

**Committee Report**  
**Planning Committee on 16 March, 2010**

Case No.

09/2650

---

**RECEIVED:** 17 December, 2009

**WARD:** Barnhill

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** 1-3, The Mall, Harrow, HA3

**PROPOSAL:** Demolition of existing buildings and erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 18 x one-bedroom flats, 27 x two-bedroom flats, 30 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 13 x one-bedroom flats & 42 x two-bedroom flats (private housing), with 27 surface and 81 basement car-parking spaces, amenity space, children's play area and bin stores

**APPLICANT:** Bouygues Uk

**CONTACT:** Munkenbeck Partners Urbanism Ltd Architects

**PLAN NO'S:**  
See Condition 2

---

**RECOMMENDATION**

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement 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:-

- a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- b) 61.5% Affordable Housing.
- c) A contribution £452,400, due on Material Start of Phase 1
- d) and contribution £291,000, due on Material Start of Phase 2, index linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area, including but not limited to Barnhill Open Space. Comm.
- e) A contribution £30,000, due on Material Start, index linked from the date of committee for improvements to community facilities in the local area.
- f) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- g) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- h) Join and adhere to the Considerate Contractors scheme.
- i) Removal of the rights of residents to apply for parking permits.
- j) Prior to Occupation, submit gain approval for and adhere to a Residential Travel Plan

k) No Occupation of Phase 2 until Phase 1 is completed.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

## **EXISTING**

The site, also known as Metro House, is located on the east side of the The Mall, 70m south of the Kingsbury roundabout (junction with Kingsbury and Kenton Roads).

The site is 0.966ha and is generally flat. It shares the north-east boundary with Moot Court, a residential development of six three-storey blocks of flats; in addition a single storey house (No. 37) is located 7m from the boundary within the grounds of Moot Court. A close-board fence (approximately 6ft) forms the boundary, although to the northern end a run of ten garages serving Moot Court form the boundary. The south-east boundary abuts the JFS playing fields and is formed with a high chainlink fence with planting that forms a hedge. The boundary to The Mall is a mix of well-established hedge, chainlink fence and low wall.

The site has a collection of buildings ranging from single- to four-storeys high. The central H-shaped four-storey block is located to the back of the site, close to the JFS playing fields, and has an over-height ground floor. The existing building is a prominent and imposing form when viewed from Moot Court and the playing fields but it is less so when viewed from the street as a consequence of its position on the site and the frontage planting.

The existing buildings on the site were previously used by the Metropolitan Police in the main as accommodation for police cadets training at their Hendon College and as a police training college (sui generis use). At present the buildings are in use as a hostel for the homeless, with approximately 106 separate rooms.

The site has a number of mature trees of moderate quality on site, subject to a TPO.

## **PROPOSAL**

Permission is sought for the demolition of the existing buildings and the construction of erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 18 x one-bedroom flats, 27 x two-bedroom flats, 30 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 13 x one-bedroom flats & 42 x two-bedroom flats (private housing), with 27 surface and 81 basement car-parking spaces, amenity space, children's play area and bin stores.

## **HISTORY**

### **06/0566 Full**

Renewal of condition 1 (temporary consent) for Full Planning Permission reference 97/2621 dated 7 February, 2000, for change of use from Police training centre and hostel to hostel and Condition 1 of the renewed Planning Permission with reference 03/0157

**Granted** 15/05/2006

### **05/3616 Removal of condition(s)**

Removal of condition 1 (temporary consent) and condition 2 (accommodation for homeless persons) of Full Planning Permission reference 97/2621, dated 7 February 2000, for change of use from Police training centre and hostel to hostel and Condition 1 (temporary consent) of the renewed planning permission with the Council's reference 03/0157 dated 2/5/03 and varied condition 2 of the planning permission with Council's reference 04/0015 dated 13/10/04

**Refused** 09/02/2006

### **05/3464 Removal of condition(s)**

Removal of condition 1 (temporary consent) for Full Planning Permission reference 97/2621 dated 7 February, 2000, for change of use from Police training centre and hostel to hostel and Condition 1 of the renewed Planning Permission with reference 03/0157 (as accompanied by letter dated 02/12/2005 by CgMs Consulting)  
**Refused** 13/02/2006

**04/0015 Variation of Conditions**

Variation of conditions 2 (occupiers) of planning permission 03/0157 dated 02/05/2003 for the renewal of planning permission 97/2621 expiring 08/04/2003 for change of use from police training centre and hostel to hostel  
**Granted** 13/10/2004

**03/0157 Renewal of TEMPORARY consent**

Renewal of planning permission 97/2621 expiring 08/04/2003 for change of use from police training centre and hostel to hostel  
**Granted** 02/05/2003

**97/2621 Full TEMPORARY**

Change of use from Police training centre and hostel to hostel  
**Granted** 07/02/2000

**E35117 Full**

Rev. Resiting of sergeant's house  
**Granted** 22/09/1965

**27261 B475 Full**

Cadets' section house (revised)  
**Granted** 14/09/1964

**3517 B393 Full**

New police section house  
**Granted** 13/10/1961

**POLICY CONSIDERATIONS**

Brent Unitary Development Plan 2004

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies are considered to be the most pertinent to the application.

*Strategic*

- STR3 - In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 - A pattern of development which reduces the need to travel, especially by car, will be achieved.
- STR11 - The quality and character of the Borough's built and natural environment will be protected and enhanced.
- STR12 - Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 - Environmentally sensitive forms of development will be sought.
- STR14 - New development to make a positive contribution to improving the quality of the urban environment in Brent
- STR15 - Major development should enhance the public realm.

### *Built Environment*

- BE2 on townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE4 states that developments shall include suitable access for people with disabilities.
- BE5 on urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- BE9 seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 states that proposals should embody sustainable design principles commensurate with the scale and type of development.

### *Environmental Protection*

- EP3 requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.

### *Housing*

- H9 requires developments capable of 15 or more dwellings to have a mix of family and non-family units.
- H12 states that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 the appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.
- H15-Planning permission should be refused where development underutilises a site
- H29 on accessible housing proposes that new and converted housing should be fully accessible for elderly and disabled residents.

### *Transport*

- TRN1-Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2-Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3-Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN14-New highway layouts, visibility splayed and accesses to and within development should

be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.

- TRN23 on parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- TRN34-The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 on transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS14-residential car parking standards
- PS15- parking standards for disabled people.
- PS16 - Cycle parking standards

### Brent Supplementary Planning Guidance

#### *SPG 17 "Design Guide for New Development" Adopted October 2001*

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

#### *SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003*

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

#### *SPD "Section 106 planning obligations"*

### Regional

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

## National

### *Planning Policy Statement 1 – Creating Sustainable Communities (2005)*

This PPS replaces PPG1 – General Principle and Policy (Feb 1997) 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 – 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 Guidance 13 – 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 Statement 25 – Development and Flood Risk (2006)*

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).

## **SUSTAINABILITY ASSESSMENT**

The objectives and principles of a sustainable development are set out in the applicant's sustainability statement and a Sustainability Checklist submitted as TP6, which was carried out as part of the application process. Code for Sustainable Homes (CSH) Level 3 is sought.

### Sustainability Checklist

While the applicant concluded their sustainability rating to be 57.5%, the officer's calculation of the checklist is currently 40.5%, which is 9.5% below the council's minimum requirement. The main issue is that not enough information has been provided with regard to energy efficiency measures and renewable energy. The applicant has two options: (1) to demonstrate achieving the measures set out below under the four points below; (2) sign up to producing a revised sustainability checklist which will achieve 50% as agreed by the sustainability officer, which will need to be approved a month before material start.

1. It is noted that an energy report has been produced only for the PFI dwellings. The council requires that the whole development achieves CSH Level 3, otherwise an equivalent off-site financial contribution will be required – to clarify further, WHOLE development needs to meet CSH Level 3. This needs to be demonstrated at this stage unless the applicant agrees to sign up to producing a revised sustainability checklist which will achieve 50% as confirmed by the sustainability officer.
2. The whole development must achieve a CO2 reduction of 20% on top of energy efficiency measures through renewable energy to be secured through the S106, otherwise a financial contribution will be required to achieve this elsewhere.
3. There is no breakdown of the energy demand (e.g. regulated and unregulated emissions per unit), and no details have been provided as to energy savings through energy efficiency measures to achieve average U-values better than those required by Part L (2006) Building Regulations. The GLA normally expect 10% energy savings on building regulations (e.g. though improved wall U-values; floor U-values etc). Figures showing savings should be provided as per the baseline energy demand – this needs to be demonstrated at this stage unless the applicant agrees to sign up to producing a revised sustainability checklist which will achieve 50% as confirmed by the sustainability officer.
4. For the biomass boiler, plans should be submitted to illustrate there is a fuel store next to the plant room; and that the fuel store is accessible by a delivery truck for biomass pellets – this needs to be demonstrated at this stage unless the applicant agrees to sign up to producing a revised sustainability checklist which will achieve 50% as confirmed by the sustainability officer.

### Code for Sustainable Homes

The development only achieves 1% above the minimum score for CSH Level 3. In order to successfully achieve CSH 3 on site, a score of 62% is generally required to ensure that CSH 3 is achieved on site. It is noted that an energy report has been produced only for the affordable housing units. The council requires that the whole development achieves CSH 3 otherwise an equivalent off-site financial contribution will be required. No details have been provided with regard to the energy demand for each unit; this is required for CSH. The applicant proposes to address this at the detailed design stage.

### Energy demand

There are a number of items missing from the Energy Demand section, including no breakdown of the energy demand (e.g. regulated and unregulated emissions per unit), no details of energy efficiency measures to achieve average U-values better than those required by Part L (2006)

Building Regulations. Figures showing savings should be provided as per the baseline energy demand. For the biomass boiler, plans should be submitted to illustrate there is a fuel store next to the plant room; and that the fuel store is accessible by a delivery truck for biomass pellets. The applicant proposes to address this in a Detailed Sustainability Strategy as part of the S106.

#### Materials

More details of landscaping materials are required which will be secured via condition. The Sustainability Officer requests that the scheme incorporates a green roof to all new buildings. The applicant does not intend to provide any green roofs due to the amount of mechanical plant on the roof and the intended use of the roof of the private block for amenity space.

London Plan policy 4A.11 state living roofs & walls should be applied where possible. As such evidence for not incorporating these features should be provided.

More recycled materials should be used in the development and more details are required.

#### Water

A landscape plan is required to show SUDS e.g. permeable paving, rain water harvesting, green roofing.

#### Transport

There is no evidence in the submitted documents of a car club or charge points for electric cars. The applicant proposes to provide this information in the Residential Travel Plan.

#### Summary

The proposal needs improvement in sustainability terms. There should be a commitment to provide CSH level 3 throughout the whole site; further details need to be provided in relation to energy and materials.

Various conditions and clauses with the s106 have been recommended to ensure the proposed sustainable objectives will be carried out. Independent evidence (such as a Post Construction review) will be required to verify the implementation of such sustainability measures as indicated in the TP6 form, Sustainability Checklist, submitted by the applicant to ensure that CSH Level 3 is achieved across the whole site. On this basis, the scheme is supported on sustainability grounds.

### **CONSULTATION**

Local residents, businesses and schools and ward councillors were consulted on 05/01/10. Site notices were posted 12/01/10 and a notice was placed in the local press on 07/01/10.

Two local residents and the neighbouring Jews Free School have objected on the following grounds:

- Lack of parking
- Increase in traffic & proximity to ambulance station
- Increase in crime
- Density
- Loss of privacy and light

Councillor Dunwell (Queensbury Ward) has objected on the following grounds:

- Impact on privacy and outlook for users of the open space, residents of Moot Court and residents along The Mall and Fryent Way
- Development contrary to recent Department for Communities and Local Government guidance regarding PPS3
- Backland development
- Lack of parking and attendant traffic congestion problems
- Lack of proper traffic impact assessment
- Density
- Surface water flooding in local area



The above comments are addressed within the Remarks section of this report.

## **Statutory Consultees**

### Environment Agency

Raise no objection but make recommendations

The Environment Agency (EA) initially objected to the proposal as the site area was stated as 1ha on the application forms. Although in Flood Zone 1, a full Flood Risk Assessment is required for sites over 1ha. The applicants clarified the area as 0.966ha and therefore below the 1ha threshold. The EA subsequently withdrew their objection but recommended that Sustainable Drainage Systems (SUDS) are incorporated on site.

### Landscaping

Raise no objection subject to conditions

Landscaping have no objection to the landscape layout subject to a comprehensive and imaginative landscape scheme incorporating both hard and soft landscaping; a high quality scheme is required to overcome a deficiency in amenity space. They also recommend a green roof for sustainability purposes and require SUDS and permeable paving.

### Tree Officer

Raise no objection subject to conditions

The site is subject to a Tree Preservation Order made in 2007 to recognise the good quality trees situated mainly in groups around the perimeter. To ensure those trees which are shown retained are able to thrive, conditions requiring a detailed landscape plan along with method statements and tree protection plans for both demolition and construction should be added.

### Transportation

Raise no objection subject to following s106 clauses and planning conditions:

1. s106 agreement to secure:
  - a. a Residential Travel Plan;
  - b. a financial contribution of £164,500 towards non-car access/highway safety improvements and/or parking controls
2. conditions requiring:
  - c. the submission and approval of further details of bicycle parking provision to include at least 143 spaces;
  - d. amendments to the site layout to relocate disabled parking spaces so that continuous uninterrupted footways are provided alongside the crescent shaped buildings;
  - e. reorientation of the entrance lobby for the block in the northeastern corner of the site so that safe pedestrian access is provided;
  - f. widening of the basement access ramp from The Mall to 5.5m (plus 300mm margins);
  - g. setting back of all supporting walls/columns at least 460mm from the front of parking spaces within the basement car park;
  - h. provision of 4m kerb radii at the private site entrance and 6m radii at the affordable entrance, with entry treatments/tactile paving at all entrances; and
  - i. reinstatement the redundant crossover to the site to footway/verge at the developer's expense prior to occupation of the development;

The applicants have amended the plans to meet the requirements of (d) and (e) and have agreed to conditions to meet (f) and (g). Points (a), (b) and (c) remain unresolved.

### Housing

Raise no objection

The proposal is part of the PFI scheme; an Affordable Housing Statement has been provided by the Head of Affordable Housing Development. This is summarised and commented upon with the

Remarks section of this report.

#### Environmental Health

Raise no objection subject to conditions

No requirement for a contaminated land investigation as the past uses of the site does not suggest there is potential for contaminants to be present. However, the site is within an AQMA and due to the proposed number of units and its close proximity to a busy road junction Environmental Health advise an Air Quality assessment is undertaken prior to development, secured by condition.

A number of other conditions are recommended regarding sound insulation to living accommodation and common parts and the ventilation of the basement car park. These are matters covered by separate Building Regulation legislation and not, therefore, planning matters to be conditioned.

#### Thames Water

Raise no objection

There are public sewers crossing the site and a number of informatives are suggested.

#### London Borough of Harrow

Raise no objection

#### Metropolitan Police

Raise no objection

The applicants have sought the input of the Crime Prevention Design Officer (CPDO) during the design process and officers consulted same as part of this application. Comments and suggested amendments were provided by the CPDO but she has not been provided with a copy of revised plans by the applicant. A full application to seek Secured By Design will be made following the issue of any planning decision.

### **REMARKS**

#### Key Considerations

- Density
- Design
- Impact on neighbouring uses
- Standard of accommodation
- Transportation
- Sustainability

#### The PFI

The application is part of Brent Council's Housing and Social Care Private Finance Initiative Scheme (Phase 2), a programme to deliver up to 400 affordable homes in the borough. The PFI scheme is being delivered by Brent Coefficient, which is a subsidiary of the Hyde Housing Group. The scheme would be constructed by Bouygues UK Limited and the affordable housing would be managed by Hyde Housing Association. It is intended that the private housing would be sold to a private housing developer for independent development although in planning terms the site would remain as a whole and would be subject to the same controls in terms of conditions and s106 clauses.

A phased development is possible and the applicants have submitted a proposal in the event the private housing is delayed, with Phase 1 comprising (a) the PFI housing and landscaping; (b) construct the underground car park; and (c) temporarily landscape and fence off the private housing. Phase 2 would comprise of constructing the private housing.

Officers consider it important that the private development does not go ahead without the affordable development scheme due to the reliance of the private scheme on the basement parking beneath and the biomass plant within the affordable development. Clauses which control and trigger development are therefore proposed within the S106.

### Affordable Housing Provision

The Head of Affordable Housing Development has submitted a statement in support of the proposal. It states that there are 23,000 households registered on the Council's waiting lists for re-housing, which represents approximately 20% of the borough's population. As at October 2009, 3,472 household were homeless and staying in temporary accommodation, the third highest in London, and approximately 8,600 households were registered as living in overcrowded conditions (of which 17% are "severely overcrowded"). There is an insufficient supply of larger family housing. The provision of 40 family units (3-beds or above) serves to meet this lack of supply.

The statement goes on to say that this scheme has been developed in consultation with the Council's housing officers and meets the Council's housing requirements, its design and quality standards and specifications.

The proposal will provide 88 affordable rented dwellings (61%) of which 49% will be family housing and 11% will be fully wheelchair accessible. All properties will be built to Lifetime Homes standards and will meet Code for Sustainable Homes 3 as a requirement of the Homes and Communities Agency Design & Quality standards.

### Density & Mix

The site is included in the borough's Site Specific Allocations (Proposed Submission June 2009) document as suitable for residential development at higher densities with an indicative development capacity of 100 units and including building heights up to four- and five-storeys.

The scheme proposes 143 units with a total of 610 habitable rooms as counted according to the method set out in the borough adopted UDP; habitable rooms larger than 18sqm are counted as 2 habitable rooms. The proposed scheme has a site area of 9,960m<sup>2</sup> (0.966ha), as stated in the letter from the applicant dated 29/12/2009. The area for calculating density, however, includes the frontage to the midpoint of the highway (p104, Appendix 3, UDP 2004); this increases the site area to 10,491m<sup>2</sup> (1.049ha).

The overall density is 582 habitable rooms per hectare (hrh), or 136 dwellings per hectare (dph). This high hrh figure compared to the dph figure is a result of the high percentage of family housing on the site, which gives an average habitable room per unit figure of 4.3.

Density guidance within SPG17 suggests a range of 240-450hrh would be acceptable on the basis of its proximity to Kingsbury Town Centre, notwithstanding its moderate public transport accessibility. The London Plan density matrix also identifies this as a site suitable for a greater density due to its proximity to the Kingsbury Town Centre with its associated transport links.

In terms of dwellings per hectare (dph) the proposal has 136dph, which is higher than the maximum for a location described as 'suburban' in the London Plan density matrix, but in the middle of the range for a location described as 'urban'. Due to the edge-of-centre location it is reasonable for officers to assess this application as falling between the two ranges. These figures compare favourably with the recent re-development of the Prince Of Wales PH site on Kingsbury Circle, which yielded 44 units at a density of 183dph (or 429hrh based on 103 habitable rooms).

Increased densities are promoted in PPS3, the London Plan and the borough UDP where public transport accessibility is good due to the need to use land more efficiently, increase housing delivery and in part due to the sustainability advantages increased density can confer. This is a

specific objective of the borough's UDP as stated in policy STR3, which states that development of previously developed urban land will be maximised. As defined by PPS3, this site is previously developed urban land.

Policy H13 relates to density and states that the primary consideration in determining the appropriate density of new development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of future residents. It goes on to say that density should have regard to context and nature of the proposal, the constraints and opportunities of the site and the type of housing proposed. Your Officers are of the view that the proposed scheme meets Policy H13 (UDP 2004) as the density respects the context of the site in relation to building heights and development patterns around Kingsbury Circle, provides a satisfactory standard of accommodation (see below) and as such meets the design led approach.

Of the 143 units proposed, 88 are affordable housing (social rented) and 55 are market housing comprising 18 x 1-bed, 27 x 2-bed, 30 x 3-bed, 13 x 4-bed and 13 x 1-bed and 42 x 2-bed respectively. According to this mix 30% of units are three or more bed units, which is considered acceptable given the location and is in accordance with policy H9.

#### Design, Appearance and Character of the Area:

The site is occupied by a collection of buildings ranging from single- to four-storeys high. The central H-shaped four-storey block is located to the back of the site, close to the JFS playing fields, and has an over-height ground floor. The existing building is a prominent and imposing form when viewed from Moot Court and the playing fields but it is less so when viewed from the street as a consequence of its position on the site and the frontage planting.

The proposed scheme involves a four-storey frontage block (with a raised floor level to accommodate a semi-basement) running parallel to The Mall. It would be set 7.5m back from the back edge of the footpath allowing for the retention of much of the mature hedge. The design of the frontage block takes cues from the pattern and style of existing suburban housing further south along The Mall, with five prominent blue brick-clad gables fronted by six two-storey white-rendered entrance features. Steps would provide access to clearly-defined front doors. Behind the three-storey gable features the building forms a more conventional four-storey block of flats. This strong articulation on the façade reduces the impact of the proposal's potential mass and results in producing quite a visually pleasing development for the area.

Either side of this block there are two curved wings (although the northern wing is contiguous with the frontage block and hence forms one large block) which envelope the rear amenity space and create a central semi-private courtyard for residents (albeit the affordable and private sections will be physically separate). The rear wings are four-storey, punctuated with six five-storey projections which extend out from the crescent. The first two on each wing (closest to The Mall) are approximately 1.5m higher than the last one, as they are raised to allow service by large vehicles beneath.

The two blocks clearly occupy a larger footprint and more prominent position than the existing buildings and are also, in places, higher. However, the massing of the blocks has been broken down, not only by the stepped and gabled elevation along the frontage and the five-storey elements on the wings but also by the choice of materials. The overall impact is greater than the existing situation but such is the fragmented nature of the urban grain, land parcel size and shape and development type in the locality that this site is considered to have potential to provide a strong landmark development of a contemporary nature. Your officers consider that the plans demonstrate that the proposed scheme would provide such a development

The two blocks would be clad in a combination of render (white and terracotta) and blue brick slips with perforated steel mesh balconies. Subject to samples of materials these are considered acceptable. It is expected that these samples will be provided on a board in time for committee and

this will be reported in a supplementary report at the time.

The scheme relies upon a strong conceptual design to accommodate a higher than expected density. Particularly successful elements of the scheme include the formal semi-private courtyard giving to south-facing views across the sports ground, the landscape setting of the scheme including the retention of, and addition to, existing landscape features and the strongly articulated frontage block and choice of materials. Accordingly it is considered that the proposal embodies a carefully considered and creative design solution for this site and is therefore acceptable in design in accordance with policies BE2, BE3, BE7, BE9 and H12 of the UDP.

#### Standard of Accommodation

All units meet or exceed the minimum standards for internal floor areas as outlined in SPG 17.

The standard of amenity provided is in general compliance with the requirements of SPG17 in terms of lighting, outlook and privacy although some units are marginally below the standards expected of such development. The relationship between circulation/amenity spaces and ground floor habitable room windows is tight in some locations, with the potential for loss of privacy. This is considered acceptable due to the provision of semi-private amenity areas to those units facing the crescent and deeper defensive landscaping around those facing outwards. The detail of the species and density of planting will be considered in a condition prior to works commencing on site.

Where outlook from habitable rooms is restricted in some units efforts have been made to ensure good outlook is provided to living rooms and kitchens. Some units close to the boundary have main habitable room windows which are close to or less than 5m from the boundary, which is close to the limit of SPG17. In this instance, the distance to other properties means privacy and outlook for future occupants will not be harmed by this.

#### Amenity space

In relation to guidance on external amenity space within SPG17, each residential unit should have at least 20sqm external space available for their amenity and large family units should have access to private amenity space, ideally 50sqm. The residential block therefore requires at least 2860sqm of external amenity space at 20sqm per unit, or 4150sqm if 50sqm is provided for each large family unit. The applicants have provided areas of amenity space of a total of 6045sqm, which include balconies for many of the units. Units on the upper floors of the private block have access to the roof for amenity space and most ground floor units have their own semi-private space separate from the central amenity area.

There is a public open space with a children's play area, Lindesay Park, to the south of the site which will help to off-set some of the shortfall in amenity space particularly for the private units. Furthermore, due to this shortfall in amenity space, a contribution towards improving amenity open space off site has been sought as part of the s106 agreement.

#### Impact on Adjoining Properties

The site is constrained by adjoining properties along the northeast boundary where the scheme abuts Moot Court, a Brent Housing Partnership site of mostly 3-storey flats which are generally over 10m from the boundary. The closest block of flats to the site boundary is 25-30 Moot Court, located towards the southern end of the northeast boundary. The closest part of the proposed scheme is 13m from the boundary at this point, with communal amenity space and existing (protected) trees between the two blocks. It is unlikely that the residents of 25-30 Moot Court would suffer particular loss of privacy or outlook as a result of the development and the scheme complies with the guidance on such matters set out in SPG17.



One property, No. 37 Moot Court, a single-storey laundry building converted to residential use in 1972, is located in a more sensitive location. It has one southwest-facing window (presumed serving a habitable room) and two southeast-facing windows. The southwest-facing window, is the most affected window, overlooks the private amenity space for No. 37. Of particular consideration is (a) the impact on the privacy of No. 37 and its garden; and (b) the impact on the outlook from No. 37 and its garden.

The proposed scheme is close to the boundary at this point and occupies part of the site not previously developed; two of the five-storey elements are located between 5-6m from the boundary at this point. The highest parts of these five storey elements are 15.6m above ground level either side of the garden of No. 37. These are between 18-19m from the southwest-facing window of No. 37, offset either side of a 60-degree arc from the middle of the window, albeit the southern-most part of this arc is restricted by part of No. 37 itself. Within this 60-degree arc the proposed building reduces in height and moves further from the boundary. Here the proposed building is generally 25-26m away and approximately 11m in height. Thus this section complies fully with SPG17 guidance on privacy and outlook.

Officers note that although the proposed scheme complies with SPG17 within the 60-degree arc the scheme still represents a substantial change from the existing privacy and outlook the occupants currently enjoy. Efforts have been made, therefore, to ensure these changes are minimised or mitigated as much as possible. In summary:

- (1) privacy screens will be added to the sides of balconies
- (2) some canted windows have been returned to flush
- (3) additional landscaping added on the development site

Due to the distances between No. 37 and the proposed development, and the fact the outlook from the southwest-facing window is already restricted by No. 37 itself, it is clear that the impact would be more on the garden than on the internal area. Brent Housing Partnerships have confirmed that, subject to agreement with the tenants, additional planting could be located in their garden to provide additional screening if they feel the above measures do not address their concerns.

No comments have been received from the occupants of No. 37. The occupants have been consulted as part of the statutory consultation process. Due to the potentially sensitive position of the proposed scheme in relation to No. 37, further efforts have been made to ensure the occupants are aware of the proposal. Two letters were sent to the occupants as part of the applicant's pre-application public consultation exercise and officers of the Council's Housing department and Brent Housing Partnerships have telephoned and visited the premises without success.

In conclusion, officers are satisfied that the impact on the privacy and outlook of No. 37 Moot Court, although significant, is not so detrimental to the amenities of the occupants to merit refusal.

In general, the proposal is not considered to have a negative impact upon the privacy of present and future occupiers of the neighbouring residential properties, and the proposal therefore complies with policies BE2, BE3, BE9 and H12 (UDP 2004) and SPG17.

#### Parking & Transportation

The site is located approximately 70m south of the Kingsbury roundabout. A bus stop and KEEP CLEAR zig-zag markings cover much of the frontage of the site, whilst further restrictions are in place to the south associated with the adjacent Jews Free School. Otherwise, on-street parking in The Mall is unrestricted and the road is not generally heavily parked. A 30mph limit is imposed and the site does not lie within a CPZ. Public transport access to the site is moderate (PTAL 3), with Kingsbury Underground station (Jubilee line) and four bus services within 640 metres (8 minutes' walk).

A total of 106 parking spaces are proposed. A semi-basement car park providing space for 80 cars is located below the frontage block (affordable housing element of the scheme), extending beneath part of the central amenity area; this element is lower than that beneath the frontage block forming a full basement. The car park is accessed from The Mall between the two surface access points, opposite the ambulance station. Three staircases provide access to the central amenity area from where residents would make their way to their surface entrance.

26 surface spaces are shown, of which 10 spaces are for disabled users. The spaces are split with the majority (20) accessed from the northern access and 6 from the southern; this is to reduce conflict with the junction with Minterne Road.

#### Transport Assessment

This proposal is of sufficient scale to have a potentially significant impact on the local transport network. As such, Policy TRN1 requires the provision of a Transport Assessment and Travel Plan in support of the application. To this end, a Transport Statement has been submitted. This falls short of normal requirements for a development of this scale, as noted by Cllr Dunwell in his letter of objection.

In terms of car parking, allowances for residential use are set out in standard PS14 of the adopted UDP 2004. As the site does not have 'good' access to public transport services and is not located within a CPZ, full standards apply. As such, up to 187.8 spaces would be allowed for these 143 units; in this respect the proposed provision of 106 spaces accords with standards.

Consideration also needs to be given, however, to the potential impact of any overspill parking on traffic flow and road safety and in this respect, overspill parking on The Mall would not be welcomed, given its status as a local distributor road and bus route, as noted by all four local objectors.

It is considered highly significant that there is a large proportion of social rented housing within the scheme, due to the reduced parking requirements for affordable housing units. When the social rented housing is taken into account the development is estimated to generate demand for only about 110 parking spaces. On this basis overspill parking from the site is considered likely to be minimal.

In terms of traffic impact, the Transport Statement has made an estimate of future vehicular trips to and from the site based upon other similar residential developments in London. These trip rates (which are considered to be a little low) were then applied to this 143 unit scheme, producing estimated vehicular flows into and out of the site of 9 arrivals/17 departures in the weekday morning peak hour (8-9am) and 16 arrivals/13 departures in the evening peak hour (5-6pm).

The statement then concludes that, as a 100-bedroom hostel already exists on the site (for which no traffic data was actually gathered), the net increase in flows for just 43 units is too marginal to be of significance. Whilst the methodology used to arrive at this conclusion is clearly flawed, as noted by Cllr Dunwell, a comparison of the total estimated flows above with historical traffic data for The Mall held by Brent Council confirms that the amount of traffic likely to be generated by this development, at less than 2% of existing flows in either direction, is not significant enough to warrant further consideration.

The Transport Statement also fails to address many other areas that would be expected to be covered in a full Transport Assessment, such as the quality of the local pedestrian, cyclist and public transport infrastructure, the impact on public transport capacity, road safety analysis etc. The Transport Assessment therefore falls some considerable way short of the expected standard for a development of this scale. Nevertheless this issue could be addressed with the provision of a Residential Travel Plan and a significant financial sum, secured through the S106 Agreement to deal with any required mitigating measures that may arise. The Travel Plan would need to be submitted and approved prior to a Material Start being made on the development and will need to

consider car parking management issues (including the provision of Car Club and electric vehicle charging point spaces within the site).

#### Disabled Parking

Standard PS15 requires at least 10% of spaces for affordable housing (six spaces) and 5% of spaces for private housing (three spaces) to be widened and marked for disabled drivers. The overall provision of ten spaces therefore complies with requirements.

#### Cycle stores

Standard PS16 requires at least one secure bicycle parking space per flat. The plans show 143 such spaces, although the design of the stores, which should be secured with a roof, is not clear and their precise design and location may change as the scheme for hard and soft landscape works is developed. Therefore further details of bicycle parking showing at least 143 spaces are therefore required as a condition of any approval.

#### Access arrangements

In terms of access and servicing, the two crescent shaped surface level access roads at either end of the building will facilitate access for refuse vehicles and fire appliances into the site, together with a turning facility so they do not need to reverse into or out of the site from The Mall. Combined with refuse storage areas alongside the building, both refuse carrying (10m) and fire hose (45m) distances would thus be satisfied.

The only concern Officers have is that any larger delivery vehicles would not be able to turn in the northern crescent area and would therefore need to reverse into the site from The Mall. A 6m kerb radii at the junction should be provided to facilitate this manoeuvre. Kerb Radii of 4m will suffice at the other entrance. Both should be supplemented by entry treatment/tactile paving. This is a matter to be controlled via condition.

The gradient of the basement car park access ramp, with the transition lengths at either end, complies with the guidance set out in the Institute of Structural Engineers Guidance for ramps falling up to 1.5m and is acceptable.

Vehicular sightlines from all three accesses will meet standards, given the presence of a grass verge and footway along this side of The Mall. The building is also set back sufficiently from the highway boundary to allow pedestrian sightlines to be met.

The existing site entrance will be rendered redundant by this proposal and will need to be reinstated to footway/verge at the developer's expense prior to occupation of the development as a condition of any approval.

Pedestrian access to the frontage block will be taken directly from The Mall. The rear crescent-shaped blocks will be accessed via the new cul-de-sacs though, with footways provided along the building side of the street. This is acceptable and where these footways are impeded by the presence of disabled parking spaces along their length a shared-surface approach can be taken, subject to further details.

The southern access road and parking is removed from any neighbouring residential areas and would have no impact on amenity. The northern access road and parking area runs almost parallel to the boundary with Moor Court, adjacent to the Moot Court parking area and is located in much the same location as the existing parking for Metro House. Beyond a point level with No. 37 Moot Court, however, it is close to the amenity space for the southern blocks of Moot Court and parking spaces and circulation areas are proposed near the root-protection zones of retained TPO trees. It is necessary for the applicant to provide further details of no-dig solutions for hard surfaces in these areas to ensure retained trees are protected and additional detail of hard and soft landscape works, including screening to minimise the impact of disturbance arising from this parking harming the occupants of Moot Court.

## Landscaping & Trees

The site benefits from a number of substantial landscape features, including a frontage hedge and groups of (protected) trees. The scheme proposes to retain many of these features and add additional planting to provide a generous landscape setting for the block. A substantial proportion of the hedgerow along the frontage of the site is to be retained, which will soften the appearance of the development. There is a general lack of detail of how the setting and amenity spaces shall be landscaped and officers propose a number of conditions to ensure a high quality scheme of hard and soft landscape works is produced. This is of particular importance on this scheme as the landscape setting and retention/enhancement of existing landscape features are key elements of the concept and only through the delivery of a high quality scheme can the high density and relative lack of amenity space of the proposal be supported. The applicant will be asked to liaise closely with the Council's landscape designers and tree officers in the preparation of said scheme of works and in its delivery, particularly to ensure retained landscape features and protected trees are not damaged in either the demolition or construction phases.

Subject to these conditions the overall scheme is considered to comply with Policy BE6 (UDP 2004).

## Environmental Health

The site lies within an Air Quality Management Area (AQMA) and due to the proposed number of units and its close proximity to a busy road junction Environmental Health advise an Air Quality assessment is undertaken prior to development. In particular Environmental Health are concerned about the proposed number of car trips to and from the site, which is near a large school, that will be generated during peak hours. Whilst the applicant has not agreed to this condition, it is considered necessary to impose such a condition to meet the requirements of the Council's Environmental Health department.

## Drainage

The site lies in Flood Zone 1 and is under a hectare in size, therefore a Flood Risk Assessment is not required. The Environmental Agency were nonetheless consulted and they recommended a SUDS system should be used which could incorporate green/brown roofs, detention basins and/or dry/wet ponds or filter strips/drains; swales; bio-retention areas and permeable paving. This will be secured by condition.

## Objections

The majority of matters raised by objectors have been addressed in the report above. On the matter of crime, the affordable part of the scheme will seek Secured By Design status. The proposed scheme has been subject to consultations with the Crime Prevention Design Officer and the Metropolitan Police have not raised any concerns that the scheme would increase the risk of crime for nearby residents.

Councillor Dunwell's objections regarding amenity, density, traffic and flooding have also been addressed in the report above. On the matter of backland development, your officers would quote from the relevant section of the UDP: "backland development' is housing development on land behind the rear building line of existing housing (including where this is being redeveloped), either formally used as gardens or partially enclosed by gardens" (p94, para5.13.2, UDP 2004). Clearly this site does not fall into this category.

## Statement of Community Involvement & Objections

A statement of community involvement has been submitted by the applicants. Two consultation

events for local residents were held, on 17/12/09 and 14/01/10, at the Preston and Mall Youth Community Centre. These were not well-attended, despite local residents being sent a letter inviting them to both events. Residents were concerned with parking and the height of the proposals. These matters have been addressed elsewhere in the report, above.

### Conclusions

The proposal redevelops an under-utilised site, adding to the Borough's housing stock and provides significant benefits in the form of affordable housing. Furthermore the proposal will add to the vitality and viability of Kingsbury as a town centre. The scheme meets the current relevant standards and policies in terms of parking provision, residential amenity and the protection of adjoining residents. The proposed scheme is in accordance with Unitary Development Plan policies and central government guidance, and therefore is recommended for approval, subject to a Section 106 Agreement.

### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Central Government Guidance  
London Plan consolidated 2008  
Council's Supplementary Planning Guidance Nos 17 and 19  
Council's Supplementary Planning Document Section 106 planning obligations

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services

### **CONDITIONS/REASONS:**

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

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

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

MAL/M+P/GA/000001;	MAL/M+P/GA/000002;
MAL/M+P/GA/000003;	MAL/M+P/GA/000004;
MAL/M+P/GA/000005 Rev C;	MAL/M+P/GA/000006 Rev C;
MAL/M+P/GA/000007 Rev C;	MAL/M+P/GA/000008 Rev C;



MAL/M+P/GA/000009 Rev C; MAL/M+P/GA/000010 Rev C;  
MAL/M+P/GA/000011 Rev A; MAL/M+P/GA/000012 Rev B;  
MAL/M+P/GA/000013 Rev A; MAL/M+P/GA/000014 Rev A;  
MAL/M+P/GA/000015 Rev A; MAL/M+P/GA/000016 Rev A;  
MAL/M+P/GA/000017 Rev B; MAL/M+P/GA/000018 Rev B;  
MAL/M+P/GA/000019; MAL/M+P/GA/000020;  
MAL/M+P/GA/000021; MAL/M+P/GA/000022;  
MAL/M+P/GA/000023;

Design & Access Statement Statement of Community Involvement  
Affordable Housing Statement Sustainability Statement  
Transport Statement Site Area Clarification (letter 29/12/2009)  
Flood Statement Tree Survey

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

- (3) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work 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.

- (4) Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and the fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

The details submitted pursuant to this condition should reflect the details relating to associated matters such as hard and soft landscape works, play space, refuse and cycle stores pursuant to other conditions of this approval.

Reason(s): in the interests of the privacy and amenity of the occupants of the application site and neighbouring properties and in the interests of the visual amenity and character of the locality.

- (5) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved. Such details shall include a location of each storage area and details of its means of construction, including materials.

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

- (6) Details of the provision of a minimum of 143 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained. Such details shall include the means of construction including materials if deemed necessary.

Reason: To ensure satisfactory facilities for cyclists.

- (7) No development shall commence unless details of all (appropriately aged) play spaces are submitted to and approved in writing by the Local Planning Authority. Such landscape works shall be completed prior to occupation of the building(s) and thereafter the approved details shall be retained. Such scheme shall indicate but not be limited to:
- (i) Details of types of equipment to be installed.
  - (ii) Surfaces including details of materials and finishes.
  - (iii) The location of any proposed signage linked to the play areas

The details submitted pursuant to this condition should reflect the details relating to associated matters such as hard and soft landscape works, means of enclosure submitted, refuse and cycle stores pursuant to other conditions of this approval.

Reason: To ensure a satisfactory appearance and setting of development so that the facilities provide a benefit to the local community and residents.

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

- (i) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (ii) screen planting along the site boundaries;
- (iii) adequate physical separation, such as protective walls and fencing, between landscaped and paved areas;
- (iv) existing contours and any proposed alteration to ground levels such as earth mounding;
- (v) provision for the satisfactory screening of habitable room windows with defensive planting and screening of facilities such as refuse and cycle stores;
- (vi) all planting including location, species, size, density and number;
- (vii) areas of hard landscape works and proposed materials;
- (viii) a detailed section of the construction of the basement car park roof, associated membranes and drainage and top soil depth at a suitable scale (1:50)

The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, retention of existing landscape features, play space, refuse and cycle stores pursuant to other conditions of this approval.

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

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

- (9) Details of a scheme showing those areas to be treated by means of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such details shall include:
- (i) detailed drawing(s) of those areas to be so treated including identification of root-protection zones;
  - (ii) details of a no-dig solution for areas within root-protection zones to include a method statement for such works;
  - (iii) a schedule of materials and samples if appropriate.

The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, retention of existing landscape features, play space, refuse and cycle stores pursuant to other conditions of this approval.

The approved scheme shall be implemented in full prior to first occupation of the development.

Reason: To ensure a satisfactory standard of development in the interests of local visual amenity.

- (10) No development shall commence unless a Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the Local Planning Authority. This should comprise a maintenance schedule and any specific management duties and may include any of the following:-
- (i) Regular watering of trees/shrubs, especially during dry periods in the first 2 years of establishment.
  - (ii) Spot weeding and application of appropriate herbicides or fungicides if necessary.
  - (iii) Inspection and checking of all plants and for health and/or damage to plants.
  - (iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.
  - (v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.
  - (vi) Necessary pruning, dead heading, trimming, mulching of shrubs.
  - (vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.
  - (viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.
  - (ix) Care not to damage any trees or shrubs by strimming and adding protection as required.
  - (x) Necessary cleaning and repair of all hard materials and elements including permeable paving.

Reason: To ensure the survival and ongoing vitality and of all plants and soft landscape. To ensure that the environment for the local community and residents continues to remain pleasant and attractive indefinitely. To prevent any financial loss due to neglect, sickness and/or damage to any plants.

- (11) No works shall commence on site (including demolition) before tree protection details, to include the protection of hedges and shrubs, have been submitted to and approved in writing by the Local Planning Authority. These shall include method statements and tree protection plans which:
- (i) adhere to the principles embodied in BS5837:2005
  - (ii) indicate exactly how and when the trees will be protected during the

- (a) demolition phase
- (b) construction phase
- (iii) show root-protection zones

Provision shall also be made for supervision of tree protection by a suitably qualified and experience arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

The details submitted pursuant to this condition should reflect the details relating to hard and soft landscaping works submitted pursuant to condition 8.

Reason: To ensure retention and protection of trees on the site in the interests of amenity.

- (12) No development shall commence until details of the three proposed vehicular accesses have been submitted to and approved in writing by the Local Planning Authority. The southern-most access shall have 4m kerb radii and the northern-most access shall have 6m kerb radii with all accesses having entry treatments and tactile paving. Thereafter the development shall not be occupied until the vehicular accesses have been laid out in full accordance with the details as approved and these facilities shall be retained.

Reason: In the interests of the general amenities of the locality and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

- (13) Any redundant vehicular crossover from the site onto The Mall shall be reinstated to footway/verge at the applicant's expense prior to occupation of any flats hereby approved.

Reason: In the interests of pedestrian safety

- (14) All parking spaces, including those in the basement car park, and footways shall be constructed and permanently marked out prior to first occupation of any of the units approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic and pedestrians throughout the site and to provide and retain adequate cycle and car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (15) No development shall commence until details of all external lighting including the lux level and a lighting contour map are submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation unless otherwise agreed in writing with the Local Planning Authority.

The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, hard and soft landscape works, play

space, refuse and cycle stores pursuant to other conditions of this approval.

Reason: In the interests of safety and the amenities of the area.

- (16) Prior to the commencement of the development hereby approved a construction method statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall be undertaken in accordance with the method statement.

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

- (17) Prior to commencement of the development hereby approved, further details which demonstrate a Sustainable Drainage Systems (SUDS) is to be used to attenuated surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in full accordance with the approved details and retained in perpetuity.

The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, retention of existing landscape features, hard and soft landscape works, refuse and cycle stores pursuant to other conditions of this approval.

Reason: In the interests of preventing localised surface water flooding.

- (18) The development is within an Air Quality Management Area and is therefore likely to contribute to background air pollution levels. The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the construction operation. This must include:

- (i) damping down materials during demolition and construction, particularly in dry weather conditions,
- (ii) minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
- (iii) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
- (iv) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
- (v) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
- (vi) install and operate a wheel washing facility to ensure dust/debris are not carried onto the road by vehicles exiting the site.
- (vii) the use of demolition equipment that minimises the creation of dust.

Reason: To minimise dust arising from the operation.

#### **INFORMATIVES:**

- (1) With regard to surface-water drainage, it is the responsibility of a developer to make proper provision for drainage to ground-water courses or surface-water sewer, to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system. In respect of surface water, it is recommended that the



applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on- or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 08454 850 2777.

- (2) The applicant is advised to incorporate within their proposal, protection to the property by installing a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- (3) Thames Water would recommend that petrol/oil interceptors be fitted in all car-parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local waterways.
- (4) During construction on site:-
  - (i) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.
  - (ii) 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.
  - (iii) Vehicular access to adjoining and opposite premises shall not be impeded.
  - (iv) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.
  - (v) No waste or other material shall be burnt on the application site.
  - (vi) All excavated topsoil shall be stored on the site for reuse in connection with landscaping.
  - (vii) A barrier shall be constructed around the site, to be erected prior to demolition.
  - (viii) A suitable and sufficient means of suppressing dust must be provided and maintained.

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

- (5) The loading and transfer of all materials shall be carried out so as to minimise the generation of airborne dust with all material kept damp during handling. Road vehicles loaded with crushed material shall be sheeted or otherwise totally enclosed before leaving the site. In order to prevent dust nuisance to neighbouring properties and residents, there shall be adequate screening and damping-down during all demolition activities, sandblasting, clearance work and other site preparation activities.

Reason: To minimise dust arising from the operation and to safeguard the amenity of neighbouring residents.

- (6) Where existing point(s) of access are to be closed, any reinstatement of the

crossings proposed or which are deemed necessary by the Local Planning Authority shall be carried out by the Council at the applicant's expense. You are therefore advised to contact the Council's Streetcare Section, Brent House, 349 High Road, Wembley HA9 6BZ Tel 020 8937 5050 for further details as soon as possible.

**REFERENCE DOCUMENTS:**

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: 1-3, The Mall, Harrow, HA3

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.