
RECEIVED: 18 February, 2011

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 3 Burnt Oak Broadway, Edgware, HA8 5LD

PROPOSAL: Demolition of existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m² of commercial floorspace (Use Class A1 and A2), with 75 parking spaces, first floor rear communal roof terrace and associated landscaping (as amended by plans received)

APPLICANT: Finilon Limited

CONTACT: PAD Consultancy Ltd

PLAN NO'S:
See Condition 2

RECOMMENDATION

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

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

- a) Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance;
- b) Provision of 36% Affordable Housing;
- c) A contribution of £411.600, (£3k/£2.4k per additional private/AH bedroom), index linked from the date of Committee for Education, Sustainable Transportation and Open Space & Sports in the local area, due on 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 Level 4 in addition to adhering to the Demolition Protocol, with compensation should it not be delivered;
- e) Provide at least 20% of the site's carbon emissions through onsite renewable generation, which has no detrimental effect on local Air Quality;

- f) Join and adhere to the Considerate Contractors scheme;
- g) A framework Travel Plan shall be submitted and approved within three months of the commencement of works and a full Travel Plan shall be submitted and approved prior to first occupation;
- h) To notify "Brent In2 Work" of all job vacancies, including those during construction and operation of the building, with a target of employing 1:10 local people in construction and 1:100 in the retail;
- i) Prior to Occupation sign and agree a Section 278 Highway works, including but not limited to the provision of 11 new trees on Burnt Oak Broadway and repaving and drop of bay at the front and repaving and provision of the rear access road to adoptable standard and offer to the Council for adoption at no costs.

And, to authorise the Head of Area Planning, 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 by 13 May 2011.

EXISTING

The application site is located on the southwest side of Burnt Oak Broadway with a site frontage of approximately 74 metres. The area of the site is 2740 sq.m. The site is currently occupied by a three storey building with a large scale retail facility at ground floor level (most recently Allied Carpets), although this has remained vacant parking at first floor level and ancillary office space at second floor level. There is an approximate drop of 2 metres in ground level across the site from north to south.

PROPOSAL

The application proposes the demolition of the existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m² of commercial floorspace (Use Class A1 and A2), with 82 parking spaces, first floor rear communal roof terrace and associated landscaping.

HISTORY

10/1088 - Extension to time limit of application 05/0380 dated 12/05/05 for demolition of existing building and replacement with a 5- and part 6-storey building to provide a mixed-use development including basement car-parking, retail at ground and mezzanine levels, and 73 flats in 2 separate blocks and subject to a Deed of Agreement dated 12th May 2005 under Section 106 of the Town and Country Planning Act 1990, as amended - Granted 17/08/2010

05/0380 - Full planning permission sought for Demolition of existing building and replacement with a 5 and part 6 storey building to provide mixed use development including basement car parking retail at ground and mezzanine levels and 73 flats in 2 separate blocks - Granted 12/05/2005.

POLICY CONSIDERATIONS

National

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005)

This PPS supports the reform programme and sets out the Government's vision for planning, and the key policies and principles, which should underpin the planning system. These are built around three themes: sustainable development – the purpose of the planning system; the spatial

planning approach; and community involvement in planning.

Planning Policy Statement 3 (PPS3): Housing (2006)

This document's objective will be to deliver new homes at the right time in the right place and will reflect the need for flexibility in planning between urban and rural areas, and in areas experiencing high or low demand. The aim is that the planning system is used to its maximum effect to ensure the delivery of decent homes that are well designed, make the best use of land, are energy efficient, make the most of new building technologies and help to deliver sustainable development.

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth (2009)

PPS4 consolidates the key economic policies of PPG4, PPG5 and PPS6 (and part of PPS7). It sets out how planning can help achieve the Government's objective of sustainable economic growth by: improving the economic performance of cities, towns, regions, sub-regions and local areas; reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation; deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change; promote the vitality and viability of town and other centres as important places for communities.

To achieve this, the Government wants: new economic growth and development of main town centre uses to be focused in existing centres; competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres; the historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced; raise the quality of life and the environment in rural areas

Regional

London Plan (consolidated with alterations since 2004)

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an integrated social, economic and environmental framework for the future development of London. The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

- Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces
- Objective 2: To make London a healthier and better city for people to live in;
- Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth
- Objective 4: To promote social inclusion and tackle deprivation and discrimination;
- Objective 5: To improve London's accessibility;
- Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

The London Plan sets targets for the provision of new homes and the proportion of affordable dwellings together with the accessibility of dwellings in relation to the Lifetime Homes standards and the proportion of wheelchair or easily adaptable units.

The London Plan sets out policies relating to climate change, setting out the Mayor's energy hierarchy (using less energy, supplying energy efficiently, using renewable energy) which includes consideration of the feasibility of CHP/CCHP and a reduction in carbon dioxide emissions of 20% from on site renewable energy generation.

Housing – Supplementary Planning Guidance (2005)

This guidance relates to the housing policies within the London Plan and covers policies on housing provision (following draft SPG published for consultation in December 2004) and policies on affordable housing (following draft SPG published for consultation in July 2004). It gives detailed guidance for boroughs on how to develop sites for housing and how to determine housing mix and density for any individual site. It emphasises that new developments should make the most effective and appropriate use of the land available, consistent with the principles of Sustainable Residential Quality. The Mayor is concerned that new housing in London should meet the full range of housing needs. The guidance sets out how this must include in particular a higher level of new family housing than is currently being built in London.

Providing for Children and Young People's Play and Informal Recreation – Supplementary Planning Guidance (2008)

This Planning Guidance seeks to ensure that a high quality environment is provided for all residents with sufficient high quality play and recreation space accessible by children and young people of different ages. Targets are set for the amount and types of play and recreation space based on the child yield of the development and accessibility of the existing and proposed play and recreation facilities.

Sustainable Design and Construction – Supplementary Planning Guidance (2006)

The SPG provides guidance on the way that the seven measures identified in the London Plan 2004 Policy 4B.6 (Policy 4A.3 of the 2008 amendment to the London Plan) can be implemented to meet the London Plan objectives.

The seven objectives are as follows:

- Re-use land and buildings
- Conserve energy, materials, water and other resources
- Ensure designs make the most of natural systems both within, in and around the building
- Reduce the impacts of noise, pollution, flooding and micro-climatic effects
- Ensure developments are comfortable and secure for users
- Conserve and enhance the natural environment, particularly in relation to biodiversity
- Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP schemes and other treatment options

Local

Brent Unitary Development Plan 2004

Set out below is a summary of the key policies within the adopted Brent UDP 2004 which are directly relevant to the determination of the application. The policies prior to adoption were subject to an Equalities Impact Assessment.

Strategy

STR 1–4 (prioritising locations and land uses to achieve sustainable development)

STR 5 & 6 (reducing the need to travel)

STR 11–17 (protecting and enhancing the environment)

STR 19 & 20 (meeting housing needs)

STR 37–38 (meeting community needs)

The Built Environment

BE 1 (which requires the submission of an Urban Design Statement)

BE 2 (townscape; local context and character)

BE 3 (urban structure; space and movement)

BE 4 (access for disabled people)

BE 5 (urban clarity and safety)

BE 6 – 7 (public realm; landscape design and streetscape)

BE 9, (which requires developments to be of high architectural quality)

BE 11 (intensive and mixed-use developments)

BE 12 (sustainable design principles)

Environmental Protection

EP 2 (noise and vibration)
EP 3 (local air quality management)
EP 6 (contaminated land)
EP 10 (protection of surface water)
EP 15 (infrastructure).

Housing

H 4 (off-site affordable housing)
H 8 (dwelling mix)
H 10 (housing on brownfield sites)
H 12 (residential quality)
H 29 (accessible housing).

Transport

TRN 1 (transport assessment)
TRN 2 (public transport integration)
TRN 3 (environmental impact of traffic)
TRN 4 (measures to make transport impact acceptable)
TRN 10 (walkable environments)
TRN 11 (the London Cycle Network)
TRN 12–13 (road safety)
TRN 16 (the London Road Network)
TRN 22–25, 28 (parking)
TRN 34 (servicing)
TRN 35 (transport access for disabled people).

Town Centres and Shopping

SH 1 (network of town centres)
SH 3 (major town centres and district centres)
SH 19 (rear servicing)

Open Space, Sport and Recreation

OS 18 (play areas for children)

Waste

W8 (construction/demolition/commercial waste)
W9 (construction/movement of spoil)

Core Strategy 2010

CP 1 (spatial development strategy)
CP 2 (population and housing growth)
CP4 (North-west London co-ordination corridor)
CP 5 (Placemaking)
CP 6 (Design & density in place shaping)
CP 11 (Burnt Oak/Colindale Growth Area)
CP 16 (town centres and the sequential approach to development)
CP 19 (Brent strategic climate mitigation and adaptation measures)

Site Specific Allocations

3-5 Burnt Oak Broadway

Brent Supplementary Planning Guidance

SPG17 – “Design Guide for New Development” adopted October 2001

Provides comprehensive and detailed design guidance for new development within the Borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

SPG19 – “Sustainable Design, Construction & Pollution Control” adopted April 2003

Provides design and planning guidance on complying with Policy BE12 of the adopted UDP which requires developments to embody sustainable design principles. The guidance covers measures to ensure energy and water conservation, selection of sustainable materials, environmentally friendly landscape design, sustainable demolition and construction practices and reduction of pollution in the operation of developments.

SPD “Section 106 planning obligations” October 2007

Provision for a standard charge for planning obligation contributions.

SUSTAINABILITY ASSESSMENT

The applicants have submitted a sustainability checklist with a score of 46%, a BREEAM Retail Design Stage Assessment, an Energy Strategy Report and a Code for Sustainable Homes Pre-assessment, these reports have been prepared by Price and Myers Consulting Engineers.

The Energy Strategy Report concludes that further reductions in CO₂ emissions, following the use of passive design measures, can be achieved through the use of a combination of CHP system, photovoltaic panels and air source heat pump. The off-setting of 25% of the projected CO₂ consumption levels is a requirement of Code Level 4 for Sustainable Homes. Through the section 106.

The sustainability checklist score of 46% is considered to be fairly positive. Further points can be achieved and a clause will be included in the legal agreement requiring the submission of a further checklist with a score of 51% or more.

The Code for Sustainable Homes Pre-Assessment demonstrates that the proposed development will meet Code Level 4 and that all mandatory requirements will be met. This is in accordance with Core Strategy Policy CP 19 which requires that all major proposals within growth areas should achieve a minimum rating of Code Level 4. This will be ensured through a section 106 clause.

The BREEAM report states that the commercial floor space will meet the very good BREEAM rating. Given that the area of space commercial space proposed below the 1000sqm major case threshold a very good BREEAM rating is considered to be acceptable. Again this will be ensured through the section 106 agreement.

Another requirement of Policy CP 19 for Growth Areas is that as the proposed use is a sensitive use within an Air Quality Management Area (AQMA), an Air Quality Assessment is required. This report has been prepared by Hilson Moran who found that the proposed development:

- Will result in the introduction of new sensitive receptors into an AQMA
- Will not lead to a breach of an EU limit Value at a sensitive receptor
- Will not require a new AQMA to be declared
- Will not interfere significantly with or prevent the implementation of actions of a Local Authority's Air Quality Action Plan.

The Council's Environmental Health Team have confirmed that this report has been undertaken in

an acceptable manner and that the development is unlikely to have a significant impact on local air quality.

CONSULTATION

A total of 95 neighbouring residents, ward councillors and QARA group of residents associations were consulted regarding the application. A site notice was displayed adjacent to the site and the application was publicised in the local press.

Local Residents

2 objections have been received from local residents. One from Limesdale Gardens and one from Montrose Avenue which is in Barnet. They have objected on the following grounds:

- Overlooking of neighbouring gardens;
- No leaflets delivered on Montrose Avenue through Community Consultation exercise;
- Impact on parking;
- Lack of local infrastructure, schools, GP surgeries etc to support development;
- More people and more cars will result in more crime;
- Building not in keeping with the character of the area.

Officer Comment:

In relation to the consultation exercise there is no statutory requirement for developers to undertake pre-application consultation however it is recommended. The applicants have confirmed that they did undertake a pre-application consultation exercise which is detailed in the Statement of Community Involvement. This states that 500 leaflets were delivered to the nearest residential properties (although it does not specify exactly which addresses they were sent to) and an exhibition was also staged at the Church on Montrose Avenue. Notwithstanding this, the Council has undertaken its own consultation in accordance with statutory requirements, providing an opportunity for comment.

Other matters are considered in the *Remarks* section of the report.

Internal Consultation

Environmental Health

No objections to the proposed development subject to conditions relating to insulation, site contamination and remediation and air quality management.

Housing

The scheme proposes 36% affordable housing, which is below the London Plan policy 3A.9 and Local Development Framework Core Strategy policy CP2 targets of 50% affordable housing on sites with the capacity for ten or more homes. The applicant has submitted a GLA Three Dragons Toolkit to justify this lower than policy level of affordable housing in accordance with London Plan policy 3A.10. No Registered Social Landlord has been taken on to provide the affordable element of the proposed development although it has been put out to tender. The toolkit will have to be updated to take into account the bids for the affordable housing, while further clarification regarding the build costs and the valuation of the commercial has been submitted. Additional comments from the Council's Housing Officer in relation to this will be reported to the Committee in a supplementary report.

The tenure and unit size mix of the affordable housing is considered acceptable in this case, with the former in line with the 70:30 rent: intermediate guidance under London Plan policy 3A.9, and the latter providing a mix of unit sizes to meet a range of housing needs.

Landscape Design

The landscape scheme in general is reasonably well-considered and details sufficient. Further details of the management and maintenance of the landscape features will be required.

Planning Policy

No objections to the proposal subject to section 106 clause requiring the submission of a sustainability checklist with a score of 51% or more.

Transportation

No objections subject to an amended Section 106 Agreement to secure:-

- (i) a financial contribution towards non-car access/highway safety improvements and/or parking controls in the area;
- (ii) a Travel Plan, incorporating a Car Park Management and Delivery and Servicing Plans;
- (iii) an agreement under Section 38 of the Highways Act 1980 to reconstruct the service road to the rear of the site to an adoptable standard and thereafter offer it to Brent Council for adoption as highway maintainable at the public expense and to provide sufficient resources to facilitate the reconstruction of the length of rear service road to the rear of 1 Burnt Oak Broadway to adoptable standards under the Private Street Works code of the Highways Act 1980 (with a view to future adoption under S.228 of the Highways Act 1980);and
- (iv) an agreement under S38/S278 of the Highways Act 1980 to repave the footway to the front of the site (incl. the provision of eight bicycle spaces) and to construct a shared surface loading bay in accordance with further details to be submitted and approved by the Local Planning and Highway Authorities;

together with a condition requiring amendments to the rear car park to provide:-

- (a) 300mm margins along either side of the entrances;
- (b) a minimum headroom of 2.6m to areas requiring access for high-top conversion vehicles and transit sized delivery vans (2.1m where only standard car access is required);
- (c) at least four transit sized loading bays;
- (d) provision of a refuse storage area alongside the entrance to the upper car park level,

and an informative advising the applicant to obtain a licence for the oversailing of the building over the public footway to the front of the site.

Officer Comment: These matters have been incorporated into the relevant section 106 heads of terms and conditions.

Urban Design

Urban Design have no objections to the proposed development. The team have been involved in the design discussions at an early stage and are satisfied that the building is of an appropriate design, scale and massing. It is considered that this proposal represents an improvement on previous application on this site. As this development affects the setting of a listed building (the adjacent Mecca Bingo building is Grade II listed) the Council will expect the high quality of materials to be used. Full details of the materials are required prior to works commencing to ensure that the building will have an appropriate finish.

External Consultation

Barnet Council

No objection to the proposal

Environment Agency

No objection to the proposal subject to a condition being attached to ensure that the piling for the foundations does not penetrate the London Clay and contaminate the principal chalk aquifer.

Officer Comment: The appropriate condition will be imposed.

TFL

TFL have made the following comments:

- Concern regarding the potential use of the groundfloor as single food retail outlet;
- Over provision of parking without visitor parking or car club spaces;
- 20% of parking spaces should have electric docking points;
- A Travel Plan should be provided;
- Recommends that the proposed loading bay on the A5 should only operate outside the current northbound bus lane operational hours;
- TfL requests that a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) should be submitted for local highway authority approval prior to construction work commences on site. It must be noted that loading/unload of construction materials should be avoid to take place on A5 Burnt Oak Broadway during the peak hours; as it would cause obstruction to the northbound bus lane and bus services which runs pass the frontage of the site;
- The footway and carriageway on A5 Burnt Oak Broadway must not be blocked during the construction and maintenance of the proposal. Temporary obstruction during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrian, or obstruct the flow of traffic on the TLRN.

Officer Comment: The provision of 20% of the parking bays with electric docking points is not a planning requirement set out in policy and is not considered to be a reasonable requirement by condition. The other matters are considered in the *Remarks* section of the report.

REMARKS

Alterations from previous approval:

The proposed development has been altered from the application that was renewed in 2010, in the following ways:

- The number of flats has been increased from 73 to 76;
- The housing mix has changed from 33x one bed; 34x 2-bed and 6x 3-bed units to 23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units;
- The area of retail floor space has been reduced from 2100sqm to 965 sqm. The retail space will also be sub-divided into smaller retail units instead of one large unit;
- The number of parking spaces has been increased from 74 to 75 parking spaces;
- The massing of the building has been re-positioned so that it is situated further away from the rear boundaries with the neighbouring properties on Limesdale Gardens;
- A larger area of communal amenity space is provided in the form of a roof terrace.

The proposals have been amended further during the planning process. This includes the following:

- A change in the finished material from render to brick;
- Reducing the projection of the rear balconies so that they are not inset balconies rather than projecting.

Principle

The Burnt Oak/Colindale area is identified in the Council's Core Strategy (adopted 2010) as a growth area. Policy CP11 in the Core Strategy sets out the general approach to development in the area. It states that new economic activity will be created in the form of ground floor commercial frontage. New connections will be created in the form of improved access to local stations and the creation of effective interchanges with new buses. 14.65 hectares of land is promoted for at least

2,500 new homes to 2026, supported by infrastructure developments.

This site has a Site Specific Allocation which identifies the site as being suitable for mixed use including residential and retail. In addition, the principle of a mixed use residential and retail development has been accepted by the previous permission which was renewed in 2010 and as such considered acceptable subject to detailed policy considerations.

Design

Scale massing and bulk

The scale, massing and bulk of the proposal is an important consideration given the location of the site on Burnt Oak Broadway, a main thoroughfare through the Borough. The site is next to the recently completed mixed use residential development at the Theoco site to the north and to the south the Grade II listed Mecca Bingo Building. To the rear of the site are the more sensitive residential gardens of the dwellinghouses on Limesdale Gardens.

The proposed building will have 7 storeys with the upper storey being recessed from the main front and rear elevations. The proposed building is one more storey high than the existing permission however the upper storey will not be clearly visible from the street scene as it is set behind a parapet wall. In contrast to the previous permission, the massing of the proposed building is concentrated towards the Edgware Road frontage so that the structure is no more than 2 storeys high adjacent to the more sensitive residential gardens of the properties on Limesdale Gardens. The main rear wall of the residential block is set 24m from the rear boundary with the gardens of Limesdale Gardens, which are themselves 20m in length.

The building will provide a strong defined frontage when viewed from Burnt Oak Broadway. It is important that the detailing of the building and landscaping is provided along the frontage. To provide a well articulated facade, a combination of light materials, deep window reveals and inset balconies and soft landscaping in the form of trees and shrubs are being used. The proposed building is given a vertical emphasis by the strong forward projecting balconies and winter gardens on the front elevation and the recessed balconies on the rear. Two prominent front entrances are provided for the residential accommodation fronting onto Burnt Oak Broadway.

The proposal fully complies with SPG 17 in terms of the 30 degree and 45 degree sight lines in relation to neighbouring residential properties and gardens. It is one storey higher than the existing planning permission however this additional recessed storey is considered acceptable as the main mass of the building is set significantly further away from the neighbouring rear gardens than the previously approved scheme. Therefore it is considered to have an acceptable visual impact from the neighbouring residential gardens.

The proposed building fronts onto a local distributor road which forms part of the primary shopping frontage of Burnt Oak Town Centre. The neighbouring buildings are prominent buildings. The Theoco building to the north is a 6 storey mixed use residential block similar in scale to that proposed. The proposed building is set up to the boundary with this building on the ground floor level while on the upper floors there is a distance of 10m between the proposed buildings. The elevation facing the Mecca bingo is set 17m from the flank wall of the bingo hall but only 1m from the boundary with the site. This flank is given definition through the introduction of ground floor windows and two projecting walls. It is considered that the proposed development will not have a detrimental impact on the setting of the Grade II listed building.

Overall the scale, massing and design of the proposal is considered to be appropriate in the area and has an acceptable relationship with the adjoining properties.

Density

The proposed development has a density of 650 habitable rooms per hectare. This is in keeping with the urban context and town centre location and is similar to the density of the approved scheme.. The site has a PTAL of 4 with a tube station within 600m of the site. This density level is well within the density matrix set out in the London Plan and SPG 17.

Materials

The proposed building will be finished in brick. This will be the predominant feature of the building therefore the quality of the brick will be very important to the appearance of the building. The brick finish will relate well to the neighbouring Grade II listed bingo hall. The proposed recessed balconies will have clear glass parapets with powder coated aluminium frames. The flank wall vertical features and the upper storey will be of dark polymer coated sheet re-constituted timber. Full details of materials will be sought by condition prior to works commencing. High quality powder coated aluminium copings will be used to finish the parapet wall.

The proposed building is considered to be of a design and appearance that is in keeping with the sites urban context while being of a scale and massing that respects the neighbouring properties.

Amenity

The closest neighbouring residential dwellings are those located on Limesdale Gardens. The rear walls of these dwellinghouses are within 20m of rear boundary with the servicing road. The proposed development should be considered in relation to the existing scheme. The previously approved development had first floor rear balconies within 10m of the rear gardens, the second floor balconies are 12m, the third floor balconies are 14m and the fourth floor balconies are 18m from the rear boundary. In contrast to this the proposed development has a consistent rear wall with balconies set over 20m from the rear gardens of the neighbouring properties. The proposed upper floor balconies are set far enough away to ensure that overlooking of neighbouring gardens will be limited.

The communal roof garden is at the first floor level to the rear of the main building above the car park. A landscape buffer will be planted along the rear boundary to ensure that the visual impact of the building from the gardens is softened and so that there is no opportunity for overlooking. In comparison to the previously approved scheme the proposed development would significantly reduce overlooking of the neighbouring rear gardens.

Suitable screen planting will also be provided between the private amenity space of the first floor flats and the communal amenity space. This will be supplemented by a boundary fence to ensure that the flats adjacent to the amenity space have an adequate level of privacy.

A daylight and sunlight study has been prepared by Hilson and Moran. This demonstrates that each of the flats which are either east or west facing or dual aspect will have adequate daylight and sunlight levels in accordance with BRE guidelines. It also sets out that there will not be a detrimental loss of daylight or sunlight to the neighbouring residential properties on Limesdale Gardens and within the Theoco development. There are sole habitable room windows to bedrooms on the flank wall of the Theoco development facing south towards the 3 Burnt Oak Broadway. To ensure that there is not a detrimental impact on the flats affected the building has been designed to step away from the boundary so that some outlook is maintained.

It is considered that the proposed development will not have a significant impact on the amenity of neighbouring residents. The development has been well designed with a good level of natural surveillance to improve the feeling of safety in the area. Further details will be required regarding securing measures to be provided in the basement car park to protect future occupiers.

Residential Quality.

The proposed flats will all comply with the requirements of the Mayors SPG on housing in terms of minimum floor areas and window sizes. The proposed unit areas are all above the Council's minimum floor area. Whist most of the units are dual aspect those that are not are either east

facing or west facing as such each unit will have direct sunlight at some point each day. Each unit will have access to a private balcony or roof terrace and all units will have access to the communal space.

SPG 17 requires the provision of approximately 20sqm of amenity space per flat. Applying this standard there is a requirement for 1520sqm of amenity space for this scheme. Each unit has access to a private balcony or roof terrace however when calculating the amount of spaces that fall below the 20sqm provision there is a shortfall of 740sqm. This deficit is more than made up for by the provision of 952 sqm of communal amenity space on the rear first floor deck. This provision of amenity space is considered to be a significant improvement on that of the previously approved development in terms of size and quality. The proposed accommodation is considered to be of an acceptable size and quality.

Housing

36% of the development in unit numbers will be affordable. A toolkit has been submitted to justify the below 50% provision.

Landscape Design

A large communal amenity space is provided on a podium deck to the rear of the building while each unit has a balcony, winter garden or roof terrace. This represents an improvement in terms of area and quality of landscaping. This space will include a children's playspace which is in line with the London Plan requirements. This space will be well overlooked by the upper floor flats and will provide a safe and secure space for children to play in.

There is an area of soft landscaping on the first floor deck between the flank wall of the proposed building and the boundary with the Theoco site. This space will be for visual amenity purposes only as it is not considered to be usable for general amenity purposes given the low level of informal surveillance and overlooking and the restricted levels of sunlight due to the heights of the building on both sides.

There is a buffer zone along the rear boundary of the amenity space. This will have a depth that varies between 1m at the narrowest point to 5m at the widest. The plant species for this space are heavy shrubs and small trees which will ensure that residents using the space cannot access the rear boundary. On the rear boundary there will be a small parapet wall and steel trellis frame above with a timber rail. This will also be planted with a climber to soften the appearance of the rear wall from the Limesdale Gardens rear gardens.

A contribution towards on-street tree-planting on Burnt Oak Broadway is also proposed as part of the proposed development. Additional alterations will be made to the public realm in front of the building. These will be in accordance with the Landscape Design Scheme for the Burnt Oak Broadway frontage. This will result in an improvement to the public realm within the Burnt Oak growth area.

The level of quality of the amenity space both general and visual will also be affected by the choice of plant species, the use of high quality hard materials and a robust site maintenance programme. Full details of the plant types have been provided with the application and the Council's Landscape Design Team are satisfied with the details shown. Further details and samples of the hard materials and maintenance scheme will be sought by condition.

Highways

A transport statement prepared by TTP consulting has been submitted to support the proposal. A total of 75 parking spaces are proposed in a groundfloor and mezzanine level car park at the rear of the site. This is accessed from the rear service road which runs from Stag Lane along the rear of the properties on Burnt Oak Broadway. During the process of this application the number of spaces has been reduced by 7 from 82 to 75 to accommodate additional servicing bays and larger refuse and recycling areas. These alterations have been agreed with the Council's Highways

Engineer.

The level of parking is in accordance with Council parking standards and there will be a small proportion of this available for customers visiting the retail units. The applicant has also agreed to a condition requiring the submission of a Car Park Management Plan prior to the occupation of the first unit. This will set out how the parking spaces will be allocated between the residential and retail uses, with the majority of the spaces being allocated for prospective residents.

The retail units will be serviced by 4 transit sized service bays within the car park and a full-sized servicing/loading bay on Burnt Oak Broadway. The level of servicing provision is considered to be acceptable. 84 cycle parking spaces are proposed in a secure location next to the car park.

The ground floor will provide small retail units with 6 separate shops facing onto Burnt Oak Broadway. TfL are concerned that a 975sqm food retail outlet here could have a significant detrimental impact on local highway safety. It is not considered necessary to impose a restrictive condition to ensure the shops remain as separate units as the proposed layout does not lend itself for use as a single unit; the two cores providing access to the residential divide the commercial component into 3 separate evenly sized areas which are further subdivided to create 6 commercial units. Notwithstanding this the proposal will result in total retail net area of 780sqm.

The loading bay on the front of the site is considered to be acceptable however this bay should only be used outside the hours of the operational north bound bus lane on Burnt Oak Broadway. A condition will be attached to this effect. Furthermore the existing retail floor space and the previously approved space are both double the size of the proposed in terms of floor area. In addition to this 4 transit sized loading bays will also be provided in the rear car parking area.

The proposed development is considered to provide an appropriate level of parking and servicing to serve the development.

Conclusion

The proposed demolition of the existing redundant carpet warehouse and erection of a mixed-use residential scheme with 76 flats and 975 sqm of commercial floor space is in keeping with the relevant policies and design guidelines as set out above. As such it is recommended for approval subject to the signing of section 106 legal agreement and the conditions set out below.

RECOMMENDATION: Grant Consent subject to Legal agreement

(1) The proposed development is in general accordance with policies contained in the:-

Brent's Unitary Development Plan 2004
PPG3 Housing and PPG4 Industrial and Commercial Development Central
Government Guidance
Council's Supplementary Planning Guidance SPG17
BPG1 and BPG3 Mayor's Best Practice Guide

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment

opportunities

Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

Transport: in terms of sustainability, safety and servicing needs

Design and Regeneration: in terms of guiding new development

CONDITIONS/REASONS:

- (1) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (a) proposed walls and fences indicating materials and heights;
- (b) screen planting along the rear boundary of the first floor residential units;
- (c) details of drainage, irrigation and water points.
- (d) areas of hard landscape works and proposed materials;
- (e) details of the tree pits aonf the frontage
- (f) details of the childrens play space
- (g) details of the proposed arrangements for the maintenance of the landscape works.

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- (2) 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.

- (3) The development hereby permitted shall be carried out in accordance with the following approved drawings:

PL1RevA

PL2RevA

PL3RevB

PL4RevA

PL5RevA

PL6RevA

PL001; PL002; PL003;
PL004 RevA
PL005 RevA
PL006 RevA
PL007 RevA
PL008 RevA
PL009 RevA
PL010 RevA
PL011 RevA
PL012 RevA
PL020 RevA
PL021 RevA
PL022 RevA
PL023 RevA
PL024;
PL101 Rev02
PL102 Rev04
PL150
PL401
PL500

Design and Access Statement

Transport Statement by Finilion Ltd dated February 2011

Three Dragons Toolkit by Kim Snagster Associates Ltd dated 21 February 2011

Daylight and Sunlight Assessment by Price Myers dated 17 February 2011

Energy Strategy Report by Price Myers Engineers dated 17 February 2011

BREEAM Retail 2008 Design Stage Assessment by Price Myers dated January 2011

Air Quality Assessment by Hilson Moran dated 15 February 2011

Code for Sustainable Homes Pre Assessment by Price Myers 14 February 2011.

Noise Survey Report by Hilson Moran 16 February 2011

Statement of Community Involvement

Reason: For the avoidance of doubt and in the interests of proper planning.

- (4) During demolition and/or construction works on site:-
- (a) 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 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays;
 - (b) vehicular access to the adjoining and opposite premises shall not be impeded
 - (c) all plant and machinery associated with such works shall at all times be situated and operated within the curtilage of the site;
 - (c) no waste or other material shall be burnt on the application site;
 - (d) all excavated topsoil shall be stored on the site for reuse in connection with the landscape works scheme.
 - (e) a barrier shall be constructed around the site, to be erected prior to demolition
 - (f) a suitable and sufficient means of suppressing dust must be provided and maintained
 - (g) the best practical means available in accordance with BS5228: 1984 shall be employed at all times to minimise the emission of noise from the site
 - (h) all construction vehicles used during construction must meet European Emission Standards of Euro 3 during any works on site.
 - (i) all non-road mobile vehicle with compression ignition engines used on the site shall comply with the emission standard contained in EC Directive 97/68/EC.
 - (j).any diesel powered machines used on or otherwise serving the site shall be operated on ultra-low sulphur diesel meeting the specification BSEN950

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

- (5) The car parking spaces shown on the approved plans shall be retained at all times. The eight disabled car parking spaces shall be marked as being available for use by disabled drivers only and be of a minimum width of 3.6m to ensure that they are accessible. In addition, a detailed car parking scheme shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. This shall show the separation of the affordable and private housing spaces in compliance with the Council's parking standards and shall be adhered to unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the amenities of the future occupiers of the development.

- (6) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Deep piling, foundations or basements could penetrate the London Clay, which protects the Chalk principal aquifer. Therefore details on maximum depth and the techniques used to assess the risk to groundwater in the deep aquifer are required to ensure the proposal complies with PPS 23.

- (7) The proposed full size servicing bay shall only be used for loading and unloading of goods and shall only be used outside the hours of operation of the north bound bus lane on Burnt Oak Broadway.

Reason: To ensure that vehicles waiting or being loaded or unloaded do not interfere with the free passage of vehicles or pedestrians along the public highway.

- (8) Notwithstanding the details of materials indicated in revised plan no.2263/P/o21A prior to the commencement of development full details of materials for all external work, i.e. bricks, fenestration and roofing materials, including samples, shall be submitted to and approved by the Local Planning Authority with the works carried out in accordance with the approved details

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

- (9) Before any building works commence on the site, a scheme providing for the insulation and ventilation of the proposed building shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels and to ensure an adequate standard of amenity.

- (10) Details of the provision of a minimum of 76 secure cycle parking spaces for prospective residents and eight publicly accessible spaces along the site frontage for the commercial unit, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the

development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (11) The demolition/ building works hereby approved shall not commence until vehicle wheel washing facilities have been provided on site, in accordance with details of such facilities to be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be used by all vehicles leaving the site and no work shall take place at any time at the said facilities are not present or are otherwise incapable of use.

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

- (12) No development shall commence on site until the a programme of archaeological work has been secured in accordance with a written scheme of investigation approved by the Planning Authority. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the local planning authority in accordance with the approved scheme.

Reason: To ensure the redevelopment of the site does not prejudice archaeological remains

- (13) No works which result in the discharge of foul or surface water from the site shall be commenced until sufficient capacity is available within the local system. The approved details shall be fully implemented.

Reason; To ensure that the foul and surface water discharge from the site shall not be prejudicial to the existing sewerage system.

- (14) Further details shall be submitted to the local planning authority for approval prior to the commencement of development which shall consist of:

- (i) The gradient and access arrangements of the basement ramp;
- (ii) Security measures for the underground car parking area;
- (iii) CCTV measures overlooking the rear service road to provide safety and security;
- (iv) the location of the 8 cycle spaces required to service the retail component of the development to the front of the site.
- (v) The provision 300mm margins along either side of the entrances;
- (vi) a minimum headroom of 2.6m to areas requiring access for high-top conversion vehicles and transit sized delivery vans (2.1m where only standard car access is required)

The details as approved in writing by the local planning authority shall be fully implemented.

Reason: These details are required to ensure that a satisfactory development is achieved.

- (15) Prior to the commencement of development on site the applicant shall undertake at his own expense an impact study to the satisfaction of Thames Water on the existing sewage infrastructure.

Reason: To determine the magnitude of any new or additional capacity required to satisfactorily service the approved scheme

- (16) Details of the proposed Combined Heat and Power unit shall be submitted to the Local Planning Authority for approval prior to installation. Details shall include, as a minimum: Location, height and diameter of the outlet stack, expected hours of operation and output rate of NOx gasses.

Reason: To ensure that local air quality is not significantly worsened by the development.

- (17) Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall be carried out in full accordance with the details approved in the Construction Method Statement.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

- (18) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. The written report is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

- (19) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

INFORMATIVES:

- (1) The applicant's attention is drawn to the need to comply with (among other regulations) the requirements of the following legislation:
- (i) Control of Pollution Act 1974
 - (iii) Environmental Protection Act 1990

(iii) London Local Authorities Act 1990

- (2) Detailed design of the building should take appropriate account of the British Standard Code of Practice on Access for the Disabled to Buildings (B.S.5810:1979) and Part M of the Building Regulations 2004. Consideration should also be given to the needs of ambulant people having other disabilities and to those with sight or hearing problems, as well as those of wheelchair users.
- (3) Arrangements should be made to ensure that no surface water from the proposed development will drain onto the public highway.
- (4) In order to ensure adequate fireproofing of the building, the applicant is advised to contact the Fire Prevention Officer of the London Fire Brigade, Fire Prevention Branch, Fire Station, 500 Pinner Road, Pinner, Middlesex, HA5 5EW.
- (5) The applicant's attention is drawn to the requirements of the Control of Pollution Act 1974, Section 13, and is advised that adequate storage facilities for refuse must be provided.

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: 3 Burnt Oak Broadway, Edgware, HA8 5LD

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