

**LOCATION:** Brent Cross Cricklewood Regeneration Area  
North West London

**REFERENCE:** 22/2863/RMA **Received:** 27/05/2022

**Accepted:** 01/06/2022

**WARD:** Cricklewood **Expiry:** 31/08/2022

**CASE OFFICER:** Sam Gerstein

**APPLICANT:** BXS Limited Partnership

**PROPOSAL:** Reserved Matters relating to layout, scale, appearance, access and landscaping for the development of Plot 1 comprising: Office (Use Class B1); flexible office/educational use including teaching, research and associated ancillary facilities associated with a university such as office, study, catering and cafeteria spaces (Use Classes B1/D1); and flexible retail space at ground floor (Use Class A1, A2, A3, A4, A5), as well as cycle and refuse storage space within a building of up to 13 storeys in height. The application is submitted pursuant to Condition 1.3(v) and 2.1 within Phase 5A 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

### **OFFICER'S 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

- 1.1 The Local Planning Authority ('LPA') received application 22/2863/RMA from DP9 Planning Consultants, acting on behalf of BXS Limited Partnership acting by its general partner BXS GP Limited (the 'Applicant') on 1<sup>st</sup> June 2022 which seeks Reserved Matters Approval for the erection of a 13 storey building on Plot 1 within Phase 5A sub-phase of the Section 73 outline planning consent for the Brent Cross Cricklewood ('BXC') regeneration scheme, and pursuant to the provisions of Section 92 of the Town and County Planning Act 1990 (as amended). The proposed building comprises business (Class B1) floorspace and flexible business/Higher Education (Class B1/D1) floorspace on upper floors supported by a flexible retail use at ground level.
- 1.2 The comprehensive redevelopment of BXC is a long-standing objective of the Council and is one of the most significant regeneration opportunities in London and has been embedded in planning policy at both the regional and local levels for over 15 years. Outline planning consent for the BXC Development was approved in 2010 and amended in 2014 pursuant to a Section 73 application (LPA ref: F/04687/13, dated 23rd July 2014) (hereafter referred to as the 'S73 Permission').
- 1.3 For the purposes of delivery, the BXC development is divided into three elements:
- Brent Cross North (BXN) – predominantly land north and south of the A406 centred around the Brent Cross Shopping Centre, being developed by Hammerson UK Properties plc and abrdn;
  - Brent Cross Town (BXT) – land south of the A406, being developed by a joint venture partnership between Council and Related Argent (BXS LP); and
  - Brent Cross West (BXW) – the delivery of a new train station - Brent Cross West and associated rail infrastructure being developed by the Council in partnership with Network Rail.
- 1.4 The proposed building is the first plot development to come forward around the eastern entrance to the new Brent Cross West Station in the Station Quarter Development Zone. The Station and Eastern Entrance Building are both under construction and expected to be complete at the end of 2022 with the new station opening in 2023. An Interim Transport Interchange will be delivered for the station opening and will be located immediately to the east of Plot 1, establishing the transport highways and public realm environs supporting the new station and this part of the masterplan. Plot 1 is situated immediately to the northeast of the new train station and shares a boundary on its north-western side with the Station Eastern Entrance Building.
- 1.5 The submission provides details of the layout, scale, appearance, access and landscaping for the proposed building on Plot 1. The proposals link in with the Brent Cross West Station and Station Eastern Entrance approvals currently under construction as well as other elements of approved highways and public realm infrastructure including High Street South, Station Approach and Railway Street.
- 1.6 The submission acknowledges that through the various approvals and consents within limits of deviation for Brent Cross West Station and its approved environs including the

Station Eastern Entrance Building, Interim Transport Interchange, High Street South, Railway Street, the general location of these features has been established further southwards in comparison to the anticipated positioning of the new train station and associated environs originally envisaged in the S73 Permission indicative layout plan. The location of Plot 1 which adjoins the station and eastern entrance building has been designed to respond and fit in with this approved context. Officers have examined the scheme's compliance with approved S73 Permission Parameter Plans, principally Parameter Plan 007 'Building Heights', concluding the scheme would be in compliance having regards to the limits of deviation allowed in the parameter plans and extant approvals surrounding Plot 1 which establish the location for Plot 1 to a large extent. The application has appraised the Plot 1 scheme from a visual amenity and townscape perspective concluding that the impacts in this regard would be acceptable, and from an Environmental Impact perspective concluding that the scheme would not give rise to any new or different significant environmental effects from those reported in the Environmental Statement supporting the S73 Permission for the BXC development. The application is therefore recommended for approval.

## **2. DESCRIPTION OF THE SITE AND SURROUNDINGS**

- 2.1 The application site (Shown in Appendix 3) for Plot 1 (the 'Site') is located in the London Borough of Barnet within the Cricklewood Ward. The site has been cleared and levelled as part of Early Works preparation of this part of the wider BXT development site.
- 2.2 The Site is positioned immediately to the east of the Midland Main Line Railway within an area that historically was occupied by the Cricklewood Sidings and a former carriage shed (known as the 'Jerich shed') which, prior to its demolition and clearance. Beyond the Site to the north and northeast the area comprises a mix of warehouses and former light industrial land as well as the Brent South Retail Park. This area now comprises a significant construction site as part of the Brent Cross Town development.
- 2.3 The Jerich Shed has been demolished and the Cricklewood Sidings site cleared following the granting of planning permission 30 January 2020 (LPA ref: 19/4900/FUL) for the demolition and site clearance works. These demolition works were granted primarily to enable the early delivery of the new Brent Cross West station which the Plot 1 Site is located directly adjacent to.
- 2.4 This Site falls within the site which is subject to London Borough of Barnet Compulsory Purchase Order (No. 3) 2016 (known as CPO3), which was confirmed in full by the Secretary of State for Housing, Communities and Local Government on 15th May 2018.

### **Statutory or non-statutory designations affecting the Site**

- 2.5 There are no statutory or non-statutory designations affecting the Site. Brent Reservoir SSSI and Brent Reservoir/Welsh Harp Local Nature Reserve are approximately 520 metres to the northwest of the red line boundary and Cricklewood Railway Terraces Conservation Area is approximately 900 metres to the south-southwest across the Midland Main Line.
- 2.6 The nearest residential properties to the Site are those situated along Brent Terrace (South) with the closest (number 105) being approximately 120 metres to the southeast of the Plot 1 red line boundary.

### **Brent Cross Cricklewood Outline Planning Consent site**

- 2.7 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.
- 2.8 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.

- 2.9 The Southern Development area to the south of the A406 is comprised of the former Claremont Way Industrial Estate, the Brent South Retail Park, the Whitefield Estate (comprised of 192 homes<sup>1</sup>), Hendon Leisure Centre, Whitefield Secondary School, Mapledown Special Needs School and Claremont Primary School and areas of open space including the new Claremont Park and Clitterhouse Playing Fields.
- 2.10 The Templehof Bridge and the A41 flyover provide the only existing direct north-south links across the A406 North Circular Road, and the River Brent which flows east to west and is located adjacent and south of the existing Brent Cross Shopping Centre.
- 2.11 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 is located to the south of the BXC site with Thameslink services into London St. Pancras. 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 located at Brent Cross Shopping Centre provides access to 18 bus routes (including Green Line).

### **Phasing of the Brent Cross Cricklewood Regeneration Scheme**

- 2.12 The S73 Permission for the BXC regeneration area is a multi-phase scheme which is expected to be delivered over a period of at least 16 years. Phases 1 and 2 are proposed to be delivered in a number of sub-phases that are divided between the north of the A406 North Circular and south of the A406 North Circular. Phases 3 to 7 are proposed to be delivered entirely south of the A406 North Circular.
- 2.13 This application relates to Plot 1 situated within Phase 5A of the S73 Permission which is a subphase of Phase 5. The sub-phases of Phase 5 are as follows:
- Phase 5A – comprises all Plot Development in relation to Plots 1, 2, 6, 19, 20 and 59 (Energy Centre); and the following items of Critical Infrastructure: Brent Terrace Park (Part 1), Station Square, and Transport Interchange T1;
  - Phase 5B – comprises the development of Plot 27 (Replacement Secondary School), and delivery of School Lane as an item of Critical Infrastructure;
  - Phase 5C – comprises all Plot Development in relation to Plots 30, 32, 33, 34, 38, 39, 40, 41, 44, 47, 48, 52, 55 and 58; and the following items of Critical Infrastructure: Spine Road South, Spine Road North, Claremont Road Junction South, A5/Link Road over Midland Main Line Junction, Bridge Structure B2 (A5 Link Bridge), Brent Terrace Green Corridor, Brent Terrace Park (Part 2), Gas Governor Square, Millennium Green Improvements, Railway Lands Nature Park,

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<sup>1</sup> Source, Whitefield Estate (Part 1) Residential Relocation Strategy (LPA ref:15/00659/CON) & Whitefield Estate Residential Relocation Strategy (Part 2) (LPA ref: 17/4872/CON) pursuant to Condition 1.10 of 73 Planning Application Reference : F/04687/13 approved 23/07/2014 for the comprehensive Mixed Use redevelopment of the Brent Cross Cricklewood Area

Drop-in Health Centre, Child Care Facilities (Brent Terrace Zone), and Child Care Facilities (Station Quarter Zone);

- Phase 5D – comprises all Plot Development in relation to Plots 42 and 43; and delivery of the Transport Interchange T3 (Brent Cross Underground Station) item of Critical Infrastructure; and
- Phase 5E – comprises all Plot Development in relation to Plots 22, 23 and 24.

2.14 The Phase 5A sub-phase occupies an area to the west of the Midland Main Line Railway predominantly situated around the new Brent Cross West Station. Whilst formerly occupied by various industrial and rail-related uses, most of this land is now subject to the construction works associated with delivery of the BXC regeneration scheme, which consists of land that has either been cleared of development or in use as a construction compound facility. Phase 5A also includes Plot 59 which is identified as being located in the triangular land situated immediately to the east of the Midland Main Line railway, immediately south of the A406 North Circular flyover and immediately west of Tilling Road at its junction with the M1/A406/A5 Staples Corner junction.

### 3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 This Reserved Matters Application submission provides details in respect of the Layout, Scale, Appearance, Access and Landscaping for Plot 1 within Phase 5A. The description of development is as follows:

*“Reserved Matters relating to layout, scale, appearance, access and landscaping for the development of Plot 1 comprising: Office (Use Class B1); flexible office/educational use including teaching, research and associated ancillary facilities associated with a university such as office, study, catering and cafeteria spaces (Use Classes B1/D1); and flexible retail space at ground floor (Use Class A1, A2, A3, A4, A5), as well as cycle and refuse storage space within a building of up to 13 storeys in height. The application is submitted pursuant to Condition 1.3(v) and 2.1 within Phase 5A 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”*

3.2 As explained within the accompanying Explanatory Report (Dp9, May 2022), Plot 1 comprises a standalone 13 storey building situated directing adjacent to Brent Cross West Station and the Station Eastern Entrance building which are under construction. Plot 1 will have a primary elevation facing onto Station Square, with a southern side elevation onto a side street towards Plot 44 to the south. The west elevation will face towards the railway and be visible from the platforms at the new Brent Cross West Station. The north elevation will face over the Eastern Entrance Building towards Plot 2.

3.3 The proposed building provides three distinct landuse elements spread across the floors of the building comprising:

- Ground floor: Retail floorspace (Use Class A1/A2/A3/A4/A5)
- Floors 1 – 6: Flexible business/Higher Education (Use Class B1 and D1)
- Floors 7 – 13: Business (Use Class B1)

3.4 Each portion of the building is served by a dedicated separate entrance at ground level.

3.5 The flexible office/higher education unit on floors 1 - 6 is intended for a higher education provider and therefore the use will support typical higher education uses such as teaching, study spaces and resources for students including a café at first floor level. The proposal is for this planning unit to retain some flexibility to be used either as a higher education use (Class D1) or as business floorspace (Class B1).

3.6 Storeys 7-13 are proposed to fulfil the office (Class B1) function of the building. The submission sets out that the office floorspace has been designed to provide flexible offices spaces for a variety of tenant types.

3.7 At ground level, the scheme comprises a retail unit covering a range of retail (Class A) uses permitted by the s73 permission that are suitable for the Station Quarter location comprising: retail (Class A1), administrative services with orientation to visiting members

of public (Class A2), restaurant/café (Class A3), hot food takeaway (Class A5) or a bar use (Class A5).

- 3.8 The RMA application red line boundary for Plot 1 is tight against the building envelope and therefore this application does not seek reserved matters approval for any areas of public realm, pavement or highway. The areas of public realm comprising pavements and highways are to a large extent already established through extant approvals surrounding Plot 1, namely the Interim Transport Interchange to the front, Railway Street approval to the rear and the Station Eastern Entrance structure to the north.



## 4. MATERIAL CONSIDERATIONS

- 4.1 The following provides an overview of the matters that constitute material considerations in the determination of this reserved matters application.

### **Brent Cross Cricklewood Outline Planning Consent**

- 4.2 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). The outline permission enshrined the established strategic objectives for the Brent Cross Cricklewood Regeneration into a multi-phase mixed use regeneration scheme spanning north and south of the A406 North Circular Road, supported by the delivery of key items of transport infrastructure including the new Midland Mainline Train Station. The outline permission envisaged the creation of a new town centre extending across the Northern and Southern Developments with significant concentrations of business floorspace around the new Midland Mainline Train Station principally, providing a vibrant mix of town centre and employment uses.
- 4.3 The outline permission 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') and is the outline approval the Plot 1 Reserved Matters the subject of this application have been submitted pursuant to. 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 Environmental Statement

- 4.4 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. In accordance with Condition 2.1 of the S73 Permission, RMA submissions are required to assess of the proposed RMA proposals against the ES for BXC scheme to establish if the RMA scheme would result in any additional significant environmental impacts compared to those already established within the ES for BXC which already therefore have appropriate mitigation secured through the outline permission. This Plot 1 RMA is accompanied by an Environmental Statement of Compliance (Arup, May 2022) (herein referred to as ‘ESOC’), which concludes that the proposed Plot 1 RMA scheme would not result in any additional environmental impacts.

#### Revised Development Specification Framework (‘RDSF’), Revised Design and Access Statement (‘RDAS’), Revised Design Guidelines (‘RDG’)

- 4.5 The RDSF is the principle guiding application document for the S73 Permission, providing details of the permitted quantum and landuse mix of development across the different Development Zones of the BXC Scheme. Further, the Parameter Plans contained within Appendix 2 of the RDSF establish a series of principles and guidelines that govern how the permitted development quantum and elements of key infrastructure may be built out across the site. These are oriented primarily around Parameter Plan 015 ‘Indicative Layout’ which provides an indicative layout across the entire BXC scheme anchored by key elements of transport and open space infrastructure. It is important to note that Parameter Plan 015 represents one way in which the development could be built out and as such the parameters contain limits of deviation for certain elements including positioning of key transport routes, building heights, and access arrangements. The approved Parameter Plans and RDSF need to be read in conjunction with the other control documents approved under the S73 Permission, in particular the Revised Design and Access Statement (‘RDAS’) and Revised Design Guidelines (‘RDG’). These controls will shape the Brent Cross development.
- 4.6 There is a key interrelationship between the RDSF, the Parameter Plans and the ES for BXC. A parameter compliant scheme is the basis upon which the S73 ES was undertaken, and therefore also the basis upon which conclusions around environmental impacts and associated mitigations secured through the S73 Permission planning conditions were based. Therefore, in the event development proposals depart from the Parameter Plan limits of deviation, consideration needs to be given as to whether the changes would render the conclusions of the S73 ES invalid and therefore warrant the submission of a 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.”*

- 4.7 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. As explained in paragraph 4.4 above, the Plot 1 RMA is accompanied by an ESOC which concludes that the Plot 1 RMA proposals would not result in any departures from the approved parameters and therefore would not result in any additional environmental impacts. This is supported by a Parameter Plan Explanatory Statement prepared by Allies and Morrison, appended to the submitted Explanatory Report which reaches the same conclusion with regards to parameter plan compliance and environmental impacts. Following a request by Officers the Applicant’s consultants Arup supplied the LPA with further consideration of the relationship between Station Quarter Development Zone and the building heights anticipated there and neighbouring Brent Terrace Context, to demonstrate that the Plot 1 proposals would align with the impacts already established through the ES and therefore have an acceptable impact in visual amenity and townscape terms. These assessments together conclude that the Plot 1 scheme would be in parameter plan compliance overall and accordingly adhere with the ES for the S73 Permission. This is dealt with more in Section 6 (Environmental Impact Assessment) of this committee report.

#### S73 Permission Section 106 Obligations

- 4.8 Approval of the 2010 outline planning permission and S73 permission were subject to the completion of a Section 106 legal agreement (‘S73 S106 Agreement’). The S73 S106 Agreement has been subject to eleven Deeds of Variation dated 22nd January 2016, 23rd October 2017, 24th October 2017, 19th July 2019, 19th November 2019 and 28th September 2020, 12th March 2021, 6th January 2022, 1st March 2022, 21st April 2022 and 4th July 2022. At the time of this determination a twelfth deed of variation relating to Schedule 1 ‘Defined Terms’ definition of Delivered is near completion, having been signed by all required parties and just awaiting final execution for completion. These variations have been progressed predominantly because of the LPA’s approval of Reserved Matters Applications and re-phasing changes permitted through the mechanism provided by Condition 4.2 of the S73 Permission.
- 4.9 The Section 106 agreement sets out obligations for all parties tied into the legal agreement, including the Northern and/or Southern Developer, the LPA and TfL. Schedule 2 of the S106 legal agreement sets out the obligations of the Developer(s) whilst Schedule 2A covers obligations relating to Affordable Housing. Obligations that are of key relevance to this Plot 1 RMA determination will be addressed as required within this report.

## Relevant Planning Policy

- 4.10 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), incorporating the saved policies within Chapter 12 of the London Borough of Barnet Unitary Development Plan (2006) saved by way of Direction. These are discussed below.

'Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework' Supplementary Planning Guidance (SPG) 2005 and London Borough of Barnet Unitary Development Plan Policy (Chapter 12)

- 4.11 Support for regeneration at Brent Cross Cricklewood has long been embedded in local and regional policy. The area was first identified as an Opportunity Area in the 2004 London Plan and the Council adopted the 'Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework' as Supplementary Planning Guidance (SPG) in 2005 ('BXC Regeneration Framework'). The strategic principles for the regeneration area are outlined within Section 4 of BXC Regeneration Framework. Some of the aspects of key relevance to this reserved matters application are included below;

- *'a new town centre with major new shopping and leisure development as part of a comprehensive mix of uses*
- *a range of employment uses located around a new transport interchange*
- *in the region of 10,000 new homes*
- *a commitment to the provision of affordable housing and places of local employment for the existing and new communities*
- *improvements or additions to existing community facilities as part of the creation of a sustainable community (including health and education)*
- *an additional main line railway station'*  
(BXC Regeneration Framework, Section 4, December 2005).

- 4.12 London Borough of Barnet Unitary Development Plan was adopted in 2006. Chapter 12 (saved by the Direction issued by the Secretary of State on 13 May 2009) enshrined the strategic principles contained within the BXC Regeneration Framework into a planning policy, namely strategic policy GCrick 'Cricklewood, Brent Cross and West Hendon Regeneration Area', and several detailed policies; C1 through to C11. The policies of the time recognised the opportunities for growth and the delivery of a major town centre, spanning the A406 North Circular Road, sustaining a vibrant and viable evening economy and serving a catchment area wider than the borough (Paragraph 12.3.16, Chapter 12, UDP).

London Borough of Barnet Adopted Local Plan

- 4.13 The London Borough of Barnet's Local Plan (Core Strategy DPD (2012) and Development Management Policies DPD (2012)) are the adopted Local Planning

Documents for the London Borough of Barnet. They were adopted in September 2012 two years after the granting of the original outline planning permission for the comprehensive regeneration of Brent Cross Cricklewood (LPA ref: C/17559/0, 28<sup>th</sup> October 2010).

- 4.14 The adopted Local Plan continues to provide the strategic policy support for the comprehensive regeneration of the Brent Cross Cricklewood area. Barnet's Place Shaping Strategy within Section 7 of the Core Strategy DPD (2012), under the Brent Cross – Cricklewood Regeneration Area heading (pages 40 – 41), provides an overview of the historical policy basis for the area and the continued support for the strategic aims of the regeneration. This draws on the details contained within the 2010 outline planning permission and the wider policy objectives to deliver significant and lasting economic and wider benefits to the residents and communities of Barnet including the provision of over 20,000 jobs (based on the 2008 London Plan projections and BXC Regeneration Framework (Core Strategy DPD, Paragraph 7.2.4).
- 4.15 In terms of detailed planning policy for the comprehensive regeneration of the Brent Cross Cricklewood area, paragraphs 1.4.2 - 1.4.3 of the Development Management Policies DPD (2012) state 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 compressive delivery of the Brent Cross scheme, the Development Management Policies DPD (2012) 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 BXC Regeneration Framework. 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.

#### London Plan (March, 2021)

- 4.16 The London Plan (March 2021) continues to establish Brent Cross as an Opportunity Area. Table 2.1 'Opportunity Area Indicative Capacity for new homes and jobs' of the London Plan (March 2021) indicates potential for 9,500 homes and 26,000 jobs in the Brent Cross Opportunity Area. Figure A1.1 'Future Potential Changes To The Town Centre Network' lists Brent Cross as a centre with Metropolitan Town Centre Classification potential. The definition for Metropolitan Centres given in the preceding section of the London Plan under the heading 'Town Centre Network and Future Potential Network Classification' is as follows;

***'Metropolitan centres** – serve wide catchments which can extend over several boroughs and into parts of the Wider South East. Typically they contain at least 100,000 sqm of retail, leisure and service floorspace with a significant proportion of high-order comparison goods relative to convenience goods. These centres generally have very good accessibility and significant employment, service and leisure functions. Many have important clusters of civic, public and historic buildings.'* (London Plan, March 2021, pg 467)

- 4.17 London Plan Policy S3 'Education and Childcare Facilities' sets out that boroughs should ensure there is a sufficient supply of good quality education facilities to meet demand and offer educational choice. In considering development proposals for education facilities. Further to considering higher education, the supporting paragraphs to Policy S3, namely Paragraphs 5.3.1 'Access to high quality education and training'; paragraph 5.3.8 'Higher education' and paragraph 5.3.9 covering 'further education', outline the many economic and social benefits which arise at a local and the wider London regional level from the provision of high quality higher and further education settings. These are discussed in more detail within the principle/landuse section of this report but essentially build on the statements included within the 'Growing a good economy' chapter of the London Plan (March, 2021) that states;

*'Developing Londoners' skills will help people into work and enable businesses to thrive. By working closely with communities and businesses, London's world class higher education institutions can support growth and regeneration while addressing skills shortages.'* (paragraph 1.5.1, London Plan, March 2021)

#### Local Plan Review

- 4.18 The Council are in the process of preparing a new Barnet Local Plan and on 26th November 2021, the 'Barnet Draft Local Plan' was submitted to the Planning Inspectorate for independent examination, which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended) and follows the prerequisite Regulation 18 and 19 consultation stages. The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.
- 4.19 The draft Local Plan is currently at Regulation 24 Stage whereby it is undergoing Examination in Public by an independent Planning Inspector.
- 4.20 The Local Plan 2012 (together with saved UDP policies) remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Barnet Local Plan (together with saved UDP policies), while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.
- 4.21 The draft Local Plan has revisited the London Borough of Barnet local planning policies relating to the Brent Cross Cricklewood Regeneration as described above. Fundamentally, the regeneration of the Brent Cross Cricklewood area continues to be a high strategic priority for the borough in planning policy terms reflected in its Growth Area status. The draft policies provide an updated local policy framework in support of the delivery of growth at Brent Cross including:
- Policy **GSS01** states that *'Employment growth between 2021 and 2036 will create more than 27,000 new jobs, many within the Brent Cross Growth Area where*

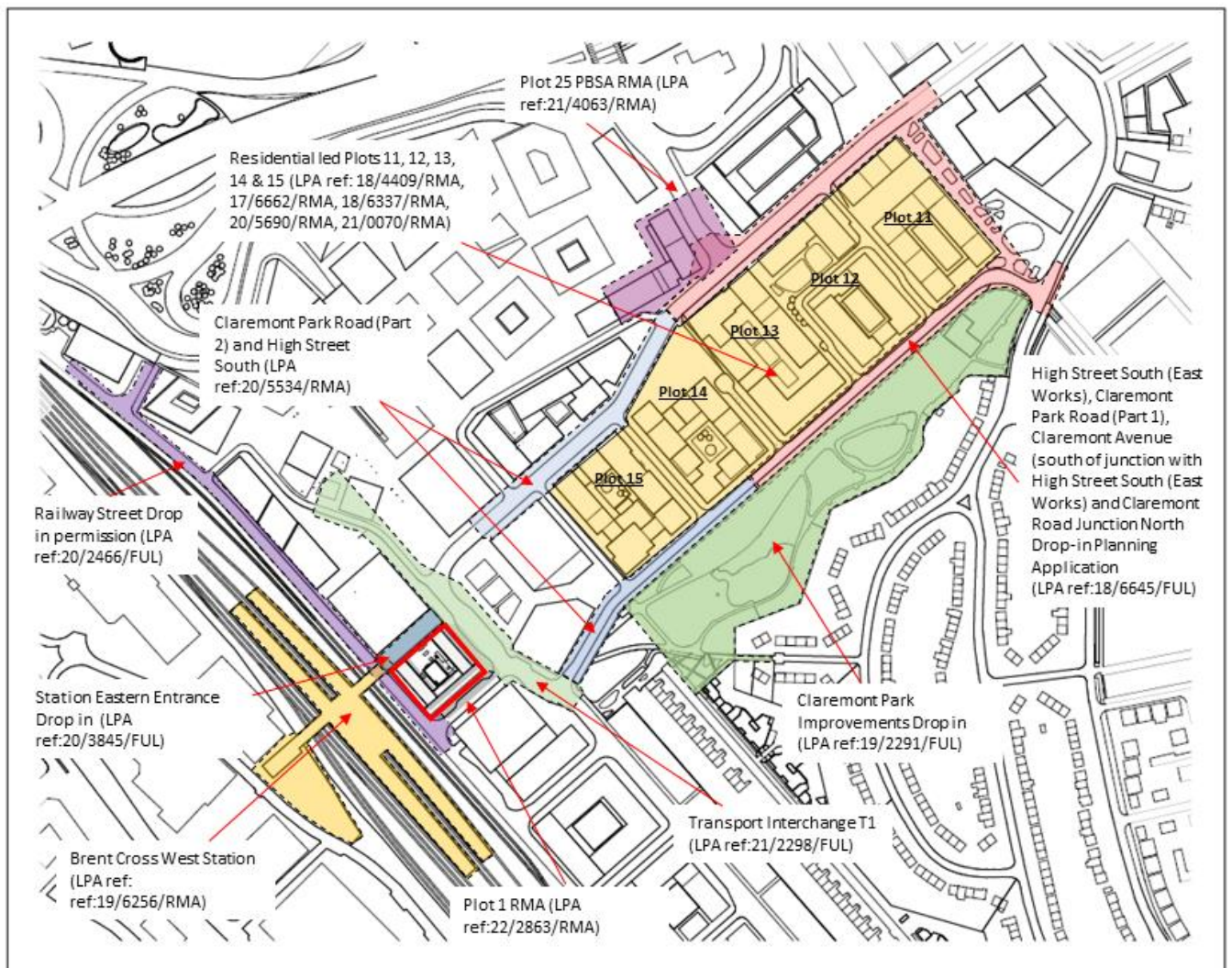
permission has been granted for 395,000 m<sup>2</sup> (net) of office space and 56,600m<sup>2</sup> (net) retail at an enhanced Brent Cross Shopping Centre which will be integrated into a new Metropolitan Town Centre’.

- Policy **GSS02** states that; ‘The Council supports comprehensive regeneration of Brent Cross Growth Area to deliver a new Metropolitan Town Centre providing a range of uses including new homes, a new commercial office quarter’ and ‘A new commercial quarter focussed around the new Brent Cross West rail station will provide 395,000m<sup>2</sup> of office development for over 20,000 new jobs. This will deliver the largest area of new space for economic growth in Barnet.’

## Relevant Planning History

4.22 Figure 3 below is extracted from Plot 1 Architects Shedkm drawing BXS-SKM-Z1-ZZ-DR-A-07-0000\_P01 submitted with the application, showing Plot 1 within the emerging masterplan context for Brent Cross South. Officers have annotated the drawing plotting the site boundaries of key RMA approvals and drop in planning consents to date within the vicinity of Plot 1, with the Plot 1 Site identified with a red boundary line.

**Figure 1 drawing BXS-SKM-Z1-ZZ-DR-A-07-0000\_P01 extracted from Shedkm drawings submitted for approval with this reserved matters application**



4.23 Details of the relevant reserved matters and drop in planning consents as displayed in Figure 1 are discussed below.

- **New Train Station RMA (LPA ref. 19/6256/RMA)** – approval of details relating to layout, scale, appearance, access and landscaping for: western entrance building including lifts, escalators and stairs, new publicly accessible train station bridge, station concourse including new ticket office, ticket barriers, staff and ancillary areas, and stairs, escalators and lifts to the platforms, two island platforms including canopies, waiting rooms, toilets and staff facilities. The application includes provision for telecommunications, electrical, mechanical and drainage systems, plus enabling works. Construction works progressing for anticipated Station opening next year – *Approved 2<sup>nd</sup> July 2020*;
- **Station Eastern Entrance Drop-in Planning Application (LPA ref. 20/3845/FUL)** – construction of an eastern entrance to the New Train Station (including vertical circulation, hard and soft landscaping and cycle storage) as part of the Phase 2 (South) (Station Eastern Entrance) sub-phase. Construction works progressing for anticipated Station opening next year – *Approved 30<sup>th</sup> November 2020*;
- **Interim Transport Interchange T1 RMA (LPA ref: 21/2289/RMA)** – construction of a public transport interchange located directly outside the eastern entrance to the New Train Station and adjacent to a new area of public realm referred to as ‘Station Square. As a proportion of transport interchange facilities required by the consented end-state Transport Interchange T1, the transport infrastructure proposed by this interim transport interchange includes:
  - 2no. double bus stop – one in each direction (including bus stop flags and shelters);
  - 1no. double bus stand;
  - A bus turning facility;
  - Taxi rank to accommodate four taxis;
  - 56no. cycle parking spaces (28no. Sheffield Stands within the public realm); and
  - 2no. accessible Blue Badge parking spaces.
- **‘Railway Street’ Drop-in Planning Application (LPA ref. 20/4644/FUL)** – construction of the highway and public realm connecting Plots 1 and 44 with the CHP/Energy Centre at Plot 59 – *Approved 17<sup>th</sup> February 2021*;
- **Plots 11 LPA ref: 18/4409/RMA; Plot 12 LPA ref: 17/6662/RMA (as amended by s96a 20/0352/NMA, 20/1174/NMA, 20/2694/NMA, 20/5981/NMA); Plot 13 LPA ref: 18/6337/RMA (as amended by s96a 20/1209/NMA, 20/5693/NMA, 21/5982/NMA), Plot 14 LPA ref: 20/5690/RMA, Plot 15 LPA ref: 21/0070/RMA** – These 5no. separate reserved matters approvals (as amended in the case of Plots 12 and 13) span Phase 1B (South) in the case of Plot 12 (290 no. homes), Phase 1C in the case of Plots 11 (352 no. homes) and 13 (356 no. homes), and Phase 2 (South) (Plots) in the case of Plots 14 (281 no. homes) and 15 (279 no. homes). They are residential led schemes with neighbourhood mixed uses at ground level,



cumulatively providing 1558 no. homes across a range of for sale and rental tenures including discount market rent and Affordable Rented housing in Plots 14 and 15 and the re-provision of the Whitefield Estate Residents (Part 2) within Plot 12 - *Approved 11<sup>th</sup> April 2019 (Plot 11), 28<sup>th</sup> February 2018 (Plot 12), 18<sup>th</sup> March 2019 (Plot 13), 10<sup>th</sup> March 2021 (Plot 14), 8<sup>th</sup> April 2021 (Plot 15)*

- **Claremont Park Road (Part 2) and High Street South RMA (LPA ref. 20/5534/RMA)** – detailed designs for the new road network and public realm serving the Phase 2 (South) (Plots) sub-phase as well as wider connectivity within the other Phase 2 (South) sub-phases, including providing vehicular and pedestrian and cycle connections to the new Midland Mainline Railway Station and Interim T1 Transport Interchange - *Approved 28<sup>th</sup> April 2021.*
- **High Street South (East Works), Claremont Park Road (Part 1), Claremont Avenue (south of junction with High Street South (East Works)) and Claremont Road Junction North Drop-in Planning Application (LPA ref 18/6645/FUL)** – Highways and public realm infrastructure to support Phase 1 (South) Plots also providing vehicular, pedestrian and cycle connectivity across the site linking with Claremont Park Road (Part 2) and High Street South and Brent Cross West Train Station – *Approved 18<sup>th</sup> March 2019*
- **Claremont Park Improvements Drop in Planning Application (LPA ref:19/2291/FUL, as amended by s96a 20/2891/NMA, 20/5467/NMA, 21/1849/NMA)** – Delivery of an enlarged and improved public park on the site of the Claremont Open Space situated to the south of the now demolished Claremont Way Industrial Estate and the rear gardens of homes on Clitterhouse Crescent – *Approved 18<sup>th</sup> October 2019*
- **Plot 25 Purpose Built Student Accommodation RMA (LPA ref: 21/4063/RMA)** – building with a maximum height of 22 storeys comprising purpose built student accommodation – *Approved 22<sup>nd</sup> October 2021.*

#### **Progress on site to date**

- 4.24 Significant progress has been made in relation to the delivery to date. The new Brent Cross West Station and Station Eastern Entrance Building are at advanced stages of construction with the station anticipated to open next year. With regards to Brent Cross South the site contractors have an established construction presence within the western portion regeneration area reflecting the earlier delivery of sites in this location to coincide with the train station opening. 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 construction of a combined basement beneath Plots 12, 13 and 14 completed. Claremont Park, a new neighbourhood park for the area was opened to the public in June 2022. This complemented the Brent Cross Exploratory, Visitor Centre and Claremont Way

public realm improvements and parade of shop enhancements<sup>2</sup> which have already established a welcoming high quality public realm and open space presence on site for residents and visitors.

### **Pre-Reserved Matters Applications**

- 4.25 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.
- 4.26 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 1 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 1 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.

### **Pre-Application Public Consultation**

- 4.27 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.
- 4.28 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*

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<sup>2</sup> These are interim meanwhile uses located on the site of Plot 11, the eastern end of Claremont Park and Claremont Park Road which will eventually give way to the final specifications for Claremont Park, Claremont Park Road and Plot 11

*consultations can take the form of exhibitions, presentations, workshops or simply a letter or mail shot'.*

- 4.29 The submitted Statement of Community Involvement (Related Argent, May 2022) provides details of consultation undertaken in relation to Plot 1 proposals specifically and also the ongoing wider phased delivery of the southern portion of the Brent Cross outline scheme referred to as Brent Cross Town.

## **Public Consultations and Views Expressed**

### Adjoining occupiers

- 4.30 Following registration of the application 262 neighbouring properties were consulted by letter dated 7<sup>th</sup> June 2022. The application was advertised in the local press on 14<sup>th</sup> June 2022 and site notices were put up at the site and adjacent to the site on the 9<sup>th</sup> June 2022. The consultation allowed a 4 week period to respond. No representations have been received.

### Consultation Responses from Statutory Consultees and Other Bodies

- 4.31 Consultation with Statutory Consultees and Other Bodies was carried out 07<sup>th</sup> June 2022. The following responses were received.
- **Brent Council** responded to the consultation to confirm they had no objection to the RMA proposals.
  - The **Lead Local Flood Authority ('LLFA')** has commented on the application, specifying the type of detail that will be required to be submitted in due course to discharge pre commencement conditions relating to drainage in due course, comprising conditions 1.27, 44.5, 45.4 and 44.10.  
*Officers response: Drainage considerations are set out within the 'Drainage' section of this report.*
  - **The Metropolitan Police Designing Out Crime Officer ('DOCO')** has commented on the application stating that the scheme has responded to the pre application engagement between the Architects Shedkm and the DOCO. Some specific security provisions are requested to feature within the development, and it is recommended the building achieve Secure by Design Accreditation.  
*Officers response: This recommendation features a draft condition requiring the submission of a security strategy for the development. Further consideration of security matters are addressed within the 'Safety and Security' section of this report.*
  - **Transport for London ('TFL')** highlighted the following in relation to the Plot 1 RMTR which is of relevance to the Plot 1 RMA proposals;
    - Are secure cycle parking provisions in compliance with the Mayors Supplementary Guidance 'London Cycle Design Standards' ('LCDS')

- Preferred level of parking to align with standards within London Plan although accept parking in accordance with the S73 Permission standards would be acceptable.
- full costs of the car parking to be passed onto to future occupiers as a separate and additional cost.
- Does the proposed Plot 1 scheme have a different public transport demand in comparison to the S73 Transport Assessment assumptions?

*Officers response: Transport considerations set out within the 'Transport' section of this report. Officers have liaised with TFL on these matters and provided responses which have addressed concerns. The Plot 1 RMTR determination will highlight any updates to the RMTR to reflect engagement with TFL.*

4.32 Internal Consultations with London Borough of Barnet ('LBB') departments were carried out 7<sup>th</sup> June 2022. The following responses were received

- Councils **Ecologist** confirmed they had no comments or objections to the release of the RMA, no biodiversity matters are associated with the floor plan or construction.
- London Borough of Barnet **Arboricultural Officer** expressed concerns that the selection of species does not appear to maximise the soft landscaping potential for biodiversity gains, and the development should be targeting an Urban Green Factor if 0.3.

*Officers response: Applicants consultants Dp9 responded to these queries and the 'Landscape' section of this Committee report addresses this further.*

- The Councils **Environmental Health** Officers have not raised any objections and highlighted the need for the scheme to feature appropriate conditions to address the likely installation of cooking facilities in connection with the Higher Education and flexible ground floor retail use.

*Officers response: Consideration of conditions to address the installation of cooking facilities contained within the Air Quality section of this report.*

- The Councils **Transport Officer** has appraised the Plot 1 RMA proposals and associated RMTR and not raised any objections. They have provided input with regards to the methodology of undertaking a transport assessment for the Higher Education use specifically and concluded overall that the transport impacts would be acceptable, subject to ongoing monitoring of the higher education use pursuant to the S73 Permission Section 106 requirements.

*Officer response: Transport considerations set out within the 'Transport' section of this report. Officers have liaised with LBB Transport colleagues on these matters and provided responses which have addressed concerns. The Plot 1 RMTR determination will highlight any updates to the RMTR to reflect engagement with LBB Transport colleagues.*

## 5. PLANNING APPRAISAL

### Principle of Development

#### Reserved matters details

- 5.1 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').
- 5.2 This RMA has been submitted pursuant to the following conditions:
- 1.3(v) relates to timescales for the submission of RMA's for Plots and Bridge Structures in Phase 5, to be submitted 19 years from the date of 28 October 2010;
  - 2.1: relates to documents and topics covered that all RMA's must be accompanied by.
- 5.3 Pursuant to condition 1.3(v), the RMA for Plot 1 was received and validated by the LPA 1 June 2021 and hence prior to the deadline for submission of 28 October 2029. As such the RMA has been received by the LPA in accordance with the necessary timeframes.
- 5.4 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.

#### Principle of land uses pursuant to the S73 Permission

##### *Business/flexible retail floorspace*

- 5.5 Plot 1 is situated within the Station Quarter Development Zone and Station Quarter 2 Building Zone. The Station Quarter Development Zone broadly occupies the west and northwest portion of the S73 Permission Southern Development site and incorporates the new Midland Mainline Railway Station, Interim and Permanent Transport Interchange adjacent to the new rail station as well as two items of public open space infrastructure, Station Square and Tower Square.
- 5.6 The RDAS, within the 'Places' chapter, Chapter A.3.4, provides a description of the character aspirations for Station Quarter and types of land uses that are expected to populate the buildings:

*'Station Quarter will be the new commercial hub for Brent Cross Cricklewood incorporating approximately 370,000sqm of office space and accommodating the*

*majority of the 17,000 employees. This busy commercial quarter will provide a new business centre for West London taking advantage of its strategic location on the Midland Mainline Railway and at the toe of the M1 Junction and North Circular.’ (S73 RDAS, pg 102)*

- 5.7 The commercial composition of Plot 1, namely 15,589sqm (GEA) of business floorspace within floors 7 to 13 of the building and potentially 12,443sqm (GEA) of business floorspace within floors 1 to 6 in the event the flexible higher education/business unit is occupied for commercial office purposes, plus the flexible retail unit on the ground floor is considered to be suitable uses for this part of the regeneration area.

*Higher Education floorspace*

- 5.8 Floors 1 – 7 of Plot 1 are proposed to accommodate a higher education provider, amounting to 12,443sqm (GEA) of higher education floorspace. This is proposed specifically as a higher education premises providing university courses at undergraduate and post graduate level. In the lead up to this RMA submission the Applicant has been in discussions with a Higher Education provider and Officers understand the intention is for a university provider to begin their university teaching in the building at the commencement of the 2024 academic year in September. It should be noted that planning permission linked to a specific provider is not sought. Therefore, if approved the RMA would establish floorspace that any accredited Higher Education provider could occupy.
- 5.9 Higher education is not a specified use within the S73 Permission and does not have allocated floorspace within relevant S73 Permission floorspace controls. In considering higher education, Officers have appraised this firstly with regards to the principle of such a use within the London Borough of Barnet and the Brent Cross Cricklewood Regeneration area contexts. This is followed by consideration of the proposal in detailed floorspace terms having regards to the consequential amendments to the Zonal Floorspace Schedule proposed through Condition 1.30 and 2.4 of the S73 Permission to create higher education floorspace allowances within the S73 Permission. These are addressed in turn.
- 5.10 In considering the principle of higher education, Officers have had regard to the current and emerging regional and local policy contexts for Higher Education in London and Barnet respectively. Policy S3 ‘Education and childcare facilities’ of the London Plan (2021) provides criteria for considering development proposals for education facilities recommending, inter alia, they are located in areas of identified need which have good accessibility. With regards to higher education uses specifically, the supporting text to London Plan policy S3 sets out the following.

*‘Higher education in London provides an unparalleled choice of undergraduate and postgraduate degrees, continuing professional development, advanced research, and infrastructure to support business growth, such as incubation space and business support services. It is also a significant employer and attracts major international companies able to benefit from universities’ research reputations, such as in pharmaceuticals and life sciences. Universities also play a vital part in ensuring Londoners have the higher order skills necessary to succeed in a changing economy,*

*and for the capital to remain globally competitive. [...] (London Plan 2021, paragraph 5.3.8)*

- 5.11 Within the emerging Local Plan for Barnet, the paragraphs relating to higher education (Paragraph 8.12.1) state the following

*[...] 'there are a range of options for further and higher education in the Borough including Middlesex University [...] The Colleges and Middlesex University also offer important opportunities for post 19 and adult education. Barnet recognises the importance of life-long learning and the benefits that such opportunities can offer for people at all stages of life and therefore encourages the provision of post 19 and adult education. The Council will work on helping young people into local jobs; this is supported through policies set out in Chapter 9.' (Regulation 24 London Borough of Barnet Local Plan)*

- 5.12 As recognised in the above planning contexts there is support at a regional London Plan level and Barnet Local Plan level for higher education uses in the Capital and the borough. With regards to the higher education use within the Brent Cross Cricklewood Regeneration area and Plot 1 specifically, it is anticipated the university use will add to the vibrancy and activity of Station Quarter which will be the new commercial and civic hub for Brent Cross Cricklewood and place of arrival by train. Further, Plot 1 is directly adjacent to the new Brent Cross West Station opening next year and the Interim Transport Interchange. The building itself also provides secure cycle parking for students and routes to and from the building on foot or by bicycle are being addressed as part of the phase pedestrian and cycle strategy. The site can therefore be considered as suitably accessible pursuant to London Plan policy S3.

- 5.13 Officers requested the Applicant provide greater consideration of the proposed higher education use within the context of adopted and emerging planning policy for Barnet, also considering the relationship or potential impact upon Middlesex University which is approximately 2 miles north of the site by bicycle with respect to its continued operation and attractiveness to prospective students. Officers sought to establish whether the proposals would be complimentary to Middlesex University and add the boroughs overall higher education offer. The responses received are set out below for information.

*"The provision of education facilities is supported at all levels of planning policy. The benefits of this use are recognised both in terms of its social contribution as "community infrastructure" which serves to improve skills and tackle disadvantage (see London Plan para 5.3.1) as well its broad economic contribution through providing training, sustainable employment, and wider economic benefits through its linkages to other sectors (see London Plan para 5.3.8).*

*At a strategic level, subsection B of London Plan Policy S3 requires proposals for education facilities to be: i) located in areas of identified need, and ii) in accessible locations with good transport accessibility and access by walking and cycling.*

*In terms of part 1 in relation to identified need, the London Plan makes clear that there is an overarching need for additional education facilities across the Capital. Also, and more specifically, the provision of education facilities is supported at a local level within LBB's emerging policy (as set out in the Regulation 19 version of the Local Plan Review). Policy CHW01 relating to community infrastructure states*

*that the council will “support providers of new and improved educational facilities within the Borough, such as those at Middlesex University’s Hendon campus and will encourage the provision of further and higher education programmes, skills training and continuing professional development programmes, business support initiatives and applied research”. Supporting text to this policy recognises that “The provision of higher education and research makes a major contribution to Barnet’s local economy and is also a source of direct and indirect employment supporting local businesses and providing residents with employment” (para 4.5.6). Paragraph 8.12.1 recognises the value in maintaining a range of educational opportunities in the borough and states that “Barnet recognises the importance of life-long learning and the benefits that such opportunities can offer for people at all stages of life and therefore encourages the provision of post 19 and adult education.”*

*In terms of part 2, located on the strategic road network and with excellent rail connections to central London, Brent Cross Town is ideally situated to provide facilities which can help meet this need and which provide an alternative to the central London universities. Paragraph 8.2.2 of LBB’s Regulation 19 Local Plan states that “the Council’s approach is to encourage new community [including education] uses to be located in town centres and local centres as these locations tend to be more accessible by public transport, in particular the bus network.” Plot 1 will be centrally located within the new Brent Cross Town, itself situated on the strategic road network with excellent bus and rail connections, and will benefit from the increased connectivity and public transport access that is delivered through the wider regeneration scheme. As set out in the accompanying Reserved Matters Transport Report (RMTR), although Plot 1 currently benefits from a PTAL score of 2, given the scale and nature of the wider regeneration scheme and opening of Brent Cross West Thameslink Station immediately adjacent to the Plot 1 site, the PTAL will increase considerably in the future context. As explained in the RMTR, Plot 1 will provide pedestrian and cycle amenity to facilitate non-motorised traffic. Pedestrian and cycle access to Plot 1 are level and free from obstructions, with the main entrances accessed from the High Street/Station Square frontage to the east of the Plot, all doorways are level. Secure long stay cycle storage is provided within the Plot on the ground floor. This can be accessed from the road between Plot 1 and Plot 44 to the south.*

*In summary, it is clear that the proposed provision of education facilities in Plot 1 are entirely in line with planning policy in land use terms.” (Memorandum, Dp9 22 September 2022)*

#### Detailed Zonal Floorspace controls considerations

5.14 In terms of detailed floorspace controls for the S73 permission that correspond to the character aspirations to each Development Zone, the RDSF, through a series of hierarchical schedules, provides this detail as follows:

- Table 1 ‘Development Floorspace’ provides the overarching consented quantum for each land use consented by the S73 permission;
- 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 S73 permission curtilage 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.

5.15 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 and be in general accordance with the Indicative Plot Schedule and the Floorspace Thresholds for Building Zones schedule set out within Table 8a and Table 6, respectively of DSF Appendix 2 (and with the Table 1 of the Development Specification & Framework)."*

5.16 The table below is adapted from the Zonal Floorspace Schedule focussing on the Station Quarter Development only, showing the allowable floorspace for the Development Zone as whole within each landuse, and in the next column the Plot 1 proposals in floorspace terms. Adjustments to the schedule to accommodate the education aspect of the proposals are highlighted and discussed in more detail in the paragraphs 5.19 -5.23 of this report.

**Table 1 Zonal Floorspace Schedule' (Appendix 5 of the RDSF), showing Station Quarter Development Zone only and Plot 1 RMA proposals ('Sqm Gross External Area')**

	<b>Station Quarter Development Zone</b>	<b>Plot 1 Development proposals</b>
<b>Residential(C3)</b> (indicative unit numbers) of which:	35,230_(385 units)	0
<b>Retail (Classes A1, A2, A3, A4 and A5) (north)</b>	0	0
<b>Retail (Classes A1, A2, A3, A4 and A5) (south)</b>	4,645sqm	456sqm
<b>Business (Class B1)</b>	329,489 317,278sqm	15,589sqm
<b>Industrial/Storage &amp; Distribution (Classes B2 and B8) inc rail and freight (of which 6,500sq.m may be used within Use Classes B1, B2)</b>	0	0

<b>and B8 as small units)</b>		
<b>Hotel (Class C1)</b>	29,542sqm	0
<b>Leisure (Class D2)</b>	2,787sqm	0
<b>Community Facilities (Class D1)</b>	<del>232</del> 12,443sqm	12,443sqm
<b>Rail and Bus Station (Sui Generis)</b>	2,416	0
<b>PFS (Sui Generis)</b>	0	0
<b>Total (per zone)</b>	404,341	28,488

*Business/flexible retail floorspace*

- 5.17 The cumulative business floorspace proposed for Plot 1 amounts to 28,032sqm (GEA) made up of 15,589sqm (GEA) within floors 7 to 13 of the building and potentially 12,443sqm (GEA) within floors 1 to 6 in the event the flexible higher education/business unit is occupied for commercial office purposes.
- 5.18 As reflected in Table 1, the Station Quarter Development Zone contains a substantial amount of the business (Class B1) floorspace, supported by other town centre uses, to correspond with the commercial and predominantly non-residential character aspirations for the Station Quarter Development Zone. With regards to business (Class B1) floorspace the Plot 1 scheme uses 5% of the consented business floorspace for the Station Quarter Development Zone, increased to 9% if the flexible business/higher education unit is occupied as office. Plot 1 comprises 456sqm (GEA) of flexible retail (Classes A1, A2, A3, A4 and A5) floorspace which equates to 10% of consented Class A1 floorspace for the Station Quarter Development Zone. These fit comfortably within the Station Quarter Development Zone Zonal Floorspace Schedule limitations which is expected given Plot 1 is the first plot to come forward within the Station Quarter Development Zone. As such, the business (Class B1) and Retail (Classes A1, A2, A3, A4 and A5) are acceptable in principle landuse terms and compliant with the S73 Permission.

*Higher education floorspace, Condition 2.4 and 1.30 consequential amendments*

- 5.19 The Higher Education floorspace proposed amounts to 12,443sqm (GEA). Higher education uses fall within Use Class F.1 of the Use Class Order (from September 2020), formerly Use Class D1 (Use Class Order up to 31<sup>st</sup> August 2020). Notwithstanding the updates to the use class order in September 2020, the implementation of the S73 Permission through reserved matters applications will be required to be in accordance with the Zonal Floorspace Schedule and the Use Classes Order (up to 31<sup>st</sup> August 2020) which underpin it.
- 5.20 Given the higher education use does not form part of the S73 Permission and is not therefore reflected in the Zonal floorspace schedule, the Applicant has made a separate

consequential amendment application (LPA ref: 22/2946/CON) pursuant to Condition 2.4 of the S73 Permission to update the Zonal Floorspace Schedule within the RDSF to accommodate the higher education use. A submission against Condition 1.30 (LPA ref: 22/3148/BXE) to update the definition of Zonal Floorspace Schedule within the S73 Permission Decision Notice has also been made. Condition 2.4 of the S73 Permission allows for updates to the RDSF or other S73 Permission control documents in response to changes that may arise through reserved matters or other matters approvals. The condition wording states that consequential changes to the RDSF may only be permitted where it is demonstrated these would not result in additional significant environmental effects having regard to the S73 Permission Environmental Statement, nor prejudice the comprehensive delivery of the Brent Cross Cricklewood outline permission.

- 5.21 The updates proposed through the Condition 2.4 application relate to the Station Quarter Development Zone only. 12,211sqm (GEA) of business floorspace is proposed to be deducted from business floorspace total, which is in turn added to the Use Class D1 allocations within Station Quarter Development Zone. The resulting Use Class D1 floorspace for Station Quarter Development Zone, added to the existing quantum of 232sqm (GEA) which is no longer required for Child Care Facilities (Station Quarter Zone)<sup>3</sup>, amounts to 12,443sqm (GEA). This quantum of Use Class D1 floorspace aligns with the Plot 1 higher education unit specification and is proposed to be explicitly linked in the updated Zonal Floorspace Schedule for use as a higher education floorspace within Plot 1 RMA only. These updates are reflected in Table 1 included above, including strikethroughs to indicate where changes have been incorporated.
- 5.22 In terms of determining the impacts of the floorspace adjustments upon the comprehensive delivery of the Brent Cross Cricklewood scheme, as discussed within preceding paragraphs 5.8 – 5.13, a higher education use in this location is complimentary with the mixed business floorspace focus of the Station Quarter Zone and there is a support in local and regional policy for such a use. Further, the deducted office floorspace equates to 3.9% of the adjusted remaining Station Quarter office floorspace total quantum, and therefore the Development Zone retains sufficient surplus Use Class B1 floorspace to supply forthcoming plots. It is also noted that the proposed higher education use absorbs the existing Class D1 floorspace (232sqm) which was originally allocated for Childcare Facilities (Station Quarter Zone). However, it should be noted that the quantum of childcare facilities floorspace has been provided in the Market Quarter Development Zone to form part of a larger single childcare facility of circa 700sqm within Plot 13, and as such there is no net reduction in childcare facilities floorspace by allowing the Higher Education unit to utilise this floorspace within Plot 1.
- 5.23 In terms of assessing the environmental impacts of the proposed floorspace adjustments discussed above and pursuant to the requirements of Condition 2.4, this reserved matters application is accompanied by an Environmental Statement of Compliance (Arup, May 2022) which concludes the uses as proposed would not give rise to any

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<sup>3</sup> Section 96a Non material amendment application to S73 Planning Application Reference : F/04687/13 to amend Childcare and Community Centre definitions (LPA ref: 21/1034/NMA) & associated Section 96a Non material amendment application to Plot 13 RMA to incorporate childcare facilities alongside community facilities (LPA ref: 21/5982/NMA)

additional significant environmental impacts in comparison to the conclusions of the S73 ES. Further consideration of this is set out in Section 6 'Environmental Impact Assessment' of this report.

### **Affordable housing obligations**

- 5.24 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 across the development to be provided as affordable housing, with a site-wide target of up to 30% subject to viability.
- 5.25 Schedule 2A requires a financial viability appraisal to be undertaken in relation to each phase of the development. Where an ungeared Internal Rate of Return (IRR) of above 20% is achieved to the Master Developer, additional affordable housing is required to be provided within the phase if the phase contains residential plots. In the case of non-residential phases, if a surplus is generated above the 20% Ungeared IRR threshold, an amount equal to 50% of any forecasted returns above 20% Ungeared IRR is secured as an Affordable Housing Commuted Sum to be used towards the delivery of Affordable Housing in the next sub-phase of the BXC scheme to contain residential development. 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.
- 5.26 Plot 1 is within Phase 5A which comprises 5no. development plots within the Station Quarter Development Zone, all of which are anticipated as being delivered as non-residential developments with the exception of Plot 6 which the Applicants have appraised as either a commercial or residential led development.
- 5.27 Condition 1.13 of the S73 Permission requires an Affordable Housing Viability Testing Report ('AHVTR') to be submitted and approved by the LPA prior to the submission of any reserved matters within a phase.
- 5.28 The AHVTR for Phase 5A was submitted 1<sup>st</sup> June 2022 under LPA reference: 22/2945/CON pursuant to Condition 1.13 of the S73 Permission. The AHVTR covers the 5 no. development plots within Phase 5A (Plots 1, 2, 19, 20 and 6) to be delivered over an approximate 15 year timescale. The AHVTR submission also bears a proportional share of costs for delivering strategic infrastructure within the sub phase and in previous subphases to date, plus any specific phase infrastructure within Phase 5A such as tertiary streets between development plots, in accordance with the provisions within Schedule 30 of Schedule 2A of the S73 S106.
- 5.29 The Phase 5A AHVTR was approved 9<sup>th</sup> September 2022 following detailed consultations with the GLA Viability Team Officers and the Council's appointed viability consultants the District Valuation Service ('DVS'), a division of the Valuation Office Agency ('VOA'), concluding that the Phase 5A subphase would not generate an IRR greater than 20% and therefore surplus affordable housing sums would not be generated for the phase in accordance with the relevant clauses of Schedule 2A of the Section 106 Agreement.

- 5.30 In reaching this decision, the DVS in consultation with the LPA and GLA have run plot developer and master developer financial viability appraisals for Phase 5A bringing in the necessary adjustments to values as they have seen fit to. Notably, the DVS and the Applicant agreed on the approach to master developer modelling reflected in scenario 16a of the DVS's sensitivity testing, whereby the initial negative plot receipts are removed, and the plot receipts are cumulatively considered at a single date in 2029. Through this assessment DVS established that the cashflow for the Master Developer for Phase 5A returns an ungeared IRR below 20% that applies to the non-residential and residential scenarios, and hence would not generate a viability surplus. Similarly, the Applicants appointed consultants DS2 adopted these more favourable cashflow conditions as reflected in appraisal 16a which also generated an ungeared IRR below 20% albeit to a lesser extent than the DVS appraisal.
- 5.31 As such based on the viability appraisal (as supplemented) submitted by the applicant, the independent review undertaken by the DVS and advice from GLA VT Officers, the LPA were able to issue a decision on the Affordable Housing Viability Testing Report for Phase 5A which concluded that no Affordable Housing Commuted Sums would be generated by the sub-phase. Full details of the AHVTR consideration are held on the Councils Planning records under LPA reference: 22/2945/CON.

## **Design**

- 5.32 This section of the report covers matters relating to the design of the Plot 1 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.

### Key masterplan principles for Station Quarter Development Zone

- 5.33 Plot 1 is situated within Station Quarter Building Zone 2 ('SQ2). This sub-zone of the wider Station Quarter Development Zone represents the western extent of Station Quarter Development Zone, extending to the north circular in the north and Brent Terrace in the South.
- 5.34 Paragraph A.3.4 of the RDAS provides a general description of the design principles for the Station Quarter Development Zone which is for it to become the;

*“new commercial hub for Brent Cross Cricklewood incorporating approximately 370,000 sqm of office space and accommodating the majority of the 17,000 employees targeted for the area. [...]” containing “[...] three significant public spaces around which office buildings and other uses will be distributed. Each of these spaces will be distinct in scale activity and character”*

- 5.35 Further, the RDSF within Section 5 'Detailed Zonal Description of Development: Built Facilities and Uses', sub paragraph f), provides the following: a more detailed description of the character aspirations for Station Quarter development Zone, a breakdown of

individual items of critical infrastructure to feature in this location including the new Train Station and transport interchanges, and a high level explanation and justification for the Parameter Plan tolerances in this location covering, inter alia, the height parameters. Some of key guidelines set out here are included below for reference.

*“5.53 The zone is to accommodate the business core for the town centre (373,551m<sup>2</sup>), capitalising upon the strategic location of the site as a gateway to London, as well as its proximity to other identified growth areas such as the A1/M1 corridor.*

*5.54 [...] Buildings fronting onto Station Square and Tower Square will achieve a minimum of 16m in height (with the exception of any free standing buildings within the squares) and a maximum of 100m. The office floorspace is complemented by a range of retail and service facilities, as well as hotel and leisure floorspace, which will generally occupy the ground floor to provide activity to key frontages. Design parameters for these spaces are described in the RDAS and tabulated in Section B3.1 of the RDG, with illustrative typologies shown in Sections B3.3.3 and B3.3.4 of the same document.”*

#### Masterplan layout, Illustrative Reconciliation Plan

5.36 The Explanatory Report accompanying this reserved matters application states that:

*‘The Town and Country Planning (Development Management Procedure) (England) Order 2010 (‘DMPO’) confirms that in relation to reserved matters, ‘layout’ means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and space outside the development.’ (Explanatory Report, Dp9)*

5.37 To support an assessment of layout within the context of the phased delivery of the masterplan, the S73 Permission incorporates a reconciliation process through Condition 1.17 (Illustrative Reconciliation Plan) (‘IRP’). The Key requirement of Condition 1.17 is for the Developer to show spatially how the proposals falling within the relevant forthcoming phase, in this case Phase 5A, reconcile with the detailed layout secured through reserved matters and/or Drop in Planning Applications in preceding phases of the S73 Permission, and with the indicative masterplan layout presented in Parameter Plan 015 ‘Indicative Layout Plan’. Incidental adjustments to the masterplan layout within the immediate vicinity of the phase or subphase in question are also often shown indicatively so that all parties can see how the phase details will reconcile with later phases of the regeneration that are yet to be progressed through detailed reserved matters. This is an important aspect of the IRP process which provides the LPA with reassurance that phase details are being considered in a holistic manor having regard to the comprehensive delivery of the masterplan. It should be noted however that the IRP is intended as an informative process to aid in the determination of detailed reserved matters proposals within a respective phase or subphase. As such the layout adjustments presented, particularly where these are incidental to the phase in question, are to be treated as informative layout plans only, that will be developed further and reconciled with through subsequent reserved matters applications.

- 5.38 The submitted document 'Plot 01 Applied Parameters Explanatory Statement (Allies and Morrison) appended to the Explanatory Report (Dp9) provides a summary of the evolution of the masterplan which has created the context for the Plot 1 scheme. As reflected in the Allies and Morrison appraisal, the relevant preceding IRP appraisals and detailed planning approvals within the Station Quarter Zone subphases are of key relevance to Phase 5A and the Plot 1 RMA proposals. These comprise: Phase 2 (South) (Thameslink Station) which contained the new Brent Cross West train station, followed by the other subphases of Phase 2 (South) providing the immediate environs for the station comprising Phase 2 (South) (Station Approach), Phase 2 (South) (Thameslink Station Eastern Entrance), Phase 2 (South) (Plots) and Phase 2 (South) (School) (herein referred to as 'Phase 2 (South) (excluding Thameslink Station sub phase)'). The approved IRPs for these subphases (applications 19/6098/CON and 20/5127/CON respectively) effectively establish the site context which Plot 1 fits within.
- 5.39 Figure 2 overleaf is an extract from Parameter Plan 015 'Indicative Layout Plan' showing the baseline indicative layout for this part of the masterplan from the S73 Permission in 2014. Figure 3 also overleaf is extracted from the Phase 2 (South) (Thameslink Station) IRP showing the Brent Cross West Station RMA proposals as well as adjustments incorporated to the sidings land to the west of Brent Terrace. As part of the RMA approval for the new Brent Cross West Station, a single bridge across the Midland Mainline was provided combining the previous arrangement of two bridges. Bridge Structure B3 was removed in place of a single 'straighter' Train Station Bridge (which also serves pedestrian and cycle access function of Bridge B3). Importantly, this single bridge lands in a position on the east side of the railway that is slightly further south than the station bridge shown in the indicative design on the parameter plans. The position was within the limits of deviation permitted in the S73 Permission and reflected the requirement for the bridge to be positioned to allow access to the centre of the station platforms as well as the need for the bridge to be perpendicular to the platforms instead of at an angle as shown on the parameter plans. No adjustments to the SQ2 environs were incorporated at this IRP stage.

**Figure 2 extract from Parameter Plan 015 'Indicative Layout Plan'**



**Figure 3 extract from IRP document (LPA ref: 19/6098/CON) submitted in support of Phase 2 (South) Thameslink Station**



5.40 The subsequent IRP submission (LPA ref: 20/5127/CON) in support of Phase 2 (South) (excluding Thameslink Station sub phase) reflected a greater extent of masterplan updates for the Station Quarter Zone. This IRP appraisal presented an evolved overall indicative layout for the Brent Cross West Station environs anchored by the extant approvals in preceding phases, namely Phase 1 (South) and Phase 2 (South) (Thameslink Station), and the reserved matters and Drop in planning proposals within



Phase 2 (South) (excluding Thameslink Station subphase) being considered at that time. This included an indicative layout for future Phase 5A elements including Station Square and Plot Development surrounding Station Square including Plots 1 and 2 which feature either side of the SEEB.

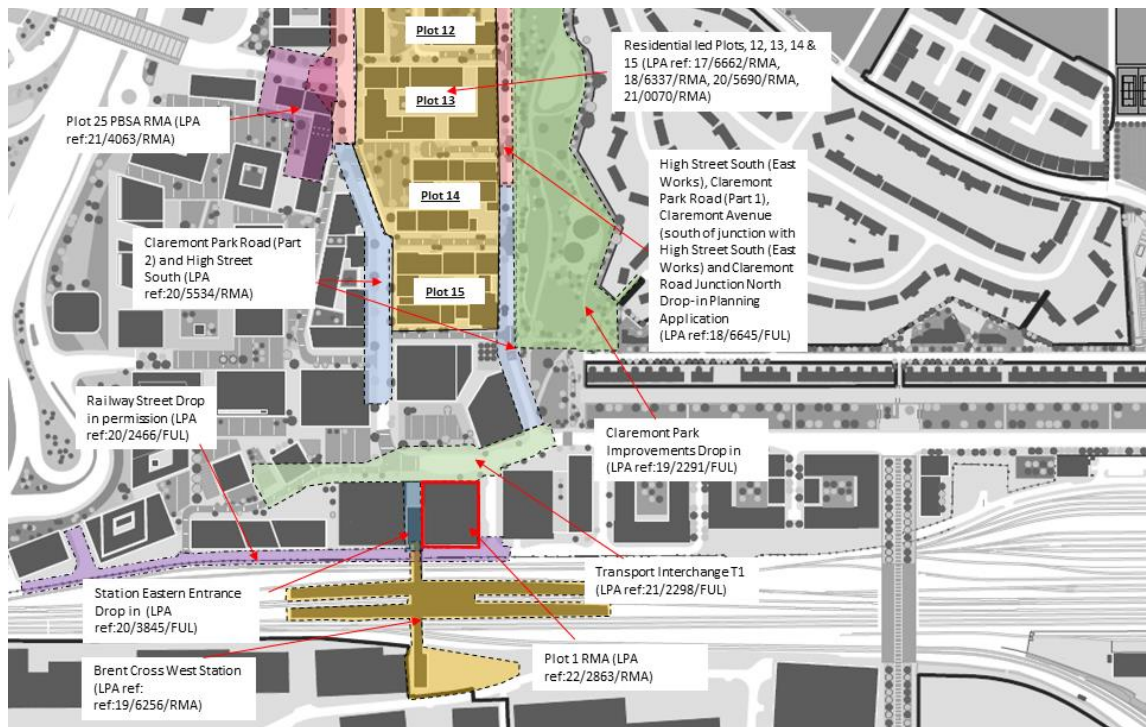
- 5.41 Figure 4 below is extracted from the Phase 5A IRP (LPA ref: 22/2838/CON) that has been submitted in support of this reserved matters application. It is evident that the masterplan layout shown in the Phase 5A IRP is the same as that established through the preceding Phase 2 (South) (excluding Thameslink Station subphase) IRP (LPA ref: 20/5127/CON) save for the detailed Plotting of Plot 25 within Phase 4A which received reserved matters consent subsequent to the Phase 2 (South) (excluding Thameslink Station subphase) IRP appraisals.

**Figure 4 extract from IRP document (LPA ref: 22/2838/CON) submitted in support of Phase 2 (South) (excluding Thameslink Station subphase)**



- 5.42 Figure 5 shown overleaf is the same Phase 5A IRP plan but shown in greyscale and annotated by Officers to show extant approvals to date and the Plot 1 boundary the subject of this application also.

**Figure 5 extract from IRP document (LPA ref: 22/2838/CON) submitted in support of Phase 2 (South) (excluding Thameslink Station subphase), showing extant approvals highlighted in colour**



5.43 As can be seen from the above Figures and as explained in the Allies and Morrison Report, there is a greater emphasis on two principle buildings (Plots 1 and 2) flanking the SEEB on the midland mainline boundary allowing more space in front of the SEEB to accommodate Station Square and the Interim Transport Interchange T1 environs which would otherwise be obstructed to a large extent by the indicative location of Plot 1 shown directly in front of the relocated station entrance in the original Indicative masterplan configuration. Figure 6 shown below is an excerpt from Parameter Plan 029 'Indicative Phasing Plan' which shows Plot 1 as previously envisaged, a freestanding building situated within Station Square.

**Figure 6 extract from Parameter Plan 029 (Indicative Phasing Plan)**

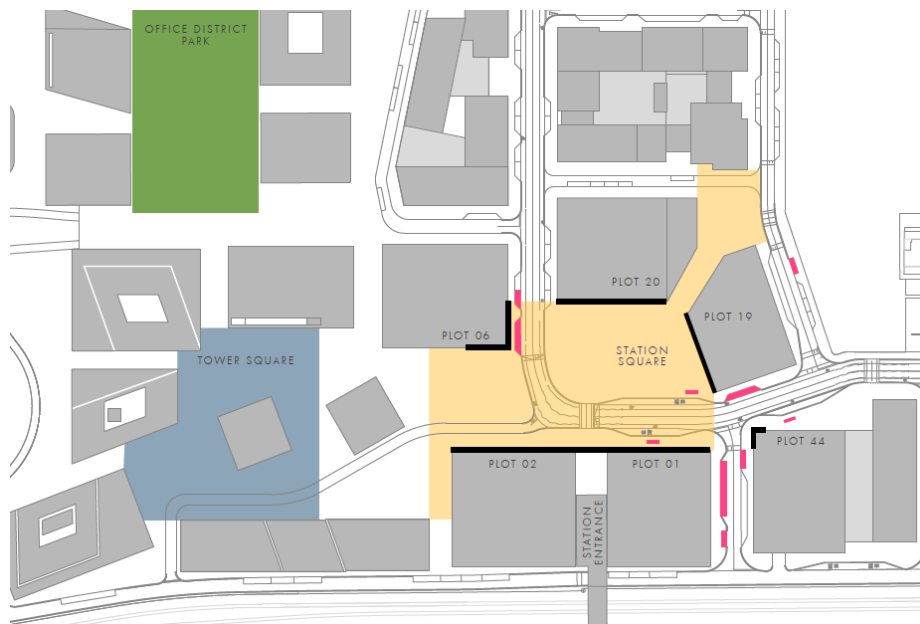


5.44 With regards to consideration of Station Square which is yet to be progressed through reserved matters, the Allies and Morrison document states that:

*“The enclosure of Station Square is critical to its character as an arrival space, as it was in the s73 masterplan. Plots 01, 02, 06, 19, 20 and 44 all play a role in creating the appropriate amount of enclosure whilst allowing connections through to the wider masterplan.”*

5.45 This analysis of Station Square is accompanied by an illustrative representation of the Station Square environs highlighting the key frontages which provide the appropriate extent of enclosure, shown below for reference.

**Figure 7 extract from Allies and Morrison Parameter Plan compliance document**



5.46 The evolution of the layout design for Station Square and the Plots enclosing it respond to the approved location of the Brent Cross West Station and its eastern entrance as well as the location of High Street South which has also been approved within limits of deviation in a position that is further south compared to the original S73 Permission illustrative layout plan. As illustrated within Figure 5, the location and red line boundary for Plot 1 is situated between extant approvals for Brent Cross West Station, the SEEB and the Interim Transport Interchange, and aligns with the earlier expectations for the delivery of the Plot 1 depicted though the Phase 2 (South) (excluding Thameslink subphase) RMA's, drop-in and IRP submissions. With regards to Parameter Plan 015 'Indicative Layout Plan' it should be noted that this indicative layout is just one way in which a parameter compliant masterplan could be delivered, and the extant approvals plotted in Figure 5 have been appraised within their own respective permissions as being compliant with the parameters of the S73 Permission, utilising the limits of deviation as required.

5.47 Whilst this evolving layout represents a cohesive strategy for delivery the Station Quarter Building Zone 2 environs, the Applicant is required to submit detailed reserved matters

proposals for the entirety of the area. Those elements of public realm and plot development yet to be progressed through detailed reserved matters are indicated in grey in Figure 5, which will in due course be subject to an assessment of compliance with Parameter Plans as part of the respective reserved matters applications. The paragraphs below provide this detailed parameter plan assessment in relation to Plot 1.

#### Plot Layout – Parameter Plan compliance

5.48 The Parameter Plans for the S73 Permission provide a layout for the entire masterplan area anchored by key elements of highways and public realm infrastructure. The individual Parameter Plans focus on different key elements such as transport, public realm and utilities, and are all in alignment in terms of the overall layout for the entire masterplan area. The Parameter plans incorporate limits of deviation allowing the location of roads, public realm and development plots within reserved matters applications to move within defined limits of deviation. The flexibility afforded by these collective Parameter Plans is an important principle of the S73 Permission and acknowledges the circa 15 year timeframe for the phased delivery of the outline scheme and the likelihood of updates and refinements to the originally presented indicative layout.

5.49 The Allies and Morrison report explains that;

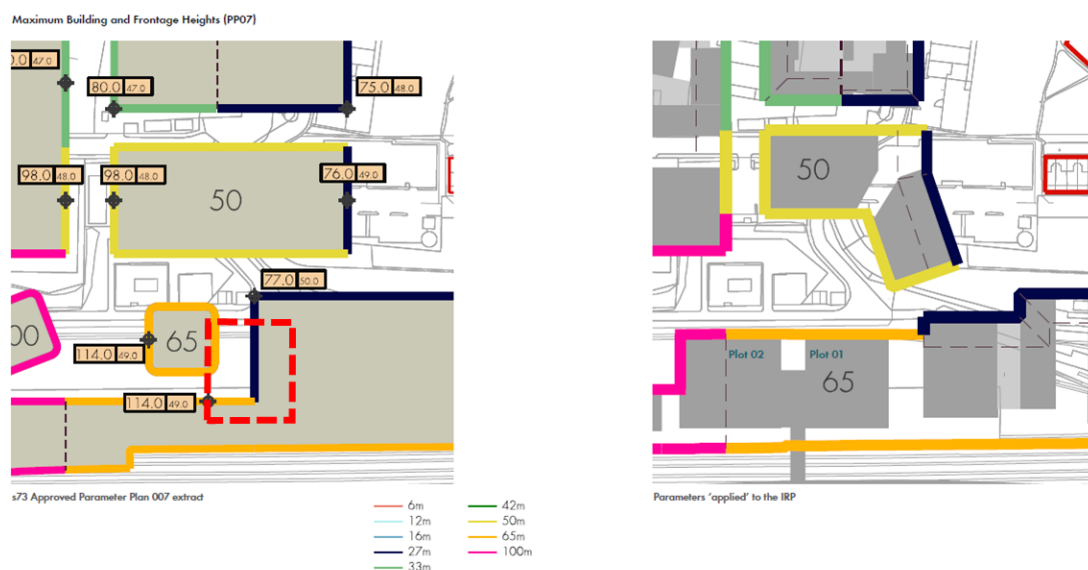
*“[...] The parameter plans relating to use and height specify how the frontage of each building zone should relate to the public realm which it addresses. Whilst the physical location of the routes and spaces may have changed in the layout over time, the principles set out by the parameter plans still apply.”* (Allies and Morrison Parameter Plan Compliance Report)

5.50 The Allies and Morrison document accordingly presents a series diagrams showing the most up to date layout for the Station Quarter Building Zone 2 environs with the relevant parameter plan thresholds overlayed, indicated by different colour lines applied to building frontages. This is appraised below.

#### *Parameter Plan 007 ‘Maximum Building and frontage Heights’ and Parameter Plan 008 ‘Minimum Frontage Heights’*

5.51 Parameter Plan 007 ‘Maximum Building and frontage Heights’ provides maximum frontage and zonal heights. For this part of the masterplan where buildings reside within the Brent Cross West Station and Station Square environs, the zonal and frontage maximum heights step down from 100m above ground level at its northern extent down to 65m above ground level as you move southwards. A maximum frontage height of 27m above ground level is also established at its southern extent as the larger fronted buildings around the station give way to lower frontages in the Brent Terrace Development Zone. Figure 8 below is extracted from the Allies and Morrison document and shows the original Parameter Plan 007 on the left hand side and applied parameters on the right hand side. Officers have annotated the plan to show the plotting of Plot 1 against the original Parameter Plan 007 layout, indicating the Plot 1 boundary with a red dashed line.

**Figure 8 extracted from the Allies and Morrison Parameter Plan Compliance document appended to the Explanatory Report (Dp9) and annotated by Officers**



5.52 It is evident that the siting of Plot 1 straddles zones with maximum frontage heights ranging between 65m and 26m (measured from ground level). The height of Plot 1 is proposed as 113.865m AOD (equivalent to 64m above ground level) which would comply with the upper height threshold of 114.5m AOD (equivalent to 65m above ground level) but evidently not with the lower 76.5m AOD (equivalent to 27m above ground level) height threshold. In determining the height above ground level, the ground level datum of +49.51m is factored in.

5.53 The submission includes the following justification from the Applicant's consultants Dp9 and Arup for the proposed approach:

*"The proposed Plot 1 RMA has been designed to maintain the established massing and height strategy and retain the relationship of building frontages with the public squares around the location of the new Brent Cross West Thameslink Station (new train station). The location of Station Square (LBB ref: 21/2289/RMA) has physically shifted southeast in response to the location of the new train station (LBB ref: 19/6256/RMA) and related Station Eastern Entrance (LBB ref: 20/3845/FUL).*

*The Plot 1 RMA has been designed to align and be consistent with these detailed planning permissions that have already granted by LBB and deemed compatible with the S73 Permission approved parameters. These applications were accompanied by the appropriate level of environmental assessment which demonstrated their environmental compliance to the conclusions of the BXC ES.*

*The supporting text for Parameter Plan 007 refers to the fact that the majority of routes within BXC are subject to varying limits of deviation and therefore building zones and their corresponding minimum and maximum building heights and frontage parameters correspondingly move within those limits of deviation,*

*provided it can be demonstrated that there are no significant environmental effects on the surrounding baseline context. [...]*

*[...] The relationship between the routes, building zones and frontage heights are important and contribute to the character and townscape as detailed in the Revised Design and Access Statement (RDAS) and Revised Design Guide (RDG). As noted in your query, the proposed Plot 1 RMA will result in a taller element of 100 metres (m) being located slightly further to the south-east and closer by approximately 30m to the existing residential properties along the northern end of Brent Terrace as a result of the new train station moving south, as consented.*

- 5.54 To appraise Parameter Plan compliance for Plot 1, the LPA accept the approach set out in the Allies and Morrison Document showing the relevant frontage parameters aligned with the evolved masterplan layout in this location which has responded to extant approvals in this location that have been appraised as parameter plan compliant. The Arup response goes on to appraise the impact of the building with respect to environmental impacts concluding there would not be additional significant environmental impacts arising from the Plot 1 scheme including within the Townscape and Visual Amenity topic. This is addressed further within the 'Townscape and Visual Amenity' sections of this report and section 6 'Environmental Impact Assessment'.
- 5.55 With regards to compliance with Parameter Plan 008 'Minimum Frontage Heights' the proposed building height of 113.865m AOD (equivalent to 64m above ground level) would evidently comply with all of the relevant minimum height thresholds for the zone which range between 12m, 16m and 30m.

*Parameter Plan 004 'Ground level Land Uses to Frontages' & Parameter Plan 005 'Upper Level Land Uses to Frontages'*

- 5.56 As is the case with the Parameter Plan 007 appraisal, the Plot 1 site curtilage straddles neighbouring zones relating to these two landuse parameter plans which follow the same indicative masterplan layout. The Allies and Morrison Document has applied the respective controls to the updated layout for the Station Quarter area, which would result permitted uses at ground level falling under the 'Predominantly retail or Leisure or Hotel' category whilst for upper levels this is 'Any permitted Uses'. This should be appraised alongside 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 which identifies Plot 1 as residential and retail.
- 5.57 The composition of Plot 1 which comprises a flexible retail unit at ground level and a combination of office (Use Class B1) and High Education (Use Class D1) at upper levels would comply with these parameter controls as adjusted to reflect the location of Plot 1. With regards to the upper levels, reference should be made to the Zonal floorspace schedule, as proposed to be amended through Condition 2.4 application (LPA ref: 22/2946/CON) and associated Condition 1.30 submission (LPA ref: 22/3148/BXE), which introduce Higher Education as a permitted use for Plot 1.

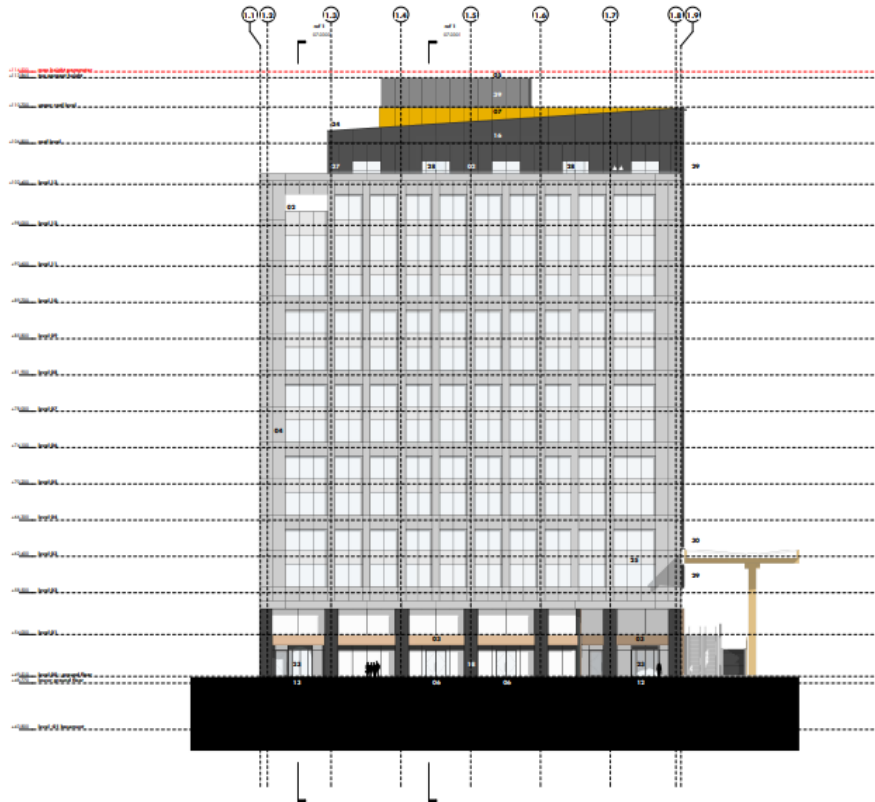
5.58 With regards to the Indicative Plot Schedule (Table 8a), this indicates residential and retail as primary uses for Plot 1. This is based on the original anticipated siting of Plot 1 as an isolated building within Station Square with the perimeter band adjoining Brent Cross Station where Plot 1 has subsequently been situated defined as Plots 2 and 3 which Table 8a anticipate as accommodating business floorspace and the New Thameslink Train Station respectively. The landuse composition of Plot 1 would evidently not align with the Indicative Plot Schedule anticipated use for this Plot but would actually better align with that for Plot 2 which is commercial. It is acknowledged that the Indicative Plot Schedule is indicative and therefore alternative land uses may be brought forward providing they are deemed acceptable in all other respects and subject to the relevant floorspace controls of the S73 Permission. It is considered that the location of Plot 1 adjacent to the new Brent Cross West Station forming part of a cohesive cluster of buildings providing enclosure to Station Square whilst also functioning as on part of a symmetrical pair of prominent buildings flanking Brent Cross West Station is an appropriate location for the commercial uses proposed. The business and Higher Education use will likely 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.

#### Detailed Design

##### *Scale and massing*

5.59 The Design Statement (Shedkm) in section 0.4.09 'massing principles' explains how the built form of Plot 1 has been developed. Plot 1 is recognised in the Design Statement (Shedkm) as a gateway site with landmark gateway building opportunities. In response to this context and the aforementioned the Design Statement (Shedkm) shows the development of the basic massing form for plot 1, forming one part of a pair of buildings (Plots 1 and 2) flanking Brent Cross West Station and creating a defined edge on this side to Station Square. Accordingly, Plot 1 is a substantial building providing 311,661sqm (GEA) of floorspace over 13 storeys plus ground level. Its height from the ground floor datum of +49.51m is 113.865m. Figure 9 overleaf is the submitted Northeast Elevation for Plot 1 which includes the maximum height parameter constraint of 114.5m AOD indicated by a red dotted line. As can be seen the building falls within this maximum frontage and zonal parameter, which when the datum of +49.51 is deducted equates to a maximum parameter height of 65m and proposed Plot 1 building height of 64.5m.

Figure 9 extracted from Shedkm drawing 'Northeast Elevation'



*Architectural approach, elevation design treatment*

- 5.60 The S73 Permission contains various controls in relation to the appearance of the BXC development. Those of relevance to the proposed buildings at Plot 1 are explained and assessed in this section.
- 5.61 Section A2.5 of the RDAS emphasises the need for buildings to be “durable, attractive and visually harmonious”. 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.
- 5.62 The Design Statement (Shedkm) within the ‘appearance’ section provides an overarching description for the Plot 1 elevation design treatment. This is included below for reference;



*“Plot 01 comprises of eleven storeys clad with GRC expressed in 7.8m high by 10m and 7.5m wide modules on the southeast facade and north-east/southwest facade respectively. The North-west elevation maximises daylight with glazed curtain walling from level 03 upwards, and an extruded slot window at level 02 facing the Brent Cross West Eastern Entrance.*

*The roofscape is articulated through a mono pitch clad in black metal, set in from all but the north-west elevation. Following the wellbeing principles of BTX masterplan, the scheme creates 4 different external terraces at multiple. To the south-east elevation, the office floor is pulled back to create a terrace at level 12, leaving an open frame. Two terraces run along the north-east and south-west elevations at level 13. Lastly, at level 14, a communal roof terrace for the building users is created between the two wings of the angled roof.*

*The building is grounded with columns clad in dark grey brick which cover the ground and first floors, with full height structural glazing to the front of house areas and larger panels of brick infill in the back of house areas.” (Design Statement, paragraph 5.2.1)*

- 5.63 The north-east, southeast and southwest facades which comprise the front (facing Station Square), side (facing Plot 44) and rear (facing the Midland Mainline) elevations of the building, represent a well-executed elevation design treatment for this Plot, incorporating a definitive building base, main façade area and set back roof level. These facades are characterised by a uniform distribution of window apertures which have a vertical emphasis achieved through the shape of the apertures with emphasis on separating vertical column sections. This treatment reduces the perceived horizontality of the building. The solid to glazed ratio also strikes an appropriate balance adding to the grandeur and robustness of the buildings character which is beneficial in terms of achieving a more elegant appearance.
- 5.64 With regards to the base of the building on the northeast elevation facing Station Square, the Architects have taken care to introduce Cross Laminated Timber (‘CLT’) cladding to tie in with the materiality and appearance of the SEEB structure that it adjoins. This treatment also extends to the fascia areas above the 3no. separate entrances to the building in this location, relating to the Higher Education, mixed retail and business use. It is considered this approach serves to enhance the setting of SEEB structure.
- 5.65 The glazed curtain wall system on the northwest elevation extends from the SEEB canopy level up to the apex of the raised roof, down to the roof of the SEEB canopy, having the appearance of a glazed wrap around element to the building. This gives this façade a striking appearance that will for the most part be perceived at an oblique angle and not in full view given its orientation to neighbouring Plot 2. The Design Statement provides the junction detail between the curtain wall system and the SEEB canopy roof.
- 5.66 Other key aspects of the elevation treatment relate to the lower ground of the northwest façade, situated beneath the SEEB canopy level. This façade is oriented toward the double height circulation entrance space within the SEEB which accommodates all of the comings and goings associated with Brent Cross West Station and pedestrians and cyclists utilising the Midland Mainline bridge crossing. The approach to this façade is to create some semi privacy for the higher education use within the building at this level

though the incorporation of vertical timber fins. Where the SEEB level rises up through two escalator levels, the façade gives way to a more solid treatment. Lastly, the extruded slot window at level 02 facing the SEEB is encased within black powder coated aluminium panelling. The Design Statement further sets out that the façade in this location is required to be fire rated to 120m in response to Network Rails operational requirements which has been factored into the elevation approach, but ultimately is a construction detail to be specified through the Building Regulations process.

- 5.67 Beyond the rectangular form of the main part of the building, the upper floors of the building (above the 13th floor) feature a recessed angled modular roof structure which accommodates a multi-level roof terrace, the buildings mechanical plant and the buildings lift overrun. This set back roof element is finished in black powder coated aluminium panelling and yellow powder coated aluminium panelling, making it distinct from the rest of the building. The massing remains within detailed parameter plan maximum height thresholds, whilst its recessed and angled form and different materiality provides visual interest at this level and lessens its bulk and scale.
- 5.68 Overall, the architecture for Plot 1 has been approached in a considered manor achieving a high quality building that is befitting of its intended office and higher education uses and of the prominent location adjacent to the new train station. The Design Statement (Shedkm) provides information regarding finished architectural and section details which is reassuring to see at this reserved matters stage and indicates that the building will be finished with a high quality materials pallet and appropriate attention to detail. Final details of materials and architectural details will be secured through planning condition.

### **Landscaping**

- 5.69 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.
- 5.70 The Design Statement provides details of planting proposed within the relevant parts of the development, namely within roof terraces to provide external amenity for users of the building, and at ground level within the undercroft entrance area to the office portion of the building. Further a biodiverse brown roof is proposed at roof level.
- 5.71 The Councils Tree Officer has commented on the application acknowledging the approach to landscaping that has been taken whilst pointing out that some of the species shown within the indicative species list could be better specified to promote biodiversity and provide better ecological benefit to the site. Further, it has been observed by the Tree Officer that an Urban Green Factor of 0.124 has been achieved which is lower than the expected score of 0.3 for commercial buildings.

- 5.72 With regards to the quantum of soft landscaping proposed as set out within the Design Statement (Shedkm), Officers consider that an appropriate level is provided having regard to the opportunities presented by the building at roof terrace, roof and ground level, particularly given the Plot 1 RMA application curtilage does not include any elements of public realm. These are covered either through other approvals or details yet to be progressed through reserved matters. Further, whilst every opportunity to maximise urban greening should be taken this needs to be appraised with regards to what is practical and deliverable at individual plot level and should be considered within the context of the S73 Permission area as a whole which includes a series of park improvement and urban greening works. A full schedule setting out the required quantum of public open space required to be provided as part of the S73 Permission is contained within Appendix B of the S73 Application document 'BX07' (Public Realm and Open Space Strategy). This states that 34.21ha of public open public open space is provided across the whole of the BXC site with a significant proportion of this being provided south of the A406 on land which has historically been occupied by the Claremont Way Industrial Estate.
- 5.73 With regards to comments regarding species choices, the final specification of species may be specified through planning condition.
- 5.74 As such the landscaping proposals are considered to be acceptable, subject to final species specifications through planning condition.

### **Environmental Considerations**

- 5.75 This section of the report examines the physical environmental matters of relevance to the determination of this RMA. Conclusions arising from this part of the determination will feed into the review of the submitted Environmental Statement of Compliance submitted within this RMA, discussed in Section 6 of this Committee report.

#### Daylight and Sunlight Assessment

- 5.76 Condition 34.2 of the S73 Permission requires the following;

*“Any Reserved Matters Application that includes a building of more than 4 storeys in height, where it is possible that the good practice standards in BRE 209 as set out in Table 6 of the DSF in relation to daylight and sunlight will not be achievable, shall be accompanied by a daylight and sunlight assessment undertaken in accordance with BRE 209 and BS8206.*

*Reason: In the interests of providing satisfactory residential environments in accordance with the mitigation measures proposed and described in the Environmental Statement and Design & Access Statement.”*

- 5.77 An internal daylight and sunlight assessment is not required for the proposed development. An overshadowing assessment has been prepared by the Applicants appointed consultants GIA of the impacts of the proposed development on Station Square. The analysis demonstrates that 62% of this external amenity space will receive

more than 2 hours of direct sunlight on 21st March which is in excess of the recommended BRE targets for sunlight amenity. As such, the proposed development is considered compliant with respect to impacts upon the natural light and the environs of the building pursuant to the requirements of Condition 34.2.

#### Wind assessment

- 5.78 Condition 34.1 of the S73 Permission 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.
- 5.79 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.
- 5.80 A Pedestrian Microclimate Wind Study (Windtech) has been submitted in support of this RMA. The study assessed the pedestrian wind comfort and safety for all accessible public realm and spaces around the site, including the station eastern entrance, as well as the roof terraces, during the summer, winter and annual conditions.
- The assessment concludes that some mitigation treatment is required at ground and elevated levels to ensure all outdoor areas within the proposed development would experience safe and comfortable wind conditions that are suitable for the intended use. These measures include:
  - planting of shrubs on the south westerly and north easterly facing windows to ensure standing conditions on the Level 12 terrace;
  - inclusion of a canopy on the south western façade to ensure suitable conditions on the southern corner of the proposed development; and
  - porous screens (2.0m high) and tree planting on the roof terraces.
- 5.81 With the implementation of these measures, wind conditions are considered safe and comfortable throughout, for the intended use. As such, the proposed development is considered compliant with the requirements of Condition 34.1.

#### Air quality & noise

- 5.82 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).

- 5.83 Further to assessing air quality for the Plot 1 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. At a minimum this will relate to all mechanical ventilation and comfort cooling that are required to support a building of this nature. Further, given the flexible Class A unit proposed on the ground floor which could be occupied for retail (Class A1), administrative services with orientation to visiting members of public (Class A2), restaurant/café (Class A3), hot food takeaway (Class A5) or a bar use (Class A5) Environmental Health Officers have identified there is potential for cooking uses to feature in the building which will require associated cooking extraction equipment. Cooking facilities may also feature in the remainder of the building, for example in the cafeteria indicated at first floor level within the Higher Education use or somewhere within the commercial building. Therefore, it is necessary to include a planning condition to secure details of any associated cooking extraction equipment prior to the commencement installation of such facilities in the building. The draft condition proposed to cover has been drafted in consultation with the Applicant and is as follows;

*“No cooking facilities that would facilitate the cooking of raw food shall be installed within the development unless and until;*

- (a) details of associated kitchen extraction, including a scale diagram, are submitted to and approved by the Local Planning Authority. Details shall be supported by an assessment for the associated kitchen extraction unit prepared by a suitably qualified consultant, which assesses the likely impacts of odour and smoke on the neighbouring properties. This assessment shall specify the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts.*
- (b) The development shall be implemented in accordance with details approved under this condition and shall be retained as such thereafter.*

*Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies*

*DPD (adopted September 2012), Policy CS14 of the Local Plan Core Strategy (adopted 2012) and Policies D13 and D14 of the London Plan 2021.”*

- 5.84 With regards to noise, given there are no noise sensitive uses specified within the building or in the immediate vicinity given the commercial nature of Station Quarter Development Zone, there are not any specific noise mitigation measures that need to be considered as part of this RMA determination. For the avoidance of doubt however, as set out within the ‘Construction Management’ paragraphs of this report, the S73 Permission has several construction management safeguards in place to ensure that construction activities across the site do not unduly impact the noise environment adjoining the S73 Permission construction site.

#### Townscape and visual amenity

- 5.85 As set out within the Parameter Plan compliance section of this report, the Plot 1 RMA has been designed to accord with the massing and height strategy established within the Parameter Plan controls. These height parameters have been evaluated in townscape and visual amenity terms as part of the S73 Permission and supporting ES and deemed as acceptable. As remarked in the masterplan appraisal section of this report, the location of the Interim Transport Interchange T1 (LPA ref: 21/2289/RMA) has physically shifted southeast in response to the location of the new train station (LPA ref: 19/6256/RMA) and related Station Eastern Entrance (LPA ref: 20/3845/FUL).
- 5.86 With regards to the impact of buildings anticipated in this location upon townscape and visual amenity, in particular the nearest residential properties to the Site which are those situated along Brent Terrace (South) with the closest (number 105) being approximately 120 metres to the southeast of the Plot 1 red line boundary, the S73 ES concluded that the *“character of Brent Terrace would be significantly changed”* by development coming forward under the S73 Permission. The letter submitted by Arup (August 2022) supplementary to the Plot 1 ESOC, contends that this conclusion is not anticipated to be materially affected by the proposed Plot 1 RMA. The Arup letter goes on to reference the S73 townscape and visual impact assessment (S73 ES, Volume 1a, Box 10.2) which describes the effects on Brent Terrace as follows:

*“[...] The character of the terrace will be affected by these changes in two main ways. Firstly, the current isolation of the terrace as a quiet and sheltered enclave will be reduced or lost. Secondly, the existing run-down condition of the terrace will be reversed. The development on the sidings fills the open (albeit inaccessible) space to the west of the terrace. The new buildings will be substantially taller and of a higher density form of development than the terrace. The removal of the scrub and tree cover between the terrace and Waste Transfer Station will open up the inter-visibility between the existing and proposed developments. The new residential blocks will contrast with the basic character of the sidings land and the completed development will change the character of the terrace area to that of a more intensely urban setting.*

*The creation of a public open space between the terrace and sidings is intended to create a communal setting to both old and new buildings. At the same time the area will become a more public and more intensely urban space. On completion, it is*

*envisaged that the space should be developed to help integrate rather than separate the two housing areas.*

*[...] The real benefit to Brent Terrace may come from the improvement to the wider environment around the terrace arising from the removal of the Claremont Way industrial estate and the uplift in the regeneration area as a whole. Overall these changes are assessed as neutral (no change)."*

- 5.87 The S73 townscape and visual impact assessment is supported by verified wireframe visuals. Viewpoint 52, in particular, taken from the western side of Brent Terrace facing towards the new train station, demonstrates that development around Station Square of 100m in height would be visible from properties along Brent Terrace. As stated in the S73 ES, visual impacts on Brent Terrace predominantly arise as a result of development taking place beyond the front gardens, between the existing properties and the sidings, and from the construction of the Waste Transfer Station.
- 5.88 The outlook of the Brent Terrace properties is orientated east to west rather than north to south and so the majority of views from the northern properties would remain unchanged by taller elements of Plot 1 being located slightly closer. The proposed Plot 1 RMA is of a good design that is in keeping with the approved character of the Station Quarter Development Zone. There also remains a substantial area of landscaping and public realm associated with Station Square and Claremont Park located to the north, east and west of the northern end of Brent Terrace which will continue to provide an element of screening and also visual amenity.
- 5.89 As reported in the S73 ES, there will continue to be an overall improvement in the townscape and visual amenity within the wider area surrounding Brent Terrace and in the context of the scale of change that is taking place within Brent Cross, the shift within the building zone deviation limits of the taller development towards Brent Terrace is unlikely to result in any new or different significant environmental effects and the conclusions of the S73 ES continue to remain valid. The Plot 1 RMA will continue to contribute towards the overall improvement of the wider environment surrounding Brent Terrace and regeneration of the area as a whole.
- 5.90 This analysis was considered in the preparation of the Environmental Statement of Compliance that accompanied the Plot 1 RMA planning application and it was concluded that no further environmental screening or assessment was required, and the proposals were environmentally compliant to the requirements of the S73 Permission.

## **Transport**

- 5.91 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 5A Phase Transport Report Scope and Transport Matrix ('TM') pursuant to Condition 37.1 (LPA ref: 22/1504/CON – approved 31 May 2022;
- Phase 5A Phase Transport Report ('PTR') pursuant to Condition 37.2 (LPA ref: 21/2845/CON) – pending determination;
- Plot 1 Reserved matters Transport report ('RMTR') pursuant to condition 37.5 (LPA ref: 22/2837/CON) – pending determination;
- Phase 5A Car Parking Standards and Standards and Strategy ('PCPSS') pursuant to condition 1.22 (LPA re: 22/2849/CON) – pending determination;
- Phase 5A Servicing and Delivery Strategy ('SDS') pursuant to condition 1.22 (LPA ref: 22/2836/CON) - pending determination;
- Phase 5A Pedestrian and Cycle Strategy ('PCS') pursuant to condition 2.1(a) (LPA ref: 22/2841/CON) – pending determination.

5.92 Other than the Reserved Matters Transport Report (RMTR) which relates to the detailed transport and highways considerations for Plot 1 principally, the above strategies cover the entirety of Phase 5A and as such provides the appropriate transport framework to guide not only Plot 1 reserved matters proposals but all forthcoming detailed reserved matters submissions for the sub-phase. This includes all plot development (Plots 1, 2, 19, 20 ,6) and elements of public realm, highways and critical infrastructure including Station Square. At the time of publication of the Plot 1 RMA committee agenda, several of these strategies are yet to be formally determined owing to the Applicants' Transport consultants and planning Officers finalising details within these strategies so that they may be approved. Officers are however satisfied with the details contained within the above strategies which are progressing through minor amendments, as well as the detailed transport and highways proposals for relating to Plot 1 contained within the RMTR (as amended) such that recommendation to approve Plot 1 RMA can be sustained. Any updates to the status of the above strategies in terms of there determination or otherwise will be reported to Members within the Committee addendum papers.

#### Transport considerations

5.93 The Phase 5A PTR (and its scope) are required to respond to the outcome of the Transport Matrix assessment for the relevant phase or sub-phase of the BXC development. Instead of individual transport assessments for each phase or sub-phase, the S73 Permission and S106 Agreement requires the use of a Transport Matrix process which enables a comparison to be made at each phase or sub-phase of the BXC development to the Consolidated Transport Assessment (BXC05) carried out at the outline planning stage to ensure that the overall cumulative impact of the development would not be greater than the assessed end-state impact. The purpose of this mechanism is to therefore demonstrate to the planning and highway authorities that the BXC development will progressively achieve its forecast mode share in accordance with the Framework Travel Plan; that the development will not impose greater demands or impacts on the transport network; and gives the opportunity to re-evaluate the provision of identified transport infrastructure so that it can be provided in accordance with actual need generated by the development (rather than forecast demand).



- 5.94 This Transport Matrix process focuses on a number of benchmarks, including impacts on defined Gateway Junctions, to ensure adequate mitigation is provided for the forecast demand. Where this Transport Matrix process identifies exceedances of any established benchmarks/highway performance indicators, the PTR to follow is required to demonstrate whether any such exceedance is either within acceptable limits; that the consequential impact from any exceedance has no significant adverse impacts on the transport network as a result of the development; and/or identify appropriate mitigation measures to address any predicted significant adverse impacts.
- 5.95 The Phase 5A PTR, supported by the Phase 5A TM, comprises the overarching transport assessment for Phase 5A within which Plot 1 is situated. The Phase 5A TM is structured to examine; the development quantum; development trips; total trip generation by mode; and gateway junction demand. The TM was approved on the basis that the transport assumptions within Phase 5A, namely the development quantum; development trips; total trip generation by mode; and gateway junction demand would be consistent the underlying assumptions within the Consolidated Transport Assessment (BXC05). The Transport assessments relating to Plot 1, which also feature within the Plot 1 RMTR, are of key relevance to this RMA determination. A summary of the assessments undertaken, and the conclusions reached are set out below.

*Office, flexible retail floorspace*

- 5.96 With regards to the office portion of the development which comprises 15,443sqm (GEA) of floorspace (potentially increasing to 28,032sqm (GEA) if the flexible higher education/office unit is occupied as office) and the flexible ground floor retail use which comprises 456sqm (GEA) of floorspace, the RMTR confirms that the development quantum; development trips; total trip generation by mode; and gateway junction demand in relation to these uses would be as per the assumptions contained within the approved Phase 5A TM. Therefore, the impacts of the proposed use would fall within acceptable limits and it can be concluded that the office and flexible retail use would have no significant adverse impacts upon the transport network as a result of the development.

*Higher Education use*

- 5.97 Although the S73 Permission allows for uses falling within the former D1 Use Class (which captures non-residential educational institutes) to be delivered within the Station Quarter Development Zone, the S73 Permission does not consent the development of any higher education uses within the BXC regeneration area. Therefore, in terms of anticipated development quantum, trip rates and movement profiles, a higher education use is likely to have different characteristics compared to the residential and retail use of Plot 1 anticipated by the S73 Permission and associated Consolidated Transport Assessment.
- 5.98 The submitted approved Phase 5A TM and Plot 1 RMTR acknowledges this, stating that the number of total daily trips for a higher education use would potentially be greater than an office use; however, these additional trips are most likely to occur outside the highway peak hours (i.e., during the off-peak period) – reflecting student arrivals and departures throughout the day – when there is more capacity available on the highway network.

Therefore, the Applicant asserts that the proposed higher education use would be likely to generate the same or fewer peak hour trips on the local highway network, and that assuming a primarily office use for Plot 1 for the purposes of the transport matrix assessment would represent a worst-case scenario and robust assessment for the Phase 5A sub-phase.

5.99 To support this assertion, the Applicant has provided example trip rates for similar higher education schemes in London (UCL East and Canada Water) and, based on the proposed 12,443sqm (GEA) of Office/Higher Education floorspace for Plot 1, compared these to the office trip rate assumptions within the S73 Permission. These comparative assessments contained within Tables 3.7 and 3.8 of the Plot 1 RMTR support the conclusions that total number of trips at peak times would broadly be equal to or less than the comparative office trip rate assumptions within the s73 permission. The Plot 1 RMTR in addition as regard to mode share split data for higher education deriving from Kings College sites, also having regard to the specific characteristics of Plot 1 in terms of proximity to existing student accommodation at Hendon, Colindale, Wembley, Maida Vale, Camden and Finsbury Park, all of which are highly accessible to Plot 1 by public transport and/or active travel modes. It is also noted that Plot 25 within the BXC scheme provides circa 660 student accommodation units and a proportion of students there may attend the higher education use in Plot 1. Accordingly, the Plot 1 RMTR concludes the following with regards to consideration of the Higher Education use:

*“3.25 In summary, when considering the impact of Higher Education vs Office trip generation, the assessment concludes the following.*

- Office land use is forecast to generate a higher volume of trips than Higher Education during both the peak hours (08:00-09:00 and 17:00-18:00) across all modes.*
- Office land use is forecast to generate a higher volume of daily trips than Higher Education across all modes.*
- Higher Education land use is forecast to generate a higher volume of trips between the hours of 09:00 and 11:00 than Office.*
- Trips to/from Higher Education are forecast to start/end closer to the Site than Office land use, with a higher proportion of those travelling to/from Plot 1 via active travel modes.*
- Office land use is considered the worst-case in terms of assessing the development impact of the Flexible Office/Educational floorspace.” (Plot 1 RMTR, Steer)*

5.100 The Phase 5A TM was approved following consultation with the London Borough of Barnet Transport Officers and Transport for London. In terms of the RMTR assessment, the London Borough of Barnet Transport Officers and Transport for London have not raised objections to the conclusions of the transport assessment, in particular with regards to consideration of the higher education use.

5.101 Barnet Transport Officers in consultation with Planning Officers and the Applicant’s appointed transport consultants Steer, are examining some other student precedent schemes, namely in relation to higher education uses in Hillingdon and Uxbridge forming

part of Buckinghamshire New University. Based on a review of these precedent schemes, LBB Highways Officers remark that trip rates can be very sensitive to change depending on the type of courses and times they are during the day and if there are to be evening classes. Notwithstanding this, there is suitable infrastructure proposed to accommodate the predicted trips proposed over a nominal day however the peak demands could vary and this ultimately will be assessed part of the Annual Monitoring with a view to make certain changes when the scheme progresses in later phases.

- 5.102 Officers agree with these conclusions, particularly as the higher education occupier (and therefore courses offered and lecturing timetables) could potentially change throughout the lifetime of the D1 use within Plot 1. Annex 6 to Schedule 17 of the S106 Agreement, which deals with the expectations for the annual Monitoring Strategy, is intended as a review process to assess impacts on the local highway network in respect of vehicular traffic, public transport patronage as well as the suitability of pedestrian and cycle environments. Schedule 3 to the S106 (paragraph 3) also deals with reviewing the Bus Network and Priority within the Site (and along the A5 corridor) through the Monitoring Strategy. Together, the LPA are satisfied that these mechanisms effectively establish an appropriate monitoring obligation.

Car parking provision

- 5.103 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:*

<b>Use</b>	<b>Standard</b>
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
<b>Use</b>	<b>Standard</b>
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.”*

- 5.104 Of relevance to the proposed land uses to be delivered within the Plot 1 are the standards provided in relation to ‘community facilities’ capturing the proposed higher education use, ‘Employment (B1)’, and ‘Other Retail and relates uses’.
- 5.105 The proposed Plot 1 building does not include a basement level, and as such does not provide any onsite car parking other than the single blue badge bay to the rear of the building. Notwithstanding this, the Plot 1 RMTR explains that the Plot will likely be supported by parking proposals outside of the Plot 1 application curtilage, within S73 Permission site. The mechanism for securing this parking is explained briefly within the Phase 5A RMTR, which will either be through temporary parking proposals pursuant to Condition 1.8 ‘Temporary Works’, and/or through reserved matters applications for separate permanent parking proposals. The level of parking that would come forward within these separate proposals is indicated within the Phase 5A PCPSS and Phase 5A RMTR. These details are tabulated within the Table 2 below and shown against the S73 ratios and S73 complaint level of parking for information.

**Table 2 proposed car parking (to be progressed separately to this reserved matters application, and S73 Permission permitted parking levels**

<b>Use - floorspace (GEA)</b>	<b>Proposed parking spaces</b>	<b>Proposed ratio</b>	<b>Condition 38.2 standard</b>	<b>S73 compliant level of parking</b>
Office (15,589sqm)	52	1:300	1:300	52
Retail 456sqm	10	1:45	1:75-50	(min) 9.12(max)
Flexible Office/HE (12,443sqm)	41/36	1:300	1:300	41.5
Flexible Office/HE (Assuming 108 staff)		1 space per 3 staff	1 space per 3-5 staff	21.6(min)/36(max)
All consented office floorspace (28,032sqm)	93 (52+41)	1:300	1:300	
<b>TOTAL</b>	<b>98/103</b>			<b>97/102</b>

- 5.106 As can be seen from reviewing Table 2 the proposed level of car parking to support future separate plannings submissions for Plot 1 would accord with the parking standards within the S73 Permission, however for the avoidance of doubt the Plot 1 RMA proposals do not include any details of car parking beyond the single blue badge bay.

5.107 It is noted that the Phase RMTR remarks that:

*“3.4 [...] to assist the attractiveness of BX Town as a new commercial office location to a range of potential tenants, it is anticipated that for a defined temporary period additional office parking above the 49 spaces noted in Table 3.2 may be required. The exact amount of parking required for this temporary period would be considered and determined via a future planning submission pursuant to Condition 1.8 of the S73 Permission.” (RMTR, Steet August 2022)*

5.108 In this regard, for the avoidance of doubt any applications for car parking in support of Plot 1 will be a separate planning submission pursuant to the S73 Permission and will be subject to an assessment on its own merits at that time, including the consideration of any parking above the maximum ratios specified by the S73 Permission.

#### Cycle parking provision

5.109 The Plot 1 RMTR provides details of the quantum of and type of long stay secure cycle parking and short stay visitor parking to be provided as part of the Plot 1 proposals. These are based on the standards contained within Table 10.2 of the London Plan (March 2021). Figure 10 below is extracted from the Plot 1 RMTR which set out the parking provision for the plot:

**Figure 10 extract from RMTR (Steer) showing proposed levels of long and short stay parking**

Use Class	Long-stay	Short-stay	Total
Office	111	13	124
Flex Office / Higher Edu	120	38	158
Retail	3	12	15
<b>Total</b>	<b>234</b>	<b>63</b>	<b>297</b>

5.110 Dedicated long stay cycle parking facilities for the Higher Education use and business floorspace are provided within dedicated secure cycle parking area at ground level at a compliant level. Secure cycle parking for the mixed retail use would be situated within the flexible retail unit itself. With regards to the Higher education and business dedicated cycle parking areas, the provisions comprise a combination of double cycle stackers and Sheffield stands to accommodate a variety of cycle parking needs. TFL have highlighted the need for cycle secure cycle parking to have due regard to the London Cycle Design Standards ('LDCS'). Officers have queried this with the applicant who have responded to confirm that the cycle parking has incorporated features of the LCDS as far as practical within the physical constraints of the building. The initial review of the parking facilities by Officers at this RMA stage is that they would provide appropriate secure cycle parking provisions for the building, the final details of which will be secured through planning condition.

5.111 With regards to short stay cycle parking, the quantum for office use and retail are at compliant levels and will be provided in the public realm in the vicinity of Plot 1. With

regards to the Higher Education use, the Applicant, in consultation with Planning Officers, TFL and London Borough of Barnet Transport Officers highlighted early on that the delivery of the number of short stay cycle parking spaces as recommended by Table 10.2 of the London Plan would be problematic in the context of the Plot 1 and Interim Interchange T1 contexts. Namely, based on Table 10.2 266 no. short stay cycle parking spaces for the Higher Education use would be required. The proposals instead will provide 38no. short stay cycle parking spaces. The reasoning to support this is proposal is set out within paragraph 3.10 of the RMTR, included below for reference:

*“3.10 As discussed during pre-application and set out in detail within the Phase 5A Pedestrian and Cycle Strategy, short stay cycle parking will be provided in accordance with the London Plan (2021) standards, with the exception of the Higher Education land use for which a lower level of provision is sought. The reason for seeking this exception is set out in detail in the Phase 5A Pedestrian and Cycle Strategy (PCS), and is summarised below:*

- Forecast modal split based on Transport Matrix, S73 forecast and precedent University Travel Plan modal splits;*
- The proximity to the Thameslink Station and that the site is a single entity as opposed to traditional campus, the vast majority of trips are assumed via public transport;*
- Given the scale of the Masterplan and quantum of short stay spaces delivered in Phase 5A it is suggested that there will be linked use of short stay cycle parking i.e. retail provision will also be utilised by those working and visiting the area including staff & students in Plot 1; and Plot 1 – Reserved Matters Transport Report | Reserved Matters Transport Report*
- 93x Long Stay Spaces are also to be provided for students internally within Plot 1. As such combining the long and short stay proposal equates to 131 spaces or 7.4% of FTE trips which is considered more than sufficient to meet forecast demand.”*

5.112 In light of the above and in the interest of reducing visual clutter within the environs of Plot 1, the approach to short stay cycle parking is considered acceptable. To secure this short stay cycle parking which would be proposed outside of the redline boundary of the Plot 1 RMA scheme but within the S73 Permission site, most likely within the Interim transport Interchange T1, the following condition is proposed:

*“Prior to the occupation of the development hereby permitted 63no. (sixty-three) short stay cycle parking spaces within the vicinity Plot 1, for use by visitors to Plot 1 in accordance with Table 3.4 of the approved Plot 1 Reserved Matters Transport Report (Steer, May 2022) shall have been practically completed and made available for use, in accordance with relevant Phase 5A details submitted to and approved in writing by the Local Planning Authority separate to this reserved matters approval.*

*Reason: To ensure the appropriate and timely provision of short stay cycle parking to support the Plot 1 development in accordance with Policy T5 (Cycling) and Table 10.2 (Minimum cycle parking standards) of the London Plan (March 2021).”*

## **Servicing and Delivery Management Strategy, refuse collections**

- 5.113 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”.*

- 5.114 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 5A 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.
- 5.115 To satisfy this Condition, the Applicant has submitted a report titled 'Servicing and Delivery Strategy, Phase 5A' (Steer, September 2022). The submitted Servicing and Delivery Strategy ('SDS') relates to the Phase 5A which includes all plot development and elements of infrastructure. Of key relevance to this Plot 1 RMA are the strategies relating to Plot 1.
- 5.116 Expected servicing and delivery trip generation for the Plot 1 scheme have been calculated using TRICS survey data and equates to an expected daily servicing and trip generation quantum of 33 for the Higher Education use, 41 for the business use and 8 for the retail use. The nature of delivery and servicing trips are listed in paragraph 4.13 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 4.14 states that goods will be delivered to Plot 1 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.

- 5.117 In terms of waste collections and disposals, paragraphs 4.22 – 4.27 of the SDS provide an overview of the waste provisions to be incorporated in support of the Plot 1 scheme. It is stated that all refuse collections 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 1 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.
- 5.118 In terms of the physical servicing provisions for the scheme, there is a dedicated service zone/loading bay located at Railway Street. Refuse collocations are also proposed to function from the location of Railway Street. This bay provides parking space for a large and a short delivery vehicle simultaneously. Details of this servicing bay including swept path diagrams are contained within Appendix B of the SDS. The provisions are considered to be acceptable.
- 5.119 There is a section of highway/public realm to the southeast of Plot 1 that is yet to be progressed through detailed reserved matters and is required for provide full connectivity between the Interim Interchange T1 to the front and Railway Street to the rear of the Plot. In the absence of this section of highway, Plot 1 would not have a complete localised connected highway network that is required to fulfil key functions of the building such as pedestrian and cycle access from this side of the building and refuse and other servicing operations. A planning condition is therefore proposed to ensure that the refuse access as well as cycle and pedestrian access for the building is provided prior to the occupation of the building to ensure the access to plot 1 is functional.

### **Pedestrian and Cycle Strategy**

- 5.120 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.
- 5.121 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.”*

5.122 This Plot 1 RMA does not provide any physical highways or public realm infrastructure, notwithstanding the immediate site context for Plot 1 would be highly accessible considering its location adjacent to the new Brent Cross West train station which provides connectivity across the train station bridge, and connectivity with established and emerging cycle routes through the development site as set out within the Phase 5A PCS. The PCS is being review by Planning Officers in consultation with TFL and the Applicants’ transport consultants and is currently undergoing some adjustments to reflect the Mayors recommended Active Travel Plan assessment methodology pursuant to its Health Streets criteria, in order to update the historic Pers and Cers pedestrian and cycle surveying that underpins the S73 Permission historically. Officers are satisfied that the details supporting the PCS as they relate to this Plot 1 RMA determination are acceptable subject to updates being progressed by Officers presently.

### **Individual Travel Plan**

5.123 The Individual Travel plan (‘ITP’) (Steer, August 2022) is a framework document for Plot 1 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.

5.124 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 1 targets will be exceeded, with lower car-based trips and higher sustainable mode trips.

5.125 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.

### **OTHER RELEVANT MATERIAL CONSIDERATIONS**

#### **Estate Management**

5.126 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)...”*

5.127 A submission against Condition 7.1 of the S73 Permission is currently pending determination (LPA ref:22/2906/CON). Plot 1 includes only a minor area of the ground floor that would be publicly accessible located within the entrance canopy to the business use portion of the building. Notwithstanding it would be accessible, given its undercroft nature and primary orientation as an entrance to Plot 1, it is expected this area will be maintained by the eventual tenants of Plot 1 or potentially the estate management body.

### **Safety and Security**

5.128 Pages 190 - 191 Design Statement (Shedkm) refers to Site Management and Secured by Design principles to be adopted through the design and specification of the Plot 1 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).

5.129 The DOCO responded to this application consultation to expand on matters discussed with the Applicant prior to submission. Overall the DOCO Officer was satisfied with the consideration of security as part of the scheme proposals and recommended the incorporation of secure by design measures to several parts of the building and also recommended the Applicants attain Secure by Design accreditation. These details have been reviewed by Officers and it is considered prudent for the Applicant to submit a security strategy to the LPA for approval prior to the occupation of the building. The proposed condition wording is as follows:

*“Prior to the first occupation of the development hereby permitted, a Security Strategy shall be submitted to and approved by the Local Planning Authority demonstrating compliance with the relevant Secured By Design ('SBD') 'Commercial Developments' guidance (Version 2, 2015) or any superseding guidance and such other relevant standards as appropriate. The Security Strategy shall provide details of (but not be limited to) the following;*

- *obscure glazing to the cycle store that is 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;*
- *all door-sets at ground level to be third-party certificated to security rating LPS 1175 Issue 7:SR2 (Issue 8:B3) or STS 202 Issue 6:BR2;*
- *external lighting to recessed ground floor areas at front and rear of building to be compliant with BS 5489-1:2020 where achievable;*
- *centrally monitored CCTV;*
- *secure fob access to building, including a secondary door set internally.*

*The Security Strategy and the security measures contained therein shall be implemented prior to the first occupation of the development and maintained in accordance with the details approved pursuant to this Condition for the lifetime of the development.*

*Reason: to ensure the site benefits from appropriate Secured by Design features in the interest of safety and amenity of the occupants of the site in accordance with Policies CS5 and CS12 of the Barnet Local Plan Core Strategy DPD (2012) and Policy D11 of the London Plan (2021)."*

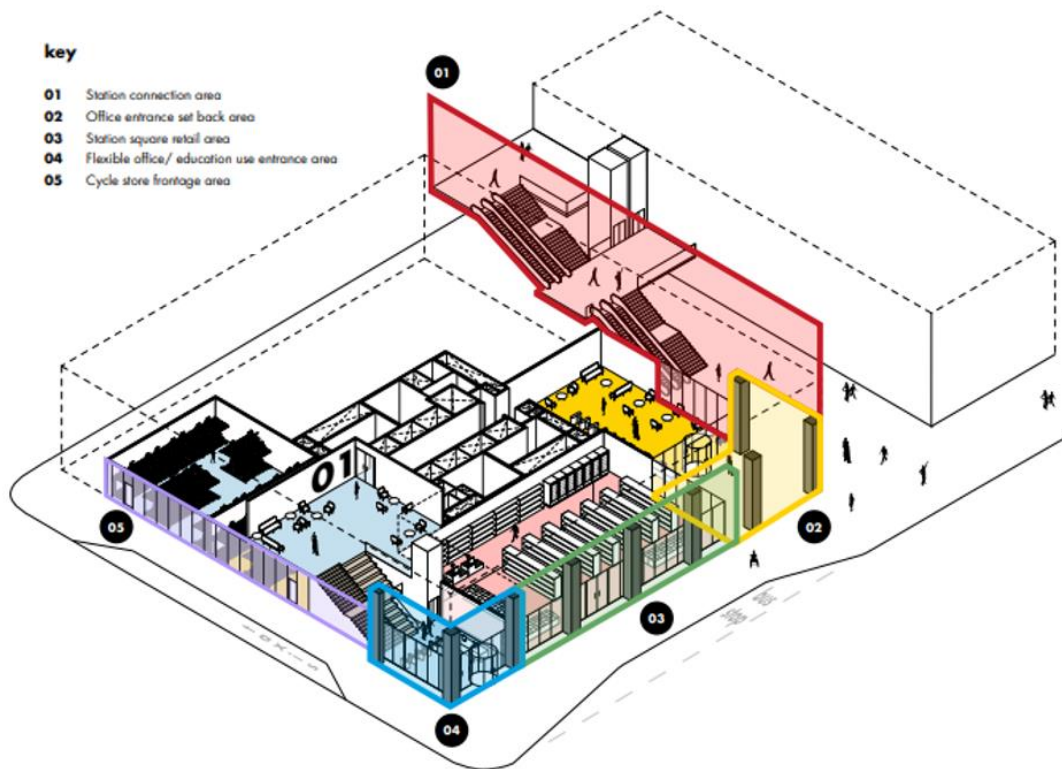
- 5.130 Policy D12 of the London Plan (2021) requires major development to be accompanied by fire statement providing details of, inter alia; building construction methods, means of escape and access to fire services personnel. The application is accompanied by a Fire Statement (OFR, March 2022). This is summary report explaining 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 consideration of the application curtilage are set out. These assert that compliance with the relevant sections of the Building Regulations (principally Part B) will be achievable in 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.
- 5.131 With regards to access for fire engines, the primary access to the Plot 1 development is via the proposed High Street and Claremont Park Road. Regarding access to sufficient firefighting water supplies, Paragraph 8 states that wet rising main inlets will be installed within 18 metres of the site.
- 5.132 In terms of fire fighting access within the building, page 19 of the Fire Statement confirms that "All portions of all levels will be within 60 m of a fire main outlet in the fire-fighting shafts, as measured on a route suitable for laying hose. On the ground floor, the retail units will be accessed by fire-fighters directly from external. All portions of these spaces are within 45 m of a parking position of a fire appliance as measured on a route suitable for laying hose (see Figure 9)."
- 5.133 The Fire Statement provides a sufficient level of detail at this planning stage relating to the fire safety measures 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.

### **Accessibility**

- 5.134 The Design Statement (Shedkm) within Section 07 'access + use' provides details of access arrangements to the building. This covers access for; pedestrians, cyclists, fire

escape, vehicular access, refuse and deliveries access for façade maintenance including window cleaning and panel replacements, and wind mitigation. Figure 11 overleaf is extracted from the Design Statement (Shedkm) and illustrates the separate access locations for the different users of the building. The higher education and business use entrances are at either side of the ground floor facing onto Station Square and the Interim Transport Interchange T1, with the flexible retail use situated within the middle.

**Figure 11 extract from Design statement (Shedkm) showing isometric view of ground level**



5.135 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 1 (All Clear Design, May 2022). 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.

5.136 In terms of the detailed accessibility design requirements for the development (comprising the Higher Education use, office use and flexible retail), and specifically details relating to wheelchair accessibility, the Access and Inclusivity Statement sets out how the relevant statutory Building Regulations standards (namely Part M (M1 'Access and use of buildings other than dwellings') and Part K have been met and exceeded to ensure the accessibility to the building is maximised for all users. This includes level access at ground level and all levels of the building facilitated through the provision of a large bank of 7 passenger lifts that travel to all floors of the building. The lifts will meet

the requirements of Part M of the Building Regulations and BS/EN 81-70 2018. One of the lifts will also meet the personal evacuation requirements of the London Plan Policy D5. A single blue badge car parking space is featured at the rear of the building and secure cycle parking facilities which accommodated space for large adaptive cycles is provided.

- 5.137 In terms of engagement, the Related Argent have engaged in pre-application discussions with the Consultative Access Forum ('CAF') in the runup to the submission 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.
- 5.138 A meeting was held on 9<sup>th</sup> March 2022. Details of this engagement are contained within Section 1.6 of the 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 1, which will be subject to further detailed design development at Building Regulations stage.

## **Sustainability**

- 5.139 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 1 are explained and assessed in this section. An 'Energy Statement' (Atelier Ten, May 2022) forms part of this submitted documentation for Plot 1 as well as a Sustainability Statement (Cundall, May 2022).

### Carbon Emissions

- 5.140 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 CO<sub>2</sub> emitted of 40% for residential properties and 25% for non-residential uses, relative to Part L of the Building Regulations (2010). The Energy Statement provides an executive summary of CO<sub>2</sub> savings anticipated to be achieved though the combination of lean, clean and green measures in accordance with London Plan (2021) Energy Hierarchy, Policy SI 2 'Minimising greenhouse gas emissions'.
- 5.141 As agreed through a convening of the Brent Cross Energy Panel 20<sup>th</sup> 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.

5.142 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 17.4% Kg CO<sub>2</sub> is achieved, further supplemented by 14.6% 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 **32%** relative to a New-Build Part L 2010 baseline compliant development;
- Regulated carbon dioxide savings of **16.9%** relative to a New-Build Part L 2013 baseline compliant development;

5.143 With regards to BREEAM certification, Condition 35.2 requires that all commercial units achieve minimum standard of Very Good. The submitted Sustainability Statement provides details of sustainability measures to feature within the development as well as a BREEAM pre assessment. This sets out that the building will achieve a minimum 'Excellent' certification under the BREEAM New Construction benchmarking scheme for the office floorspace which also relates to the flexible office/higher education use and Very Good for the retail aspect. This targeted sustainability therefore adheres with the requirements of the S73 Permission.

#### District Heat Network

5.144 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.

5.145 The RES recognises that it is the aspiration of the development for all plots to be connected to the district heating network although it is only an absolute requirement for residential plots. Notwithstanding this, given Plot 1's reliance upon the connectivity to the energy centre and district heating network as part of its carbon saving approach it is appropriate for a planning condition to be incorporated which requires connectivity to the district heating network.

#### **Flood Risk and Drainage**

5.146 The submission includes a Drainage Strategy Note in relation Plot 1 (Heyne, Tillet Steel). 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), again the conclusions of the drainage statement are that the risks are low.

- 5.147 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 4.1 of the Drainage Statement confirms that the lowest threshold level into Plot 1 will be at a level of +44.8 m AOD, which is 5.8m above the 100 year + climate change flood level.
- 5.148 Surface water drainage design details are described in the Drainage Statement, responding to the S73 planning conditions 44.5, 44.9, 45.2 and paragraph 2.75 of the RDSF. This includes attenuation for the entire site through the provision of a blue roof at levels 12 and 14 of the building. Details of the attenuation provided by this SUDS feature is presented in Table 5 of the Drainage Statement which concludes that a blue roof will provide a combined attenuation for the site of 6.17l/s.
- 5.149 The RMA and drainage statement has been reviewed by the Lead Local Flood Authority ('LFFA') who have provided recommendations for when full SUDS details are submitted pursuant to Conditions 1.27, 44.5, 45.4 and 44.10 of Planning Permission F/04687/13 (dated 23rd July 2014). The applicant has been reminded through planning informative of the need to make submissions against these planning conditions.
- 5.150 As such based on the details provided, to be further supplemented by details submitted in relation to Condition 1.27, 44.5, 45.4 and 44.10 of the S73 Permission, the scheme will benefit from sufficient surface water drainage considerations.

### **Construction Management**

- 5.151 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

- 6.1 The S73 Permission was subject to an Environmental Impact Assessment (EIA) and was accompanied by an Environmental Statement (BX02). Since then, Further Information Reports (FIRs) and Supplementary Environmental Statements have accompanied a number of Reserved Matters Applications, Re-phasing Applications and Non-Material Amendments (NMAs).
- 6.2 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).
- 6.3 Regulation 9 states that where the environmental information (in this instance the S73 BXC ES and any other associated environmental information) already before the Local Planning Authority is considered adequate, the LPA should take this into account when determining any subsequent application before them. However, where the environmental information before the Local Planning Authority is not considered to assess the environmental effects of the Proposed development, a notice must be served under Regulation 25 of the EIA Regulations requesting further information. Alternatively, the Applicant is also able to submit further environmental information to the LPA voluntarily.
- 6.4 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.”*
- 6.5 The Plot 1 RMA proposals are accompanied by an Environmental Screening and Statement of Compliance (Arup, May 2022) herein referred to as 'ESSOC'. Following requests by Officers, this has been supplemented during the application by a letter from Arup dated 24 August 2022. In terms of Parameter Plan compliance, the 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.
- 6.6 In terms of parameter plan compliance, Table 2 of the ESSOC provides a summary of each parameter plan and reasons for compliance concluding there would be no deviations from the approved parameters. 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 1 development, taking into consideration the relevant environmental topics that formed the basis of the S73 ES. The LPA agree with this selection criteria 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.

- 6.7 In terms of 'Townscape and Visual', the ESSOC, as supplemented by the Arup letter (August 2022), remarks that that conclusions of the townscape and visual impact assessment (TVIA) prepared in support of the BXC ES would not be materially altered by the Plot 1 development. As set out within the Townscape and Visual amenity section of this report under 'Environmental Considerations' the precise location of Plot 1 which would be approximately 30m further southwards in comparison to the Indicative Layout of the Brent Cross Cricklewood Scheme within Parameter Plan 015 'Indicative Layout Plan', would not have an impact that would alter the conclusions regarding townscape and visual amenity contained within the S73 ES.
- 6.8 In terms of Microclimate (wind), the ESSOC states that the results of the wind assessment undertaken by Windtech demonstrate most assessed areas fell within the necessary Lawson Comfort Criteria (pedestrian sitting, walking and / or standing) for their relevant uses, and where there were identified locations that fell outside of the recommendations, these could be adequately mitigated through measures including planting, the installation of canopy structures and porous screening on roof terraces.
- 6.9 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 the adjoining areas of public realm (Station Square) concluding that 62% of this external amenity space will receive more than 2 hours of direct sunlight on 21st March which is in excess of the recommended BRE targets for sunlight amenity.
- 6.10 In terms of air quality, the ESSOC states that an Air Quality Neutral Assessment ('AQNA') has been undertaken in line with adopted London Plan (2021) Policy S11 (Improving Air Quality). The full assessment prepared by Arup is enclosed within Appendix D of the ESSOC. The Air Quality Neutral building and transport benchmarks for Plot 1 have been calculated and compared with the planned emissions and trip rates. The total emissions for Plot 1, for nitrogen oxides (NOx) and particulate matter (PM10), are below the 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 although the AQNA does outline the suite of measures integral to the delivery of the Brent Cross Cricklewood scheme to drive down potential sources of air pollutants including the early delivery of Brent Cross West Station, pedestrian and cycle connectivity throughout the site and the decentralised energy centre that will have an Air Source Heat Pump ('ASHP') focus.
- 6.11 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 were not considered result in any additional significant 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.

- 6.12 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 ESOC (Arup, May 2022) 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 (21/2863/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**

- 6.13 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.
- 6.14 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.
- 6.15 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. The development includes level, step-free pedestrian access at the access points and throughout ensuring that all users and visitors of the development can move freely in and around the public and private communal spaces.
- 6.16 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

- 8.1 This application seeks approval of the Reserved Matters for Plot 1 within Phase 5A of the Brent Cross Cricklewood development. The design of Plot 1 represents a considered application of a chosen style that is befitting for the uses proposed and location within the Station Quarter Development Zone.
- 8.2 The reserved matters have been considered against the parameters and controls captured within the S73 Permission. It has been demonstrated to the satisfaction of Officers that the scale and massing of the Plot 1 development would be parameter plan compliant having regards to the adjustments to the location of zonal height thresholds which respond to the adjustments to the location of roads and routes through the Station Quarter Development Zone already reflected in extant approved reserved matters and drop in permissions within the Station Square context.
- 8.3 Further, the supporting technical details accompanying this application with regards to, inter alia, air quality, wind environment, natural light, Townscape and Visual Impacts and transport impacts demonstrate satisfactory compliance with the relevant standards and baseline transport assumptions supporting the S73 Permission.
- 8.4 Overall, officers find the proposals acceptable and accordingly **APPROVAL** is recommended subject to conditions as set out in Appendix 1 of this report.