaptable rooms, therefore more than this requirement. As clarified on in the Access and Inclusivity Statement, wheelchair accessible bedrooms will be located around the lift core and as the floor levels increase, wheelchair accessible bedrooms will continue in the same location. The design of individual accessible rooms will adhere to standards in Part M1 whilst also being informed by the Part M4(3) of the Building Regulations which relates to wheelchair accessible bedrooms in residential (Class C3) dwellings and provides additional design considerations. Regarding circulation throughout the student accommodation, Part M and BS8300 discuss the use of passing places but do not make any clear recommendations as to their frequency or placement. The approach taken in this building therefore is to provide spaces within the corridor where it broadens to provide a 1500mm wide turning circle at key locations. Following queries raised by Officers, the Applicant confirmed that, though the specification of doors to individual rooms having a clear opening no less than 790mm, wheelchair access to all bedrooms within the development will be possible. This is in accordance with paragraph 4.21 of the Part M1 which states that

“Wheelchair users should also be able to visit companions in other bedrooms, for example when attending conferences or when on holiday with their families. In these instances, bedrooms not designed for independent use by a person in a wheelchair need to have the outer door wide enough to be accessible to a wheelchair user.”

In terms of wider access to the student facilities at Lower Ground, Ground Floor and Mezzanine level, including games rooms, laundry, party rooms, study rooms and breakfast area, the details of these rooms are not included definitively at this planning stage, but will be subject to Building Control applications (where appropriate) and, as stated in the Access and Inclusivity Statement, a commitment from the Student Accommodation provider to make them accessible to disabled students.

With regards to the public realm proposed as part of the RMA, accessibility considerations are contained within Section 4.0 of the Access and Inclusivity Statement. This covers a wide range of details to demonstrate that the entirety of the public realm will be accessible and promote use by people with mobility issues and people with sight and hearing impairments. A key consideration is the change in level of 3m within the covered pedestrian access route through the plot. This is negotiated by way of a flight of steps and also a platform lift that will be available for use 24 hours per day. The lift will be designed to accommodate scooters and external wheelchairs,

as well as buggies.

In terms of engagement, the Southern Developer has engaged in pre-application discussions with the Consultative Access Forum ('CAF') in the runup to the submission of this RMA. The CAF is a consulting group of people with expertise and personal experience of inclusive access and disability issues. Members are based primarily in the local community. The CAF's 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 advice on development proposals, set out within Schedule 13 and also the CAF terms of reference document approved under ref:14/07957/CON.

A meeting was held on 16th December 2020, and, following design changes arising from this engagement, updates to the internal layouts were presented by email to the panel during the week commencing 21st of June 2021 and comments were received back on the 2nd of July 2021. Details of this engagement are contained within Section 1.6 of the Access and Inclusivity Statement. A review of this engagement by Officers confirms that appropriate responses to the matters raised have been incorporated into the design of Plot 25, which will be subject to further detailed design development at Building Regulations stage.

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 25 are explained and assessed in this section. An 'Energy and Sustainability Statement' (Atelier Ten, July 2021) forms part of this submitted documentation for Plot 25.

Carbon Emissions

In line with the Revised Energy Strategy for Brent Cross approved (LPA ref: 14/08106/CON), Conditions 35.6 and 35.7 require a minimum reduction in terms of kg of CO₂ emitted of 40% for residential properties and 25% for non-residential uses, relative to Part L of the Building Regulations (2010). The Energy and Sustainability Statement provides an executive summary of CO₂ savings anticipated to be achieved through the combination of lean, clean and green measures in accordance with London Plan (2021) Energy Hierarchy, Policy SI 2 'Minimising greenhouse gas emissions.'

As agreed through a convening of the Brent Cross Energy Panel 20th October 2020, attended by representatives of the Developer, the GLA and the Local Authority, the presentation of this information is based on the Building Regulations: Part L 2010 in order to show definitive compliance with Condition 35.6 of the S73 Permission, as well as the up to date Building Regulations, Part L (2013). Further, it was agreed that the incorporation of SAP10 Carbon Factors, referenced in the most recent GLA guidance on the preparation of energy assessments, was appropriate. This is to reflect the future connection to the central air source heat pump ('ASHP') led energy centre to be provided in the Vicinity of Plot 59, which will have a low carbon intensity when the ongoing decarbonisation of the electricity grid is considered.

In accordance with the energy hierarchy, through a combination of lean measures, covering aspects of the design such as improved thermal efficiency a saving of 11% Kg CO₂ is achieved, further supplemented by 24% saving through the incorporation of clean measures comprising the connection to the decentralised energy centre and district heating network. The resulting improvements upon the baseline building are set out below and therefore represent in excess of 25% improvement upon New-Build Part L 2010 baseline compliant development;

- Regulated carbon dioxide savings of **35.6%** relative to a New-Build Part L 2010 baseline compliant development;
- Regulated carbon dioxide savings of **3%** relative to a New-Build Part L 2013 baseline compliant development;

With regards to BREEAM certification, Condition 35.2 requires that all commercial units achieve minimum standard of Very Good. Section 4.4 of the Energy and Sustainability Statement and the appended BREEAM pre assessment outline that the student accommodation will achieve a minimum 'Excellent' certification under the BREEAM New Construction benchmarking scheme. This is welcome in relation to the student accommodation. For the avoidance of doubt, the commercial unit will also be required to comply with the relevant BREEAM certification.

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 within the vicinity of Plot 59, which is anticipated to be operational from 2025 onwards. Before that time, the district heating network will be served from the Heat Plant Room of Plot 12, and then additional heat may also be provided from a Heat Plant Room located in Plot 19. Once the Main Energy Centre at Plot 59 is operational these Heat Plant Rooms will be kept as back-up plant and to meet peak demand on site.

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 confirm compliance with all energy and sustainability requirements stated above. Therefore, in respect of all energy and sustainability requirements the proposed development is in

accordance with the parameters and principles of S73 Permission.

Flood Risk and Drainage

The submission includes a Drainage Statement in relation Phase 4A (Arup, July 2021). The statement remarks that the outline permission included a Flood Risk Assessment (Volume BXC16) and therefore further flood risk assessments have not been sought to accompany individual RMAs. Notwithstanding this, the drainage statement includes consideration of flood risk. The conclusions of the report are that the site is at low risk of flooding from fluvial and tidal sources, pluvial sources, (sewers, ground water sources and from artificial sources (reservoirs, canals etc). In relation to pluvial sources (surface water/overland flow), a small portion (18sqm) of the site is shown to be at risk in a 1:1,000-year storm, however this does not encroach onto the proposed building footprint. Therefore, flood risk from surface water is considered low.

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. Paragraph 6.1 of the Drainage Statement confirms that the lowest threshold level into Plot 25 will be at a level of +44.2 mAOD, which is 5.2m above the 100 year + CC flood level.

Surface water drainage design details are described in the Drainage Statement, responding the s73 planning conditions 44.5,44.9, 45.2 and paragraph 2.75 of the RDSF. The parameters relating to surface water runoff and discharge rates into statutory water infrastructure is enforced through compliance with the said conditions and these requirements reflect the conclusions of the original FRA for the Brent Cross Cricklewood Regeneration.

Regarding surface drainage arising from the roofs and lower ground floor landscaped area, the need for an attenuation tank to collect and then pump surface water located in the Lower Ground Floor into the external drainage network to the south of the plot (to the High Street South) is highlighted. Regarding SUDS features, the area behind the Plot as shown in Figure 6 of the Drainage Statement proposes trees, shrubs and rain gardens which will receive runoff from the hard landscaping and channel drains and will assist in the reduction of runoff rates.

As such based on the details provided, to be further supplemented by details submitted in relation to Condition 1.27 of the S73 Permission, the scheme will benefit from sufficient surface water drainage considerations.

Construction Management

In terms of construction management, the Code of Construction Practice (COCP) for the S73 Permission stipulates requirements for further strategies to safeguard the amenity of the local environment and of nearby residents during the construction period. These are principally: the Construction Environmental Management Plan (CEMP) requirements under condition 8.3 and 28.1; detailed construction traffic management (DCTMP) requirements under Condition 12.1b; and noise and vibration monitoring requirements under Condition 29.2. It should be noted that the DCTMP

requirements relate primarily to ensuring construction activities do not negatively affect the continued flow of vehicles on the local and strategic highway network. Details of these strategies will be submitted in due course and will be required to be discharged prior to the commencement of works.

6. 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.

Accordingly, Table 10 (Content of the Explanatory Report within Section 6 the RDSF states that the explanatory report shall "*confirm that a 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 Plot 25 RMA proposals are accompanied by an Environmental Screening and Statement of Compliance (Arup, July 2021) herein referred to as 'ESSOC'. In terms of Parameter Plan compliance, ESSOC sets out that consideration has been given to whether the proposed development would give rise to new or different significant environmental effects that were not previously assessed at the outline stage. This is based upon compliance with parameter plans and the development specification and an examination of additional or revised aspects of the development that could give rise to new or different environmental effects.

In terms of parameter plan compliance, Table 3 of the ESSOC provides a summary of each parameter plan and reasons for compliance, and where deviations are observed, the reasoning why these would not result in additional significant environmental effects. The only parameter plan where deviations are stated as occurring relate to Parameter Plan 007 'Maximum Building and Frontage Heights' (Rev 15), with all other plans stated as being complied with or not relevant for the proposed development.

For the avoidance of doubt, Officers identified a breach of Parameters in relation to Parameter Plan 004 'Ground Level Land Uses to Frontages' (Rev 16). The breach to

parameter Plan 004 'Ground Level Land Uses to Frontages' (Rev 16) has been assessed by Officers in planning terms and found to be acceptable in this respect. From an EIA perspective, given the D1 and B1 uses which constitute a breach would not result in greater numbers of people using the public realm on these frontages in comparison to the compliant retail or hotel uses, it is not considered to alter the conclusions of the ES and no additional significant environmental impacts are therefore anticipated.

Table 3 of the ESSOC is supported by a further discussion to further demonstrate that there would not be any additional significant environmental impacts arising from the proposed Plot 25 development, having regard in particular to the identified breaches of parameters and the key environmental topics that formed the basis of the S73 ES. Accordingly, regarding the stated breach to height parameters, consideration has been given to the following environmental disciplines; 'Townscape and Visual', 'Microclimate' and 'Air quality'. The LPA agree with this selection criteria in order to determine the environmental effects, pursuant to The Town and Country Planning Environmental Impact Regulations (2017), Schedule 3 'Selection Criteria for Screening Schedule 2 Development.' These are addressed in turn.

In terms of 'Townscape and Visual' the ESSOC states that the townscape and visual impact assessment (TVIA) prepared as part of the BXC ES assessed the impact of BXC on the visual amenity of receptors (including residents introduced by BXC during early phases of development) from a series of viewpoints. A snapshot of the S73 ES viewpoint plan showing the views relevant to the proposed development is shown in Figure 6 of the ESSOC. The proposed breach of the maximum frontage height parameter would increase the visual prominence of Plot 25 on the skyline within Viewpoints 1, 3, 4, 6, 7 and 8. However, in the context of the rest of the consented development within these views, the overall effect on residents and other receptors represented by the viewpoints is not considered to alter the conclusions of the S73 ES.

In terms of Microclimate (wind), the ESSOC states that the results of the wind assessment undertaken by AKT II demonstrate all assessed areas fell within the necessary Lawson Comfort Criteria (pedestrian sitting, walking and / or standing) for their relevant use. The landscape setting to the servicing area did register a reading on the distress levels assessment however this is not a location intended to provide accessibility and moreover could be mitigated through the specification of planting.

In terms of microclimate (daylight and sunlight) the ESSOC highlights aspects of the daylight and sunlight assessment undertaken by GIA which overall achieve a satisfactory natural light environment for prospective students and other users of the building and its application curtilage. Further, the impact upon neighbouring plots and the local environment were found to be acceptable having regard to some inevitable reductions to natural light levels in adjacent environs and plots as new development plots are brought forward. The results of this assessment are contained within the GIA report and summarised within the 'daylight and sunlight' section of this report.

In terms of air quality, the ESSOC states that an Air Quality Neutral assessment has been undertaken in line with adopted London Plan (2021) Policy SI1 (Improving Air Quality). The full assessment prepared by Arup is enclosed within Appendix D of the ESSOC. The Air Quality Neutral benchmarks for Plot 25 have been calculated and

compared with the planned emissions and trip rates. The total emissions for Plot 25, for nitrogen oxides (NOx) and particulate matter (PM10), are below the benchmarks. The total emissions for transport are above the benchmarks. However, the overall difference of total emissions from buildings and transport are below the total emissions benchmarks. Therefore, the site is considered to be air quality neutral and to comply with the air quality neutral policy. No further mitigation is required.

Additional topics that did not form part of the s73 ES but are now defined topics of the Environmental Impact Regulations (2017) are considered. These are 'Climate change', 'Human health' and 'Major accidents and disasters'. In all three disciplines the RMA proposals, and deviations from parameters in particular, were not considered result in significant additional environmental effects. Further, cumulative environmental effects have been considered with regard to additional developments within proximity to BXC and applications submitted pursuant to the BXC outline permission and overall no new or different cumulative or in-combination significant environmental effects are anticipated as a result of the proposed development.

As such, taking account of the criteria set out in Regulations 6 (3) of the EIA Regulations and all other relevant factors, including schedule 3 criteria insofar as they are relevant to the proposed development, it is considered that the development described in the information accompanying the EIA Screening (Arup, July 2021) would **NOT** be likely to have significant effects on the environment, in the sense intended by the Regulations. Therefore, further environmental impact assessment (EIA) to accompany the reserved matters application (21/4063/RMA) is **NOT** necessary and an Environmental Statement, in line with the Regulations, is **NOT** required to be submitted in connection with the application.

7. EQUALITY AND DIVERSITY ISSUES

Barnet Council's Equalities, Diversity and Inclusion Policy 2021-2025 sets out the Council's legal obligations to protect people from discrimination and promote equality, the underlying principles that guide the Council's approach to equalities, diversity and inclusion in the borough, and how these principles will be implemented and achieved. The guiding principles particularly relevant to the decisions the Council make as LPA include carrying out meaningful engagement and encouraging equal growth.

Officers have, in considering this application and preparing this report, had regard to Section 149 of the Equality Act 2010 and Barnet Council's Equalities, Diversity and Inclusion Policy 2021-2025, 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. 5% of the student rooms will be wheelchair accessible and/or able to be modified to accommodate a wheelchair occupier. 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. Adjacent to the Plot 25 curtilage a single blue badge parking bay is provided, located within the recessed parking bay on High Street South. 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 2 (South).

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

8. CONCLUSION

The proposal seeks approval for Plot 25 within Phase 4A of the Brent Cross Cricklewood development. The reserved matters have been considered against the parameters and controls captured within the S73 Permission. Principle reserved matters issues relating to Landscape, Access, Appearance, Layout, Scale, and Landuse have been demonstrated to comply with the S73 Permission, with the exception of minor deviations to parameters as set out within this report which have been assessed in planning terms and also in terms of the Environmental Impact Assessment Regulations (2017) and found to be acceptable on both counts.

The supporting technical details accompanying this application demonstrate satisfactory compliance with the relevant standards and policy including, standard of accommodation for students, daylight and sunlight, drainage, accessibility and sustainability.

The plot will be a “car free” development. This would align with the most up to date objectives within the Mayors Transport Strategy, the London Plan (2021), and Healthy Streets guidance. In terms of Barnet’s Regulation 19 Local Plan provisions, Policy TRC03 ‘Parking Management’ states that parking for all non-residential uses should be accordance with the London Plan standards. As set out above, an expectation of zero parking is expected for student developments in areas of good transport accessibility

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.