

**MERCEDES-BENZ AND SMART, COLINDALE**  
REPRESENTATIONS TO LONDON BOROUGH OF BRENT'S DRAFT LOCAL  
PLAN, REGULATION 19  
MERCEDES-BENZ RETAIL GROUP UK LIMITED  
DECEMBER 2019



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## 1.0 Introduction

- 1.1 This document comprises representations submitted on behalf of Mercedes-Benz Retail Group UK Limited (hereafter referred to as ‘the landowner’) and its interest in the promotion of the redevelopment of the Mercedes-Benz and Smart dealership (the site) at Edgware Road, Colindale, in response to the London Borough Brent (LB Brent) Regulation 19 draft Local Plan (DLP), which was published for consultation between 24 October and 5 December 2019.
- 1.2 This document includes the responses submitted online via the Council’s portal and provides additional information including a design and capacity study (at appendix 1), which should be read in conjunction with this document.

### **Mercedes-Benz Retail Group UK Limited**

- 1.3 Mercedes-Benz is one of the world’s leading manufacturers of automobiles, buses, coaches and trucks, although it is probably most renowned for its production of luxury and high-performance cars. Since its inception, Mercedes-Benz has had a reputation for quality and durability. The company is also a pioneer in environmental research and cooperates with other automotive producers in researching renewable fuels. Research into safety innovation is also awarded high priority.
- 1.4 Mercedes-Benz is the owner of a number of showroom sites throughout the United Kingdom, used for the purposes of vehicle sales. Mercedes-Benz consider appropriate development opportunities when available to ensure most-appropriate use of their land holdings portfolio.
- 1.5 This particular site is currently allocated as part of LB Brent’s Site Specific Allocation (2011) with land to the south known as the Northern Quarter, which was subject to a successful planning application in September 2009 (application reference: 08/2823. The site is proposed to continue as allocated within the DLP (draft policy BNSA1: Capitol Way Valley), along with a number of other land parcels to the west and south, beyond the Northern Quarter, as part of a larger site area.
- 1.6 Both existing and emerging allocations propose mixed use redevelopment for the commercial and car showroom, with residential development above. The draft allocation also includes land within the Local Significant Industrial Site (LSIS), which lies outside of the Mercedes-Benz site. In addition to the existing and draft site allocations, the site is also subject to the following designations, which would be retained in the DLP:
- the Burnt Oak and Colindale Growth Area
  - Tall Building Zone
  - Air Quality Management Area
- 1.7 The opportunity presented by this site is set out in full at section 3 as well as within the Feasibility Study at Appendix 1.

## The test of soundness

- 1.8 This representation specifically considers the draft policies against the test of soundness as defined by the National Planning Policy Framework (NPPF) and where appropriate, provides a critique of the draft policy's 'soundness', as defined.
- 1.9 At paragraph 35 of the NPPF 2019, it states that '*plans are 'sound' if they are:*
- a) *Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
  - b) *Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
  - c) *Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
  - d) *Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.'*
- 1.10 This representation sets out Mercedes-Benz Retail Group UK Limited support for the general approach to the DLP, particularly the site's continued inclusion within the Growth Area and draft allocation of the site. However, as evidenced within section 2, the landowner takes the opportunity to raise concern to draft policy BNSA1: Capitol Way Valley, which is potentially restrictive towards development as currently drafted, in regard to the reliance on other sites and the requirement for a masterplanning process, whilst more general policy topics require further clarity and consistency with the draft New London Plan (NLP), 2019.

## 2.0 Representation on draft policies

- 2.1 The following section presents representations on specific draft policies within the draft Local Plan in regard to the ‘soundness’ of the policies, for the Council’s review and consideration.

### Chapter 5: Places, 5.3: North Place

#### Strategic draft policy BP3: North

- 2.2 Draft policy DP3: North sets out the vision for the northern part of LB Brent. Within the policy, it states that, where appropriate, proposals should plan positively to deliver the vision for this area by contributing and delivering the following:

- Enhancement to character, heritage and design
- Homes
- Town centre improvements
- Community and cultural facilities and
- Employment and skills opportunities.

- 2.3 Whilst the overall aspiration of this draft policy is supported, there is a lack of specific detail and quantum within the ‘homes’ sub-section, which creates a lack of effectiveness. The inclusion of a housing target would help contextualise the area within the wider housing target for the Borough and will help define the specific targets for the area, providing support to LB Brent’s overall Vision. This inclusion of a housing target (based on the Local Plan’s evidence base) over a specific time period (either over the Local Plan period or other defined timeframe) will ensure that this is effective and justified.

- 2.4 In addition, the ‘homes’ subsection of the policy also has reference to the requirement for masterplanning for the Burnt Oak/Colindale Growth Area, referred to as Capitol Valley “*will be determined by a masterplan, taking into account the need to intensify employment use on the site*”. As further discussed within comments on draft policy BNSA1: Capitol Way Valley below from paragraph 2.13, although the masterplanning is considered to be a useful exercise, this requirement would be better suited within the supporting text for the policy, rather than the policy text itself. By including this reference within the policy, an added restriction is placed on individual parcels of land coming forward, ahead of the required land assembly and masterplanning process taking place.

- 2.5 As currently drafted, the supporting text at paragraph 5.3.28 provides this clarity and more positive wording by stating: “*in advance of the adoption of a masterplan for this site, the council will resist small scale release, unless it can be shown to not undermine the outcomes of any likely adopted masterplan*”. This wording would include reference to the aspiration for the masterplan of the Capitol Way area when the text from the policy is removed, whilst ensuring that it does not restrict individual parcels of land coming forward. This is supported by the landowner.

- 2.6 The masterplanning process may be resource consuming to LB Brent and could require one or two consultation period(s) and modification process, if it is to be adopted as a formal policy document as part of the Local Plan. From experience, this process can take a minimum of 12 months to complete. To this end, the

requirement to masterplan could prohibit individual parcels of land being proposed for development and slow down the delivery of new homes, employment space, community facilities or creation of improved public realm and open space.

- 2.7 Whilst supportive of this policy, the policy should be amended to include key targets to ensure that it can be effective and help deliver the key vision for this part of the Borough. LB Brent should also look to reword the policy to exclude the requirement of masterplanning at the 'homes' subsection and rely on the positively prepared wording at paragraph 5.3.28 of the supporting text of the DLP.

Strategic draft policy BNGA1: Burnt Oak/ Colindale Growth Area

- 2.8 Draft policy BNGA1: Burnt Oak/Colindale Growth Area sets out the primary emphasis of the area to create a sense of place and seeks to reduce traffic dominance of Edgware Road through public realm improvements. New economic activity and creation of over 2,000 new homes to 2041 is also proposed, with the support of social and physical infrastructure.
- 2.9 The landowner is very supportive of the continued inclusion of the site within the Growth Area boundary, which now includes land to the west (within the LSIS) and land to the south beyond the Northern Quarter. This draft policy is also considered to be compliant with the aspirations set out by BP3: North as well as the site allocation (draft policy BNSA1: Capitol Way Valley), as discussed below.
- 2.10 The inclusion of a housing and employment target for this growth area is also strongly supported. As suggested above, the inclusion of a target ensures the draft policy is effective to assist in delivering the Vision for the growth area and within the wider context of this part of LB Brent. To this extent and in line with NPPF, the promotion of the effective use of land and the optimisation of densities would be well suited to this draft policy to assist in achieving the vision for this growth area: to contribute towards meeting LB Brent's and London's housing targets by utilising sustainably located brownfield sites.
- 2.11 The landowner also supports the Growth Area's aspiration to reduce traffic on Edgware Road through public realm improvements. A number of recent developments towards the south of the growth area on Edgware Road, towards Colindale station (including the Bang Bang Oriental Foodhall development) have created a very active frontage with new public realm. Any redevelopment of this site will seek to fulfil this aspiration, where appropriate.

Non-strategic draft policy BNSA1: Capitol Way Valley

- 2.12 *Test of soundness:*

- ***Is not positively prepared***
- *Is not justified*
- *Is not effective*
- *Is not consistent with national/regional growth.*

- 2.13 This draft policy BNSA1: Capitol Way Valley details the site allocation, which includes this site along with areas to the west and south beyond the Northern Quarter, which is currently being built out.

- 2.14 The landowner strongly supports the inclusion of this site as part of the allocation. The long term vision for the landowner is the continued investment in the Colindale area through the redevelopment of the dealership and rationalisation of the existing floorspace. This will protect the employment use at the site (important to both Mercedes-Benz's and LB Brent's vision) as well as including the provision of residential units on the upper floors, to assist in meeting the housing targets for the area and across LB Brent.
- 2.15 Whilst the allocation provides an opportunity for the redevelopment of the site, this draft policy is not sufficiently positively prepared as a direct consequence of requiring the masterplanning of the whole allocation, prior to any planning application being prepared and submitted. The risk outlined by LB Brent in regard to the landownership is understood. However, this could require land assembly and the undertaking of a comprehensive masterplan process for the allocation may unnecessarily delay the deliverability of the allocation to create new homes and re-provide employment and commercial space within the plan period.
- 2.16 The site is currently allocated as part of the Site Specific Allocation (2011) along with an area to the south known as 'the Northern Quarter'. In this situation, the Northern Quarter was subject to a successful planning application in September 2009 (application reference: 08/2823) and is currently nearing completion. Whilst the two parcels of land were included within the same allocation, the allocation has not sought to restrict the individual parcels of development coming forward and as a consequence, the Northern Quarter was able to be developed ahead of the Mercedes-Benz and Smart dealership site.
- 2.17 The redevelopment of this site would provide an opportunity to re-establish an employment site within the area and create new homes in the early part of the plan period, whilst the land assembly and strategy for the wider allocation can be established. The early development of this site will not prejudice the development potential of the wider allocation, especially given that it is outside of the LSIS and is subject to the existing allocation within the currently adopted Development Plan.
- 2.18 The benefits of undertaking a masterplan of the whole allocation are apparent, however the masterplanning process may be resource consuming to LB Brent (as well as any possible masterplanning partner) and may require one or two consultation period(s) and modification process, if it is to be adopted as a formal policy document as part of the Local Plan. From experience, this process can take a minimum of 12 months to complete. It is therefore suggested that wording of the policy is revised to enable the redevelopment of this site without the reliance on other parcels of land or masterplanning process. More specifically, the following text should be deleted from the planning considerations sub-section of the draft policy:
- "the whole site will be subject to a masterplan process to comprehensively identify how it can increase useable employment floorspace, whilst contributing to the council's vision for the Burnt Oak and Colindale area of creating 'a mixed, vital, accessible and pleasant district'. Until a masterplan for the site has been agreed/ adopted by the council, no redevelopments (apart from 17/0837) will be permitted within this area".*
- 2.19 When creating the indicative masterplan for the wider site allocation site, consideration was paid to the full raft of design principles included with draft policy BNSA1: Capitol Way Valley. This includes the re-provision and co-location of the



commercial and employment uses and inclusion of retail uses and active frontages as well as the creation of new residential units within this allocation. In addition, in line with national policy and draft NLP policy D12, the 'Agent of Change' principles have also been taken into account. These principles place responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive development. This considers noise and dust pollution and all vehicle movements associated with all users of the site and how all uses co-exist at this allocation.

- 2.20 In summary, as the draft site allocation policy is currently written, it is not considered to be sufficiently positively prepared with the reliance on comprehensive masterplanning of the whole site allocation prior to any planning application on individual development parcels. In order for this draft policy to be found sound, LB Brent should remove the wording within this policy to allow individual parcels of land to come forward for development independently of the wider allocation, subject to satisfactorily demonstrating development would not harm the delivery of the policy aspirations set out by draft policy BNSA1.

## **Chapter 6: Themes, 6.2**

### Strategic draft policy BH13: Residential Amenity Space

- 2.21 *Test of soundness:*

- *Is not positively prepared*
- *Is not justified*
- *Is not effective*
- ***Is not consistent with national/regional growth.***

- 2.22 This draft policy requires all new dwellings to provide external private amenity space to satisfy the proposed residents' needs. The draft policy continues and sets out the expectation for 20sqm per new flat and 50sqm for family housing (including ground floor flats).

- 2.23 Whilst the aspiration to create external private amenity space for below residential is supported, within the context of sustainably located, high density developments, it is considered inappropriate and undeliverable to create 20sqm of private amenity space per flat. This would create consequences for daylight/sunlight considerations for the new development as well as design and engineering ramifications to incorporate such a requirement. Rather than set an expectation, the draft policy should look to create a minimum level of external private amenity space, which may be widely accommodated by developments.

- 2.24 The draft policy should be reworded to be clearer in its approach and to consider draft NLP policy D4, which sets out a minimum requirement of 5sqm of private outdoor amenity space for new 1-2 person residential units with an extra 1sqm for each additional occupant. Where LB Brent seek to create additional floorspace, it may be more realistic and deliverable to include a target for communal residential amenity space. The above aforementioned amendments to the wording of this policy will assist in ensuring it is clear and more realistic for parties bringing development forward, whilst also ensuring it is consistent with the draft NLP policy D4 and can be found sound.

### **3.0 Opportunity at Mercedes-Benz & Smart, Colindale**

3.1 This section presents representations on the more general draft policies within the draft Local Plan for the Council's review and consideration.

#### **Site designations**

3.2 As previously mentioned, on review of the local designations, the site is subject to the following:

- Burnt Oak and Colindale Growth Area
- Tall Building Zone
- Air Quality Management Area
- Parts of the site are within flood zone 3a for surface water and in an area susceptible to groundwater flooding.

3.3 A plan has been included at page 6 with the feasibility study at Appendix 1.

3.4 The site has a Public Transport Accessibility Level (PTAL) rating of 3 (as defined by TfL's WebCAT tool). The site has access to Colindale to the south-west and Burnt Oak London Underground Station to the north-west, both approximately 12 minutes' walk from the site. A frequent bus service also runs along Edgware Road, with the nearest bus stop located just outside the site. This bus stop provides services to Watford, Edgware and Borehamwood (routes: 32, 142 and 292) as well as services to Victoria Coach Station via route N16.

3.5 Whilst there is no relevant site specific planning history at the site, it is noted that the site is currently allocated with the adopted Site Specific Allocations (2011), along with the land to the south. This land is known as the Northern Quarter, which has been brought forward independent of this site and is nearing completion (application reference: 08/2823).

#### **Site and surrounding context**

3.6 The site comprises 1.47 hectares (ha) and is located in Colindale, north-west London with Brent Cross to the south and Edgware to the north. More specifically the site lies on the western side of Edgware Road (A5), which runs north to south.

3.7 The site currently comprises a Mercedes-Benz and Smart dealership, which has occupied the site since mid-1970s. This comprises the showroom and sales area with sales parking to the front of the showroom onto Edgware Road. Further parking for servicing, repair work and commercial vehicle parking lies to the rear (west) of the site via the access road along the southern boundary, from Edgware Road. Offices to serve the showroom and other Mercedes-Benz operations are also located on the first floor of the premises.

3.8 Within the site's locality, the north and eastern areas comprise low-rise residential housing with employment and commercial uses along the frontage onto Edgware Road. A number of developments have been recently completed or are nearing completion to the south of the site, also fronting onto Edgware Road. These developments incorporate the co-location, mixed used development with employment uses as well as inclusion of residential uses above ground floor level,

with tall building elements, to help meet the local housing targets within the Borough. These developments are currently allocated as part of the current Core Strategy: Site Specific Allocations (2011) and have been subject to various successful planning applications.

### **Feasibility study**

- 3.9 A comprehensive feasibility study, appended to this submission, has been undertaken to quantify the development potential of this site as well as demonstrating the capability of the wider site allocation, as prescribed by the wording of the draft site allocation policy BNSA1: Capitol Way Valley.

#### Redevelopment of the Mercedes-Benz and Smart dealership

- 3.10 For this particular site, the study rationalises the existing use of the site, as a Mercedes-Benz and Smart dealership, with workshops and parking at ground and basement levels and offices at the first floor. This re-provision of the existing employment uses has been reallocated over three floors, fronting Edgware Road and served by the existing access onto Edgware Road.
- 3.11 In addition to this re-provision of the existing commercial uses, this study includes the provision of residential units, ranging between 1, 2 and 3 bedroom units, in line with the draft policy BH6. The secondary access off Carlisle Road will be used to access the residential parking over the three floors at the rear of the site behind the commercial frontage onto Edgware Road. Above the commercial uses and residential parking comprises the podium amenity level with residential blocks rising five storeys above in a series of blocks.
- 3.12 Additional height has been attributed to the eastern edge of the site to define a pedestrian/ cycle route from Capitol Way to Carlisle Road and to respond to the height of the Northern Quarter and the approved height of 1-8 Capitol Way. The commercial frontage wraps around the Edgware Road boundary of the site to meet the policy requirement, to create an active frontage with the tallest block comprising 11 storeys to create a legible massing strategy for the site and also to create a landmark entrance into the wider allocation.
- 3.13 At this indicative stage, for the purposes of this representation, the feasibility study identifies that the site can accommodate approximately 6,500sqm of commercial floor space and approximately 400 residential units.

#### Consideration to the wider site allocation

- 3.14 Looking towards the wider site allocation, outside of the Mercedes-Benz ownership, the indicative masterplanning exercise highlighted at page 8 of the feasibility study demonstrates that the policy aspirations with draft policy BNSA1 can be realised on the site, independent of this site.
- 3.15 This masterplan notes the considerations to approved layouts of the Northern Quarter and 1-8 Capitol Way, pedestrian, cycle and car permeability throughout the site and into the wider allocation context as well as consideration to creating a defined height strategy throughout the area with the creation of pocket park and green spaces.

- 3.16 This study helps present early ideas and concepts for how redevelopment could come forward. Whilst initial concepts at this stage, further design work will take these principles further to establish key factors, including but not exclusively: the co-location of employment and residential uses and references to the 'Agent of Change' principles, noting the different vehicular movements, parking requirements and hours of operations associated with each proposed use of the site and wider site allocation.

## 4.0 Conclusion

- 4.1 The extensive review of LB Brent's Regulation 19 draft Local Plan within the above highlights the landowner's support for the general approach to the DLP, particularly the site's continued inclusion within the Growth Area and draft allocation of the site. This representation provides an opportunity to promote the sufficiently positively worded policies and to ensure the policies are consistent with national and regional planning policy, namely the draft NLP (July 2019).
- 4.2 Specifically, the representations support the following policies:
- Draft policy BP3: North
  - Draft policy BNGA1: Burnt Oak/ Colindale Growth Area, or
- 4.3 The representations take the opportunity to raise concern to draft policy BNSA1: Capitol Way Valley, which is currently restrictive towards development, in regard to the reliance on other sites and the requirement for a masterplanning process.
- 4.4 More general policy topics are also not consistent with national national/ regional growth and require additional wording to ensure that the policy is consistent and clear for interpretation, these include:
- Draft policy BH13: Residential Amenity Space.
- 4.5 LB Brent are encouraged to consider the revisions detailed within this comprehensive representation to create sufficiently positively prepared and nationally and regionally compliant policies prior to the submission to the Local Plan Inspector. This will ensure that the draft Local Plan is not challenged at Examination, and fully accords with NPPF paragraph 35.