

LOCATION: Brent Cross Cricklewood Regeneration Area

REFERENCE: 22/5238/RMA **Received:** 26.10.2022
Accepted: 26.10.2022

WARD: Cricklewood **Expiry:** 27.01.2023
Extension of Time: 28.04.2023

APPLICANT: Chase New Homes

PROPOSAL: Reserved Matters Application in respect of Plots 31, 36 and 61 within Phase 3B, pursuant to Condition 1.3(iii) and Condition 2.1 attached to planning permission F/04687/13 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood Area. The application seeks approval of details relating to layout, scale, appearance, access and landscaping for the residential development of Plots 31, 36 and 61 within three buildings with heights ranging from 4 to 8 storeys, alongside landscaping, access and car parking provision.

RECOMMENDATION:

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

AND subject to the prior approval of application 22/5265/CON which has been submitted pursuant to Condition 2.4 of the S73 Permission to make amendments to the following parts of the Brent Cross Cricklewood Revised Development Specification and Framework: Table 6 (Floorspace Thresholds for Building Zones) and the Zonal Floorspace Schedule in Appendix 5.

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 Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

1. APPLICATION SUMMARY

The proposal is a reserved matters application for housing development on Plots 31, 36 and 61 within Phase 3B of the outline planning permission for the Brent Cross Cricklewood Regeneration Scheme. It has been submitted alongside a reserved matters application for the Millennium Green Improvements (Existing) under reference 22/5242/RMA. Together these reserved matters submissions represent the entirety of Phase 3B.

The application site is currently in use by PB Donoghues as a waste management facility. The site falls within and is part of the Brent Cross Cricklewood Regeneration scheme. It is located circa 1km to the south of the main plot development and construction work associated with Brent Cross Town being delivered by the joint venture partnership between the Council and Related Argent ('JVLP'). The application has been submitted by Chase New Homes as a third party developer who have acquired the site from the current owners and have agreement from the joint venture partnership to bring the site forward under the terms of the outline planning permission.

The submission provides details of Layout, Scale, Appearance, Access and Landscaping for the proposed buildings and areas of highway and associated public realm associated with development plots 31, 36 and 61. The proposed development comprises three residential buildings varying in height between four and eight stories to provide a total of 251 units. A total of 90 car parking spaces are provided at ground level of which 10 are disabled spaces. Vehicular access is provided from Claremont Road utilising the existing access to the site which is proposed to be reduced in width. The buildings are arranged with a central access road and area of communal amenity space with landscaping around the buildings.

The proposals conform with the general parameters and principles approved by the 2014 Section 73 outline planning consent for the regeneration of Brent Cross Cricklewood.

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

2. BACKGROUND

2.1 Outline Consent

This Reserved Matters Application ('RMA') has been submitted in association with the delivery of the Brent Cross Cricklewood regeneration scheme ('BXC'), in particular, the delivery of residential development on Plots 31, 36 and 61 within the Brent Terrace and Railway Lands Development Zones.

The principle of development at Brent Cross Cricklewood ('BXC') was first established as a Supplementary Planning Guidance (SPG) in 2004, in accordance with the then current London Plan. The comprehensive redevelopment of the wider BXC regeneration area was granted outline planning permission in 2010 (with planning reference C/17559/08) and was subsequently amended via a Section 73 planning application (with planning reference F/04687/13) which was approved on 23 July 2014 (the 'S73 Permission'). The description of the S73 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 application is accompanied by an Environmental Statement."

The development approved by the S73 Permission includes the delivery of:

- 7,500 new homes, including affordable homes, and more than 20,000 new jobs;
- A new town centre including retail, leisure, hotel, restaurants and community uses;
- A brand new train station at Brent Cross West providing Thameslink train services into central London in less than 15 minutes;

- highways infrastructure improvements to the M1/A406/A5 and the southern junctions of the A5/A407 Cricklewood Lane and the A407 Cricklewood Lane/Claremont Road;
- Improvements to existing parks including Clitterhouse Playing Fields and Claremont Park, as well as new parks and civic spaces;
- Three replacement and expanded schools at Claremont Primary School, Whitefield Secondary School and Mapledown Special Education School;
- Replacement waste and rail freight facilities as well as associated rail infrastructure.

Both the 2010 outline permission and the S73 Permission were subject to an 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.

2.2 Phasing of the BXC Regeneration Scheme

The S73 Permission for the comprehensive redevelopment of the BXC regeneration area is a multi-phase scheme which is expected to be delivered over a period of at least 16 years. Phases are divided between the north of the A406 North Circular and south of the A406 North Circular, with the bulk of the mixed use new town centre and new housing being delivered within Brent Cross Town.

This application falls within Phase 3 under Sub-Phase 3B. The contents of Phase 3 and its two Sub-Phases are set out below:

Phase 3A:

Phase 3A consists of the following two Critical Infrastructure Items: Clitterhouse Playing Fields Improvements (Part 2) and Clitterhouse Stream Nature Park (which falls within the Clitterhouse Playing Fields (Part 2)).

Phase 3B:

Phase 3B comprises Plots 31, 35, 36 and 61 and the item of Critical Infrastructure that is Millennium Green Improvements (Existing).

This Reserved Matters Application ('RMA') relates to the detail required in relation to the Phase 2 (South) (Plots).

Reserved Matters for Phase 3 are required to have been submitted by 28th October 2023 in accordance Condition 1.3 (part iii) of the S73 Permission.

Reserved Matters for the infrastructure items within Phase 3A have not been submitted, but these items are currently being considered under the drop-in planning application for Clitterhouse Playing Fields (reference 22/5617/FUL).

The application to which this report relates has been submitted for development Plots 31, 36 and 61 within Phase 3B. A separate RMA (22/5242/RMA) has also been submitted for the Millennium Green Improvements (Existing). Both applications were submitted within the required timescale.

3. DESCRIPTION OF THE SITE AND PROPOSED DEVELOPMENT

3.1 Site Description and Surroundings

Brent Cross Outline permission

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

The Northern development area located north of the A406 consists of the existing Brent Cross Shopping Centre (BXSC) which is identified in the London Plan 2016 as a Strategic Regional Shopping Centre and will continue to be delivered by Hammerson and Standard Life.

The Southern development area to the south of the A406 is comprised of the former Claremont Way Industrial Estate, Brent South Retail Park, Whitefield Estate (comprising approximately 220 homes), parks and open spaces, Hendon Leisure Centre, existing and former retail units, Whitefield Secondary School, Mapledown Special Education School and Claremont Primary School.

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

The site is surrounded to the north, east and south by traditional low-rise suburban development, predominantly two storey semi-detached houses. Cricklewood overland station located to the south of the BXC site and provides Thameslink services into central London. Brent Cross Underground Station, served by the Edgware branch of the Northern line, lies to the eastern boundary of the regeneration area. The existing Brent Cross Bus Station provides access to 18 bus routes (including Green Line).

Phase 3B, Plots 31, 36 and 61 application site

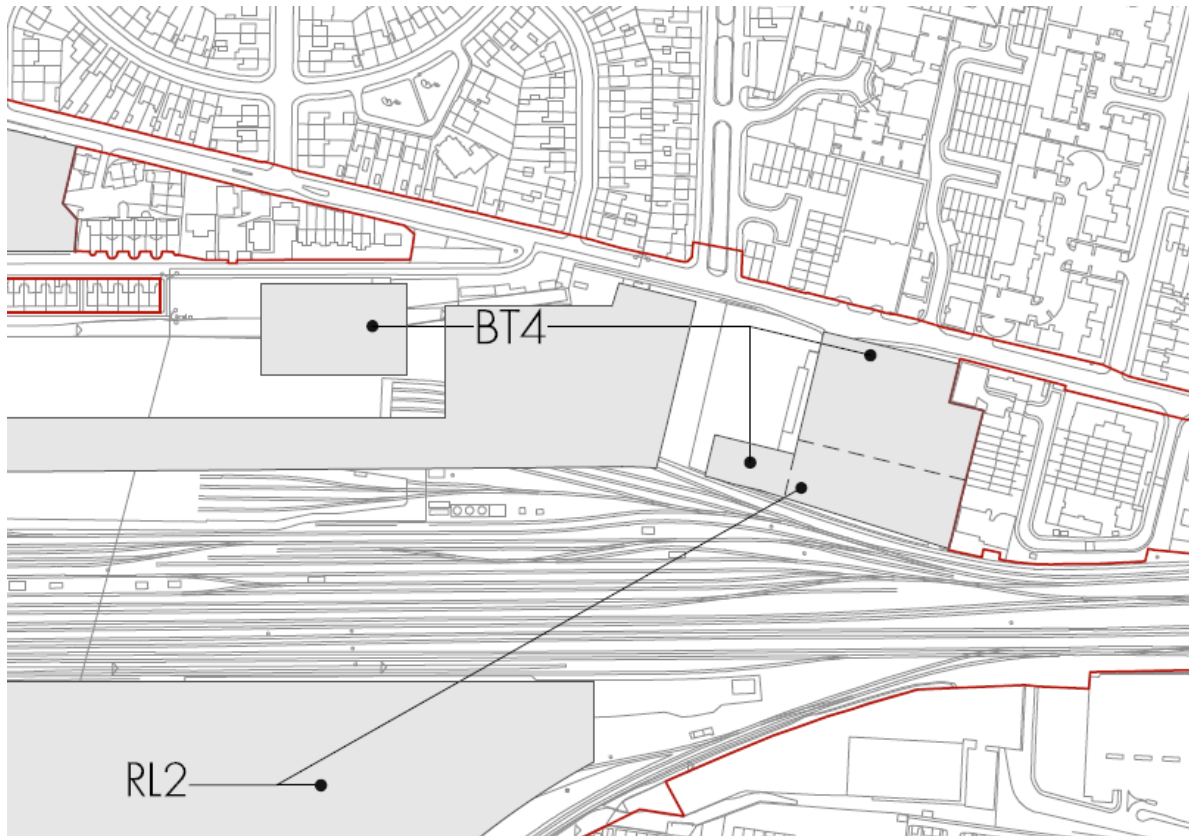
This application relates to Plots 31, 36 and 61 within Phase 3B which is a sub-phase of the wider Phase 3. These plots are illustratively shown on Parameter Plan 29 – Indicative Phasing Plan, an extract of which is provided below.



Extract of Parameter Plan 29 – Indicative Phasing Plan

Plots 31, 36 and 61 correspond to the site currently occupied by the Donnoghues Waste Management Company. Situated between Claremont Road to the east, from which access is gained, and the Midland Main Line railway to the west. To the north of the site is the Millennium Green, a public open space of 0.43 hectares managed by the Millennium Green Trust. The southern boundary backs onto the rear gardens of a terrace of houses along Handley Grove and a play area to the rear of Flats at Robinson court as well as the northern flank wall of a block providing sheltered housing.

The application site is located across two of the Development Zones defined in Parameter Plan 014 the S73 Permission. Plots 31 and 36 are located in the B4 Building Zone of the Brent Terrace Development Zone. Plot 61, to the western edge of the site, falls within the RL2 Building Zone within the Railway Lands. An extract of Parameter Plan 14 is provided below.



Extract of Parameter Plan 14 – Floor space building Zones

Associated Applications Relating to Phase 3B

The area of the Railway Lands Building Zone 'RL2' within which Plot 61 is located is the only part of the Railway Lands Development Zone which falls on the eastern side of the Midland Mainline railway. Within the supporting text of Parameter Plan 029 (The Indicative Phasing Plan) the use for Plot 61 is indicatively identified as a Rail Stabling Admin Building which was expected to be delivered in association with the replacement rail sidings. However, as part of the rail infrastructure delivered in Phase 2 (South) (Thameslink Station) sub-phase to facilitate the delivery of the new train station – Brent Cross West – the Rail Stabling Admin Building has been delivered as part of the new Train Operating Company ('TOC') building within the rail compound delivered as part of the new south sidings. Detailed consideration of the requirements of this facility concluded that the location of Plot 61 was not suitable to accommodate all rail related equipment and facilities necessary to efficiently serve the existing and proposed sidings and the use of Plot 61 in this manner would not have met the Train Operating Companies' requirements. As a result of this divergence from the approved parameters of the S73 Permission, a drop-in planning permission was granted for the Sidings Compound facility under reference 18/5244/EIA. This application was approved on 14th December 2018 and the Sidings Compound was subsequently constructed within the Network Rail curtilage circa 650m to the north west of the Donoghues Site. The new South Sidings and associated TOC building have been operational for a number of years.

As a result of the construction of the sidings compound within an alternative location for the Rail Stabling Admin Building, the indicative use for Plot 61 is not necessary in order to deliver the comprehensive development of BXC.

The Railway Lands Development Zone includes only Industrial /Storage and Distribution and Business uses within classes B1, B2 and B8. In order for the submitted Reserved Matters application for the Donoghues site to be approved in keeping with the parameters of the S73 Permission, Use Class C3 floorspace is required to be transferred between the Development Zones to accommodate the extent of floorspace required in respect of the proposed residential development of Plot 61. Further detail and consideration of this issue is set out below within section 6.2 of this report.

Condition 2.4 of the S73 Permission provides a mechanism for agreeing updates to the RDSF, including the Zonal Floorspace Schedule. The following application has therefore been submitted in parallel to this RMA:

- **Condition 2.4 submission in respect of Floorspace changes to the Revised Development Specification and Framework (RDSF) (Ref: 22/5265/CON)** – This Condition 2.4 Application relates to the relocation of C3 Residential Floorspace between the Brent Terrace Development Zone and the Railway Lands Development Zone within which Plot 61 is located.

This RMA is one of two applications which have been submitted in relation to development within Phase 3B of the BXC regeneration. A separate application has also been submitted by Chase New Homes for improvements to Millennium Green as follows:

- **Millennium Green RMA (LPA ref: 22/5242/RMA)** – details relating to layout, scale, appearance, access and landscaping of the Millennium Green Improvements (Existing) within Phase 3B, pursuant to Condition 1.3(iii) and Condition 2.1 attached to planning permission F/04687/13 for the comprehensive mixed use redevelopment of the Brent Cross Cricklewood Area. The Millennium Green Improvements (Existing) include landscaping improvements to an area of 0.43 hectares of the Millennium Green. These improvements fall within the wider definition of Millennium Green Improvements which also includes the Millennium Green Improvements (Extension) which itself amounts to improvements to this public open space of 0.05 hectares. These further works to the Millennium Green require an extension of the Millennium Green onto land currently unavailable for development and fall under Sub-Phase 5C of the Brent Cross Regeneration.

Pre-RMA Conditions

The Section 73 Permission for the Brent Cross Regeneration includes a number of Pre-Reserved Matters Applications ('Pre RMA') conditions which require information or reports to be submitted to establish key principles of the forthcoming development within a phase or sub-phase. The majority of these require submission prior to applications for reserved matters being submitted to the Council. Reserved Matters applications are then required to accord with commitments and strategies approved under these conditions where relevant.

In accordance with the conditions of the S73 Permission, a number of Pre-Reserved Matters Applications ('Pre RMA') have been submitted to support the RMA submissions for Phase 3 and Phase 3B. These are pursuant to the following Conditions: 1.13 (Affordable Housing Viability Testing Report), 1.22 (Servicing and Delivery strategy), 2.8 (Pedestrian and Cycle Strategy), 11.2 (Car Parking Standards Strategy), 27.1 (Landscaping Mitigation strategy), 33.3 (Telecommunications Strategy), 37.5 (Reserved Matters Transport Report), 1.17 (Illustrative Reconciliation Plan), 29.1 (Acoustic Design reports for plots 14), All of the above pre-RMA conditions, save for Condition 29.1 (Acoustic Design Reports for Plot 14), 7.1 Estate Management Framework.

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-RMA Conditions of relevance to this 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 current RMA, but were unable to be formally discharged prior to the publication of the Committee agenda papers. In some cases, there remain issues subject to discussion between the Developer and the LPA which are being resolved. In all of these circumstances those sections relevant to this RMA for Plots 31, 36 and 61 have been confirmed in discussions between the LPA and the Developer to be acceptable.

As the relevant aspects of these conditions are acceptable to the LPA with regards to the development of the Plots, the Planning Committee is in position to make a decision prior to the formal approval of these outstanding conditions. An update will be reported in the Addendum papers to the Planning Committee in relation to those Pre-RMA applications that have been discharged since the publication of this report.

3.2 Proposed Development

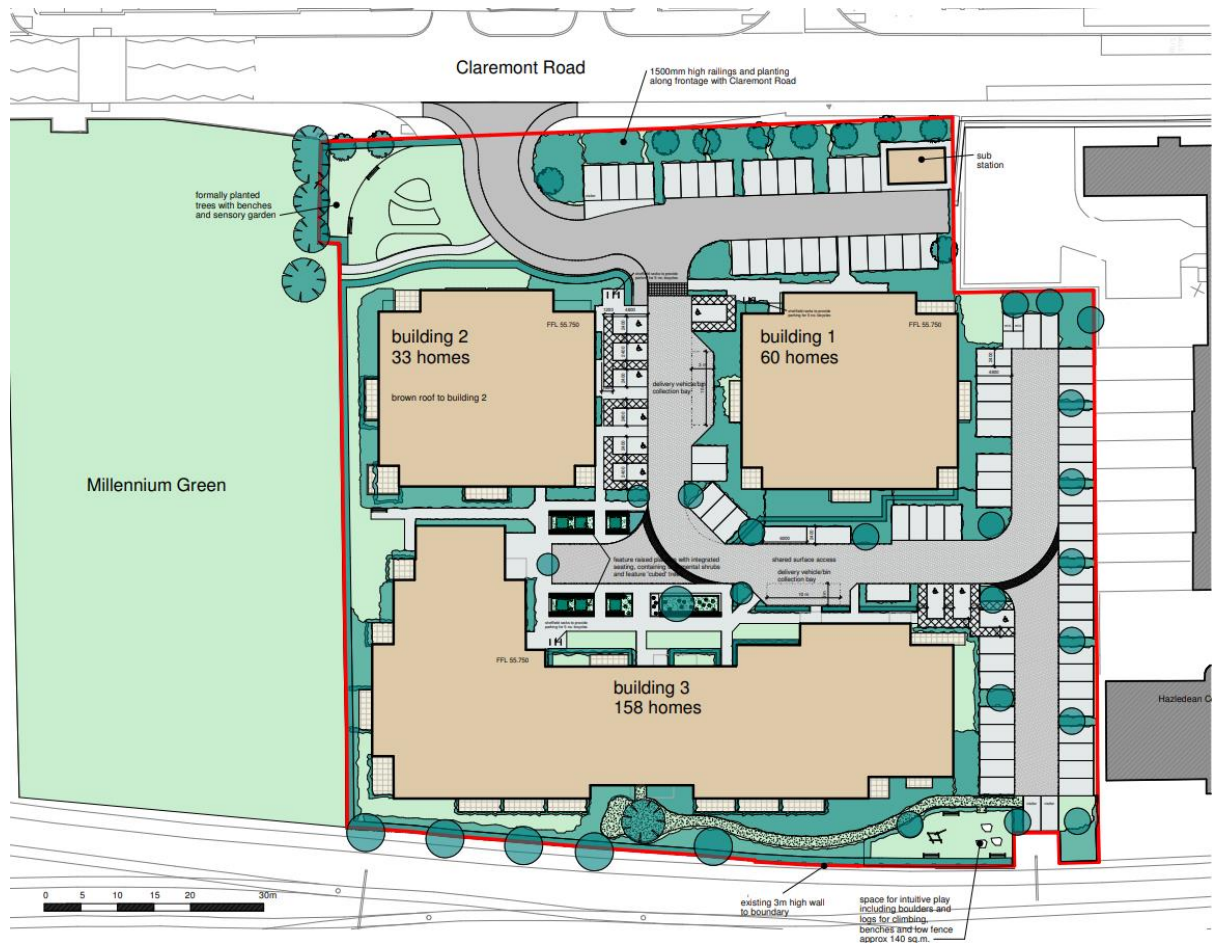
Overview

This reserved matters submission provides details of Layout, Scale, Appearance, Access and Landscaping for the residential development of Plots 31, 36 and 61 within Phase 3B comprising of 251 residential units accommodated across three buildings of between four and eight stories in height. Building 1 is proposed in the location of Plot 36, Building 2 corresponds to Plot 31 and Building 3 corresponds to Plot 61.

The area surrounding these three buildings is partly given over to car parking and estate road with 90 car parking spaces proposed including 10 disabled spaces. The buildings are set in areas of soft landscaping and communal amenity space.

The front part of the site closest to the eastern boundary with Claremont Road, is subject to a Thames Water Easement due to the presence of a sewer in this location. As a result it is not possible to accommodate significant built form in this area and the

footprints of the proposed buildings are therefore set back from the site frontage.



Proposed site layout plan

Residential Use

Building 1:

Towards the south of the site Building 1 has a square footprint and rises to a height of seven stories. The round floor accommodates six flats along with cycle and refuse stores. Each floor above the ground floor includes nine flats. Building 1 has a total of 60 units including 7 x 1 bed 2 person Units, 46 x 2 bed 3 person Units and 7 x 3 bed 4 person Units.

All of the units in building 1 include private balcony amenity space.

Building 2:

Located roughly centrally to the north of the site in proximity to the Millennium Green, Building 2 would be four stories in height. With a square footprint the building comprises six units at ground floor level in addition to a plant room and cycle and refuse stores, with 9 units per floor on upper floors 1 to 3. The building would have 33 units in total including the following units 8 x 1 bed 2 person; 21 x 2 bed 3 person; and 4 x 3 bed 4 person units designed to M4 (3) wheelchair accessible standard.

Building 3:

Building 3 would run the length of the western boundary of the site with the railway. The building is circa 79m in length rising to eight storeys in height along its length. At the northern end facing Millennium Green, the building steps down to a lower shoulder of 5 stories in height on the eastern wing. Further south the building would narrow to circa 18m in width and then further reducing to circa 16m over the length of a 14m set back to the western elevation.

Building 3 is the largest of the three proposed buildings accommodating 158 flats with the following mix of units: 62 x 1 bed 2 person; 68 x 2 bed 3 person; and 38 x 3 bed 4 person units. Seven of the 1 bed units and seven of the 2 bed units would be designed to M4 (3) wheelchair accessible standard.

Parking:

This application includes 90 car spaces at grade within the Site accessed from the internal estate road. Of these ten would meet disabled parking standards. It has been demonstrated that a further 15 spaces could be converted to meet disabled space standards with relatively little impact upon landscaping and the proportion of car parking spaces. The provision equates to a car parking ratio of 0.34 spaces per unit.

It should be noted that the details and arrangements of car parking are further provided in the Car Parking Strategy and Standards for Phase 3B.

The car parking provision for the affordable units within the plot will be at the same ratio as the private units. However, it should be further noted that details of the car parking management and arrangements for the affordable homes will be set out in the Affordable Housing Scheme for Phase 3B which is required to be submitted for approval under Condition 1.12 of the S73 Permission prior to commencement of the development within the phase.

Cycle Parking:

Long stay cycle parking is provided internally at ground floor in all three buildings with Sheffield stands within the public realm providing short stay cycle parking.

Building one includes two cycle stores. These have been shown to accommodate 80 two tier Cycle Stands, 32 Sheffield Stands and 5 oversized cycle parking spaces, Totalling 117 spaces.

A single cycle store is proposed within Building 2, this would include 46 two tier spaces, 6 spaces on Sheffield stands and 1 oversized space. In total 53 Cycle spaces have been shown to be accommodated.

Building three includes five long stay cycle stores at ground floor level. Combined these spaces have been shown to accommodate 270 cycles on two tier racks, a further 10 spaces on Sheffield Stands as well as 13 oversized or non-standard cycle spaces. In total 293 spaces are proposed.

In total the submission has demonstrated that 463 cycle parking spaces can be accommodated with 396 on two tier cycle stands, 48 Sheffield Stands and 19 oversized spaces for larger non-standard cycles.

Private Amenity Space Provision:

Private amenity space is provided for the majority of units in the form of balcony or terrace space for all but 14 of the proposed 251 units, this represents 94% off the units within the plot. Communal amenity space is also provided as detailed below.

Communal Amenity Space Provision:

The proposed development includes extensive soft landscaping between the building and estate road. There are five distinct areas that would contribute towards the communal amenity space for future occupants of the site.

To the north east corner of the site in proximity to Claremont Road a landscaped area of circa 370sqm is proposed. Areas of planting, benches and features for informal play would be located here. The space includes a path and gate offering direct access to Millennium Green.

To the west of Building 3 adjacent to the boundary with the railway is an area of landscaping with some seating around the access path to one of the cycle parking stores. The area is narrow but will be landscaped with seating available. Circa 334sqm of amenity space would be accommodated within this area along with the majority of the site's doorstep play space accommodated in a further area of circa 132sqm.

Bench seating is provided on the eastern side of Building 3 sited around feature planters and trees. This area is bisected by a turning head for refuse and delivery vehicles and provides a setting to front entrances to Building 3. Excluding the turning head, this amenity space provides an area of circa 385sqm towards the amenity space calculations. Two smaller pockets of amenity space are proposed to the northern boundary in between Buildings 2 and 3: a 'pocket space' of circa 118sqm is proposed with two benches whilst a smaller area of circa 40sqm is located to the south of building 1 accommodating a single bench.

In total The LPA considers communal amenity space of circa 1,247sqm would be provided by the development proposals with an additional 132sqm of specific child play space. It is acknowledged that there is further green space around the buildings and estate road some of which has been suggested as further amenity space beyond that measured above, however the above figures give the LPA's considered appraisal of such space which is useable communal amenity rather than simply being a part of the landscape treatment of the site.

4. MATERIAL CONSIDERATIONS

4.1 Key Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan comprises the London Plan (2021) at the strategic level and, at the local level, Barnet's Local Plan – this currently consists of the Core Strategy DPD (September 2012) and the saved policies of the Barnet Unitary Development Plan (2006). Whilst Barnet's Development Management Policies DPD (September 2012) also forms part of the development plan for the application area, paragraph 1.4.3 states that it will not apply to planning applications for comprehensive development in the Brent Cross regeneration area unless and until the Core Strategy is reviewed in accordance with Policy CS2 and Section 20:13 of the Core Strategy. To date, this review has not yet been completed. The policies contained within the Development Management Policies DPD are not therefore material to the consideration of this application.

The Council are, however, 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. The Local Plan 2012 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, 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.

The London Plan 2021 forms the Development Plan for Greater London.

Relevant policies are referred to in the body of this report.

The NPPF (July 2021) promotes a 'presumption in favour of sustainable development' (paragraphs 10 – 14) and for decision-taking, this presumption requires the approval of applications which are considered to accord with the Development Plan.

4.2 Pre-Application Public Consultation

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

This consultation has been undertaken in accordance with the spirit of the advice laid out in the National Planning Policy Framework (NPPF), and additionally in response

to guidance published by Barnet Council itself. Section 4.1.2 of the Council's Statement of Pre-Application Consultation (2015) states '*The aim of pre-application consultation is to encourage discussion before a formal application is made, enabling communities to have an influence on a planning proposal before it is finalised. The process can help to identify improvements and overcome objections at a later stage. Such pre-application consultations can take the form of exhibitions, presentations, workshops or simply a letter or mail shot*'.

The submitted Statement of Community Involvement (BXS Limited Partnership, October 2022) provides details of consultation undertaken in relation to Phase 3B proposals.

4.3 Public Consultations and Views Expressed

Following registration of the application, 477 neighbouring properties were consulted by letter dated 4th November 2022. The application was advertised in the local press on 10th January 2021 and site notice was put up on site on the 4th November 2022. The consultation allowed a 4-week period to respond.

3 representations were received in response to this first round of consultation, one in support and two objections. A summary of these comments is set out below.

Correspondence was also received from Councillor Anne Clarke (Circklewood Ward) in support of the application and requesting to speak on the matter at committee.

The following is a summary of the comments received in response to the initial consultation with officer responses provided as necessary.

- The proposed development will improve the area and provide much needed housing.
- The proposed development would replace an eyesore and a major source of pollution.
- The modern housing development proposed would be a major upgrade to this area of Claremont Road and should have a positive impact upon the surrounding neighbourhood.
- The design approach includes white banding to provide vertical interest on the buildings. Where it is provided the white brick should continue to the very top of the buildings and the locations for this banding should be reviewed. The White brickwork should be used for the whole of the top floor. The blocks should have more variety in design; at least one of the blocks should have a noticeably different finish, even if that only amounts to a different brick colour of banding, or different widths or positions of banding, to create more interest. Small areas of brick bond could be used for deliberate variation.

Officer Response

Design considerations are set out within section 6.4 of this report. Updated elevations have included the wider use of the white tiled brickwork including within the flank walls of the set back stair core on building 3 and at the top two floors on the setback on the western elevation. Further vertical banding for the

entire height of the buildings is not considered a necessary measure.

- Officers should review hard and soft landscaping standards, to ensure offered materials are likely to avoid deterioration over only a few years.

Officer Response

A condition has been applied requiring details of Hard Landscaping materials to be submitted. Longevity will be one of the material considerations.

- The proposed development appears quite dense.

Officer Response

The density of the site at 251 dwellings per hectare falls within the indicative density identified for the Brent Terrace Development Zone and the massing of the three proposed blocks of housing is in keeping with the height controls of the permission, in particular in respect of Parameter Plan 007 (Maximum Building and Frontage Heights)

- The flats appear to be small with the configuration of internal spaces resulting in the Living/Kitchen/Dining areas receiving low levels of light.

Officer Response

The units have been demonstrated to be in keeping with the current Policy in relation to unit size (Policy 3.5 and Table 3.3 of the London Plan). A Daylight and Sunlight assessment accompanies the current proposals. This is considered to demonstrate that an acceptable level of natural light will be achieved in the round to the proposed units.

- The 70 additional peak hour car journeys associated with the development is of concern.

Officer Response

The principle of the development of this site has been established under the existing S73 Permission. Trips associated with the future residential development of the site will replace those of the currently operational Waste site. The transport implications have been subject to consideration under the submitted Phase Transport Report and Reserved Matters Transport Reports and have been found to be acceptable by the Local Planning Authority.

- Noise levels for future occupants are of concern given the proximity of the site to the railway line.

Officer Response

The application has been subject to consideration by the Council's Environmental Health Officer who has also considered details provided in respect of condition 29.1 of the S73 Permission. This condition requires details of the design features that will be used to ensure good internal noise standards within all units accounting for the railway and has been found to be acceptable.

- The lower level of the site from the Claremont Road would raise flooding

concerns.

Officer Response

Consultation has taken place with the Lead Local Flood Authority. The application has found to be acceptable with the submitted Drainage Strategy Report subject to the application addressing the necessary pre commencement conditions in respect of foul and surface drainage and Sustainable Urban Drainage (Condition 1.27) within the S73 Permission.

- There appears to be very little garden space associated with the flats.

Officer Response

The majority of units include private amenity space in the form of balconies or ground floor terraces, the level of communal amenity and play space is considered to be acceptable and the amenity space provision does align with and exceed the requirements as set out in the S73 Permission Design and Access statement under part A2.6.4. The level of Amenity space provision is considered further below within the report.

- A question is raised in respect of the relationship between the proposed residential development and the Millennium Green Proposals.

Officer Response

A condition has been applied to the delivery of the units proposed under this application requiring the developer to deliver the 'Millennium Green Improvements (Existing)' prior to initial occupation of any units on site.

Amended Plans Consultation

Following the receipt of updated plans and supporting documentation, a second round of consultation was undertaken on 8th March for a period of 2 weeks. Four further responses were received in response to this consultation. Whilst a number of specific points of concern are raised within these comments only one response is recorded as an objection. Of the remaining submissions one is recorded as being in support of the development whilst the remaining two are made neither in support or objecting to the proposals.

A request to speak is attached to the respondent with supporting comments the body of the response largely relates to the design and materials of the building.

The following is a summary of the comments received:

- I would be interested to know the allocation of affordable homes and council housing.

Officer Response

A summary of the affordable housing associated with this development has been provided to the respondent and this topic is further discussed below.

- The red brick looks horrid, and would not age well aesthetically at all. They do not take their inspiration from or reflect the appearance of the surrounding buildings. Surrounding buildings are Victorian houses with beautiful large predominantly white sash windows, slate roofs and often intricate brickwork design.
- This is a modern 7 story block of flats, full of black windows and balconies and designed to fit as many homes as possible rather than designed to look attractive, they are incomparable.
- The area here has looked awful for years and been lacking in so many areas, so I am incredibly pleased about the development, but personally as someone who will have to see these large buildings from my windows (as many neighbours will) I would be very interested in other options of neutral coloured brick, to make it look more attractive and stand out a little less.
- Other examples of Chase New Homes previous developments appear to be more attractive such as Lea Wharf. Flats are tricky to make look nice I appreciate that. They serve a purpose, a much needed one in London, but we can at least try to make it less of an eyesore.

Officer Response

On the Claremont Road the predominant nature of surrounding built form is of recent construction, with varied residential properties occasionally interrupted by the Post office sorting office or the NHS Clinic. These buildings are of little architectural value adding, it is expected to the respondent's concerns about the general appearance of the area. To the north of the site on the opposite side of the road the Vale does include more attractive Victorian houses but this is not the immediate context of the site within which it will be seen. The mansion block character of the proposed development is further appraised below, it is considered that with a sensitively chosen and varied red brick the development will achieve an attractive addition set well back from the street frontage.

- Support the inclusion of green spaces within the project and look forward to the front fencing, hedges and trees adding some nice visuals to the road.
- Concerned with the height of block 3. The building would cast a shadow (literally & figuratively) on an area that does not include other blocks of this scale. As an owner of a property that overlooks Claremont Road, I fear that the tallest of the 3 buildings may be a bit of an eye-sore.

Officer Response

The size and scale of block 3 is considered further below. Given the building is located at the back of the site adjacent to the Railway lines it is well removed from the street frontage. Views of the entire length of the Eastern Frontage of the building will be broken by buildings 1 and 2 and the block includes a visual break in this frontage with the stepped back Central Core. Given the roughly north – south orientation the extent of any shadow will be reduced, though it will at times fall upon the Millennium Green and upon Blocks 1 and 2. Evaluation of the impact of this overshadowing has been undertaken in Daylight and Sunlight terms and is considered to be acceptable. Additionally, the building falls within the Maximum building and frontage heights set out under parameter plan 007 of the S73Permission.

- Whilst the designer's argument in using red-brick is understood, Claremont Road and its surrounding roads have are largely constructed in a more modern beige brick. The bold red brick suggested here (similar to the new-builds on Edgware Road between Cricklewood Bus Garage and Staples Corner) would look out of place and drab. A lighter brick, with an accompanying lighter grey balcony railing colour would be less imposing and still offer an elegant solution. It would also reflect light more readily, removing the risk of darkening the skyline.

Officer Response

Whilst there may be a predominant use of a lighter 'beige' buff brick within the built form adjacent to the application site there is variety in the brick colours used including the use of red brickwork for both detailing and for full facades. Details of materials are conditioned and with the selection of an attractive and varied red brick it is considered that the proposals would result in an attractive and appropriate development of the site.

- Concerned about the impact the construction will have on the flow of traffic in the area. Claremont Road is already a fairly busy road, and any disruption will have wider impacts on traffic as there are with limited alternative routes available. Roads in the area are already Damaged due to heavy-vehicle usage. Is there a provision in place to address this?
- The future occupants will add considerably to the volume of vehicles operating in the area. As such, is there a plan on how to handle the additional traffic? The junction of Cricklewood Lane and Claremont Road was recently widened, which has helped somewhat, but more solutions would be needed to absorb the additional vehicles.

Officer Response

As noted above there is an existing and active waste management use on the site and the traffic movements associated with this use will be removed with the proposed development to be replaced by the residential movements of Predominantly smaller vehicles. Appraisals of the transport impacts associated with the proposals have been considered under the Reserved Matters Transport Report and the Phase 3B Transport Reports, both of which have been found to be acceptable. A number of construction management conditions are in place within the S73 Permission with details required for submission and approval prior to commencement. In particular in respect of the respondent's concerns Condition 12.1(b) requires submission of a Detailed Construction Transport Management Plan in association with this proposal.

- The height and density of the proposed development does not respond to the height of residential Properties on Handley Grove where buildings are of only 3 storeys in height. The relationship between existing residential properties on Handley Grove has not been considered in the number of homes proposed or in the scale of the proposed development.
- For 22 years many residents in Handley Grove have opened their windows and looked out onto the blue wall of Donoghues. At least they could see some blue sky above it. When they look out now, they will see 8 storey blocks and not

much else. The storeys should be much lower at no more than 5 stories in height. The scale of the proposed buildings will result in an unacceptable loss of light to properties on Handley Grove.

Officer Response

The proposed residential blocks would result in an increase in height from the three storey blocks on Handley Grove. In terms of outlook from these existing residential properties it should be noted that views of the 8 storey block on Plot 61 will only be oblique as the footprint of this building is set to the western side of the application site and the supported residential accommodation in this location has a north facing windowless wall. The proposed seven storey block on Plot 36 would be an increase in height over the existing continuous 'blue wall of Donoghues' which varies in height from (circa) one and a half to four storeys. These existing buildings do however constitute a continuous wall immediately on the boundary with properties on Hadley Grove. The Block on Plot 36 at 7 stories in height would rise to a height of 22.6m, it would however be located a distance of (circa) 18.5m further north than the existing buildings on the boundary with Hadley Road properties. Unlike the existing Donoghues buildings, which stretch across circa 73m of the shared boundary the Plot 36 building would only be of circa 27m in width before a separation of (circa) 18m to the Building on Plot 61, which as previously noted will only be subject to oblique views from the north facing windows of properties on Hadley Grove. Whilst the buildings proposed are of a larger scale than those on Handley Grove and than those of the existing buildings on the Donoghue site, this is considered to be mitigated by their position within the application site, and the approach taken to the massing and separation of these buildings which could be interpreted as an improvement to the outlook from some of the Handley Grove Properties. In respect of the potential for loss of light both the position of Handley Grove to the south of the application site and the set back of the proposed buildings are considered to avoid any significant impacts. The development proposed accords with the height controls within the S73 Permission for this site and with the expected density for the Brent Terrace Development Zone and in light of the above considerations the proposals are considered to be acceptable in this respect.

- I have significant reservations and concern regarding the height of block 3, blocking the sunlight to properties on Compton Close and in the surrounding area. This will impact current residents' wellbeing if the height of the block is 8 storey blocking all sunlight.

The height of the building will also impact the visual landscape and is very imposing on all residents and not aligned to the other properties on the road.

Officer Response

Block 3 is a large building but it both in height and massing terms, however it's location to the west of the application site sets it well back from the street frontage, to the west the building would face the railway and to the east the massing would be broken up by buildings 1 and 3. Assessments have been made against the Daylight and Sunlight impacts upon neighbouring residential properties, however the nearest residential Property on Compton Close is circa

74m from the closest point of building 3 and Circa 43m to the closest point of the four storey Building 2. Given the distances involved and the relative height of Building 3 (circa 27m with roof plant) daylight and sunlight impacts were not appraised and are not considered to result in significantly detrimental impacts either in respect of light or outlook.

It is noted that the only west looking window on the Claremont Road boundary of Compton Close in fact faces the Millennium Green rather than the application site. Other windows are either set even further back in the site or have generally northern or southern outlooks.

- I am also opposed to some of the Millennium Green being given to the residents of these flats. What about those of us who live in the area who use the Green? It's like the outdoor equivalent of a 'poor door' - we can only look in at an area we've been using for over 20 years, which will now have a nature site where residents can sit and 'quietly reflect' - what will we get?

Officer Response

Neither the current proposals, nor those relating to the Millennium Green would result in the loss of any public space within the Green to the sole use of the future occupants of this site. Future occupants will have direct access through a gate in the shared fence with Millennium Green and will not doubt make use of this public space in the same manner that any other individual would be able to. The presence of a residential development on this site will also provide a level of passive surveillance to the public space which it is hoped will have an impact upon any anti-social behaviour. There was a suggestion that the area of landscaped amenity space proposed to the Claremont Road frontage may function as the Millennium Green Improvements (Extension), defined within the S73 Permission as an additional 0.04ha of open space to be delivered in Phase 5c. This was not considered to be an acceptable approach to the provision of this small addition to the existing area of Millennium Green and is instead provided as a part of the communal amenity area for the future occupants of the site. The current Reserved Matters application has not been submitted to address the delivery of the Millennium Green Improvements (Extension) within Phase 5c and this it remains to be addressed in a later phase of the Brent Cross Regeneration.

- The large number of new homes proposed will result in much more pollution resulting from the associated vehicular trips.

Officer Response

The future residential use of this site and its associated vehicular trips would occur in place of the existing Waste Transfer use and the heavy vehicle and worker's vehicular trips. Whilst a level of pollution will result from vehicular trips to and from the proposed residential Development this would not be considered to be of a significantly detrimental nature to warrant refusing the provision of the number of homes and parking spaces on these grounds.

- Future residents will have to make use of already crowded bus routes 189, 226 and C11 and the Thameslink at Cricklewood. With the opening of the new Brent

Cross West Train Station it will be even harder to get on a train at Cricklewood Station. What about those of us who are elderly or disabled and need buses to actually have seats on them. Will more buses be put on these routes?

Officer Response

The S73 Permission was subject to consultation with Transport for London who considered the wider regeneration proposals and their likely impacts upon the bus network at the time. Included within the legal agreement (S106 Agreement) which accompanies the S73 Permission are contributions towards capacity and any necessary route alterations that would result from the regeneration proposals which are considered sufficient mitigation for the uplift in residential units within the area. The S73 Permission and the recent RMA approval for the New Train Station (Brent Cross West) was also subject to engagement with Department for Transport, Network Rail and the relevant Train Operating Companies. The capacity requirements and service frequencies for the Thameslink services into London have been considered as part of the planning for the new station.

- I would also like to know what percentage of these homes will be social housing - NOT affordable housing, which is 80% of market rates, which are NOT affordable for most people. There is a housing crisis in this country that began when Thatcher sold off council homes. What we need to be building are council and social housing properties, not more private homes that are out of reach for most of us.

Officer Response

C3 Residential uses (such as those proposed within this application) within the S73 Permission are required to deliver a minimum of 15% affordable Housing in a 40%:60% split between Intermediate and Socially Rented tenure. Reserved matters submissions for the delivery of floorspace within the S73 Permission are subject to viability assessments to appraise whether additional affordable housing can be delivered. The affordable housing assessment submitted to address this Reserved Matters application determined that only the minimum 15% Affordable housing would have to be delivered. This means that 9% of the 251 proposed units, (circa 23 units) would be delivered as a Socially Rented Tenure. This is further discussed below.

- What considerations are there to the pollution resulting from the building work? When construction commences there will be impacts resulting from dirt and pollution entering our property. In addition what provisions is being considered for the flow of traffic and potholes as a result of increased property.

Officer Response

The S73 Permission includes a number of pre-commencement conditions details of which have to be approved prior to works starting on site. Of particular relevance to these concerns are the Construction Environmental Management Plan (Conditions 8.3 and 28.1) and the Detailed Construction Transport Management Plan (Condition 12.1(b)) which will mitigate the environmental and transport impacts resulting during construction respectively.

4.4 Statutory Consultees and Other Bodies

Thames Water

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

The proposed development is located within 15 metres of our underground waste water assets and as such we would like an informative attached to any approval granted. (This has been added to the Informative accompanying this recommendation)

Metropolitan Police

The Metropolitan Police Designing Out Crime Officer has advised that they do not object to the proposal but have requested that a planning condition is considered and attached to any approval requiring the development to achieve Secured By Design accreditation prior to occupation.

Concerns have been raised in response to the second round of consultation in respect of the location of the designated doorstep play space and the area between block three and the railway as being a potential location for antisocial behaviour which is not sufficiently active or overlooked. The LPA considers that the large number of balconies, ground floor terraces and windows overlooking this location combined with appropriate management of the site will prevent such behaviour from occurring. CCTV on site will also aid in the prevention of antisocial behaviour in this location.

Historic England

Historic England have confirmed that the application site has no archaeological interest (it was excluded from further investigations in the approved Overarching Archaeological Scheme of Investigation) so the statement on archaeology and cultural heritage in appendix B of the Environmental Screening and Statement of Compliance could be amended to say that no archaeological works are required in this plot.

Transport For London

TfL has raised concerns that the layout is car dominated and doesn't align with London Plan Policy T1 support mode shift and walking, cycling and public transport nor Policy D8 on Public Realm.

Concerns have been raised over the level of detail provided in respect of the Cycle stores with requests made for further details of Cycle parking types proposed and dimensions in order to assist considerations of compliance with London Cycle Design Standards. In addition, the widths of paths locations of visitor/delivery cycle parking locations were queried.

TfL raised the potential for conflicts with doors opening into cycle paths around the perimeter of the buildings and the potential for car parking in close proximity to cycle stores to hit a cyclist exiting the Building 2 (Plot 31 Cycle Store). Concerns were also raised that where cyclists would have to travel between cars they may be prevented from accessing the stores by poor parking and opening car doors.

The potential for conflicts between cyclists and delivery vehicles which unloading in front of cycle stores was also raised as an issue. The visibility of Cyclists on site was questioned as was the potential for soft landscaping features to effect the visibility to and operation of loading vehicles.

Questions were raised over Tracking drawings demonstrating access for both Fire Trucks and Refuse Vehicles. Additionally the location of Electric Vehicle Charging Points was queried as was the control of parking from non-residents.

A query has additionally been raised in respect of the shared space proposal, and whether this has been subject to consultation with and disability groups. Questions were raised over the intended lighting strategy.

Officer Comment

The above comments were received ahead of a re-consultation on additional information including further supporting information on the cycle stores, changes to the layout and location of some car parking spaces and the reconfiguration of parts of building frontages and public realm to improve accessibility through the site, including the establishment of an alternate pedestrian route along building frontages which would allow pedestrians to traverse the site without making use of the shared surface roadway. This has been combined with a condition requiring doors not to be allowed to be opened outward in order to improve such a route. Importantly the Council's own Transport Officer has confirmed their satisfaction with the amendments proposed.

As noted elsewhere within this report engagement has been had with the CAF who did express concerns in respect of the shared surface approach prompting measures to provide an alternate pedestrian option particularly to the south of Block 2 (Plot 31) where there previously was not such direct pedestrian access.

Matters of lighting are controlled by condition attached to this recommendation, tracking has been considered under the approved service and Delivery Strategy under 22/4813/CON and the location of EVCP is controlled by condition 39.7 of the S73 Permission with details required prior to their installation.

Whilst TfL raises concerns in respect of the car dominated nature of the site the proposals do include a significant reduction in parking levels below the level of car parking allowed under condition 38.2 which would allow up to 1:1 parking, whilst the

current proposals include a ratio of only 0.36 spaces per unit. In light of the above, the receipt of additional amended plans and the fact that the neither the site not the Claremont Road from which the site is accessed are a part of the TLRN The LPA considers the concerns above to have been satisfactorily addressed.

4.5 Internal Consultees

Environmental Health (17/03/2022)

Matters relating to noise (noise from plant etc), overheating, contaminated land, vibration, have been addressed in previous discharges pursuant to pre-RMA or other conditions of the S73 Permission. The previous discussion over the applicant's submission for air quality showed a sufficient report once amendments had been made.

The only potential cause for concern is the proposed substation; it is not currently included in any noise assessments, however, given that it is not within any of the proposed buildings, it's possible to address it through conditions of the S73 Permission (Condition 29.5).

Conditions relating to vibration associated with the railway and mechanical cooling in units with high external noise environments have been requested.

Transport Officer (12/03/2021)

The Transport Officer has reviewed the details submitted as part of the application and confirmed that the Reserved Matters Transport Report and Phase Transport Report meet the requirements as set out in the S73 Permission.

Trees and Landscape (02/12/2022)

No objection is raised in respect of the proposed Application.

- 1) Where trees are proposed within the hard surfaced areas, the below ground tree pit must extend beyond the surface tree pit. The use of cellular confinement systems is a requirement to ensure successful tree establishment and growth. Details of suitable systems can be found here [Trees in Hard Landscapes: A Guide for Delivery - Trees and Design Action Group \(tdag.org.uk\)](#)
- 2) The tree species selected must be able to achieve a height that will moderate the scale of the development.
- 3) The proposed species wherever possible must add to biodiversity the use of the Royal Horticultural Society bee friendly list of plants is encouraged. Plants for Pollinators advice and downloadable lists / RHS Gardening
- 4) The applicants should be mindful of the London Invasive Species Initiative [LISI-species-of-concern_-Nov_2014.pdf](#) ([londonisi.org.uk](#))
- 5) Details of the proposed bio-diverse green roofs need to be provided.
- 6) Detailed tree, shrub, and herbaceous plant schedule is required
- 7) Ecological and Landscape Management Plan is required for 25 years
- 8) Tree species planted on top of the retaining wall must be able to withstand the confined rooting zone.
- 9) Log piles should be introduced to enhance bio-diversity. Logs arising from the land clearance to the north would be ideal.

- 10) Details of biodiversity net gains will be addressed by the ecologist
- 11) The landscape design should meet or exceed current policy requirements of the London Plan G5 Urban Greening Factor of 0.4.

LPA Ecologist

The Donoghue Business Park is dominated by bare ground and hardstanding with eight built structures onsite. No natural habitat such as broadleaved woodland, shrub, or grassland are present on the site that would necessitate further surveys. However, the condition of the buildings within the red line boundary has yet to be assessed for their suitability for roosting bats. An assessment of the roosting potential for these building will be required under condition 27.14 of the S73 Permission.

The Donoghue Business Park site is located immediately adjacent to the Millennium Green Park, which itself is immediately adjacent to the Brent Siding East railway embankment. The most recent bat activity survey which was undertaken on the Brent Siding East (Brent Cross Thames Link Station Bat Survey Report (November 2017, 18/5647/EIA)) states that "Five species of bats Common, Soprano and Nathusius pipistrelle, Leisler's and Noctule bats in significant number were found to be using the site. The high level of activity of Leisler's bats, Common Pipistrelle bats and Nathusius pipistrelle bats indicate that the vegetation corridor along the north-east side of the site is an important commuting route between the Welsh Harp Reservoir and several known roosts to the north-east and beyond." Given the known use of the Brent Siding East by commuting and foraging bats and its regional importance to bats and its location in relation to the proposed multi-storey residential development there is yet unassessed risk of light spill impacting on commuting and foraging bats.

The Local Planning Authority (LPA) can condition a detailed sensitive lighting design strategy which will include a detailed lighting assessment as to the current light levels within the site and on the boundaries near to the bat flight path compared to the expected light levels of the artificial lighting scheme in accordance with Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series (Institution of Lighting Professionals, 2018). Reference to details of the proposed boundary treatment including planting specification of trees, shrubs and night scented plants for the benefit of bats and their prey will included as part of the required lighting design strategy.

It is recommended that the application be approved subject to the extant conditions, and proposed condition and the addition of a bat specific lighting condition and the inclusion of the informatives below:

Lead Local Flood Authority (19/12/2022)

Lead Local Flood Authority raise no objection to the detail provided in this application.

Waste and Recycling Team (15/03/2023)

The waste strategy for this application is acceptable to The Street Scene Operations team subject to confirmation that the refuse stores have been designed to accommodate the necessary food waste bins and clarification over accessibility to two of the waste stores. It has been confirmed by the applicant that the size of the refuse stores have been designed to accommodate the necessary waste bins (to be provided at 1 x 140lit bin per 14 properties) as evidenced by the oversized provision of these

stores. Further information has been requested in respect of the collection points in respect of the collection points for the remaining two waste stores. Whilst these have not been clearly shown on the refuse detail plan the LPA is confident that they can be accommodated and expect further details to demonstrate this.

Energy and Sustainability Officer

The Council's Energy and sustainability Officer has appraised the scheme's proposed Sustainability Measures against the requirements of the S73 Permission requirements and in respect of the London Plan Energy Hierarchy.

The proposed building has annual carbon emissions of 70.6 tonnes CO₂/yr of carbon, the baseline used being 207.4 tonnes of carbon.

The standard required by the S73 Permission requires reduction in carbon emissions below the standard set out in Building Regulations Part L 2010 of 40%. This baseline has now been exceeded by the Part L 2013 and Part L 2021 Building Regulations, though these can be extrapolated back to Part L 2010 to compare an equivalent to the required reduction beyond the 2010 Standard.

A reduction of carbon emissions of 66% has been achieved by the developer thereby meeting and exceeding the S73 Requirements. It has been noted that this has been achieved by through application of Passive design measures considered, including insulation, building orientation, fabric, ceiling height, fenestration and green roofs, air tightness and thermal bridging under the 'Be Lean' section of the London Plan Energy Hierarchy and though the use of Air Source Heat Pumps accounting for the 'Be Clean' section of these requirements. The officer notes that further measures could be incorporated under such as the use of Photovoltaics upon the flat roof space in order to further improve the performance of the site through the use of Green Technologies. He notes however that the proposed energy strategy would already exceed the requirements of the s73 Permission in terms of Carbon Reduction as set out under condition 35.6.

Connection to District Heating

From Discussions with Vattenfall (The future providers of the District Heating Network for the Related Argent) it was unclear if network would reach this site well to the south of the main development area. Construction timescales for any such extension of the Brent Cross District Heating Network were also unknown.

In the absence of certainty around the proposed Brent Cross District heat network, combined with the location of the site, a connection with the district heat network was deemed unfeasible.

5. PLANNING APPRAISAL

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

Table 1: Matters to be addressed in Committee Report

6.1 Principle of development	Reserved Matters Details Parameters of the S73 Permission
6.2 Land use	Proposed Use Condition 2.4 Floorspace Amendments (22/5265/CON) Development Quantum Loss of Existing Waste Management Use
6.3 Housing	Residential Mix Affordable Housing Residential Density
6.4 Design	Layout Scale and Massing Elevation Design Treatment Landscaping
6.5 Residential Amenity	Communal Space Standards (Internal) Housing Space Standards External Amenity Play Strategy Daylight and Sunlight Assessment Wind Assessment Noise and Vibrations Air Quality Assessment Construction Management
6.6 Transport and Highways	Car and Cycle parking Transport Considerations Residential Refuse Collections Refuse and Recycling Storage Servicing and Delivery Management Strategy Pedestrian and Cycle Strategy
6.7 Other material considerations	Estate Management Safety and Security Access and Inclusivity Sustainability Flood Risk and Drainage

6.1 Principle of Development

Reserved Matters details

The principle of residential development in this part of the BXC masterplan is established by the S73 Permission (F/04687/13 approved on 23 July 2014).

The RMA has been submitted pursuant to the following conditions:

- 1.3(iii) relates to timescales for the submission of RMA's in All Phase 3 Plots and Bridge Structures in Phase 2 (South) 12 years from the date of 28 October 2010;
- 2.1: relates to documents and topics covered that all RMA's must be accompanied by.

Pursuant to condition 1.3(iii), the RMA for Plots 31, 36 and 61 was received by the LPA on 26 October 2022 and validated on this date. The deadline for submission of reserved matters in respect of Phase 3 is 12 years from the date of 28 October 2010 (hence 28 October 2022) and the application was therefore received within the required timescales of the S73 Permission.

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

Parameters of the Section 73 Permission

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

The approved Parameter Plans need to be read in conjunction with the other control documents approved under the S73 Permission, in particular: the Revised Design Guidelines (RDG) and the Revised Development Specification Framework (RDSF) which the Parameter Plans are appended to. For information, the key parameter plans of relevance to this RMA are outlined below:

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

- *Parameter Plan 004: Ground Level Land Uses to Frontages (Rev 16)*: This plan identifies the describes the land uses on principle ground floor frontages.
- *Parameter Plan 005: Upper Level Land Uses to Frontages (Rev 17)*: This plan identifies the general geometry and use of upper floor frontages.
- *Parameter Plan 006: Proposed Finished Site Levels (Rev 17)*: This plan identifies finished site levels above ordinance datum (AOD) for infrastructure and public realm.
- *Parameter Plan 007: Maximum Building and Frontage Heights (Rev 15)*: This plan identifies the maximum building and frontage heights permitted within different building zones.
- *Parameter Plan 008: Minimum Frontages Heights (Rev 12)*: This plan identifies the minimum frontage heights permitted within different building zones in order to define key public spaces and routes.
- *Parameter Plan 009: Basement and Service Access (Rev 14)*: This plan identifies the building zones where basements are, or are not, permitted and those frontages that can incorporate direct carpark or service yard entrances.
- *Parameter Plan 014: Floorspace Thresholds (Rev 15)*: This plan and supporting text identifies floorspace thresholds for Building Zones within their respective Development Zones, listing the Primary Use and Remaining Floorspace.
- *Parameter Plan 015: Indicative Layout (Rev 7)*: This plan illustrates one layout which the BXC development could be constructed.
- *Parameter Plan 020 – Parameter Plan 28: Indicative Zonal Layout Plan _Brent Terrace (Rev 7)*: This plan illustrates one way in which the Brent Terrace Development zone could be implemented.
- *Parameter Plan 029: Indicative Phasing Plan (Rev7)*: This plan illustrates the staging of each Phase of the overall BXC scheme under the S73 planning application.

Details submitted with this RMA for Plots 31, 36 and 61 largely demonstrate conformity with the parameters of the outline consent. These are addressed in more detail in the relevant subsections of this report.

Table 2: Deviations from Parameter Plans:

Parameter Plan	Deviation	Impact, consideration
<i>Parameter Plan 002 (Rev 19) (Transport Infrastructure)</i>	Parameter Plan shows the relocation of the Network Rail Boundary within the application site.	The Network Rail boundary will not be altered as the Rail Admin Building will no longer be located on Plot 61.
<i>Parameter Plan 003 (Rev 19) (Public Realm and Urban Structure):</i>	Parameter Plan shows a Tertiary Pedestrian and Cycle Network running through the western side of the site linking Gas Governor Square with Claremont Road.	This Pedestrian and Cycle route has not been included as a part of Phase 3 submissions and is discussed within the Transport Considerations and ES Evaluation of this report.
<i>Parameter Plan 029 (Indicative Phasing Plan) Indicative Plot Schedule within the supporting text to this document.</i>	The Use for Plot 61 within the Indicative Plot Schedule accompanying Parameter plan 029 is shown to be as a 'Rail Stabling Admin' Building where the proposals under this Reserved matters application would deliver the plot as Residential.	As titled the <i>Indicative Plot Schedule</i> accompanying Parameter Plan 029 does not establish the future use of each plot but indicates a use that would reflect the necessary characteristics of uses within the wider Outline permission. The deviation of the indicated use of this plot has therefore been noted and an application has been made against condition 2.4 under reference 22/

With regard to the impact of these deviations in Environmental Impact terms, namely whether or not the changes would render the conclusions of the S73 ES valid or warrant the submission of the further Environmental Statement, paragraph 1.8 of the RDSF states:

“Wherever parameters and principles are referred to in the planning permission sought, the design and other matters subsequently submitted for approval will be required to comply with such parameters and principles, unless any proposed

departures would be unlikely to have any significant adverse environmental impacts beyond those already assessed.”

Therefore, in environmental impact assessment terms, deviations from the parameters and principles referred to in the S73 Permission may be considered acceptable providing the proposals have no adverse environmental impacts.

6.2 Land Use

Mix of uses

The land use expectations for different parts of the BXC development are set out within the S73 Permission documents, principally the RDAS and RDSF along with appended Parameter Plans. The S73 Permission divides the BXC site into a series of Development Zones (as shown on Parameter Plan 001) based on different character areas. This Reserved Matters Application seeks the residential (C3 Use Class) development of plots 31, 36 and 61.

This application seeks the C3 residential development of 21,465sqm (GEA) Use Class to deliver 251 flats across Plots 31, 36 and 61.

Plots 31 and 36 are located within the Brent Terrace Development Zone within the BT4 Building Zone. The RDAS establishes a vision for Brent Terrace as largely residential in character in many cases making use of disused Rail Lands to deliver nearly one third of the residential floorspace within the regeneration scheme, to the south of the A406.

Although immediately adjacent to the Brent Terrace Development Zone Plot 61 falls within the Railway Lands Development Zone within the RL2 Building Zone. The Railway Lands Development Zone is identified within the RDAS as being given over to Industrial/Storage and Distribution uses and includes no residential floorspace. Specifically Plot 61 is identified within the S73 Permission for use as an administration building associated with the new rail sidings. A building meeting this function has however already been delivered. This alternate provision was approved under a Drop-in application (Ref: 18/5244/EIA) for the Train Operating Company building within the rail sidings compound to the north of the application site within Network Rail land.

Whilst Plot 61 falls within a Development Zone which was not identified under the S73 Permission for the delivery of Residential Floorspace, the Plot is located immediately adjacent to Plots 31 and 36, both of which have been identified for such use. Plot 61 is also the only part of the Railway Lands Development Zone which is located on the eastern side of the Railway, in this respect it is more closely aligned with the character of the Brent Terrace Development Zone and the surrounding existing residential development in the area. Furthermore, it should be noted that the S73 Permission established residential use on Plot 35, immediately adjacent to Plot 61, which would have been located on part of the Millennium Green open space. This plot is not proposed to be developed. Therefore, taking into consideration the existing residential nature of the area surrounding the site including the existing properties on Handley Grove immediately to the south of the application site, and the predominantly

residential use consented for plots 31, 35 and 36, the proposal to deliver residential use on Plot 61 would be in keeping with this character and is considered acceptable in principle.

There are controls within the S73 Permission which limit the Use Class and amount of floorspace within each Development Zone and Building Zone. As noted, Plot 61 falls within a Development Zone with no allocation of residential floorspace. In order to consent reserved matters for residential use on Plot 61 an application pursuant to Condition 2.4 of the S73 Permission has been submitted to amend the floorspace controls within the Zonal Floorspace Schedule as detailed below.

Floorspace Amendments Applications 22/5265/CON and 22/5431/BXE

In parallel with these Reserved Matters a conditions application relating to Condition 2.4 of the S73 Permission was submitted (Ref: 22/5265/CON) seeking amendments to floorspace allocation tables to reflect the proposed residential Floorspace sought on Plot 61. Alongside this application a submission against condition 1.30 has been made to vary the definitions of Floorspace Thresholds for Building Zones and Zonal Floorspace Schedules to reflect an updated revision of each table, (Ref:22/5431/BXE).

Condition 2.4 of the 2014 outline permission states:

“2.4 The DSF shall be revised by the Developer (subject to obtaining approval in accordance with this Condition) from time to time in order to incorporate approved revisions into the Reconciliation Mechanism reflecting any changes brought about through:

2.4.1.1 Reserved Matters Approvals, Other Matters Approvals or best practice guidance, or any other matters; and/or

2.4.1.2 any Further Section 73 Permission and/or Alternative Energy Permission and/or any Additional Planning Permission; and/or

2.4.1.3 any consequential changes as a result of any approved variation of the Phases in accordance with condition 4.2.

2.4.2 Any application for a proposed revision pursuant to condition 2.4 will be determined in accordance with the requirements of the EIA Directive.

2.4.3 The development of each Plot or other part of the Development approved thereafter shall be designed and carried out in accordance with such approved revised Development Specification and Framework.

Reason: To ensure the ongoing implementation of comprehensive, high quality urban design within the overall scheme in accordance with the parameters and principles which are approved in this permission.”

The function of Conditions 2.4 is to provide the ability to update the RDSF from time to time to assist with the ongoing implementation of comprehensive delivery of the BXC scheme. This includes the Zonal Floorspace Schedule and the Floorspace

Threshold For Building Zones. Condition 1.30 enables changes to the defined terms in the Glossary to the Decision Notice on the basis that such changes are non-material.

Also of relevance is Condition 36.1 which requires development to be carried out in accordance with the quantum of floorspace within the Zonal Floorspace Schedule and the Floorspace Thresholds for Building Zones to remain within the parameters assessed in the Revised Environmental Statement.

The changes proposed include the reallocation of 13,901sqm (GEA) of residential floorspace from the Brent Terrace Development Zone and BT4 Building Zone to the Railway Lands Development Zone and RL2 Building Zone.

The proposed use for Plot 61 is identified within the Indicative Plot Schedule accompanying Parameter plan 029 as a 'Rail Stabling Admin' building. The Rail Stabling Admin building indicated as the expected use for Plot 61 is associated with the new rail sidings under Phase 2 (Thameslink). The early delivery of this facility became necessary in order to facilitate the various railway improvements and changes required ahead of the early delivery of the New Railway Station. Permission was therefore sought for a Sidings Compound facility within Network Rail land circa 650m to the north west of the Donoghues Site by way of a 'drop-in planning application' (reference 18/5244/EIA). This application was approved on 14th December 2018 and the sidings compound has been subsequently constructed.

Following the approval and construction of the sidings compound and TOC building in an alternative location, the indicative use for Plot 61 is no longer required in order to deliver the comprehensive development of the Brent Cross Regeneration area.

The proposed amendments would not materially impact on the wider nature of the BXC development. The Railway Lands Development Zone will not change materially in terms of the nature and type of development and will continue to be able to deliver a significant quantum of industrial uses and business floorspace.

The amendments do not alter the overall permitted amount of floorspace, quantum of development or mix of uses permitted by the S73 Permission. The changes proposed relate to a minor redistribution of residential floorspace within the Brent Terrace and Railway Lands Development Zones. The proposed redistribution will not impact on the comprehensive development of the BXC site as intended by the S73 Permission.

The effect of the redistribution of residential floorspace into the Railway Lands Development Zone in respect of environmental considerations is not considered to present any new or significant different impacts or change in effect when compared with the S73 Permission as consented. As shown on Parameter Plan 029, Plot 61 (within the Railway Lands Development Zone) is located in close proximity to Plots 31, 35 and 36 (within the Brent Terrace Development Zone) which were approved for residential development within the S73 Permission. The transfer of residential floor area from Brent Terrace to the Railway Lands would not increase the overall quantum of residential floorspace which was approved and assessed for this part of the masterplan. The proposed updates to the Zonal Floorspace Schedule include a note specifying that the 13,901 sqm of residential floorspace being transferred to RL2 must be located within the vicinity of Plot 61.

Given the effects discussed above, the proposed changes to facilitate residential development on Plot 61 alongside residential development on Plots 31 and 36, as part of the overall scheme for the PB Donoghues sit are considered acceptable.

Development Quantum

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

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

Further to controls regarding floorspace, Condition 36.1 of the S73 Permission requires compliance with the Zonal Floorspace Schedule (Appendix 5, RDSF). Condition 36.1: states the following:

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

Pursuant to the above, the following table shows; firstly the development quantum for the Plots; secondly the floorspace limits for the BT4 Building Zone provided by the 'Floorspace Thresholds for Building Zones (GEA – excluding residential ancillary spaces)' table included within Parameter Plan 014; thirdly the cumulative floorspace to date in the Brent Terrace Development Zone; and fourthly the Brent Terrace permitted Residential floorspace quantum.

Table 1 Development Floorspace

Table 1 Development Floorspace within the RDSF sets out the total amounts of floorspace approved under the S73 Permission for the regeneration of Brent Cross. All tables within the RDSF consider Floorspace calculation in terms of Gross External

Area (GEA). Notes accompanying these tables identify specific exclusions such as rooftop and basement plant. The figures discussed below are all GEA and are subject to the specific exclusions captured within the floorspace controls of the S73 Permission. Table 1 identifies that a total of 712,053sqm (GEA) of Residential Floorspace can be delivered under the S73 Permission.

This Reserved Matters application seeks approval for residential development of Plots 31, 36 and 61 which would amount to the delivery of 20,605sqm of residential floorspace.

The following Reserved Matters applications including residential Floorspace have been approved under this S73:

Reserved Matters Application	Residential Floorspace Approved
15/00720/RMA – Phase 1A (North), Plots 53 and 54. Approved 9 June 2015	5,456sqm
17/2963/RMA – Phase 1B (North), Plot 113. Approved 17 October 2017	5,012sqm
17/6662/RMA – Phase 1B (South), Plot 12 Approved 13 February 2018 (As amended).	31,254sqm
18/6337/RMA – Phase 1C, Plot 13, Approved 22 February 2019	31,159sqm
18/6409/RMA – Phase 1C, Plot 11, Approved 28 March 2019	31,093sqm
20/5690/RMA – Phase 2 (South) (Plots), Plot 14, Approved 19 February 2021	27,438sqm
21/0070/RMA – Phase 2 (South) (Plots), Plot 15, Approved 22 March 2021	27,043sqm
21/4063/RMA – Phase 4a, Plot 25, Approved 13 October 2021	19,494sqm (Note as Student accommodation this floorspace is 'C2' Residential Floorspace.) *
Total approved Residential Floorspace to date.	177,949sqm

**There is a fixed limit of such floorspace within the S73 Permission which is limited to up to 45,000sqm across the Regeneration Area. Within the S73 Permission the development of such C2 Floorspace falls within the wider Residential Floorspace of 712,053sqm (GEA).*

With the additional 20,605sqm of Residential Floorspace proposed within the current Reserved Matters application 198,554sqm of residential floorspace within the Brent Cross Regeneration area would have been approved, equivalent to (circa) 28% of the 712,053sqm of floorspace approved under the S73 Permission, therefore well within the constraints on residential floorspace set out within Table 1 of the RDSF.

Appendix 5 – Zonal Floorspace Threshold

The Zonal Floorspace Schedule, as updated, within Appendix 5 of the RDSF sets out the maximum amount of Floorspace of each use class available to each Development Zone.

Plots 31 and 36 are located within the Brent Terrace Development Zone. Plot 61 is located within the Railway Lands Development Zone.

The Zonal Floorspace Schedule allows for a maximum of 173,433sqm of Residential Development within the Brent Terrace Development Zone. No Residential Floorspace is currently approved within the Railway Lands Development Zone.

The proposals for Plots 31 and 36 amount to 4,857sqm (GEA) and 2,624sqm (GEA) of residential floorspace within the controls of the S73 Permission, in total 7,481sqm. The only other residential floorspace to have been approved to date within the Brent Terrace Development Zone is within Plots 53 and 54 amounting to 5,465sqm. With the approval of this current Reserved Matters Application a total of 12,946sqm (GEA) of Residential Floorspace or (circa) 7% of the maximum floorspace allowable within the Brent Terrace Development Zone.

The Railway Lands Development Zone, within which Plot 61 is located, currently has no allocated Residential Floorspace. Plot 61 proposes a development of 13,124sqm (GEA) of C3 residential floorspace.

Subject to the approval of the submitted condition 2.4 application (Ref: 22/5265/CON), discussed above the floorspace would be available within the Railway Lands Development Zone to deliver the proposed development on Plot 61.

Table 6: Floorspace Thresholds for Building Zones

The Floorspace Thresholds for Building Zones Table accompanies Parameter Plan 014 'Floorspace Thresholds' in the RDSF. The table sets out and identifies the use and maximum amount of the Primary Floorspace, and the amount of any remaining secondary uses within each Building Zone.

Plots 31 and 36 are located within the BT4 Building Zone. Table 6 allows up to 84,658sqm (GEA) residential floorspace within the BT4 Building Zone and up to 465sqm (GEA) of secondary floorspace, which can be of any use class available to the wider development zone within the Zonal Floorspace Schedule. The cumulative floorspace of Plots 31 and 36 is 7,481sqm and this RMA is the first submission of reserved matters within the BT2 Building Zone. The delivery of Plots 31 and 36 would represent the delivery of (circa) 9% of the Residential Floorspace allowable within this Building Zone, well within the maximum floorspace allowed.

As noted above Plot 61 falls within the Railway Lands Development Zone and within the RL2 Building Zone and amounts to 13,124sqm (GEA) of C3 Residential Floorspace. The Primary use within RL2 is industrial with 29,618sqm to allow delivery of the Rail Freight Facility. The remaining floorspace for this Building Zone amounts to 7,433sqm, though as noted above within the Zonal Floorspace Schedule, none of

this floorspace is residential. As explained above, in order for Plot 61 to accord with the Floorspace Thresholds for Building Zones Table, the accompanying application pursuant to Condition 2.4 (Ref: 22/5265/CON) needs to be approved which would transfer 13,901sqm (GEA) of residential Floorspace from the BT4 Building Zone to the RL2 Building Zone within Table 6 in keeping with the changes proposed to the Zonal Floorspace Schedule.

Redevelopment of a Waste Management site

The S73 Permission provides a new Waste Transfer Station (WTS) as a replacement for the Hendon Waste Transfer Station, which will be redeveloped as part of the regeneration.

The approved WHF also provides compensatory provision for the capacity of three commercial waste management sites within the BXC development area – McGovern Brothers, P B Donoghue and Cripps Skips, which will also be redeveloped under the S73 Permission. Under the terms of the S73 Permission, this replacement capacity is based on volume of waste and not the category of waste nor type of waste management facility to be replaced.

Planning permission was granted in October 2018 for the replacement WTS which has a design capacity of 195,000 tonnes per annum. The approved WTS meets the NLWA requirements and will ensure that waste is treated within London instead of being transported outside of the Capital for processing or to landfill.

Condition 41.5 of the S73 Permission requires the capacity of existing waste management sites within the boundary of the permission, to be reprovided either within the WTS or at another site approved by the LPA in consultation with the North London Waste Authority. The condition states:

41.5

Not to redevelop any waste management site unless compensatory capacity to address that site is secured either within the Waste Transfer Station or at such other suitable site(s) preferably within the borough or otherwise within London as shall have been approved by the LPA in writing (in consultation with the North London Waste Authority). Compensatory capacity must at least meet, and should exceed, the maximum annual throughput achieved over the last 5 years at the waste management site to be lost.

Reason: To comply with London Plan Policy 5.17

This condition will have to be discharged ahead of the redevelopment of the application site.

The replacement waste capacity that needs to be provide for the waste sites at BXC can be derived from the annual throughput figures published by the GLA on the London Waste Map. These are summarised in the table below.

Site	Mgt Type	2016	2017	2018	2019	2020
PB Donoghue	Transfer	113760	94417	69629	69590	63240
Cripps Skips	Transfer	8910	8554	7699	9205	4786
McGoverns	Transfer	42234	43408	34339	0	0
Hendon WTS	Transfer	142107	138757	140420	143161	137332

Source: London Waste Map

The total maximum throughput for the waste sites within BXC over the five years of 2016 - 2020 was 309,534 tonnes per annum. This can be taken as the waste capacity figure to be compensated, however it should be noted that the McGoverns and Cripps waste sites have since closed as they fall within the land required to delivery first phases of the BXC scheme.

Condition 41.5 allows the replacement capacity for the existing waste management sites to be provided at the WTS or at alternative sites, subject to agreement with the LPA and NLWA.

Full planning permission (17/5761/EIA) was granted in 2018 for a rail freight facility at 400 Cricklewood Railway Yard, Land At Rear of 400 Edgware Road Edgware Road Cricklewood NW2 6ND. The approved development comprises two operations; the transfer of aggregate material from rail to road; and the transfer of non-putrescible (construction) waste from road to rail. The construction waste is largely arising from excavations. The construction waste is sorted prior to it being delivered to the site by road where it is then stockpiled and loaded onto trains to be taken away to licensed facilities for reprocessing or to landfill. The site has capacity to deal with up to 500,000 tpa of construction spoil per annum although it is currently licenced by the Environment Agency to deal with up to 249,999 tpa. The site became operational at the end of 2019 figures published on the GLA London Waste Map show that it processed 137,418tonnes in 2020.

All of the waste facilities within BXC are listed on the Waste Data Interrogator as 'transfer'. The consented operation of the RFF site at the Cricklewood Railway Yard is now formally identified on the London Waste Map as a waste site falling within the category of 'transfer and treatment (construction, demolition and excavation)'.

The LPA consider that the capacity of the RFF in terms of construction waste transfer can therefore reasonably be used as replacement capacity for the waste sites within the S73 Permission boundary.

The throughput and replacement capacity figures are summarised in the table below.

	WASTE SITE			
	PB Donoghue	Hendon WTS	Cripps Skips	McGovern Haulage
Max Annual Throughput in last 5 years	113,760	143,161	9,205	43,408
Combined total capacity to be replaced based on published maximum throughput figures	309,534			
Capacity of approved WTS	195,000			
Capacity of the construction transfer element of the Rail Freight Facility	137,418 (licenced for 249,999 tpa)			
Combined replacement capacity of WTS and RFF	332,418 (444,999 based on licenced capacity)			
*All figures expressed as tonnes per annum				

The table shows that the WTS combined with the construction waste transfer element of the RFF provide a total of 444,999tpa of waste capacity which is more than sufficient to offset the combined maximum throughput of 309,534tpa of the four waste sites within BXC. Even taking the published throughput figure of 137,418 for the RFF from 2020, the combined capacity of 332,418tpa is still sufficient to meet the required compensatory capacity. On the basis of this assessment, the LPA are satisfied that the terms of Condition 41.5 can be satisfied.

6.3 Housing

Residential Mix

A total of 251 residential units are proposed between Plots 31, 36 and 61 in a mix of Market and Affordable housing. Discussion on the quantum and tenure of affordable housing proposed is set out below in the Affordable Housing section of this report below.

The S73 Permission provides a site wide target mix for sizes of residential units, represented as percentages between the different unit sizes. For private housing this is provided in paragraph 2.23 of the RDSF (Table 2) and the site wide mix comprises 35% 1 bed, 47% 2 bed, and 18% for 3 and 4 beds. For Affordable Housing This mix is set out in Table 3 of the RDSF under Paragraph 2.25. The unit mix targeted varies between Intermediate and Affordable Rent. For Intermediate units 36.8% 1 bed, 46.6%

2bed and 16.6% 3 or 4 bed units are required. In the case of the affordable rent homes the target comprises 16% 1 bed, 37% 2 bed, and 47% for 3 beds.

The above unit mixes can be amalgamated based upon the proportions of each tenure that is being proposed. 85% of the units would be market housing, 6% is required as Intermediate Housing and 9% as Affordable Rented. The amalgamated unit mix is: 33.4% 1 bed units, 46.1% 2Bed Units and 20.5% 3 or 4 bed units.

In addition to the above proportions, 10% of the homes are required to be provided as M4(3) Wheelchair user dwellings.

The tables below set out the proportion of units within each of the Plots within Phase 3B.

Table: Plot 31

Unit Size	Number of Units
1-bed	8
2-bed	21
3-bed	4
Total Unit Number	33

Within the above mix Plot 36 would include 7x1 bed M4(3) wheelchair units.

Table: Plot 36

Unit Size	Number of Units
1-bed	7
2-bed	46
3-bed	7
Total Unit Number	60

Within the above mix Plot 36 would include 4x3bed M4(3) wheelchair units.

Table: Plot 61

Unit Size	Number of Units
1-bed	62
2-bed	58
3-bed	38
Total Unit Number	158

Within the above mix Plot 61 would provide 7x1 bed and 7x2 bed M4(3) wheelchair units.

The table below considers the sitewide mix proposed against the combined percentage for unit sizes across the proposed tenures.

Table: Sitewide Unit Mix Phase 3B

Unit Size	Number of units Proposed	Percentage of units	Amalgamated Target Unit Number and Percentage
1-bed	77	30.7%	84 units (33.4%)
2-bed	125	49.8%	116 units (46.1%)
3-bed	49	19.5%	51 units (20.5%)
Total Number of Units	251		

The proposed mix would include a total of 25 M4(3) Standard Wheelchair Units amounting to 10% of the units proposed. These would include 14x1 bed units (56%)¹; 7 x 2 bed units (28%) and 4 x 3 bed units (16%).

The Affordable Housing requirement for this Phase is 15% of the units in a 40%:60% split between Intermediate and Affordable Rented tenures. This amounts to (circa)² 38 units. The table below sets out the proposed mix for the affordable tenures based on the site-wide target mix for the S73 Permission.

Affordable Housing Mix

Unit Size	Intermediate	Affordable Rent	Total Affordable Housing
1 bed	6	4	10
2 bed	7	8	15
3 bed	2	11	13
Total	15	23	38

The remaining 213 units would all be of a private tenure. The proportions of these units are set out in the table below alongside the Target Private Tenure Unit Mix.

Private Tenure Mix

Unit Size	Proposed (unit numbers and percentages)	S73 Targeted Private Tenure Unit Mix (unit numbers and percentages)
1 bed	67 (31%)	75 (35%)
2 bed	110 (52%)	100 (47%)
3 bed	36 (17%)	38 (18%)
Total	213	

It can be seen from the table above that the proportion of 1 bed units and 3 bed units are slightly below the sitewide Target Mix and that the number of 2 bed units is slightly

¹ Note these Percentages are given of the number of wheelchair units.

² The Affordable Housing unit numbers have necessarily been rounded. Details will be submitted within the Affordable Housing Scheme under Condition 1.12 which is a pre-commencement condition and will establish the final affordable housing Unit Mix numbers in line with the required percentages.

above.

The housing mix expectations for the Brent Cross development are expressed as site wide targets. The proposed housing mix for Phase 3B therefore needs to be considered in cumulative terms having regard to the mix and number of units approved to date in other phases.

The table below considers the cumulative effect of the development within Phase 3B against other private residential units approved to date within the wider Brent Cross Regeneration Scheme.

Table: Cumulative Private Housing Mix

	Total Consented Private Units and Percentage to date	Cumulative effect of Phase 3B Private Units	RDSF Site Wide Target Private Mix
Studio/1-bed	467 (37%)	534 (36%)	35%
2-bed	657 (51%)	767 (51%)	47%
3-bed	153 (12%)	189 (13%)	18%
Total	1,277	1,490	

This shows that the cumulative site-wide mix of private tenure flats within BXC is close to the 1 bed target, with slightly more 2 bed units at this stage and fewer 3 bed units.

This trend tends to reflect the fact that the early phases of the development have been in the Market Quarter zone in the heart of the new town centre with a slightly higher focus on the smaller units and reflecting the fact that this part of the masterplan is perhaps less suited to deliver family sized housing. This has been accepted in the reserved matters approved to date which have had fewer three bed units within their early phases and an increased proportion of 1 and 2 bed units. As a result, a higher proportion of larger units is expected in the forthcoming residential phases of the development in order to deliver the Targeted Private Unit Mix. It is not considered appropriate to push this standalone development to carry the accumulated shortfall of larger units from earlier approvals. In the light of the positive cumulative impact of the proposal and the only marginal divergences in unit sizes that would result the Private Unit mix is considered to be acceptable.

Phase 3B Affordable Housing Viability Testing Report

The Section 73 Permission requirements for affordable housing are contained within Schedule 2a of the Section 106 Agreement and this sets a minimum requirement of 15% of all housing within each phase to be affordable housing, with a target of up to 30%. The affordable housing is required to be provided on the basis of 60% affordable rent and 40% intermediate affordable housing. Each phase is required to be tested through an Affordable Housing Viability Testing Report (AHVTR) pursuant to Condition 1.13 of the S73 Permission and the obligations under Schedule 2a of the Section 106 Agreement. The AHVTR obligations require the Developer to undertake a financial viability appraisal of the development proposed within a phase or sub phase in order to determine if any Additional Affordable Housing may be viably provided above the 15% minimum requirement. Schedule 2A sets an Indicative Rate of Return (IRR)

hurdle for the master developer of 20% which, if not exceeded, means the requirements for Additional Affordable Housing are not triggered.

Agreement has been reached on the AHVTR for Phase 3B pursuant to Condition 1.13 (LPA ref: 22/4391/CON). This assesses Phase 3B as a whole encompassing all of the residential development within the sub-phase comprising Plots 31, 36 and Plot 61, and the associated infrastructure which includes the Millennium Green Improvements (Existing).

The AHVTR has been modelled on the basis of anticipated gross external areas (GEA) across the Plots with the Minimum requirement of 15% Affordable Housing weighted 60:40 Affordable Rented to Intermediate provided from within the Proposed Unit Mix. The exact details of the affordable housing provision for the phase including tenure, type and mix of affordable housing units, will be covered in the Phase Affordable housing Scheme (see section below).

The AHVTR has been independently appraised by the Councils appointed professional advisors the District Valuation Service (DVS) which is part of the Valuation Office Agency. The DVS concluded that for Phase 3B the 20% hurdle would not be reached and therefore the 15% affordable housing provision is the maximum level that this phase can provide.

Affordable Housing Scheme

The details of affordable housing for a given phase are required to be set out in an Affordable Housing Scheme (AHS) which needs to be approved by the LPA via condition prior to commencement of the relevant Phase in question. Therefore, the actual provision of affordable housing units within a phase or plot is not secured by way of approval of reserved matters applications, but instead is secured when AHS is approved prior to the commencement of the development of the relevant Plots where housing is being provided. Initial suggestions from the Applicant indicate the affordable housing units provided between Plots 36 and 61.

Residential Density

The proposal has a residential density of 251 units per hectare, based a site area of 1.00 hectares and 251 units proposed.

Table 3b of the RDSF outlines an illustrative residential density of 298 units per hectare (u/ha) for the Brent Terrace Zone. This zone extends along the eastern side of the Midland Mainline to the west of Brent Terrace and includes plots closer to Brent Cross Town. The indicative densities were derived primarily from the parameter controls and thresholds identified in the RDSF in relation to building heights, floorspace and other standards. Paragraph 2.28a of the RDSF states that density is not an assessment tool in its own right, and actual densities will be calculated at reserved matters stage and should be part of an assessment of relevant standards and design quality including sunlight/daylight, private amenity space, building heights as well as the scale thresholds.

The London Plan (2021) promotes a design led approach (Policy D3 Optimising Site

capacity through the design led approach) to development, whereby optimising site capacity means ensuring that development is of the most appropriate form and land use for the site having regard to form and layout, experience and quality and character. Further, London Plan Policy D2 (Infrastructure requirements for sustainable densities) states that the density of development should be linked to future infrastructure levels and be proportionate to the site connectivity, in particular the Public Transport Accessibility Level (PTAL).

Subject to assessment of the design quality of the scheme and compliance with relevant parameter controls set out in the sections below, the proposed residential density should be considered within the context of the regeneration scheme, the Opportunity Area designation of BXC and the expected scale and typology of development consented by the S73 Permission. The density of 251 units per hectare is within the illustrative density of 298 units per hectare for the Brent Terrace Zone. The scheme has been designed to comply with the height parameters of the S73 Permission. The total number of units proposed reflects the fact that Plot 61 is no longer proposed as a rail admin building and is being delivered for housing, plus the fact that Plot 35 is not being developed on the Millennium Green land.

The proposals represent a high-quality residential development which will offer good standards of accommodation and amenity to future residents, close proximity to Millennium Green and extensive ancillary communal amenity facilities.

On this basis, the proposed density is considered acceptable for its location having regard to the outline planning consent.

6.4 Design

This section of the report covers matters relating to the design of the Phase 3B Plots curtilage, focussing principally on the masterplan context, the approach to layout in terms of built form and location of different activities, the approach to development plot massing and elevation design treatment and details concerning the landscaping within the site.

Layout

Layout - Masterplan context

The indicative masterplan layout for BXC is shown on Parameter Plan 015 (Indicative Layout Plan). The parameters do not fix the layout or location of the development plots, rather they provide a general arrangement as one way in which the regeneration would be built out in accordance with the parameters. Accordingly, whilst the parameters establish Building Zones on Parameter Plan 014 only the general location of the plots themselves is shown.

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

Plans, to demonstrate that the proposals are complimentary and as such demonstrate that comprehensive delivery of the masterplan is capable.

In this instance, at the time of writing whilst the LPA has reached agreement on the submitted IRP in relation to Phase 3B (LPA ref: 22/5205/CON) the condition is in the process of being discharged and is expected to be discharged by the time of Committee.

The plot details are shown in basic plan form comprising the Plot 31, 36 and 61 building footprints and the area of Millennium Green to the north. The application curtilage is shown within the context of the rest of the masterplan as approved to date and as anticipated to come forward in the future.

Of relevance to the Phase 3B proposals are the following conclusions of the IRP process:

- Plot 35, consented as a residential plot located on part of the existing green space of Millennium Green, is not being proposed. This allows the delivery of the Millennium Green Improvements (Existing) to be delivered without impacting on the configuration of the existing open space.
- The layout of built form within the plot is set back from the Claremont Road by approximately one quarter of the width of the site in order to account for an existing Thames Water easement over an existing sewerage pipe.
- Plot development within the site is set out over three separate blocks rather than the indicative approach of a courtyard block for the residential development over Plots 31 and 36 with the Rail Servicing Building on Plot 61 separately located to the western edge of the site.
- Plot 61 is proposed for residential use, subject to the approval of the condition 2.4 application 22/5265/CON discussed further above.

Layout – Public Realm and Highways Infrastructure

In masterplan layout terms, the approach of providing three Blocks within an internal and landscaped shared surface private roadway accessed from Claremont Road is considered to be in keeping with the general approach for these plots within the S73 Permission.

Details on Parameter Plan 002 (Transport Infrastructure) show an amendment to the boundary of Network Rail land within this site in order to accommodate the Rail Admin Building. In light of the proposed residential use of Plot 61 and the alternative provision that has been made such a change is not required.

Connection of a pedestrian and cycling route through to the back of Plot 35 is shown on both Parameter Plans 002 (Transport Infrastructure) and 003 (Public Realm and Urban Structure). This would not be provided under the current proposals. With Plot 35 not being delivered and the western end of Millennium green remaining as a public park such a link is not considered to be appropriate. Furthermore, the land to the north

of Millennium Green is currently in Network Rail ownership and will not come forward until later phases of the BXC development. Alternate pedestrian and public routes are available along Claremont Road.

Layout – Plot Uses

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

In terms of ground floor uses, the main guiding principle for Plots within the S73 is provided through Parameter Plan 004 (Ground Level Land Uses to Frontages). This Parameter control provides for Residential Uses to the eastern, northern and southern building zone frontages for the application site whilst the western frontage facing the railway is identified as appropriate for 'Any Permitted Uses'. The same arrangement of uses is shown on Parameter Plan 005 (Upper Floor Uses). Subject to the approval of the condition 2.4 application 22/5265/CON as discussed above. The proposed development would accord with these two Parameter Plans and would therefore be aligned to the outline permissions aspirations for this part of the masterplan area.

The proposed built form on the site is, as noted above, set back from the Claremont Road Frontage due to an area of easement above a Thames Water Sewer. This part of the site provides the vehicular access route, some car parking and landscaped amenity space.

Plot 31 (Identified as 'Building 2' by the applicant) comprises a four storey block with square in footprint is set to the northern side of the site circa 5.5m from the boundary with Millennium Green. To its south separated by the estate road and car parking is Plot 36 ('Building 1') which rises to seven storeys in height. The southern façade of this building faces the rear garden boundary of terraced properties and some flats along Handley Grove and is set circa 18m from the boundary, separated by car parking, the continuation of the estate road and some landscaping. A building-to-building distance of circa 32m would be achieved. Building 3 (broadly corresponding to Plot 61) would run the length of the western boundary of the site at heights between six and eight storeys. At its southern end, the flank of Building 3 would be circa 21m from the nearest residential building in Handley Grove to the south. The neighbouring building presents a blank, windowless façade on its northern elevation.

The homes have sought to maximise their orientation incorporating opportunities for natural light and outlook where possible. Further discussion on the quality of accommodation is set out in the relevant sub-sections of this report.

Layout - Scale and Massing

The main S73 Permission parameter controls relating to building height are Parameter Plan 007 (Maximum building heights) and Parameter Plan 008: (Minimum Frontages Heights). Further explanation of these controls and their application is included under section 2.4 of the RDAS. These parameters and controls seek to regulate the height and form of buildings to secure a varied, high-quality townscape whilst ensuring a good quality of amenity for residents and people moving through the public realm is

provided.

Plots 31, 36 and 61 have been appraised against the maximum frontage and building heights allowed for this part of the S73 Permission masterplan, also having regard to the detailed application of scale controls under part 2.4 of the Revised DAS. Within the DAS a plan showing general height datums is included within section A2.4.2. The application site is as appropriate for low-rise development up to six storeys in height. In terms of maximum heights and compliance with Parameter Plan 007 (Maximum building heights) the development complies with the maximum frontage and zonal height restrictions.

The proposed buildings range (excluding rooftop plant) from 4 to 8 storeys. Building 3 on Plot 61 is the biggest of the proposed buildings and provides the bulk of the massing of the scheme. It is deliberately set on the western boundary of the site along the railway to keep the height away from Claremont Road. Whilst the eight storey southern end of this building is set in relatively close proximity to the boundary with residential properties on Handley Grove, the northern façade of the neighbouring building is blank, having no windows directly overlooking the application site.

The existing buildings on the Donoghues site comprise warehouses, storage buildings and ancillary offices. These structures range from 2 to circa 4 storeys.

The neighbouring terraced houses and block of flats to the south have windows to habitable rooms on their northern elevation facing the application site. A number of flats in Robinson Court include west facing windows, though these look over their neighbours back gardens rather than directly overlooking the application site.

In terms of assessing the impact upon the outlook from these existing residential properties it is important to take into account the existing relationship between these homes and the existing buildings on the Donoghues site which range from (circa) one and a half to four storeys in a continuous wall between the Handley Grove Play area to the east and the railway lines to the west. The existing Donoghues buildings are located right up to the boundary at the end of the gardens to the Handley Grove properties, circa 10.5m from the rear of the houses. The existing outlook from these homes is effectively of a blank wall at the end of their gardens.

Building 1 on Plot 36 is proposed at 7 storeys in height and would rise to a height of 22.6m. This building would be located approximately 18.5m away from the site boundary, and combined with the existing back gardens, would result in a distance of circa 32m between the building and the homes in Handley Grove, significantly more than the existing Donoghues buildings. Furthermore the building would be 27m in width unlike the existing Donoghues buildings which are continuous along the boundary. There would be a break of 18m between Building 2 and Building 3. The distance setback and the limited width of the block are considered to ensure that the outlook from Handley Road Properties would not be subject to significantly detrimental impacts as a result of the proposed development. It is also of note that the removal of the existing buildings immediately on the boundary of the Donoghue site would remove the sense of enclosure experienced by these properties from ground floor windows and within the bounds of their gardens.

Building 3 is proposed at 8 storeys and is orientated to face the railway line. The flank end of this building is located to the north of a windowless wall of residential accommodation on Handley Grove and so is subject to no direct overlooking. The building would only appear in oblique views from the other houses in Handley Grove. The relationship of this building is considered to be acceptable to the existing neighbouring properties to the south.

Daylight and Sunlight Assessments on Neighbouring Properties

The applicant has undertaken an assessment of the Daylight and Sunlight impacts that would result from the proposed development upon existing neighbouring residential properties (Daylight and Sunlight Report for Proposed Development 24 October 2022). This has appraised the resulting impacts upon properties on Handley Grove to the south of the site including Terraced Houses from 3 to 17 Handley Grove and flats at Lee Court and Robinson Court, also on Handley Grove. It has also included an assessment of properties at Whorley Court across Claremont Road to the north east of the site.

Vertical Sky Component

The evaluation demonstrated compliance in all but one window within the neighbouring properties evaluated would meet or exceed the BRE guidelines values for daylight when considering the Vertical Sky Component test. This test considers the amount of sky which would be visible from existing windows following the construction of the proposed development.

The single window to fail to accord with BRE Guidance is located in 9 Handley Grove. Where BRE Guidance seeks 80% of the formerly achieved visible sky area the proposed development resulted in a marginal fail with 79% achieved. Given this evaluated score only just fails the targeted levels of retention and in light of Daylight distribution targets being achieved in the rooms tested for this property the failure is noted but not considered significant.

Daylight Distribution

A further test of daylight impacts was undertaken looking at daylight distribution within habitable rooms facing the proposed development. The majority of the windows tested exceed the BRE guideline values for daylight distribution, however a number of rooms within 13, 15 and 17 Handley Grove did not achieve these standards and are considered below.

13 Handley Grove

Two of the three rooms assessed adhere to the guidelines. The room that remains is located on the ground floor and achieves 0.76 times its former value, marginally outside the 0.8 guideline. This room complies with VSC assessments that have been undertaken.

15 Handley Grove

For daylight distribution, two of the four rooms assessed adhere to the guidelines. The remaining two rooms achieve 0.66 and 0.56 times their former value, respectively

where targets of 0.80 are set . Both rooms are on the first floor and are considered likely to be bedrooms. BRE considering bedrooms less important in terms of daylight received. These rooms achieve the VSC test targets set out by the BSC.

17 Handley Grove

For daylight distribution, one of the four rooms assessed adhere to the guidelines. Of the rooms that remain, one on the ground floor receives 0.67 times its former value, and two rooms on the first floor, which we assume are likely to be bedrooms, receive 0.66 and 0.56 times their former value, respectively. The BRE places less importance on bedrooms in terms of daylight. These three rooms all retain visible sky access to between 71% and 57% of their room area, which is considered commensurate within an urban context such as this.

It is important to review both daylight assessments in conjunction with one another, with all windows lighting these rooms exceeding the guideline values. For sunlight, all windows and rooms meet or exceed the guideline recommendations, with most of the rooms retaining high absolute values in both the annual and winter assessments. Some rooms even experience an increase in their sunlight availability with the proposed development in place.

For sunlight to the neighbouring amenity areas, all spaces assessed adhere to the guidelines by experiencing no reduction in the sunlight received with the proposed development in place. In conclusion, the layout of the proposed development follows the BRE guidelines and will not significantly reduce sunlight or daylight to existing surrounding properties. In our opinion Barnet's planning policy on daylight and sunlight to neighbouring will be satisfied.

The position of Handley Grove to the south of the application site and the distance the proposed buildings are set back from the boundary is considered to avoid any significant impacts upon Sunlight light.

The development proposed accords with the height controls within the S73 Permission for this site and with the expected density for the Brent Terrace Development Zone and in light of the above considerations the proposals are considered to be acceptable in this respect.

Whilst the buildings proposed are of a larger scale than those on Handley Grove and than those of the existing buildings on the Donoghue site, this is considered to be mitigated by their position within the application site, and the approach taken to the massing and separation gaps between these buildings.

Elevation Design Treatment

The S73 Permission contains various controls in relation to the appearance of the BXC development.

Section A2.5 of the RDAS emphasises the need for buildings to be “durable, attractive and visually harmonious”. In respect of low and medium rise buildings specifically, this section states they will “be generally solid, rather than lightweight – a masonry architecture should prevail; although lighter elements in metal, timber and as well as

moments of ornament will add delicacy and richness to the composition". This same section encourages the use of natural materials and states that brick should be the most typical material.

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

The architect's guiding principle for the development is to develop a suitable character for these large residential buildings, which sits comfortably within the context of the existing built form in the wider area whilst making the most efficient use of the site for residential development within the controls of the S73 Permission.

The residential buildings in the immediate vicinity of the site are of recent construction in the last 30 years with varied residential properties interrupted by the Post office sorting office or the NHS Clinic. These buildings are predominantly finished in buff brick complemented with red brickwork detailing. The wider area includes the Golders Green Estate and interwar period properties.

The three buildings are all designed through the use of a family of shared architectural features, with influence taken from Edwardian Mansion Blocks. By maintaining a similar aesthetic approach to the components and materials of the three blocks, distinction is established through the differing scales proposed. The buildings would be predominantly finished in red brickwork with dark metalwork to balconies, parapets and rainwater goods. White glazed brickwork detailing is proposed in places to establish interest at lower floors and to help to break up the scale of Building three. Coloured glazing bricks will be used to signpost entrances. This relatively simple palette is considered to comply with the approach to materials suggested within the S73 Permission RDAS. Indicative brickwork has been suggested with conditions applied to this recommendation requiring consideration prior to the construction of the development.

Building 1:

Plot 36 of 7 stories in height would be located towards the south of the site set in close proximity to the north western corner of the play area accessed off Handley Grove. The building would have a square footprint of circa 27mx 29.5m with the longer elevation fronting Claremont Road. The building is set back from Claremont Road, roughly corresponding to the building line of the existing Donoghues building on this part of the site.

The building's brickwork includes a grid of set back panels within which windows are set. Simple horizontal bands set out the top two and bottom two floors.

All units within this block have access to private balconies which vary, either extending out from the elevation or set within corner recesses.

The eastern elevation fronting Claremont Road creates a strong brick framework to the main street frontage within which balconies are inset. The corners of the block are recessed with projecting balconies. The entrance to the residential core, cycle store and refuse store would all be accessed from this frontage of the building.

Building 2:

Building 2 is 4 storeys in height and is the smallest of the family of buildings. This building has been kept deliberately low to respect the Millennium Green open space to the north. It shares a similar square footprint of circa 27mx 29.5m as Building 1 and again the marginally longer elevation would front Claremont Road.

The units in this building again all have access to balconies which are inset within a brick framed façade facing Claremont Road, as well as projecting balconies at the recessed corners of the block.

Access to the building would be from the southern elevation with the site including access to the cycle and refuse stores.

Building 3:

Building 3 would be the largest of the family of buildings in both height and massing. The building would be circa 79.5m in length along the boundary with the railway. At the northern end the building has a short return along the boundary with Millennium Green stepping down to 6 storeys. The building narrows to a waist of between 16m and 18m before widening to the south again to (circa) 23.9m.

Given the overall length and scale of the building it is subject to a degree of articulation with a central recessed section in plan on the western façade to break up the length of the building. The overall articulation in plan helps to provide interest. The full length of the building is only really visible in views from the railway. The northern façade facing Millennium Green includes the same brick grid design with inset corner balconies and some projecting balconies. The step down from 8 to 6 storeys helps provide transition to Building 2 which is 4 storeys.

The elevations are approached in an uncomplicated manor derived from the uniform arrangement of fenestration incorporating with recessed brick detailing to give a gridded structure. The distribution of balconies is considered and not overly concentrated avoiding visual clutter at these upper levels. The overall impression is of a series of well-ordered facades that also incorporate sufficient variety through fenestration, balconies and massing form.

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

Landscaping

Condition 2.1 (g) of the S73 permission requires RMA's to be accompanied by details of the landscape including summary of tree details, specification of temporary and permanent surface finishes, post-construction landscaping near trees, tree planting (including tree pit details) and details of green and brown roofs. Other landscape related conditions, such as 27.4 and 27.6 and Table 10 of the RDSF, require landscape proposals for RMA applications to be supported with ecological enhancement, maintenance, and programme for commencing and completing planting.

The development would include shared surface areas for designated parking and drop off points as well as shared pedestrian and vehicular areas. Pedestrian only routes are also available with paths provided to the building entrances along building frontages.

Ground floor terraces to apartments would be provided with privacy strips of medium height shrub planting some with additional low evergreen hedgerows.

Located at focal points of the streets, feature trees of contrasting form, or species are proposed. Seating is proposed to be integrated into the raised planters.

Site Frontage:

Metal railings would be provided along the site frontage, with an evergreen hedgerow planted to the rear of the railings managed to an approximate height of 1.2m. To the rear of the hedgerow, upright street trees are proposed to enhance the Claremont Road Street scene and form a structured site frontage.

Ornamental shrubs are proposed on the sloping landform to the rear of the hedgerow. A feature tree of contrasting appearance / species is proposed to provide a focal point within the entrance area. To the north of the vehicular entrance, an area of green space is provided. The green space contains a variety of planting types, including sensory planting of herbaceous perennials and seasonal bulbs.

Adjacent to a new hedgerow on the northern boundary, an area of wildflowers would provide a new habitat within the site. Benches are provided within mown grass areas, and a new pedestrian path is provided, allowing access into the adjacent Millennium Green. To provide definition of this space, enhanced privacy, and prevent headlights entering ground floor properties, an evergreen hedgerow is proposed adjacent to a pedestrian link.

Runs of parking bays would be broken up by planting areas with trees subject to the constraints associated with sewage easement.

Central Courtyard:

A central courtyard would be set in the area located between the three apartment buildings. A communal seating area is provided to the eastern frontage of Building 3. Whilst accommodating a turning head, the space is formed by a series of linear raised planters containing mixed ornamental shrub and herbaceous planting and 'cubed'

topiary trees providing sculptural form.

Southern parking area:

Tree planting along the southern boundary provides partial separation of the buildings from the existing residential properties to the south of the development site. Further screening of the southern boundary fence would be accommodated through the use of climbing shrubs are proposed to the rear of the parking bays.

Western open space and northern boundary:

The western open spaces form a continuation of the linear vegetation associated with the Millennium Green. A proposed evergreen hedgerow is proposed along the northern boundary of the site, located to the rear of a new brick wall. This hedgerow would continue along the western boundary of the site, to the rear of the existing metal railings associated with the railway, would be retained.

Access to the rear integrated cycle store would be provided via a curved path, located within an area of mixed ornamental shrub and herbaceous planting. The path would terminate at a focal point containing a feature tree outside the cycle store with bench seating provided.

Informal benches are provided in a number of locations throughout the site in hardstanding and grassed areas, surrounded by ornamental planting.

Located off the western path is a 'natural' themed play area formed by safety surfacing, and a low metal railing. The play area would contain features contains benches, and equipment such as balancing logs and boulders.

The details for the plot as a whole have been reviewed by the Council's Tree Officer and Ecology Officer who have not raised any objections.

This is secured through Condition 27.9 of the S73 Permission which requires a Landscape and Ecology Management Plan (LEMP) to be submitted and approved by the LPA for each phases or sub-phase of the development. In addition, details of planting and tree species, including plot sizing and tree pit details, will be secured through planning condition. As such, based on the details provided and forthcoming additional details secured through planning condition, the landscaping proposals across the plot is considered acceptable.

6.5 Residential Amenity Standards

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

Housing Space Standards

Condition 36.10 of the S73 Permission requires all housing to meet the space standards set out in Policy 3.5 and Table 3.3 of the London Plan, (and having regard to any successor policy or guidance). The relevant standards are those contained within the DCLG 'Technical housing standards – nationally described standard' and is included below for reference:

Figure 1: DCLG 'Technical housing standards – nationally described standard'

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

The submitted plans and accommodation schedule demonstrate that all flats proposed meet these minimum standards.

These provide details of the typical items of furnishings as well as storage that is appropriate to the intended occupancy of these units. These details show compliance with the Mayors Housing SPG which states that, in line with the Nationally prescribed space standard highlighted above, schemes should provide dimensions for key parts of the home, notably bedrooms and storage to demonstrate that the homes are capable of providing these basic amenities.

A further assessment of quality of outlook and natural light for the development, including the individual dwellings, is set out below under the 'Daylight and Sunlight' section.

External Amenity

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

Table 8: Section A2.6.4 of the RDSF, S73 external amenity space standards

Unit Type	Minimum private amenity space per dwelling (m2)	How private amenity space can be achieved.
1 or 2 Bed Flat on Ground Level	5m ²	Terrace min. depth 1.5m (separate from communal courtyard)
1 or 2 Bed Flat on Upper Level	5m ²	communal courtyard, terrace or balcony min. depth 1.5m*
3 or 4 Bed Flat on Ground Level	14m ²	Terrace min. depth 1.5m (separate from communal courtyard)
3 or 4 Bed Flat on Upper Level	8m ²	Terrace or Balcony min. depth 1.5m

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

In line with the RDAS guidelines, the development provides a mixture of both private and communal amenity space. Private amenity space is provided for the majority of units in the form of balcony or terrace space for all but 14 of the 251 units proposed. This represents 94% off the units within the plot.

Communal Amenity Space Provision

The proposed development includes extensive soft landscaping between the building and estate road. There are five distinct areas that would contribute towards the communal amenity space for future occupants of the site.

To the north east corner of the site in proximity to Claremont Road a landscaped area of circa 370sqm is proposed. Areas of planting benches and features for informal play would be located here. The space additionally includes a path and gate offering direct access to Millennium Green for future residents.

To the west of Building 3 adjacent to the boundary with the railway is an area of landscaping with some seating around the access path to one of the cycle parking stores. The area is narrow but will be landscaped with seating available. Circa 334sqm of amenity space would be accommodated within this area along with the majority of the site's doorstep play space accommodated in a further area of circa 132sqm.

On the eastern side of Building 3 bench seating is sited around feature planters and trees. This area is interrupted by a turning head for refuse and delivery vehicles and provides a setting to front entrances to building 3, although split across two areas by the turning head an area of circa 385sqm can be considered within the amenity space calculations.

Two further, smaller pockets of amenity space are proposed, to the northern boundary in between buildings 2 and 3 a 'pocket space' of circa 118sqm is proposed with two benches whilst a smaller area of circa 40sqm is located to the south of building 1 accommodating a single bench.

In total The LPA considers communal amenity space of circa 1,247sqm would be provided by the development proposals with an additional 132sqm of specific child

play space addressed below.

It is acknowledged that there is further landscaped space around the buildings and estate road some of which has been suggested by the applicant as contributing to further amenity space beyond that measured above. In LPA's considered appraisal excluding the children's play space, discussed below 1,247sqm is an accurate measurement of this area. This area well exceeds the minimum communal amenity space requirements for the 14 units which do not themselves benefit from private balconies which would amount to 70sqm. Direct access to the Millennium Green to the north of the site will also benefit future occupants of the site.

Play Strategy

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

For plot developments, condition 46.4 is of particular relevance which requires residential development to provide on-site under 5 play space in accordance with the Design and Access Statement and the GLA SPG 'Shaping Neighbouring hoods: Play and Informal Recreation' (September 2012). In addition, Section A2.6.3 of the RDAS states that where 'Doorstep Play' is required, it needs to be at least 180sqm.

The RDAS identifies the application site as requiring the provision of a doorstep Play space of a minimum 180sqm. The applicant has sought to provide this in part at the south western corner of Block 3 in proximity to the boundary with the railway with the provision of circa 132sqm of doorstep play in this location the remaining doorstep play is proposed to be located through the inclusion of informal play features in the 370sqm landscaped area adjacent to Claremont Road

In terms of the wider provision in line with the open space hierarchy, other parks in the regeneration area in close proximity to the application site, specifically the neighbouring Millennium Green which will be directly accessible from the application site.

Daylight and Sunlight Assessment of the Proposed Units

Assessment Criteria

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

The application is accompanied by an updated Daylight, Sunlight and Overshadowing Assessment prepared by appointed consultants Anstey Horne (23 February 2020).

Daylight within the proposed development

The daylight availability within the proposed habitable rooms has been calculated in accordance with the illuminance method. Within the submitted report, the results for the proposed habitable rooms tested are shown in the table at Appendix B (along with the relevant target for the room use concerned) and on the room layout drawings at Appendix D.

The results show that 364 (80%) of the 453 rooms tested across Buildings 1, 2 and 3 would achieve or exceed the recommended guideline values.

In the main, where rooms do not satisfy the guideline levels, they predominately sit behind recessed balconies/beneath projecting balconies which will inevitably limit the view of sky. The level of adherence to the guidelines would otherwise be further improved, but there is necessarily a trade-off between daylight and important private amenity space for the occupants in the form of balconies. This is a well-established principle and approach when assessing internal levels.

To reiterate the methodology used, where there are units with a combined living/kitchen/diner, these have been run against the lux target required for a kitchen (200 lux), which is the highest target to be achieved as set out in the BRE guidelines.

The results of the daylight testing to the proposed development on a block-by-block basis are outlined below.

Building 1

The results of the daylight assessment for Block 1 indicate that out of 99 rooms assessed, 77 rooms (78%) would achieve illuminance levels that meet or exceed the minimum suggested guidelines as set out by the BRE.

Of the 11 LKDs assessed, 9 would achieve illuminance levels that meet or exceed the minimum suggested guidelines for a kitchen. The two remaining LKDs that falls outside of the guidelines receive the recommended lux levels across 45% and 49% of their areas, only marginally below the BRE guideline of 50%.

Of the 15 living rooms assessed, 7 would achieve illuminance levels that meet or exceed the minimum suggested guidelines for a living area.

Of the 7 living dining rooms assessed, 6 would achieve illuminance levels that meet or exceed the minimum suggested guidelines for a living area.

Building 2

The results of the daylight assessment for Block 2 indicate that out of 69 rooms assessed 46 rooms (67%) would achieve illuminance levels that meet or exceed the minimum suggested guidelines as set out by the BRE.

Of the 24 LKDs assessed, 9 would achieve illuminance levels that meet or exceed the minimum suggested guidelines for a kitchen.

It is important to note that whilst the study has identified LKDs in this block that do not satisfy the guidelines, many of those LKDs receive good daylight penetration into the space. The image below illustrates a LKD where 40% of the space is lit to the recommended illuminance level of 200 lux. The area of the room which is most likely to be used as the main habitable space will receive excellent daylight availability. Therefore, whilst this room does not satisfy the guidelines, the occupants will enjoy excellent daylight levels in a good portion of the space.

Building 3

It is worth noting that the design of this block has been amended to reconfigure the internal layout of most of the main habitable spaces in each apartment. Where the floor plate allows, the kitchens have been separated from the living spaces. Those living spaces retain the dining element of the space, so have been assessed as living dining rooms against the 150 lux guideline. Where LKDs and kitchen spaces remain, those have been assessed against the 200 lux guideline.

The results of the daylight assessment for Block 3 indicate that out of 285 rooms assessed, 241 rooms (85%) would achieve illuminance levels that meet or exceed the minimum suggested guidelines as set out by the BRE.

59 of the 79 living dining rooms would achieve illuminance levels that meet or exceed the minimum suggested guidelines for a living space.

11 of the 18 LKDs assessed would achieve illuminance levels that meet or exceed the minimum suggested guidelines for a kitchen.

7 of the 9 kitchens assessed would achieve illuminance levels that meet or exceed the minimum suggested guidelines for a kitchen.

Taken together, 77 (72%) of the 106 of the living, kitchen and dining spaces reach the recommended guidelines.

Sunlight within the proposed development

The focus of the BRE sunlight guidelines is on main living rooms, rather than bedrooms and kitchens, which the guide views as less important. The guide recommends that *“Sensitive layout design of flats will attempt to ensure that each individual dwelling has at least one main living room which can receive a reasonable amount of sunlight ... Where possible, living rooms should face the southern or western parts of the sky and kitchens towards the north or east.”*

The guidelines acknowledge that *“if a room faces significantly north of due east or west [the sunlight criterion] is unlikely to be met”*. All the rooms in the proposed development have been tested regardless of orientation.

The SE results for the rooms tested are given in the table at Appendix C of the submitted report.

The SE results demonstrate that 234 (52%) of the 453 rooms assessed across Blocks 1, 2 and 3 would meet or exceed the minimum guideline values. Of these rooms, 53 meet the BRE's medium levels and 91 meet the BRE's high levels.

In order to limit the number of north facing elevations, the blocks with a larger footprint are designed running north to south. This means that the majority of rooms enjoy east or west facing aspects giving a high percentage of rooms access to sunlight. This orientation means that sunlight is naturally restricted at certain times of the day and leads to lower sunlight exposure levels than if the rooms faced directly south.

These results are detailed on a Block-by-Block basis below:

Building 1

The results of the SE assessment for Block 1 indicate that out of 99 rooms assessed, 48 would meet or exceed the minimum guideline values. Of these rooms, 21 meet the high levels of recommendation and 11 meet the medium levels of recommendation.

As described above, in terms of sunlight, the BRE guidelines focus is on the main living room areas, with kitchens and bedrooms viewed as less important. Of the 11 Living/kitchen/diners assessed, 8 (73%) exceed the BRE guidelines by achieving high levels of recommendation.

Building 2

The results of the SE assessment for Block 2 indicate that out of 69 rooms assessed, 24 would meet or exceed the minimum guideline values. Of these rooms, 7 meet the high levels of recommendation.

Building 3

The results of the SE assessment for Block 3 indicate that out of 285 rooms assessed, 162 would meet or exceed the minimum guideline values. Of these rooms, 63 meet the high levels of recommendation and 40 meet the medium levels of recommendation.

Sunlight to proposed amenity spaces

The results for sunlight to the amenity spaces within the proposed development are shown on drawing(s) at Appendix E of the submitted report. Areas that will be able to receive at least two hours of sunlight on 21st March are shown cross-hatched yellow and areas that will receive sunlight for a shorter duration are cross-hatched grey. The proportion of each space achieving the two-hour guideline on 21st March is expressed as a percentage on the drawing and in Table 1 below. The BRE guideline is for 50% of a space to receive 2 hours of sunlight on 21 March.

Table 1 - Percentage of each amenity area receiving at least two hours of sunlight on 21 March

Reference	Percentage of area in sunlight on 21 March for ≥ 2 hrs
A1	100%
A2	96%

The two-hour sun contour results for amenity area A1 confirm that 100% of the space tested will achieve two-hours of sunlight on 21st March, achieving well over the 50% guideline.

The two-hour sun contour results for amenity area A2 confirm that 96% of the space tested will achieve two-hours of sunlight on 21st March, achieving well over the 50% guideline.

Wind Assessment

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

Pursuant to this, the application is accompanied by a Wind Microclimate Report for the proposals, dated October 2022 prepared by WSP. The conclusions of this assessment confirm trends of acceptable pedestrian wind comfort across the external environs of the scheme.

Noise Assessment – Plot 15 proposals

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

An Acoustic Design Report ('ADR') pursuant to Condition 29.1 in relation to the proposed development. This has been submitted and has been commented upon by the Council's Environmental Health Officer (LPA ref: 22/5211/CON).

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

The Council's Environmental Health Officer has reviewed the submitted documentation and raised no objections in relation to the above assessment based on rail and road noise sources. However, the EHO has requested that the following conditions be attached to any grant of reserved matters for this site.

The first considers the conclusion of the submitted Dynamic Overheating Report (Hodgkin October 2022) which concludes that some of the units proposed will be subject to external noise constraints and will therefore require mitigation for peak temperature periods which does not require the opening of windows to these properties. A condition has been applied which requires the identification of these units with details of the mitigation measures to be confirmed and committed to.

A further condition has been recommended in respect of the proximity of the application site to the railway. This requires an evaluation of the substructure and foundations in terms of any vibrational impact from the railway with a commitment to mitigate such impacts to an acceptable level.

Air Quality

The outline permission is subject to pre commencement conditions that aim to secure an acceptable air quality environment during the construction phase and for the lifetime of the development. Condition 30.6 requires that no less than 3 months prior to the commencement of construction works south of the A406, details of the type and location of equipment to monitor the levels of nitrogen oxides (NOx) and particulate matter (PM10) need to be agreed with the Councils Scientific Services.

This has taken place and the necessary monitoring stations are in place. Further, Condition 30.1 requires a scheme for pollutant and dust management to be submitted to the LPA prior to the commencement of works within a sub-phase identifying the arrangements for monitoring dust and pollutants over the construction period in relation to the nearest sensitive premises. These obligations are required to be fulfilled for the duration of construction works for the regeneration and so is a long-term objective. In addition, these activities are required to be in accordance with the approved Code of Construction Practice (COCP) (LPA ref:18/2380/CON).

The application was submitted with an Air Quality Assessment which following the provision of further information has been found to be acceptable by the council's Environmental Health Officer.

6.6 Transport and Highways

This RMA application is supported by a series of interrelated Transport strategies. These are submitted under separate Condition discharges and 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 detail which the respective RMA is required to be aligned with. These strategies are as follows:

- Phase 3B Transport Matrix pursuant to Condition 37.1 (LPA ref: 22/4811/CON – approved 27 October 2022);
- Phase 3 Phase Transport Report (PTR) pursuant to Condition 37.2 (LPA ref: 22/4809/CON) – Pending Determination;

- Phase 3B Reserved matters Transport report (RMTR) pursuant to condition 37.5 (LPA ref: 22/4838/CON) – Pending Determination;
- Car Parking Standards and Standards and Strategy (PCPSS) pursuant to condition 11.2 (LPA re: 22/4810/CON) – approved 17 March 2023;
- Servicing and Delivery Strategy (SDS) pursuant to condition 1.22 (LPA ref: 22/4813/CON) – approved 10 March 2023;
- Pedestrian and Cycle Strategy (PCS) pursuant to condition 2.8(a) (LPA ref: 22/4812/CON) – approved 15 March 2023.

Accordingly, this Phase 3B RMA submission has been prepared in line with the conclusions and proposals set out within these strategies. This section of the report evaluates the relevant transport elements for the RMA proposals for Plots 31, 36 and 61, drawing on the detail contained within the relevant pre-RMA strategies where necessary.

An assessment of generated trips has been undertaken, and their transport impacts have been assessed. The Proposed Development is expected to generate approximately 130 two-way trips in the AM peak hour and 111 two-way trips in the PM peak hour. When considering the range of available transport modes, the impact of these trips on the existing and proposed transport networks is expected to be negligible, with wider improvements to be delivered as part of BXC supporting significant increases in public transport accessibility levels.

The proposed development is forecast to generate in the region of 16 servicing movements a day. Servicing traffic, including refuse collection will take place on-site, where inset loading bays are provided. Two loading bays have been provided, however given the forecast low vehicle flows (associated with only 90 car parking spaces), delivery and servicing vehicles with shorter dwell times could temporarily pause on the routes within the site to carry out their activities.

Car Parking

A site-wide Car Parking Management Strategy approved under LPA application 14/08109/CON against condition 11.1 of the S73 Permission sets the framework for car parking and parking controls to be provided throughout the BXC regeneration scheme. This was updated through a further submission against condition 11.1 (reference 21/5711/CON) which set out greater detail in respect of car parking management for the Southern Development.

Condition 11.2 of the S73 Permission requires the Applicant to submit a Car Parking Standards and Car Parking Strategy ('PCPSS') for each Phase/Sub-Phase of the BXC Development prior to the submission of the first Reserved Matters Application for that Phase or Sub-Phase. The RMAs relating to that Phase or Sub-phase are required to comply with the details approved. The PCPSS for Phase 3 has been approved under application 22/4810/CON.

The table contained within Condition 38.2 of the S73 Permission states that for residential use, the following parking ratios applied:

Number of homes	Maximum Parking Ratio
0-2,000	One space per unit
2,000-4,000	Up to 0.95 spaces per unit
4,000-5,000	Up to 0.80 spaces per unit
5,000-7,000	Up to 0.70 spaces per unit

For the proposed residential development of Plots 31, 36 and 61 a total of 77 standard car parking spaces, 10 disabled car parking spaces and 3 visitor car parking spaces will be provided. In addition, two motorcycle spaces and a single space for the use by operatives of the sub-station will be provided. Therefore, a total of 90 car parking spaces are proposed for 251 units which equates to a car parking ratio of 0.36 spaces per home. This ratio is significantly below the ratios provided within 38.2 and envisaged at the time of the grant of the S73 Permission. This ratio accords with the current policy direction of reduced car parking to drive increased modal shift towards public transport, walking and cycling. It also reflects the parking ratios approved for other residential plot development within the S73 Permission. The proposed level of car parking is considered acceptable in this regard.

Car club bays are located in the local area for residents who do not own a car but may need to drive from time-to-time.

The approach to wheelchair parking is to provide 3% of spaces as wheelchair accessible parking from the outset. This is in accordance with Policy T6:1 (Residential Parking) of the London Plan (2021). Following amendments made by the applicant, the revised PCPSS provides capacity to accommodate accessible parking for a further 7% of dwellings. This equates to an additional 17 parking spaces. Figure 4 within the PCPSS shows these spaces could be taken from within the existing passive spaces. This accords with Policy T.6 of the London Plan (2021).

Following requests from Barnet Council's Highway Officer, the applicant confirmed that car parking spaces are proposed to have a width of 2.4 metres and a depth of 4.7 metres. The additional disabled car parking spaces that have been identified are all suitable for accommodating a 1.2m buffer zone to one side and to the rear.

This approach is acceptable, however for the avoidance of doubt, the Developer is expected to undertake the necessary works to the remaining 7% adaptable car parking spaces to facilitate a wheelchair car parking space as and when they are required to be provided for by a wheelchair tenant, and this provision shall not be unreasonably withheld. Regarding the allocation of disabled spaces to those with blue badges, the PCPSS confirms that provision will be reviewed and additional disabled car parking spaces will be made available if required.

At the request of Barnet Council's Highway Officer, hedges and other planting were removed from the side of wheelchair accessible parking spaces. This was to assist with access into the spaces for vehicle users.

The PCPSS for Phase 3B provides 18 active electric vehicle charging points which have charging points from the outset. This equates to an allocation to 20% of the total

parking spaces. The same percentage is proposed to be allocated for disabled spaces. The remaining 72 spaces are proposed to have passive provision for electric vehicle charging to be added in the future. This would mean that all 90 spaces could be provided with electric charging facilities in the future. These details are subject to detailed approved under Condition 39.7 of the outline permission, and as such the final provision will be secured through the approval of the condition.

Regarding the affordable car parking spaces, the PCPSS confirmed that affordable car parking provision, allocation and leasing arrangements will be in accordance with the requirements set out in the Section 106 agreement Seventh Deed of Variation (Schedule 1 Amendments Park 1 Item 1, and Schedule 2 Paragraph 2.9).

The ongoing management of these parking spaces will be under the estate management operations of the developer and will be subject to all of the relevant provisions in the Section 106 Agreement. This includes the provisions within Schedule 16 as highlighted above, provisions relating to affordable housing parking provisions under the definition of 'Affordable Car Parking Charges', as brought in through Deed of Variation 7. A key measure to control car parking would be through the introduction of CPZ(s), which forms part of the S73 Permission. The following principles will apply for Phase 3B parking management. Allocation and leasing arrangements inclusive of the updates to affordable car parking. Residential car parking will be allocated based on the following hierarchy: accessible/ blue badge requirements, larger dwelling and families and other households. And finally, encourage and aim to provide mechanisms and incentives for car sharing to reduce the number of vehicles entering the site, such as car clubs.

In considering the residential parking ratio as an overarching principle for this PCPSS, the Section 73 permission proposed that residential car parking provision within the BXC would be staggered (Paragraph 4.12 above), with the higher maximum ratios of 1:1 provided for the earliest plots (up to 2000 homes), reducing in subsequent phases when the rail station, bus station and improved walking and cycling routes are in place. The approved Transport Matrix for Phase 3B (LPA ref: 22/4463/CON) sets out that due to the delivery of the new Thameslink Station (Brent Cross West) considerably earlier than originally proposed in the S73 Permission, revisions to the transport mode splits have been incorporated to reflect a higher proportion of trips using public transport and less car reliability than originally assumed for these early phases. Moreover, these mode splits have formed the basis of the transport modelling underpinning the most recent re phasing changes to the S73 Permission (LPA reference: 20/0243/CON).

The current public transport accessibility level (PTAL) rating for the Phase 3B site is between 3 and 4. This is likely to increase as the provision of additional public transport infrastructure comes into action. This includes the Brent Cross West Train Station. The London Plan (2021) sets out maximum parking levels for Outer London Opportunity Areas of 0.5 spaces per dwelling and maximum parking levels for Outer London areas with a PTAL rating of 4 of 0.5 – 0.75 spaces in Policy T6.1. Barnet Council's adopted Local Plan stipulates parking provision for development consisting mainly of flats should provide a maximum of 1 or less parking spaces per unit of development. In addition, it should be noted that the Barnet's draft Regulation 18 Local Plan provides for residential parking ratios of up to 0.5 for PTAL 4 areas. Therefore, the scheme

would be compliant with these local and regional planning policies.

Residential Refuse Collections

In relation to residential refuse collections a drawing titled 'Refuse and Recycling Site Plan (21 0062-5 B) has been submitted to demonstrate the location of the various bin stores and their maximum drag distances and vehicle tracking.

The size of the store and approximate number of appropriately sized bins has been prepared in accordance with the London Borough of Barnet guidance, 'Information for developers and architects – Provision of Household Recycling and Waste Service'. The Applicant has confirmed that the requirement to accommodate 1 x 140lit food bin for every 14 residential Properties, an upcoming requirement of the Environment Act 2021, has been accounted for in the Layout of the Bin Stores, which can be seen to be oversized for General and Recycling waste alone.

Queries have been raised by Refuse colleagues in respect of the collection points and Tracking for two of the Bin stores These have been shown in other submitted information within the application and Officers are confident that these collection points can be accessed in line with the Council's requirements.

Servicing and Delivery Management Strategy

The servicing and delivery requirements for the S73 Permission, covering all servicing matters save for residential refuse collections, are outlined at a site wide level under the Framework Servicing Delivery Strategy (FSDS), approved under condition 1.21. Beneath this, it is a pre-RMA requirement pursuant to condition 1.22 for a Servicing and Delivery Strategy (SDS) to be submitted prior to the submission of any RMA under a particular phase. An SDS Has been Submitted under (Ref: 22/4813/CON) and was approved on 10 March 2023.

The submitted SDS outlines the type of delivery vehicles used within Phases 3B: light, medium and heavy vehicles. The small vehicle would be used for utilities services and perishable goods, for example, and large vehicles for furniture deliveries for example.

No large servicing and delivery generators fall within the Phase 3B sub-phase. The consented methodology associated with Phase 1 (South), Phase 2 (South) and Phase 4A has been applied to the residential use proposed as part of Phase 3B. Delivery and servicing trip rates have been determined using the TRICS database.

Baseline servicing and delivery rates and the forecast delivery and servicing trips associated with development in the Phase 3B sub-phase are set out in the Tables below:

Table 6: Phase 3B forecast delivery and servicing trips

	AM peak hour (08:00 – 09:00)	PM peak hour (17:00 – 18:00)	Delivery and servicing peak hour (10:00 – 11:00)	Daily
Trips	2	1	2	16

Table 5: Servicing and delivery trip rates

	AM peak hour (08:00 – 09:00)	PM peak hour (17:00 – 18:00)	Delivery and servicing peak hour (10:00 – 11:00)	Daily
Trip rates (per home)	0.006	0.004	0.009	0.064

The submitted Phase 3B SDS identifies that the elements within the Phase 3B Sub-Phase that would result in servicing and delivery needs include the following activities within the proposed development:

- Post and parcel deliveries;
- Food delivery;
- 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.

The submitted SDS has provided an overarching strategy for the entire Sub-Phase and has been prepared based upon the mechanism outlined within the FSDS. This mechanism includes a site wide FSDS, phase or sub-phase SDS's and Delivery Service Plans for each Plot. It includes a commitment to commence monitoring of service trips to the site in order to facilitate a number of defined targets to mitigate service associated trips:

- A reduction in the absolute number of delivery and servicing trips
- Optimising the pattern of delivery and servicing trips to avoid peak hours
- Identifying opportunities for shifting mode from road to more sustainable modes.
- Promoting improvements to delivery and servicing vehicles, equipment and technology.

The SDS was approved under Reference 22/4812/CON on 15 March 2010.

Pedestrian and Cycle Strategy

Pursuant to Condition 2.8(a) a Pedestrian and Cycle Strategy ('PCS') has been submitted for Phase 3B under 22/4812/CON and was approved on 15 March 2023.

Pedestrian and cycle provisions for the Donoghues site within Phase 3B include pedestrian access for Plots 31, 35 and 61 and the provisions for cycle access and cycle parking. A Total of 465 secure cycle parking spaces have been proposed across the site including a variety of cycle parking provision (376 x two tier stands, 70 Sheffield Stands and 19 large spaces for non standard bicycles). In addition, three Sheffield stands have been located for visitor cycle parking in proximity to the entrances to each of the three blocks. The final layout of these spaces will be considered under condition 38.6 prior to their installation but the details provided are sufficient for the LPA to be satisfied with the capacity of the cycle stores.

The vehicular access into the site from Claremont Road has been reduced in width to

allow for pedestrian pathways on either side of the road. The widths of the pedestrian route varies between 1.20m up to 2.25 metres.

In line with the London Plan (2021) requirements, a Healthy Street Assessment has been undertaken considering these routes. Officers are satisfied that this scheme provides appropriate pedestrian access from the pedestrian access along Claremont Road to the proposed plots.

Officers consider an appropriate balance to have been achieved between the requirements for vehicular access with the need to provide appropriate, safe access for pedestrians, minimising interaction with other forms of transport. Where there is interaction, it is considered that appropriate measures (such as a pedestrian crossing) have been provided.

The application site is a contained site, with sole access from Claremont Road. There are no other connections from Phase 3B to any wider reaching pedestrian and cycle network outlined in the Area Wide Access and Cycle Strategy (AWACS).

The applicant has used TfL's Cycle Route Quality Assessment whereby it was found that the proposed conditions would be suitable for people to mix with motor traffic within Phase 3B. Officers also consider that the Healthy Streets assessment has also been appropriate undertaken, satisfying the requirements of policy T2 of the London Plan (2021). This conclusion is supported by the consultee comments of Barnet Council's Highways Officer who, following amendments, provided no further objections to the scheme following the amendments made.

Construction Management

In terms of construction management, the BXC sitewide Code of Construction Practice 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.

6.7 Other Material Considerations

Estate Management

Condition 7.1 of the S73 Permission requires an Estate Management Framework to be submitted and approved by the LPA for any streets and areas of public realm that are not going to be adopted or managed by the Council. 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)...”

It has been recognised that although this development is being delivered under the S73 Permission the application site is distinct from the wider Regeneration area and will be subject to it's own distinct management controls. Given this context it has been considered appropriate that, subject to compliance with the relevant principles of the Estate Management Framework, it will be appropriate to address the future management of the site within a separate condition attached to this application rather than seeking compliance with condition 7.1 within the S73 Permission. Accordingly a condition has been added to this recommendation that such an Estate Management Plan will be submitted for approval prior to the occupation of this site including such details as parking, CCTV, SUDs, gardens, landscaping, street trees, public squares, energy centre.

Safety and Security

In response to the comments from the Met Police Designing Out Crime Officer, a condition is recommended for inclusion on the RMA requiring Secure by Design accreditation to be achieved.

In terms of fire safety, Policy D12 of the London Plan (March 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 Safety Strategy (Solas Realta – August 2022).

The scope of the Fire Safety Strategy provides an outline of the key fire safety considerations associated with the project in relation to the requirements of Part B of the Building Regulations as presented below:

- B1 – Means of warning and escape
- B2 – Internal fire spread (linings)
- B3 – Internal fire spread (structure)
- B4 – External fire spread
- B5 – Access and facilities for the fire service

The LPA consulted the London Fire Brigade though no response has been received. It should be noted that the matters covered in the submitted Fire Safety Strategy relate to statutory requirements for fire safety under Building Regulations. Whilst it is acknowledged that early consideration of the fire strategy is sensible, the matters will need to be addressed within any forthcoming Building Regulations application.

Access and Inclusivity

The S73 Permission sets out strategies relating to access and inclusivity and requires the involvement of an access consultant to ensure that detailed design meets the required design standards, good practice guidance and Building Regulations access requirements.

The buildings have been designed considering accessibility measures in relation to parking, entrances and exits, vertical circulation (lifts and stairs), doors, floor finishes, and Wheelchair Accessible Homes. Units have been designed in compliance with Conditions 36.5 and 36.6, which require all housing to comply with the Part M4(2) of the Building Regulations with regards to adaptable housing, save for 10% of housing that is required to comply with Part M4(3) with regards to wheelchair adaptable housing.

The Applicant has engaged in pre-application discussions with the Consultative Access Forum (CAF) in the runup to the submission of applications for Phase 3B comprising the plot proposals for Plots 31, 36 and 61 including consideration of the public realm.

The CAF has been set up at the outset of the BXC regeneration and is a group consisting of people with expertise in inclusive access and personal experience of disability issues drawn from the local and regional community including existing users of the local area and other facilities. Its formation is a planning obligation under Schedule 13 of the S73 Section 106 Agreement, with the subsequent terms of reference, insofar as regularity of engagement with the CAF and provisions for providing advice on development proposals, set out within Schedule 13 and also the CAF terms of reference document approved under ref:14/07957/CON.

A single meeting was held 19th October 2022 and covered the following topics:

- Plots 31, 36 and 61; and
- Internal Estate Road.

Taking on board the advice provided through the CAF meeting, some of the key provisions within the scheme are outlined below:

- Wheelchair accessible parking spaces have been brought up to standard with space on all sides for ease of access;
- Cycle parking exceeds minimum standards providing space for further review of cycle parking layouts at detailed design stage to increase provision for larger and non-standard cycles while still providing cycle parking numbers at least consistent with current London Plan standards.
- Issues were identified with the layouts of some of the M4(3) units and have been addressed within the updated drawings.
- Alternative pedestrian routes to the shared surface estate road have been provided in particular to the south of building 2 (Plot 61) and controls preventing the external opening of doors in these areas have been included in the conditions.

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

Sustainability

The S73 Permission contains various controls within the control documents and conditions in relation to energy and sustainability for the BXC development. Those of relevance to this RMA application for Plots 31, 36 and 61 are explained and assessed in this section.

Carbon Emissions

In line with the Revised Energy Strategy for Brent Cross approved (LPA ref: 14/08106/CON), Conditions 35.6 and 35.7 require a minimum reduction of 40% for residential properties (25% for non-residential uses) relative to Part L of the Building Regulations (2010) in terms of kg of CO₂ emitted.

The energy strategy for the proposed development of Plots 31, 36 and 61 is therefore to meet and exceed the Part L 2013 notional building target emissions as a means for demonstrating compliance with the Part L 2010. Compliance with Part L 2013 demonstrates a 6% improvement upon Part L 2010 to which the condition refers. The scheme is designed to achieve significant improvement upon this within the strategy to develop a Part L 2021 compliant scheme which achieves a further 31% improvement.

The estimated CO₂ emissions for the development have been calculated using SAP 10.2 carbon factors, in line with Part L 2021. These provide a more up-to-date assessment of the development.

A range of energy efficiency measures are proposed to encourage passive improvement of the building fabric, including stringent U-value targets for the buildings. Exhaust air source heat pumps coupled with Mechanical Vent Heat Recover (MVHR) have been specified to demonstrate commitment to renewable sources, and aid in achieving Part L 2021 targets.

The proposed buildings have calculated annual carbon emissions of 70.6 tonnes CO₂/yr. The baseline scheme used for comparison generates 207.4 tonnes CO₂/yr. The proposed scheme therefore represents a reduction of carbon emissions of 66%, thereby meeting the requirement of a minimum on-site improvement over Part L 2021 of 35%, and an improvement over Part L 2013 of 31% as utilised in the Energy Statement.

The table below summarises the anticipated site wide CO₂ emissions for the proposed development.

Table i: Regulated Carbon Dioxide Emissions at Be Green Stage based on SAP 10.2 CO₂ factors

Stage	Carbon Dioxide Emissions	
	Residential (tonnes CO ₂ per annum)	Percentage Reduction (%)
Baseline	207.4	-
After Energy Efficiency Measures	165.6	20%
After Heating Strategy Measures	70.6	66%
Total Emissions Reduction over baseline	136.8	66%

With regards to the carbon savings expressed as percentages, Officers are satisfied that these savings when translated to equivalent savings against Part L 2010 levels as per the outline permission requirements, would be greater than the 40% for residential and 25% for non-residential required. This is based on the GLA guidance on preparing energy assessments (2015) which advises that a 35% improvement on New-Build Part L1A 2013 compliant development for the residential areas is equivalent to 40% improvement against Part L 2010. The submitted energy statement has been reviewed by the Council's Energy and Sustainability Officer who has confirmed that the approach proposed is acceptable.

Given that the scheme achieves the required carbon savings through the built form and fabric of the buildings, the addition of photovoltaic panels was not proposed by the Applicant.

District Heat Network

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

The application site is located well to the south of the current focus for the District Heating Network and there is as of yet, no committed date at which the District Heat Network would be able to reach the site. Given the practicalities in both distance and timing as well as the involvement of a third party developer and the achievement of the required carbon reduction measures through an alternate approach, namely the use of Air Source Heat Pumps which would not allow future proofing it is not considered feasible to connect this application site to the future District Heating

Network.

Flood Risk and Drainage

A Flood Risk Assessment prepared by Amazi dated 29 September 2022 has been submitted with the application. The report shows that the site is fully within flood zone 1 which corresponds to the area considered to be at low risk of flooding from significant watercourses.

A Drainage Strategy Report has been submitted by Infrastructure Design Limited (Ref LDL (Ref 1139/DS/001) dated September 2022.

The proposed impermeable area of the site is approximately 6446 m²(0.645Ha) from the roofs and the external paved areas.

Infiltration technique for SuDS is not a viable option to discharge the proposed surface water runoff from the site. Discharging the proposed surface water runoff to the Thames Water sewer is considered the most feasible option. Flow controls are proposed to be incorporated that limit the flow of water off the site to as close as practicable to the greenfield runoff rates.

The following SuDs devices will be applied to the scheme:

- Permeable paving - to parking areas and access road
- Crate Storage - to accommodate the runoff from all storm events, including peak 1 in 100 years, plus climate change storm events.
- Brown Roofs – 5mm depression storage only

Permeable paving with a subbase lined in an impermeable membrane will be used in forming parking areas. This will slowly delay runoff into the crate soakaway outfall via perforated pipes surrounded by granular stones, and improve water quality.

Officers are satisfied that the proposed measures outlined in the drainage strategy will comply with the condition requirements of the S73 Permission that relate to sustainable urban drainage, principally conditions 44.5, 44.9 and 45.2.

The Lead Local Flood Authority were consulted on the application and raised no objection to the submission.

Based on the details provided, the drainage strategy is considered to be acceptable. It should be noted that final details of drainage infrastructure are required to be submitted under Condition 1.27 of the outline permission.

6. ENVIRONMENTAL IMPACT ASSESSMENT

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

Guidance (2014).

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

Regulation 9 of the Regulations requires local planning authorities to consider whether or not the environmental information already before them (i.e. the ES submitted with the 2013 application F/04687/13 and any additional environmental information) is adequate to assess the environmental effects of the development.

Accordingly, Table 10 (Content of the Explanatory Report within Section 6 the RDSF states that the explanatory report shall "*confirm that a Screening Opinion (where appropriate) has been issued (and that a further ES is not required) and to set out the scope of environmental information, if any, to be submitted.*"

The Plot 31, 36 and 61 RMA proposals have been assessed to determine whether the proposed development would give rise to new or different significant environmental effects that were not previously assessed at the outline stage. This is based upon compliance with parameter plans and the development specification and an examination of additional or revised aspects of the development that could give rise to new or different environmental effects.

In terms of compliance with the S73 Permission there are a number of relatively minor variations from the approved Parameters which have been identified within the report.

The most notable of these includes the movement of Floorspace between the Brent Terrace and Railway Lands Development Zones in order to allow the residential Use of Plot 61. This has been considered in principle with the siting of Residential Development in this location complying with the general character of the areas. In terms of the proposal to site a sensitive residential development in close proximity to the railway other residential Plots within the existing layout of the Brent Terrace Zone have already been approved in outline in similar circumstances and Environmental Health Officers are satisfied that issues of Noise and Vibration can be suitably mitigated without future occupants experiencing significant detriment. Further the loss of the Rail Admin Facility in this location has already been addressed by such a facility being constructed in an alternate location within nearby Networks Rail Land under a drop in planning application.

The following parameter plans are subject to minor deviations in respect of the proposals. These deviations are described within Table 3 of this report and cover the following parameters.

- Parameter Plan 002 Transport Infrastructure (Rev 19)
- Parameter Plan 003: Public Realm and Urban Structure (Rev 19)

The deviations relate to two aspects of the S73 Permission. The first addresses a suggested change to the Network Rail Boundary which would have accompanied the delivery of a Rail Admin Building on the application site. This issue is linked to the relocation of this facility and as addressed above. The remaining deviation relates to proposals to include a tertiary pedestrian and cycling route connecting development sites within the BT4 Building Zone. This route is shown on Parameter Plan 003 as linking two parts of Claremont Road. The lack of the development of Plot 35 curtails such a path through Millennium Green and the later delivery of Plots 32 and 33 to the north of the application site currently prevents access from this location. It is considered that as there already exists a satisfactory pedestrian and cycle route along Claremont Road failure to provide this alternate route would not have a significant environmental effect above and beyond those evaluated within the ES.

As noted above a decision has been made not to submit details for the delivery of Plot 35 which would have been located within the existing Millennium Green. In terms of the comprehensive delivery of the s73 Permission the residential development that would previously have been delivered in this location would be accommodated on Plot 61 with the proposed floorspace amendment.

It has been determined that it would not be feasible to join the application site to the proposed District Heating Network, however the carbon reduction levels required under the s73 Permission have been demonstrated to be achieved through the use of site specific Air Source Heat Pumps which would ensure that the proposals would not result in any additional significant environmental effects in respect of its Carbon Dioxide Emissions.

Consideration has been given therefore to the following environmental disciplines; 'Traffic and Transport', 'Carbon Dioxide Emissions' and 'Noise and Vibration'. The LPA agree with this selection criteria in order to determine the environmental effects, pursuant to The Town and Country Planning Environmental Impact Regulations (2017), Schedule 3 'Selection Criteria for Screening Schedule 2 Development.' The Deviations above are considered to be unlikely to result in any additional significant environmental effects.

Additional topics that did not form part of the S73 ES but are now defined topics of the Environmental Impact Regulations (2017) are considered. These are 'Climate change', 'Human health' and 'Major accidents and disasters'. In all three disciplines the RMA proposals, and deviations from parameters in particular, are not considered result in significant additional environmental effects. Further, cumulative environmental effects have been considered with regard to additional developments within proximity to BXC and applications submitted pursuant to the BXC outline permission and overall no new or different cumulative or in-combination significant environmental effects are anticipated as a result of the proposed development.

As such, taking account of the criteria set out in Regulations 6 (3) of the EIA Regulations and all other relevant factors, including schedule 3 criteria insofar as they are relevant to the proposed development, it is considered that the development described in the information accompanying the EIA Screening (Arup, January 2021) would **NOT** be likely to have significant effects on the environment, in the sense intended by the Regulations. Therefore, further environmental impact assessment

(EIA) to accompany the reserved matters application (22/5238/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

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

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

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

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

Officers have, in considering this application and preparing this report, had regard to the requirements of this section and have concluded that a decision to grant Reserved Matters approval for this proposed development will comply with the Council’s statutory duty under this important legislation.

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site. 10% of the homes will be wheelchair accessible and/or able to be modified to accommodate a wheelchair occupier. The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. Engaged in pre-application discussions with the BXC Consultative Access Forum (CAF) in the lead up to the submission of applications for Phase 3B allowed the consideration of matter of access ahead of the submission of the application.

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

8. CONCLUSION

The proposal seeks approval for this development plot within Phase 3B of the Brent Cross Cricklewood development. The reserved matters have been considered against the parameters and controls captured within the S73 Permission. Principle reserved matters issues relating to Landscape, Access, Appearance, Layout, Scale, and Land use have been demonstrated to comply with the S73 Permission, with the exception of minor deviations to parameters as set out within this report which have been assessed in planning terms and also in terms of the Environmental Impact Assessment Regulations (2017) and found to be acceptable on both counts.

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

The plot will provide a car parking ratio of 0.36 spaces. The level of car parking accords with parking standards established by the S73 Permission.

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

Overall, officers find the proposals acceptable and accordingly **APPROVAL** is recommended subject to conditions as set out in Appendix 1 of this report and subject to the approval of application 22/5265/CON which has been submitted pursuant to Condition 2.4 of the S73 Permission to make amendments to the Floorspace Thresholds for Building Zones in Table 6 and the Zonal Floorspace Schedule in Appendix 5 of the Brent Cross Cricklewood Revised Development Specification and Framework.