
Location	BUILDING & GROUNDS, ORIENTAL CITY, Edgware Road, Kingsbury, London, NW9
Description	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

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Site visit

Members sought confirmation about the size of the proposed units and the eventual population.

The approved mix of units sizes is as follows:

2 x studio, 194 x 1-bed, 281 x 2 bed, 43 x 3-bed (taken from original committee report).

All units comply with SPG17 minimum space standards.

Occupancy rates per unit are based on the Wandsworth model of 1.47 people per studio flat, 1.31/1-bed, 1.64/2-bed and 2.04/3-bed. This gives a total estimated population yield of 820 people.

Further comments

A further 27 objections have been received. With the exception of a letter from the QARA group of [residents] associations, the letters are all of the photocopied pro-formal type reported in the committee report.

The QARA group of associations have submitted an objection on the basis that the S106 agreement should be amended to take account of the following matters:

(a) Health facilities have materially changed.

QARA contend that the health facilities in the area have materially changed. Paragraph 8.1 of the First Schedule of the s106 agreement requires the sum of £100,000 to be paid to the

Council for health or social care provision in the borough on material start. The original supplementary report referred to the flexibility a contribution would give in lieu of identifying a specific facility, stating "Previously, the proposed PCT facility at Stag Lane had been identified, but this is one of a range of priorities and the Council may use such funding for health or social care facilities elsewhere in the borough". Your officers do not believe that any significant changes have occurred which means this sum is either not required or is now insufficient. The only significant change in the area has been the approval of development of the nearby Wickes site. This was accompanied by infrastructure assessments, including of local health facilities, the findings of which were supported by the GLA. As a consequence, the Wickes site is due to contribute space for a health facility which will be offered to the Council or the PCT.

(b) Temporary community space

QARA request that the temporary community space, currently required during the construction phase, be provided within a set time limit from the grant of planning permission. The Council does not have the authority to require such a time limit.

(c) CPZ permits

QARA request a clause be inserted in the s106 to include "free CPZ permits to the residents of any CPZ scheme that may be introduced..." (QARA, 7 June 2010: 2). Officers take this to mean that if a CPZ is introduced in the future, the residents within it should received free permits. Controlled Parking Zones are currently imposed following local consultation and if a majority of residents are in favour. This has not changed since the scheme was originally granted permission, therefore nothing has changed to warrant such a clause.

(d) Brent Cross

QARA highlight the recent referral of the Brent Cross development in Barnet to the Government Office for London as a material consideration. Your officers disagree that the Brent Cross proposals, substantial though they are, would merit refusal of this planning permission. It should be noted that neither GLA, in their capacity as the regional planning authority, nor the London Borough of Barnet have raised this as a reason for concern or refusal.

Clarification

Your officers confirm that the scheme is not considered a major application as defined by the Environment Agency; therefore this scheme does not require referral to the Secretary of State. The Environment Agency maintain their objection as reported in the committee report but the Council is free to determine the application and impose a condition if it sees fit.

Amendments

Comments from Borough Solicitor

In the wording at the end of the Section 106 Details insert "by 28 June 2010" after the words "has not been entered into by all relevant parties".

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 S106 or other legal agreement (details as set out in the main report) and delegate authority to the Director of Environment & Culture to agree the exact terms thereof on advice from the Borough Solicitor.