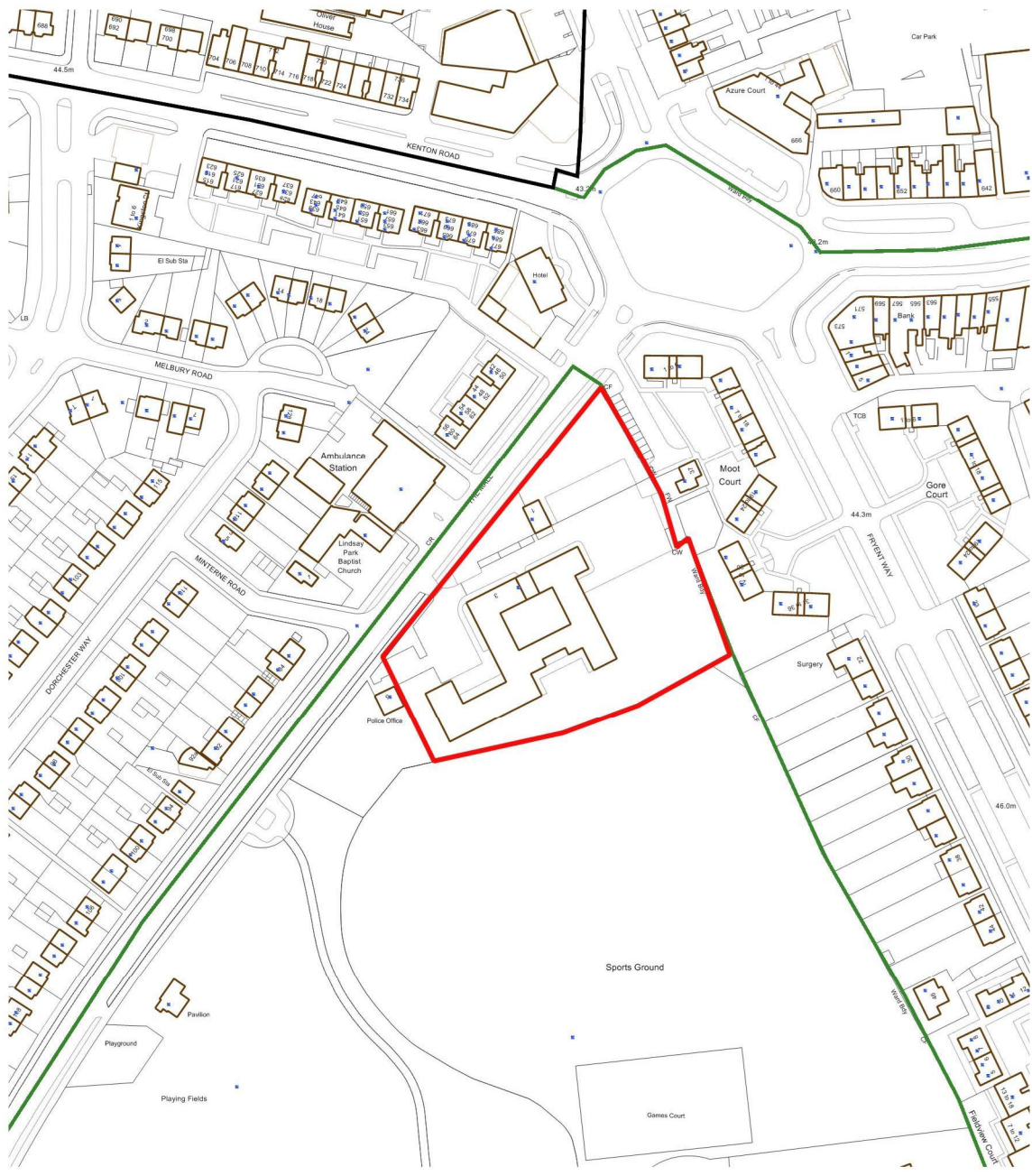
 **Planning Committee Map**
Site address: 1-3, The Mall, Harrow, HA3
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This map is indicative only.

RECEIVED: 27 June, 2011

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

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

PROPOSAL: Variation of condition 2 (development to be carried out in accordance with plans) of full planning permission 09/2650, dated 18/03/2010 and as amended by planning permission reference 10/2365 dated 30 November 2010 for 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 04/03/2010 and 15/03/2010) and subject to a Deed of Agreement dated 18 March 2010 under Section 106 of the Town and Country Planning Act 1990, as amended to allow minor material amendments to:

- (i) amendments to the window style on the courtyard elevation;
- (ii) alteration to the position of the second floor balcony on the end elevation (north-west);
- (iii) omit one ground floor window to flat;
- (iv) five additional windows to the end elevation (east);
- (v) inclusion of lift over-runs and smoke stacks; and
- (vi) adjustments to window and parapet heights to take account of engineering requirements

as amended by plans received 25/08/11.

APPLICANT: Bellway Homes Ltd (North London Division)

CONTACT: Savills (L & P) Ltd

PLAN NO'S:

See revised condition 2

RECOMMENDATION

That condition 2 be varied as proposed and a new permission issued.

EXISTING

Planning permission 09/2650 was granted on 18 March 2010 with the following description:

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 04/03/2010 and 15/03/2010) and subject to a Deed of Agreement dated 18 March 2010 under Section 106 of the Town and Country Planning Act 1990, as amended.

A number of details pursuant applications have been made to satisfy various pre-commencement conditions; some have been granted and others are pending a decision. A minor material amendment application was made in autumn 2010 (ref: 10/2365) to (1) take account of ground levels, including raised windows and lowered central block; (2) increase height of arch over the northern service access road; and (3) alter window and door widths and arrangement of mullions. This was granted permission on 30/11/10.

PROPOSAL

The original scheme as approved in 2010 (ref: 09/2650) has a central block flanked by two wings. One wing, to the south, is to be private housing and will be developed by Bellway Homes. As part of their works preparing construction drawings for this wing and to maximise the value of each unit, some minor material amendments are proposed:

1. amendments to the window style on the courtyard elevation;
2. inclusion of lift over-runs and smoke stacks; and
3. adjustments to window and parapet heights to take account of engineering requirements
4. alteration to the position of the ground floor patio door and second floor balcony on the end elevation (north-west);
5. five additional windows to the end elevation (east);

The first three of these changes are to accommodate the requirements of Building Regulations, the last two to regularise or improve some of the interiors of the units.

Following requested amendments, part (4) has been reduced in scope to omit to the alteration to the position of the ground floor patio door.

HISTORY

10/2365 Variation of condition 2 (development to be carried out in accordance with plans) of full planning permission 09/2650 dated 18th March 2010 for 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 04/03/2010 and 15/03/2010) to allow minor material amendments to:

- (i) take account of ground levels, including raised windows and lowered central block;
- (ii) increase height of arch over the northern service access road; and
- (iii) alter window and door widths and arrangement of mullions

(as amended by plans received 11/11/2010) **Approved** 30/11/10

10/2673 Details pursuant to condition 8 (details of fencing, walls, gates, means of enclosure), condition 9 (details of bin stores), condition 10 (details of cycle parking), condition 11 (details of play spaces), condition 12 (details of landscaping), condition 13 (details of hard-landscaping including tree protection), condition 14 (landscape management plan), condition 16 (details of vehicular access) and condition 17 (details of lighting) of full planning permission reference 09/2650 **Under consideration**

10/1918 Details pursuant to condition 7 (materials) of full planning permission reference 09/2650

Granted 01/11/2010

10/2233 Discharge of condition 15 (Tree Protection) and condition 18 (Construction Method Statement) of full planning permission reference 09/2650 **Granted** 19/10/2010

10/2382 Details pursuant to condition 6 (air-quality impact assessment) of full planning permission reference 09/2650 **Granted** 26/10/2010

10/1917 Details pursuant to condition 8 (means of enclosure), 9 (refuse storage), 10 (cycle storage), 11 (playspace), 12 (soft landscaping) and 13 (hard landscaping) of full planning permission reference 09/2650 **Under consideration**

10/1682 Details pursuant to condition 6 (air-quality impact assessment) of full planning permission reference 09/2650 **Withdrawn** 23/08/2010

10/1692 Details pursuant to Conditions 14 (Landscape Management Plan) and 16 (Details of three proposed vehicular accesses) of Full Planning Permission Ref: 09/2650 **Withdrawn** 23/08/2010

09/2650 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 04/03/2010 and 15/03/2010) and subject to a Deed of Agreement dated 18 March 2010 under Section 106 of the Town and Country Planning Act 1990, as amended. **Granted** 18/03/2010

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.

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.
- 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.

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.

National

Greater flexibility for planning permissions Guidance, Department for Communities and Local Government, November 2009.

CONSULTATION

Local consultees

Neighbouring residents were consulted on 19 July 2011. No objections have been received.

REMARKS

Key considerations

Your officers consider the following to be the key planning issues:

- (a) whether the proposed alterations would cause harm to the amenity of neighbouring residents
- (b) whether the proposed alterations would harm the visual amenities of the area
- (c) whether the proposed alterations would affect the standard of accommodation of future occupants

Background

This application is for some minor material amendments. Recent changes to Government policy recognises that some things matter more than others; since 2009 applicants have been able to submit applications for amendments "whose scale and nature results in a development which is not substantially different from the one which has been approved." (CLG, 2009).

Amenity of neighbouring residents

The changes affect the southern wing and no residential units are close enough to the site to be affected by the minor changes in height to the two towers closest to The Mall. The changes to add lift overruns and smokestacks would also not have any materially harmful affect on the amenities of neighbouring residents. The addition of the windows on the eastern elevation of the wing would not affect the privacy of any residents since these would be obscured glazed (see email from applicant dated 22/08/11).

In this respect the proposed changes are considered acceptable.

Visual amenities of the area

The minor adjustments in the heights of the parapets and windows would not materially weaken the design approach, nor would it be affected by the alteration of the position of the second floor balcony on the western elevation and the addition of windows to the ensuite on the eastern elevation, and the visual amenities of the area would not, therefore, be affected.

The applicant has confirmed that the same windows will be used for this wing as for the rest of the development, to comply with discharged condition 7 (materials). In this respect the proposed changes are considered acceptable.

Standard of accommodation

No change is proposed to the size of any of the flats, nor to the amenity space. Additional windows to the bathrooms on the eastern elevation are acceptable as these would not give rise to any increased overlooking, provided they are installed and maintained with obscured glazing.

The change to the position of the balcony on the second floor of the western elevation is to improve the amount of daylight serving the living room.

Changes to the internal layout are minor and do not affect the size or position of the principal rooms of the flats.

In this respect the proposed changes are considered acceptable.

Conditions and s106

The conditions attached to the original decision notice are repeated, although the standard time condition is amended to reflect the original decision date and where further details have been approved, these are included in the conditions; details have been submitted for all conditions with the exception of Condition 19 (Sustainable Drainage Systems) but a number of pre-commencement conditions have not yet been determined despite works having commenced on the northern part of the site. Officers are in dialogue with the developers to ensure these matters are concluded as swiftly as possible.

The original section 106 legal agreement contains provision for 'Varied Planning Permissions' to include any planning permission issued pursuant to an application to vary or further vary any of the conditions in the 'Planning Permission' (in this instance the 'Planning Permission' refers to 09/2650 dated 18/03/2010).

Conclusion

The changes proposed are not considered to significantly change the approved scheme, but are necessary to overcome structural requirements and to enhance the standard of accommodation. Your officers recommend the minor material amendment be approved.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Central Government Guidance including draft National Planning Policy Framework
London Plan 2011
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 18 March 2010.

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. G	MAL/M+P/GA/000006 Rev. H
MAL/M+P/GA/000007 Rev. G	MAL/M+P/GA/000008 Rev. G
MAL/M+P/GA/000009 Rev. G	MAL/M+P/GA/000010 Rev. G
MAL/M+P/GA/000011 Rev. E	MAL/M+P/GA/000012 Rev. C
MAL/M+P/GA/000013 Rev. B	MAL/M+P/GA/000014 Rev. C
MAL/M+P/GA/000015 Rev. C	MAL/M+P/GA/000016 Rev. C
MAL/M+P/GA/000017 Rev. C	MAL/M+P/GA/000018 Rev. C
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	

011013/BELL/PFI/PL01 Rev A
011013/BELL/PFI/PL02 Rev A
011013/BELL/PFI/PL03 Rev A
011013/BELL/PFI/PRELIM/01 Rev C
011013/BELL/PFI/PRELIM/02 Rev A
011013/BELL/PFI/PRELIM/05 Rev A

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) 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 of the flats hereby approved.

Reason: In the interests of pedestrian safety.

- (4) All parking spaces, including those in the basement car park, and footways shall be constructed and permanently marked out prior to the 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.

- (5) 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. These 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.

- (6) The development shall be undertaken in accordance with the following approved details:

- (i) Air Quality Assessment by ACCON UK (dated 04/06/2010)
- (ii) Planning Condition Supplementary

as approved by details-pursuant application no. 10/2382.

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

- (7) The five new windows--serving ensuite bathrooms--to the eastern elevation of the southern block hereby approved as minor material amendment under application 11/1672 shall be installed with obscured glazed and non-opening below 1.7m above floor level and shall remain as such unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of the privacy of the occupants and the privacy of neighbouring occupants.

- (8) The work shall be carried out in the following materials and accordance with the approved details:

- (i) Brick: SR12-03 Slate Smooth Blue Brindle, supplied by ECL Contracts Ltd, Eleven Arches House, Leicester Road, Rugby, Warks
- (ii) Roof tile: Eternit Hawkins Staffordshire Blue
- (iii) Render: Alsecco 2225 (cool white), 3254 (cool grey) and 1311 (orange/earth)
- (iv) Windows: Velfac powder-coated aluminium in Slate Grey (RAL 7015)
- (v) Grilles: Orsogrill Dione

as approved by details-pursuant application no. 10/1918.

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

- (9) 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: 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.

- (10) 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 the 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.

- (11) 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.

- (12) 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.

- (13) 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 which 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 with others of a similar size and species, 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.

- (14) 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.

- (15) No development shall commence until a Landscape Management Plan for maintenance of all hard and soft landscape areas has been 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.

The approved management plan shall be fully implemented.

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.

- (16) The development shall be carried out strictly in accordance with the following agreed details:
 - (i) Tree Survey & Tree Protection Method Statement, MAL-BYG-REP-000020 Rev. A, dated 02/09/2010.

as approved by details-pursuant application no. 10/2233.

Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree-protection statement.

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

- (17) No development shall commence on site until details of the 3 proposed vehicular accesses have been submitted to and approved in writing by the Local Planning Authority. The southernmost access shall have 4m kerb radii and the northernmost 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.

- (18) No development shall commence until details of all external lighting including the lux level and a lighting contour map has been 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.

(19) The development shall be undertaken in accordance with the following approved details:

- (i) Construction Phase Safety, Health and Environmental Plan, MAL-BYG-MP-000001 Rev. A, dated 01/09/2010

as approved by details-pursuant application no. 10/2233.

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

(20) Prior to commencement of the development hereby approved, further details, which demonstrate a Sustainable Drainage System (SUDS) will be used to attenuate 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.

INFORMATIVES:

None Specified

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