
RECEIVED: 29 March, 2010

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: BUILDING & GROUNDS, ORIENTAL CITY, Edgware Road,
Kingsbury, London, NW9

PROPOSAL: Extension to time limit of planning permission 06/1652 dated 13/06/2007 for the demolition of existing buildings and redevelopment for mixed-use purposes, comprising Class A1 retail (with a replacement Oriental City [to include a Sui Generis amusement arcade and A3/A5 Uses], new B & Q and bulky goods store, which together should provide 500 jobs), 520 residential units (comprising 1-, 2- and 3-bedroom flats, 4% being affordable) located in eight blocks rising to 3, 6, 9 and 18 storeys above a fifth-floor-level landscaped podium along the Edgware Road, rising to 8, 4, 5 and 2 storeys above the fifth-floor landscaped podium facing Plaza Walk and rising to 3 and 6 storeys above the Grove Park street level; also, a nursery and primary school for 480 children, a health & fitness studio (Use Class D2), associated landscaping, servicing, 1,098 car-parking spaces - comprising 721 spaces for retail users (incl. school drop-off and disabled), 5 staff spaces accessed from Grove Park for the school, and 351 (incl. disabled) spaces for residents and a further 21 disabled spaces on the podium and works to highway

APPLICANT: Development Securities PLC

CONTACT: RPS Planning

PLAN NO'S:
See Condition 12

RECOMMENDATION

Grant planning permission subject to confirmation that referral to the Government Office for London is not required and to the completion of a satisfactory Section 106 or other legal agreement (details below), and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

SECTION 106 DETAILS

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

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. Provision of 21 units of shared equity accommodation, being 4% of the total residential accommodation.
3. The provision of a primary school building to core and shell to provide at least a 420 child

primary and a 60 child nursery school, on which construction shall commence above slab level prior to the sale of no greater than 77% of the total number of the private residential units or 30 months from the start of any residential construction (whichever is the earlier) and which shall be constructed to a specification agreed by the Council. Blocks E, F, G and I of the residential units shall not be occupied until after the school has been completed.

4. A contribution of **£100,000** towards local health care provision, in the first instance at the proposed PCT facility at Stag Lane. If this facility does not require the funding, only then will it be made available to other PCT facilities in the borough. The sum shall be payable within 6 months of a material start on the residential element and index-linked from the date of this committee.
5. A contribution of **£700,000** towards transportation and streetscape improvements in the local area, including junction improvements at Colindale Avenue, parking controls, pedestrian improvements to Colindale Station, footways, crossing, local bus service enhancement and infrastructure, and traffic calming which shall be due on a material start on site or the commencement of demolition, whichever is the sooner, index-linked from the date of this committee.
6. A contribution of **£180,000** towards local environmental and sporting improvements, in the first instance at Grove Park. If this facility does not require the funding, only then will it be made available to other public open spaces and shall be due on a material start on the development and index linked from the date of this committee.
7. Sustainability measures, including the Code for Sustainable Homes Level 4 rating on all homes and BREEAM Excellent on the retail and school and an on-site combined heat and power plant servicing the development and provision and maintenance of green roofs. A Sustainability Implementation Strategy shall be submitted to and approved in writing by the local planning authority at least 4 months prior to commencement of work on site. This shall demonstrate how the elements of scheme shall achieve Code for Sustainable Homes Level 4 and BREEAM Excellent ratings, and how the indicated Checklist measures including the following listed below (Energy, Water, Materials, Construction & Pollution) are designed-into the scheme, and the mechanisms (e.g. procurement) used to ensure their implementation:
 - (i) Sitewide Energy measures to achieve a higher U-Value, Carbon-index and/or SAP ratings; Including heat recovery used with any mechanical ventilation; installation of water meters in each unit, and site water leak detection; water-saving fittings in each unit to reduce water demand; permeable paving, Sustainable Urban Drainage system; limited rainwater harvesting system and/or greywater recycling system
 - (ii) Evidence of sustainable materials shall be submitted to, and approved, by the local planning authority prior to commencement of the development. Such materials shall be of the same/comparable sustainability standard to that indicated on the submitted Checklist or Demolition Protocol. Where recycled materials or content is involved, such details should also be included within the Demolition Protocol section of the Construction Management Statement (CMS);
 - (iii) Prior to commencement, a Construction Method Statement (CMS) shall be submitted to, and approved by the Local Planning Authority. The CMS to include measures to adopt and implement the New Build Recovery Index through the ICE Demolition Protocol and minimise construction waste. The CMS shall include a requirement for/evidence of Considerate Contractor Scheme registration & operation; The Air Quality improvement measures indicated on checklist; A Sitewide Waste Strategy which adopts the principles procedures of the ICE Resource Sustainable Communities (RSC) Waste Management & Infrastructure Code of Practice;
 - (iv) Following completion of each phase/block, the developer shall commission an independent BRE Review to determine whether the sustainability measures in the Checklist, ES and otherwise approved with the consent (include measures listed in the above clauses, relating to reuse of buildings, energy & water conservation, sustainable materials, construction/demolition, operational pollution, and waste), have been implemented, and whether a BREEAM Excellent/Code for Sustainable Homes Level 4 rating has been achieved. If the measures have not been included then the developer shall include further compensatory measures within the development as approved by

- the Council and/or pay a compensatory sum to the Council to be utilised by it in promoting sustainability measures elsewhere in the borough.
- (v) To provide an independent EnviroCentre review, on completion, of the Development that materials reclamation/recycling targets, for demolition and construction, negotiated using the ICE Demolition Protocol have been implemented. If the Developer fails to meet these targets, payment to the council to the value of materials not reclaimed/recycled, up to the target level, shall be made prior to occupation.
- (vi) A waste strategy and policy will need to be developed and implemented in agreement with the School and Governors and Brent Council's StreetCare Unit."
8. **£10,000** toward the implementation of Brent's Bio-diversity plan,
 9. **£10,000** toward monitoring and improving local air quality, as identified in the Air Quality Action Plan
 10. Join and adhere to the requirements of the Considerate Contractors scheme.
 11. An agreement of measures to engage, encourage local employment, training, SME, BAME in accordance with the GLA's observations point 64.
 12. Prior to any retail occupation:
 - (i) The re-provision of not less than 400sqm of community space, to be made available to local residents and groups supporting Oriental culture, at cost (administration only), for not less than 45 hours a week.
 - (ii) The re-provision of not less than 10,764sqm gross of internal retail space for the display and sale of goods of mainly Oriental and Far Eastern origin.
 13. School Travel Plan to be implemented within 6 months of opening and provision made for the community use of the primary school building and grounds.
 14. Agreement through a management plan on the restricted use of the podium deck by delivery and servicing vehicles and limited parking by disabled vehicles and private vehicles.
 15. Upon completion of the project, the developer shall make a contribution up to a maximum of **£1,603,000** of which the first £1,403,000 is to be used towards the fit out of the new school, the next £100,000 towards local health care provision, and the final £100,000 towards improvement of open space within the Borough. The exact amount of this contribution to be the amount by which outturn profit on cost achieved by the developer exceeds 20%, but up to the maximum of £1,603,000 as previously referred to; such amount to be determined by the developer submitting to an open book appraisal of the costs and profit of the development.
 16. The carrying out of highway improvement works at the junction of Edgware Road and Capitol Way as detailed on Figure 37 of the Transport Assessment dated 31st May 2006.
 17. A Travel Plan for the commercial elements of the proposal;
 18. A Travel Plan for the residential element of the proposal, to include the operation of a Car Club on the site;
 19. A 'car-free' agreement, to come into effect in the event of a Controlled Parking Zone ever being introduced in the area;
 20. A parking management plan (if not addressed in the Travel Plans)

And to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the section 106 agreement has not been entered into by all relevant parties but if the application is refused for this reason to delegate authority to the Director of Environment and Culture, or other duly authorised person, to grant permission in respect of a further application which is either identical to the current one or his opinion is not materially different, provided that a section 106 agreement in the terms set out above is entered into.

EXISTING

The site is located on the Edgware Road (A5) in Colindale, on the borough boundary with Barnet opposite. 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.

Bound to the east by the Edgware Road, to the north by a large Asda superstore, 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 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 emerging Core Strategy. It is included in the Site Specific Allocations – Proposed Submission June 2009, 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 March of this year.

PROPOSAL

This application is to extend the planning permission granted in June 2007 for redevelopment of the site formerly called Oriental City (399 Edgware Road). No changes are proposed to the approved plans or documents.

A summary of the key aspects of the development:

- 520 residential units, of which 21 units will 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
- 2445sqm of health and fitness studio space
- 1098 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.

HISTORY

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.

POLICY CONSIDERATIONS

National

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

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

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

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

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

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

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

Planning Policy Guidance 13 (PPG13): Transport (2001)

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The guidance places an emphasis on putting people before traffic, indicating that new development should help create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

Planning Policy Guidance 25 (PPS25): Development and Flood Risk (2010)

PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. PPS25 looks to reduce flood risk to and from new development through location, layout and design, incorporating sustainable drainage systems (SUDS).

Greater Flexibility for Planning Permissions (2009)

This was brought into force on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). This measure has been introduced in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. LPAs are instructed to take a "positive and constructive approach" towards those applications which improve the prospect of sustainable development being taken forward quickly.

Regional

London Plan (consolidated with alterations since 2004)

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

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

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

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

Housing – Supplementary Planning Guidance (2005)

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

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

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

Sustainable Design and Construction – Supplementary Planning Guidance (2006)

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

The seven objectives are as follows:

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

Local

Brent Unitary Development Plan 2004

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

Strategy

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

STR 5 & 6 (reducing the need to travel)

STR 11–17 (protecting and enhancing the environment)

STR 19 & 20 (meeting housing needs)

STR 37–38 (meeting community needs)

The Built Environment

BE 1 (which requires the submission of an Urban Design Statement)
BE 2 (townscape; local context and character)
BE 3 (urban structure; space and movement)
BE 4 (access for disabled people)
BE 5 (urban clarity and safety)
BE 6 – 7 (public realm; landscape design and streetscape)
BE 9, (which requires developments to be of high architectural quality)
BE 10 (tall buildings)
BE 11 (intensive and mixed-use developments)
BE 12 (sustainable design principles)
BE 33 (views and landmarks of Wembley Stadium and St Mary's Church - Harrow on the Hill)

Environmental Protection

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

Housing

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

Transport

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

Town Centres and Shopping

SH 1 (network of town centres)
SH 3 (major town centres and district centres)
SH 5 (out of centre retail developments)
SH 10 (food and drink)
SH 11 (conditions for A3 uses)
SH 13 (amusement centres)
SH 19 (rear servicing)

Open Space, Sport and Recreation

OS 18 (play areas for children)

Community Facilities

CF 1 (Location of large scale community facility)

CF 2 (Small scale community facilities)
CF 3 (protection of community facilities)
CF 5 (Community facilities in large scale development)
CF 6 (School places)
CF 7 (New School)
CF 11 (day nurseries)
CF 13 (primary health care/GP surgeries)

Waste

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

Core Strategy - Proposed Submission DPD June 2009

Declared sound by Inspector following Examination in Public (EIP) in April 2010, the Core Strategy has 12 strategic objectives:

Objective 1: to promote economic performance & regeneration
Objective 2: to meet employment needs and aid the regeneration of industry and business
Objective 3: to enhance the vitality and viability of town centres
Objective 4: to promote the arts and creative industries
Objective 5: to meet social infrastructure needs
Objective 6: to promote sports and other recreational activities
Objective 7: to achieve housing growth and meet housing needs
Objective 8: to reduce the need to travel and improve transport choices
Objective 9: to protect and enhance Brent's environment
Objective 10: to achieve sustainable development, mitigate & adapt to climate change
Objective 11: to treat waste as a resource
Objective 12: to promote healthy living and create a safe and secure environment

CP 1 (spatial development strategy)
CP 2 (population and housing growth)
CP 11 (Burnt Oak/Colindale Growth Area)
CP 16 (town centres and the sequential approach to development)
CP 19 (Brent strategic climate mitigation and adaptation measures)
CP 23 (protection of existing and provision of new community and cultural facilities)

Brent Supplementary Planning Guidance

SPG4 – “Design Statements” adopted 2004

Provides guidance on the preparation and content of coherent and comprehensive design statements as required by Policy BE1 of the Adopted UDP.

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

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

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

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

SPG21 – “Affordable Housing” draft consultation (2003)

This SPG note seeks to ensure that all appropriate new housing developments makes it proper

permanent contribution towards alleviating Brent's affordable housing needs. This SPG note amplifies national guidance, supplements the policies of the UDP and sets out in detail the considerations the Council will apply in determining planning applications.

SPD "Section 106 planning obligations" October 2007

Provision for a standard charge for planning obligation contributions.

SUSTAINABILITY ASSESSMENT

Sustainability and energy sources are considered the key policy areas to have changed since the application was determined (see *Remarks* section, below).

At the regional level, the London Plan, originally published in 2004, has been revised to include a requirement for developments to "achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy)" (Policy 4A.7 Renewable Energy, 2008: p205).

At the local level, Brent's Core Strategy, found sound by Inspector's binding report in April 2010, includes policy CP19 *Brent Strategic Climate Mitigation & Adaptation Measures* which requires Code for Sustainable Homes Level 4 (CSH4) in Housing Growth Areas and BREEAM Excellent for non residential development.

Addressing regional planning policy changes first, the original application was supported by a number of reports relating to sustainability and energy, prepared by consultants Faber Maunsell on behalf of the applicant. This included a response to comments from the GLA in their letter dated 3 August 2006. In that letter the GLA stated the proposal failed to meet with the London Plan energy requirements and further work was required in relation to 10% on-site renewables and implementation of a combined heat and power system.

Further discussions with the applicant resulted in fundamentally revised power, heating and cooling systems for the proposal. The scheme submitted by Faber Maunsell included a single energy centre with gas-fired tri-generation for the retail use and gas-fired combined heat and power for the school and residential uses, along with 16 wind turbines. The GLA confirmed in the report on the Stage II referral that the scheme "supports the draft further alterations to the London Plan by prioritising decentralised energy" (GLA, 15 March 2007; 3).

It appears from the clauses within the original S106 agreement (clauses 17.6 and 17.7) and their wording that the applicant's commitment to the energy centre was not total, perhaps reflecting the draft status of the London Plan policy requiring decentralised energy. As this policy has now been adopted in the February 2008 London Plan, officers believe the emphasis of the energy strategy for these types of development has changed. It is therefore necessary to reflect the increased weight of policy 4A.7 by strengthening the wording of the S106.

The proposal does not meet the London Plan 20% onsite renewables requirement of policy 4A.7, however the Mayor is flexible with regards this requirement on schemes where a site-wide CHP plant has been secured. For example at the high-density mixed use development at Capitol Way, also known as the Wickes site Wickes, where 9% onsite renewables (biomass boiler & PV panels) were agreed as part of the application.

Turning to the changes to local planning policies, the proposal is in the Burnt Oak/Colindale Housing Growth Area (as identified in the Core Strategy, policy CP11) where major proposals are required to meet CSH4 and BREEAM 'Excellent', subject to feasibility. The original S106 agreement sought BREEAM 'Very Good' or the Code for Sustainable Homes equivalent. The increased weight attributed to the Core Strategy following it being found sound by the Inspector in April 2010 means the provisions of policy CP19 *Brent Strategic Climate Mitigation & Adaptation Measures* should be sought.

The applicant has agreed to the following changes to section 7 of the heads of terms for the deed of variation to the S106 agreement.

7. Sustainability measures, including the Code for Sustainable Homes Level 4 rating on all homes and BREEAM Excellent on the retail and school and an on-site combined heat and power plant servicing the development and provision and maintenance of green roofs. A Sustainability Implementation Strategy shall be submitted to and approved in writing by the local planning authority at least 4 months prior to commencement of work on site. This shall demonstrate how the elements of scheme shall achieve Code for Sustainable Homes Level 4 and BREEAM Excellent ratings, and how the indicated Checklist measures including the following listed below (Energy, Water, Materials, Construction & Pollution) are designed-into the scheme, and the mechanisms (e.g. procurement) used to ensure their implementation:
- (i) Sitewide Energy measures to achieve a higher U-Value, Carbon-index and/or SAP ratings; Including heat recovery used with any mechanical ventilation; installation of water meters in each unit, and site water leak detection; water-saving fittings in each unit to reduce water demand; permeable paving, Sustainable Urban Drainage system; limited rainwater harvesting system and/or greywater recycling system
 - (ii) Evidence of sustainable materials shall be submitted to, and approved, by the local planning authority prior to commencement of the development. Such materials shall be of the same/comparable sustainability standard to that indicated on the submitted Checklist or Demolition Protocol. Where recycled materials or content is involved, such details should also be included within the Demolition Protocol section of the Construction Management Statement (CMS);
 - (iii) Prior to commencement, a Construction Method Statement (CMS) shall be submitted to, and approved by the Local Planning Authority. The CMS to include measures to adopt and implement the New Build Recovery Index through the ICE Demolition Protocol and minimise construction waste. The CMS shall include a requirement for/evidence of Considerate Contractor Scheme registration & operation; The Air Quality improvement measures indicated on checklist; A Sitewide Waste Strategy which adopts the principles procedures of the ICE Resource Sustainable Communities (RSC) Waste Management & Infrastructure Code of Practice;
 - (iv) Following completion of each phase/block, the developer shall commission an independent BRE Review to determine whether the sustainability measures in the Checklist, ES and otherwise approved with the consent (include measures listed in the above clauses, relating to reuse of buildings, energy & water conservation, sustainable materials, construction/demolition, operational pollution, and waste), have been implemented, and whether a BREEAM Excellent/Code for Sustainable Homes Level 4 rating has been achieved. If the measures have not been included then the developer shall include further compensatory measures within the development as approved by the Council and/or pay a compensatory sum to the Council to be utilised by it in promoting sustainability measures elsewhere in the borough.
 - (v) To provide an independent EnviroCentre review, on completion, of the Development that materials reclamation/recycling targets, for demolition and construction, negotiated using the ICE Demolition Protocol have been implemented. If the Developer fails to meet these targets, payment to the council to the value of materials not reclaimed/recycled, up to the target level, shall be made prior to occupation.
 - (vi) A waste strategy and policy will need to be developed and implemented in agreement with the School and Governors and Brent Council's StreetCare Unit."

In conclusion, your officers are satisfied that, subject to completion of deed of variation to the original S106 agreement to reflect the above points, the scheme can be supported on sustainability grounds.

CONSULTATION

All those consulted about the original application and all those who commented on the original application were consulted on 9 April 2010. This includes local ward councillors and neighbouring boroughs of Barnet and Harrow. A notice was placed in the local paper on 15 April 2010 and three site notices were posted on 23 April 2010.

Local comments

As of 25 May, 262 objections have been received. They are classified as follows:

- 10 'unique' letters
- 45 hand-written objections using a pro-forma, of which 28 are written in a language other than English. A sample of these letters (15) have been translated
- 206 photocopied pro-forma letter with addresses added by hand. There are four different versions of this letter with different opening paragraphs but the reasons for objection remain the same for all.

The reasons for objecting are summarised below:

- Oriental community suffering due to closure of the commercial, community and cultural space
- Closure has resulted in job losses
- Developers not working in the best interests of the community, decisions driven by money
- Displaced Oriental community want to return;
- Oriental City should be re-opened as it is;
- If permission is granted, the community space be immediately implemented
- Development out of character with area
- Would set a precedent for other high rise development nearby
- Increase burden on local infrastructure including schools, health facilities and leisure facilities
- Insufficient parking
- Congestion arising from increased volume of traffic and impact on capacity of surrounding roads
- Pollution arising from increase volume of traffic
- Residential density too high
- Loss of privacy
- Loss of light
- Public health risk arising from vermin on the site
- Increased risk of surface water flooding
- Increase in crime and anti-social behaviour

The majority of these comments were raised in objection to the original application and were dealt with in detail in the original committee report. Those comments relating to re-opening Oriental City as it is are addressed in the *Remarks* section below.

Neighbouring boroughs

The London Borough of Barnet reiterated the comments provided for the original application. At the time the planning committee members of Barnet made a determination that Barnet supports the social, economic, community and regeneration benefits of this mixed use, high density scheme, albeit with the following concerns. The following is from the original committee report:

Barnet Objection

Retail element of proposal would have adverse impact on the role and function of Edgware Town Centre

Brent Comment

The sequential approach found no alternative sites in Edgware and the bulky goods nature of this proposal would have no adverse impact on the services provided in Edgware

Concerns expressed about the height and massing of the development	Barnet, Brent and the GLA are adopting a common approach for the A5 Corridor and high rise blocks have been agreed in Barnet between Cricklewood and Colindale
Traffic and parking provisions	Transportation officers from Brent, Barnet and TfL have met and agreed a common approach to the proposal involving S.106 funds going to Barnet
Concerns to whether Brent will have funding for the proposed school	Addressed in detail in the [original] report

Statutory consultees

All statutory bodies consulted about the original application were consulted. The Environment Agency and the GLA have responded.

GLA

The site was referred to the GLA on 9 April 2010. The Stage I Referral letter (dated 24 May 2010) recalls the Mayor's view of the original application, in that "he was content for the Council to determine the case itself and did not direct refusal". The letter goes on to say:

"Having regard to the Government guidance set out in "Greater Flexibility for Planning Permissions", I have assessed the details of the application and have concluded that the proposal for the extension to the time limit for implementing planning permission 06/1653 [sic] dated 13 June 2007 for the redevelopment... ..does not raise any new strategic planning issues that were not previously considered." (Greater London Authority, 24 Mat 2010)

It concludes that the Mayor does not need to be consulted further on the application and the Council can determine the application without further reference to the GLA.

The Environment Agency

The Environment Agency (EA) has objected to the proposal due to the absence of an acceptable Flood Risk Assessment (FRA). The original permission required submission of an FRA as a prior to commencement condition as the EA also objected to the original application.

This will be discussed under the policy changes section of *Remarks*, below.

Environmental Health

No objections

Thames Water

Repeated original comments

REMARKS

Introduction

This application is for extension of the time limit on the original permission granted on 13 June 2007. As discussed below, the development proposed in this application for extension has by definition been judged to be acceptable in principle by members. The original committee report and supplementary report can be found as Appendix 1 and 2 respectively on our website for this case. (Web link is <http://www.brent.gov.uk/servlet/ep.ext?extId=101150&reference=100457&st=pl>). The issues discussed in those original reports will not be discussed in this report unless the relevant policies have changed.

Background

The recession has had a significant impact on the development industry over the past two years. The ability for developers to raise finance to purchase and construct schemes has been restricted as bank lending has contracted. Demand for retail space has declined in the face of reduced household income and the ability of potential homeowners to secure mortgage finance has been severely limited, although house prices have remained surprisingly resilient.

As a result a number of consented schemes are at risk of not being commenced within three years of the permission being issued. The need for homes remains, however, and it is expected that the construction sector, which makes a significant contribution to the economy, will recover as the recession eases and liquidity returns to the credit markets.

Government response

In 2009 the Government recognised the difficulties facing the industry and introduced legislation to help maintain the delivery of sustainable development in the face of the UK recession. As of October 2009 applicants have been able to apply to their Local Planning Authority (LPA) for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. This has been introduced in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

Procedural matters

The process is referred to as 'extension' for convenience. More formally, a new permission will be granted, with a new reference number, for the development granted permission by the original decision. This new permission will be subject to a new standard timescale condition and all original conditions and S106 obligations will be retained. There is scope to impose additional conditions and obligations if necessary, to overcome minor policy changes (see below).

Communities and Local Government stresses that, although this is not a rubber-stamp exercise, "development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date" (2009: 7-8).

How Brent should approach such applications

Guidance titled 'Greater Flexibility for Planning Permissions: Guidance' has been published by the Government and this document informs LPAs how to approach these types of applications (Communities and Local Government, 2009). LPAs are instructed to take a "positive and constructive approach" towards those applications which improve the prospect of sustainable development being taken forward quickly (2009: 7). The focus of attention in determining the application should be on those development plan policies and other material considerations (including national or regional policies) "which may have changed *significantly* since the original grant of permission" (2009: 8, author's emphasis).

Policy changes since 13 June 2007

Below is a table of the main policy changes to have occurred since planning permission was granted. Not all policy changes affect the scheme and of those that do, not all would make the scheme unacceptable. If any policy is now at odds with the scheme, its significance should be balanced against the guidance from the Government that LPAs take a positive and constructive approach to deciding these applications, which should be given substantial weight.

<i>Level</i>	<i>Document</i>	<i>Adopted ?</i>	<i>Changed since June 2007?</i>
Brent	Unitary Development Plan 2004	2004	Yes, since 27 September 2007 a number of the policies have been deleted, including policies H2 and H3. The application is considered against the saved policies
	Supplementary Planning Guidance	Various, none after 2007	No
	Supplementary Planning Document - s106	October 2007	Yes, wholly new. Most s106 financial contributions are calculated using the standard charge.
	Local Development Framework	Emerging	Yes
	Core Strategy	Emerging	Yes, found sound at Examination in Public (EIP)
Regional	London Plan (consolidated with alterations since 2004)	February 2008	Yes, although the GLA tested the original application against the draft policies of the most recent version
National	Planning Policy Statement 1 (PPS1): Delivering Sustainable Development	January 2005	Yes, supplement to PPS1, entitled Planning and Climate Change published December 2007
	Planning Policy Statement 3 (PPS3): Housing	November 2006	Yes, replaces PPG3
	Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth	December 2009	Yes, see below for more detail
	Planning Policy Guidance 13 (PPG13): Transport	April 2001	No
	Planning Policy Statement 25 (PPS25): Development and Flood Risk	December 2006 and March 2010	Yes, see below for more detail.
Other	CABE Guidance on Tall Buildings	July 2007	Yes, replaces guidance published in 2003

Although there are a number of revised or new national policy statements these have not changed significantly the way in which LPAs should consider individual cases. National policy statements explain statutory provisions and provide guidance to local authorities and others on planning policy and the operation of the planning system. Although the guidance is relevant to development management decisions on individual planning applications and appeals, they are also important for plan-making. Local authorities must take their contents into account in preparing their development plan documents. Changes to the national policy framework will be incorporated into Brent's local development framework and development plan documents, a process which is under way.

National policy changes

In terms of national policy statements, only changes to PPS4 and PPS25 are considered relevant to this application.

PPS4

PPS4 consolidates the key economic policies of PPG4, PPG5 and PPS6 (and part of PPS7). PPS4 places retail and town centre development in its wider context, as 'economic development' which provides employment opportunities, generates wealth or produces an economic output or product. As such this contributes to the Government's overarching objective of 'sustainable economic growth'. It retains the key aspects of retail policies contained with PPS6, including the sequential test, retail scale and a revised impact assessment.

Proposals for retail and town centre uses must be located in an existing centre and accord with an up to date development plan. Otherwise they must satisfy the 'sequential approach' and the 'significant adverse impact' tests before their positive and negative impacts and other material considerations are assessed.

In terms of the sequential approach, the policy requirements are largely unchanged. Sites are required to be assessed for their availability, suitability and viability. The original committee report contains the detailed discussion but in summary, officers confirmed that the applicants had completed a thorough sequential site assessment and the Oriental City site is an acceptable one for the particular retail development proposed.

In terms of retail scale, this is addressed in policy EC16.1(e) of PPS4. Officers considered the original scheme of a suitable scale for its location.

Turning to the revised impact test, this is set out in policy EC16.1 and similar to the impact assessment set out in paragraph 2.48 of PPS6.

In summary, the retail element of the scheme was supported by a sequential test and impact assessment at the time of the original application. This was discussed in the original reports and members based their decision in part on the basis of that discussion. In light of that fact, and the weight your officers have given to the guidance to adopt a positive and constructive approach to applications for extension, your officers do not believe the replacement of PPS6 with PPS4 renders this scheme unacceptable.

PPS25

At the time the application was considered by members, on 21 November 2006, the relevant national guidance on development and flood risk was PPG25. This was replaced on 7 December 2006 with PPS25, after a resolution to grant permission was made by the planning committee. The EA has made it clear in discussions with your officers that the replacement of PPG25 with PPS25 has strengthened its original objection and the scheme should be refused according to the precautionary approach laid out in PPS25

The original objection from the EA was more detailed than the objection to this application and gave the following reasons why the submitted FRA was unacceptable:

- (a) inadequate information submitted regarding the drainage strategy, particularly:
 - (i) reduction of run-off to greenfield rates;
 - (ii) calculations indicating the critical storm duration and attenuation required on site to meet the greenfield rates
- (b) Sustainable Drainage Systems (SuDS) to be implemented.

Your officers recognise that PPS25 replaced PPG25 in December 2006 and that this has refined the previous policy on flood risk. However, it has not radically changed the policy. PPS25 does not change the flood risk categories (albeit it refines the definition of functional flood plain) or many of

the processes for dealing with development sites. PPG25 introduced the sequential test and some of the tests that now form the exceptions test. The point is that the PPS refined the previous PPG policy but it has not radically changed it; to gain EA support the FRA produced under PPG25 and the FRA produced under PPS25 would be similar, dealing with surface water matters rather than flood risk from water bodies. In light of the fact that the previous application was approved without EA support and with a condition attached to secure an FRA prior to commencement, and the weight your officers have given to the guidance to adopt a positive and constructive approach to applications for extension, your officers do not believe the replacement of PPG25 with PPS25 renders this scheme unacceptable.

The condition requiring an FRA prior to commencement is repeated in the conditions and the requirement for SuDS is secured in the S106 agreement (section 16.3(a)(i)).

PPS25 says that where the EA "object to an application on flood risk grounds, but the LPA considers that it should be approved, the LPA should contact the Environment Agency (or the other consultees if appropriate) to allow discussion of the case and the opportunity for further representations or comments to be made. LPAs, advised by the Environment Agency and other relevant organisations, should determine applications for planning permission taking account of all material considerations, including the issue of flood risk, the FRA prepared by the developer (when required) and proposals for reducing or managing that risk." (Communities and Local Government, 2010: 9).

It goes on to say that if the EA "is unable to withdraw its objection, but the LPA remains minded to approve an application for major development, the Town and Country Planning (Flooding) (England) Direction 2007 requires the LPA to notify the Secretary of State of the proposal. This provides the Secretary of State with an opportunity to check the application's general compliance with the policies in this PPS and to consider whether it would be appropriate to call it in for determination. The Secretary of State would wish to be assured in considering such cases that all reasonable steps have been taken by the LPA, the Environment Agency and the applicant through discussions to consider ways in which the application might have been amended, or additional information provided, which would have allowed the Environment Agency's objection to be withdrawn" (2010: 9)

Your officers are in dialogue with the EA and are seeking confirmation that the application falls into the category of development which would require referral to the Secretary of State and will report the conclusions of discussions with the Environment Agency in a supplementary report.

Regional policy changes

London Plan (consolidated with alterations since 2004)

At the regional level, the London Plan, originally published in 2004, has been revised to include a requirement for developments to "achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy)" (Policy 4A.7 Renewable Energy, 2008: p205). The implications of this are discussed in the *Sustainability Assessment* section above.

Local policy changes

Brent Core Strategy

The process to replace Brent's Unitary Development Plan (2004) with a Local Development Framework (LDF) had begun prior to the decision to grant planning permission in 2007. The Core Strategy DPD was submitted to the Secretary of State on 30 September 2009. The Core Strategy has now been examined and the Council received the Inspector's report on 16 April 2010. This concludes that the Strategy is sound subject to a number of recommended changes. This increases the weight to be given to the Core Strategy policies; those of particular significance are CP 11 and CP 19, relating to Housing Growth Areas, of which Burnt Oak/Colindale is one, and

sustainability and climate change mitigation measures. The implications of this are discussed in the *Sustainability Assessment* section above.

Substantial physical changes to the area since 13 June 2007

Development in the Colindale area has slowed during the recession and the rate of applications for new development has also declined. No changes have occurred along the boundaries of the site and no applications to make changes in the future have been received. The London Borough of Barnet have not raised additional concerns from any changes to their side of the Edgware Road.

Brent has granted permission for a high-density mixed use development at Capitol Way, also known as the Wickes site. This lies beyond the Asda superstore to the north and comprises 4-storey and 6-storey residential blocks above two-storey podium decks and a frontage block of 17 storeys above the podium, comprising 460 flats. Commercial development comprising 5,360m² of retail (Use Class A1 bulky goods), a 734m² garden centre, 1922m² of floorspace for alternative uses falling within Use Classes A uses (A1, A3) or B1 (a-c), and 649m² for alternative uses falling within Use Classes A uses (A1, A3), Class B1 or Class D1 (community/health centre), 97m² of creche facilities (Use Class D1) is approved, along with 281 residential car-parking spaces, 500 residential cycle-parking spaces, 172 commercial car-parking and 80 commercial cycle-parking spaces and a 527m² energy centre. This permission was granted in knowledge of the extant permission on the Oriental City site and thus any cumulative impacts have been considered acceptable in granting permission for the Wickes site.

Your officers do not consider that permissions or sites now under construction in the area would render this proposal unacceptable, having regard to the weight given to the Government's guidance on approaching applications to extend planning permission.

Changes to the scheme

No changes to the scheme considered and approved by members at committee in November 2006 are proposed. Any changes required to satisfy new or revised climate change policy objectives can be incorporated into the reports required to be submitted to the Council for approval before commencement of works as secured in the S106 agreement; it is standard practice to leave these aspects of a development until after permission has been secured as the expensive and technically demanding process of designing the building(s) to meet the agreed standards requires the certainty of what is to be built that permission confers.

Changes to the planning permission

To reflect the changes in policy described above, the following changes are made to the decision notice:

1. Update 'Summary reasons for approval'
2. Add condition listing approved plans

And section 7 of the S106 agreement will be subject to a deed of variation to reflect the agreed heads of terms as set out in the *Sustainability Assessment* section, above.

Environmental Impact Assessment (EIA)

The original application was subject to an EIA under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999. More detail on this can be found in Appendix 1, the original committee report, which can be viewed on our website for this case. (Web link is <http://www.brent.gov.uk/servlet/ep.ext?extId=101150&reference=100457&st=pl>).

EIA regulations do apply to this type of application, and a new screening opinion, if requested, will be necessary (Communities and Local Government, 2009, 6). It is for the LPA to seek further information to support an application for extension if the LPA considers the environmental statement (ES) submitted in support of the original application requires updating or if the likely significant environmental impacts have changed (2009: 5).

A screening opinion was sought by the applicant by letter dated 26 March 2010. Your officers confirmed that the possible cumulative impacts of both this site and the Wickes site do not warrant any changes to the ES submitted with the original application. This decision was taken in light of the Secretary of State's decision regarding the aforementioned Wickes site on Capitol Way, where a screening opinion was sought and the your officers held the view that the Wickes site required an EIA on the basis of the cumulative impact of the Wickes site and the Oriental City site. The applicants of the Wickes site sought a Screening Direction from the Secretary of State which concluded that the Wickes site was not EIA development. The Secretary of State would have had regard to all factors, including cumulative impact of the Wickes site and Oriental City site when considering the need for an EIA, in reaching his decision.

Objections

As discussed in the *Consultation* section, above, most of the objections raised have been addressed in the original committee report and supplementary report (Appendix 1 and 2, which can be viewed on our website for this case. (Web link is <http://www.brent.gov.uk/servlet/ep.ext?extId=101150&reference=100457&st=pl>). and given due weight and consideration by members before planning permission was granted.

The new objections relate to the strength of feeling amongst the local Oriental and Far Eastern community and traders following the closure of Oriental City in June 2008 and the lack of any progress since that time. The overwhelming majority of the 262 objections received by 25 May relate to this matter. The letters request that the Oriental City complex be re-opened as it was, or if it is to be approved, to ensure the project is implemented immediately with the community space the first to be built.

The Council does not have the authority to require the applicant to re-open the complex, nor does existing planning legislation allow LPAs to require development to commence. The original committee report gave some weight to the expectation that any disruption to the traders of Oriental City and the wider community that benefitted from it would be limited to the construction period. However that report also gave significant weight to the planning merits of the scheme, including the provision of a new school. The Council negotiated a sum of £250,000 to be paid to traders by the applicant to help with the relocation. This sum has been paid and disbursed. Your officers are sympathetic to the feelings of the traders and the community but your officers also recognise the difficulties the recession has caused to the delivery of sustainable development. Given that the negotiated sum has been paid to the traders, it is considered unreasonable to require further financial assistance from the applicant.

Conclusion

The Government, when introducing this legislation, expected LPAs to assist the wider economy and the delivery of sustainable development by keeping alive those planning applications which would otherwise lapse during the UK recession. Some policy changes were anticipated in the legislation and although the guidance made it clear that applications to extend planning permissions should not be considered a rubber stamp exercise, it also made clear that LPAs should be positive and constructive in their approach to determining them.

Any weight that is given in this decision to the fact that Oriental City lies vacant will be limited due to: (a) the fact the planning legislation does not give LPAs the power to force either its reopening or its redevelopment; and (b) the need to keep alive planning permissions during the UK recession.

Your officers are of the opinion that there are no planning policy changes which mean permission should not be given to extend the planning permission. In reaching this decision, your officers have attached substantial weight to the Government's guidance on how to approach these applications.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Central Government Guidance

The London Plan (consolidated with alterations since 2004), save for the policies requiring 50% affordable housing.

Brent's Unitary Development Plan 2004

Council's Supplementary Planning Guidance

Relevant policies in Brent's 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 sustainability, 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

Tourism, Entertainment and the Arts: the need for and impact of new tourists and visitor facilities

Transport: in terms of sustainability, safety and servicing needs

Community Facilities: in terms of meeting the demand for community services

Waste: in terms of the development of waste management facilities

Design and Regeneration: in terms of guiding new development and extensions.

CONDITIONS/REASONS:

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

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

- (2) The area of public footway beneath the building in the vicinity of retail atrium 1 shall be stopped up before any work is commenced and the development shall be carried out and completed in accordance with the details so approved before the building(s) are occupied.

Reason: In the interests of public safety.

- (3) 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.

- (4) No goods, equipment, waste products, pallets or materials shall be stored or deposited in any open area within the site.

Reason: To safeguard the visual amenities of the area and the efficient operation of activities within the site.

- (5) The A3/A5 uses shall only take place between the hours of 7.30 hours and 24.00 hours daily unless the Local Planning Authority gives its written consent otherwise.

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

- (6) During demolition and construction on site:

- the best practical means available in accordance with British Standard Code of Practice BS5228: 1997 shall be employed at all times to minimise the emission of noise from the site;
- vehicular accesses to adjoining and opposite premises shall not be impeded at any time;
- no waste or other material shall be burnt on the application site;
- a suitable and efficient means of suppressing dust must be provided and maintained, including the adequate containment of stored or accumulated material, so as to prevent it becoming airborne at any time and giving rise to nuisance.

Reason: To protect the amenity of the occupiers of adjoining premises.

- (7) Dust levels at sensitive receptor points, to be agreed in writing with the Council, shall be continuously monitored using frisbee gauges in accordance with arrangements which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To monitor dust levels.

- (8) All parking spaces, turning areas, loading bays, access roads and footways shall be constructed and permanently marked out prior to commencement of use of any part of the approved development, or upon further application within such longer period as may be approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved plan(s). Parking spaces shall be constructed with minimum dimensions 2.4m x 4.8m and lorry spaces with minimum dimensions 15m x 3.5m.

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.

- (9) Notwithstanding the provisions of Schedule 2, Part 1 (Class H), Part 24 and Part 25 (Classes A to B) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any future enactment of that Order, no development by telecommunications-code systems operators carried out on the school and residential building(s) hereby approved, in the form of telecommunications, satellite antenna installation development shall be carried out,

unless a formal planning application is first submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent installations on school buildings that are prejudicial to the visual amenity and to safeguard the learning environment.

(10) During demolition and construction on site:-

a) The operation of site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;

b) The hours of demolition and construction limited to 0800 - 1830 Mondays - Fridays, 0800-1300 Saturdays and at no other times on Sundays or Bank Holidays.

Reason: To limit the detrimental effect of demolition and construction works on adjoining residential occupiers by reason of noise and disturbance.

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

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

(12) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

2800_MP_00_021	2800_MP_00_022
2800_MP_00_023	2800_MP_00_100 Rev I
2800_MP_00_101 Rev K	2800_MP_00_102 Rev J
2800_MP_00_103 Rev J	2800_MP_00_104 Rev J
2800_MP_00_105 Rev H	2800_MP_00_106 Rev D
2800_MP_00_401 Rev B	2800_MP_00_402 Rev F
2800_MP_00_404 Rev B	2800_00_511 Rev A

2800_MP_20_105	2800_20_135 Rev B
2800_20_136 Rev B	2800_20_137 Rev B
2800_20_138 Rev B	2800_20_401 Rev B
2800_20_402 Rev B	2800_20_403 Rev B
2800_20_404 Rev B	2800_20_405 Rev B
2800_20_406 Rev B	2800_20_407 Rev B
2800_20_408 Rev A	2800_20_501 Rev A
2800_MP_20_512	2800_MP_00_513

2800_A_20_205 Rev F	2800_A_20_217 Rev B
2800_A_20_220 Rev B	2800_A_20_223 Rev B
2800_B_20_205 Rev F	2800_B_20_212 Rev C
2800_C_20_205 Rev G	2800_C_20_210 Rev C
2800_D_20_205 Rev D	2800_D_20_207 Rev C
2800_E_20_205 Rev C	2800_E_20_205 Rev C
2800_F_20_205 Rev C	2800_F_20_208 Rev C
2800_G_20_205 Rev D	2800_G_20_208 Rev C
2800_H_20_205 Rev E	2800_H_20_212 Rev C
2800_I_20_205	

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

- (13) Details of materials to be used for all external work including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out in accordance with the approved details.

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

- (14) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall comprise:-
- (a) the design of the building(s), including annotated elevations;
 - (b) the external appearance of the building(s), including profiles of elevations;
 - (c) elevations of buildings showing location of advertising signage;
 - (d) method of supplying tv digital cabling to all residential units;
 - (e) the provision and safeguarding of dedicated parking spaces for car club use;
 - (f) the design of the means of vehicular and pedestrian access to and movement within the site;
 - (g) the finished levels of all buildings, roads (indicating gradients), landscape works and boundaries relative to adjoining properties;
 - (h) the use and treatment (including drainage) of all open areas of the site;
 - (i) controls at pedestrian and vehicular entry points to provide safe and secure access;
 - (j) the provisions for loading, unloading and parking of service vehicles;
 - (k) the provisions for school servicing and drop off;
 - (l) cycle storage/parking provisions for residential, school and retail uses
 - (m) the proposed boundary treatment including all fences, walls and gateways;
 - (n) the provision of refuse and waste storage and disposal facilities;
 - (o) parking and access provision for disabled persons
 - (p) the provision of lighting to ensure safety and convenience on roads, footpaths and accesses to buildings;
 - (q) the provision and safeguarding of dedicated parking spaces for motor cycles.
 - (r) the provision of any green roofs to the development;
 - (s) the design of the front of the school building and its relationship with the kerbs on the access ramp to ensure drivers leaving the school car park can see traffic descending from the residential car park;
 - (t) combined waste collection areas (recycling/residual waste) shall be provided on each floor level in accordance with details that shall first be submitted to and approved in writing by the local planning authority;
 - (u) the provision of separate waste storage for the retail part of the development, with allowance for segregated waste streams to meet the Landfill Allowance Trading Scheme allowances for the Borough. Commercial waste can not be mixed in with domestic waste;
 - (v) further details of the entrance to the retail car park and service yard;
 - (w) further details of the layout of the school staff car park to ensure adequate safety for the users of the site, including pedestrians.

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

- (15) The remainder of the undeveloped land within the curtilage of the site shall be

suitably treated with hard and soft landscaping, including trees/shrubs/grass, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction work on the site; such landscaping work shall be completed prior to occupation of the building(s) or within six weeks of the commencement of the next planting season, if the commencement of construction of the development takes place outside the planting season, in accordance with a program to be first agreed in writing by the local planning authority. The approved scheme shall be fully implemented.

Such a scheme shall also indicate:-

- (a) details of the construction of the podium deck and its planters
- (b) details of the subsoil on the podium
- (c) moundings and contours;
- (d) other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, footways and other paved pedestrian areas.
- (e) details of the proposed arrangements for maintenance of the landscaping

In the event that no scheme is submitted and approved prior to commencement of demolition/construction works, the Local Planning Authority shall be empowered to prepare a scheme which shall be forwarded to the applicant or any subsequent occupier of the site, and such scheme shall be implemented as required above.

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

- (16) No development shall commence until a detailed phasing plan (to include demolition) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure that the development is correctly phased in the interests of the proper planning of the area.

- (17) No development shall commence until further details of the proposed development have first been submitted to and approved in writing by the Local Planning Authority which list and detail the actions and works to be carried out, together with their timetable for implementation, to address the issues identified in the Environmental Impact Assessment, which include the impact study required by Thames Water and details of mitigation measures. The development shall thereafter only be implemented in accordance with the approved details so approved unless otherwise agreed in writing by the local planning authority.

The details in particular relate to;

- a) Noise level and its mitigation during construction/demolition phase and operational phase (Chapter 6)
- b) Water quality and resources mitigation measures during construction/demolition and operational phase (Chapter 10)
- c) Ecology and Nature Conservation mitigation measures during construction/demolition and operational phase (Chapter 13)
- d) Socio Economic mitigation measures during construction/demolition and operational phase (Chapter 14)

Reason: To ensure a satisfactory form of development.

- (18) Details of adequate arrangements for the storage and disposal of

- (a) refuse
- (b) food waste
- (c) paper and cardboard waste
- (d) including litter bins inside and outside the premises

shall be submitted to and approved, in writing, by the Local Planning Authority and shall be installed prior to the commencement of the appropriate part of the development hereby approved.

A waste-management strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and implemented thereafter.

Reason: To protect the amenities of the locality and in the interests of hygiene.

- (19) Notwithstanding the details submitted and otherwise approved, no part of the development shall commence until the applicant has submitted to and had approved in writing by the Local Planning Authority, further details that show either:

(a) that the development particularly will not have any adverse effect on radio and television reception at properties in the surrounding area, or

(b) that remedial measures will be implemented to prevent any such adverse effects. The details of these remedial measures shall be agreed in writing with the Local Planning Authority before development commences and shall be implemented before the development could cause any disruption to reception.

Reason: To protect the interests of occupiers of nearby residential and commercial occupiers.

- (20) Notwithstanding the development hereby approved, details of apparatus for the neutralisation of all effluvia from the processes of cooking, etc., shall be submitted to and approved in writing by the Local Planning Authority and thereafter installed in accordance with the approval prior to commencement of any A3/ A5 use and retained thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining property.

- (21) Before building works commence on the site, a study of noise levels and vibration - measuring existing and predicted noise levels and vibration at the boundary of and within the site and providing for the insulation of the proposed dwelling units and the school against the transmission of external noise (and vibration) from the adjacent highway and the servicing area - shall be submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme shall be completed in accordance with the details so approved before any of the dwelling units are occupied.

Reason: To safeguard the amenities of the future occupiers of the development and in order to comply with PPG24 "Planning & Noise".

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

fully implemented.

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

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

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

- (24) A fixed wheel-washing facility shall be provided before commencement and be operational during development, the location and details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the environment.

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

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

- (26) Before any demolition works commence on site, details shall be submitted to and approved in writing by the Local Planning Authority, specifying the access points to the site and routes for demolition and construction traffic, the parts of the site used for site huts, storage of materials and plant.

Reason: In the interests of residential amenity.

- (27) Notwithstanding the submitted details of this application, development shall not commence until details of surface-water drainage systems have been submitted to and approved in writing by the Local Planning Authority. These agreed details shall be fully implemented. The design shall be in accordance with current Government policy and guidance and satisfy statutory obligations in consultation with the Environment Agency and Thames Water. Existing run-off rates and volume shall be reduced as much as reasonably practical, given the nature of the development and

the local ground conditions.

Reason: In order to prevent flooding to properties and as required by Thames Water.

- (28) Notwithstanding the submitted details of this application which are otherwise approved, the development shall not be commenced until:-
- (i) a Flood Assessment of the site (in accordance with a scheme of investigation and analysis which has been approved by the local planning authority) which addresses the risk of flooding; has been submitted to the local planning authority
 - (ii) the Local Planning Authority have approved in writing remedial measures to address the risk of flooding (or have confirmed that no remedial measures are required; and
 - (iii) such remedial measures (if any) have been fully carried out.

Reason: In order to address any risk of flooding to properties in the locality.

- (29) Notwithstanding hereby approved, parking management plans shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of the occupation of the development.

Reason: To ensure that the parking spaces and the arrangement for both commercial and residential development would benefit the end users and to minimise any impact or overspill of residential parking on the nearby streets.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Committee Report - 21 November Item 1/04 (Case no. 06/1652)

Supplementary Information - 21 November Item 1/04 (Case no. 06/1652) which can be viewed on our website for this case. (Web link is <http://www.brent.gov.uk/servlet/ep.ext?extId=101150&reference=100457&st=pl>).

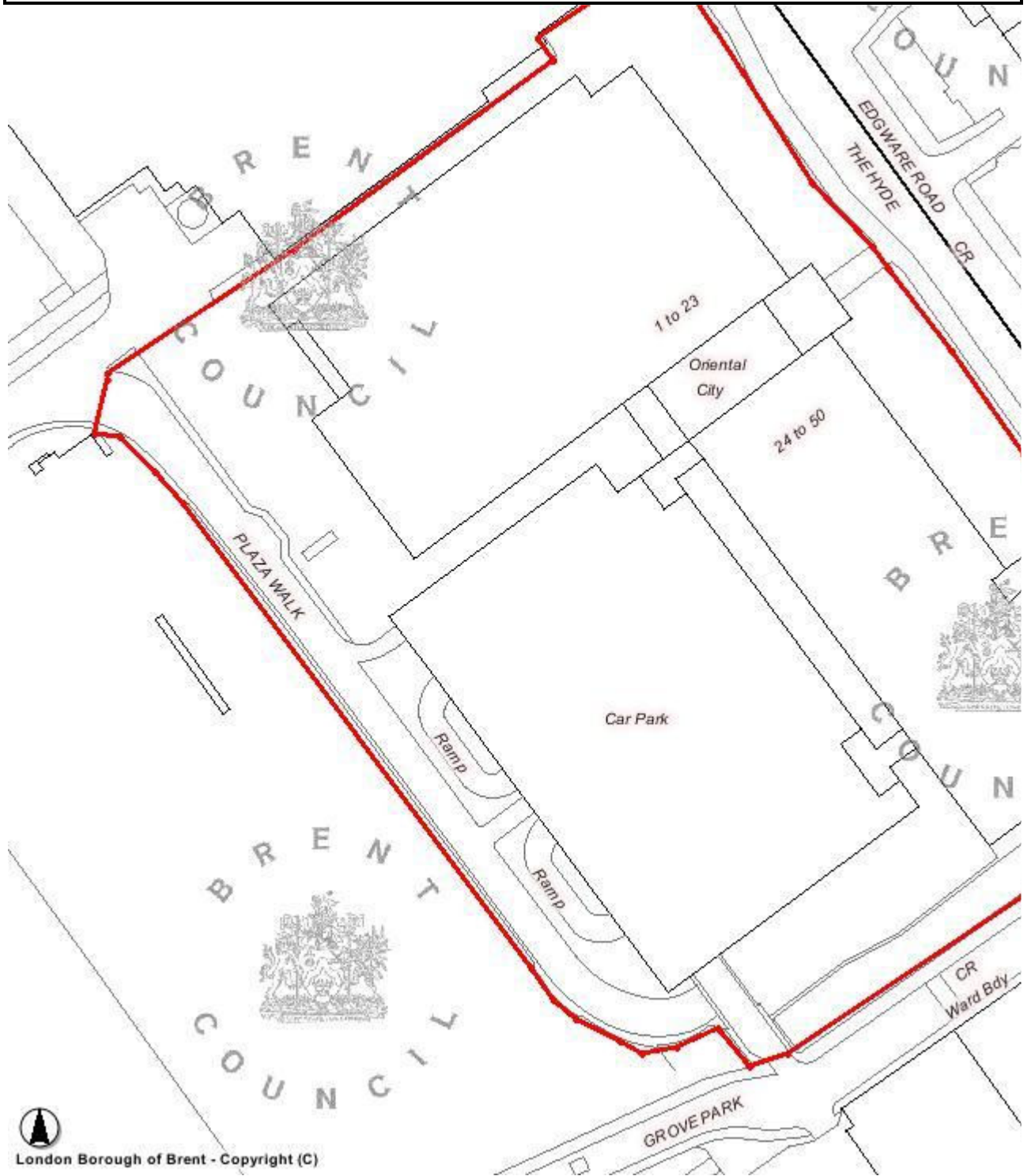
Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: BUILDING & GROUNDS, ORIENTAL CITY, Edgware Road, Kingsbury, London, NW9

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