

Location	1-3, The Mall, Harrow, HA3
Description	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

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Members visited the site on Saturday 13 March.

Officers confirmed the site lies in Barnhill Ward. Members also sought clarification of the height of the block of flats opposite the site. As it is a three storey block which officers estimate it to be between 8-9m high.

Members also sought confirmation of the distances of the proposed development to No. 37 Moot Court. These are addressed in more detail in the committee report, but in summary the closest part of the proposed development are 18-19m from No. 37. The part of the proposed development directly behind No. 37 is further away, at 26m. These distances comply with Council's supplementary planning guidance No. 17.

Councillor Dunwell was present at the site visit and reiterated concerns raised within his objection letter. These concerns have been addressed within the committee report. In addition Cllr Dunwell has sought a response to his letter which highlighted a recent letter to all Chief Planners from the DCLG and in particular the following quote: "there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed".

This letter is titled "Development on Garden Land" and is clearly focussed on addressing concerns "expressed about the extent to which developers are redeveloping on existing domestic curtilage". Officers are of the opinion that the site is not a domestic site and in any event, as the letter goes on to explain, local authorities are best placed to take decisions on the most suitable locations for housing. Officers have considered this application against relevant national, regional and local policies and are of the opinion that the planning merits of the scheme outweigh any harm and recommend planning permission be granted.

### Additional Objections

An objector attended the site visit and voiced concerns about the following matters relating to this application.

- The scale of development proposed;
- Traffic implications (would object to CPZ).

Concern was also raised about lack of notification for the change of use of the existing building from police accommodation to a homeless hostel although this is not relevant to this application.

In addition, a further written objection has been received objecting on the following grounds:

- Impact on school places in the area
- Impact on existing residents of the hostel
- Increase in crime
- Traffic impact
- Flooding

In response, Officers would like to clarify that the proposed development includes a substantial financial contribution in the form of the standard charge. The standard charge includes a contribution to education facilities to meet demand created by new development. With regards the existing residents of the hostel, it should be noted that this is a temporary permission which is due to expire on May 2011. The proposed development is a key part of the Council's PFI scheme to provide permanent accommodation for those families on Brent's housing waiting lists.

Traffic impact, crime and flooding are all addressed in the committee report.

Councillor Dunwell has sent further correspondence (dated 15th March 2010) accompanied by a petition against the proposed development with 55 signatories. The following points have been made:

- Request clarification on amenity space provision;
- Inadequate justification regarding 'backland development'.

With regard to the amenity space provision, there is a requirement for at least 2860 sqm of external amenity space at 20 sqm per unit, or 4150 sqm if 50sqm is provided for each large family unit. The development provides 5600 sqm which is in excess of the minimum requirements set out in SPG17.

In terms of whether policy relating to backland development is applicable, such development is defined in the UDP as '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'. The existing site has a temporary consent for hostel accommodation and was formerly used as a police training centre. It is not considered that the development site falls within this definition.

### Amendments

1. The mix has changed slightly, resulting in an increase in 1-bed units at the expense of 2-bed units and one more 3-bed unit. The overall number of units remains 143.

Change description from:

*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*

to:

*Demolition of existing buildings and erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 21 x one-bedroom flats, 23 x two-bedroom flats, 31 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 12 x one-bedroom flats & 43 x two-bedroom flats (private housing), with 26 surface and 80*

*basement car-parking spaces, amenity space, children's play area and bin stores as amended by plans received 04/03/10*

2. The revised plans received 4 March 2010 reduced the overall amenity space from 6025sqm quoted in the committee report to 5600sqm. This is due to a slight reduction in the central amenity space and the reclassification of some of the space as landscape setting to accord with the definition in the UDP. This remains satisfactory.
3. Add following condition regarding Air Quality Impact Assessment (missed off original list of conditions):

*Prior to commencement of the development the applicant shall submit in writing to the local planning authority, an air quality impact assessment that shall be conducted in accordance with an agreed methodology, must take into account the cumulative effect of all development in the area and detail all mitigation measures.*

*All mitigation measures shall be agreed and approved by the planning authority before implementation.*

*Reason: To safeguard future and current residents from poor air quality*

3. Changes to the phasing triggers within the s106 clauses

Amend s106 details to read:

*k) No occupation of Phase 2 until 50% of the units in Phase 1 are practically completed*

4. Revised plans have been received on 15 March 2010. The main changes are:

- A basement plant room has been added for the biomass boiler with surface level access adjacent to the bike store;
- Internal changes to unit layouts to comply with lifetime homes standards;
- Relocation of the balcony in the corner of the courtyard way from the adjacent window - this has been achieved by reversing (from left to right) the 3/4 storey front block and as such, there are associated elevational changes;
- Details of the bike store to comprise vertical timber panels with a corrugated transparent plastic roof;
- Detailed section through the subterranean car park in the courtyard has been included. The section shows the soil build up above the car park. The plant boxes provide sufficient soil depth to enable bushes and small trees to be planted above the car park;
- An arbour detail has been included.

The changes are not considered to raise any material planning issues. The revised drawings will require condition 2 to be amended to read as follows:

*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/000003;  
MAL/M+P/GA/000005 Rev E;  
MAL/M+P/GA/000007 Rev F;  
MAL/M+P/GA/000009 Rev F;  
MAL/M+P/GA/000011 Rev E;  
MAL/M+P/GA/000013 Rev A;  
MAL/M+P/GA/000015 Rev B;*

*MAL/M+P/GA/000002;  
MAL/M+P/GA/000004;  
MAL/M+P/GA/000006 Rev F;  
MAL/M+P/GA/000008 Rev F;  
MAL/M+P/GA/000010 Rev F;  
MAL/M+P/GA/000012 Rev B;  
MAL/M+P/GA/000014 Rev B;  
MAL/M+P/GA/000016 Rev B;*

<i>MAL/M+P/GA/000017 Rev B;</i>	<i>MAL/M+P/GA/000018 Rev B;</i>
<i>MAL/M+P/GA/000019;</i>	<i>MAL/M+P/GA/000020;</i>
<i>MAL/M+P/GA/000021;</i>	<i>MAL/M+P/GA/000022;</i>
<i>MAL/M+P/GA/000023;</i>	<i>MAL/M+P/GA/000024;</i>
<i>MAL/M+P/GA/000025;</i>	<i>MAL/M+P/GA/000026.</i>
<i>Design &amp; Access Statement</i>	<i>Statement of Community Involvement</i>
<i>Affordable Housing Statement</i>	<i>Sustainability Statement</i>
<i>Transport Statement</i>	<i>Site Area Clarification (letter 29/12/2009)</i>
<i>Flood Statement</i>	<i>Tree Survey</i>

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

Response from Borough Solicitor

Advise that Item i) under Section 106 details refers to the removal of parking permits. As the site is not located in a CPZ, the removal of such rights is not possible. Given the on-site parking is considered to be adequate to serve the development, it is recommended that this clause is removed.

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

Page 51- Condition 10. Add at the end of this condition "The approved management plan shall be fully implemented."

The amendments above are to be made in accordance with the advice from the Borough solicitor.

For clarification, under the provisions of regulation 5 of S.I. 1999 No. 293 Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the development falls within Schedule 2 development of S.I. 293, being an Infrastructure Project exceeding 0.5ha (Section 10(b) Urban development).

The Council's conclusion was that, having regard to the characteristics of the development of an already developed site (comprising approx 106 hostel rooms), its location and potential impact, it did not have significant environmental effects and therefore does not require an Environmental Impact Assessment (EIA). An Affordable Housing Statement, Sustainability Statement, Transport Statement, Flood Statement and Tree Survey were submitted with the application.

**Recommendation:** Remains approval subject to the satisfactory completion of a Section 106 in accordance with the Committee Report and revisions detailed above.