

Appendix 4.3

Review of Deviations and Minor Changes from Assessment Assumptions in s73 ES and other EIA Documentation

A number of deviations and minor changes from the 2014 Permission have been proposed as a result of the Phase 1B (North) design development. A review of the deviations from the 2014 Permission has been undertaken by Waterman to establish whether the proposed amendments to the authorised development are likely to materially affect the findings of the October 2013 s73 ES (the 's73 ES') or any of the other EIA Documentation, including the Phase 1A (North) Further Information Report (FIR) dated June 2015 ('the Phase 1A (North) FIR').

The review includes consideration of minor changes to the approved Phase 1A (North) infrastructure, immediately adjacent to, and intrinsically linked to, Phase 1B (North), which have occurred because of the Phase 1B (North) design development.

It is considered unlikely that the changes, as listed within this Deviations and Minor Changes Explanatory Report, will result in any significant environmental effects not previously identified in the s73 ES and other EIA Documentation, or would materially affect the outcome of the assessments or mitigation measures presented in the s73 ES or other EIA Documentation. Furthermore, the changes also comprise part of the Phase 1B (North) design considered and assessed within the Phase 1B (North) ES Further Information Report (Phase 1B (North) FIR).

The changes comprise the following elements:

- 1) Minor changes to approved Phase 1A (North) infrastructure;
- 2) Exceedances of Maximum Parameters (massing) as per the 2014 Permission within Phase 1B (North);
- 3) A minor increase to the provision of retail and related uses; and
- 4) A change to the allocation of Development floorspace within Phase 1B (North).

Details of the changes are set out below:

1) Minor Changes to approved Phase 1A (North) Infrastructure

The Phase 1A (North) Reserved Matters Approvals (Ref. No.s 15/03312/RMA and 15/06571/RMA) (the Phase 1A (North) RMAs) approved the layout of sections of the perimeter road around the existing Brent Cross Shopping Centre and amendments to Tempelhof Avenue. These formed the basis of the assessments undertaken and presented in the Phase 1A (North) FIR. The detailed design of Phase 1B (North), and technical design discussions with the highway authorities not related to Phase 1B (North), have resulted in the need for minor amendments to these Phase 1A (North) RMAs approved layouts. These minor amendments are identified on Drawing Ref BXCR-ACM-ZZ-ZZ-SK-CE-00022, as included within this appendix, and comprise:

- a. A vehicular entrance into Plot 109 has been introduced;
- b. The location of the pedestrian crossing has been amended to a position slightly further south;
- c. The location of the pedestrian entrance to Plot 113 has been amended;
- d. An entrance/exit to the car park along the northern frontage of Plot 110/111 has been provided;
- e. The positioning of the footpath at the roundabout adjacent to Plot 110/111 has been amended;
- f. An entrance/exit to the car park along the southern frontage of Plot 105 has been provided and the configuration of the northern entrance/exit to the car park has been amended; and
- g. An additional vehicular entrance to Plot 109 has been provided along the footpath at Tempelhof Avenue.

Condition 1 attached to the decision notices for the Phase 1A North RMAs states that “*the development hereby permitted shall be carried out in accordance with the following approved plans unless minor variations are agreed in writing after the date of this reserved matters consent with the Local Planning Authority*”. As the variations are minor, it is proposed to agree minor variations to the Phase 1A (North) RMAs plans with the local planning authority, London Borough of Barnet (LBB) in writing, so that those plans are consistent with the detailed design of Phase 1B (North). The proposed amendments have been reviewed, and do not result in any material changes to the assessments previously carried out and presented in the Phase 1A (North) FIR. They also form the basis of the detailed design assessed and presented within the Phase 1B (North) FIR.

2) Exceedances of Maximum Parameters (as per 2014 Permission)

Within Phase 1B (North), the exceedances of the maximum parameters (in terms of massing) from the 2014 Permission are set out in the table below:

Building/Plot	Deviation
Plot 113	Block 3 - building height is 0.5m above the approximate maximum AOD building height (with LOD)
	Block 4 - building height is 1.1m above the approximate maximum AOD building height (with LOD)
	Block 4 - Phase 1B (North) frontage height is 0.1m above the approximate maximum AOD frontage height (with LOD)
	Blocks 1-4 - Phase 1B (North) 2.04m in exceedance of width parameter due to the presence of balconies and 0.8m exceedance of height parameter
New Town Centre – Plot 106	The frontage height is 9.865m above the approximate maximum AOD frontage height (with LOD)

Building/Plot	Deviation
	<p>The maximum building height is 9.865m above the approximate maximum AOD building height (12% of the cinema roof area) (with LOD)</p> <hr/> <p>The scale parameter is 12m in exceedance of height threshold based on primary use of retail</p>
West MSCP (Plot 110 & 111)	<p>The building height is 0.25m above the approximate maximum AOD building height (with LOD) (due to lift over-run)</p> <hr/> <p>The scale parameter is 2.65m in exceedance of height threshold for any primary use (due to lift over-run)</p>
East MSCP (Plot 105)	<p>The building height is 0.03m above the approximate maximum AOD (south AOD spot) building height (with LOD) (due to lift over-run)</p> <hr/> <p>The scale parameter is 2.665m in exceedance of height threshold for any primary use (due to lift over-run)</p>

These exceedances are the subject of applications under Conditions 2.4 / 2.5 of the 2014 Permission. They form the basis of the detailed design assessed and presented within the Phase 1B (North) FIR.

3) Minor increase to the provision of retail and related uses

Approval has been sought for an increase to the overall provision of retail and related uses (Classes A1, A2, A3, A4, and A5) North of the A406, with an increase of 4,192m² of additional Class A1 to A5 floorspace now proposed, resulting in a total of 82,325m² rather than the 78,133m² set out in the 2014 Permission. These amendments are the subject of a s96A application and applications under Conditions 2.4 and 2.5 of the 2014 Permission. An EIA Statement of Conformity was prepared to accompany these submissions which concluded that the limited increases in retail and related uses floorspace would not result in any material change to the reported overall impacts and mitigation provided within the s73 ES and other relevant EIA Documentation.

4) Change to the allocation of Development floorspace within Phase 1B (North)

An amendment to the allocation of Development floorspace (reflected in a minor amendment to Table 6 relating to Parameter Plan 014 of Appendix 2 of the RDSF) seeks to increase the floorspace within BXE 4 from 4,035m² (residential) to 5,012m² and reduce the floorspace in BXE 1 from 33,459m² (any permitted use) to 32,482m² in accordance with the detailed design that has progressed for Phase 1B (North). However, there is no change to the overall quantum of floorspace. There is no change to the assessments undertaken and presented in the Phase 1B (North) FIR.

This amendment is the subject of applications under Conditions 2.4 / 2.5 of the 2014 Permission.

EIA Review

These changes, although unlikely to give rise to significant impacts not identified in the s73 ES and other EIA Documentation, are considered further within the technical EIA studies (where applicable) presented within the Phase 1B (North) FIR:

- The minor changes to the Phase 1A (North) infrastructure have been considered within the Transport and Traffic chapter;
- Exceedances of the maximum massing parameters of the 2014 Permission have been considered within the Townscape and Visual Impact and Microclimate (Wind, Daylight, Sunlight and Overshadowing) Chapters; and
- The changes to the quantum and distribution of floorspace have been considered within the Socio-Economics, Traffic and Transport, Noise and Vibration, Air Quality and Dust, Carbon Dioxide Emissions, Ground Contamination, Archaeology and Cultural Heritage, and Waste chapters.

In addition, all relevant changes have been considered within the cumulative impacts assessments.

All aforementioned changes have been reviewed and are not considered to be significant in terms of the findings of the s73 ES and other EIA Documentation, which therefore are considered to remain valid for the purposes of decision making. This conclusion is made with reference to the EIA Regulations in terms of changes to an already authorised development as well as subsequent applications and on the basis of considering the impacts of the whole Development as updated with these changes and not just considering the changes in isolation. It is important to note that the Council should therefore have regard to the s73 ES and other EIA Documentation in their decision making to confirm that the environmental information before them is adequate to assess the environmental effects of the Development.