

**Committee Report
Planning Committee on 7 April, 2009**

**Item No. 1/06
Case No. 08/2823**

RECEIVED: 16 October, 2008

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Land at Junction of Edgware Road, Capitol Way, London, NW9

PROPOSAL: Demolition of existing units and erection of replacement 4-storey and 6-storey blocks above two-storey podium decks and a frontage block of 17 storeys above the podium, comprising 460 self-contained flats, 5,360m² of retail (Use Class A1 bulky goods), a 734m² garden centre, 1922m² of floorspace for alternative uses falling within Use Classes A uses (A1,,A3) or B1 (a-c), and 649m² for alternative use falling within Use Classes A uses,(A1,A3), Class B1 or Class D1 (community/health centre) , 97m² of creche facilities (Use Class D1), 281 residential car-parking spaces, 500 residential cycle-parking spaces, 172 commercial car-parking and 80 commercial cycle-parking spaces, 527m² energy centre, bin stores and associated landscaping, with access from Capitol Way NW9 and Plaza Walk NW9.

APPLICANT: RLAM & Kitewood Estates

CONTACT: Rolfe Judd Planning

PLAN NO'S: KTW006_A_P_FG_100 Ground Floor plan rev P1
KTW006_A_P_FB_100 Basement Layout Plan rev P1
KTW006_A_P_FM_100 Mezzanine Level Plan rev P1
KTW006_A_P_FP_101 Podium Level Plan West rev P1
KTW006_A_P_FP_102 Podium Level Plan East rev P2
KTW006_A_P_FP_103 Podium Landscape Plan West rev P1
KTW006_A_P_FP_104 Podium Landscape Plan East rev P2
KTW006_A_P_F2_101 Level 2 Plan West rev P1
KTW006_A_P_F2_102 Level 2 Plan East rev P2
KTW006_A_P_F3_101 Level 3 Plan West rev P1
KTW006_A_P_F3_102 Level 3 Plan East rev P2
KTW006_A_P_F4_101 Level 4 Plan West rev P1
KTW006_A_P_F4_102 Level 4 Plan East rev P2
KTW006_A_P_F5_101 Level 5 Plan West rev P1
KTW006_A_P_F5_102 Level 5 Plan East rev P2
KTW006_A_P_F6_101 Level 6 Plan West rev P1
KTW006_A_P_F6_102 Level 6 Plan East rev P2
KTW006_A_P_SA_101 Level 7 Tower Plan rev P2
KTW006_A_P_SA_102 Level 8 & 9 Tower Plans rev P2
KTW006_A_P_SA_103 Level 10 & 11 Tower Plans rev P2
KTW006_A_P_SA_104 Level 12 & 13 Tower Plans rev P2
KTW006_A_P_SA_105 Level 14 & 15 Tower Plans rev P2
KTW006_A_P_SA_106 Level 16 & 17 Tower Plans rev P2
KTW006_A_P_R_100 Roof Plan rev P2

KTW006_A_E_201 Elevation 1 (Capitol Way) West P1
KTW006_A_E_202 Elevation 1 (Capitol Way) East P1
KTW006_A_E_203 Sectional Elevation 2 East P1
KTW006_A_E_204 Sectional Elevation 2 West P1
KTW006_A_E_205 Sectional Elevation 3 West rev P1
KTW006_A_E_206 Sectional Elevation 3 East rev P1
KTW006_A_E_207 Elevation 4 East rev P1
KTW006_A_E_208 Elevation 4 West rev P1
KTW006_A_E_209 Elevations 5 & 6 rev P1
KTW006_A_E_210 Elevations 7 & 8 rev P1
KTW006_A_E_211 Elevations 9 & 10 rev P1
KTW006_A_E_212 Elevations 11 & 12 rev P1
KTW006_A_E_213 Elevations 13 & 14 rev P1
KTW006_A_E_214 Elevations 15 & 16 rev P2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- (a) Payment of the Councils legal and other professional costs in
 - (i) preparing and completing the agreement and
 - (ii) monitoring and enforcing its performance.
- (b) 40% Affordable Housing measured by hab floor space
- (c) A contribution of £2,347,800 (£3,000 per private bed and £2,400 per AH bed unit) index-linked from the date of committee for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area, of which £100,000 may be used towards local cycle and walking routes. 50% due on Material Start of the Residential Units and 50% 6 month after residential Material Start
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes (Oct 07) level 3/ BREEAM Retail 08 Very Good, with compensation should it not be delivered.
- (e) Overall 37% CO₂ savings on Building Regulations 2006; 10% CO₂ savings from passive design and energy efficiency; 22% Co₂ savings for CHP, after passive design and energy efficiency measures; 8% Co₂ saving biomass boiler and 1% Co₂ savings from photo voltaic, after passive design, energy efficiency and CHP, Provide a single energy centre and district heating scheme delivering heat to the whole site.
- (f) Join and adhere to the Considerate Contractors scheme.
- (g) Provision of 649sqm D1 class publically accessible community or health space made available to the PCT or Brent Council at the market rate for D1 class publically accessible community or health space.

- (h) Provision of an on site creche with a minimum capacity of 30 available to all residents in the development.
- (i) Submission, approval of and compliance with a workplace and residential Travel Plan, with a 5 year review and penalty clause of £25,000 for every percentage point that car ownership by residents exceeds 60%.
- (j) A contribution of £200,000 toward local bus service, payable upon Practical Completion and index-linked from the date of committee.
- (k) Permit Free- Remove the right of residents of the development to apply for parking permits should any CPZ be introduced.
- (l) If the land to the North of the application site is development with the opportunity to create a north-south pedestrian /cycle link to this site, then within 1 year of completion of the development to the north the Owner shall construct a footway link north south from the existing footway between the retail and car park at ground floor across the service road to the site to the north. This footway will be open to members of the public not less and daylight hours.
- (m) Compliance with the Freight Management Plan submitted and approved within the application.
- (n) Prior to Practical Completion, submit and gain approval of and comply with a Car Park Management Plan.
- (o) Provision of a Car Club on site.
- (p) Prior to Material Start enter into a S38/S278 of the Highways Act agreement with the Council to provide the:
- remodelling of the Capitol Way/Stag Lane road junction to provide a mini-roundabout and speed table
 - road widening to be carried out along the Capitol Way site frontage to include the provision of hatched right-turning lanes into the commercial car park and Asda car park, provision of a 78m two-lane approach to the Edgware Road signals and widening and resurfacing of the footway fronting the site, to include removal of all redundant crossovers.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The application site is located on the northern side of Capitol Way at the junction with Edgware Road. Measuring 1.5 hectares the site is currently occupied by two large retail warehouse buildings, one located towards the Edgware Road frontage, currently in use as a Wickes DIY store and the other one positioned at the western edge of the site sitting vacant (formerly occupied by a bed retail operator). An extensive area of car parking separates the buildings.

The immediate locality consists of a mixture of uses. An Asda food store is situated on the southern side of Capitol Way, adjacent to Oriental City and the Airco Close housing development. To the north of the site and fronting Edgware Road is a Mercedes Benz showroom with a retail warehouse building to the rear, whilst to the north and north west is the Capitol Way Industrial Estate, consisting of a collection of low level industrial buildings surrounded by elements of mature landscaping. On a wider level, the area is mixed, with residential areas to the west and east and a

collection of retail, commercial and residential uses along the Edgware Road frontage. There are a varying number of building types and heights along Edgware Road, ranging from 2 storey residential dwellings to large retail warehouses and office premises up to 13 storeys high.

Edgware Road forms the boundary between the London Borough of Brent and the London Borough of Barnet. Opposite the proposal is a pair of retail buildings and a vacant former factory building which has planning consent (on appeal) for a mixed use residential/retail and office building extending to 8 storeys.

PROPOSAL

Full planning permission is sought for the redevelopment of the site to provide a mixed use scheme comprising the following:

- 460 self-contained flats
- 5,360m² of retail (Use Class A1 bulky goods)
- 734m² Garden Centre
- 1922m² of alternative uses falling within Use Classes A1 & B1
- 649m² for alternative use falling within Use Classes A uses,(A1,A3), Class B1 or Class D1 (community/health centre)
- 97m² of creche facilities (Use Class D1)
- 281 residential car-parking spaces, 500 residential cycle-parking spaces, 172 commercial car-parking and 80 commercial cycle-parking spaces
- 527m² energy centre

The scheme would consist of two separate blocks of built form, predominantly 6 storeys in height. Separated by a 'street' feature, the blocks rise to 8 storeys in places along the Capitol Way frontage before rising to provide a 19 storey tower element at the junction of Capitol Way and Edgware Road and dropping down to 6 storeys with a further storey set-back adjacent to the Mercedes Benz showroom. The self-contained flats are located at or above a podium deck at second floor level where the blocks have been orientated to provide 4 courtyard spaces each of which provide separate and equipped play areas and communal amenity spaces for all residents utilising a range of materials and surfaces, including amongst are shown water features, lawned areas, trees and seating. Each of the blocks is finished with either a green or brown roof and all flats have access to a private amenity space.

The eastern block will contain the replacement Wickes store along Capitol Way set behind double storey glazing and elements of frontage landscaping. This elevation will also include the double storey glazed frontaged garden centre towards Edgware Road, along the frontage of which are two retail units. The western block, whilst visually reflecting the eastern element, will hide the parking proposed for the scheme at basement, ground and first floors. A further two commercial units A1 or B1 and the Community facility will be located at the western edge of the block, the frontage of which will also enclose (behind double storey glazing) bike stores.

A series of pedestrian entry points are located along Capitol Way, whilst vehicular access is shown at three points, the main one being along the western edge of the site for the residential and retail parking. A further entrance for large delivery vehicles to service the Wickes store and garden centre would be provided at the north western corner of the site adjacent to the proposed Energy Centre. The central 'street' will afford access for pedestrians and for van parking close to the Wickes store.

HISTORY

04/2105 - Certificate of Lawfulness for proposed mezzanine floor for retail use to existing retail warehouse (21A) – Approved 6.9.2004

04/2154 - Certificate of Lawfulness for proposed mezzanine floor for retail use to existing retail warehouse (21B) – Approved 6.9.2004

05/2125 - Certificate of Lawfulness for proposed mezzanine floor for retail use to existing retail warehouse (Wickes) – Approved 30.8.2005

POLICY CONSIDERATIONS

The following policies and standards contained within the Council's Adopted Unitary Development Plan 2004 are considered to be relevant to consideration of the application.

Brent's Unitary Development Plan 2004

STR2 – for the development of retail uses consideration should be given to the hierarchy of retail centres

STR3 – the development of previously developed land will be maximised

STR6 – on-street parking controls and off-street parking standards will be used to restrain traffic

STR11 - seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities

STR12 – planning decisions should protect public health and safety

STR13 – environmentally sensitive forms of development will be sought with reduced overall demand for energy

STR14 – new development will be expected to make a positive contribution to improving the quality of the urban environment by being designed with proper consideration of urban design principles

STR15 – major development should enhance the public realm by the creation of attractive and successful outdoor areas

STR19 – new housing development should reduce the need to travel, give preference to the use of previously developed land, and provide an acceptable level of amenity of existing and proposed residents

STR20 – housing developments should maximise the proportion of affordable housing consistent with Brent's affordable housing provision levels

STR35 – improvements to public open spaces and sports facilities will be promoted

STR37 – accessible community facilities will be permitted

- BE1** Urban Design Statements
- BE2** Local Context
- BE3** Urban Structure: Space & Movement
- BE4** Access for disabled people
- BE5** Urban clarity and safety
- BE6** Landscape design
- BE7** Streetscene

- BE8** Lighting and light pollution
- BE9** Architectural Quality
- BE10** High Buildings
- BE11** Intensive and mixed-use developments
- BE12** Sustainable design principles
- BE17** Building services equipment

- EP2** Noise & Vibration
- EP3** Local air quality management
- EP4** Potentially polluting development
- EP12** Flood protection
- EP15** Infrastructure

- H5** Key Worker Housing
- H9** Dwelling Mix
- H10** Containment of Dwellings
- H11** Housing on Brownfield Sites
- H12** Residential Quality – Layout Considerations
- H13** Residential Density
- H14** Minimum Residential Density

- TRN1** Transport assessment
- TRN2** Public transport integration
- TRN3** Environmental Impact of Traffic
- TRN4** Measures to make transport impact acceptable
- TRN9** Bus Priority
- TRN10** Walkable environments
- TRN11** The London Cycle Network
- TRN12** Road safety and traffic management
- TRN13** Traffic calming
- TRN14** Highway design
- TRN15** Forming an access to a road
- TRN16** The London Road Network
- TRN20** London Distributor Roads
- TRN22** Parking Standards – non-residential developments
- TRN23** Parking Standards – Residential developments
- TRN31** Design and land take of car parks
- TRN34** Servicing in new developments
- TRN35** Transport access for disabled people & others with mobility difficulties
- PS1** Parking standards – Operation of these parking Standards
- PS6** Parking standards – Business (Use Class B1), Financial and Professional Services (Use Class A2)
- PS7** Shops (Use Class A1) Less than 2000m²
- PS8** Shops (Use Class A1), 2000m² and over
- PS9** Food and Drink Uses (Use Class A3)
- PS12** Non-residential Institutions (Use Class D1)
- PS14** Residential Development (Use Class C3)
- PS15** Standard for Wide Bay Parking
- PS16** Cycle parking standards

- SH5** Out of centre retail developments

- OS18** Children's Play Areas

- CF2** Location of small scale community facilities
- CF5** Community facilities in large scale developments

- CF6 School Places
- CF11 Day Nurseries
- CF13 Primary Health Care/GP surgeries

Brent Council Supplementary Planning Documents and Guidance

- SPG3 Forming an access to a road
- SPG4 Design Statements
- SPG12 Access for Disabled People: Designing for Accessibility
- SPG17 Design Guide for New Development
- SPG19 Sustainable Design, Construction and Pollution Control
- SPD New Planning Obligations (S106)

Brent Emerging Local Development Framework

The Council is in the process of producing a new development plan for the borough called a Local Development Framework (LDF). The Core Strategy was formally submitted to the Secretary of State on 05/11/2007. Following correspondence and meetings with the Planning Inspectorate, the Council received a direction to withdraw the Local Development Framework Core Strategy and Site Specific Allocations Development Plan Documents from GOL on the 7th of May 2008. The Council commenced an informal round of consultation to obtain some initial views on the changes to the Core Strategy DPD prior to submission to the Council's executive in December 2008 and a further statutory round of consultation and formal submission to the Secretary of State.

Within this submission the site is located within the Burnt Oak/Colindale Growth Area which is suggested as a focus for population growth and significant housing development being of good transport accessibility and generally being a poor townscape environment and not a Strategic Employment Location. This site is identified in the Site Specific Allocations North as being part of a larger site incorporating the Mercedes garage to the north with the preferred option being for a mixed use retail (bulky goods)/car showroom development with residential above. B1c light industry and/or work/live development is proposed to act as buffer along the south western section of the allocation. It is stated that proposals should have regard for the existing cycle route to the north of the site and should explore the provision of north/south pedestrian access from Capitol Way to Carlisle Road. In addition, the existing bus turning and driver facilities should be retained or re-provided and HGV parking should be discouraged.

Whilst the document can be given little weight as a planning document given its status, it is representative of current Council thinking on the site and the area generally.

Mayor of London

The London Plan consolidated with alterations (adopted February 2008)
Mayor of London Supplementary Planning Guidance

The site is located within a large group of opportunity and growth sites that fall within the North-West London and Luton Corridor identified in the revised London Plan. Brent has worked with other Boroughs at the London end of the corridor, the GLA, TFL and North London Alliance, to produce a "Prospectus for Sustainable Co-ordinated Growth" launched in January of this year. Colindale is identified as being a location for housing growth and is proposed to accommodate 10,000 new homes by 2018.

National Planning Policy Guidance and Statements

- PPS1 Delivering Sustainable Development
- PPS1 Supplement: Planning and Climate Change
- PPS3 Housing
- PPS22 Renewable Energy

SUSTAINABILITY ASSESSMENT

As with most major developments the Local Planning Authority requires that the applicants consider sustainable development from an early stage, so that the maximum amount of sustainable measures can be incorporated in the proposal up-front. The applicants have submitted an Energy Demand and Sustainable Assessment and a Sustainable Development Checklist. The submitted Sustainable Development Checklist has a score of 58.5%. The applicant's findings will be critiqued within the forthcoming Supplementary Report.

On the basis that the Sustainability obligations, would include a score of at least 50% on a submitted Sustainability Checklist and "EcoHomes "Very good rating" (with appropriate compensatory measures should they not achieve the 51% rating;) the matter may be covered within agreed Heads of Terms as part of a s106 agreement.

CONSULTATION

A total of 467 letters were sent out to neighbouring residents. A notice was placed in the local press and site notices were placed around the site. The ward Councillors for both Fryent and Queensbury wards were consulted directly as was the Grove Park Area Residents Association.

The consultation was undertaken on the originally submitted scheme, to which some amendments have occurred.

A total of 9 objections were received (including 2 from the same objector). The objections cover the following matters:

- the 5 and 6 storey buildings are out of character with the area
- the 19 storey building will be an eyesore and out of character
- increase in cycle users from virtually none locally will be a significant risk to themselves, to other road users and to pedestrians
- increased vehicle numbers will lead to considerable congestion and traffic problems
- increased number of inhabitants will place significant strain on public transport
- high schools in the area are full up
- health and transport infrastructure is creaking already
- the new flats, crèche and health centre as well as the cumulative development locally will bring traffic to an unacceptable level during morning and afternoon rush hours
- loss of sunlight to existing homes
- density of development is unacceptable
- will add to parking problems in an area which is already full from early on in the day
- will make the area a high rise concrete jungle
- will lead to increased crime, litter, graffiti, drug use and general antisocial behaviour
- will likely lead to an increased risk of flooding
- increased air pollution
- increased noise pollution
- loss of privacy and outlook for local residents
- negative noise, dust and vibration impacts from development and potential damage (cracks) to neighbouring houses as a result
- local drainage will not be able to cope with quantum of development
- combination of Oriental City approval and this scheme will put an enormous strain on local infrastructure

- local government should promote and protect the welfare of its citizens rather than the financial ambitions of developers
- the area was designated as industrial land in 1980's and the residents informed it would always be so and the residents have accepted this and learnt to live with it
- Stag Lane has been ignored in the documents except for the mini roundabout junction at Stag Lane/Capitol Way which will not likely improve things
- Stag Lane is a residential road and care should be taken to ensure that further traffic impact does not create further problems in terms of ingress/egress from houses
- Existing local schools are already operating at capacity
- no direct notification from developers or the Council on this proposal

One email was received expressing support for a 'wonderfully exciting scheme'.

External Consultees

London Borough of Harrow – No observations

London Borough of Barnet – Raises no objection in principle but does have reservations over the following:

1. Scheme will generate additional 1,925 sqm of retail floorspace in an out of centre location without clear justification.
2. Excessive residential density
3. Concerns regarding the height and massing of the proposal.
4. Concerns regarding traffic impact

CABE – Organisation of the two blocks appears sound and the carefully designed residential units have the potential to provide a good living environment. Courtyards are generous and there is a thoughtful landscaping strategy. The tower meets the criteria defined in CABE/EH 'Guidance on Tall Buildings' and appears slender and sits comfortably in building block. The success of the scheme will be dependent on the quality of the materials and detailing.

The weakest point of the scheme is the space between the car park and store which is considered to be a cul-de-sac where the movement of visitors and deliveries could compromise the quality of the space, feeling more like an extension of the car park rather than a pedestrian zone. This would change should the cul-de-sac become a street if other sites to the north come forward and are linked to Capitol Way via this space.

Overall, the scheme seems to be an intelligent solution in creating a pleasant space for living and could serve as an example for future redevelopment of vacant retail parks. However, the point about the street between the car park and the store should be addressed.

Transport for London – Following an initial report which questioned much of the modelling undertaken for the Transport Assessment, TFL now consider the application to be acceptable in transportation terms subject to the following being secured following a recommendation for approval:

- A contribution of £200,000 towards local bus services, payable upon Material Start and index-linked from the date of committee.
- A contribution of £2,347,800 (£3,000 per private bed and £2,400 per AH bed unit), index-linked from the date of committee for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area, of which up to £100,000 may be used towards local cycle and walking routes.
- Permit Free- remove the rights of residents of the development to apply for parking permits should any CPZ be introduced.

- Submission, approval of and compliance with a Travel Plan.

Environment Agency – No objections. Recommends a condition requesting details of a sustainable drainage system.

Thames Water –the existing waste water infrastructure is insufficient to accommodate the needs of the application. The applicant would need to supply a drainage strategy to be approved by the LPA in conjunction with Thames Waters’ advice via condition. It is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where the developer proposes to connect to a public sewer prior approval from Thames Water is required. Petrol/oil interceptors to be fitted to all car parking/washing/repair facilities. The increase in foul water flow from the development is likely to be substantial and may lead to sewage flooding. Impact studies of the existing infrastructure will be required to determine the magnitude of any additional capacity required.

Greater London Authority – A stage 1 report has been produced by the GLA. It states that:

“The principle of the redevelopment of the site for mixed-use, residential-led development is in accordance with strategic planning policies. However, there are a number of outstanding issues that must be addressed, including affordable housing, children’s play space, inclusive design, climate change mitigation and adaptation, transport and employment opportunities”

The report is summarised as follows:

Mix of uses and retail

There is a 25% reduction in the approved commercial floorspace on this site. The proposed reduction produces a land use mix more in keeping with London Plan objectives than at present. The Council should condition the 6111sqm retail floorspace restricting it to the sale of bulky goods only.

Housing

Affordable Housing

The proposal includes 36% affordable housing by unit (40% if measured by habitable room). The applicant should submit a financial viability assessment to demonstrate that the scheme is providing the maximum reasonable amount of affordable housing as required by London Plan Policy 3A.10.

Mix of units

The London Plan Housing Supplementary Planning Guidance seeks to secure family accommodation within residential schemes, particularly within the social rented sector, where the scheme includes 18% one-bed units, 20% two-bed, 44% three-bed and 18% four-bed. Overall the proposed mix is acceptable.

Tenure split

Notwithstanding the requirement to justify the proposed level of affordable housing the split of 23% social rent and 13% intermediate, representing a 37:63 split is in line with strategic policy and is acceptable.

Density

Table 3A.2 provides a guidance range of 200-450 habitable rooms per hectare for urban sites with a PTL rating of two to three which this application exceeds.

The scheme is considered to be of high quality with particular attention paid to residential amenity, including the provision of dual aspect, ‘scissor’ units and adequate and well-designed amenity spaces. The scheme relates to its context and does not appear to be over-scaled. The site is close

to two development sites which have planning permission for high-density mixed use schemes will tall elements on Edgware Road. It is also within walking distance of three Underground stations and is served by nine bus routes.

The applicants have provided an assessment of the surrounding community, health and social facilities to demonstrate that the development will not place undue pressure on existing facilities. Subject to the Council confirming this assessment, the proposed density is acceptable.

Housing choice

The applicants have stated that all units will meet Lifetime Homes standards and 10% will be easily adaptable for wheelchair users. The applicants have demonstrated accordance with the Lifetime Homes requirement but not how 10% of units will be easily adaptable and should therefore submit flat layouts using the standards within the Best Practice on Wheelchair Accessible Housing.

Children's play space

Using London Plan Supplementary Planning Guidance 'Providing for Children's and Young People's Play and Informal Recreation', it is anticipated that there will be approximately 220 children within the development. The applicants suggest a lower figure. The guidance states that this development should provide 2220 sqm of playspace of which 860 sqm should be on-site. The proposal includes 3220 sqm of podium courtyard space, 560 sqm of which is specifically designed as formal play space.

The design of the courtyard space is considered of high quality and a range of play equipment has been provided. The applicants should consider further the design of the courtyards to provide informal play facilities to ensure adequate provision is reached.

With a park within 400 metres of the site and playing fields within 800 metres, the provision of adequate off-site facilities for older children is acceptable.

Design

The proposal is considered appropriate to current and emerging context in the area.

The provision of the new semi-public route between the two aesthetically linked buildings responds to a potential new north-south route through the site. The ground floor layout appropriately positions active retail frontage and residential lobbies to surrounding streets and sets parking and servicing behind and off Capitol Way. The double height entrance lobbies to the flats are supported.

The internal arrangement forming perimeter blocks around courtyards is a successful design solution.

The two blocks are considered appropriate to their context and the tower element is appropriately positioned on Edgware Road and comparable in scale to existing consented and emerging proposals locally.

The proposed materials are supported.

Inclusive design

Inadequate information has been submitted regarding access, particularly the use of ramps and stairs to access the podium level. The design needs further revision.

Climate change mitigation and adaptation

Sustainable design and construction

The scheme will meet the majority of the essential standards within the London Plan Sustainable

Design and Construction SPG with measures including charging points for electric vehicles, a sustainable urban drainage system, permeable paving and rainwater recycling.

Energy

A series of energy efficient design measures have been proposed within the residential element beyond building regulations 2006 minimum requirements. Suitable modelling has been used to demonstrate that the measures will reduce carbon dioxide emissions by between 8% and 15% beyond the 2006 requirements. This is acceptable and the Council should adequately secure the measures proposed. The applicants have proposed a 10% improvement target in respect of the non-residential element which is acceptable. The CHP unit will reduce carbon dioxide emissions by a further 22%. Renewable energy measures will reduce carbon dioxide emissions by a further 9%. The applicant should justify why photovoltaic modules and green roofs cannot be both provided, particularly as the development falls short of the 20% carbon saving expected.

London Development Agency

The LDA welcomes the provision of the community facility and crèche on-site and the re-provision of the Wickes store. The Council should encourage the applicants to provide on-site training or contribute towards it and during construction the use of small and medium enterprises should be encouraged.

It will be necessary to consult the GLA again following Members resolution for their Stage 2 response.

Primary Care Trust – No response.

Metropolitan Police – No response.

Internal Consultees

Transportation –

The scale of the proposal is such that it will have a significant impact on the transport network in the area but no objections are raised given the measures that are proposed.

Traffic Impact – No objections subject to junction improvements and S106 requests.

The impact of the additional traffic on various junctions in the area was tested using industry standard software.

Initial comments which were later amended (see **REMARKS**) were as follows:-

Edgware Road/Capitol Way

Approximately 70% of traffic travelling to and from the site is estimated to arrive and depart via this junction.

Junction capacity tests showed the additional traffic from this development pushing the junction above its maximum practical reserve capacity during the weekday evening and Saturday afternoon peak hours. To address this, the developer proposes highway widening works along the frontage of the site to allow the two lane approach to the junction along Capitol Way to be extended. Tests for this revised layout showed the junction operating within its maximum practical reserve capacity during both the weekday morning and evening peak hours, even with the addition of traffic from both this development and Oriental City. The Saturday period is more problematic, but with some

fairly minor tweaks to the proposed junction layout and some acceptance that background traffic growth through the junction will not occur to any significant degree, then the junction capacity can be increased sufficiently to just about cater for the proposed level of traffic estimated to be generated by this proposed development and the Oriental City development. In any case the site has an extant permission for a volume of retail floorspace that exceeds the level proposed. Given that it is the retail traffic in particular that leads to the Saturday afternoon problems, this reduction in overall floorspace may be of benefit.

Capitol Way/Stag Lane

The remaining 30% or so of traffic is predicted to arrive/depart to/from the west via this junction. Junction capacity tests show the junction being pushed well beyond its maximum capacity during the weekday evening and Saturday mid-afternoon peak periods, with the additional traffic generated by this development and the Oriental City development struggling to turn left and right into Stag Lane, thereby generating extensive queues along Capitol Way. To address this, the potential option of amending the junction to a mini-roundabout to assist traffic turning out of the minor road was examined. As with the signal-controlled junction with Edgware Road, it is considered appropriate to assume background traffic will not grow significantly and the proposed junction modification is welcomed as a suitable means of dealing with the predicted increase in traffic volumes on Capitol Way. The provision of a mini-roundabout will also act as a speed-reducing feature on Stag Lane, which is welcomed.

Capitol Way/Plaza Walk

The internal crossroads junction along Capitol Way at the Oriental City car park egress, was also tested. The results of this showed the junction to operate well within its maximum capacity under current circumstances, even with the addition of the predicted traffic from this development. However, when the increased traffic flows for the Oriental City are added, extensive queues from the Oriental City development are found to occur during the weekday evening and Saturday afternoon peak periods. These queues would only affect the car park exit and not Capitol Way.

Other Junctions

The proposed development would increase existing traffic flows by between 5% and 10% on Edgware Road to the north and south of the site. The A5 corridor as a whole is subject to a wider route study by TfL to identify any improvements required to support redevelopment. A contribution towards the overall cost of upgrading the signal controlled junction of Edgware Road and Colindale Avenue is sought.

Non-car access

Pedestrians

Pedestrian footways along the site boundary are generally of good quality and the development will include footway widening along Capitol Way, which is welcomed. To improve pedestrian access to the western end of the site, a new pedestrian (zebra?) crossing is proposed on Capitol Way. This is not considered appropriate. Instead, resources may be better focussed on improving pedestrian crossing facilities on the A5 Edgware Road. TfL have suggested upgrading of an existing uncontrolled crossing some 200m north of Capitol Way and whilst this is welcomed, clarification on exactly which crossing TfL are referring to is required. It is suggested that this item be flagged up as a potential use of the overall S106 financial contribution.

A need to provide a pedestrian (Toucan) crossing near to Annesley Avenue to the south of the site was identified and secured through the Oriental City development. That crossing is also essential to this development, as it lies on the desire line between the site and Colindale Underground station and has a high pedestrian injury record. A fallback position of providing funding towards a crossing in that location is therefore required, in the event that the Oriental City redevelopment is

not progressed.

Cyclists

No specific measures to improve cycling access to the site have been put forward, but it is still essential that the site is well connected, particularly given the high number of new residential units proposed. In this respect, a future advisory route has been identified along Edgware Road to the south, before heading northeastwards along The Greenway. Improvements to link the site to that route would be welcomed and funds can be taken from the overall S106 package.

Buses

Existing bus trips to and from the Wickes store are fairly negligible and the forecasts for the other commercial uses also do not predict significant bus usage. However, pooled contributions towards general bus service enhancements are being sought from each developer and to this end, TfL is seeking a financial contribution of £200,000. Potential funding improvements towards upgrading bus stops would also be welcomed.

Underground

Funding for station improvements will be secured by Barnet Council from the redevelopment of Colindale Hospital. As such, the only improvement sought for Underground users is the enhancement of the walking route between the site and Colindale station.

Travel Plans

To help to ensure car use to and from the site is minimised, separate draft Travel Plans have been produced for the workplace and residential elements of the scheme. The following measures have been suggested within the draft Travel Plan Strategy:

Residential – restrained car parking provision; bicycle parking; Car Club; bicycle user group, pooled bicycles; personalised journey planning; transport information provision (incl. broadband connection) and subsidised Oystercards.

Retail – bicycle parking, car parking management, car sharing, travel information provision, personalised journey planning for staff, Bicycle User Group, staff changing/ showering facilities, subsidised Oystercards, local staff recruitment and home delivery services for customers.

These measures are welcomed. To ensure the Car Club gets off the ground, a contribution of £30,000 is recommended towards the cost of providing cars and subsidising membership. It is anticipated that the Car Club should become self-financing.

Whilst the draft Travel Plans as submitted form a reasonable starting point, more work needs to be done on identifying suitable targets and measures. These will be subject to approval by the Council prior to occupation of the development.

Freight Management Plan - All delivery vehicles should be able to be accommodated off-street, but schedules will nevertheless be arranged to avoid multiple deliveries arriving at once. A vague commitment has also been made to try to schedule deliveries outside normal peak hours. Wickes also proposes to operate a home delivery service to reduce customer journeys.

A Construction Logistics Plan will be prepared to minimise the impact of deliveries on the local highway network.

Site Layout

Commercial

The Wickes store is permitted up to one space per 25m², giving a total allowance of 243 spaces. Added to the other commercial uses the total allowance for all of the commercial uses would be in the order of 250-260 spaces, so the proposed provision of just 158 standard width spaces would comply with standards.

Opportunities for on-street parking in the immediate vicinity of the site during the day are very limited, which should act as sufficient deterrent to customers using on-street parking when purchasing bulky goods. The operation of a staff Travel Plan for the commercial units will also help to address potential car parking concerns. Nevertheless, a modest financial contribution towards parking controls in the area should be secured to allow any problems that may be caused in practice to be addressed.

Standard PS16 requires one bicycle parking space per 300m² for non-food retail units and one space per 125m² for food retail or office units. The TA confirms that this level of bicycle parking will be provided. There is also ample provision for the predicted lorry parking on site.

The main car park access for non-residential traffic is proposed from Capitol Way, just 5m east of the existing Asda car park entrance, which falls below the minimum standard that might be expected. However, given the Asda junction takes inbound vehicles only, a relaxation to standards is acceptable. Likewise the service yard access is acceptable subject to a 20m set-back from the highway boundary, to give large vehicles space in which to stand whilst they are opened.

The shared surface treatment will need to be comprised of suitably high quality materials to make it enticing to pedestrians and give the message to vehicle drivers that they are in a zone where they do not take precedence.

Pedestrian access to all of the smaller units is proposed directly from either Edgware Road or Capitol Way, with the footways along the latter being widened to 3.5m to suit the commercial use, which is welcomed.

Residential

Car parking standards for residential use are set out in standard PS14 of the adopted UDP 2004. The full allowance applies. As such, up to 564 spaces would be permitted for the 465 flats. With just 253 standard width residential spaces indicated, standards are complied with. A further 28 wide spaces are to be provided for disabled persons, which is sufficient to meet the requirements set out in standard PS15. Consideration needs to be given to the potential impact of overspill parking on traffic flow and road safety. Brent Council's officers would ordinarily estimate a development comprising this number and size of dwellings to generate total car ownership of about 375 cars, giving a potential overspill of 100+ cars from the site.

The residential Travel Plan will obviously help to reduce car ownership levels, particularly if a Car Club is established. To address concerns on parking overspill, a Car Parking Management Strategy will be required setting out how parking spaces are to be allocated to residents and how access is to be controlled and enforced. The Plan will need to include annual surveys of car ownership amongst residents. Should overspill on-street parking be identified, then measures will need to be taken to address this. A stringent financial penalty to be provided to Brent to use towards parking controls and/or non-car access improvements in the area. In order to offer a meaningful incentive, this penalty should be set at a level of at least £25,000 for every percentage point that the average car ownership by residents of the development exceeds 60%.

In addition, a 'car-free' agreement should be added to any planning agreement, such that if a CPZ were ever to be introduced in the area, the Council would be able to withhold the issue of on-street parking permits to residents of this development. A financial contribution towards a CPZ would also be useful.

The provision of one secure bicycle parking space per residential unit and six bicycle storage rooms have been shown alongside the car parks, which appear large enough to accommodate the required 465 bikes.

Unlike the adjacent Oriental City proposal, no vehicular access is proposed to the podium level in this scheme. This means that all service and emergency access must be taken from the surrounding highway/rear service road. The agreement of the Building Control Service, Streetcare and the local Fire Officer to these proposals should therefore be obtained at this early stage. Pedestrian access to the flats at podium level is proposed via seven stair/lift cores from Capitol Way, which are all fine.

Landscape – no objections.

The landscaping is considered acceptable and a good basis for an exciting and attractive scheme. Full details will be required of all planting, hard surfacing and play equipment. Particularly important to secure construction details of the planting pits for the trees on the podium areas and the methods for watering and maintenance. A landscape condition covering these points should be attached.

Urban Design – no objections

Scheme Proposals as initially set out

layout & orientation

Proposed layout and orientation of buildings are relying on the possibility that further developments may take place on adjacent sites in the future. Unless future development scenarios open up the site to provide appropriate roots/linkage and active edges, the proposal could result in a development of a cul-de-sac. The fundamental problem is that the principle service road for the Wicks store is along the Northern boundary of the site which appears to prevent the strategic proposals of the scheme from ever being realized.

Due to the proposed layout of the buildings (particularly on central street) public-private space relation is poorly defined. This aspect is further exacerbated by the proposal of the car park access and parking spaces/bays for delivery vehicles.

Access points to housing and their entrances from the street (Capitol Way) should be more emphasized in order to aid legibility. And create a residential development that has an identity for the new residents, at the moment the ground floor element of the scheme is rather impermeable and has a residential commercial feel that isolates the residential environment above.

scale, height & massing

The general height of the proposed podium element of the building is commensurate with the need to deliver a significant number of new homes in the near future whilst maintaining the employment and retail function of the site. The 17-storey height tower is acceptable in principle but must demonstrate the highest standard of design if it is to justify the density that it will inevitably deliver.

However the scheme as drawn is a rather heavily massed building presenting a large mass to the Edgware Road the taller element of the building is an integral part of this elevation which reduces the elegance and attenuation of the potential landmark and it is recommended that the design of the tower is reconsidered to create a more elegant structure. Greater articulation of the frontage block could break up the massing of the building, which could be enhanced by the undoubted quality of materials that the proposals are demonstrating.

designing out crime

The proposal does not seem to contribute towards this aim, evident in the relationship between

Wickes and the mixed use residential units on the West by creating inactive edges (in the form of a wall) and as a result a cul-de-sac style development. Such proposals could reduce activity, increase isolation and consequently crime. The podium of the development must be active and permeable.

Elevation design treatment

Overall, the design of the proposed development is acceptable and the three dimensional images show promise, however, the appearance and visual richness of the buildings could be significantly improved by further articulation the use of high quality building materials is central to the success of this scheme. This includes the proposed landmark tower on Edgware Road in order to reduce its mass as well as increase its visual quality. Furthermore, blank walls (North elevation of the tower/marker) should also be avoided to reduce the bulk of the building and make it look more appropriate in scale.

materials & detailing

The proposed materials appear to be high quality and therefore acceptable for this development. However, samples for early viewing should be submitted.

sustainability/flexibility

Acceptable. The proposal appears to consider carbon reduction and energy efficiency by the incorporation of various sustainable building solutions including a bio-mass boiler, 200sq.m of photo voltaic panels and Combined Heat and Power. Water efficiency and provision for recycling facilities are also part of the proposal to increase environmental sustainability of the scheme.

Privacy

The distance between the upper storey blocks appears to be generous enough to maintain a reasonable level of privacy for residents.

access, parking & infrastructure

Proposed routes and layout of streets are too reliant on the possibility that further developments may take place adjacent to the site. This point is particularly true for the redevelopment of the northern area, and illustrated by the proposal of the North/South Road (or Central Street) which would link the Capitol Way site to a proposed Square.

amenity space

Overall the proposed quality of the landscape setting appears to be very high making the space that is provided a pleasant and stimulating environment in which to enjoy the outdoors.

daylight impact

Sunlight and daylight analysis do not indicate problems with overshadowing within the definition of BRE 209.

public realm

Streets and public spaces should be attractive and well designed. As the illustrative images indicate however, the proposal does not seem to contribute to this principle. The building is a large mass tight up against the back of pavement making the pedestrian environment somewhat cramped in nature the pavement must be widened to allow a more expansive setting for such a large building and allow some substantial street planting. There is very little landscape provision along Edgware Road, particularly in front of the tower and the Mercedes garage. Therefore, set-back distance of the tower could be increased to make the streetscape more attractive and provide sufficient soft landscaping

Recommendations/Requirements

There is a potential in this proposal, however, certain aspects of this proposal should be reviewed and if necessary revised and reconsidered.

A series of amendments have been submitted in response to the criticisms outlined above. These have been met to the satisfaction of the Urban Design team. An outline of these changes will be referred to later.

Housing – Housing support the proposals.

The tenure balance between social rented and intermediate housing is broadly in line with the 70:30 guidance in the London Plan and is acceptable. The unit size mix is also acceptable and Housing support the provision of much needed larger social rented family accommodation within the context of appropriate levels of private and communal amenity space and playspace. The applicant is encouraged to engage with an approved RSL partner

Environmental Health – no objections

Recommend conditions requiring the proposed units should be insulated according to the sound insulation recommendations and compliance monitored within a post-completion report demonstrating that these levels have been achieved; the common parts shall be designed to prevent more reverberation than is reasonable in accordance with Approved Document E; protection measures shall be installed to protect against sound from commercial to residential premises; extract ventilation and ducting shall be installed to prevent transmission of noise and vibration into neighbouring premises and a scheme of insulation works shall be submitted to the LPA; construction/ demolition works to be undertaken within set hours; special measures should be used during construction to reduce generated dust and the car park/vehicle unloading bays shall be screened to prevent noise nuisance.

Education – no objections

Although not ideal, local schools have the capacity to extend to accommodate the children based on the site

Based on the S106 allocation, the Council propose to expand Fryent and provide additional SEN places in the area (currently evaluating the possibility of expanding secondary provision).

Sustainability Officer – no objections

The environmental performance of the proposals is estimated to have a very positive sustainability influence to the borough and is 7.5% beyond the Council standard requirement (minimum 51%). The proposals acceptable in sustainability terms. Should permission be given, appropriate s106 HoT must be included to secure the delivery of all the sustainability measures indicated in the checklist and supporting statement. The development is projected to achieve sustainability rating of at least 58.5%.

Initial concern was raised with the level of carbon saving the on-site renewables targeted to achieve below Mayor's 20% carbon reduction target. A further note has been submitted to the Council and the officer accepts that heating and DHW demand will be substantially reduced through the CHP and biomass plant. In order to increase the level of carbon reduction, contribution would have to be sought from displacing site electricity demand as the site residual heat load will be considered very low after incorporating contribution from CHP and biomass systems. This is very likely to require a larger PV system or seek other renewable technologies to displace electricity demand. A larger PV system will subject to the availability of physical roof space. Officer considered applicant's energy assessment has appropriately assessed another possible technology and accepting its finding that wind turbines being an economically unfeasible technology against its output efficiency. Although the proposed technology and carbon saving target is acceptable locally, it is still subject to the approval of GLA.

REMARKS

Introduction

This application to be considered is an amendment to that originally submitted which proposed 462 residential units and a 6111m² replacement Wickes store. Following discussions on the original scheme that applicants have amended the scheme which now proposes the demolition of the existing retail units and the erection of a mixed use development comprising 460 self-contained flats, a 5,360m² replacement Wickes store, 734m² Garden Centre and 1022m² of floorspace for A1/B1 uses, a 649m² community/health centre (Use Class D1), 97m² of creche facilities (Use Class D1), an energy centre and associated parking and landscaping.

The following design changes have been incorporated into the amended drawings:

- relocated retail car parking on Capitol Way, leaving Central Street to be accessed via vans (maximum 12 at one time) and pedestrians only
- introduction of café into central street
- gates at entrance to internal street to be closed outside trading hours
- amendment to tower design, incorporating break in massing from ground to seventh storey on Edgware Road and narrower tower on that frontage (reduced by 4 metres width)
- amendments to northern elevation of tower to include blind arcading at ground floor which can be opened in future to provide retail frontages
- increased footpath width along Capitol Way from an original minimum of 2.5 metres to 3.8 metres with 4.8m wide setbacks
- new landscaping scheme on the edges of the site with London Planes proposed along east and west and fastigiata Oaks to the south
- landscaped wall breaks in Capitol Way elevation
- alterations to Capitol Way elevation to introduce more active frontage to the streetscene
- larger and amended play areas within the scheme
- access strategy to courtyards amended, providing ramped access at 1:20

Principle of a Mixed use scheme

The site is not subject to any UDP designation but is identified as part of a larger site (includes the adjacent Mercedes showroom) suitable for mixed use redevelopment in the Site Specific Allocations Development Plan Document North which was produced in June 2007. The text of the allocation reads:

“Mixed use redevelopment for retail (bulky goods) or for car showroom, with residential development above. Design must include appropriate buffer development at the south western section of this site between new development and existing industrial/retail/wholesale uses that should include B1c light industry and/or work/live development. The Council will prepare planning guidance for this site. Proposals should have regard for the existing cycle route to the north of the site and should explore the provision of north/south pedestrian access from Capitol Way to Carlisle Road. In addition, the existing bus turning and driver facilities should be retained or reprovided. HGV parking should be discouraged.

A flood risk assessment will be required as the site area is over 1ha.

Justification: *Opportunity to redevelop the site for a more efficient use of land, diversifying the mix of uses and introducing residential development and light industrial workspace into the location.”*

Within the Core Strategy Preferred Options document, the site is located within the Burnt Oak/Colindale Growth Area, noted as “a focus for population growth and significant housing development, being of good transport accessibility and generally being a poor townscape environment.” The Growth Area is considered as an appropriate location for a mix of uses in order to facilitate sustainable communities where alongside population growth there should also be a growth in job opportunities, linked to infrastructure and amenity improvements. Moreover, the area

of Colindale is identified within the Prospectus for Sustainable Co-ordinated Growth as being a “major regeneration and sustainable development opportunity with a capacity for 10,000 new homes and 500 new jobs.”

Given the above, it is considered that a mixed use commercial/residential scheme fits in with emerging regional and local planning aspirations and the principle can be supported.

Commercial element

The site has no designation in the Brent UDP. Council policy is supportive of locating such commercial activities, such as the Wickes store, within established town centres where public transport is at its most accessible and the Council would normally apply policy SH5. In such cases, the applicants would be required to demonstrate the need for the proposal, show that no sequentially preferable site was available, show that it would not undermine the vitality and viability of local town or district centres and show that the site is accessible to a choice of means of transport.

However in this instance, the site benefits from 5262m² of permitted bulky goods development in addition to that already existing and consequently any assessment should be viewed in the context of a site with planning approval for 11552m² of retail floorspace, irrespective of the fact a large proportion has yet to be constructed. As proposed, the commercial floorspace of 8016m² (at least 6994m² of which would be retail) represents a 30% reduction on the approved commercial floorspace. Accordingly, by reducing the approved retail floorspace this scheme would be more in keeping with local, regional and national planning policy than that which could conceivably operate on the site at present and be less damaging to the vitality and viability of nearby town and district centres. Therefore it has not been felt that the applicants should have produced a retail impact assessment to satisfy the requirements of Policy SH5.

The Garden Centre which accompanies the Wickes store will be located close to the junction of Edgware Road and Capitol Way. Covering 734m² it is considered to represent an appropriate use alongside the bulky goods store. The applicants have also applied for 1922m² of Class A/Class B1 within 4 units along Edgware Road and Capitol Way. Again the units are compatible with uses locally and the Council considers that flexible approach applied for is acceptable in this instance offering opportunities for retail or commercial operators.

Residential Element

As stated, the principle of a mixed use commercial and residential is considered to be in line with emerging planning policy and acceptable.

The application proposes the following residential mix:

No of Beds	1	2	3	4	Total	Hab rooms total
Private	118	163	14	0	295	781
Rented	15	21	53	15	104	380
Intermediate	34	27	0	0	61	149
	167	211	67	15	460	1310

Affordable Housing Provision

Policy requirement in the form of the London Plan (Policy 3A.9) sets a strategic requirement of 50% affordable housing provision, at a 70/30 split of rented/intermediate accommodation, subject to financial viability. This application provides for the following percentage residential mix:

Private units	64%
Social rented units	23%
Intermediate units	13%

measured by habitable rooms

Private units	60%
Social rented units	29%
Intermediate	11%

The split between affordable rented and intermediate accommodation is in line with London Plan guidance but the proportion of overall affordable units is short of what is expected.

The applicant has submitted a proposal to provide 36% of the total homes as affordable housing, although this would also represent 40% of the total habitable rooms on account of the number of larger affordable family homes. The applicant has substantiated this proposal with a detailed affordable housing viability submission, using the recommended GLA Affordable Housing Toolkit, supplemented by further information. Officers have evaluated this viability submission and have established that the proposed affordable housing offer does represent the 'maximum reasonable amount of affordable housing' in the context of the current housing market conditions. This affordable housing proposal is, therefore, compliant with London Plan Policy 3A.8, and the proposed social rental and intermediate housing sectoral allocations are broadly in line with London Plan Policy 3A.7. Consequently the proportion of affordable housing (36% by units, 40% by habitable rooms) is considered to be acceptable.

Brent has a particular need for larger family affordable housing particularly for social rental. The Brent Housing Needs Survey 2004 indicated that 43% of the affordable housing requirement is for 3 and 4 bedrooms units. This proposal provides for 65% of the affordable rented as 3 or 4 bed units helping to satisfy a need also identified by the West London Housing Partnership which targets 50% new build social rented homes to be 3 bedrooms or more. The proposed affordable housing would provide a 63% : 37% Social Rental and Intermediate Housing ratio, which is not in accordance with both the London Plan and UDP/SPG 21 ratios (70 : 30). However, this difference is to some extent offset by the fact that 70% of the Social rental units are three (50) and four beds (18), as opposed to the one/two bed Intermediate.

Overall, the number and mix of affordable dwellings within this scheme is considered acceptable.

Unfortunately the applicants have not a RSL partner on board at this stage.

Density

Planning policy in the form of Brent Council's SPG 17 and the London Plan provide for density guidance in the consideration of residential planning applications, influenced by public transport accessibility and the provision of local services and amenities. This site has a PTAL rating of 3 (moderate) and is approximately 600 metres from the Burnt Oak town centre. As such the site falls within a density range of 240-450 habitable rooms per hectare as suggested by SPG17. This application proposes 460 flats and 1316 habitable rooms equating to 251 units per hectare or 719 habitable rooms per hectare based on Brent UDP definitions.

UDP policy states that the primary consideration in determining the appropriate density of new residential development is achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of potential residents. As detailed below, the design of the proposal is considered to be acceptable and appropriate response to the character of the surrounding area. This character has been subject to change in the last few years with a number of developments coming forward on the Barnet side of Edgware Road and the area is evolving towards a more residential based mixed use, typified by large format commercial premises with residential

development above as seen in the consented schemes at Oriental City and Zenith House.

The site is also served well by local transport and is within a mile of three underground stations, served by 9 bus routes and adjacent to a busy road into and out of London and whilst the PTAL is moderate, the location is such that it can support higher density schemes such as this and Oriental City. PPS3 emphasises that planning should seek to create sustainable communities and make the best use of land, *“This should be achieved by making effective use of land, existing infrastructure and available public and private investment, and include consideration of the opportunity for housing provision on surplus public sector land to create mixed use developments. The priority for development should be previously developed land, in particular vacant and derelict sites and buildings”* (para 36, PPS3). *The document goes on to say, “Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, when well designed and built in the right location, it can enhance the character and quality of an area.”* (para 49, PPS3). Consideration of design based exclusively on the numerical density is not the way to approach a scheme. It should work on its own merits and reflect the area in which it is located and not detract from it. As stated in SPG17, *“Where the opportunity exists to create higher densities than existing, provided that the development is consistent with other guidance, it will be encouraged.”* Density of itself is no reason to refuse an application, what needs to be considered is the impact of a proposal on its surroundings as assessed in the rest of the report.

As a comparison with Oriental City this scheme provides for more dense residential development (719 hrh rather than OC’s 481hrh) but the plot ratio (mass and bulk of the built form) is not as great in this instance.

Quality of Residential Accommodation

All the proposed dwellings exceed the minimum internal floor areas as specified within SPG17. The scheme also details compliance with Lifetime Homes standards and 10% of the units will be easily adaptable for wheelchair users. The architects have provided for dual aspect, ‘scissor’ units to ensure that no dwelling has north facing living rooms only and each property has a private balcony space, some being extensive roof terraces and others having garden spaces at the podium level.

The layout has been considered against the requirements of SPG 17 in respect of size and scale and privacy within the site and satisfies the guidelines.

The access to the residential units would, after reaching podium level via lifts from the entrance lobbies on Capitol Way, be via long corridors or across courtyards. Whilst the preference would be typically be for cluster cores or short corridors, the position of residential above large format retail units necessitates the use of access corridors of above average length given the depth of the retail units beneath and the absence of public access from the rear of the site. To address concerns the applicant has introduced glazed breaks in the centre of these corridors to interrupt their length and allow natural light in. This will alleviate some of the negative aspects of this type of residential layout.

Access to the flats will be via ground floor entrance points along Capitol Way, supported by a 24 hour concierge service.

External Amenity Space/Play Space

The proposal incorporates four separate courtyards located at the podium level. These spaces have been designed with water features in the form of long linear pools providing the separation between private terraces associated with flats and the communal space. The courtyards are individual in their design incorporating changing levels, tree planting, lawns, seating, pergolas and other elements to hopefully encourage residents to utilise the space. Nine separate roof gardens are also provided on the site. Additionally each of the flats has either a private garden, terrace or

balcony space, some at ground floor possessing more than 50m²

In total, the courtyards cover an area of 4262m² and the roof gardens 2096m². Together with the balconies and private gardens some 9622m² of amenity space is provided in the scheme, equating to approximately 21m² for each of the 460 flats. This is considered to be in line with SPG 17 guidance for schemes of this type.

The London Plan Supplementary Planning Guidance, 'Providing for Children and Young People' Play and Informal Recreation' anticipates that this development would accommodate approximately 231 children between the ages 0-16. The document sets a benchmark play space standard of 10m² per child of which all the under-5 playspace is to be provided on-site. As such the scheme should provide for 2310m² of playspace, at least 760m² of which should be provided on-site. In this instance, the proposals detail 1263m² of total playable space throughout the scheme. This latter figure comprises both formal and informal play areas located in each of the four courtyards. Examples of the formal play facilities include climbing beams, stepping stones, speaking tubes and rocking pads. More informal play space is afforded by lawns and areas of planting.

The nearest play space external to the site is found at Grove Park which is located within 400 metres of the site where play facilities have recently been improved and includes a multi-use games area. The applicants have indicated that there is the potential upgrade the existing playground in the park by introducing further new equipment and landscaping elements. S106 monies could be directed towards such improvements at Grove Park. Additionally, Montrose Playing Fields (in Barnet) is located within 800 metres of the proposal site and offers football pitches, tennis and basketball courts and extensive open space, generating further play space options for children accommodated at this site.

Design, layout and massing and Impact on the Street scene

Formed of two building blocks, punctuated by landscape breaks with a new semi-public route between them, the design seeks to create a new streetscape along Capitol Way and along the Edgware Road frontage. At street level the proposal details active frontages for the most part with two storey height glazed fronts to the uses behind, except for 4 landscaped breaks where there are gaps between blocks above podium level. These landscaped breaks are formed of climbing plants to the front of the masonry which drops down to street level.

The amended ground floor layout would position active frontages and residential cores to the Capitol Way and Edgware Road frontages with the parking and servicing space set behind and accessed off Capitol Way. The northern aspect, adjacent to existing commercial uses, consists of a blank frontage up to two storey level, concealing the Wickes service route behind. This is not considered the best design solution and the Council would expect to see further detailing on this elevation (annotating the elevation for instance with green masonry drops) should the proposal be approved.

The new semi-public route through the site is an ambition that has been supported by the Council from the earliest design pre-application discussions. On planning submission, concern was raised by the Council and CABE that the combination of a car and van vehicle entrance point and the consequent movements between Wickes and the car park would make this space too hectic and one that would not be a viable or safe pedestrian/cycle through route. The applicants have since amended the scheme so that the retail car park (172 spaces) entrance is located at another point along Capitol Way, substantially reducing potential conflicts. The space would remain the van access point for the Wickes store and 12 van parking spaces and two disabled spaces are provided. Access for pedestrians from the car park to the store is retained although vehicular access will be prohibited. A condition on this point is recommended.

The space has been designed with paving, landscaping (including reed beds) and street furniture in order to promote priority for the pedestrian users of this space. The applicants have also added in a small café at the northern edge of the car park elevation to further encourage the perception use of the street. It will be overlooked by residential flats above and will be monitored via security cameras and the space secured by a gate out of trading hours.

As submitted this cul-de-sac is not ideal in design terms. However, should sites to the north come forward for redevelopment in the future, the applicants have agreed, via a S106, to ensure the route is opened in this north/south direction within one year of neighbouring development taking place. Such an alteration would need to come before the Council for approval and would result in an improvement to the street proposed here. It would necessitate the removal of a portion of the service route to facilitate the north/south access. This scenario would be welcomed and represents an opportunity to improve pedestrian linkages in this part of the borough where a succession of large sites limit permeability.

The general height of the proposed podium element is commensurate with the need to deliver a significant number of new homes whilst maintaining the retail and employment function of the site. The 17 storey high tower is acceptable in principle and is an appropriate response to the general architectural pattern along Edgware Road as existing and in recent planning approvals. Amendments have been sought and secured by the Council's Urban Design team to reduce the bulk of the tower and to break up the elevation as viewed from Edgware Road. Moreover, as outlined earlier the tower design meets CABE guidance on Tall Buildings and has their full support.

In respect of the setting afforded to the buildings the applicants have amended the proposal, increasing the widths of the footway along the Capitol Way frontage to give greater setting to the blocks, sufficient enough to provide for some quality landscaping and ample footways around the site. The setting is not as substantial as that offered to the recently approved Oriental City proposal (minimum of 3.8 metre wide footway rather than 5.8 metres for Oriental City) and is not ideal. However, the approved Oriental City was a more substantial proposal with greater mass and height and there is sufficient scope here for viable tree planting along the footway (to be agreed with the Council's Street Care team) which with the proposed landscaped breaks should help to soften the impact of the built form.

The introduction of the blank arcades to the elevation adjacent to the Mercedes garage is a welcome alteration and opens up the opportunity for this being an active frontage should the garage come forward for redevelopment.

Overall the elevational design treatment is considered acceptable. However, the appearance and visual richness of the scheme will be determined by the use of high quality building materials, which will be assessed on the submission of condition details.

Presently, the site consists of two large retail warehouse buildings of minimal architectural value and extensive areas of car parking, the only environmental value being in the areas of landscaping around the edges of the site. In this context, the proposed scheme is thought to offer significant economic and environmental benefits as well as the potential to improve the local environment and its surroundings. This design is considered to offer a viable solution to the difficulties posed in redeveloping vacant retail parks and marrying residential with the bulky goods retailer as envisaged by the DPD designation.

The Council does have concern as to the Capitol Way return elevation. It is noted that there are two residential cores and a potential community use adjacent to the residential car park entrance, the service yard entrance and a lorry parking space. The use of this frontage for access to the socially rented flats is considered to be a weakness in the scheme and the relationship between the entrances could lead to pedestrian/highway conflict. The core between the service entrance and the car park entrance was until recently a fire core. Following meetings between the applicants and the Secure by Design Police Liaison officer this core was amended to include a residential access core as well.

The Police Liaison Officer was concerned that the length of the internal corridors created access to more than 15 flats and thus limited the opportunity to know your neighbour and allowed strangers access to all flats in the development (if tailgating through the security measures at the ground, podium and lifts). These corridors have been split to ensure that when accessing an internal corridor, nobody has access to more than 15 front doors. To do this, the entrance nearest the service road was upgraded to a residential entrance, to provide an alternative entrance to residents in this corner of the development, where they can access their corridor/flats without having to cross the open gardens at podium level.

Residents in the north west corner of the development can still access the development via the concierge serviced entrances on Capitol Way and walk across the gardens accessing the cores, or can access via the west entrance near the service road. It is still considered that the serviced concierge entrances on the south elevation will be the primary residential entrance points for the development.

It is noted the scheme has been designed to meet Secure by Design guidelines, a requirement for RSL funding.

Landscaping

Details of the courtyard spaces are provided above. Each of the four spaces are individually designed using a variety of planting and materials, separated from the residential blocks by linear pools which provide a welcomed water feature. Together with the nine roof gardens, it is considered that these spaces offer innovative, interesting and attractive areas for the benefit of future residents and a significant improvement upon the many landscaping schemes normally considered. The quality of the landscaping proposal is a welcome feature of this scheme and to be applauded.

Of course, the quality of the landscaping scheme is dependant upon its management and the Council will seek to ensure that the quality is maintained via landscaping management plans.

Transportation

The transportation implications of this proposal have been subject to consistent dialogue between the applicants and the Council and Transport for London. Following initial concerns regarding the traffic modelling submitted both TfL and the Council's transportation unit are satisfied that the local highway network, with some works, can accommodate this scheme. The works consist of:

- road widening to be carried out along the Capitol Way site frontage, to include the provision of hatched right-turning lanes into the commercial car park and Asda car park,
- provision of a 78m two-lane approach to the Edgware Road signals
- widening and resurfacing of the footway fronting the site, to include removal of all redundant crossovers
- remodelling of the Capitol Way/Stag Lane road junction to provide a mini-roundabout and speed table

In addition, the Transportation section has requested a contribution to a fund to improve the Edgware Road and Colindale Avenue junction to the south of the site in order to allow an all-movements junction to be provided with full pedestrian crossing facilities, bus priority and improved capacity. Land on each corner of the junction has been safeguarded by London Borough of Barnet for highway widening through the redevelopment proposals for the adjoining sites, in order to allow an all-movements junction to be provided with full pedestrian crossing facilities, bus priority measures and improved capacity.

A total of 453 car parking spaces are proposed for the development, 158 of which are designated for the retail and 281 for the residential aspect, including 28 disabled spaces. The residential ratio is 0.61 spaces per unit. This is in accordance with London Plan policy but somewhat short of the

maximum 560 allowable under Brent UDP standards.

Consideration has been given to the potential for overspill parking and in an attempt to control numbers the Council would insist upon a Car Parking Management Strategy to be approved, linked to a residential Travel Plan to encourage residents not to use and consequently possess a car. The proposed Car Club would be part of this strategy.

It is the Council's intention to request annual surveys of car ownership amongst residents and to identify any overspill off-street parking. In order to encourage compliance with Travel Plan aspirations, the Council would impose a penalty of £25000 for every percentage point that the average car ownership in the development exceeds 60%. Surveys would be undertaken within 3 months following completion and recur regularly. In addition, a 'car free' agreement is suggested giving the Council the ability to withhold onstreet parking permits to residents of this development

As regards the commercial aspect, the total allowance for all of the commercial uses would be in the region of 250-260 spaces whilst 172 are provided. This potential shortfall is not considered to be a significant issue given that the opportunities for on-street parking in the immediate vicinity of the site are limited, which should act as a deterrent to customers using on-street parking when they are purchasing bulky goods.

With such measures, it is considered that the amount of parking proposed would be sufficient to meet the needs of the residents and users of the commercial premises. The numbers of spaces proposed are in accordance with Central Government and GLA aspirations to limit the use of the car and encourage more sustainable forms of transport. Council measures, via the S106 would serve to re-enforce that.

The S106 should incorporate the following to mitigate against the transport impact of the proposal:

- (a) *a financial contribution of £700,000 towards various transport improvements in the vicinity of the site, with the following approximate breakdown:*

<i>£250,000</i>	<i>Edgware Road/Colindale Avenue junction improvement</i>
<i>£200,000</i>	<i>TfL Bus Service Enhancements</i>
<i>£30,000</i>	<i>City Car Club</i>
<i>£20,000</i>	<i>TfL Edgware Road Traffic Model</i>
<i>£200,000</i>	<i>Brent Council – General non-car access improvements/parking controls (to include pedestrian crossing facilities on Edgware Road, cycle routes, bus stop infrastructure, CPZ's, traffic calming etc.)</i>

- (b) *a 'car-free' agreement to allow the Council to withhold on-street parking permits from residents of the development in the event that a CPZ is ever introduced in the area in the future;*
- (c) *workplace and residential Travel Plans based upon the Waterman Boreham documents, to be finalised and approved prior to occupation of the development, to include a £3,000 sum towards Brent Council's monitoring fees and a penalty clause of £25,000 for every percentage point that car ownership by residents exceeds 60%;*
- (d) *submission and approval of a Car Parking Management Plan;*
- (e) *the Freight Management Plan;*
- (f) *submission and approval of a Construction Logistics Plan;*
- (g) *road widening to be carried out along the Capitol Way site frontage under S38/S278 of the Highways Act 1980, to include the provision of hatched right-turning lanes into the commercial car park and Asda car park, provision of a 78m two-lane approach to the Edgware Road signals and widening and resurfacing of the footway fronting the site, to include removal of all redundant crossovers;*
- (h) *remodelling of the Capitol Way/Stag Lane road junction to provide a mini-roundabout and speed table under Section 278 of the Highways Act 1980;*

together with conditions requiring the submission and approval of further details of the layout of the development to show: (i) publicly accessible bicycle parking spaces (40 no) and residential storage for 465 bicycles; (ii) positioning the car park entrance gates/barriers at least 5m from the highway boundary and service yard access gates at least 20m from the highway boundary; (iii) widening of the residential car park access ramps to 3m plus 300mm margins; (v) lighting details for the rear service yard and access road.

Through the imposition of the above measures, it is considered that traffic would be able to flow locally even with the construction of the Oriental City scheme, should it be developed.

Impacts on adjoining residences

The site does not have any immediate residential neighbours, being surrounded by a mixture of commercial and retail operations. The nearest residential units are located to the north and east of the site at a distance where issues of outlook and privacy will not be prejudiced. A daylight/sunlight survey has been submitted which shows that neighbouring amenity will not be prejudiced on this point.

Community Facilities

The applicants have provided an assessment of the surrounding community, health and social facilities to demonstrate that the development will not place undue pressure on existing facilities. This is countered by the response from our own Education department, who note that primary schools in the vicinity of the site are at or operating close to capacity.

However, there is scope to increase provision on some of the sites using the monies secured from a S106 and there is also the extant consent for a primary and nursery school for 480 children at the Oriental City. The Council's Education Department have indicated that there is an opportunity to expand local schools when monies come available to accommodate the children would live on this site.

The applicants have proposed the provision of 649sqm D1 class publicly accessible community or health space made available to the PCT or Brent Council at the market rate for D1 class publicly accessible community or health space. This will be made available to Brent Council or the PCT.

The development incorporates a crèche which will be of a benefit to all the residents on the site and not just those in the private flats. This is to be secured via a S106

As stated earlier, a proportion of the S106 monies will likely be directed towards the further improvement of Grove Park. A Muga facility is in place at the park. However, there is scope to further improve the existing playground and to upgrade the landscaping for the benefit of all local residents

Impacts on adjoining commercial premises

The relationship between the proposed residential flats and the adjoining commercial units has been considered within the design. The flats will have views over the industrial premises and will be insulated to avoid potential conflicts between the neighbouring uses.

It is noted that these commercial activities in the vicinity of the site are not significant noise generators and indeed the flats on the north and western boundaries will be subject to lower levels of noise than that experienced on the Capitol Way and Edgware Road frontages. Therefore, it is not considered that the introduction of residential dwellings will compromise the operations of the neighbouring commercial occupiers and that includes the traffic impact of the development.

Environmental matters

Sustainability and energy

All residential units will be designed to achieve the Code for Sustainable Homes Level 3 which is in accordance with Council adopted policy. A series of energy efficient measures have been proposed, such as energy-efficient lighting and energy-efficient white goods. Modelling has been used to demonstrate that the measures will reduce carbon dioxide measures for the residential element of the scheme by between 8% and 15% beyond building regulations 2006 minimum requirements. The applicants propose a 10% improvement target for the commercial element.

Additionally, the applicant is proposing a 230kWe combined heat and power (CHP) unit that would serve as a communal heating network from a single energy centre. The unit will supply 100% of the site's domestic hot water requirements, 156% of the space heating requirements and 50% of the site's electricity requirements, reducing carbon dioxide emissions by a further 22%.

The use of 200 photovoltaic modules and a biomass boiler will reduce carbon dioxide emission by a further 1% and 8% respectively. This is short of the 20% renewables now required by the London Plan but the Council accepts the applicants' assertion that on balance the carbon reduction strategy is acceptable and fits in with the overall design strategy for the site. Part of the roofs are intended as landscaped areas visible from the higher blocks and roof lights have been introduced across the length of two of the blocks, limiting the potential installation of the PV modules but offering reduced lighting requirements for residents within the blocks, It should be noted that doubling the number of photovoltaic modules would only increase the carbon reduction by 1% at significant cost for not substantial benefit. Council Officers have considered applicant's energy assessment and accepted its finding that wind turbines are an economically unfeasible technology in this instance given the output efficiency.

This element remains to be subject to the approval of the GLA.

Daylight and sunlight

A daylight and sunlight study has been prepared by the applicants to accompany the application. The results show that the scheme will not undermine to any significant effect the sunlight and daylight to residential properties in the vicinity of the site (Greenway Close properties studied), satisfying the tests laid down in the British Research Establishment (BRE) document, 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide (1991).

In respect of the development itself, the applicants show that all proposed flats would pass the BRE Average Daylight Factor test to assess light levels in new dwellings and the majority would have at least one living room window facing due south.

Microclimate

The Wind Microclimate Assessment accompanying the proposal suggests that conditions will be generally windier than the existing conditions around the eastern and western boundaries of the site but not so significant as to undermine pedestrian amenity. Likewise, conditions within the site will be satisfactory for residents.

Potential Noise Impacts

The applicants have submitted an Acoustic Report. The site has been surveyed and is considered against guidelines within PPG24- Planning Policy Guidance on Planning and Noise. It is found that the boundary elevations directly exposed to road traffic noise would fall under a Category "C" development, whilst the north and west elevations and the elevations facing into the courtyards would be Category "B". The former means that the site is subject to high noise levels, where

planning permission may only be granted with appropriate conditions that provide commensurate protection against noise. The report suggests insulation and special glazing for the proposed windows to the Capitol Way and Edgware Road elevations and acoustic trickle vents. The Council's Environmental Health Unit do not challenge the recommendations made within the report and requires that the measures proposed are fully implemented and maintained. This is to be secured by condition.

Air Quality

The applicants have submitted an Air Quality Assessment. This gives consideration to existing Local Authority air quality assessments, local and London planning policies (Brent's Unitary Development Plan Policy EP3 and the London Plan Policy 4A.19,) and statutory environmental standards, including guidelines within PPG23 on Planning and Pollution Control which sets out national policy on air quality and planning.

The submitted report assesses the site conditions now in terms of NO₂ (nitrogen dioxide) readings and PM₁₀, (small particulates) and provides predictions of the site's air quality in 2010. The report concludes that the proposal will only make very small incremental changes to these pollutants which they find are not considered significant. However, the fact that the NO₂ levels exceed recommended guidelines, notably at the junction of Capitol Way and Edgware Road, means that a mechanical ventilation system is recommended.

The applicant's report also makes recommendation to mitigate dust emissions during the construction phase. Mitigation measures are considered essential given the site's standard of air quality and because it is in an Air Quality Management Area, (AQMA.) This will be sought via a condition.

Flood Risk

The site is within Flood Zone 1 and is less than 1 hectare in size; therefore no detailed flood risk statement is required. However, the applicants have submitted a Flood Risk Assessment and this considers the site's fluvial flooding history, groundwater flooding and pluvial flooding.

The site is at low risk of flooding. The applicants have demonstrated that they have considered Sustainable Urban Drainage Systems. Such systems are likely to be required to control run-off generated from the site so as not to create a potential for localised flooding on site or displacing water onto adjacent land or exceeding the capacity of the surface water drainage system in the area. This will be controlled via condition in consultation with the Environment Agency.

Phasing

The phasing focuses on the continued operation of the Wickes store whilst construction takes place. Wickes will first move temporarily to the existing store at the rear of the site. While they are there the new Wickes store will be constructed to slab level together with the superstructure for the residential above. Wickes will then return to the new store and the remaining development will be completed around them.

Objections

In relation to the objections/comments received from the nearby residents the following are responses to the concerns raised.

Issue: out of character, lead to a concrete jungle

Remark: The application is considered appropriate to the Edgware Road setting. The character of

the surrounding area is urban, comprising a mix of large-scale commercial buildings on the Edgware Road frontage and is close to other development sites with planning permission for dense mixed-use proposals. The proposal will see the loss of a bland open tarmac car park and the landscaping proposed will help to mitigate against the impact of the built form.

Issue: 19 storey building will be an eyesore and out of character

Remark: The scale of the tower is in keeping with other buildings on the Edgware Road frontage and in accordance with guidance from CABE.

Issue: increase in cycle users from virtually none locally will be a significant risk to themselves, to other road users and to pedestrians

Remark: National and local planning guidance seeks to encourage more sustainable forms of transport. There is no evidence to suggest that introduces cyclist here poses any more risk than elsewhere.

Issue: traffic problems, congestion, increase of traffic flow, insufficient parking and further impact on public transport, impact on Stag Lane residents.

Remark: This has been subject to analysis and assessment by both Brent and TFL. The proposed parking provision is at an acceptable level in accordance with policy. The proposed level of the provision together with the sustainable travel measures implemented is deemed to provide an acceptable compromise.

With regard to increased traffic flow and congestion, the applicant will be obliged to pay financial contributions through a Section 106 agreement to improve the public transportation network. In addition, road widening is to be carried out along the Capitol Way site frontage, including the provision of hatched right-turning lanes into the commercial car park and Asda car park, the provision of a 78m two-lane approach to the Edgware Road signals and widening and resurfacing of the footway fronting the site, and the removal of all redundant crossovers. There will also be the remodelling of the Capitol Way/Stag Lane road junction to provide a mini-roundabout and speed table and the junction between Capitol Way and Edgware Road is proposed to be improved through a Section 278 Highways Agreement.

Issue: existing on street parking affected.

Remark: The proposal is unlikely to have adverse impact on on-street parking as evidenced above, through the provision of an adequate number of parking spaces and through measures employed with the Travel Plan and the Car Parking Management Plan, the plans being subject to continual monitoring by Brent Council. The Council will also insist that none of the future residents will be eligible to apply for a parking permit where a Controlled Parking Zone ever to be introduced locally.

Issue: Water supply, drainage

Remark: The Thames Water Authority has not raised an objection to the proposal but requests various conditions to be attached.

Issue: will lead to increased crime, litter, graffiti, drug use and general antisocial behaviour

Remark: There is no evidence to suggest that the occupiers of this scheme would increase antisocial behaviour locally.

Issue: Oriental City approval and this scheme will put an enormous strain on local infrastructure

Remark: The applicants have demonstrated that the local infrastructure should be able to cope with the proposed development and the S106 will be used to help offset the impact of the proposal.

Issue: Noise, dust, smell and vibration

Remark: There is no doubt that a degree of noise, dust and vibration impact will have to the nearby residents

from the proposal but measures will be put in place to minimise these impacts.

Issue: Rise in air pollution

Remark: The applicants have demonstrated that the development will not have any significant air pollution impact.

Issue: Density of development is unacceptable

Remark: The density of the scheme is high but the prime consideration in planning is to assess whether the scheme is appropriate to its setting, provides quality design whilst not detracting from the amenities of existing residents. In this respect the density is acceptable.

Issue: local government should promote and protect the welfare of its citizens rather than the financial ambitions of developers

Remark: This is not a planning issue. However, the regeneration of the site would only uplift the vibrancy and recognition of the area.

Issue: Existing schools are operating at capacity

Remark: The Education Section has indicated that a couple of schools can expand and S106 monies will go towards their expansion. Moreover, approval has been granted for a new school at Oriental City.

Issue: The area was designated as industrial land in 1980's and the residents informed it would always be so and the residents have accepted this and learnt to live with it.

Remark: Planning designation do change over time and the proposed use of the site is in accordance with the Central Government advice to promote mixed use schemes as being a more sustainable approach to planning.

Issue: no direct notification from developers or the Council on this proposal

Remark: The applicant commissioned a public relations firm to carry out a consultation exercise prior to submission. More than 1,500 leaflets were distributed, a public exhibition organised and meetings held with local interest groups.

Issue: Loss of sunlight

Remark: No significant loss of sunlight will be attributable to this scheme

Conclusion

This proposal represents an interesting solution to marry the potentially conflicting residential and retail uses as considered appropriate for the site by emerging planning policy. The site has been subject to extensive pre and post application discussions and the final scheme is one that on balance can be supported.

This mixture of uses does lead to design elements that are not perfect, particularly in the formation of the central street, long corridor lengths within the site and entrance points that could give rise to conflict between residents and the commercial operators. The scheme will also undoubtedly have an impact locally both in terms of the impact on community uses and on the transport network but mitigation measures are in place to alleviate most of this pressure.

However, in spite of this the scheme does achieve quality in many respects including the four well thought out courtyards spaces, quality residential living accommodation and an appropriate response to the Edgware Road frontage. It also serves to provide a large number of much needed residential accommodation and has the general support of both the GLA and CABE

The application is recommended for approval, but is subject in the first place to the views of the Mayor of

London. Subject to their direction, the proposals are subject to a Section 106 agreement and detailed conditions, which should ensure that the anticipated quality of development becomes a reality.

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-
- Brent Unitary Development Plan 2004
 - Supplementary Planning Guidance (SPG) 3 – “Forming an access to a road”
 - Supplementary Planning Guidance (SPG) 4 – “Design Statements”
 - Supplementary Planning Guidance (SPG) 12 – “Access for Disabled People: Designing for Accessibility”
 - Supplementary Planning Guidance (SPG) 17 - "Design Guide for New Developments"
 - Supplementary Planning Guidance (SPG) 19 - "Sustainable Design, Construction & Supplementary Planning Document - S106 Planning Obligations

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) ***Notwithstanding the submitted drawings, details of materials for all external work with samples, (including choice of cladding, windows, balcony details and screens) shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing and those details, once approved, shall be fully implemented.***

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (3) a) All areas indicated for hard and soft landscape works on the approved plans including the communal roof gardens shall be suitably landscaped with trees/shrubs/plants and hard surfacing in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any construction work on the site, and such landscaping work shall be completed prior to occupation of the buildings and thereafter maintained in accordance with the approved scheme.
- The scheme shall also indicate:-
- other appropriate matters within the context of a landscaping scheme, such as details of seating, and usage of areas;
 - a soft landscaping planting schedule and layout plan
 - a green-roof specification for the blocks
 - full details of hard-surfacing materials for all areas of hard surface within the site including paths, ramps, steps, parking areas, the shared surface area, access to the cycle stores indicating consideration of sustainable urban drainage systems
 - treatment of the balconies and roof terraces including (notwithstanding the details

on the submitted drawings,) methods of screening the areas and the screen heights;

b) Any trees, shrubs and plants planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased, shall be replaced by trees and shrubs and plants of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the area.

- (4) a) Prior to development commencing precise details (and drawings where necessary,) of the methodologies set out within the submitted Noise Report to be used to insulate the proposed residential units including special glazing for all proposed windows and the use of acoustic trickle vents or other equivalent ventilation equipment (where appropriate) shall be submitted to and approved in writing by the Local Planning Authority and thereafter works shall be undertaken in accordance with the approved details.
- b) Following completion of the building works a post-completion report demonstrating that "good" internal noise levels (in accordance with BS8233:1999 Sound insulation and noise reduction for buildings) have been achieved in all habitable rooms shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the units.
- c) Should the predicted noise levels exceed those required by this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: The site is subject to high noise levels, where planning permission may only be granted with appropriate conditions that provide commensurate protection against noise according to PPG24.

- (5) Dwelling flats and rooms for residential purposes sharing a party element with a commercial premise shall be designed and constructed to provide reasonable resistance to the transmission of sound. The minimum airborne sound insulation of the party element shall be $D_nT'w + C_{tr} 65$ dB. The commercial units will be responsible for the upgrading of the sound insulation if necessary.

Reason: To safeguard the amenities of future residential occupiers.

- (6) Following completion of the building works a post-completion report demonstrating that noise levels from any plant (e.g. refrigeration, air conditioning), together with any associated ducting, shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises shall be submitted to and approved by the local planning authority. The method of assessment should be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'.

Should the predicted levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved by the local planning authority and shall then be fully implemented.

Reason: To safeguard the amenities of future residential occupiers.

- (7) No external satellite dishes or aerials shall be erected/installed on the site without the prior submission and approval by the local planning authority of details of any external plant and equipment and thereafter any such equipment shall be erected strictly in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the locality and the amenity of occupiers of units within the development and at neighbouring sites.

- (8) Deliveries, unloading, loading shall only be between the following hours 0800 - 2100 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays; unless otherwise agreed in writing by the local planning authority.

Reason: To limit the detrimental effects of noise and disturbance from vehicles on the premises on adjoining residential occupiers.

- (9) Prior to the occupation or implementation of the uses for each phase of the approved development all
a) parking spaces
b) servicing areas
c) turning areas

shall be constructed and permanently marked out in accordance with the approved plans. Thereafter they shall be retained and used solely in connection with the development hereby approved and for no other purpose.

Reason: So that the proposed development does not prejudice the free-flow of traffic or the conditions of general safety along the neighbouring highway.

- (10) The Class A1 retail store floorspace for the sale of bulky comparison goods shall exclude the sale of food, fashion and footwear without the prior permission of the Local Planning Authority.

Reason: To ensure that the car parking and access arrangements are compatible with the likely traffic generation associated with the proposed uses and to accord with the Council's policy for retail warehouses as set out in the adopted Unitary Development Plan.

- (11) Prior to the operation of any retail or commercial uses hereby approved further details of hours of servicing and hours of opening to the public shall be submitted and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approval.

Reason: To enable the Local Authority to assess the servicing pattern of similar type of uses and assess its potential impact to the nearby and future occupiers of the residential dwellings and to the school users.

- (12) Suitable and sufficient lighting, appropriately baffled where necessary to avoid glare, shall be provided so as to ensure adequate security, safety, and convenience on roads, footpaths and other pedestrian and vehicular routes within the site, and so as to not harm the amenities of neighbouring residents. Such lighting shall be in accordance with 'Secured By Design' guidance.

Reason: In the interests of visual amenity and safety.

- (13) Prior to commencement and notwithstanding the approved plans, further details of the means of enclosure of the site including the gated access, car parks and service route, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the means of restricting vehicular traffic transferring from the retail car park to the forecourt of Wickes and vice versa. Such details shall be in accordance with 'Secured By Design' guidance, and shall be implemented in full.

Reason: In the interests of visual amenity.

- (14) Details of the play area and its equipment on the podium deck shall be submitted to and approved in writing by the Local Planning Authority and the play areas shall be completed in accordance with the approved details prior to the commencement of use of the residential accommodation. Appropriate access arrangements shall also be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented.

Reason: In order to ensure satisfactory provision of the playground and its equipment.

- (15) Notwithstanding the approved plans, further details of the bin stores and cycle stores for 505 cycles shall be submitted to and approved in writing by the Local Planning Authority, such details shall be implemented in full.

Reason: In the interests of amenity.

- (16) During demolition and construction on site:
- (a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.
 - (b) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.
 - (c) Vehicular access to adjoining and opposite premises shall not be impeded.
 - (d) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.
 - (e) No waste or other material shall be burnt on the application site.
 - (f) Where practical all excavated topsoil shall be stored on the site for reused in connection with landscaping.
 - (g) A barrier shall be constructed around the site, to be erected prior to demolition.
 - (h) A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining occupiers.

- (17) The demolition/building works hereby approved shall not commence until vehicle wheel-washing facilities have been provided on site to the satisfaction of the Local Planning Authority. Such facilities shall be used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development.

Reason: To ensure that the construction of the proposed development does not prejudice conditions of safety and cleanliness along the neighbouring highway.

- (18) Detailed drawings at a scale of 1:5, or an alternative scale that has been agreed in writing by the Local Planning Authority, including, where necessary, sections and detailed elevations, of the various elements of the facades of the building, detailing the junctions between different elements of the building, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and the development shall be carried out in full accordance with the approved details.

Reason: To ensure the design detail for this site results in a high-quality development.

- (19) Notwithstanding the submitted plans, prior to development commencing the applicant shall submit details of existing ground levels (in relation to an existing datum point) and proposed finished ground levels of the rear external areas of the site (including parking, servicing, access, cycle stores and amenity area,) shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason: In order to assess the impact of the development upon neighbouring amenities and ensure that the development is fully accessible.

- (20) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect later quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- (21) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect later quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- (22) The car park entrance gates/barriers shall be positioned at least 5 metres from the highway boundary and the service yard access gates/barriers at least 20 metres from the highway boundary.

Reason: In the interests of the free flow of traffic and conditions of highway safety within the site and on the neighbouring highways.

- (23) Notwithstanding the approved drawings the residential car park access ramps shall be constructed to be a minimum of 3 metres wide with 300mm margins.

Reason: In the interests of the free flow of traffic and conditions of highway safety within the site and on the neighbouring highways.

- (24) Lighting details for the service yard and access road shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of highway safety within the site.

- (25) Details of arrangements for the storage and disposal of refuse and recyclable materials including pedestrian access within the Service Yard route, and vehicle access thereto, within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The approved arrangements shall be implemented in full prior to first occupation of the development and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

- (26) No development shall take place before a scheme of ventilation for the buildings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the building shall not be occupied until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of the occupiers.

- (27) The development shall not be commenced until:
- (i) a site investigation (in accordance with a scheme to be agreed in writing by the Local Planning Authority and carried out by a person approved by the Local Planning Authority) has been carried out to determine the nature and extent of any contamination present and the results, of such investigation together with recommended measures to contain, treat or remove any contamination found have been submitted to the local planning authority.
 - (ii) The local authority have approved in writing remediation measures to be taken to contain, treat or remove any remediation found or to avoid risk to the public when the site is developed (or have confirmed in writing that no remediation measures are required) and
 - (iii) the remediation measures (if any) approved by the Local Planning Authority have been implemented and a completion report and certification of completion by the person approved by the Local Planning Authority has been submitted stating that remediation has been carried out in accordance with the approved remediation scheme and the development can be implemented.

Reason: To ensure the safe development and secure occupancy of the site proposed for use.

- (28) The development hereby approved shall be fully completed in all respects in accordance with the proposals contained in the application, and any plans or particulars submitted therewith and details subsequently approved.

Reason: To ensure that the regeneration benefits of the development are fully realised and to avoid any detriment to amenities by any work remaining incomplete.

- (29) Detailed drawings showing all existing trees which are not directly affected by the building(s) and works hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to demolition and construction works. Such trees shall be retained and shall not be lopped, topped, felled, pruned, have their roots severed or be uprooted without the prior written approval of the Local Planning Authority. Any such tree which subsequently dies, becomes seriously damaged or diseased, or has to be removed as a result of carrying out this development, shall be replaced with a tree of a species and size and in such position, as the Local Planning Authority may require, in conjunction with the general landscaping required herein.

Detailed drawings of all underground works and additional precautions to prevent damage to tree roots, if any, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on site; such details shall include the location, extent and depth of all excavations for drainage and other services, in relation to the trees to be retained on site, and these works shall be carried out and completed in all respects in accordance with the drawings so approved.

Reason: To ensure that the trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained and kept in good condition.

- (30) The development is within an Air Quality Management Area and is therefore likely to contribute to background air pollution levels. The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the operation. This must include:

- Damping down materials during demolition and construction, particularly in dry weather conditions;
- Minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged;
- Sheeting of lorry loads during haulage and employing particulate traps on HGV's wherever possible;
- Ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation; Utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area;
- The use of demolition equipment that minimises the creation of dust.

Reason: To minimise the dust arising from the operation.

- (31) No vehicles are permitted to transfer from the retail car park to the forecourt of Wickes or vice versa.

Reason: In the interests of pedestrian safety.

- (32) The floorspace proposed and its allocation between uses hereby approved shall not be varied or re-distributed except with the consent in writing of the Local Planning Authority.

Reason : To ensure that no other use commences without the prior approval of the Local Planning Authority and to enable other variations to be considered on their merits in accordance with the Council's adopted standards.

INFORMATIVES:

- (1) With regard to the surface water drainage it is the responsibility of the developer to make proper provision for ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storms flows are attenuated or regulated into the receiving public network through on/ off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Development Services will be required. They can be contacted on 0845 850 2777.
- (2) Water supply is covered by the Three Valleys Water Company. Their address is Three Valleys Water Company, PO Box 48, Bishops Rise, Hatfield, Herts, AL10 9AL, Tel- 01707 268 111.
- (3) The applicant is advised that this planning permission does not extend to advertisements for the proposed commercial units, it will be necessary to submit a further advertisement consent application for any proposed signage.

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004

Supplementary Planning Guidance (SPG) 3 – “Forming an access to a road”

Supplementary Planning Guidance (SPG) 4 – “Design Statements”

Supplementary Planning Guidance (SPG) 12 – “Access for Disabled People: Designing for Accessibility

Supplementary Planning Guidance (SPG) 17 - "Design Guide for New Developments"

Supplementary Planning Guidance (SPG) 19 - "Sustainable Design, Construction & Pollution Control"

Supplementary Planning Document - S106 Planning Obligations

Any person wishing to inspect the above papers should contact Paul Roberts, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5241



Planning Committee Map

Site address: Land at Junction of Edgware Road, Capitol Way, London, NW9

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Officer © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



This map is indicative only.