



Appeal Decision

Site visit made on 15 May 2023

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2023

Appeal Ref: APP/M5450/W/22/3306081

9 - 11 Palmerston Road, Harrow HA3 7RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Origin Housing Ltd against the decision of the London Borough of Harrow.
 - The application Ref P/3140/21, dated 28 July 2021, was refused by notice dated 27 May 2022.
 - The application sought planning permission for the redevelopment of the site to provide 187 residential units (Use Class C3); 1393sqm office floorspace (Use Class B1) and 648sqm flexible commercial and community floorspace (Use Classes A1, B1, D1, D2) in 5 buildings between 1 and 17 storeys in height; basement to provide carparking and cycle parking spaces; one vehicle access from Palmerston Road and one vehicle access from Masons Avenue; refuse storage; entrance gates; public realm landscaping; photo-voltaic panels; demolition of existing building without complying with a condition attached to planning permission Ref P/1619/16, dated 29 August 2019.
 - The condition in dispute is No 2 which sets out the approved plans and documents.
 - The reason given for the condition is: "For the avoidance of doubt and in the interest of proper planning."
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of the site to provide 187 residential units (Use Class C3); 1393sqm office floorspace (Use Class B1) and 648sqm flexible commercial and community floorspace (Use Classes A1, B1, D1, D2) in 5 buildings between 1 and 17 storeys in height; basement to provide carparking and cycle parking spaces; one vehicle access from Palmerston Road and one vehicle access from Masons Avenue; refuse storage; entrance gates; public realm landscaping; photo-voltaic panels; demolition of existing building at 9-11 Palmerston Road, Harrow HA3 7RR in accordance with the terms of the application, Ref P/3140/21, dated 28 July 2021, and the plans submitted with it, without compliance with condition number 2 previously imposed on planning permission P/1619/16 dated 29 August 2019 but subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for an award of costs was made by Origin Housing Ltd against the London Borough of Harrow. This application is the subject of a separate Decision.

Background and Main Issue

3. The appeal is made under section 73 of the Town and Country Planning Act 1990 (Section 73). It seeks to vary the list of approved plans imposed by condition 2 of planning permission Ref P/1619/16 (referred to hereon as the original permission). The proposals to amend the consented scheme include several changes. They seek the removal of the Block D pavilion and an additional 2 stories to the second Block D building, amendments to the site entrance and road layout along Masons Avenue, reduction in car parking spaces on-site from 71 to 33, including the provision of 9 blue badge parking spaces for residents and various amendments to landscaping, including the relocation of the play space.
4. Government guidance is clear that under Section 73 I must consider only the condition in question, it is not a complete re-consideration of the original permission. The matter in dispute is the proposed reduction in on-site parking provision to 33 spaces. The extant planning permission has been implemented and several components of the development are almost complete.
5. The main issue is therefore the effect of the amended proposal on the living conditions of the occupiers of the surrounding residential properties and future occupiers of the development, having regard to parking provision.

Reasons

6. The appeal site is located in an area with a PTAL rating of 5 - 6a, which indicates a high degree of accessibility to public transport. In such areas, residential development should be car-free, in accordance with the aims of the London Plan 2021 (LP). It is also within the Harrow & Wealdstone Opportunity Area, where car-free development is encouraged.
7. The Council's officer report confirms that the number of parking spaces proposed would comply with the maximum parking standards and blue badge requirements of the LP. Transport for London have raised no objection to the proposals providing the quantum of parking would accord with LP Policy T6.
8. Notwithstanding this, a parking survey was carried out by the appellant which confirmed there is parking capacity on surrounding streets in the local area which could accommodate any overspill parking demand. Given that conclusion, there is no substantive evidence that harm to living conditions would arise because parking can be absorbed within the locality.
9. The Council's refusal reason alleges conflict with 3 policies in the Development Plan. The first of these, Policy CS1 of the Harrow Core Strategy adopted 2012 (HCS), sets out that parking for new development will be managed to contribute to the delivery of a modal shift from the private car to more sustainable modes. The second, Policy DM1 of the Harrow Development Management Policies adopted 2013 (HDMP) seeks development of a high standard of design and layout, having regard to, among other things, the functionality of the development, including the convenience and safety of parking. Reasons for the alleged conflict with these policies are not given.
10. Policy DM42 Part B of the HDMP requires proposals involving parking provision that would not be consistent with the LP to be assessed having regard to any exceptional operational requirements, any special safety considerations and the desirability of achieving modal shift away from private car use. Policy DM42

Part F sets out that proposals that would result in inappropriate on-site parking provision, having regard to the criteria in this policy, and those which would create significant on-street parking problems, prejudice highway safety or diminish the convenience of pedestrians and cyclists, will be resisted.

11. I note the Council's concerns that households in Harrow exhibit comparatively high levels of car ownership and that it is not practical for families to wholly depend upon public transport. However, it has not been demonstrated that these factors would mean that the level of parking provision proposed in this case would lead to overspill onto surrounding roads such that it would give rise to harm to the amenities of local residents or the future occupiers of the development.
12. Whilst the frequency of buses in the area may be lower than areas with a similar PTAL rating, I have not been provided with any substantive evidence as to the effect of this on levels of car ownership by future occupiers of the development.
13. In light of the above considerations, I find that the amended proposal would not harm the living conditions of the occupiers of the surrounding residential properties and future occupiers of the development, having regard to the reduction in on-site parking provision. Consequently, the development would not conflict with the provisions of Policy CS1 of the HCS or Policies DM1 and DM42 of the HDMP.

Planning Obligation

14. A completed and signed Unilateral Undertaking (UU) is submitted as part of the appeal, this is dated 13 July 2023. The terms set out in the agreement secure the planning obligations that are relevant to the development as amended, including a financial contribution to cover the costs of assessing the impact of development on existing Controlled Parking Zones. The UU also includes the obligations previously required under the original S106 Agreement for the development as approved under planning permission Ref. P/1619/16 which remain relevant. The Council has been given the opportunity to comment on the UU but has not provided a formal response within the timeframe offered.
15. I am satisfied that the obligation is necessary to make the development acceptable, is directly related to the development and is fairly and reasonably related in scale and kind to the development. Therefore, it would accord with the three tests set out in paragraph 57 of the Framework and Regulation 122(2) of the Community Infrastructure Regulations 2010. I have taken it into account.

Other Matters

16. I note concerns raised by interested parties regarding the increase in height of the building, which the Council found to be acceptable. Having considered the revised plans, I have no reason to take a different stance to the Council. Moreover, the revised scheme would suitably respect the design achievements of the scheme and the makeup of the surrounding built environment.

Conditions

17. As this appeal relates to an application under Section 73, and I am only considering the disputed condition, it is necessary to reimpose those on the

previous permission. The appellant has indicated that several of the conditions on the original planning permission have been discharged and/or amended via non-material amendment applications. However, I have not been provided with details of the formal discharge notices or wording of the amended conditions. In addition, I am aware that this permission relates to a wider development, beyond the relevant parts to which amendments are sought.

18. Consequently, even if I could consider changes to conditions, as my decision will result in the creation of a new planning permission for the whole development, I cannot be certain that this would not have implications for those parts of the development already completed. I have therefore imposed all the conditions listed on the previous Decision Notice, with the exception of condition 1, which relates to the commencement of the development within the prescribed period and is no longer necessary. In the event that conditions have already been complied with, with and/or amended by separate means, there is no reason to consider that suitable confirmation would not be obtainable from the Council (subsequent to this decision and outside of the appeal process) without prejudice to any past approval granted.
19. For the avoidance of doubt, notwithstanding the removal of the disputed condition, I have re-imposed a plans condition in the interests of certainty. This lists the revised plans submitted for approval.

Conclusion

20. For the reasons given above, considering the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Emma Worley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

M701_301.S73.PL1, M701_302.S73.PL1, M701_303.S73.PL1, M701_304.S73.PL1, M701_305.S73.PL1, M701_306.S73.PL1, M701_321.S73.PL1, M701_322.S73.PL1, M701_323.S73.PL1, M701_331.S73.PL1, M701_332.S73.PL1, M701_333.S73.PL1, M701_401.S73.PL1, M701_402.S73.PL1, M701_403.S73.PL1, M701_404.S73.PL1, M701_405.S73.PL1, M701_406.S73.PL1, M701_407.S73.PL1, M701_408.S73.PL1, M701_409.S73.PL1, M701_410.S73.PL1, M701_411.S73.PL1, M701_412.S73.PL1, M701_413.S73.PL1, M701_414.S73.PL1, M701_415.S73.PL1, M701_416.S73.PL1, M701_417.S73.PL1, M701_418.S73.PL1, M701_421.S73.PL1, M701_422.S73.PL1, M701_423.S73.PL1, M701_424.S73.PL1, M701_431.S73.PL1, M701_432.S73.PL1, M701_433.S73.PL1, M701_501.S73.PL1, M701_502.S73.PL1, M701_503.S73.PL1, M701_504.S73.PL1, M701_505.S73.PL1, M701_506.S73.PL1, M701_507.S73.PL1, M701_508.S73.PL1, M701_509.S73.PL1, M701_510.S73.PL1, M701_511.S73.PL1, M701_512.S73.PL1, M701_513.S73.PL1, M701_514.S73.PL1, M701_515.S73.PL1, M701_516.S73.PL1, M701_521.S73.PL1, M701_522.S73.PL1, M701_523.S73.PL1, M701_524.S73.PL1, M701_531.S73.PL1, M701_532.S73.PL1, M701_533.S73.PL1, M701_636.S73.PL1, M701_637.S73.PL1, M701_6380.S73.PL1, M701_6390.S73.PL1, M701_6400.S73.PL1, M701_6410.S73.PL1, M701_642.S73.PL1, M701_6420.S73.PL1, M701_6430.S73.PL1, M701_6440.S73.PL1, M701_701.S73.PL1, M701_702.S73.PL1, M701_703.S73.PL1, M701_704.S73.PL1, M701_705.S73.PL1, M701_706.S73.PL1, M701_721.S73.PL1, M701_722.S73.PL1, M701_723.S73.PL1, M701_724.S73.PL1, M701_731.S73.PL1, M701_732.S73.PL1, M701_733.S73.PL1, M701_000.PL1.2, M701_101.PL1.2, M701_102.PL1.2, M701_121.PL1.2, M701_122.PL1.2, SK18 Rev A, SK23 Rev A, M701_231.S73.PL1, M701_232.S73.PL1, M701_233.S73.PL1, M701_234.S73.PL1, M701_235.S73.PL1, M701_236.S73.PL1, M701_237.S73.PL1, 259-005K, 259-006E, 259-007E, 259-008E, 259-009E, 259-011H, 259-012D, 259-014F, 259-015C, 259-016B, 259-017C, 259-018B, 259-C-010H, 259-C-020D, 259-021B, 259-022B, 259-C_023B, 259-C-024D, 259-C-025B, 259-C-026B, 259-C-027B, 259-C-028, 259-R-001F, 259-R-002E, 259-R-003C, 259-R-004F, 259-R-005E, 259-R-006C, 259-R-007B, Deller & Palmerston – Landscape Maintenance Schedule, M701_201.S73.PL1, M701_202.S73.PL1.3, M701_203.S73.PL1, M701_901.S73.PL1, M701_902.S73.PL1, M701_903.S73.PL1, 193266-FORXX-SW-DR-C-1001 C9, M701_637.S73.PL1.1, SK03.

- 2) No development shall take place, including any works of demolition, until a dust and noise management plan has first been submitted to and approved by the Local Planning Authority in writing. The plan shall detail measures for the control and reduction of dust and noise emissions associated with demolition, earthworks, construction and track out, and arrangements for monitoring air

quality during construction. The development shall be carried out in accordance with the plan so agreed.

- 3) No development shall take place, including any works of demolition, until a demolition and construction logistics plan has first been submitted to and approved by the Local Planning Authority in writing. As a minimum, the plan shall detail the arrangements for:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in construction the development;
 - d) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
 - e) wheel washing facilities;
 - f) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - g) measures for the control and reduction of dust; and
 - h) measures for the control and reduction of noise and vibration.

The demolition and construction of the development shall be carried out in accordance with the plan so agreed.

- 4) No development shall take place, including any works of demolition, until a construction and site waste management plan, setting out arrangements for the handling of excavation, demolition and construction waste arising from the development, and to make provision for the recovery and re-use of salvaged materials wherever possible, has first been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved plan.
- 5) No development shall take place, including any works of demolition, until a construction management strategy, to include details of cranes and other tall construction equipment (including obstacle lighting) has first been submitted to and approved by the Local Planning Authority in writing. The construction of the development shall be carried out in accordance with the strategy so agreed.
- 6) No development shall take place, other than works of demolition, until details of works for the disposal of surface water, including surface water attenuation and storage, has first been submitted to and approved by the Local Planning Authority in writing. The submitted details shall include measures to prevent water pollution and details of SUDS and their management and maintenance. The development shall not be occupied until the works have been completed in accordance with the approved details. The works shall be retained in accordance with the approved details thereafter.
- 7) No development shall take place, other than works of demolition, until a foul water drainage strategy, detailing any on and / or off site works that may be needed to dispose of foul water from the development and to safeguard the development from foul water flooding, has first been submitted to and approved by the Local Planning Authority in writing. The development shall not be occupied until the works have been completed in accordance with the

approved details. The works shall be retained in accordance with the approved details thereafter.

- 8) No development shall take place, other than works of demolition, until a drainage management and sustainable drainage system maintenance plan has first been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out and thereafter be managed and maintained in accordance with the plan so agreed.
- 9) No development shall take place other than demolition works until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the level of the site, has first been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the details so agreed.
- 10) The development hereby approved shall not be occupied until a Culvert Structural Condition Survey of the Wealdstone Brook (Main River) which runs in culvert through the site has first been submitted to and approved by the Local Planning Authority in writing. The report shall demonstrate that the construction of the development has not had a detrimental impact on the condition and structural integrity of the culverted Wealdstone Brook. Should the survey show that the construction has had a detrimental impact on the structural integrity of the culvert. A remedial strategy to bring the culvert back to appropriate condition must be submitted to and agreed by the Local Planning Authority. The remedial works shall be carried out in compliance with the approved report and completed prior to occupation of the development.
- 11) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for works) has first been submitted to and approved by the Local Planning Authority in writing. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 12) Notwithstanding the details that have been submitted, the development hereby approved shall not commence until a revised landscaping strategy, which effectively contributes to the accessibility and permeability of the site has first been submitted to and approved by the Local Planning Authority in writing. The revised landscape strategy shall include a revised landscaping layout, details of planting, hard surfacing materials, site levels, external lighting, a space-sharing strategy, external cycle parking, public seating and details of all gradients, ramps and steps within publicly accessible areas of the development. Soft landscaping works shall include: planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants, noting species, plant sizes and proposed numbers / densities and an implementation programme. The hard surfacing details shall include details of planters and samples showing the texture and colour of the materials to be used and information about their sourcing/manufacturer. The lighting details shall include detailed drawings of the proposed lighting columns and fittings, information about the levels of luminance and any measures for mitigating the effects of light pollution. The landscaping scheme shall also

include details of defensible space in front of ground floor units, proposed finished site levels, boundary treatment and gates (including gates to the basement), vehicle and pedestrian access and circulation areas, minor artefacts and structures (such as play equipment, furniture, refuse storage, signs and lighting). The development shall be carried out in accordance with the approved scheme and shall be retained as such thereafter.

- 13) The development hereby approved shall not progress beyond basement level until details (including allocation) of the cycle parking spaces on the site and their phased delivery alongside the development has first been submitted to and approved by the Local Planning Authority in writing. The cycle parking shall be implemented on site for the sole use of the development in accordance with the phasing details so approved and shall be retained for the lifetime of the development.
- 14) The development hereby approved shall not progress beyond basement level until details of the lighting of all public realm and other external areas (including buildings) within the site has first been submitted to and approved by the Local Planning Authority in writing. The details shall include details of the intensity of light emissions (including the surface area to be illuminated), detailed drawings of the proposed lighting columns and fittings and any measures for mitigating the effects of light pollution, and a programme of delivery. The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.
- 15) The development hereby approved shall not progress beyond podium slab level until details of the provision of green roofs within the development has first been submitted to and approved by the Local Planning Authority in writing. The green roofs shall be designed to contribute to the creation of appropriate habitats targeted in Table 7.3 of the London Plan 2016 and/or the Harrow Biodiversity Action Plan 2015-2020. As a minimum the details to be submitted shall comprise:
- a) identification of the roof areas to be used for the provision of green roofs;
 - b) details of the planting to be used;
 - c) details of the maintenance including irrigation; And
 - d) details of the programme of delivery.

The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

- 16) Notwithstanding the details shown on the approved plans, the development hereby approved shall not progress beyond podium slab level until revised details for the approved roof terraces has first been submitted to and approved by the Local Planning Authority in writing. As a minimum, the revised details shall include:
- a) A revised layout for each of the roof terraces which contributes to privacy for neighbouring occupiers and comfort for users of the roof terraces;
 - b) Hard and soft landscaping details;
 - c) Details of measures to address noise levels and wind microclimate;
 - d) Details of how inclusive access to and within communal rooftop gardens is achieved;

- e) Details of proposed safety railings; (vi) Details of programme of delivery.

The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

- 17) The development hereby approved shall not progress beyond podium slab level until proposals for biodiversity enhancement across the site, including a programme for its delivery, has first been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the proposals so agreed and shall be retained as such thereafter.
- 18) The residential premises hereby approved shall not be first occupied until a play strategy for the site has first been submitted to and approved by the Local Planning Authority in writing. Such details shall comprise: a specification of all play equipment to be installed including provision for children with disabilities and special sensory needs; a specification of the surface treatment within the play areas; and arrangements for ensuring the safety and security of children using the play areas. The residential premises hereby approved shall not be first occupied until the play facilities have been provided in accordance with the approved play strategy. The play facilities shall be retained as such thereafter.
- 19) The development hereby approved shall not be occupied until a scheme for the on-going management and maintenance of the soft landscaping within the development, to include a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years for all landscape areas, and details of irrigation arrangements and planters, has first been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the scheme so agreed and shall be retained as such thereafter.
- 20) All hard landscaping shall be carried out prior to the occupation of any part of the development or in accordance with a programme that has been submitted to and approved by the Local Planning Authority in writing. All soft landscaping works including planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out no later than the first planting and seeding season following the final occupation of the residential parts of the buildings, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die or are removed, or become seriously damaged, diseased or defective, shall be replaced in the next planting season, with others of a similar size and species.
- 21) Prior to first occupation of the development, details of pedestrian, cycle and vehicle signage and wayfinding within the development shall be submitted to and approved by the Local Planning Authority in writing. Signage and wayfinding so approved shall be provided prior to first occupation.
- 22) The non-residential premises hereby approved shall not be first occupied until a plan for the management, maintenance and use of the public realm has first

been submitted to and approved by the Local Planning Authority in writing. The public realm shall be managed and used in accordance with the plan so agreed.

- 23) Notwithstanding the details shown on the approved drawings, the development hereby approved shall not progress above podium slab level until as a minimum:

a) details and samples of the materials to be used in the external surfaces of the buildings (facing materials for the buildings, windows/ doors/ winter gardens/ curtain walling, balconies including privacy screens and balustrades, entrance canopies), hard surfaces, and any means of enclosure;

b) drawings to a 1:20 metric scale to show typical details of the elevations from all sides and the slab thickness of roof parapets; has first been submitted to and approved by the Local Planning Authority in writing.

The development shall be carried out in accordance with the details, samples and drawings so agreed and shall be retained as such thereafter.

- 24) The development hereby approved shall not progress above podium slab level until 1:1 sample mock-ups of the external cladding system for each block have been erected on site (or at such other location(s) as may be agreed in writing by the local planning authority) and have been agreed in writing by, the local planning authority. The exact extent of the mock-ups shall be agreed with the local planning authority prior to their construction. Mockups to include as a minimum stone clad frame and window reveal, balcony fascias, opaque spandrel panels, and the junction between brick and stone cladding to blocks B and C. The development shall be carried out in accordance with the details, samples and drawings so agreed and shall be retained as such thereafter.

- 25) Other than those shown on the approved drawings, no soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the elevations of the building hereby approved.

- 26) Prior to the first occupation of the development, details of a strategy for the provision of communal facilities for television reception (eg. aerials, dishes and other such equipment) shall be submitted to and approved by the Local Planning Authority in writing. Such details shall include the specific size and location of all equipment. The approved works shall be completed prior to the first occupation of the relevant phase and shall be retained thereafter. No other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.

- 27) Any telecommunications apparatus, extraction plant, air conditioning units and any other plant or equipment that is required on the exterior of the buildings shall be installed in accordance with details to be submitted to and approved by the Local Planning Authority in writing. As a minimum, the details shall include: proposals for communal provision of television receiving equipment, wherever possible; siting; appearance; any arrangements for minimising the visual impact; and any arrangements for mitigating potential noise and vibration.

- 28) Notwithstanding the details shown on the approved plans, the development hereby approved shall not commence until a cohesive strategy for building entrances (including canopies), bin store doors, security gates, railings, bicycle

stores, sub-station doors, basement entrance gates and treatment of the commercial units has first been submitted to and approved by the Local Planning Authority in writing. The strategy shall include detailed drawings and material samples. The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

- 29) Notwithstanding the details shown on the approved plans, the development hereby approved shall not commence until revised elevations and associated floor plans for Block E has first been submitted to and approved by the Local Planning Authority in writing. The revised drawings shall show revised openings to the refuse storage area, and details of any perforated brickwork. The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.
- 30) Notwithstanding the details shown on the approved drawings, no development shall take place other than works of demolition until there has been submitted to and approved in writing by the Local Planning Authority detailed sections at metric scale 1:20 through all external reveals of the windows and doors on each of the elevations. In the event that the depth of the reveals is not shown to be sufficient, a modification showing deeper reveals shall be submitted for approval in writing. The development shall be completed in accordance with the approved details and shall thereafter be retained.
- 31) The development hereby approved shall not be occupied until a strategy for maintaining the external surfaces of the buildings has first been submitted to and approved by the Local Planning Authority in writing. The strategy shall include, as a minimum, details of the regime for cleaning, repainting and repairing the buildings and the logistical arrangements for implementing that regime. Maintenance of the external surfaces of the buildings shall adhere to the strategy so agreed.
- 32) The development hereby approved shall not commence until a specification of the combined heat and power plant and the necessary infrastructure to supply all blocks on site so that every block on site (including Blocks C and E) is connected to the site-wide network has been submitted to and agreed in writing by the Local Planning Authority. The combined heat and power plant and associated site-wide network shall be installed in accordance with the specification so agreed prior to occupation of the development and thereafter retained in accordance with the specification so agreed.
- 33) The development hereby approved shall not progress beyond damp proof course level until arrangements for testing the emissions from the plant, has first been submitted to and agreed by the Local Planning Authority in writing. The aforementioned arrangements shall include a timetable for testing the plant and for reporting the test results to the local planning authority for the authority's approval in writing. The testing shall be carried out in accordance with the arrangements so agreed. In the event that the local planning authority does not approve the test results, such remedial action as shall be specified in writing by the local planning authority shall be carried out no later than a date as shall be specified in writing by the local planning authority.
- 34) The development hereby approved shall not progress above damp proof course level until a specification and drawings of the external part of the flue of the

combined heat and power system has first been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter. The works so approved shall be carried out prior to first occupation of the development and thereafter retained.

- 35) The development hereby approved shall not progress beyond podium slab level until an assessment to identify the dwellings and communal areas within the proposed development that would be at risk of internal overheating has first been submitted to and approved by the Local Planning Authority in writing. The assessment shall include mitigation measures to prevent overheating of the dwellings and communal areas so identified. The development shall be carried out in accordance with the mitigation proposals so agreed and shall be retained as such thereafter.
- 36) A minimum of 10% of the units shall be built in accordance with Building Regulation standard M4 (3) 'Wheelchair User Dwellings'. All other residential units in this development, as detailed in the submitted and approved drawings, shall be built to Building Regulation Standard M4 (2) 'Accessible and adaptable dwellings'. The development shall be thereafter retained to those standards.
- 37) The residential premises hereby approved shall each be provided with a storage space in accordance with standard 4.7.1 of the Mayor of London's Housing SPG (2016).
- 38) The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing plans.
- 39) No demolition shall take place until a scheme (the first scheme') for identifying, managing and disposing of any potential contamination hazards found during demolition of the existing buildings and structures on the site has first been submitted to, and agreed in writing by, the local planning authority. No development other than demolition shall take place until a scheme (the second scheme') for the management of contamination risk at the site has first been submitted to, and agreed in writing by, the local planning authority. The second scheme shall include the following:
- a) details of a site investigation to provide information for a detailed assessment of the risks to all receptors that may be affected, including those off site;
 - b) the results of the site investigation and an options appraisal and remediation strategy giving full details of remediation measures and how they are to be undertaken; and
 - c) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant leakages, maintenance and arrangements for contingency action.

The demolition shall be carried out in accordance with the first scheme so agreed. The development other than demolition shall be carried out in accordance with the second scheme so agreed.

- 40) The development hereby approved shall not progress above podium slab level until a report evaluating the risk of glare from the development and proposing any necessary mitigation has first been submitted to and approved by the Local Planning Authority in writing. The development shall not be occupied until such mitigation work has been completed in accordance with approved details. Necessary mitigation shall be retained as such thereafter.
- 41) No development shall take place, including any works of demolition, until details has first been submitted to and approved by the Local Planning Authority in writing for all Non-Road Mobile Machinery (NRMM) to be used on the development site. All NRMM should meet as minimum the Stage 111B emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage 111B equipment is not available. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.
- 42) The development hereby permitted shall not progress above podium slab level until details of air pollution mitigation measures for accommodation at ground, first and second floor levels of blocks A, B and C has first been submitted to and approved by the Local Planning Authority in writing. The mitigation measures shall be in accordance with the recommendations of the "Air Quality Assessment for Palmerston Road Deller Comer, Wealdstone dated March 2016 ref: 1993m-SEC-00001-02". The development shall not be occupied until the works have been completed in accordance with the approved details and thereafter retained.
- 43) The development hereby permitted shall not commence until a nitrogen dioxide measurement study, to establish the risk of the nitrogen dioxide hourly mean limit value being exceeded in the playground, as described in the report "Air Quality Assessment for Palmerston Road Deller Comer, Wealdstone dated March 2016 ref: 1993m-SEC-00001-02" has first been submitted to and approved by the Local Planning Authority in writing. In the event that the study demonstrates that the nitrogen dioxide hourly mean limit value is likely to be exceeded, then a management plan to ensure there will be no occupation for more than an hour during pollution events of the playground shall be submitted and agreed in writing by the Local Planning authority. The playground must be occupied in accordance with the management plan so agreed.
- 44) The development hereby approved shall not progress above podium slab level until there has first been submitted to and approved by the Local Planning Authority in writing, a scheme to ventilate the car park and minimise the ingress of polluted air, and management thereof. The scheme so agreed shall be implemented before the car park is brought into use and shall be retained as such thereafter.
- 45) The development hereby approved shall not progress above podium slab level until a report identifying those residential premises within the development that require mitigation of external noise levels and detailing the mitigation required to achieve satisfactory noise levels within those premises (and to their private balcony areas, where relevant) has first been submitted to and approved by

the Local Planning Authority in writing. The report shall also detail the arrangements for ventilating the residential premises so identified. Those residential premises within the development that require mitigation shall not be occupied until the mitigation works (including ventilation works) as approved have been completed. Such mitigation and ventilation works shall thereafter be retained.

- 46) The Local Planning Authority, the individual and cumulative rating level of noise emitted from plant and/or machinery at the development hereby approved shall be at least 10dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142 Method for rating industrial noise affecting mixed residential and industrial areas. Before any plant is used, measurements of the noise from the plant must be taken and a report / impact assessment demonstrating that the plant (as installed) meets the design requirements, shall be submitted to be approved in writing by the Local Planning Authority.
- 47) The development hereby approved shall not progress beyond podium slab level until a strategy for the efficient use of mains water within the residential parts of the development, pursuant to a water consumption limit of 110 litres per person per day, has first been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the strategy so agreed and shall be retained as such thereafter.
- 48) The residential premises hereby approved shall not be occupied until a Parking Management Plan has first been submitted to and approved by the Local Planning Authority in writing. As a minimum, the plan shall: identify the electric vehicle charging point spaces that are to be provided within the basement car park as 'active' spaces and those as 'passive' spaces; detail the allocation of a disabled person's parking space within the basement car park to each wheelchair home within the development; detail the allocation of general parking spaces within the development; detail the management of general vehicle access across the site; detail the allocation of cycle parking for residents/staff/visitors of the development; lighting within the basement. The development shall not be occupied until the works have been completed in accordance with the approved details. The works shall be thereafter retained.
- 49) Notwithstanding the details shown on the approved plans, the development hereby approved shall not commence until revised details of the access ramp to the basement has first been submitted to and approved by the Local Planning Authority in writing. The revised details shall include, as a minimum, drawings showing the removal of the cycle lane and the provision of two-way shared access; detailed drawings showing the elevation / gradient / gating of the two-way access ramp; and measures to reduce vehicle speeds and prioritise safety on the access ramp. The development shall not be occupied until the works have been completed in accordance with the approved details. The works shall thereafter be retained.
- 50) No part of the development shall be first occupied until a revised Delivery and Servicing Plan, covering both the residential and non-residential elements of the development has first been submitted to and approved by the Local

Planning Authority in writing. The revised Delivery and Servicing Plan shall include full details of the onsite Refuse Management Strategy. All deliveries and servicing associated with the development shall be carried out only in accordance with the approved details.

- 51) The residential premises hereby approved shall not be occupied until: (i) an audio-visual access control system has been installed for each block; or (ii) such alternative security measures have been installed that shall first have been submitted to and approved by the Local Planning Authority in writing.
- 52) The buildings hereby approved shall not be occupied until an access control system to the basement has been installed details of which shall first have been submitted to, and agreed in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 53) The development hereby approved shall not be occupied until proposals for mitigating the impact of the buildings upon broadcast (including satellite) signal reception in the area has first been submitted to and approved by the Local Planning Authority in writing. The development shall not be occupied until the mitigation so approved has been completed in accordance with the approved details. Such mitigation works shall thereafter be retained.
- 54) The non-residential premises within blocks A, B, C and E hereby approved shall not be first occupied and used without the local planning authority's prior agreement, in writing, of the following details:
- a) notification of any proposed use within Class DI and D2 of the Town and Country Planning (Use Classes) Order 1987, as amended;
 - b) any equipment for the projection of amplified sound to customers and other members of the public inside and (where relevant) outside of the building;
 - c) any externally situated plant and/or other machinery;
 - d) any externally situated temporary or permanent furniture, means of enclosure and other equipment associated with the extension of commercial activity outside of the building.

The occupation and use of the ground floor, including any part thereof, shall be carried out in accordance with the notification and details so agreed until such time as a material change of use occurs that is authorised either by any statutory instrument, local development order or by the local planning authority granting of planning permission.

- 55) Notwithstanding the provisions of the Electronic Communications Code Regulation 5 (2003) in accordance with The Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Schedule 2, Part 16, Class A of that order shall be carried out in relation to the development hereby permitted without the prior written permission of the local planning authority.
- 56) The window glass of the retail I commercial I community uses hereby approved shall not be painted or otherwise obscured without the prior written permission from the Local Planning Authority.

- 57) The pedestrian gates serving the development shall remain fully open between the hours of 06:30 and 22:30 hours.
- 58) The non-residential premises hereby approved shall only be open to the public between: 7:00am and 22:00pm on Mondays to Saturdays and between the hours of 10:00am and 18:00pm on Sundays and Bank Holidays.
- 59) Deliveries to any non-residential uses within the development shall take place only between the hours of 07:30 and 19:00 on Mondays to Fridays and between the hours of 08:30 and 13:00 on Saturdays.
- 60) The development hereby approved shall not progress beyond podium slab level until measures to minimise the risk of crime in a visually acceptable manner and to meet the specific security needs of the development has first been submitted to and approved by the Local Planning Authority in writing. Any such measures should follow the relevant design guides published on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx>. The development shall not be occupied until the measures have been completed in accordance with the approved details. Such measures shall be retained thereafter.
- 61) The windows at first, second and third floor levels in the northern flank elevation of Block E shall be of purpose-made obscure glass and shall be permanently fixed closed below a height of 1.7 metres above finished floor level and shall thereafter be retained in that form.
- 62) The development hereby permitted shall not progress above podium slab level until details of mitigation measures to address wind microclimate impacts has first been submitted and approved to the Local Planning Authority in writing. The mitigation measures shall be in accordance with the recommendations of the Pedestrian wind climate report (ref EN-CAPE 15.239 C — VI) and the addendum to this report (letter dated 23M. September). The development shall not be occupied until the works have been completed in accordance with the approved details and thereafter retained.
- 63) The development hereby approved shall not progress above podium slab level until an inclusive access strategy for the site has been submitted to, and agreed in writing by, the local planning authority. The strategy shall as a minimum:
- a) demonstrate inclusive access within each of the proposed non-residential units;
 - b) detail the design of all gradients, ramps and steps within publicly accessible areas of the development; and
 - c) detail the arrangements for disabled residents' access to, and use of, waste and recycling facilities within the development.

The development shall not be occupied until the works have been completed in accordance with the approved details. The works shall be retained thereafter.

- 64) The development hereby approved shall not commence until an assessment of the impact on local air quality of the proposed Combined Heat and Power (CHP)

system has been submitted to, and agreed in writing by, the local planning authority. This assessment of impact shall demonstrate:

- a) That the impacts of the proposed system on new and existing uses will not be significant, and
- b) That the development will be air quality neutral.

65) The development hereby approved shall not be occupied until details of tests undertaken on the installed CHP system to demonstrate that it conforms with the details modelled in the air quality assessment have been submitted to and approved in writing by the local planning authority.

66) The development hereby approved shall not commence until a Combined Heat and Power (CHP) Technical Analysis outlining all assumptions and identifying the optimal heating strategy in terms of CHP sizing and operation has been submitted to, and agreed in writing by, the local planning authority. This should be accompanied by a CHP manufacturer's study where similar assumptions and recommendations are presented. The development shall be carried out in accordance with the details approved.

67) The commercial premises (within Use Classes A1, B1, D1 and D2) hereby permitted shall only be used for the purposes described in the planning application and for no other purpose whatsoever, without express planning consent from the Local Planning Authority first being obtained.

***** end of conditions *****