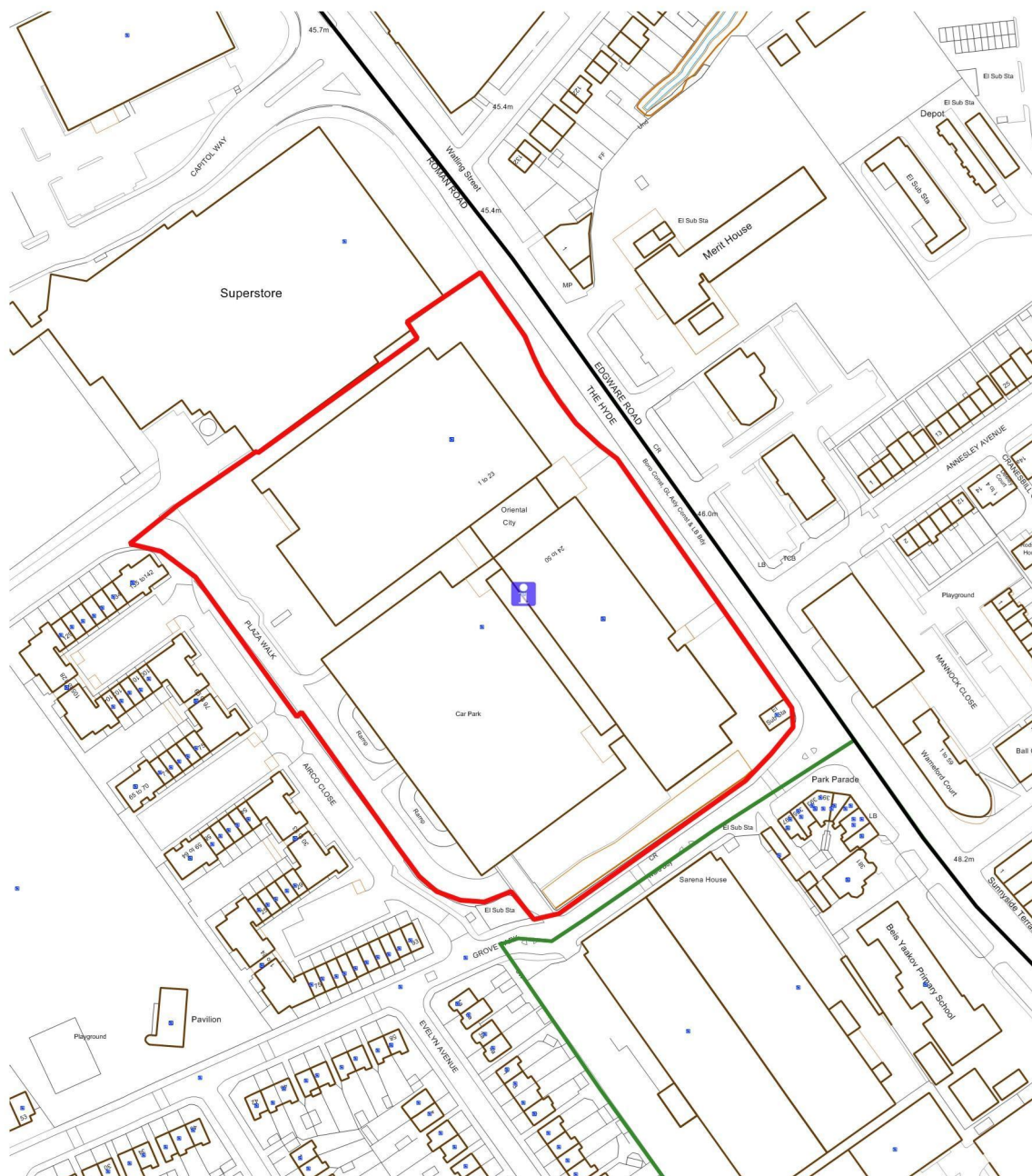




Planning Committee Map

Site address: Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9

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This map is indicative only.

RECEIVED: 11 September, 2012

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9

PROPOSAL: A hybrid planning application, as amended by plans received 1 November 2012, for the demolition of all existing buildings and structures and:

- full planning permission (Phase 1) for comprehensive mixed-use development comprising full planning permission the erection of a 7,817sqm gross external area (GEA) Class A1 retail foodstore with associated service and delivery yard; 5,207sqm GEA of new Oriental and Far Eastern Floorspace to include shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and non-residential institutions (Class A1, A2, A3, A4, A5, B1 and D1); podium slab along Airco Close; a site-wide energy centre; associated car parking spaces, motorcycle parking spaces and cycle parking spaces; associated landscaping and public realm works; new vehicular access from Grove Park and vehicular access from Plaza Walk and associated highway works; and
- outline planning permission (Phases 2 and 3) comprising residential floorspace (Class C3, accompanied by illustrative residential accommodation schedule indicating 183 residential units), associated car parking spaces and cycle parking spaces, associated landscaping and new vehicular access from Airco Close (Phase 2, all matters reserved) and two form of entry primary school and nursery (Class D1, Phase 3, all matters reserved).

The application is accompanied by an Environmental Statement (revised October 2012).

APPLICANT: Development Securities (Projects) Ltd.

CONTACT: QUOD

PLAN NO'S:
See Condition 3

RECOMMENDATION

To:

- (a) Resolve to Grant Planning Permission subject to Referral to the Mayor of London and the Secretary of State as a departure from the development plan and 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:

1. Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement

- and (ii) monitoring and enforcing its performance
2. Transfer of Land to Council for Nursery (60 places) and two form of entry primary school (420 places), with appropriate fallback provisions
 3. A mechanism for providing an offsite contribution towards affordable housing provision following completion of the development should market conditions improve
 4. A contribution of £303,000 due on material start and index-linked from the date of committee for Transportation (including TfL)
 5. A contribution of £150,000 due on material start and index-linked from the date of committee for Open Space and Sport, Local Health Care, Air Quality, Bio-diversity in the local area
 6. Highway Works – enter into a s278/s38 agreement for highway works
 7. Community Access Plan to include 28sqm of community space for local residents and groups supporting Oriental culture, for not less than 45hrs p/w and use of other parts of the development for cultural purposes
 8. Provision of an Oriental Cultural Centre (the OFEF) which shall include A1, A2, A3, A4, A5, B1 and D1 with limitations on the sale of goods within retail areas and a strategy to ensure other commercial uses are compatible with an Oriental Cultural Centre
 9. Sustainability Strategy to include Sustainability Checklist score of at least 50%, BREEAM Excellent and Code for Sustainable Homes Level 4 with compensation if not met, 25% improvement on Part L Building Regs 2010 TERs, sign up to ICE Demolition Protocol
 10. Sign up and adhere to the Considerate Contractors Scheme
 11. Energy Strategy to include 20% on site renewable energy provision with compensation if not met
 12. Travel Plans for the Commercial, Residential and School phases
 13. Car-free development in the event that a CPZ is imposed at a later date
 14. Measures to establish and promote a Car Club on the site, including the setting aside of two parking spaces for Car Club vehicles and the funding of two years' free membership for all new residents
 15. Employment and Training – to employ and/or train Brent residents as a proportion of the construction workforce
 16. Right of the public to use parts of the development

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

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £1,850,608.52.

EXISTING

The site is located on the Edgware Road (A5) in Colindale. Edgware Road is a key arterial road and forms the boundary between the boroughs of Brent and Barnet. The site comprises a number of vacant buildings which until June 2008 housed 'Oriental City', a commercial and retail centre which provided goods and services orientated towards the Asian Market; the centre also provided a focus for the Oriental community. It comprised:

- Oriental retail shops ranging from clothing to furniture;
- An Oriental food supermarket; and
- A food court, restaurants and amusement game centre

The existing Oriental City building covers approximately 12,212sqm and is supported by 20,902sqm of decked car park (711 car spaces).

Bound to the east by the Edgware Road, to the north by a large Asda superstore, to the west by residential development of Airco Close and the south by Grove Park, the site covers an area of approximately 2.87 ha. The surrounding land uses are generally light industrial/commercial with the exception of Airco Close. Residential uses extend west along Grove Park towards Stag Lane.

The site lies within the north-west London Co-ordination Corridor identified in the London Plan and is part of the Burnt Oak/Colindale Growth Area as identified in policy CP11 of the adopted Core Strategy. It is included in the adopted Site Specific Allocations 2011, combined with the Asda site, as allocation B/C1.

The London Borough of Barnet, opposite, has similar plans for sustainable growth with that part of Colindale lying within its boundaries; the Colindale Area Action Plan was adopted in 2010.

The site has a significant fall in levels from the south-west (junction of Grove Park and Airco Close) falling to the east and north; the existing development negotiates this change in levels by digging down into the higher ground, such that an approximately level site is to be had from the Edgware Road. As a result, development to the rear (west) of the site is some 2m or so beneath the level of Airco Close at its junction with Grove Park.

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	shops	
2	dwelling houses	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0	0	0	26344	26344
2	0	0	0	25371	25371

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0	0	0	51715	51715

PROPOSAL

1. Summary of the proposal

The application is for a hybrid planning permission, which if granted would give full detailed permission for Phase One (the retail foodstore and Oriental and Far Eastern Floorspace) and outline permission, with all matters reserved, for Phases Two (residential) and Three (primary school):

- (a) full planning permission (Phase 1) for comprehensive mixed-use development comprising full planning permission the erection of a 7,817sqm gross external area (GEA) Class A1 retail foodstore with associated service and delivery yard; 5,207sqm GEA of new Oriental and Far Eastern Floorspace to include shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and non-residential institutions (Class A1, A2, A3, A4, A5, B1 and D1); podium slab along Airco Close; a site-wide energy centre; associated car parking spaces, motorcycle parking spaces and cycle parking spaces; associated landscaping and public realm works; new vehicular access from Grove Park and vehicular access from Plaza Walk and associated highway works; and
- (b) outline planning permission (Phases 2 and 3) comprising residential floorspace (Class C3, accompanied by illustrative residential accommodation schedule indicating 183 residential units), associated car parking spaces and cycle parking spaces, associated landscaping and new vehicular access from Airco Close (Phase 2, all matters reserved) and two form of entry primary school and nursery (Class D1, Phase 3, all matters reserved).

The application is accompanied by an Environmental Statement.

2. Details of the proposal

In simple terms, the retail foodstore would occupy most of the northern half of the site, with the school along its western edge, and Phase Two most of the southern half, with the Oriental and Far Eastern Floorspace (OFEF) along its eastern edge.

1. **Phase One**

The retail foodstore would have a gross external area (GEA) of 7,817sqm, which would include the atrium entrance, staff facilities, warehouse, mezzanine and other plant rooms etc. The resulting sales area would be 5,451sqm GEA (or 5,333sqm gross internal area (GIA)).

The foodstore would be erected at first floor, above an undercroft car park. Customers who drive to the store would access via one of two routes, either via a ramp down from Grove Park or from an access at grade from Capitol Way via Plaza Walk, an existing route which routes around the existing Asda car park. All service and delivery vehicles would use the same route from Capitol Way and then ramp up to the service and delivery area to the rear (west) of the first floor.

Customers would then walk towards the Edgware Road frontage where access would be provided to the superstore atrium—situated in the north-east corner of the site—where an escalator, lifts and stairs would provide access to the first floor. Pedestrians would be provided with access from Edgware Road into the same atrium. This atrium would project beyond the existing building line and beyond the line of the adjacent Asda building.

Part of the OFEF would be located in the south-east corner of the main Phase One site, with an entrance lobby providing access directly from Edgware Road to a large ground floor restaurant (781sqm GIA). A lift and stairs would provide access to the first floor OFEF food court atrium. There would be no direct access between the superstore and the food court.

No access would be provided directly from the Edgware Road to the car park; the frontage between the superstore atrium and the OFEF entrance lobby would be blank—with the exception of a fire escape and two ATMs—and would serve as natural ventilation for the car park.

The car park would be 11,755sqm and would have 336 standard spaces, 24 disabled spaces and 8 parent and toddler spaces; 28 motorcycle spaces and 116 cycle spaces would be provided.

The OFEF would have a total GEA of 5,207sqm, split between the ground floor retail (2,288sqm GEA), the ground floor retail (829sqm GEA) and the first floor food court (2,090sqm GEA).

2. **Phase Two**

This phase comprises the residential development atop the podium covering the residential car park and the OFEF. This hybrid application is seeking only outline consent for this element, with all matters reserved, though indicative plans have been submitted along with the application and these plans provide a significant amount of detail. A 'Design Code' is also provided within the Design and Access Statement which provides information on elevational treatments and materials, amongst other things.

The indicative plans show a mix of dwelling typologies, with blocks of flats forming a perimeter block around a central square of terraces of town houses and with a terrace of mews houses (single aspect) along the boundary between the residential element and the retail element.

The specific proposals are explained in more detail in sections 6 and 8 of the *Remarks* section, below.

3. **Phase Three**

This phase comprises a new two-form of entry primary school (420 pupils) and nursery (60 children) atop the podium covering the access to the residential car and part of the Morrison's car park. It would be located in the north-west corner of the site, alongside the boundary with Airco Close between that road and the elevated service yard for the retail elements. It would have staff, parent and visitor access to it from parking facilities within the Morrison's car park beneath, servicing would be carried out from the elevated service yard and pedestrian access would be via the route through the residential element, from Airco Close and from Edgware Road. This pedestrian access would be from an entrance facing a small public square.

This element is also only being sought in outline with all matters reserved. Indicative plans show a school that is mostly two-storey and which makes use of the roof space of the building to provide additional play areas.

HISTORY

The most relevant planning history is the most recent. The site benefits from an extant consent (LPA ref: 06/1652 and 10/0775) for comprehensive redevelopment, comprising:

- 520 residential units, of which 21 units would be affordable (shared ownership);
- 10,764sqm of retail floor space for the sale of goods of mainly Oriental and Far Eastern origin (replacement Oriental City);
- 400sqm of community space for local residents and groups supporting Oriental culture;
- 17,801sqm of bulky goods retail floor space;
- 480 place nursery and primary school;
- 2,445sqm of health and fitness studio space;
- 1,098 car parking spaces - comprising 721 spaces for retail users, 5 staff spaces accessed from Grove Park for the school, and 351 (incl. disabled) for residents and a further 21 disabled spaces on the podium.

The application was submitted on 15 June 2006. Members considered this application on 21 November 2006 and resolved to grant permission subject to a section 106 legal agreement. This was signed on 13 June 2007 and a year later, on 1 June 2008, Oriental City was closed for redevelopment. On 31 July 2008 the applicants, Development Securities, sold the site to a new developer, B&S Homes. B&S Homes could not complete the purchase and the site was placed in the hands of an administrator.

The permission was renewed in 2010 (LPA ref: 10/0775) for a further three years under powers granted by the government in 2009 to allow greater flexibility in planning permission.

This was not the first plan for comprehensive redevelopment of the site. Initially, the premises were known as the Yaohan Plaza and encompassed a large site area (4.34 ha), including the land now occupied by the Airco Close residential scheme. In the early 1990s, a plan to redevelop this entire site for retail (A1), professional and financial services (A2), restaurants (A3), Business (B1) and residential (C3) and oriental cultural centre was approved as an outline planning application on 14 January 1992 (LPA ref: 90/1727); most of the reserved matters were approved thereafter, however the residential elements within the scheme, which were indicated to be two to six storeys in height, reaching up to approximately 18.5m, were not built before the reserved matters lapsed.

A certificate of lawful use (LPA ref: 11/2384) was granted on 19/12/2011, confirming the use of 33% of the existing floorspace of each of the retail units implemented under application 90/1727 for unrestricted purposes within Use Class A1 would be lawful, based on the interpretation of the wording of condition 14 of the original permission.

A certificate of lawful use application (LPA Ref: 13/0612) was refused on 30/04/2013; it was determined that the use of the retail floorspace for unrestricted purposes within Use Class A1 implemented under application 90/1727 is not lawful as it would fail to comply with Condition 14 which controls the use of the retail elements of the overall use to the display and sale of goods of Mainly Oriental and Far Eastern origin.

POLICY CONSIDERATIONS

Local

The development plan for the purposes of S38(6) of the Planning and Compensation Act is the Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

Brent Unitary Development Plan 2004

Within the 2004 UDP the following list of saved policies are considered to be the most pertinent to the application.

Strategic

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 Reduces the need to travel, especially by car.
- STR6 Parking controls
- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 Environmentally sensitive forms of development will be sought

- STR14 New development should make a positive contribution to improving the quality of the urban environment
- STR15 Major development should enhance the public realm

Built Environment

- BE2 Townscape: Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for Disabled People
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- BE12 Sustainable Design Principles
- BE19 Telecommunications
- BE25 Development in Conservation Areas
- BE33 Tree Preservation Orders

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16
- TRN12 Road safety and traffic management
- TRN13 Traffic calming
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN16 The London Road Network
- TRN20 London Distributor Roads
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN30 Coaches and taxis should be accommodated to ensure unloading or alighting does not obstruct the highway
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Open Space, Sport & Recreation

- OS9 Dual Use Open Space

Community Facilities

- CF7 New Schools
- CF8 School Extensions
- CF9 Temporary Classrooms
- CF10 Development Within School Grounds

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy
This sets out the spatial strategy, outlining where growth is to be focused.
- CP 5 Place making
Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping
Sets out the requirements for appropriate design and density levels for development

- CP 15 Infrastructure to support development
Requires that the infrastructure requirements of new development are met
- CP18 Protection and enhancement of Open Space, Sports & Biodiversity
Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created
- CP 19 Brent strategic climate mitigation and adaptation measures
Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas
- CP 23 Protection of existing and provision of new community and cultural facilities
Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Brent Supplementary Planning Guidance

SPG 17 "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

This supplementary planning guidance focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current government policy and industry best practice, aiming to be practicable and cost-effective.

SPD S106

Regional

London Plan 2011

Strategic planning in London is the shared responsibility of the Mayor of London, 32 London boroughs and the Corporation of the City of London. Under the legislation establishing the Greater London Authority (GLA), the Mayor has to produce a spatial development strategy (SDS) – which has become known as ‘the London Plan’ – and to keep it under review. Boroughs’ local development documents have to be ‘in general conformity’ with the London Plan, which is also legally part of the development plan that has to be taken into account when planning decisions are taken in any part of London unless there are planning reasons why it should not.

The plan identifies six objectives to ensure that the vision is realised:

- Objective 1: A city that meets the challenges of economic and population growth
- Objective 2: An internationally competitive and successful city
- Objective 3: A city of diverse, strong, secure and accessible neighbourhoods
- Objective 4: A city that delights the senses
- Objective 5: A city that becomes a world leader in improving the environment
- Objective 6: A city where it is easy, safe and convenient for everyone to access jobs, opportunities and facilities

Key policies include:

Social Infrastructure

- 3.16 Protection and Enhancement of Social Infrastructure
- 3.18 Education Facilities
- 3.19 Sports Facilities

London's Response to Climate Change

- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling

- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable Drainage

London's Transport

- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 6.14 Freight

London's living places and spaces

- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local Character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

London Plan SPG

Housing

The Mayor's Transport Strategy (May 2010)

Sustainable Design and Construction – Supplementary Planning Guidance (2006)

Accessible London: achieving an inclusive environment (April 2004)

Planning for Equality and Diversity in London (October 2007)

National

National Planning Policy Framework 2012

This sets out 12 core planning principles, of which the following are relevant. Planning should:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and

deliver sufficient community and cultural facilities and services to meet local needs.

CONSULTATION

Local residents, business and schools etc over 100m away and including properties in Barnet, a total of approximately 2000 addresses, were consulted in September 2012 in addition to publication of a press notice and display of site notices. Ward Councillors for Queensbury and Fryent wards were also consulted. A full re-consultation exercise was carried out on 12 November 2012 in response to revised plans having been received including publication of a press notice and site notices being displayed.

OBJECTIONS

A number of standard pro forma letters have been received which have been treated as petitions

One x petition containing 64 signatories and one x petition containing three signatories raising the following objections:

- Former tenants of Oriental City not involved in meetings;
- Former tenants of Oriental City were previously given rights to return;
- Social/racial impact assessment required;
- Community not consulted.

One x petition by Grove Park Resident Association containing 60 signatories raising the following objections:

- Proposal is an improvement on previous scheme as scaled down but does not address concerns on schooling, traffic, water pressure and health.

One x petition containing 20 signatories and one x petition containing 19 signatories translated raising the following points:

- Local resident: pleased with development proposal but the proposal is smaller than before and old tenants have not been notified. Request the developers give the old tenants an opportunity to work in the new development.
- Former tenant: pleased with development proposal but the developers will not let old tenants return. The developer has not contacted former small tenants & the size of the food court is smaller. Request ethnic minority interests are protected.

A total of 19 letters of objection & 5 comments received raising the following matters:

- Chinese community facility not adequate and smaller than previous scheme;
- Former tenants of Oriental City should have been consulted;
- Former tenants of Oriental City had a right to return;
- Business and retail floorspace much smaller;
- Loss of community centre - reinstate Oriental City;
- Oriental City secondary;

- High rise block not appropriate;
- Development too dense;
- Impact of buildings on Airco Close and harm to amenity;
- Height – impact on TV reception;
- Noise during construction – already had disruption from Village School development

- Traffic congestion/pollution/safety;
- Parking concerns during construction;
- Impact of increased traffic on local road network;
- Grove Park should become a no-through road and the Hay Lane/Edgware Road junction should be reviewed;
- Impact on increased traffic on Airco Close;
- Insufficient parking and impact of overspill parking;
- Increased risk to pedestrians from increased traffic;
- Increased pollution from additional traffic;
- Consider traffic restrictions & traffic controls;
- Object to Airco Close for residential access;
- Parking of Airco close not well managed;
- Cumulative impact from Village School;

- Grove Park Open Space – improvements have not been carried out;
- Increased pressure on local infrastructure e.g. schools, health services;
- Consider impacts of housing approved and expected developments;
- School in wrong location above shops;
- Health care facilities need to be looked into - should be incorporated in scheme;
- Consultation not sufficient.

Objections have also been received from Tesco, ASDA & Network Housing which are set out below:

Tesco

- The Oriental City proposal is out of centre;
- There is a sequentially preferable site at Watling Avenue in Burnt Oak;
- The Watling Avenue site is suitable, available and viable;
- The submitted RIA demonstrates that, if permitted, the scheme would threaten the vitality and viability of the Burnt Oak and prejudice investment in the centre, contrary to national and local policies;
- There is no 'fall-back' position that is material to this application.

ASDA

- Too little housing proposed as part of the mixed use development;
- Inappropriate location for primary school;
- Phasing of redevelopment puts at risk the delivery of the proposed housing and primary school;
- Need to ensure RIA robust.

Network Housing

- The proposed development includes land outside of the applicants ownership which is owned by Network Housing Group as part of the Airco Close estate.
- Network Housing would like to conclude discussions with Development Securities and residents at Airco Close before making formal representations to the scheme.

SUPPORT

One x petition containing 21 signatories supporting the proposal for the following reason:

- Oriental Culture will become part of the community again.

A total of four letters of support & one comment received raising the following matters:

- Consultation carried out between developer, prominent community members and ex-tenants of the Oriental City;
- site derelict for too long & benefits significant;
- Space in proposal designed to cater for key elements successful in the Oriental City;
- Much needed regeneration to benefit Far East/Oriental communities and local community in Brent;
- Restore a well loved community hub for local Chinese and Far East/Oriental communities;
- Support the 2011 London Plan's Colindale/Burnt Oak Opportunity Area as missed to residential and commercial use;
- Provide social, economic and community benefits to the immediate community and beyond.

External consultees

The London Boroughs of Barnet and Harrow, the Greater London Authority (GLA), Transport for London (TfL), the Environment Agency (EA), the Metropolitan Police, all consulted.

LB Barnet

Object to the proposal for the following reasons:

1. The application proposes an out of centre retail development that is found to conflict with its allocation in the LB Brent Site Allocations DPD. The London Borough of Barnet has significant concerns that the sequential assessment carried out for this application has not given adequate consideration to sequentially preferable sites in Burnt Oak District Centre and Edgware Major Centre which are suitable, available and viable. Having regard to the anticipated impact, the proposal would be contrary to the planning policy objective of bringing about more sustainable shopping patterns and would be likely to have significant adverse impacts on the vitality and viability of Burnt Oak and Edgware Town Centres. The proposal would

also be likely to prejudice the delivery of retail development planned as part of the Colindale Area Action Plan. As it is not considered that any other material planning considerations have been advanced which justify these conflicts with all levels of planning policy and the London Borough of Barnet object to the proposal on this basis.

2. It is considered that the application fails to properly recognise, assess and mitigate the impacts of the development on traffic and parking, the public realm and public transport for locations within the London Borough of Barnet.

3. There are serious concerns over whether Brent Council are able to fund construction of the proposed school or have any other means of delivering new school places in this location. The submission makes no commitment to the building of the school and does not provide any indication of when this would be completed. There is currently significant unmet need for school places in the NW9 postcode area of Brent and children from the proposed development would add to this further. It is unclear whether the funding is available to provide educational provision for children generated from the scheme through either the new school or alternative means. Due to the proximity of the site to Brent's border with the London Borough of Barnet this is likely to have a significant impact on Barnet, where we are already experiencing significant demand for primary school places and are having to rely upon temporary solutions to meet need

LB Harrow

No objection.

GLA (see separate section)

Transport for London (TfL)

In the Stage 1 report to the Mayor in December 2012 outstanding transport issues were highlighted. Since then TfL have been working with the Borough, the applicant and the consultant to resolve these issues, namely:-

1. A Car Parking Management Plan should be secured by condition, including the monitoring of Electric Vehicle Charging Points (EVCPs) and to agree a trigger for the passive provision to be brought into operation.
2. All cycle spaces will need to be safe and accessible whilst safe storage, changing rooms and showers will need to be provided for staff. Monitoring of cycle use for the school will need to be undertaken as part of the school travel plan and if demand warrants it more cycle spaces will need to be provided.
3. Further information has been provided on trip generation and TfL is now satisfied with trip information.
4. TfL would have expected that the 4 nearest bus stops in each direction should have been assessed to ensure that they meet the Disabled Discrimination Act requirements and TfL's accessible guidance. This assessment will need to be carried out and until results are known, TfL would request a capped sum of £20,000 per stop to be secured within the s106.
5. TfL recommends that the improvements identified in the PERS audit, particularly in relation to improved links for pedestrian to bus stops and Colindale Station be implemented by the developer and secured through s106 or s278 agreements.
6. A contribution of £50,000 for Legible London will need to be included in the s106 agreement.
7. The Travel Plans have been assessed through ATTrBuTE and have passed the assessments. These travel plans will need to be secured, monitored, reviewed and secured through the s106 agreement.
8. The framework Construction Logistic Plan (CLP) and the framework Delivery and Servicing Plan should be secured through planning condition.

Highway Scheme

The VISSIM modelling for all scenarios has been reviewed, and inconsistencies between scenarios have been found. Normally TfL would expect these to be sorted out. However, having assessed the possible impacts of these inconsistencies, the impacts would be negligible and therefore, for planning, the modelling is acceptable. Further modelling and safety audits will need to be carried out during detailed design through the s278 process.

TfL would also recommend that the Borough seek a contribution from the applicant to carry out :-

- Further assessment work at the A5 Edgware Rd / A5150 Colindeep Lane junction, A5/ Capitol Way junction and A5/Annesley Avenue junction and

- Delivery of any improvements resulting from the above assessment.

Other highway matters to be reviewed:

Edgware Rd / Grove Park junction

The Kwik-Fit garage entrance is directly opposite this junction. An audit of how this could affect the safe operation when the junction is signalised is needed.

Annesley Avenue

When Colindale Avenue is modified to enable right turn into Edgware Rd northbound, the current movement via Annesley Avenue will become a rat-run. Measures are needed to prevent this from happening. This is primarily for Barnet to consider as highway authority, but it could have indirect consequences to A5's operation.

Officer Comment: Matters relating to EVCPs, cycle spaces, Travel Plans, CLP, Delivery and Servicing Plan and recommendations in PERS audit will be secured through this planning permission. Whilst the benefits of Legible London (a pedestrian wayfinding system that's helping people walk around the Capital) are acknowledged, given the viability issues set out in the report it is not considered that such a contribution can be justified. Further consideration will be given to other matters raised including improvements to bus stops and other highway works with an update provided in the Supplementary Report.

Environment Agency

Objection letter received on 3 December 2012 advising FRA not in compliance with NPPF. Following information submitted by applicant to EA address objections:

- Letter from Ruth Abbott dated 17 Jan 2013 ref RA/NB/RCEF12973-001 EL
- Edgware Road – summary calculations updated December 2012
- MicroDrainage calculations dated December 2012

Letter from EA dated 5 February 2013 confirming support proposal subject to the imposition of a condition for drainage strategy to be submitted to prevent increased risk of flooding both on and off site.

Metropolitan Police

No comments received.

Thames Water

No comments received.

Internal consultees

The Council's Transportation department and Environmental Health service were consulted, along with officers within the Policy section of the Planning service to comment on matters of policy, landscape & trees, ecology and sustainability. The Sports & Parks service and Children & Families were also consulted.

Transportation

Transportation comments set out in Section 7 of the *Remarks* section of the report.

Environmental Health

Contaminated Land - Phase 1 Desk Study recommends an intrusive soil investigation be undertaken .
Conditions recommended.

Plant - Recommend condition to restrict plant noise to ensure users of the surrounding area do not suffer loss of amenity.

CHP - Air Quality condition recommended if CHP implemented.

Air Quality - Construction and Demolition condition required to mitigate impacts of dust.

Noise - Properties should be insulated that will minimise noise nuisance and condition recommend.

Landscape & Trees

No objections overall. Specific comments include:

- Green roofs to residential blocks with solar panels would be welcomed if feasible;
- Homezone is welcomed with a good proportion of private garden space to public street;
- Play proposals are not very detailed - would require further details;
- Trees and other plants are considered acceptable;
- Stepped ramp bold design and gives an interesting arrival;
- Further consideration to be given to paving to ensure high quality.

Sustainability

Climate Consulting provided comments on the proposal on behalf of Brent. The comments are set out below:

Code for Sustainable Homes – A strategy for meeting CSH Level 4 (68.79 points) has been presented

Climate Consulting comment: The strategy presented appears sound, but as noted in the report achieving the CSH rating in practice will be “dependent on the provision of satisfactory evidence for each credit and a post-construction review by the design and construction teams”. To this end, it may be advisable to earmark certain “buffer” credits at this stage or the design stage in case any of the credits currently proposed prove unattainable on the ground. BREEAM - A strategy for meeting BREEAM “Very Good” in the supermarket and retail units has been presented.

Climate Consulting comment: Brent Council’s Policy CP19 requires a BREEAM Excellent rating to be achieved. The percentage scores in the submitted pre-assessments lie approximately midway between the minimum scores for BREEAM Very Good and Excellent, and between 6 and 10 additional percentage points will need to be sought.

Possible areas that could be targeted include:

- Reduction of CO₂ emissions (Issue Ene01) – this would tie in with the comment above investigating increasing the number of PV panels.
- Low and Zero Carbon technologies (Issue Ene04) – this would tie in with the comment above investigating increasing the number of PV panels.
- Reducing water consumption (Issue Wat01)

REMARKS

Key considerations

1. Principle of development
2. Retail impact
3. Community infrastructure
4. Visual impact
5. Impact on neighbouring residential amenity
6. Housing quality
7. Parking, access and traffic impact
8. Landscape and ecology
9. Sustainability and energy
10. Environmental impact assessment
11. Response to GLA Stage 1 Referral
12. Other
13. Conclusions

1. PRINCIPLE OF DEVELOPMENT

The principle of comprehensive redevelopment of the site was established by the extant scheme, granted planning permission in 2007 (LPA ref: 06/1652) and renewed in 2010 (LPA ref: 10/0775). The policy background for the development of this site has progressed since the original consent was granted, in particular with the adoption of the Core Strategy in 2010 which identifies this site within the Burnt Oak/Colindale Growth Area (Core Strategy Policy CP11 Burnt Oak/Colindale Growth Area) and the adoption of the Site Specific Allocations document which identifies this site as suitable for a mix of uses (adopted

2011). Further, since the original scheme was granted permission and that permission was renewed in 2010, the national and regional planning policy framework has changed with the adoption of the London Plan 2011 by the Greater London Authority and the publishing of the National Planning Policy Framework (CLG, 2012) by central government, which replaces the majority of previous planning policy guidance and statements.

A mix of acceptable uses is proposed in CP11, as follows:

Burnt Oak/Colindale Growth Area

The Burnt Oak/Colindale area is promoted for mixed use regeneration along the axis of Edgware Road. While tall buildings are acceptable in appropriate places along Edgware Road, the council will facilitate a shift in character and use towards a traditional street pattern supporting pedestrian movement, street frontages and public spaces and squares. New economic activity will be created in the form of ground floor commercial frontage (including retail, where compliant with the sequential approach). 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 identified within the Infrastructure and Investment Framework. Anticipated infrastructure will include:

- *A new 2 form of entry primary school*
- *Extensions to a secondary school to provide a further 1 form of entry to 6th form*
- *New nursery places*
- *New health services including space for 3 GPs and 3 dentists*
- *A series of 3 new public open spaces and squares of at least 0.2 hectare each*
- *Improvements to the quality and accessibility of existing local open spaces*
- *A series of play areas within new developments and open space*
- *Indoor and outdoor sports facilities, including contributions towards a new community swimming pool serving the local area*
- *New bus services to provide interchanges with local rail and underground stations*
- *Multi-use community centre*
- *A minimum of 200 new trees planted*

9 hectares of land will be protected for appropriate industrial operations within use classes B1c, B2 and B8 or closely related sui generis uses. (Core Strategy 2011: p47)

The application site also comprises part of a site allocated within the adopted Site Specific Allocations DPD (2011) with the reference B/C1 Oriental City and ASDA which identifies this site as being suitable for:

Mixed-use development including residential, retail, food and drink and community facilities (in particular for a primary school) and leisure and re-provision of Chinese and Far-Eastern commercial and community floorspace, as per the planning permission.

The scale and type of retail development permitted will depend upon there being, in accordance with the sequential approach set out in policy CP16 of the Core Strategy, no alternative sites available, and upon the results of a retail impact assessment. Proposals should have regard for potential conflicts between uses and configure development to mitigate against these, in particular for the school use. Proposals should include the re-provision of shopping and restaurant facilities. (Brent Site Specific Allocations: p48)

The two sites-the former Oriental City and the ASDA site-combined have an indicative development capacity of 975 units, which is based on the quantum of residential approved in the consented scheme; the reduction of the number of residential units from 520 to circa 183 has implications for the delivery of the planned 975 units. Your officers are satisfied, however, that this is acceptable for the following reasons: (1) the site specific allocation refers to both this site and the ASDA site to the north, the planned inclusion of a school site has reduced the land available for residential units on this part of the allocated site; and (2) current market conditions and the need for Local Planning Authorities to be flexible and proactive in helping to bring development forward.

This proposal constitutes a smaller-scale development than the extant scheme, reflective of the prevailing market conditions and arguably the scale of the proposal is in many respects an improvement on the extant scheme, which was designed at a time of heightened optimism over what the market could accommodate.

The Mayor of London, in his report on the Stage 1 referral, concurs with your officers that the proposal is generally considered acceptable in strategic planning terms, but does not fully comply with the London Plan;

however there are possible remedies which could address this. The GLA found the main strategic issues to be (1) the development of out of centre retail, which is addressed in sub-section 2; (2) the provision of affordable housing, which is addressed in sub-section 6; and (3) provision of a new primary school, which is addressed in sub-section 3. Further discussion of the Mayor's concerns, how the applicant has responded to those concerns and commentary from your officers on that response is provided in sub-section 11, below.

At the present time, the applicant has not secured access rights/ownership of an area of grass verge adjacent to Airco Close owned by Network Housing Group; this is required to provide pedestrian access to the site and servicing/emergency access for the residential units. As such, two sets of plans have been submitted providing alternative access arrangements:

'Option 1' - Airco Close Servicing

This layout is the preferred scheme which provides pedestrian access to the site and servicing/emergency access to the residential element of the scheme from Airco Close if access rights/ownership is secured.

'Option 2' - Grove Park Servicing

This is an alternative arrangement which provides pedestrian access to the site and servicing/emergency access to the residential element of the scheme from Grove Park. This Option also incorporates changes to the school and residential parameter plan to allow associated design changes (this is discussed in more detail below). Whilst this is not the preferred option, it does provide an acceptable solution if Option 1 cannot be delivered.

Your officers are satisfied that given the benefits that the scheme will deliver, the scheme can be supported, subject to conditions and a Section 106 legal agreement.

2. RETAIL IMPACT

The application proposes a foodstore (proposed as Morrisons) and an Oriental and Far Eastern Floorspace (OFEF) mixed-use mall. The foodstore would comprise 7,817sqm (gross external area) with a net retail sales area of 3,754sqm.

There is no in-principle objection to the provision of the OFEF, subject to the application of similar controls sought to be secured under the 2007 planning permission, since this replaces the existing use albeit in a significantly reduced format.

The Mayor has raised concerns in the Stage 1 report that, as submitted to him, the proposals raise strategic planning concerns regarding retail policy tests, sequential approach and potential harmful impacts on nearby town centres, focussing on the quantum of proposed convenience floorspace in the foodstore. In completing the Stage 1 report, the Mayor was aware that Barnet Council have raised an objection to the proposal, as have Tesco via their agents. These matters are discussed further below.

Policy Framework

Your officers have given substantial weight to the national, regional and local planning policy framework relating to retail and town centres. The recently published NPPF replaces the previous guidance on retail and town centres in PPS4: specifically the NPPF addresses this point within chapter two, titled Ensuring the Vitality of Town Centres. The NPPF states that "*planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres...*" (CLG, 2012: para 23).

Paragraphs 24 to 26 of the NPPF make it clear that when considering retail schemes of the nature of this proposal it is necessary to assess whether there are any alternative sites within or on the edge of town centres that may be available and preferable. It is also necessary to assess any proposal upon the impact it may have in various terms, including the town centre vitality and viability, including local consumer choice and trade in the town centre and wider area up to five years from the time the application is made.

The NPPF goes on to state that "*where an application fails to satisfy the sequential test or is likely to have significant adverse impact... it should be refused.*" (para 27)

Regional and local policy guidance closely follows the objectives of the NPPF: The Mayor has drawn attention to London Plan policies 2.15 (Town Centres), 4.7 (Retail and Town Centre Development) and 4.8 (Supporting a Successful and Diverse Retail Sector). London Plan policy 4.7 also requires a sequential approach to be taken and for an impact assessment to be carried out on proposals for new out of centre development. Part

(C)(d) of the policy states that boroughs should "*firmly resist inappropriate out of centre development*" (GLA, 2011:p128) and policy 4.8 Supporting a Successful and Diverse Retail Sector seeks to ensure boroughs support a diverse retail sector which benefits from sustainable access and which promotes strong neighbourhoods.

Policy CP16 Town Centres and the Sequential Approach to Development of the Core Strategy 2010 states that the sequential approach should be adopted when considering proposals for major new retail uses in Brent, with preference given to Major Town Centres (Wembley and Kilburn) then to District Centres, Local Centres, Neighbourhood Centres and lastly Out-of-centre Locations.

Brent has a published Retail Needs and Capacity Study (RNCS), updated with a Final Report prepared by Roger Tym and Partners for London Borough of Brent in December 2008, which identifies a requirement for an additional 12,500 sq metres of convenience floorspace across the Borough by 2026.. The 18,000sqm gross of bulky goods retail in the original consent for this site was considered in this updated RNCS.

Key Issues

The applicant has put forward a number of arguments in support of the foodstore in parallel to the RIA which can be summarised as: (1) the existing building, when operational, had a nominal amount of open A1 retail floorspace; and (2) the extant scheme permits a substantially larger amount of open A1 retail floorspace.

The site has an extant planning permission for a substantial amount of retail floorspace, split between bulky goods (furniture store), DIY store and replacement Oriental City. The existing Oriental City, although it is closed, has lawful use for a variety of high street uses including retail (A1), financial services (A2) and restaurants/cafes (A3).

The following matters are considered below:

- (a) Extant Scheme;
- (b) Existing Retail Floorspace;
- (c) The Sequential Test;
- (d) Impact Assessment

(a) Extant scheme

This first argument stems from the details of the planning permission in granted 2007 (LPA Ref: 06/1652) and renewed in 2010 (LPA ref: 10/0775) and specifically the wording of Condition 5 (replicated by Condition 3 in the extant consent) which sought to limit the type of goods to be sold within the retail areas to bulky goods only. This condition states:

The premises shown to be used for the sale of bulky goods and as a school shall be used only for those purposes and no other purposes specified in the Schedule to the Town and Country Planning (Use Classes) Order 2005 as amended without the prior permission of the Local Planning Authority.

Reason: To ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.

The applicant states that the wording of the condition only relates to 10,979sqm of floorspace for Bulky Goods retail, thus leaving 6,823 sq m of open A1 retail floorspace uncontrolled (equivalent to the B&Q mini warehouse element of the scheme). The applicant has provided their own legal opinion on this matter which supports their assertion that, whilst the intention was that appropriate conditions would be imposed to prevent unrestricted A1 floorspace being provided in the scheme, the condition fails to impose these controls for the B&Q mini warehouse element of the scheme.

Your officers have sought legal advice regarding this matter which concurs with that provided by the applicant. Notwithstanding this, our legal advice sets out that it is only necessary to take into account a 'fall-back' development or use if there is a real rather than a theoretical prospect of that development or use being implemented. In this case, the rationale behind this reduced scheme is to address problems relating to the deliverability of the extant scheme. As such, there is no reasonable real prospect of the extant planning permission being implemented; very limited weight is attached to the possible use of the consented floorspace for open A1 use, particularly given that the intention was to restrict this.

(b) Existing Retail Floorspace

The second point stems from the wording of the condition (No. 14) of the original planning permission (LPA ref: 90/1727) which sought to limit the scope of the retail part of that consent as follows:

The retail element of the development shall be used as part of the comprehensive development for the display and sale of goods of mainly oriental and Far Eastern origin.

Reason: So that the retail element remains compatible with and a component part of the proposed overall use of the premises as an Oriental Cultural Centre and is not used as a separate retail use which would conflict with the Council's adopted policies protecting established retail centres and primary industrial areas. (Condition 14 of 90/1727)

The applicant submitted an application for a certificate of lawfulness in 2011 (LPA ref: 11/2384) seeking to establish a firm definition of the term 'mainly'. The Council agreed that 'mainly' means that only 66% of the floorspace of each unit needs to be used for the display and sale of goods of oriental and Far Eastern origin and thus 33% of each unit could have lawfully operated as open A1 retail floorspace occupation.

The applicant has employed the decision of application 11/2384 to compare the aggregated total of the 33% of each existing unit within the building (3,089sqm) with the proposed 3,754sqm of net retail floorspace proposed in this application, suggesting that the proposed foodstore is almost a like-for-like replacement.

Your officers do not agree with this argument as the decision of application 11/2384 makes it clear that the sale of goods of non-oriental and Far Eastern origin would be spread across all the units within the Oriental City site and not aggregated in one wholly open A1 retail unit. However, your officers do accept as fact that a significant proportion (33%) of the goods sold in the former Oriental City could be convenience and/or comparison goods of non-oriental and Far Eastern origin and thus the existing site, although closed since 2008, could offer a range of services usually found within a town centre. Further, the applicant has argued that there is no condition to the original permission which would prevent them from amalgamating all the former units within the Oriental City development into one, large unit of which a third of the floorspace could be used for the sale of unrestricted goods.

Further to this, the applicant has submitted a legal opinion which advises that the wording of Condition 14 (set out above) does not comply with guidance of Circular 11/95 (The Use of Conditions in Planning Permissions); in particular, the condition does not specify that the premises shall "only" be used for a certain purpose. It also does not specify that the floorspace shall be used for the specified purpose "and for no other purposes". The Opinion concludes that the lawful use of the retail floorspace permitted by the 1992 permission is for open A1 purposes.

Your officers have sought legal opinion on this matter and the advice is that there is a reasonable argument that in the context of all the words of Condition 14 and the permission as a whole, the condition is effective in restricting the range of goods. This view has been formalised through the refusal of a Certificate of Lawfulness on this point (LPA Ref: 13/0612). With regard to the amalgamation of the open A1 to provide a single A1 unit, our legal opinion confirms that it could be argued that concentrating all the non-oriental goods into one large unit would not comply with the requirement for the floorspace to be used as part of the comprehensive Oriental Cultural Centre. As such, it is not considered that the 1992 permission provides a clear cut theoretical fall-back and much weight should be attributed to this when considering the acceptability of the current proposal.

(c) The Sequential Test

Town centre locations are preferable to out-of-town locations in a spatial planning context for two reasons: (1) by reducing the need to travel: central locations are likely to be more accessible for residents within the catchment area and are more likely to benefit from good public transport links; and (2) by reinforcing the vitality and viability of town centres: new development is likely to increase the number of linked trips which benefit the rest of the town centre economy. National, regional and local policy is clear that significant weight should be given to the sequential test and it is for the applicant to demonstrate that there are no sequentially preferable sites. The sequential test can be deemed satisfied if there is no reasonable prospect of a "sequentially preferable opportunity coming forward which is likely to be capable of meeting the same requirements as the application is intended to meet." (CLG, 2009, Practice guidance on need, impact and the sequential approach: p31).

The RIA has identified a Primary Catchment Area (PCA) which represents an area equivalent to a 10 minute

drive-time: Zones 1 to 4 on Figure 1 constitute this PCA, which Members will note includes substantial parts of the neighbouring boroughs of LB Harrow and LB Barnet; approximately 75% of the catchment area encompasses those neighbouring boroughs, with most of the catchment area lying within LB Barnet.

The only major town centre within the catchment area is Edgware, located in Barnet and Harrow, some 2km to the north of the application site. Brent's two major town centres, Wembley and Kilburn, lie outside the catchment area at approximately 4.7km and 7km respectively. The catchment area encompasses a number of district centres, the closest of which are Burnt Oak (within Brent, Harrow and Barnet) located approximately 400m to the northwest and Colindale/The Hyde (within Brent and Barnet) to the south; Kingsbury district centre also lies within the catchment area. Three further district centres lie within the catchment area in Barnet: Mill Hill, Brent Street and Hendon Central. A number of local centres lie within the PCA.

In applying the sequential approach, consideration needs to be given to whether there are available, suitable and viable alternative sites located within one of these preferred locations which would meet similar development needs.

Watling Avenue Car Park, Burnt Oak

It has been identified that there is a site within the Burnt Oak district centre at Watling Avenue Car Park located within the LB Barnet; this site is identified as a potential site for a supermarket or superstore (with associated car parking and stall market) in their UDP. The LB Barnet are the landowners and advise that they are in advanced discussions with Tesco and a number of other properties to provide a mixed use development including a retail foodstore of approximately 7000sqm. They also advise that on 18 October 2012, the LB Barnet Cabinet Resources Committee resolved to accept a conditional offer for the site from Tesco to acquire the freehold interest of the site, areas of adjoining land and a number of other properties. This position has been confirmed by Tesco.

The applicant has advised that Tesco have been linked to this site for many years but have not delivered a development on the site. As such, they have questioned whether Tesco are 'actively progressing the site' and therefore whether the car park site can be considered as a 'planned investment'. The main concerns they identify with the site are:

- There is no evidence to suggest that the investment is at a sufficient stage to be genuinely prejudiced by the proposed development;
- The site has been subject to retail proposals for over 13 years but nothing has come forward owing to development constraints of the site in particular the variety of land ownerships, limited access and allocation with Flood Risk Zone 3b.
- There is no commitment for this site and no active planning application.
- Tesco are not legally committed to purchase the site or deliver the redevelopment.

Whilst the applicant has raised questions regarding whether Watling Avenue Car Park is an available, suitable and viable site, given that there have been recent developments to progress this site as set out by the LB Barnet, it is not considered that sufficient evidence has been provided by the applicant to counter this. It is accepted by your officers that there is currently a prospect that the proposed store on the Watling Avenue site can be delivered and that, being in an out-of centre location, the application site would fail the sequential test.

(d) Impact Assessment

"In assessing whether an impact is significant, it should be remembered that any new development involving town centre uses will lead to an impact on existing facilities, and as new development takes place in one town centre this will enhance its competitive position relative to other centres. This is a consequence of providing for efficient modern retailing and other key town centre uses, and promoting choice, competition and innovation." (CLG, 2009, Practice guidance on need, impact and the sequential approach: p32)

Paragraph 26 of the NPPF requires that when assessing applications for retail development outside of town centres, an impact assessment should be carried out which includes assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major

schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Impact on Planned Investment in Town Centre

In terms of assessing the impact on planned investment, it is noted that there are several planned investments within the catchment including comprehensive redevelopment of Brent Cross/Cricklewood, and new commercial uses as part of the Colindale and Mill Hill East Area Action Plans (AAP). A review of the applicants RIA concludes that the proposal would not have a significant impact on the overall viability and deliverability of the Brent Cross/Cricklewood development proposals.

However, in terms of the Watling Avenue Car Park Site, a review carried out of the RIA concludes that the proposal for another out-of centre foodstore trading alongside the existing ASDA on Edgware Road would 'seriously jeopardise' any prospect of the deliverability of the planned investment at the Watling Avenue Car Park Site in Burnt Oak District Centre. As such, it is considered that that if planning permission for foodstore is granted, the proposal would have a 'significant adverse impact' when considered against the advice of the NPPF.

Impact on Town Centre

The applicant has carried out technical work to support their view that the proposed development will not have an unacceptable impact on the wider town centre vitality, viability, local consumer choice and trade within the centre.

It is accepted that a reasonable assumption is made that the proposed store will draw a significant proportion of its sales from existing superstores in the primary catchment area (i.e. ASDA at Capitol Way, Morrisons at Queensbury and Sainsburys at Hyde). It is noted that these out-of-centre stores are not afforded policy protection under the NPPF and it is unlikely that forecast levels of trade diversion and impact will result in their closure.

The applicant has assessed the cumulative impact that three new foodstores would have. The proposed foodstores included are the application site, Capitol Way site (known as Wickes Site where open A1 use established through certificate of lawfulness application) and Watling Avenue Car Park site. The applicant's assessment identifies that the cumulative impact on convenience trade in Burnt Oak would be -8.33%. However, a review carried out into the submitted impact assessment considers that the potential trade diversion from Burnt Oak has been underestimated. In addition, there has been no allowance made for 'other convenience stores' in Burnt Oak (other than Tesco Metro and Iceland located in the District Centre). The impact calculated in the review commissioned by Brent is -9.1%; the higher predicted turnover is based on revised weighting of convenience goods expenditure of 'bulk' food shopping, 'secondary' main food and top up shopping. A slightly higher impact overall is predicted compared to that estimated by the applicant. Additionally, these figures do not take into account the additional impact on the District Centre's shops, stores and facilities through the loss of linked trips and expenditure. As such, it is considered that, although the proposal is unlikely to result in the direct closure of Tesco Metro and/or Iceland (they are likely to want to retain a high street presence), the diversion of overall trade from the town centre to the proposal store may result in the closure of one or two convenience stores, though this is difficult to quantify.

The applicants consider the impact to be within normally acceptable parameters of 10%. However, the Practice Guidance (paragraph 7.29) states that: "...there are no meaningful benchmarks of what constitutes an 'acceptable' level of trade diversion ... The relevant factors will depend on the circumstances of each case".

The forecast trade diversion from the District Centre has to be considered alongside the likely impact on planned investment. Based on the evidence it is concluded by the review that the proposal, by itself, will result in a "significant adverse impact" on Burnt Oak, and principally on planned investment in the centre. In the judgement of Brent's consultant the viability and deliverability of the Watling Avenue site in the heart of the District Centre could be seriously compromised if permission is granted to the proposed foodstore.

Summary of Retail Impact

The applicant has also highlighted a number of policies which they claim should be given weight when considering the application; for instance the NPPF seeks, amongst other objectives, to build a strong, competitive economy and states that "significant weight should be placed on the need to support economic growth through the planning system" (CLG, 2012: para 19). At the regional level, London Plan 2011 policy 2.7

Outer London: Economy part (e) states that appropriate weight should be given to wider economic, as well as other objectives, when considering business and residential proposals.

Your officers have given such policies weight insofar as all relevant policies are considered when reaching a recommendation, however it is clear that consideration must be given to the need to comply with the sequential test and subsequent impact tests, as set out in the NPPF which states that "where an application fails to satisfy the sequential test or is likely to have significant adverse impact... ..it should be refused." (para 27)

In summary of the retail impact, the following conclusions are drawn:

- It is concluded that whilst the planning permission granted in 2007 (LPA Ref: 06/1652) and renewed in 2010 (LPA ref: 10/0775) provides a theoretical 'fall back' position in terms of the potential to use 6,823 sq m for open A1 use, given that the applicants have accepted that the implementation of the extant planning permission is not viable, this does not provide a fall back of any significant weight.

- The original planning permission 90/1727 is restricted in terms of the range of goods that can be sold and our legal opinion suggests it could be considered that amalgamation of the open A1 to provide a single A1 unit, would not comply with the requirement for the floorspace to be used as part of the comprehensive Oriental Cultural Centre. As such, it is not considered that the 1992 permission provides a clear cut theoretical fall-back and as a result not much weight should be attributed to this when considering the acceptability of the current proposal.

- The Watling Avenue Car Park Site in Burnt Oak is a sequentially preferable site and appears to be available, suitable and a viable alternative. Whilst it is noted that applicant is of the view that this site will not be delivered, sufficient evidence/information has not been provided to counter this. As such, this is considered to be a sequentially preferable site and significant weight must be given to this.

- The proposed development would seriously jeopardise the planned development at Burnt Oak and the diversion of overall trade from the town centre to the proposal store may result in the closure of one or two convenience stores, though this is difficult to quantify.

Retail Impacts weighted against the benefits of the scheme

As set out above, it is accepted that there will a retail impact as a result of the proposal to provide a foodstore at this out-of-town centre site. It is also noted that the NPPF advises that '*where an application fails to satisfy the sequential test or is likely to have significant adverse impact... ..it should be refused*' (para. 27).

However, in assessing the planning application, the retail impact as a result of the proposed foodstore must be weighed against the benefits of this scheme, namely:

- Primary School - Very significant weight has been attached to provision of land for a school. This is considered to be a greater benefit than payment of a financial contribution towards education provision given that it provides a site which is available and appropriate for this use. This has been a long standing objective for Brent and was a critical element of the extant scheme. Since 2007, when the scheme for redevelopment was originally granted, the need for primary school places has continued to be urgent. In view of the constraints on expanding existing schools and the difficulties in delivering new school sites, significant weight is attached to the provision of land for a primary school. School places are critical to supporting housing growth.
- Housing - The scheme will deliver approximately 183 new residential units with a large proportion of family sized accommodation as individual houses with private gardens. Obligations will be in place to ensure deliverability within a set timeframe. Despite the absence of affordable housing, the scheme provides much needed housing in a difficult economic climate to meet London Plan and Brent targets within this identified growth area which is considered a significant benefit. This is always important and is reflected in the Government's current drive to promote development.
- OFEF- The scheme re-provides Oriental and Far Eastern Floorspace along with community floorspace. This was an important part of the extant scheme and this proposal is a way of bringing forward this key specialist attraction for the local and wider community. There continues to be significant support for this key element of the scheme which is reflected in the consultation responses received.
- The site has been vacant for a long time. This will bring forward development on an important site in the

Growth Area and improvements to urban environment particularly along Edgware Road. It is anticipated that this will generate interest in other development opportunities.

- The development represents a high quality mixed use development on a prominent site.

It is considered the scheme provides significant benefits which cumulatively are considered to outweigh the retail impact. The details of the above are expanded in the following sections. Your officers recommend that planning permission is granted for the development.

3. COMMUNITY INFRASTRUCTURE

The application makes provision for land for a primary school and nursery, a significant community provision, and a small dedicated community room within the OFEF and a flexible space within the restaurant and food court that could be used for special occasions.

Primary school and nursery

There are five primary schools and one infant school within 1km of the site, of which three are located in the borough and three are within Barnet. All of these schools are at or close to capacity. As part of the Site Specific Allocation for the site, a new two-form of entry (2FE) primary school and nursery is required to meet the planned population growth of the Burnt Oak/Colindale Growth Area.

(a) Extant scheme

The extant scheme includes 2FE primary school and nursery, to be built by the developer with a 'clawback mechanism' secured within the section 106 legal agreement to secure additional funding for fitting the school out.

The school was to be erected along the Airco Close frontage of the site, on a narrow podium above the service yard for the commercial units. Access to the school was to have been from Grove Park, with a small dedicated car park (five spaces) and service area, with an arrangement that parents would be able to drop-off and pick-up from the retail car parks. The consented scheme had reasonably generous internal spaces (3,722sqm), to offset the constraints of the site and the lack of any sports pitches; external spaces (both formal and informal, but excluding pitches) exceeded the BB99 standards for the same reason. Some rooftop space was utilised for play areas.

(b) Current proposal

In October this application was revised to include land on which a 2FE primary school and nursery could be provided, alongside indicative proposals for how that school could be accommodated. Members should note that the proposal does not include building the school, rather the land would be transferred to the Council, so that the borough can pursue relevant funding options to provide the school building, within the prevailing education funding framework as set out by central Government.

This part of the scheme is in Outline only; it would be for the Council, or other agency if appropriate, to secure the reserved matters approvals to allow works to commence. Details of the school building are therefore limited.

Your officers consider this proposal to be acceptable in principle: whilst the financial burden of designing and constructing the school has passed to the Council, this is in the context of the viability of this much-reduced scheme.

(c) Access, parking and servicing

The school land is located along the northern part of the western boundary, alongside Airco Close. It would be positioned on a podium above the access to the residential car park and also above the Morrison's supermarket car park. No regular vehicular access to the school would be available from Airco Close, as before with the extant scheme; in this case, provision has been made within the Morrison's car park for parent drop-off and pick-up and dedicated staff and visitor parking. A lift would provide access from this basement level to the ground floor.

The school would be serviced from the retail scheme's loading bay whilst occasional school coach trips would use Airco Close for pick up, exiting via Plaza Walk (via the route which is currently blocked by bollards).

Pedestrian access would be from Airco Close or the Edgware Road via the Homezone in the residential scheme (Option 1). Alternatively, if access from Airco Close cannot be secured, a pedestrian footpath will be provided from Grove Park (Option 2). Pedestrian access would still be provided from Edgware Road via the Homezone.

Further discussion of the traffic impact and other transportation matters, including the School Travel Plan, is to be found in section 9, below.

(d) Design and layout

The indicative plans propose a school with a GIA of 3,765sqm and total external play space of 2,652sqm, of which 708sqm would be located at ground floor level. The internal and external areas are capable of meeting and in places exceeding the BB99 minimum standards for school designs.

The building would be maximum three storeys and would be designed to present a public face to the proposed public square to the south of the site; this has the potential to provide a suitable civic setting for the school, which your officers consider to be a benefit of this proposal over the extant scheme, which would have appeared cramped within its site.

It should be noted that 'Option 2' makes some revisions to the school outline to take account of the changes that would be required to the scheme if access to Airco Close cannot be secured.

(e) Impact on neighbouring amenity

As it would be located in much the same place as the original school, your officers are satisfied that a building can be designed that would not result in material harm to the amenity of neighbouring residents, in terms of overbearing impact, outlook, privacy, sunlight, daylight & overshadowing and noise & disturbance (either from pupils, plant or traffic).

(f) Summary of primary school and nursery

Your officers and the Mayor welcome the inclusion of a site for a primary school and nursery as it was an essential element of the extant consent and will respond to a London-wide and Brent-specific need for nursery and school provision.

Community space within the OFEF

A number of objections and petitions have been received, particularly from members of the Chinese community across London and the South East, regarding the lack of provision of community space in the proposed OFEF space. The extant scheme has provision for a 400sqm space, with a performance stage, that was secured by the s.106 legal agreement so as to be available for at least 45 hours a week; the school facilities would also have been made available.

The application is supported by a Planning Statement, a Design and Access Statement and a Regeneration Statement. In these documents, the applicant has addressed the matter of community infrastructure and in particular the manner in which this site had, up until its closure in 2008, provided a focus both for the local Asian and non-Asian communities across North London, with a variety of community and cultural events hosted in the centre.

In the Planning Statement, the applicant states that "the design of the Oriental and Far Eastern retail incorporates both fixed community space and flexible areas that can be adapted for certain events. Within the ground floor A1 use, 28 sqm is allocated for community use as a meeting room, or small events and seminars. The restaurant and food court spaces will be fitted out flexibly, so they can both be used for large banquets or events [such as Chinese New Year and the New Moon Festival]. The public realm at the front is sufficiently large and wide that in the future, kiosks or community markets can utilise this area. The step and ramp area can be adapted easily into a summer amphitheatre with the use of a portable stage and lighting, to allow for concerts, theatre or cinema to take place".

The proposal does not provide for a dedicated community space of the same size as that given in the extant scheme (28sqm compared with 400sqm). Whilst people have objected to the scheme on this ground, your officers are of the view that there are a number of mitigating considerations, including:

- The entire development is substantially smaller than that granted consent in 2007
- The OFEF space itself is also substantially smaller
- The scheme still provides space for a primary school and nursery, which is a significant community benefit
- The applicant is willing to use the OFEF space and external areas, over which it shall retain control, for community purposes
- The re-opening of the OFEF, providing a concentration of specialist retailers and restaurants, will itself create a focal point for the local Asian and non-Asian communities
- The applicant, Development Securities, has paid £261,083.12 as a Financial Assistance Contribution to provide assistance to eligible businesses for relocation or hardship costs arising from the closure of the Oriental City development, as part of the s106 legal agreement of planning permission 06/1652.

Summary of community infrastructure

Your officers consider that, on balance, the quantum and quality of community infrastructure provided within this proposal is acceptable. Your officers will ensure the proposals offered by the applicant-such as the use of the restaurant and food court on special occasions and the use of the external semi-public space, including for a market on the Edgware Road frontage-in a Community Access Plan to be secured by the section 106 legal agreement.

4. URBAN DESIGN

The spatial vision for the Burnt Oak/Colindale Growth Zone is set out in the supporting paragraphs 4.63-4.66 of the Core Strategy. That vision recognises the low value townscape of the area as a whole and seeks to improve it such that it becomes a pleasant place to live and work:

Along the road frontage, a series of appropriate tall buildings expressed through exemplar design are promoted. Set back, the character will turn to a more human scale with town houses along a traditional street pattern to break down the urban grain, create new public squares and spaces and provide street frontages for local shops, services and community facilities along a north-south axis. Development will create a legible sense of place and identity that is self contained and generate the critical mass of a vital urban area. (Core Strategy 2011, para 4.64: p46)

The proposal would adhere to these principles with higher (up to nine storeys) buildings at the front giving way to townhouses at the rear of the site. The new route through the site from the Edgware Road to Airco Close follows the principles of breaking down the urban grain and the scheme overall would introduce new public areas (Option 1). If this route cannot be secured, a new pedestrian access would be provided from Grove Park (Option 2) leading to new landscaped areas in the site a creating a more permeable environment. The shopping mall itself provides street frontages for shops and other businesses, a positive strategy to help enliven the Edgware Road.

Scale, height and massing

The scale, height and massing of the proposal is markedly different from the extant scheme, an obvious impact of the changed market conditions.

The most obvious difference is that the site is now treated as two distinct parts, separating the main commercial element of the Morrison's superstore from the residential-led mixed-use element to the south. As a result, the ground floor of the residential element has been brought down, from above a large retail warehouse in the extant scheme, to be at grade from Airco Close and most of Grove Park, resulting in a more considered scheme that is able to provide a significantly improved pedestrian environment. Members should note that the submitted drawings for the Phase Two works are indicative, since that part of the hybrid application is for outline consent, however the proposal for three main residential typologies-flat blocks, suburban scale and Homezone houses-will be secured by suitable conditions so that the ethos of the proposal is delivered at reserved matters stage.

Higher elements of the proposal are now positioned in the south-east corner of the site, as opposed to the original tower located in the north-east corner. This nine storey block helps serve to define the corner of Grove Park and the Edgware Road, albeit a smaller element is provided immediately on the corner to overcome a rights of light issue with buildings opposite. The scale diminishes from this corner appropriately towards the residential elements of Airco close and the apartments across the street on Grove Park, and overall the scale is appropriate for the area, which has a varied context.

Along the frontage to the Edgware Road the development has been well modelled, rotating front elevations to give more individuality to the breaks in the frontage blocks. This faceting is common to both the residential blocks and the commercial elements, although it is more exaggerated on the commercial element.

The supermarket is of a scale, height and forms that result from its function, which is considered acceptable given the varied context of the area; the geometric articulation and diagrid façade gives the building interest and lifts it above the standard supermarket design, which your officers welcome. The borough Design officer is satisfied with the slight set forward of the supermarket, in large part because the building itself proposes interesting architecture and this will add interest in an otherwise inarticulate frontage. Combined with the part of the OFEF set on the corner of the supermarket, this element of the scheme has the potential to create a landmark along Edgware road that will add character to the area.

Your officers are satisfied that the scale, height and massing of the proposal is acceptable; of particular merit is that the proposal provides a more conventional residential environment-separating out the larger, warehouse-type commercial elements whilst maintaining an oft-seen typology of residential above commercial along part of the Edgware Road frontage-and the wide combined stair and ramp that marks the break between the two typologies and provides a welcoming access to the residential zones. Suitable conditions are proposed to ensure the outline residential elements closely follow the indicative massing proposals at reserved matters stage.

Design and materials

The applicant has submitted a 'Design Code' for the outline residential phase, which your officers would seek to condition so that it is closely followed when reserved matters are submitted. This is provided in order to give assurance that design quality will be preserved at reserved matters stage. It includes details of elevations including massing composition and more detailed information such as the manner in which balconies are to be treated.

The borough Design officer notes that the indicative elevations of the residential units promise a simple but refined brick based architecture; the elevations are regularly articulate and precise and will, in coordination with a high quality landscape scheme, make a comfortable and welcoming residential development. The Design officer goes on to note that the proposed choice of brick as the main material is the ideal material for a residential building in this location: it is tough and resilient and with the right choice of colours warm and welcoming. The choice of brick will be critical to the success of the scheme as a pleasant residential environment: a high quality brick will be essential and with such large areas it may be that more than one brick will help to break down scale.

Turning to the commercial element, the metallic glazing system is a critical element of the supermarket. The scheme has been well presented and there is a lot of three dimensional analysis, however the Design officer is concerned that the proposal is not watered-down once consent is given: in light of the importance of the quality of the detailing to a successful building overall, your officers recommend a condition be imposed requiring submission and approval of a selection of drawings showing the way in which materials are joined, showing window types and their configuration and their relative position within reveals.

Public realm

A high quality public realm-in terms of layout, design and materials-is an essential part of a successful urban development. It is particular importance at this site, as the Design officer notes, due to the poor contextual quality and the predominance of the car, which combine to make the public domain in this area extremely poor and in need of quality intervention.

Along the southern-part of the Edgware Road frontage a semi-public space would be created by setting the building line back; this would be defined by the retail frontage and entrances to the residential blocks. To the north the space narrows, but it would all be treated in the same manner: mostly hard landscaped with raised planters and seating which would provide interest and spaces for planting. Street trees would be provided along the edge of the Edgware Road and some smaller ones shown set back from that row. The precise details for this area, including materials, species type and number of plants, is secured by a suitable condition.

The combined stair and ramp has been mentioned above, leading into the more private space of the residential Homezones, although this would still be open to the public.

Along the Grove Park frontage the public realm intervention lessens, as is appropriate for a side street. The

applicant has committed to undertaking highway improvement works along this road, as discussed in section 9, below, and this would include re-laying the footpath within the site boundary to permit a widened road. This would frontage would have vents, covered with steel grating, to provide passive ventilation to the basement car park beneath the podium; between this grating and the front of the blocks would be planted hedges, in planting troughs. Only two entrances would be provided to the residential blocks; this is contrary to the objectives of the Mayor's Housing SPG (November 2012) which seeks to ensure all ground floor units have direct entrances from the street (Standard 3.1.1); however as this is harder to achieve along Grove Park due to the design for ventilation of the basement, your officers find this acceptable. Further, one of the vehicular accesses to the supermarket car park is taken from Grove Park and considerable attention will need to be paid to the entrance ramp and the buildings around and above the entrance to ensure the quality of the public realm is not diminished by this access.

There are two character areas within the residential zone: the Homezone Thoroughfare and the Homezone Cul-De-Sac & Lawn. Houses line either side of the Thoroughfare and these would have private entrances with small front gardens defined by hedging. Within the Thoroughfare itself would be raised planters, to provide seating and interest. The street would be paved with no kerbs. The intention is that this street be used only for service vehicles or emergency vehicles, and so subject to suitable traffic management the space would be available for informal play.

More suitable to informal play, as it would be a less-trafficked area (be it vehicular or pedestrian), would be the Cul-De-Sac and Lawn, accessed from the Thoroughfare. Within this area the front gardens to houses are much-reduced but an area of defensible space is still provided, with some hedge planting to the front. The hard surfacing would be designed to create a shared-surface and planters would again be provided. It is within this area that the majority of the on-site doorstep play, for under fives, would be provided and further details of this will be sought by condition.

Both 'Option 1', which provides access from Airco Close, and 'Option 2', which provides a new route to the site from Grove Park, would create a new high quality public realm. Whilst the preferred option is the proposal which opens up the site to Airco Close, both schemes will provide clear route through the site and public square which will create an attractive environment, for use of future residents and those accessing facilities such as the school. The success of Option 2 will be in part dependent on the boundary treatment that is secured along Airco Close. It is noted that the corner of Airco Close and Grove Park houses an electricity sub-station and the scope for public realm improvement works will be limited by this structure and any surrounding land under the utility company's control. It is however considered that an acceptable environment can be achieved despite these constraints.

5. IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the need for new development. On new developments such as this the main impacts on amenity to be considered are (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published Supplementary Planning Guidance No. 17 "Design Guide for New Development" (SPG17) which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly. Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards.

Overbearing impact, outlook, privacy

The scheme is of a lesser scale than that which has previously been considered acceptable; in light of this the impact on neighbouring occupants is considered acceptable. In terms of outlook and privacy the proposed residential units are sufficiently far from neighbouring residential units to meet the standards within SPG17 and thus your officers are satisfied that any impact will be within usually accepted tolerances.

Sunlight, daylight & overshadowing

The development generally accords with the standards within SPG17 in respect of sunlight, daylight and overshadowing: most neighbouring residents are located to the west of the site, opposite the lower scale part of the residential development.

Noise & disturbance

See Section 12, below.

6. HOUSING QUALITY

Since the application was submitted the Mayor's Housing SPG (November 2012) has been adopted.

Density

The scheme proposes a substantially smaller number of residential units than the extant scheme: in place of 520 units in the extant scheme the proposal is for 183 units (albeit this part of the proposal is in outline only). These fewer units are provided on only part of the site, a smaller area of only 1.0ha. It should be noted that Option 2 is likely to result in the loss of 1 unit to provide the vehicular access though full details would be for consideration at reserved matters stage.

Mix and tenure

(a) Mix

There is a particular need for larger family homes of three bedrooms or greater in the borough and, across the whole scheme, larger family homes comprise nearly 40% of the units. This complies with Core Strategy policy CP2 that states at least 25% of all new homes should be family sized accommodation of three bedrooms or more and meets the London Plan Housing Supplementary Planning Guidance that identifies a London-wide need to the year 2020 for 32% one bedroom, 38% two and three bedroom and 30% four bedroom housing. Table 1, below, shows the full indicative accommodation schedule and the number of bedrooms and habitable rooms across the site.

Unit type	Hab rooms	No. of Units	No. of Hab rooms	Unit type % of total	No. of Beds
1 bed, 2 person	3	58	174	31.7%	58
2 bed, 3 person	4	7	28	3.8%	14
2 bed, 4 person	4	46	184	25.1%	92
3 bed, 5 person	5	60	300	32.8%	180
4 bed, 7 person	6	12	72	6.6%	48
TOTALS		183	758	100%	392

Table 1: Indicative accommodation schedule

Your officers consider this generous provision of family homes to be a material consideration when weighing up the merits and harm of the proposal and this generous provision can be seen to offset some aspects of the residential scheme that might marginally fail the adopted guidance set out in SPG17, for instance where back-to-back relationships are tighter (c.18m) than the usual normally acceptable distance of 20m. As a result, your officers will seek to secure by condition this or a similar mix as part of the detailed reserved matters scheme.

(b) Tenure

The application makes no provision for affordable housing; London Plan policy 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes requires "the maximum reasonable amount of affordable housing should be sought when negotiating" on relevant schemes. The policy provides further detail on the factors Local Planning Authorities should consider when assessing applications, including the need to encourage rather than restrain residential development (LP policy 3.3) and the specific circumstances of individual sites. It goes on to say that negotiations on sites should consider, amongst other things, the development viability and the implications of phased development where this could allow a re-appraisal of the viability prior to implementation.

In accordance with adopted policy, the applicant has submitted a financial viability to support their application and this seeks to demonstrate that the scheme financial viability is such that no affordable housing can

reasonably be delivered as part of the Phase 2 residential development.

Your officers have assessed this document, which sets out the anticipated development costs and scheme revenue. Included in the development costs are the financial and other contributions which are set out in the section "Section 106 Details", above; such a contribution includes the provision of land for a new primary school and nursery, which limits the land available for housing in Phase 2 of the scheme.

The development appraisal uses a standard and accepted residual land value methodology and assesses the completed development values and costs against the land value of the site. Your officers have assessed the financial inputs and assumptions underpinning the appraisal, including residential sales values, commercial rents and yields, build and other costs, profit levels and the land value. Officers are broadly satisfied that these are reasonable when benchmarked against observed comparables; officers also accept that the negative impact on scheme viability of the delivery of part of the site for a primary school has been captured in the development appraisal.

Your officers are aware, however, that the GLA may have some reservations about the delivery of no affordable housing on a development of this quantum. It is considered appropriate to put in place provisions for re-appraising the viability of the scheme as set out in the Heads of Terms. Sensitivity testing of the appraisal demonstrates that relatively minor changes to some key variables, including residential sales values, have the potential to deliver surpluses that could be used to deliver affordable housing as part of the scheme or elsewhere in the borough. Whilst the applicant has raised concerns that this could hinder the ability to reach an agreement with the potential developer of the residential phase, such a mechanism is considered reasonable it allows for appropriate profit margins for the developer whilst ensuring key policy objectives have been fully considered. Your officers do not consider this to be in conflict with the NPPF which is clear LPAs must proactively drive and support sustainable economic development,

Internal arrangements

The application is for outline planning permission for the residential element of the scheme. Whilst indicative apartment/home layouts have been provided, this is to demonstrate that the quantum of development proposed can be accommodated within the development parameters set out rather than to finalise an apartment/home layout. Whilst all matters are reserved, parameter plans have been submitted to ensure the development is within the general arrangement agreed.

Lifetime Homes and London Housing Design Guide

Secure by conditions Lifetime Homes and London Housing Design Guide

Accessibility

The residential scheme is located to the south and west of the site with frontages onto Edgware Road, Grove Park and Airco Close. On Edgware Road frontage, the residential units are located above the retail units. The remainder of the residential development is to be built on a podium which generally follows the levels of Grove Park and Airco Close.

In terms of the heights of the development, the block onto Edgware Road ranges from four- to nine-storeys above podium level. Facing on Airco Close, the development ranges from three- to four-storeys. There is a centrally located terraced housing providing back-to-back accommodation which, whilst three-storeys in height, is proposed to read as two storeys from the HomeZone with the third floor set back. The proposal with a traditional street pattern is considered to provide an acceptable residential environment for future occupiers.

Privacy and outlook

In terms of the relationships within the site and privacy levels, the indicative plans submitted show that whilst the distances do not fully meet the distances set out in SPG17, the proposed residential accommodation will provide an acceptable level of amenity. The three-storey town houses centrally located in the residential part of the development provide 18m between facing rear elevations where main habitable rooms are proposed to be located. The fronts of these houses have been re-planned with a projecting bay containing non-habitable rooms (kitchens and bathrooms) which overlook the street. The single bedroom at the front of these houses is 15m away from the houses opposite, but it is now effectively recessed which will afford some privacy. The front-to-front distances within the development range from 13.5m to 15m which is considered acceptable; the front elevation of the housing to the northeast is staggered to provide dual aspect to the master bedroom.

Whilst there are 1m tolerances shown on the parameter plans, it would be expected that the development would be in general compliance with the indicative levels of amenity provided though this does give some flexibility in terms of the final design which will be agreed at reserved matters stage. The general design approach will be conditioned to ensure that the reserved matters accord with the 'Design Code' as set out within the Design and Access Statement.

Careful consideration will need to be given to the layout and access to Block E at reserved matters stage. The indicative plans are not considered to show an acceptable main entrance to this residential block or acceptable level of amenity for future occupiers, in particular due to the relationship of habitable rooms to the site boundary. Notwithstanding this, your officers are confident that an acceptable layout can be achieved within the defined parameters at reserved matters stage. 'Option 2' does impose further constraints due to the proximity to pathway which provides access from Grove Park. Matters such as the location of habitable rooms, access to bin stores and relationship of the building to this pathway will need to be fully addressed at reserved matters stage.

Sunlight and daylight

In terms of light and outlook, the internal relationships meet the 30 degree and 45 degree lines as set out in SPG17.

Amenity space

The proposed landscape is structured by a series of shared spaces, with the 'Homezone' through the centre of the site and 'Homezone Cul-Dec-Sac'. Both these elements would be provided in 'Option 1' and 'Option 2' though the arrangements would differ due to the different location of the servicing/emergency access.

It is the intention that the public realm is as 'child friendly' as possible through the provision of well located and design spaces. The proposal incorporates what are termed 'doorstep' and 'local' play areas within the designed landscape. The success of the public space will be dependent on the quality of the hard and soft landscaping. Information provided to support the application shows that careful consideration has been given to the design of this shared space. It should be noted that the use of vehicles will be limited as this area will be restricted to use for servicing (i.e. refuse vehicles) and emergency access.

In terms of amenity space standards, the information submitted confirms that all dwellings will meet private amenity space standards.

7. PARKING, ACCESS AND TRAFFIC IMPACT

The application is supported by a Transport Assessment prepared by WSP (Volumes 1 and 2, revised October 2012). The Site Specific Allocations document also provides some further detail on the scope of public realm improvements envisaged along the Edgware Road frontage, including a cycle path:

Proposal will be required to include cycle lane running north and south along the Edgware Road. (Site Specific Allocations: p48)

The scale of this proposal is such that it is likely to have a significant impact on the transport network in the area. Policy TRN1 of the adopted UDP therefore requires the production of a Transport Assessment to accompany the application which has been submitted. The transportation impacts have been reviewed by officers in Transportation and TfL. Subject to mitigation measures secured through the S.106 legal agreement and appropriate planning conditions, the transportation impacts are considered acceptable.

Site Layout

(a) Commercial

The Council's Parking Standards would permit up to 312 car parking spaces for the proposed supermarket, whilst the Oriental Centre would be permitted up to 208 spaces (treating the retail floorspace as a whole rather than breaking it down into individual units), giving a total allowance for the commercial floorspace of 520 spaces. The proposed provision of 399 spaces therefore accords with standards, with no charging proposed for the car park.

A total of 24 spaces are proposed to be wide bays marked for the use of disabled Blue Badge holders. This

equates to 6% of the total and is sufficient to satisfy standard PS15. Eight wide spaces are also marked for parent/child parking close to the store entrance, which is also welcomed and a taxi and public set-down/pick-up area has been identified. At least 10% of spaces should also be provided with electric vehicle charging points, with a further 10% provided with electricity supply to allow this to be increased in future if demand is high enough. This will be secured by condition.

It is confirmed that the car parking spaces and aisle widths are laid out in accordance with standard dimensions, whilst the headroom is generally sufficient (subject to details of the siting of any ceiling mounted plant or cables) to provide access for cars, including high top conversion vehicles for wheelchairs. Transportation request further details of lighting, CCTV provision, signing and lining to be provided to confirm that the car park will meet standards for crime reduction and safety. This will be secured as part of a Car Park Management Plan.

Consideration also needs to be given to the potential impact of any overspill parking from the development on traffic flow and road safety in the area and to ensure this can be regulated if necessary, a financial contribution will be sought towards waiting restrictions/ Controlled Parking Zones in the area.

Standard PS16 of the UDP requires at least one bicycle parking space per 125m² for food retail use and one space per 300m² for non-food retail use. Applying the former standard to the supermarket and the latter to the Oriental Centre gives a total requirement for 80 spaces. A total of 86 publicly accessible spaces are shown within the car park and along the site frontage, thus meeting requirements. Provision should be made within the retail units for lockers, changing and showering facilities for staff and further details will be secured by condition.

Standard PS18 of the UDP requires at least one full-size loading bay to be provided per 2,000m² for large retail units, giving a total requirement for 6-7 spaces for this development. The proposed shared service yard to the rear of the retail units is comfortably of sufficient size to accommodate this requirement, without vehicles having to obstruct the turning circle in the centre of the yard, whilst a proposed Servicing Management Plan is proposed to co-ordinate deliveries, including consolidation of deliveries and scheduling of deliveries outside peak hours. It is confirmed that the headroom is also more than adequate for the largest vehicles.

The proposed access/egress to the car park and service yard from Plaza Walk to the rear is acceptable principle, with tracking having been provided to show that full-size articulated lorries can negotiate the tight turn onto the service yard access ramp and the gradient of the service yard access ramp being acceptable (subject to the provision of vertical curves of at least 6m radius at either end). However, the access arrangements for the car park and service yard do result in a rather complex array of road junctions at the rear of the site that in turn makes pedestrian movement between the car park access and Airco Close and towards Asda/Capitol Way awkward. Minor alterations have therefore been made to provide a safer and more direct route for pedestrians between this site and Asda, as detailed on drawing 1360-SK-25/D. Transportation advise that the car park and service yard accesses should be laid out in accordance with this revised drawing.

The new access arrangements will make it more difficult for Asda delivery lorries to reverse into their service yard from this area. However, a swept path diagram has been submitted (drawing 1360-GA-27B) showing that articulated lorries will still be able to turn in this area; this would not be significantly different to previous arrangements when Oriental City was in operation.

Transportation advise that the car park access from Grove Park is also generally acceptable in design terms, with suitable width, gradient and kerb radii indicated. It is in approximately the same location as the existing access to the former Oriental City car park, so will only require minor kerb works.

To ensure that traffic only turns left out of the site, a revised drawing 1360-GA-21F has been submitted showing a central island in the bellmouth of the junction to force exiting traffic to turn to the left. This is to be supplemented by regulatory signage within the site and on the footway opposite prohibiting the right-turn from the egress. This is all welcomed in principle, helping to ensure that commercial traffic leaving the site to the south is not able to travel through the Grove Park residential area.

However, as it is not possible to site an island in Grove Park to physically enforce this (due to the need to retain access to units opposite), it is considered that funding for further measures should be set aside for use, should the island and signage prove to be insufficient to deter traffic from illegally turning right. These could include an enforcement camera and/or traffic management arrangements on Grove Park, with the latter

potentially including the closure of the road to the west of the site to through traffic (as suggested by some local residents) or the introduction of a one-way plugs in Grove Park and/or Evelyn Avenue.

Otherwise, improvements are proposed along the length of Grove Park fronting the site, including the widening of the footway opposite to 3m and the footway along the site frontage to 5m, with the carriageway also widened and straightened. Similarly, the building line along the Edgware Road frontage is kept set back by widths varying between 7m and 23m to provide a public square, which is welcomed. Any offer to pass all or part of this area over for adoption as public highway would be considered favourably.

(b) Residential

Car parking allowances for residential use are set out in standard PS14 of the adopted UDP 2004. As the site is not located within a Controlled Parking Zone and does not have very good access to public transport services, the full allowances apply. As such, up to 241 spaces would be permitted; the proposed provision of 183 spaces would therefore accord with standards.

Consideration also needs to be given to the impact of potential overspill parking from the residential units, but in this respect, the proposed level of parking provision at one space per flat is considered to be close enough to the maximum allowance to minimise concerns on this matter. The proposed provision of 15 wide disabled spaces for Blue Badge holders (8.2 % of the total) is considered appropriate and accords with standard PS15.

Standard PS16 requires at least one secure bicycle parking space per flat. At present, approximately 325 spaces are indicated within the residential car park, which is more than sufficient to meet standards for the flats.

Access to the car parking is proposed via an extension to the end of Airco Close on a tight 180 degree bend. The general width of this access is shown at approximately 4.8m, widening to about 6.3m around the curve at the end of Airco Close. Tracking has been provided to show that large cars would be able to pass one another at the sharp bend into the site.

Option 1 proposes access to the podium level for service and emergency vehicles from Airco Close at a point about 65m north of its junction with Grove Park, although the proposed junction arrangements have not been clearly set out at present. In principle, this would be acceptable, although it is noted that it will result in the loss of at least two on-street parking spaces in Airco Close.

Option 2, whereby vehicular access to the podium is instead taken from Grove Park at a point about 30m east of the supermarket car park access, is considered to be acceptable in principle although the tracked swept path of delivery lorries turning out of the site implies the need for a wide crossover; full details will be secured at reserved matters stage if this option is pursued.

In either case, vehicular access will need to be restricted to emergency and service vehicles only and suitable means of control (e.g. retractable bollards) will be required to preserve the integrity of the area as a pedestrian priority zone.

(c) School

The proposed school will adjoin Airco Close, with the main pedestrian entrance at the southern end of the building from the residential podium. In order to avoid traffic and parking congestion in Airco Close arising from staff and parents parking at school opening and closing times, a section of the retail car park comprising 39 spaces, with a stair/lift core up to the podium level, has been identified for use by the school which is welcomed.

A total of 35 bicycle parking spaces are proposed along the western side of the building, which more than satisfies standards. Servicing access for the school will be provided into its kitchen from the adjoining retail service yard which is considered acceptable.

Details of how these spaces will be managed will be required to make sure that they are available for school use when required, but are still subject to suitable restrictions to prevent them being used for inappropriate commuter/staff parking.

Concerns have been raised with regard to Option 1 in terms of the narrow footway margin along the eastern side of Airco Close. Transportation have requested that this is widened to at least 2m to facilitate safe

pedestrian access to the school for parents and children. This will be a requirement as part of the S.106 legal agreement.

Option 2 provides a pedestrian access from Grove Park along the western edge of the site. Transportation have requested that further consideration be given to ensure the proposed footpath is appropriately overlooked for safety reasons and further consideration is given to ensure the access would not result congestion. The proposed footpath at its narrowest point would be 2 metres wide and opening up to 3m as it approaches the main school entrance. Full details, including the relationship to the adjacent residential blocks, will be secured at reserved matters stage. The footpath emerges onto Grove Park immediately adjacent to the supermarket car park access; it is recommended that further thought be given to the width and alignment of this route as part of the approval of reserved matters for the later phases of this development to address safety concerns.

Traffic Impact

To assess the number of vehicular trips likely to be generated by this development, each of the various uses on the site were considered separately, with the total trips then aggregated. This approach is considered to be robust, as there are likely to be some linked trips to and from the development (such as school/retail) and some internal trips (such as residential/ retail and residential/school), which would reduce totals down slightly.

In the case of the food supermarket, future trip rate estimates were derived from surveys of the numbers of cars currently entering and leaving the adjoining Asda store car park (n.b. a comparison with another site on the London-wide database was made to ensure these flows were realistic). Recognising that most trips to a new supermarket are initially diverted from other nearby stores, the Retail Impact Assessment was then used to identify which local stores would see a fall in trade, with 47.5% of trade estimated to be diverted from the adjoining Asda store (i.e. journeys that are already on the adjoining road network).

Traffic flow estimates for the Oriental centre were based upon historical traffic data for the site when previously in operation, factored downwards in proportion to the reduced floor area now proposed.

Residential trips were estimated by comparison with data held for five similar residential developments in outer London, whilst school trip rates were based upon data held for a small primary school in Kensal Green (please note though this was not considered to provide a suitable comparison given its inner London location, but as the school does not have a significant impact on traffic flows during the evening and weekend peak period when the impact of this development as a whole is at its greatest, this issue is not critical). Nursery trips were based on comparisons with two sites in outer London and were considered acceptable.

Total estimated car trips to and from the site in the morning, evening and weekend peak periods for each use were therefore as follows:-

	Weekday am		Weekday pm		Saturday pm	
	Arrive	Depart	Arrive	Depart	Arrive	Depart
Supermarket	133	74	280	294	403	416
Oriental Centre	17	10	41	42	112	125
Residential	10	38	30	22	24	17
School	50	44	0	0	0	0
Nursery	4	2	2	1	0	0
TOTAL	214	168	353	359	539	558

Journey to work Census data was then used to identify the proportion of residential traffic likely to travel in each direction to and from the site, whilst the Retail Impact Assessment was used to identify the distribution of retail traffic.

Service vehicle movements were also considered, with these estimated to total 8-9 movements each way per hour.

These estimated flows were then added to existing surveyed flows on the surrounding road network undertaken in November 2011 and March 2012, plus predicted flows from other committed development in the area (notably Wickes on Capitol Way and the Colindale redevelopment area in Barnet), in order to provide future predicted traffic flows against which nearby road junctions could be tested alongside the existing operation of those junctions. The following sums up the outcomes of those junction assessments:-

(a) Edgware Road/Grove Park/Colindale Avenue

A model was developed for the A5 Edgware Road corridor as a whole, which has been agreed by TfL as accurately reflecting baseline conditions, with individual junctions along the corridor being examined in greater detail using individual models.

The Edgware Road/Colindale Avenue signalised junction was shown to currently operate with adequate practical reserve capacity during all three of the modelled periods (am peak, pm peak and Saturday lunchtime peak). The Grove Park/Edgware Road junction, which currently operates as a priority junction, was not tested.

Given the additional traffic that would be generated through the Grove Park junction as a result of this development, it is proposed to convert this junction to signal operation, as set out on drawing 1360-GA-21F. The junction operation has then been tested using under two future scenarios, whereby proposed works to improve the layout of the nearby junction of Edgware Road/Colindale Avenue are and are not implemented.

Under the scenario whereby the Colindale Avenue junction is not improved, modelling results show maximum degrees of saturation of over 90% through all of the modelled periods. As such, the junction would have negative practical reserve capacity, although it would not operate at above 100% degree of saturation.

If the Colindale Avenue junction works are undertaken (for which third party land has been secured), the maximum degree of saturation would fall below 90% for the morning and Saturday lunchtime peak hours, with the midweek afternoon peak hours having slightly negative (-1.5%) practical reserve capacity. This is considered acceptable to Brent Council's Transportation officers and to TfL.

However, the above results do show a need to ensure that the proposed junction improvement works are undertaken at Colindale Avenue, as proposed through Barnet Council's Colindale Area Action Plan. Otherwise, a Stage 1 Safety Audit has been undertaken for the proposed junction layout and other highway works which has raised ten issues, none of which are major enough not to be able to be dealt with through minor amendments to the scheme.

In conclusion, there are no transportation concerns in principle to the signalisation of the Grove Park/Edgware Road junction, subject to minor amendments to incorporate a staggered pedestrian crossing on the Grove Park arm of the junction (as discussed in more detail below) and a significant financial contribution towards the proposed junction improvement works at Edgware Road/Colindale Avenue.

(b) Edgware Road/Capitol Way

Aside from the model for the Edgware Road corridor, a separate model was developed for this junction. This showed the junction to currently operate with very high levels of practical reserve capacity throughout all of the modelled periods.

The junction was then re-tested with flows added from this development, plus other committed development in the area. This took into account proposals to widen the Capitol Way approach to the signals. The results showed that all arms of the junction would continue to operate at below 90% degree of saturation throughout all of the modelled periods and on this basis, the junction would continue to operate satisfactorily following this proposed development, without the need for any further mitigation measures.

It is noted that the developer's consultants had recommended the conversion of the existing zebra crossing on the Capitol Way approach to the junction to a pelican crossing to better regulate flow on the approach to the junction, but this is not considered to be necessary by Brent's Transportation officers at this time, given that the junction will continue to operate with spare capacity anyway.

(c) Grove Park/Stag Lane

Using appropriate modelling software, this existing priority junction was assessed as operating well within capacity during the morning, evening and weekend peak hours at the present time, with a maximum ratio of flow to capacity (rfc) of 0.678 based on existing surveyed flows (against a recommended maximum design figure of 0.85).

However, after adding traffic from this proposed development and the wider Colindale regeneration area to existing flows, the modelled rfc figures were pushed above the recommended maximum value of 0.85 during both the weekday afternoon and Saturday peak hours (although not above the ultimate threshold of 1.0).

Please note though that these results do assume that no traffic illegally turns right out of the supermarket car park, reinforcing the comments made above about the need to set aside funding for further measures should this problem arise in future.

There is very little scope to improve the operation of this junction, given the lack of space available for highway widening. In any case, to do so may prove counter-productive, if it simply increases the volume of peak-hour through traffic along Grove Park between Stag Lane and Edgware Road. No such mitigation measures are therefore proposed.

Nevertheless, it is important that local residents are reassured that vehicular access into and out of the area is not unduly hindered by this proposal. As such, the operation of the Evelyn Avenue/Hay Lane junction was also considered by Brent Council's officers. This showed the junction operating at less than 25% of its capacity at all times following the opening of this development, leaving plenty of scope for traffic to leave the Grove Park area via Evelyn Avenue and Hay Lane instead to travel southwest. This would in turn relieve the pressure on the Grove Park/Stag Lane junction and over time, traffic will be likely to find a natural balance if congestion at the Grove Park/Stag Lane junction becomes too severe.

On this basis, there are no overriding concerns over the junction modelling results for the Grove Park/Stag Lane junction.

(d) Capitol Way/Stag Lane

Using appropriate modelling software, this existing priority junction was assessed as operating well within capacity during the morning, evening and weekend peak hours at the present time, with a maximum ratio of flow to capacity (rfc) of 0.549 based on existing surveyed flows (against a recommended maximum design figure of 0.85).

However, after adding traffic from this proposed development and the approved Wickes development to existing flows, the modelled rfc figures were pushed above the recommended maximum value of 0.85 during the weekday afternoon peak hour and above the ultimate threshold of 1.0 during the Saturday afternoon peak hour for traffic trying to turn out of Capitol Way, leading to queues of up to 30 cars.

However, this difficulty was recognised at the time of the Wickes application and that consent was only granted subject to highway works being undertaken at this junction to convert it to a mini-roundabout to give equal priority to traffic on the Capitol Way arm to reduce queuing. Design drawings for these works have been approved and works are likely to commence in the coming year.

As such, flows through the junction were reassessed on the basis of a mini-roundabout arrangement. Whilst the results do still show some peak hour problems, with rfc values of above 0.85 (but not above 1) on the Stag Lane (southbound) approach in the morning and Saturday peak hours, the results show a vast improvement in the operation of the junction compared with a priority junction arrangement.

Given that this development will also generate less traffic through that junction than the extant consent for the earlier redevelopment of this site, this can be accepted.

Accident Analysis

Personal injury accident rates for the area surrounding the development were examined for the period January 2009-December 2011.

This identified 108 accidents resulting in 129 casualties in the wider area, of which 27 occurred along Edgware Road between Colindale Avenue and Capitol Way and a total of eight occurred along Capitol Way, Airco Close, Plaza Walk and Grove Park. This overall rate of accidents in the area is not considered to be out of the ordinary for this urban area, although pedestrian and cyclist accidents were slightly above average.

In the closer vicinity of the site, the majority of the recorded accidents occurred at the junctions of Edgware Road with Capitol Way and with Colindale Avenue, which did experience higher than average accident rates. Three accidents at the former junction involved traffic turning right into Capitol Way, due to the fact such vehicles need to cross two lanes of oncoming traffic, whilst six accidents at the latter involved rear-end shunts into traffic held up at the signals.

Four accidents in the vicinity of the site involved pedestrians (one serious injury) and four involved cyclists.

This is a notable decrease from the statistics at the time of the previous submission in 2006, when a large number of pedestrian accidents were observed in the vicinity of Annesley Avenue. This decrease is likely to be due to the closure of Oriental City though and could be expected to rise again with the opening of a supermarket on the site fronting Edgware Road, if suitable new crossing facilities are not provided. The provision of improved pedestrian crossing facilities on Edgware Road between Annesley Avenue and The Greenway is therefore a priority in terms of improving pedestrian access between the site and Colindale Underground station and suitable funding will need to be set aside for this.

Non-Car access

The Transport Assessment also considered trips by other modes of transport, with estimates of modal share made for each of the separate uses based upon data held for comparable sites across London (adjusted where necessary to suit the locational characteristics of this site, such as re-apportioning rail journeys, due to the absence of any nearby stations).

Pedestrians

Approximately 25% of future total journeys to and from the development are estimated to be primarily by foot, with the figures in the Transport Assessment suggesting that as many as 75% of school journeys would be by foot (although this figure is likely to have been skewed upwards in reality due to the inappropriate selection of a comparative school, as mentioned above).

This produces predicted total movements of 926 two-way pedestrian journeys in the morning peak hour (8-9am), 199 pedestrian journeys in the afternoon peak hour (5-6pm) and 301 pedestrian journeys in the Saturday afternoon peak hour. These figures exclude journeys by bus and rail, which will also be present on the adjoining road network as pedestrian journeys between the site and relevant bus stop/station.

Pedestrian footways around the site are generally of good quality and footway widening along the Grove Park and Edgware Road frontages is proposed, which is very much welcomed.

However, there is a clear need to improve pedestrian crossing facilities around the site, particularly on Edgware Road and Grove Park, which has not been fully addressed within the Transport Assessment.

In terms of Edgware Road, the need for improved pedestrian crossing facilities in the vicinity of Annesley Avenue/The Greenway was identified at the time of the previous planning submission for this site in 2006, due to a high pedestrian accident rate in the area (the nearest controlled crossings being at the Capitol Way and Colindale Avenue junctions, some distance to the north and south respectively). As noted above, this high accident rate is no longer apparent, no doubt in large part due to the closure of the Oriental City shopping centre and reduction in pedestrian activity around the site in recent years.

However, the predicted pedestrian trip rates above suggest that pedestrian movements in the area will rise significantly with this development, with the crossing of the Edgware Road to reach to southbound bus stop and Colindale Underground station beyond being key. This matter therefore needs further consideration and it is therefore recommended that a suitable sum be set aside from the S106 contribution towards improving pedestrian crossing facilities in this area, possibly by replacing the pedestrian refuge in front of the site with a formal pelican/toucan crossing.

The other key shortcoming adjacent to the site is Grove Park at its junction with Edgware Road, where only a poor quality refuge is located at present. As discussed above, this junction is proposed to be signalised to cater for additional traffic movements in and out of Grove Park from the development and as such, it is essential that suitable pedestrian crossing facilities are incorporated into the junction design to ensure disabled and partially-sighted pedestrians are also properly catered for (n.b. the proximity of existing crossing facilities at the Colindale Avenue junction means it is not considered essential to provide crossing facilities on Edgware Road at this location).

No pedestrian phase has been shown in the design of the junction at present and this is an unacceptable oversight on equality grounds which must be addressed. The arm currently has a wide bellmouth, so should be able to accommodate a larger central island without difficulty to allow a staggered pedestrian crossing to be installed in the road (n.b. the kerblines on the northern side of the junction may need to be retained as is to provide sufficient space). The crossing would then be able to operate "with-flow", which should have minimal impact on signal operation and junction capacity. The alternative would be to provide a straight-over crossing, but this would require all traffic to be held at red, which could have a catastrophic impact on junction capacity. It is therefore recommended that the S106 Agreement be carefully worded to ensure that the submitted

design is amended to incorporate a staggered pedestrian crossing on Grove Park.

It is also noted that the widening of Edgware Road at this junction to accommodate a right-turn lane on Edgware Road pinches the footway of Edgware Road down to 2m past an existing substation building in the southeastern corner of the site. This is far from ideal at a signalised junction, where pedestrian guardrailling is likely to narrow the width further. However, public (unadopted) space will be available across the new plaza area to the rear of the substation for pedestrians to use instead and on that basis, this shortcoming can be accepted as a compromise.

Another point is that the proposed layout of Grove Park retains a very wide carriageway with central hatching. The appearance and pedestrian environment along this length of street could be improved if much of this hatching were removed and replaced with a long central island on which trees could potentially be planted to create a boulevard appearance. The amount of scope for this depends on whether an additional access to the residential podium deck under Option 2 will be required.

The Transport Assessment has also recommended the upgrading of the existing zebra crossing on Capitol Way to a pelican crossing. This is not considered entirely necessary though and can be omitted.

Cyclists

Overall, about 1% of total trips to and from the development are predicted to be by bicycle, with the proportion for residential trips being 2% and for the school 4%. This leads to 49 two-way trips in the morning peak hour, six two-way trips in the evening peak hour and seven two-way trips in the Saturday peak.

The area to the southwest of the site is a 20mph traffic calmed zone, so provides a safe environment for cyclists through which an advisory route has been identified on TfL's cycling literature. This route then continues northwards along Edgware Road to The Greenway and to accommodate it in a safe manner, it is recommended that a marked cycleway be incorporated into the design of the widened pedestrian plaza area at the front of the site. This should then link in with any improved crossing facilities provided on Edgware Road near The Greenway, such as a toucan crossing.

Buses

Approximately one-eighth of trips to and from the site are predicted to be made by bus, giving 105 two-way trips in the morning peak hour, 248 trips in the evening peak hour and 389 trips in the Saturday lunchtime peak. Of these, almost half of the predicted retail journeys are assumed to be diverted from Asda to the new Morrison's store, which reduces the number of new trips on the network.

Bus journeys have then been distributed onto the network in accordance with the journey to work data used for the residential vehicular trip distribution, with passengers being assigned to appropriate bus routes.

This exercise suggests that the peak impact will be felt during the Saturday lunchtime peak, when an average of 4-5 additional passengers could be expected per bus, with the route experiencing the most additional demand being the 204 to Edgware and Wembley. The Transport Assessment concludes that the numbers of additional passengers per service are negligible, but this is dependent on the current available capacity of the affected services.

Underground

About 2.5% of journeys to and from the site are predicted to be made by rail and Underground, giving rise to 43 two-way journeys in the morning peak hour, 51 two-way journeys in the afternoon peak hour and 52 two-way journeys in the Saturday lunchtime peak. This amounts to only about one passenger per service on the Northern line through Colindale station, which is not considered to be significant enough to affect capacity. Transport for London would need to consider this more carefully though, with a view to allocating the Mayor's CIL funding if service or station improvements are required.

Travel Plans

Residential/Commercial

To help to minimise car use to and from the site, Travel Plans have been submitted for the various land uses.

The Travel Plan for the residential and commercial floorspace (Phases 1 and 2) proposes the appointment of

a Travel Plan Co-ordinator for the development as a whole to oversee the implementation and monitoring of the framework travel plan, into which the various units will feed. The food supermarket will develop a full travel plan of its own though.

The Travel Plan sets out a range of measures within an action plan to be introduced to help to minimise car usage, particularly through increasing car sharing and cycling, with the aim of meeting targets set based upon predicted modal split figures provided in the Transport Assessment. These will then be monitored over a period of five years using TRVAL compliant surveys.

The Travel Plan has been assessed using TfL's ATTrBuTE software and is of sufficient quality to score a PASS rating. As such, its implementation should be secured through the S106 Agreement for the development.

The school will be provided in Phase 3 of the development and a Travel Plan Addendum has been produced specifically covering this use too. This does not meet the standards required to score a PASS mark using the ATTrBuTE programme. Nevertheless, a separate clause in the S106 requiring a Travel Plan to be submitted and approved in advance of the occupation of the school will be sufficient.

Construction Management

A broad strategy for the construction works has been submitted, showing progress of the works through the estimated 40-month construction period. Demolition works are programmed to occupy months 1-4, construction of the retail floorspace occupying months 5-21 and construction of the residential development occupying months 22-40.

Construction traffic is proposed to use existing access points from either Plaza Walk or Grove Park to enter and exit the site, depending on the stage of the programme. The width restriction in place on Grove Park will ensure that construction traffic using this access can only enter and leave via Edgware Road.

8. LANDSCAPE & ECOLOGY

The proposed landscaping scheme has been well thought out in terms of response to each street elevation. The scale and character of the Edgware Road frontage is quite different to the more domestic scale where it extends to Airco Close.

- Street trees on Edgware Road frontage and smaller ornamental trees in the landscaped public realm;
- Varied height planters to provide visual and physical screen from Edgware Road;
- Raised planters with low planting to separate ramps to the podium;
- Use of native shrubs & flowering plants.
- Hedge planting to Grove Park to define defensible space;
- All private residential entrances along the residential thoroughfare will have defensible spaces to their front door defined by hedging plants;
- Mixture of paving sizes to indicate different zones/use.

The quality of the public realm is discussed in more detail in Section 4 above. Full details of materials and planting will be secured by condition in accordance with the design principles set out in the Design and Access Statement.

Ecology

A Phase 1 habitat survey and protected species risk assessment has been submitted with the application, prepared by The Ecology Consultancy. The surveys were carried out in January 2012 and accompanied by a desk top study.

The report summarises the findings of the survey. The site does not form part of any statutory or non-statutory designated nature conservation site and it is of limited ecological value at present, being dominated by buildings and associated hard standing. Some unmanaged vegetation exists around the site boundaries and some planting around the former entrance to the buildings. The survey finds that these habitats are locally common, of limited extent and are highly unlikely to support populations of species of value at the UK, regional or local level, a finding with which your officers concur.

The buildings and trees are not considered suitable for roosting bats and the planting around the former

entrance has a low potential to support commuting and/or foraging bats. This same planting has a medium potential to support breeding birds.

The site contains habitat suitable to support widespread reptile species such as slow worm however the site's characteristics are such that it has negligible potential to support reptiles.

The survey makes some recommendations to mitigate for the minimal ecological impact of the development, including: the inclusion of green roofs (advice for design and species composition of the proposed green roof should be sought from a suitable ecological company with experience of designing and installing green roofs in London); limits on lighting (including directional lighting with a maximum output of 2000 lumens); vegetation clearance is to be carried out outside of the main bird nesting season (March to August inclusive); any new planting schemes to comprise native plant species and/or those that are of known wildlife value that will attract insects and birds and provide a potential food source for bats throughout the bat activity period (spring to autumn). These matters can be secured by condition.

9 SUSTAINABILITY AND ENERGY

The application is supported by an Energy Statement, prepared by AECOM (revised October 2012) and a Sustainability Statement also prepared by AECOM (July 2012).

Achieving sustainable development is essential to climate change mitigation and adaptation. The most recent relevant policy framework includes Brent's adopted Core Strategy 2010 policy CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures and the GLA's London Plan 2011 policies within Chapter Five London's Response to Climate Change.

Sustainability

In support of the proposal's objective of satisfying Core Strategy policy CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures, a BREEAM Preliminary Assessment has been submitted predicting the development would achieve the following:

Code for Sustainable Homes – A strategy for meeting CSH Level 4 (68.79 points) has been presented;

Comments on the strategy carried out by a consultant on behalf of Brent advises that the strategy presented appears sound, but as noted in the report achieving the CSH rating in practice will be “dependent on the provision of satisfactory evidence for each credit and a post-construction review by the design and construction teams”. To this end, it may be advisable to earmark certain “buffer” credits at this stage or the design stage in case any of the credits currently proposed prove unattainable on the ground.

BREEAM - A strategy for meeting BREEAM “Very Good” in the supermarket and retail units has been presented.

Brent Council's Policy CP19 requires a BREEAM Excellent rating to be achieved. The percentage scores in the submitted pre-assessments lie approximately midway between the minimum scores for BREEAM Very Good and Excellent, and between 6 and 10 additional percentage points will need to be sought.

Possible areas that could be targeted include:

- Reduction of CO₂ emissions (Issue Ene01) – this would tie in with the comment above investigating increasing the number of PV panels.
- Low and Zero Carbon technologies (Issue Ene04) – this would tie in with the comment above investigating increasing the number of PV panels.
- Reducing water consumption (Issue Wat01)

The applicant has provided further information to suggest that during the fit out stage of the supermarket additional points can be scored. They are confident BREEAM Excellent can be achieved and this will be secured through the Section 106 agreement, with post completion review.

In respect of Brent's sustainability policies, the proposal is considered acceptable.

Energy

The scheme includes measures to minimise the impact of this proposal on, and mitigate for the effects of,

climate change as required by London Plan 2011.

The energy strategy presents two options and seeks approval for both: (a) Solar photovoltaics (PV) and air source heat pumps (ASHP) using waste heat from the superstore's refrigeration plant; and (b) Combined heat and power (CHP) system.

A site-wide district heating system is proposed to serve both domestic and non-domestic elements of the scheme. This infrastructure would be used regardless of whether Option (a) or Option (b) is pursued.

The baseline CO2 emissions (tonnes CO2 per annum) for the development are 1,230.

The Morrison's superstore will emit a significant amount of heat from its refrigeration system, in excess of the superstore's demand for heat and hot water.

London Plan policy 5.2 Minimising carbon dioxide emissions part (a) sets out the energy hierarchy: (i) be lean: use less energy; (ii) be clean: supply energy efficiently; (iii) be green: use renewable energy.

- (i) Lean measures
- (ii) Clean measures

There are no nearby proposals for district heat and power networks, however the heating system will be designed so that the central heating plant can be replaced by a plate heat exchange to connect to any district network should one come forward in the future. This approach is supported by your officers.

The feasibility of combined heat and power (CHP) has been assessed and the applicant has demonstrated that this whilst this offers a robust solution, it does not make use of the waste heat generated through the operations of the development and is therefore considered less sustainable due to its higher reliance on imported energy sources.

- (iii) Green measures

Option 1 is for solar photovoltaics (PV) and air source heat pumps (ASHP).

The scheme would include 400sqm of PV panels on the rooftops of the residential element, which would offset 23 tonnes of CO2/yr (a 4.8% saving on Part L emissions). The ASHP would use waste heat from the refrigeration system of the Morrison's supermarket

The ASHPs are considered an acceptable solution, providing for heating and hot water demand; using a combination of energy demand reduction, waste heat and PV, an overall 25% improvement over the Building Regulations 2010 could be achieved.

Summary

Your officers are satisfied that the proposals are in accordance with London Plan policy 5.3 Sustainable Design & Construction, incorporating sustainable design principles in the following ways:

Your officers are satisfied that the development is acceptable in respect of the sustainability matters in London Plan 2011.

10. ENVIRONMENTAL IMPACT ASSESSMENT

The application is 'EIA development' within Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as the site area exceeds 0.5 hectares. The Secretary of State has considered the impacts of the proposal on the environment and has directed that the planning application must be accompanied by an Environmental Statement. In reaching this decision the Secretary of State has noted that the following are potential environmental impacts:

- Noise: for duration of the demolition and construction works including noise from on-site crushing of demolition waste
- Air quality and dust: for duration of demolition and construction works, onsite crushing of building waste and traffic generation are likely to affect NO2 levels and to affect air quality and dust levels.
- Socio-economic: the size of the development would have a significant effect in the movement of vehicles and people

- Transport and congestion: the size of the development and its location on the A5 and in a built-up area would result in a significant number of vehicle trips with impact on congestion

For the avoidance of doubt, the scope of the ES excludes the following topics, having been identified as 'non-significant' by the Secretary of State on the basis they are unlikely to generate any direct significant environmental impacts or to adversely affect the integrity of the local environment:

- Water Resources and Flood Risk
- Ground Conditions and Contamination
- Waste
- Ecology
- Landscape and Visual
- Archaeology and Built Heritage
- Microclimate

The applicant has provided an Environmental Statement (Environmental Statement - Volume 1, July 2012, Environmental Statement Addendum - Volume 1, October 2012, Environmental Statement- Volume 2 Technical Appendices, July 2012, Environmental Statement Addendum - Volume 2 Technical Appendices, October 2012, and Environmental Statement - Non Technical Summary, Revised October 2012, all by Quod)

Noise and vibration

This is addressed in Chapter 9 of the Environmental Statement (Volume 1).

There are two components to the concerns about noise: (1) the impact of noise generated by the development on neighbouring residents; and (2) the impact of external noise sources on the future occupants of the development. In turn this first component can be broken down into (1a) demolition and construction effects; and (1b) operation effects.

Baseline noise monitoring was undertaken at six monitoring locations in and around the vicinity of the site to establish existing background noise levels; the scope of this baseline monitoring was agreed in consultation with the borough Environmental Health officers in advance.

(a) Demolition and construction impact

This aspect is concerned with the effects of noise and vibration from typical plant and activities associated with the demolition and construction phase on existing Noise Sensitive Receptors (NSRs).

The applicant has undertaken an assessment of construction-related noise and vibration impacts based on the indicative construction information available; consideration has also been given to the impact of road traffic noise associated with the demolition and construction phases.

Predictions made by the applicant indicate that without any specific mitigation, noise from plant and activities associated with the demolition and construction phase may have a significant minor to substantial adverse effect on existing and proposed NSRs within the order of 70m from the worksite. The level of significance is considered to be negligible to substantial adverse; with significant effects only likely to be temporary, occurring during the most intense periods of construction; however, with the appropriate mitigation measures, impacts are not expected to be significant, with the exception of those impacts during the most intense periods of construction.

The applicant proposes to submit to the borough a Construction Environmental Management Plan (CEMP) for approval, to ensure demolition and construction works follow Best Practicable Means (BPM) of Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration effects. The CEMP can be secured and monitored by a clause within a suitably worded condition. Suggested mitigation measures to be incorporated in the CEMP include:

- Management: Appointment of a Construction Liaison Officer to take primary responsibility for day-to-day contact on environmental matters for the borough, other external bodies and the general public.
- Working Hours: Standard construction hours (e.g. Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 hours, with no working on Sundays or Bank Holidays), subject to consultation with the borough.
- Access Routes: Routing construction traffic away from NSRs.
- Equipment: The use of quieter alternative methods, plant and/or equipment, where reasonably

- practicable.
- Screening: The use of site hoardings, enclosures, portable screens and/or screening noisier items of plant from NSRs, where reasonably practicable.
- Location: Positioning plant, equipment, site offices, storage areas and worksites away from NSRs, where reasonably practicable.
- Maintenance: Maintaining and operating all vehicles, plant and equipment in an appropriate manner, to ensure that extraneous noise from mechanical vibration, creaking and squeaking is kept to a minimum.
- Piling: Ensuring that piling is undertaken using most appropriate technique, with minimal noise and vibration generation in mind. The piling method will be agreed in conjunction with the LBB, prior to work commencing.
- BS 5228-1 indicates that between 10 and 20dB attenuation may be achieved during the construction phase by selecting the most appropriate plant and equipment and enclosing and/or screening noisier items of plant or equipment.

(b) Operational impact

This aspect is concerned with the effects of noise and vibration from activities associated with the operation of the Development on existing and proposed NSRs, including, changes in traffic flow characteristics on the local road network; mechanical plant; delivery vehicles and car parks. The Environmental Statement considers the likely impact of those activities and where it is considered that the impact would be significant, proposes a number of mitigation measures, including for mechanical plant its specification, location and maintenance:

- Specification: All mechanical plant to be specified and operated in such a manner as to ensure that there is a 'positive indication that complaints are unlikely' in accordance with BS 4142 (e.g. plant noise levels will be designed to be at least 10 dB below the typical background noise level (LA90) during the time of plant operation at 1 m from the nearest on and off-site NSR).
- Location: Mechanical plant should be located away from on and off site NSRs and amenity areas, where reasonably practical.
- Maintenance: Regular maintenance should be undertaken on all mechanical plant to ensure that the units are operating efficiently and do not generate undue noise.

The borough Environmental Health officer has assessed this aspect of the Environmental Statement and is satisfied with the conclusions. The borough Environmental Health officer recommends a condition for the assessment of noise associated with any installed mechanical plant be imposed to ensure the mitigation measures are provided if necessary.

(c) Future occupants, suitability for school

The proposal has been assessed in accordance with Planning Policy Guidance 24 Planning and Noise, despite its revocation by the NPPF in March of last year. The PPG 24 assessment was requested by the borough Environmental Health officer to assist in the decision making process.

Internal noise levels in habitable rooms and noise levels to external living spaces have been assessed with reference to British Standard 8233 Sound insulation and noise reduction for buildings - Code of practice (BS 8233).

Based on the noise survey, during the daytime period the category A/B boundary would be located approximately 185m from Edgware Road and the B/C boundary would be located approximately 30m from Edgware Road; none of the Site would fall into category D.

During the night-time period the category B/C boundary would be located approximately 50m from Edgware Road and the C/D boundary would be located approximately 3m from Edgware Road; none of the Site would fall into category D.

Where balconies are proposed on façades overlooking Edgware Road and Grove Park the noise levels are expected to exceed 55 dB LAeq during the daytime period. Your officers share the Mayor's concerns about the impact on residents of anticipated noise levels experienced on balconies along the Edgware Road and a condition is proposed that would secure the use of 'winter gardens' on relevant façades.

The residential properties will be located next to a heavily trafficked road and the potential for noise nuisance exists. The residential units of concern are those located overlooking the Edgware Road and, to a lesser extent, Grove Park: those facing the Edgware Road would be located from the first floor and above and be

set back approximately 18m from Edgware Road (at the nearest point), where predictions indicate that the site falls into category C. Proposed mitigation measures to achieve 'good' internal noise levels with reference to BS 8233 include double glazed and closed windows with an attenuated means of ventilation. Similarly the school should be fitted with appropriate glazing systems. The properties should be insulated to a standard that will minimise the potential for noise nuisance and a suitable condition is attached. Your officers have also considered the concerns raised by the Mayor in the Stage 1 report and a condition requiring the use of 'winter gardens' (enclosed balconies) where those balconies face high noise locations is also recommended, as part of the reserved matters for Phase 2.

(d) Summary of noise and vibration

The borough Environmental Health officer has considered the noise impact of the proposal and is satisfied that, subject to suitable conditions, the works would not result in unacceptable levels of noise nuisance to either nearby residents or future occupants.

Air quality

The site lies within an area designated by the borough as an Air Quality Management Area (AQMA); in this location this designation is due to high levels of nitrogen dioxide (NO₂) and particulate matter (PM₁₀). In support of the application an Air Quality Assessment (AQA) has been undertaken and it is included in the Environmental Statement. The objectives of the AQA are to consider:

- the effects of construction (an evaluation of the effects from fugitive dust and traffic emissions associated with construction activities and a recommendation of appropriate mitigation measures);
- the effects of the operation of the development (potential air quality effects resulting from emissions from energy centre, the proposed car park and changes in traffic flow characteristics on the local road network due to the operation of the development); and
- the suitability of the site for its proposed uses with respect to air quality.

The Environmental Statement also sets out the relevant European policy directives on air quality-with the objectives of protecting human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollutants-and relevant planning policies including the NPPF (specifically the section titled Conserving and Enhancing the Natural Environment, CLG, 2012) and London Plan policy 7.14 Improving Air Quality and the Mayor's Air Quality Strategy (MAQS).

The MAQS includes some suggested measures to mitigate the impact of new development on London's air quality, including recommendations for reducing emissions from transport, from construction and demolition and from energy efficiencies.

Also of relevance is the Air Quality Strategy (AQS) (DEFRA, revised 2007) setting out policies for the management of ambient air quality, set on the basis of scientific and medical evidence on the health effects of each pollutant, and according to practicability of meeting standards, including the setting of air quality objectives for pollutants including NO₂ and particulates. These are of relevance as a benchmark when assessing the predicted level of those pollutants as a result of this development.

The AQA notes that during the construction phase of the development, the major influences on air quality are likely to be dust-generating activities. During the lifetime of the development the major influences are considered to be pollutants associated with road traffic emissions and local air quality. The gas-fired boilers which form part of the energy centre will also contribute to NO₂ concentrations. The AQA has also considered the cumulative impacts of demolition and construction and completed development in the area.

Demolition and construction impact

During construction, emissions of NO_x, particles and other combustion-related pollutants will be generated by construction traffic and on-site plant. The AQA states that, based on the assumptions regarding vehicle movements therein and assuming standard levels of maintenance, "emissions from construction-related vehicles on the local road network are expected to be negligible in terms of the effect on local air quality".

The impact of construction dust is also considered, and the AQA describes in greater detail the characteristics of dust and the manner in which the size of dust particles influences the affect it has on air quality (smaller particle sizes) and on nuisance (larger particle sizes). Due to the variables involved, the Institute of Air Quality Management (IAQM) document Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance (2011, amended 2012) advises a

risk-based assessment and this approach has been adopted by the applicant.

In light of the characteristics of the surrounding area, being generally suburban with ambient PM10 concentration below 36 µg.m⁻³ and a low population density within 20 m of the site (and a number of retail and light industrial units in the immediate vicinity of the site), the AQA concludes that the significance of effects from demolition and construction is deemed negligible.

A number of mitigation measures are proposed for this phase of the works, including:

- Site Planning: Erect solid barriers to site boundary; no bonfires; machinery and dust causing activities located away from sensitive receptors; training and management; hard surface site haul routes.
- Construction Traffic: vehicles to switch off engines; vehicle cleaning and specific fixed wheel washing on leaving site and damping down of haul routes; all loads entering and leaving site to be covered; ensure no site runoff of water or mud; all non-road mobile machinery to be fitted with appropriate exhaust after-treatment; on-road vehicles to comply with the requirements of a possible future LEZ as a minimum; minimise movement of construction traffic around site.
- Demolition: use water as dust suppressant; use enclosed chutes and covered skips; and wrap buildings to be demolished.
- Site Activities: minimise dust generating activities; use water as dust suppressant where applicable; enclose stockpiles or keep them securely sheeted; if applicable, ensure concrete crusher or concrete batcher has a permit to operate

This will be secured by a suitable condition.

Operational impact

The AQA includes predictions for pollutants at the façades of existing receptors.

Predicted annual-mean NO₂ concentrations in the opening year at the façades of the existing receptors are below the AQS objective for NO₂, except at Receptor 1. Predicted annual-mean PM₁₀ concentrations in the opening year at the façades of the existing receptors are well below the AQS objective for PM₁₀.

Mitigation measures can include the provision of residential/customer parking spaces set aside for car clubs or low emission vehicles and low emission infrastructure, such as electric charging bays and low NO_x boilers.

Suitability of site

The AQA modelling indicates that the predicted NO₂ and particulate concentrations at existing receptors are below the relevant objectives at the façades of existing receptors, except for annual-mean NO₂ at one existing receptor (Receptor 1) where it is predicted to be exceeded by a small margin. The AQA concludes that the overall significance of effects is considered to be 'negligible' and on that basis, the site is deemed suitable for its proposed future use in the context of air quality. The borough Environmental Health officer agrees with this finding.

Summary of air quality

According to the submitted Environmental Statement, the Air Quality Assessment shows that the development will have a negligible impact on air quality, taking into consideration the site specific impacts, cumulative impacts and residual impacts.

The borough Environmental Health officer has assessed these documents and finds the conclusions acceptable, however officers note that an additional air quality assessment would be required should a CHP be built on site. This requirement can be addressed satisfactorily with a condition; officers also recommend a condition to ensure that measures are in place to mitigate the impact of construction and demolition on air quality.

Socio-economic

The Environmental Statement includes an assessment of the potential impact and likely significant socio-economic effects of the proposal arising from the demolition and construction works and the operation of the site once it has been completed.

The assessment considers the national, regional and local planning policy framework relevant to

socio-economic development. The recently adopted (March 2012) NPPF provides the most up-to-date and therefore relevant policy guidance, with 12 core principles which include the need to: proactively support economic development (homes, businesses, infrastructure, local places); secure high quality design and a good standard of amenity; promote mixed use developments; and support local strategies to improve health, social and cultural wellbeing.

The London Plan 2011 and Brent Core Strategy 2010, though both pre-dated the NPPF, both broadly align with the above principles. The Core Strategy sets out the spatial vision for Brent and a number of strategic objectives, which include: promotion of economic performance and regeneration; meeting employment needs and aid the regeneration of industry and business; meeting social infrastructure needs by providing community facilities to meet the needs of the borough's diverse community; achieving housing growth and meet housing needs by promoting development that is mixed in use and tenure; protection and enhancement of the borough's environment; and promotion of healthy living and creation of a safe and secure environment.

The methodology of the socio-economic impact assessment is to first establish baseline conditions using existing research and survey information (including amongst others census data, population survey data and school, health and sports data). The potential social and economic effects impact of the development have then been assessment against the current baseline conditions.

The assessment of the socio-economic effects uses a number of methodologies, data sources and assumptions, including:

- Population increase: Calculation and analysis of the population yield arising from the Development has been modelled on the basis of CORE Letting data in London and from the Census 2001 Moving Groups. Calculation of the school age child yield arising from the Development has been modelled based on GLA's methodology for assessing the child yield from new developments
- Employment: benefits from construction and the operation of the development, calculated by applying standard ratios of construction employment and standard job density ratios respectively
- Social infrastructure: an assessment of the current capacity in schools surrounding the site, using data from the Annual Schools Census data (2011); the capacity of existing primary healthcare facilities in the area has been assessed using National Health Services (NDS) data. Demand for open space and playspace has been assessed based on the child yield and proposed on-site provision
- Expenditure: Spending estimates by residents has been calculated using average national household expenditure on goods and local services of £280 per week; spending on food and drink by those working on-site during the operational stage of the development has been calculated at £6 per day per workers

The assessment of socio-economic impacts considers the following effects of the development:

(a) Demolition and construction

The demolition and construction works would be expected to generate 610 person years of temporary employment, which equates to around 61 FTE jobs. A proportion of these forecast job would be on the site (the ES suggests typically around half), with the rest being created elsewhere in the construction supply chain; however, due to the fact on-site employment is relatively mobile, the benefit for the region, let alone the local area, would be negligible.

(b) Housing

The proposal would help to contribute to meeting the GLA and borough housing targets (1,065 new homes/annum for Brent as a whole and 2,500 new homes by 2026 for the Burnt Oak/ Colindale Growth Area) by adding approximately 183 new residential units to the existing housing stock, albeit this is less than the amount of housing anticipated in the Site Specific Allocations document (c.1000 for this site and the Asda site combined) and less than the extant scheme (520).

(c) Population

As the ES points out, due to the outline nature of the residential phase of the hybrid application, the precise housing mix has yet to be determined-albeit officers have elsewhere proposed a condition which would secure a broadly similar mix to the indicative mix-however the assessment has assumed the submitted mix would be maintained at reserved matters stage and notes that the new residential population would be in the region of 330 people. This would potentially create demand for additional social infrastructure, particularly healthcare and education.

(d) Education

The estimated child yield for the proposal would result in a demand for approximately 16 primary school places and 4 secondary school places. Local primary schools within 1km of the Site are currently at or close to capacity. Whilst the ES concludes that the demand for primary school places as a direct result of the proposal is minimal and in itself is of minor significance at the local level, the applicant has amended the proposal since the ES was produced to incorporate land for a new 2FE primary school and nursery. In respect of secondary school places, the conclusion is the likely effect of the proposal would be negligible, given the small number of pupil places generated by the development, the fact the effect would be felt over a larger area and existing capacity within secondary schools.

Your officers should point out that, whilst the child yield from this proposal appears low for a 183-unit scheme with a high proportion of family units, the low level of anticipated child yield is due to the fact there are no affordable homes proposed.

(e) Healthcare

The ES sets out the existing situation with local GPs: there are seven local GP surgeries with an average list size of 1,700 patients per GP, suggesting some capacity in the local area (1km from the site). The ES concludes that the demand for additional GP services from the new population would be negligible, equating to the equivalent of a fifth of a GP. This is consistent with the planned need for three GPs to meet the estimated population for the whole Burnt Oak/Colindale Growth Area (Core Strategy policy CP11).

(f) Employment

The Morrison's foodstore and the re-provision of OFEF will accommodate jobs in the area: according to the relevant section in the ES, based on standard floorspace per job ratio and the nature of the development (longer opening hours, shift working), approximately 868 full-time equivalent jobs would be created, including those created in by primary school and nursery.

The ES concludes that that development would be of major long-term benefit for the local area; however your officers are conscious that any employment figures should be considered in the context of the numbers the site could employ if brought back into use. Despite this, your officers are satisfied that this development has the potential to delivery significant regenerative benefits to the local area (including in Barnet, due to the site's location) in respect of employment opportunities.

(g) Additional Spending

The ES has also considered the impact of new housing and new jobs on additional spending in the local area. It estimates that, based on an average weekly household spending on local goods and services of £240, the 183 residential units would generate approximately £2.3 million annually in household spending whilst the 868 employees could generate in the region of £1 million annually. It should be noted though that not all of this would be spent in the local area.

(h) Crime

At present the site vacant and redevelopment would bring activity and surveillance from residents, employees and visitors/customers. Grove Park would benefit from residential units overlooking the street; similarly bringing activity to the frontage along the Edgware Road would also improve surveillance. Your officers are satisfied that the proposed development has the potential to have a beneficial impact on crime in the local area.

The proposal includes CCTV throughout the residential areas and around the food store and the employment of Secure by design principles; should Members consider this aspect of the development to be of particular importance, these matters can be secured by relevant conditions.

(i) Open Space and Recreation

As existing, the site does not include any public open space. The scheme includes proposals for a landscaped public realm along the Edgware Road frontage, of far greater extent than that which existed before Oriental City closed. The scheme also includes a Homezone thoroughfare and Homezone cul-de-sac, to include areas of soft landscaping, private front gardens, communal recreation areas and playspace.

The ES sets out the likely child yield from this site, based on the GLAs figures in the Mayors SPG for play space; this is reproduced in Table 2, below:

Age profile	No. of children	Area required
Under 5 yrs	23	230sqm
5-11 yrs	12	120sqm
12 yrs and over	5	50sqm
TOTAL	40	400sqm

Table 2: Child yield and place space

The scheme proposes to provide play space for children under five years on-site-the Homezone cul-de-sac and lawn area is estimated to provide 1,002sqm of playable hard and soft landscaping focussed on doorstep play only-and to rely on existing off-site facilities in Grove Park (Brent) and Montrose Playing Fields (Barnet) for older children (5-11 yrs). Children over 12 can use those aforementioned facilities within 400m of the site and also others up to 800m away, including Colindale Park and Silkstream Park (both Barnet).

Your officers are satisfied with the proposal, subject to further details of the doorstep play arrangements being secured by condition and a financial contribution towards improvements/expansion to local play facilities to accommodate the additional child population.

(j) Mitigation measures

The impacts discussed above are largely beneficial and therefore do not require mitigation or the impacts have been addressed within the proposal itself; however increased pressure on local infrastructure will require mitigation in the form of either direct provision or financial contribution. Your officers have set out the obligations the applicant is expected to enter into as part of a section 106 legal agreement in the relevant section above. In summary, your officers will seek a financial contribution to reflect the impact of the development on open space, sport and healthcare.

In addition to these contributions, your officers consider it suitable to secure some of the potential benefits for the local community by seeking to agree with the applicant a scheme of local training initiatives such that local residents are given the opportunity to gain training and employment on both the construction of the project and within the retail element once completed.

(k) Cumulative and residual impacts

A number of developments in the local area are either under construction or benefit from planning permission; the ES has considered the cumulative impact of these developments and the residual impact of this development and concludes that any negative impacts would be negligible and can be addressed within the mitigation measures discussed above. Your officers are satisfied with this analysis and do not view the cumulative or residual socio-economic impact of the development to be a reason for refusal.

(l) Transport and congestion

Consideration has been given to the transportation impacts of scheme, in particular the impacts following completion of the development on the local road network. The potential impacts of the development during the operation phase were identified as being most significant. Subject to the details of works to be secured in the Section 106 agreement and planning conditions (discussed in full in the Transportation section of the report), your officers are satisfied that the impacts will be within acceptable limits.

11. RESPONSE TO GLA STAGE 1 REFERRAL

The Mayor is broadly supportive of the proposal, subject to resolution of the acceptability of the supermarket. Other matters were raised in his Stage 1 response, the comments are summarised below, with a response from the applicant and a response from your officers where appropriate.

Primary School and Nursery

As discussed above in section 5, the Mayor welcomes this provision.

Housing Mix

The Mayor is satisfied with the proposed mix of units given the reduced density, current market conditions and the inclusion of the school; the mix includes 40% larger three-four bed units, which is a welcome improvement on the previous mix on the extant consent and should be secured within the s.106 agreement and not be approved through reserved matters.

The applicant opposes the suggestion the mix be secured through a s.106 agreement, as this is contrary to government guidance that planning conditions be used as a means to control a planning permission, rather than a legal agreement, where it is possible and appropriate to do so. Your officers agree that it is more appropriate to control this aspect of the development via a condition. The applicants proposed a split of maximum/minimum proportions of 40% one-bed units, 40% two-bed and 20% three-/four-bed. Your officers have proposed a more generous provision of family units, as discussed above in Section 8.

Affordable Housing

The application contains no affordable housing; the absence of any affordable housing provision may be acceptable subject to Brent verifying through independent evaluation the findings of the applicant's viability assessment.

Your officers accept that the submitted financial appraisal demonstrates no affordable housing can be provided; this is discussed further in Section 8.

Play Space Provision

The Mayor finds the approach to the provision of playspace to be generally acceptable, but the applicant should engage with Brent on potential contributions to improving local play facilities.

The applicant argues that there is no need to offset any impact through financial contributions as the GLA accepts the approach to child yield and play space provision; your officers disagree as the play strategy relies on the use of off-site facilities for all bar the under-fives. It is appropriate that a financial contribution be made to mitigate for the additional impact of the development on those facilities.

Urban Design

In general the Mayor welcomes the proposals, though a concern was raised about the treatment of the ground floor façade between the two store entrances, and suggests that a design solution, such as public art screens, be used to enhance the appearance of the gap. The applicant is willing to accept a condition requiring further design details to be submitted in respect of the ground floor facade.

The Mayor also has some concerns about the provision of open balconies to some of the apartment blocks where these might be affected by noise disturbance from the Edgware Road, and suggests that 'winter gardens' be considered to improve the acoustic quality of the apartments. Instead, the applicant seeks a condition to control noise impact, rather than introducing winter gardens.

At the pre-application stage the apartment blocks were said to have roof top terraces, which are no longer evident. This should be resolved and secured by condition if terraces are to be provided.

The applicant agrees to secure design quality by various conditions; your officers concur and will word suitable conditions to ensure the objectives of the design code are met at the reserved matters stage.

Access

The Mayor requires action or further information on a number of issues relating to accessibility and inclusivity, including the external access arrangements, levels and landscaping details and confirmation on the future proofing of the retail car park.

In particular a number of concerns about the combined ramp and steps are raised, including the length of the ramp (which may make it too tiring for some users) the lack of detail regarding the design features (handrails, tactile paving), conflicts between user groups (especially congestion at the ramp landings) and the use of a tapering step to the bottom of the lowest ramp stage. The Mayor also points out that Building Regulations (Part M) state that if a series of ramp flights rises more than 2m then an alternative means of step-free

access, such as a lift, should be provided.

The applicant argues that the site is currently impermeable and no access is provided along the northern boundary (Airco Close). By providing a combined 1:20 ramp with stairs a route is made between the Edgware Road and Airco Close. Lifts are provided for residents with the residential buildings and for customers and visitors within the OFEF. Your officers agree that it is better to provide a pedestrian access that serves as many people as possible than to provide no access at all, and the distance to be covered is the same as that which Grove Park, an adopted highway, covers. The applicant is resistant to the inclusion of an external lift to negotiate this ramp on grounds of cost and maintenance and your officers agree that it seems unnecessary to require the applicant to provide an external lift when lifts are provided within adjacent buildings.

There are also concerns raised about the different tones of paving indicated in the Edgware Road public realm, as these may be interpreted as changes in levels by the partially-sighted. Some of the seating should be designed to accommodate people with different needs (for instance with back and arm rests). These matters can be addressed at the next design stage, when detailed proposals are submitted pursuant to conditions imposed on the decision.

The Mayor is generally satisfied with the inclusivity and accessibility of the car park, but requires further work to be done to demonstrate compliance with the London Plan car parking standards and specifically future provision of disabled bays and recommend that some disabled parking bays, and routes to them, have a vertical clearance of 2.6m to accommodate larger vehicles.

The residential element of the proposal also attracted some comments regarding inclusivity and accessibility, specifically to ensure the residential units meet the Lifetime Home standards and that 10% of new housing is wheelchair accessible and meet the standards in the Mayor's SPG 'Housing'. These wheelchair units should be spread across tenure types and unit sizes to ensure choice for all.

The provision of blue badge parking bays for the residential development should be in line with the advice in the Lifetime Homes standards and the Wheelchair Housing Design Guide, and these should be located as close as possible to the relevant entrances/lift cores. A parking management plan should include a monitoring and review mechanism for long term provision of access for all.

The applicant is willing to accept a condition regarding Lifetime Homes, wheelchair provision and blue badge parking.

Sustainable Energy

The Mayor is satisfied that the applicant has broadly followed the energy hierarchy to reduce carbon dioxide (CO₂) emissions and sufficient information has been provided to understand the proposals as a whole; however the GLA require further revisions and information before the proposal can be accepted and the CO₂ savings verified.

(a) Be Lean - energy efficiency standards

The scheme proposes a range of passive design features and demand reduction measures to reduce the CO₂ emissions, including improved air permeability and heat loss parameters. Other features include mechanical ventilation heat recovery (MVHR) and high efficiency lighting for the residential units and a building management system (BEMS) for the non-residential areas. Demand for cooling will be minimised through solar control glazing and cross ventilation.

Despite this, on the basis of the information provided the proposed development does not appear to achieve any CO₂ savings from energy efficiency alone compared to a 2010 Building Regulations compliant development.

The GLA requires the applicant to model additional energy efficiency measures and commit to the development improving on the 2010 Building Regulations compliance level through energy efficiency alone.

(b) Be Clean - district heating

There are no existing or planned district heating networks within the vicinity of the proposed development; however the GLA requires the applicant to provide a commitment to ensuring the development is designed to allow future connection to a district heating network should one become available.

A site-wide heat network is proposed for both Options 1 and 2, however the GLA requires the applicant to confirm that all apartments and non-domestic building uses will be connected to the site heat network: to that end, a drawing showing the route of the heat network linking all buildings on the site should be provided. Further information on the floor area and location of the energy centre should be provided also.

(c) **Be Clean - Combined Heat and Power**

As part of Option 2 the applicant proposes to install a 228kWe gas-fired CHP unit as the lead heat source for the site-wide heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating. A reduction in regulated CO₂ emissions of 146 tonnes per annum (25%) would be achieved through this method.

(d) **Be Green - Renewable Energy Technologies**

Two options are proposed, the first being to install a 750kWe air source heat pump (ASHP) utilising waste heat from the supermarket's refrigeration system as the lead heat source for the site heat network. In addition, 250sqm of solar photovoltaic (PV) panels will also be installed. A drawing showing the location and orientation of the PV panels should be provided. This combined would achieve a reduction in regulated CO₂ emissions of 146 tonnes per annum (25%).

The GLA concludes this section by stating that in addition to incorporating future energy efficiency measures the development should provide CHP and some renewable technology required by London Plan policies 5.7 and 5.8. [

Noise and Air Quality

GLA welcomes the indication that the design has been influenced by the findings of the assessments; however the noise survey is deemed inadequate for Phases 2 & 3. A more extensive noise survey is required to adequately characterise the noise climate at the location of the proposed residential development and the primary school. It is recommended that appropriate conditions are secured to ensure good internal acoustics for residents and to ensure good internal acoustic conditions for residents and to ensure that the impacts of the existing noise environment are mitigated to an acceptable level.

Air quality assessment

London Plan Policy 7.14 sets out that development proposals should be at least air quality neutral and not lead to further deterioration of existing poor air quality. All conditions contained in Best Practice Guidance must be followed by the developer in addition to those relating to CHP.

Transport

The approach to trip generation (in particular residential Saturday trips), modal split (in particular bus residential trips), impacts on TLRN and traffic modelling presented in the revised TA is not considered acceptable and needs to be resubmitted; issues raised in relation to car parking, vehicular access, cycle parking, the pedestrian environment, Travel, Delivery Servicing and Construction Logistics Plans need to be resolved; the proposed conditions and s.106 clauses need to be agreed before the application can be considered acceptable.

12. OTHER

Community involvement

The applicant has submitted a Statement of Community Engagement with this planning application. The measures adopted include delivery of a flyer to 1800 properties in the area, two day public exhibition, setting up a website & communicating with the media and London based Chinese press.

Contamination

The submitted Phase 1 Desk Study recommends that an intrusive soil investigation be undertaken to test the soil for potential contamination. The borough Environmental Health officer agrees with this assessment and recommends a number of conditions to ensure that contamination is investigated and dealt with if found.

14. CONCLUSION

The application proposes the redevelopment of a prominent site within the centre of the Burnt Oak/Colindale Growth Area, which has been vacant since mid-2008, with a mix of uses including housing, new food superstore and a site for a primary school.

Section 2 of this report concludes that the retail impact of the new food superstore could have an adverse affect on Burnt Oak district centre. Your officers have attributed significant weight to this impact.

Sections 5 and 8 set out the planning merit this scheme exhibits, including the delivery of new family housing in the centre of the Growth Area and provision of land for a new primary school. Your officers have attributed significant weight to these benefits.

The recommendation is a finely balanced one, but in your officers' judgment, the planning merits of the scheme outweigh the potential harm and as such your officers recommend that the application be granted consent, subject to a legal agreement and conditions to secure, amongst other things, those merits.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant subject to S106 & refer to SoS

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

Central Government Guidance
London Plan (2011)

Brent's Core Strategy (2010)
Brent's Unitary Development Plan (2004)
Council's Supplementary Planning Guidance

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
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
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
Community Facilities: in terms of meeting the demand for community services
Design and Regeneration: in terms of guiding new development and Extensions
Site-Specific Policies

CONDITIONS/REASONS:

(1) The development hereby permitted shall be carried out in the following Phases:

- (a) Preparatory Works: demolition of all existing structures
- (b) Phase One: Full planning permission for erection of a 7,817sqm gross external area GEA Class A1 retail foodstore with associated service and delivery yard; 5,207 sqm GEA of new Oriental and Far Eastern Floorspace to include shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and non-residential institutions (Class a1, A2, A3, A4, A5, B1 and D1); podium slab along Airco Close; a site-wide energy centre; associated car parking

spaces, motorcycle parking spaces and cycle parking spaces; associated landscaping and public realm works; new vehicular access from Grove Park and vehicular access from Plaza Walk and associated highway works

- (c) Phase Two: Outline planning permission for residential floorspace (Class C3 accompanied by illustrative residential accommodation by illustrative residential accommodation schedule indicating 183 residential units) associated car parking spaces and cycle parking spaces, associated landscaping and new vehicular access from Airco Close
- (d) Phase Three: Outline planning permission for two form of entry primary school and nursery (Class D1)

Reason: In the interests of clarity and proper planning

- (2) The development to which the full planning 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 drawing(s) and/or document(s):

4211-00-001 *Site Location Plan*

4211-00-002 *Site Plan as Existing*

4211-00-003 *Rev A Full Detail Site Plan Proposed at Ground Floor*

4211-00-004 *Rev A Full Detail Site Plan Proposed at First Floor*

4211-00-005 *Rev A Full Detail Site Plan Proposed at Second Floor*

4211-00-006 *Rev A Full Detail Site Plan Proposed at Third Floor*

4211-00-010 *Rev A Hybrid Application Demarcation Plan at Ground Floor*

4211-00-011 *Rev A Hybrid Application Demarcation Plan at First Floor*

4211-00-012 *Rev A Hybrid Application Demarcation Plan at Second Floor*

4211-00-013 *Rev A Hybrid Application Demarcation Plan at Third Floor*

4211-20-101 *Rev A Full Detail General Arrangement Plan at Ground Floor Sheet 1*

4211-20-102 *Rev A Full Detail General Arrangement Plan at Ground Floor Sheet 2*

4211-20-103 *Rev A Full Detail General Arrangement Plan at First Floor Sheet 1*

4211-20-104 *Rev A Full Detail General Arrangement Plan at First Floor Sheet 2*

4211-20-105 *Rev A Full Detail General Arrangement Plan at Second Floor Sheet 1*

4211-20-106 *Rev A Full Detail General Arrangement Plan at Second Floor Sheet 2*

4211-20-107 *Rev A Full Detail General Arrangement Plan at Third Floor Sheet 1*

4211-20-120 *Rev A Full Detail North and East Elevations*

4211-20-121 *Rev A Full Detail West and South Elevations*

4211-20-122 *Rev A Full Detail Section AA, BB and CC*

4211-20-123 *Rev A Full Detail Section DD and EE*

4211-20-124 *Rev A Full Detail Section FF, GG and HH*

4211-21-401 *Full Detail Bay Studies through Morrison's Façade*

4211-21-402 *Rev A Full Detail Bay Studies through OFEF façade*

4211-20-140 *Rev B Outline Detail Parameter Plan Ground Floor Land Use Option 1*

4211-20-141 *Rev B Outline Detail Parameter Plan First Floor Land Use Option 1*

4211-20-142 *Rev C Outline Detail Parameter Plan Residential & School Building Line & Block Arrangement Option 1*

4211-20-143 *Rev C Outline Detail Parameter Plan Residential & School Building Heights Option 1*

4211-20-144 *Rev B Outline Detail Parameter Plan Showing Vehicular Access Option 1*

4211-20-145 *Rev - Outline Detail Parameter Plan Ground Floor Land Use Option 2*

4211-20-146 *Rev A Outline Detail Parameter Plan First Floor Land Use Option 2*

4211-20-147 *Rev A Outline Detail Parameter Plan Residential & School Building Line & Block Arrangement Option 2*

4211-20-148 Rev A *Outline Detail Parameter Plan Residential & School Building Heights Option 2*

4211-20-149 Rev - *Outline Detail Parameter Plan Showing Vehicular Access Option 2*

1128-P-001 Rev C *Landscape Overall*

1128-P-002 Rev C *Edgware Road Public Realm Hard Landscape*

1128-P-003 Rev C *Edgware Road Public Realm Hard Landscape*

1128-P-004 Rev C *Edgware Road Public Realm Soft Landscape*

1128-P-005 Rev C *Edgware Road Public Realm Soft Landscape*

1128-P-006 Rev C *Edgware Road Public Realm Details*

1128-P-007 Rev C *Edgware Road Public Realm Levels and Sections*

4211-20-901 Rev A *Outline Detail Residential Accommodation Schedule*

4211-20-902 Rev A *Full Detail Retail Area Schedule*

4211-20-903 *Illustrative School Area Schedule*

WBS-00-92-001 Rev A01 *Site Layout Preliminary Drainage Strategy*

Affordable Housing Statement, Revised 26/10/12, Quod [CONFIDENTIAL]

CIL Information Letter, Revised 26/10/12, Quod

Daylight and Sunlight Assessment, July 2012, Gordon Ingram Associates

Design and Access Statement, Revised October 2012, Sheppard Robson

Flood Risk Assessment, Revised October 2012, RPS

Foul Sewerage and Utility Statement, Watermans

Energy Statement, Revised October 2012, Aecom

Environmental Statement – Volume 1, July 2012, Quod

Environmental Statement Addendum – Volume 1, October 2012, Quod

Environmental Statement– Volume 2 Technical Appendices, July 2012, Quod

Environmental Statement Addendum – Volume 2 Technical Appendices, October 2012, Quod

Environmental Statement – Non Technical Summary, Revised October 2012, Quod

Planning Drawings, Revised October 2012, Sheppard Robson

Planning Statement, July 2012, Quod

Planning Statement Addendum, October 2012, Quod

Phase 1 Geo-Environmental/Ground Conditions, July 2012, Watermans

Phase 1 Habitat Report, July 2012, Ecology Consultancy

Regeneration Statement, July 2012, Quod

Retail Impact Assessment, July 2012, Quod

School Travel Plan Addendum, October 2012, WSP

Statement of Community Engagement, July 2012, Carmargue

Sustainability Statement, July 2012, Aecom

Transport Assessment Volume 1, Revised October 2012, WSP

Transport Assessment Volume 2 – Figures, Drawings and Appendices, Revised October 2012, WSP

Plans: WSP 1360-GA-21F; WSP 1360-GA-27B; WSP 1360-SK-25D

Travel Plan, Revised October 2012, WSP

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

- (4) Approval of the details of the following reserved matters shall be obtained from the local planning authority in writing in respect of Phase Two and Three of the development (hereinafter called "the reserved matters") except where details are approved as part of this permission as noted below:
- (a) scale of the buildings and structures within the relevant phase in accordance with the approved Design Code;
 - (b) layout of the buildings, routes and structures within the relevant Phase;
 - (c) external appearance of the buildings and structures within the relevant Phase in accordance with the approved Design Code;
 - (d) means of access to and within the relevant Phase for vehicles, cycles and pedestrians in

accordance with the indicative plans as detailed in Condition 3 and

(e) landscaping of private and public space within the relevant Phase

Reason: To ensure the development is carried out in accordance with the prevailing relevant policy

- (5) Approval of the plans and particulars of the Reserved Matters for each Phase referred to in Condition 4 shall be obtained from the local planning authority in writing prior to the commencement of any part of the development to which those Reserved Matters relate except that this shall not prevent works of site clearance, demolition of existing buildings and structures, ground investigation and site survey works, erection of temporary boundary fencing or hoarding and works of decontamination and remediation (hereafter 'preparatory works') and each Phase shall be carried out only as approved.

Reason: To ensure full details of each phase are provided to ensure an acceptable standard of development

- (6) The details of each Phase submitted in relation to Condition 4 shall be in accordance with the Design Code and other particulars within the Design and Access Statement specified in Condition 3 and any subsequent reviews and updates to that document and the works shall be carried out as approved.

Reason: To ensure the scale, form, massing, appearance and design detail of the development results in a high quality and co-ordinated design for the development and that the different Phases adhere to that co-ordinated design.

- (7) Application for approval of the Reserved Matters shall be made to the local planning authority before the expiration of three years from the date of this permission

Reason: To ensure planning applications are carried out within a reasonable time period in accordance with Section 92 of the Town and Country Planning Act 1990.

- (8) The development to which the outline planning permission relates be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later

Reason: To ensure planning applications are carried out within a reasonable time period in accordance with Section 92 of the Town and Country Planning Act 1990.

- (9) No works at all including 'preparatory works' shall commence for each Phase of the development until a Construction Environmental Management Plan (CEMP) for the:

- (a) Preparatory works
- (b) Phase One construction works
- (c) Phase Two construction works
- (d) Phase Three construction works

have been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of measures to mitigate the impact of the demolition, construction and all associated works on noise, vibration and air quality for sensitive receptors including:

- (i) Management: Appointment of a Construction Liaison Officer to take primary responsibility for day-to-day contact on environmental matters for the borough, other external bodies

and the general public.

- (ii) Working Hours: Standard construction hours (e.g. Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 hours, with no working on Sundays or Bank Holidays), subject to consultation with the borough.
- (iii) Access Routes: Routing construction traffic away from NSRs.
- (iv) Equipment: The use of quieter alternative methods, plant and/or equipment, where reasonably practicable.
- (v) Screening: The use of site hoardings, enclosures, portable screens and/or screening noisier items of plant from NSRs, where reasonably practicable.
- (vi) Location: Positioning plant, equipment, site offices, storage areas and worksites away from NSRs, where reasonably practicable.
- (vii) Maintenance: Maintaining and operating all vehicles, plant and equipment in an appropriate manner, to ensure that extraneous noise from mechanical vibration, creaking and squeaking is kept to a minimum.
- (viii) Piling: Ensuring that piling is undertaken using most appropriate technique, with minimal noise and vibration generation in mind. The piling method will be agreed in conjunction with the LBB, prior to work commencing.
- (ix) BS 5228-1 indicates that between 10 and 20dB attenuation may be achieved during the construction phase by selecting the most appropriate plant and equipment and enclosing and/or screening noisier items of plant or equipment.
- (x) Site Planning: Erect solid barriers to site boundary; no bonfires; machinery and dust causing activities located away from sensitive receptors; training and management; hard surface site haul routes.
- (xi) Construction Traffic: vehicles to switch off engines; vehicle cleaning and specific fixed wheel washing on leaving site and damping down of haul routes; all loads entering and leaving site to be covered; ensure no site runoff of water or mud; all non-road mobile machinery to be fitted with appropriate exhaust after-treatment; on-road vehicles to comply with the requirements of a possible future LEZ as a minimum; minimise movement of construction traffic around site.
- (xii) Demolition: use water as dust suppressant; use enclosed chutes and covered skips; and wrap buildings to be demolished.
- (xiii) Site Activities: minimise dust generating activities ensuring that any crushing and screening machinery is located well within the site boundary; use water as dust suppressant where applicable; enclose stockpiles or keep them securely sheeted; if applicable, ensure concrete crusher or concrete batcher has a permit to operate

The development shall be carried out strictly in accordance with the agreed details.

Reason: the development is considered EIA development and particular attention must be paid to minimising the noise and air quality impact of the demolition and construction works on sensitive receptors and to ensure demolition and construction works follow Best Practicable Means (BPM) of Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration effects.

- (10) No works at all including 'preparatory works' shall commence for each Phase of the development until a Construction Logistics Plan (CLP) for the:

- (a) Preparatory works
- (b) Phase One construction works
- (c) Phase Two construction works
- (d) Phase Three construction works

have been submitted to and approved in writing by the Local Planning Authority. The CLP, which shall be accompanied by a site layout plan showing the following elements, shall include details of:

- (i) the construction vehicle access(es) and routing, which shall avoid Grove Park and Stag Lane as these have width restrictions;
- (ii) timing of deliveries (to avoid peak hours and to comply with local road restrictions) and the control of traffic entering the site such as use of a banksman;
- (iii) the parking of vehicles of site operatives and visitors;
- (iv) loading and unloading of plant and materials;
- (v) storage of plant and materials used in constructing the development;
- (vi) wheel washing facilities to be installed prior to commencement of any works; and
- (vii) a scheme of road-cleaning along construction routes

The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure impact of demolition and construction activities are controlled including the impact of traffic, noise and air pollution and in particular to ensure demolition and construction traffic does not cause congestion or contribute towards a lack of safety on the local highway network which includes a major arterial route into London (the A5) and narrow residential streets (Grove Park).

- (11) No works at all including 'preparatory works' shall commence until the vehicle wheel washing facilities have been provided on site in accordance with the details approved in the CLP under Condition 10 and such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the local planning authority.

Reason: To ensure construction activity does not result in waste and spoil on the public highway

- (12) No mechanical plant shall be installed within the relevant Phase until further details of such mechanical plant, including but not limited to refrigeration, air-conditioning, ventilation system, air source heat pumps, combined heat and power units and kitchen extraction systems, have been submitted to and approved in writing by the local planning authority.

Such details shall:

- (i) Include the particulars and or specification of noise levels of each item of mechanical plant;
- (ii) demonstrate that the individual and cumulative predicted noise levels from any mechanical plant together with any associated ducting, shall be 10 dB(A) or greater below

the typical background noise level (LA90) during the time of plant operation at 1 m from the nearest on and off-site NSR: the method of assessment should be carried out in accordance with BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas'; and

- (iii) include a scheme of mitigation in the event the predicted noise levels of the plant exceed the criteria in part (ii)

The approved apparatus shall be installed in accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason: To ensure that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

- (13) No Combined Heat and Power (CHP) unit shall be installed until further details of the proposed CHP unit have been submitted to and approved in writing by the local planning authority. Such details shall:

- (i) Include an addendum to the Air Quality Impact Assessment demonstrating that the proposed CHP unit would have no more than an imperceptible impact on the identified nearest sensitive receptors; and

- (ii) demonstrate that the CHP unit to be installed shall meet or improve upon the emissions standards and technical details described in the addendum to the Air Quality Impact Assessment

The CHP unit shall be installed in accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason: To protect local air quality and to adhere to the recommendations of the Environmental Impact Assessment as this identified the development's potential impact on local air quality.

- (14) No part of the development shall be occupied until further details of tests undertaken on any installed CHP unit have been submitted to and approved in writing by the local planning authority. Such tests shall demonstrate that the CHP unit approved under condition **[X]** meets the approved emissions standards.

The CHP unit shall be maintained thereafter in such a way as to ensure that these standards continue to be met for the lifetime of the development.

Reason: To protect local air quality and to adhere to the recommendations of the Environmental Impact Assessment as this identified the development's potential impact on local air quality.

- (15) Prior to commencement of any works except 'preparatory works' a site investigation to determine the nature and extent of any contamination present, carried out in accordance with the principles of BS 10175:2011 by competent persons, shall be submitted to and approved in writing by the local planning authority to determine the nature and extent of any soil contamination present. The site investigation shall include:

- (i) the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination; and

- (ii) a Remediation Strategy containing an appraisal of remediation options should any contamination be found that presents an unacceptable risk to future site users

If required, the Remediation Strategy shall specify measures to contain, treat or remove any soil contamination to bring the site to a condition suitable for the intended residential use. The

strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The works shall be carried in accordance with the approved details in accordance with the approved timetable and the Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- (16) Prior to the occupation of the relevant Phase the measures identified in the approved remediation strategy shall completed in full for each relevant Phase and a Verification Report

that demonstrates that the remediation of the:

- (a) Phase One land
- (b) Phase Two land

has been carried out in accordance with the approved remediation scheme and the relevant Phase is permitted for end use shall be submitted to and approved in writing by the local planning authority, unless the local planning authority has previously confirmed that no remediation measures are required for the relevant Phase.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- (17) No works shall commence on any Phase of the development with the exception of 'preparatory works' until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

The scheme shall also include:

- (i) SUDS features detailed within section 10 of Flood risk assessment RCEF19931-003 produced by RPS dated 25 October 2012, including green roofs
- (ii) Runoff following development to be limited to 522l/s up to the 1 in 100 year plus climate change event as stated in Letter from Ruth Abbott dated 17 Jan 2013 ref RA/NB/RCEF12973-001 EL
- (iii) A total of 955m³ of attenuation to be provided on site as shown on drawing Site Layout Preliminary Drainage Strategy: WBS/00/92/001 Rev A03 dated 17 Jan 2013 and 4211-00-023 Rev A dated 3 Aug 2012; and
- (iv) details of how the scheme shall be maintained and managed after completion

The scheme shall subsequently be implemented in accordance with the approved details

before the development is completed and shall be maintained for the lifetime of the development.

Reason: To prevent the increased risk of flooding, both on and off site.

- (18) Prior to the occupation of the relevant Phase with the exception of 'preparatory works' a Delivery and Servicing Plan (DSP) for the:

- (a) Phase One operation
- (b) Phase Three operation

shall be submitted to and approved in writing by the Local Planning Authority. Such details to include the arrangements for deliveries to and servicing of the Superstore and the OFEF and the School via the raised service yard accessed from Plaza Walk.

The approved DSP shall be implemented in full prior to first occupation of the relevant Phase and shall be adhered to for the lifetime of the development.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure that deliveries and servicing are planned to minimise their impact on the local highway network.

- (19) There shall be no deliveries, servicing or other commercial vehicular activity at the Development including but not limited to online retail delivery vehicles between the hours of 20.00 and 07.00 the next day except that this shall not prevent emergency access for urgent maintenance work.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties, in light of the elevated nature of the service yard and its access road and the relationship with neighbouring residents.

- (20) Prior to commencement of Phase One with the exception of 'preparatory works' further details of the Commercial (Superstore and OFEF) and School car park layout shall be submitted to and approved in writing by the Local Planning Authority except that the number of vehicle parking spaces for the Commercial development shall not exceed 399 and the number of vehicle parking spaces for the School shall not be less than 39. Such details shall include:

- (i) not less than 10% of the spaces to be provided with electric vehicle charging points with a further 10% provided with electricity supply to accommodate future expansion
- (ii) not fewer than 24 spaces marked for the use of disabled Blue Badge holders
- (iii) provision of a taxi and public set-down, pick-up area
- (iv) confirmation that ceiling mounted plant or cables shall not impede the use of the parking area and or bays for its intended purpose
- (v) provision of CCTV, signage, lighting and road lining/markings
- (vi) a Car Park Management Plan which shall demonstrate how parking restrictions will be enforced and how the School parking spaces will be protected from use by vehicles associated with the Commercial development and vice versa

The areas designated for car-parking shall be laid out in accordance with the details hereby approved prior to occupation of the Phase One development or any part thereof and the car-parking area shall be retained for the lifetime of the development.

Reason: to ensure the car parking spaces provide a sufficient amount of parking for the uses and to follow the preventative approach advocated by Transport for London, to ensure the

parking provides electric vehicle charging points and is future-proofed, to ensure the car park provides sufficient spaces for disabled users and to ensure the car park is usable and safe

- (21) All parking spaces, turning areas, access roads and footways associated with a relevant Phase shall be constructed and permanently marked out in accordance with the approved plans prior to occupation of any part of the relevant Phase and shall be retained thereafter.

Parking spaces within the Commercial (Superstore and OFEF) and School car park shall be used only for vehicles of staff and visitors of the Commercial units and vehicles of staff and visitors (including parents dropping off and picking up) of the School and no other use for the lifetime of the development.

Parking spaces within the Residential car park shall be used only for domestic vehicles and no other use for the lifetime of the development.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety within the site and along the neighbouring highway

- (22) Prior to commencement of Phase One with the exception of 'preparatory works' further details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority except that the number of cycle parking spaces for the Commercial development shall not be less than 86. Such details shall include:

- (i) provision of safe and secure cycle storage including publicly accessible spaces within the public realm
- (ii) provision of changing and showering facilities for staff of the Commercial units

The cycle parking shall be laid out and equipped in accordance with the details hereby approved prior to occupation of the Phase One development or any part thereof and the cycle parking area shall be retained for the lifetime of the development.

Reason: to ensure the cycle parking spaces provide a sufficient amount of cycle parking for the uses and that staff and visitors are encouraged to cycle to the site

- (23) Prior to commencement of the relevant Phase with the exception of 'preparatory works' further details of all exterior materials including samples and/or manufacturer's literature for:

- (a) Phase One
- (b) Phase Two
- (c) Phase Three

shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be limited to:

- (i) building envelope materials e.g. bricks, render, cladding;
- (ii) windows, doors and glazing systems including colour samples; and
- (iii) balconies and screens

The works for each Phase shall be carried out in accordance with the approved details for the relevant Phase and shall be retained thereafter for the lifetime of the development.

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

- (24) Prior to commencement of the relevant Phase with the exception of 'preparatory works' further

details of the landscape works and treatment of the surroundings for:

- (a) Phase One
- (b) Phase Two
- (c) Phase Three

shall be submitted to and approved in writing by the Local Planning Authority.

Such a scheme shall provide details for the treatment of all areas of hard and soft landscaping in public, private and semi-private/public external space and shall include:

- (i) a planting plan showing all areas of soft landscaping specifying species, plant sizes and planting densities to include native plant species and/or those that are of known wildlife value that will attract insects and birds and provide a potential food source for bats throughout the bat activity period (spring to autumn);
- (ii) provision of street trees as shown on the approved details or in similar locations, including drought resistant native trees;
- (iii) an external works plan showing all areas of hard landscaping specifying materials and finishes: these should be of a permeable construction;
- (iv) details of all materials, including samples and/or manufacturer's literature, for those areas to be treated by means of hard landscape works;
- (v) details of street furniture including but not limited to raised planters/beds, benches, steps, signs;
- (vi) details of means of enclosure and boundary treatments;
- (vii) a programme of works for the implementation of the above landscape works

The works shall be completed in accordance with the approved details prior to the occupation of any part of the development or in accordance with the programme of works agreed in writing with the local planning authority and shall be retained thereafter for the lifetime of the development.

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.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area and to ensure the privacy of neighbouring occupants is maintained.

- (25) Prior to commencement of the relevant Phase with the exception of 'preparatory works' further details of a Landscape Management Plan (LMP) for:

- (a) Phase One
- (b) Phase Two
- (c) Phase Three

shall be submitted to and approved in writing by the Local Planning Authority.

The LMP shall comprise a maintenance schedule of all hard and soft landscape areas within

Phase One and any specific management duties and such details may include:

- (i) regular watering of trees/shrubs, especially during dry periods in the first two years of establishment;
- (ii) spot weeding and application of appropriate herbicides or fungicides if necessary;
- (iii) inspection and checking of all plants and for health and/or damage to plants;
- (iv) mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass;
- (v) loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary;
- (vi) necessary pruning, dead heading, trimming, mulching of shrubs;
- (vii) removal of litter, debris or any other detrimental material from all hard and soft landscape;
- (viii) digging over, aerating, composting, mulching application of fertilizer as appropriate to soils;
- (ix) care not to damage any trees or shrubs by strimming and adding protection as require; and
- (x) necessary cleaning and repair of all hard materials and elements including permeable paving

The landscaping shall be maintained in accordance with the approved Landscape Management Plan for the lifetime of the development.

Reason: To ensure the survival and ongoing vitality of, all plants and soft landscape and to ensure the public realm continues to provide a benefit for the local community and residents.

- (26) Prior to commencement of the relevant Phase with the exception of 'preparatory works further details of refuse and recycling scheme for:
- (a) Phase One
 - (b) Phase Two
 - (c) Phase Three

shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include arrangements for the storage and disposal of refuse and recyclable materials, and vehicle access thereto. The refuse facilities shall be provided in full prior to first occupation of the relevant Phase and shall be retained thereafter for the lifetime of the development.

Reason: To protect amenity and ensure adequate provision for the storage of refuse.

- (27) Prior to commencement of the relevant Phase with the exception of 'preparatory works' further details of lighting scheme for:
- (a) Phase One
 - (b) Phase Two

(c) Phase Three

shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (i) all external lighting for the relevant Phase, including vehicular, pedestrian, security and incidental lighting which shall be including directional lighting with a maximum output of 2000 lumens;
- (ii) the output of each light and a site-wide light-spill (illuminance) diagram; and
- (iii) manufacturer's literature showing the mounting and/or fixtures of each light e.g. column-mounted, bollard-mounted, wall-mounted or surface-mounted

The works shall be carried out in full prior to first occupation of the relevant Phase and shall be retained thereafter for the lifetime of the development.

Reason: To ensure that the site is safely lit for pedestrians and vehicles and to ensure such illumination does not prejudice the amenities of future or neighbouring residents, given the mixed nature of the development and to ensure the development is not harmful to bats

- (28) The Superstore shown on approved plan 4211-20-103 Rev A shall have a retail (use class A1) sales area that is not more than 5,333 square metres Gross Internal Area.

Reason: The retail Superstore has a significant impact on Burnt Oak town centre and the impact is considered acceptable only on the basis of the size of the retail floor area considered in the approved Retail Impact Assessment (as amended).

- (29) All units within the Oriental and Far Eastern Floorspace (shown as OFER Food Court on approved plan 4211-20-103 Rev A and OFER Chinese grocery's; OFER assorted retail units and OFER Chinese Bank on approved plan 4211-20-102 Rev A) shall only be used between 0600-2300 hours Monday to Thursday, 0600-2400 Saturday and 0700-2200 hours Sunday and Bank Holidays, with the premises cleared within 30 minutes after these times, except for routine maintenance or administrative purposes.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (30) Prior to commencement of Phase One with the exception of 'preparatory works' further details of the commercial frontages including the Superstore and the OFEF and not limited to the ground floor and the ground floor residential frontages along the Edgware Road shall be submitted to and approved in writing by the Local Planning Authority.

Such details shall include, where necessary, detailed drawings, sections and/or elevations of the various facades of the building(s) showing:

- (i) the design of the frontage including shop fronts and entrances, residential entrances, windows and glazed curtain wall including the distribution of aluminium cladding panels within the curtain wall system;
- (ii) the junctions between different elements of the building including walls and roofs and junctions between different materials.

The works shall be carried out in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

Reason: To ensure the details of the appearance of the OFEF and Superstore are updated as materials are chosen and the building design evolves and to ensure the entrances to the residential blocks to be built as part of Phase One are prominent and well-designed whilst being compatible with the overall appearance of the development.

- (31) Prior to commencement of Phase One with the exception of 'preparatory works' a Frontage and Signage Strategy for the OFEF shall be submitted to and approved in writing by the Local Planning Authority. The Frontage and Signage Strategy shall include further details of the external appearance of the OFEF including:
- (i) A strategy for commercial unit windows which shall not be mirrored, painted or otherwise obscured; and
 - (ii) a strategy for the design and position of signage and advertising including signs attached to the building fabric or free-standing within the site

The works shall be carried out in accordance with the approved details and shall be retained thereafter for the lifetime of the development and the Frontage and Signage Strategy will apply to future tenants.

Reason: To ensure the appearance of the OFEF and individual units thereof is unified and that it reflects the unique nature of the use as an Oriental Cultural Centre.

- (32) The details of Phase Two submitted in relation to Condition 4 shall be in accordance with the limitations set by the approved parameter plans specified in Condition 3. For the avoidance of doubt, Option 1 and Option 2 are two separate acceptable options for the layout of Phase Two.

Reason: the merits and environmental impacts of the development have been assessed in relation to the form of development shown on the submitted parameter plans and in order to ensure the development proceeds on the basis of the development on which the EIA has been undertaken.

- (33) No works shall commence to Phase Two of the Development until the Applicant has confirmed in writing to the Local Planning Authority which of Option 1 or Option 2 shall be pursued.

Reason: To ensure the Development details accord with other conditions

- (34) In the event that Option 1 is pursued, no vehicular access for Phase Two shall be made from Grove Park or Edgware Road, all vehicular access shall be from Airco Close except that this shall not prevent the use of Grove Park to provide demolition and construction access as approved as part of a Construction Logistics Plan (CLP).

In the event that Option 2 is pursued, no vehicular access for Phase Two shall be made from Edgware Road and no service vehicle access shall be made from Airco Close, all residential vehicle access shall be from Airco Close and all service vehicle access shall be made from Grove Park except that this shall not prevent the use of Grove Park to provide demolition and construction access as approved as part of a Construction Logistics Plan (CLP).

Reason: the traffic impact of each Option has been modelled, assessed and found to be acceptable on the basis of the details hereby approved

- (35) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no form of enlargement, improvement or other alteration of the dwellings hereby permitted shall be carried out without the prior written permission in writing of the local planning authority.

Reason: To control further development in the interests of the character of the area and amenity of future occupiers.

- (36) Prior to commencement of Phase Two further details of the provision of children's play shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be in accordance with the Play Strategy set out in the Design and Access Statement and include:
- (i) Doorstep and local play areas within the designed landscape in particular for under 5's;
 - (ii) Raised planters and boundary walls for informal play;
 - (iii) Areas of fixed equipment for formal play.

The children's play areas shall be provided in full accordance with the approved details prior to occupation of the Phase Two development.

Reason: To ensure on-site facilities for play are provided for the future occupiers of the development.

- (37) The details submitted in relation to Condition 4 shall include further details of the Residential car park layout except that the number of vehicle parking spaces shall not exceed 183. Such details shall include:
- (i) not less than 10% of the spaces to be provided with electric vehicle charging points with a further 10% provided with electricity supply to accommodate future expansion
 - (ii) not fewer than 15 spaces marked for the use of disabled Blue Badge holders
 - (iii) confirmation that ceiling mounted plant or cables shall not impede the use of the parking area and or bays for its intended purpose
 - (iv) provision of CCTV, signage, lighting and road lining/markings
 - (v) a Residential Car Parking Management Plan which shall demonstrate how parking spaces will be allocated to residents and shall ensure residential units with a greater number of bedrooms benefit from a greater number of spaces and to ensure disabled Blue Badge parking bays are allocated to residents who require them

The areas designated for car-parking shall be laid out in accordance with the details hereby approved prior to occupation of the Phase Two development or any part thereof and the car-parking area shall be retained for the lifetime of the development.

Reason: to ensure the car parking spaces provide a sufficient amount of parking for the uses and to follow the preventative approach advocated by Transport for London, to prevent over-spill parking, to ensure the parking provides electric vehicle charging points and is future-proofed, to ensure the car park provides sufficient spaces for disabled users and to ensure the car park is usable and safe

- (38) The details submitted in relation to Condition 4 shall include further details of the servicing of residential units. Such details to include the arrangements for deliveries to and servicing of the Residential podium deck and shall reflect the chosen Option layout as specified in Condition 33 and shall include:
- (i) Details of the physical barrier by which vehicular access to the podium deck will be restricted (e.g. retractable bollards)
 - (ii) Details of the means by which delivery, servicing and emergency vehicles will be able to operate the physical barrier
 - (iii) Details of the tracked swept path for the largest vehicle to use the site (from delivery, servicing and emergency vehicles) to demonstrate compatibility with the hard and soft landscaping schemes
 - (iv) In the event Option 2 is pursued, details of the vehicular crossover to Grove Park
 - (v) A Residential Delivery and Servicing Plan which shall include times of refuse collections

The approved details shall be implemented in full prior to first occupation of Phase Two and shall be adhered to for the lifetime of the development.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure that deliveries and servicing are planned to minimise their impact on the local highway network.

- (39) The details submitted in relation to Condition 4 shall include further details of cycle parking. Such details shall include:

- (i) provision of a sufficient number of safe and secure cycle storage to accord with the prevailing Development Plan policies
- (ii) provision of changing and showering facilities for staff of the School

The cycle parking shall be laid out and equipped in accordance with the details hereby approved prior to occupation of the Phase One development or any part thereof and the cycle parking area shall be retained for the lifetime of the development.

Reason: to ensure the cycle parking spaces provide a sufficient amount of cycle parking for the uses and that staff and visitors are encouraged to cycle to the site

- (40) Prior to the commencement of any Phase Two works, excluding demolition and site clearance, details of the green roofs to the buildings shall be submitted to and approved in writing by the local planning authority; such details shall include plans and specifications and advice for design and species composition of the proposed green roof should be sought from a suitable ecological company with experience of designing and installing green roofs in London.

The works shall be carried out in accordance with the approved details and retained thereafter.

Reason: to ensure the development accords with the recommendations of the Habitat survey

- (41) The details submitted in relation to Condition 4 shall include further details of the residential mix to demonstrate:

- (i) that there are no more than 183 and no fewer than 170 dwellings (residential units);
- (ii) a mix of size of residential units (by number of bedrooms) which shall include a maximum of 32% of units to have one-bedroom and a minimum 35% of units to be have three- or four-bedrooms; and
- (iii) a mix of type of residential unit which shall include a minimum of 16% self-contained dwellinghouses

Reason: to accord with local housing needs and reflect the fact significant weight has been given to the provision of a substantial proportion of family-sized homes and house

- (42) The details submitted in relation to Condition 4 shall include further details of the housing quality to demonstrate that:

- (i) the principles of Brent's Design Guide for New Development SPG and the Mayor of London's Housing SPG (November 2012), or subsequent revisions or replacements thereof, have been adhered to, including the use of winter gardens where required due to noise levels;
- (ii) 100% of units will comply with Lifetime Homes standards; and

(iii) At least 10% of units will be wheelchair accessible or easily adaptable for wheelchair users

Reason: to accord with local housing needs and reflect the fact significant weight has been given to the provision of a substantial proportion of family-sized homes and house

- (43) All the residential premises shall be designed in accordance with BS8233:1999 '*Sound insulation and noise reduction for buildings-Code of Practice*' to attain the following internal noise levels:

<i>Criterion</i>	<i>Typical situations</i>	<i>Design range LAeq, T</i>
Reasonable resting conditions	Living rooms	30-40 dB (day: T=16hrs 07:00 – 23:00)
Reasonable sleeping conditions	Bedrooms	30-35 dB (night: T= 8hrs 23:00 – 07:00)
		L _{Amax} 45 dB (night 23:00 – 07:00)

No part of the development shall be occupied prior to submission to and approval in writing of the results of a sound test which demonstrates that the above required internal noise levels have been met. The sound insulation measures shall be retained thereafter for the lifetime of the development.

Reason: To obtain required sound insulation and prevent noise nuisance harming the amenity of future occupants

- (44) No vehicular access for Phase Three shall be made from Airco Close, Grove Park or Edgware Road, all vehicular access shall be from Plaza Walk except that this shall not prevent the use of Airco Close and/or Grove Park to provide demolition and construction access as approved as part of a Construction Logistics Plan (CLP).

Reason: the traffic impact of the development has been modelled, assessed and found to be acceptable on the basis of the details hereby approved and access from either Airco Close, Grove Park or Edgware Road would materially alter the impact to the detriment of the free flow of traffic and highway and pedestrian safety, whereas temporary use for demolition and construction traffic would considered by the LPA as part of a CLP

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Rachel McConnell, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5223