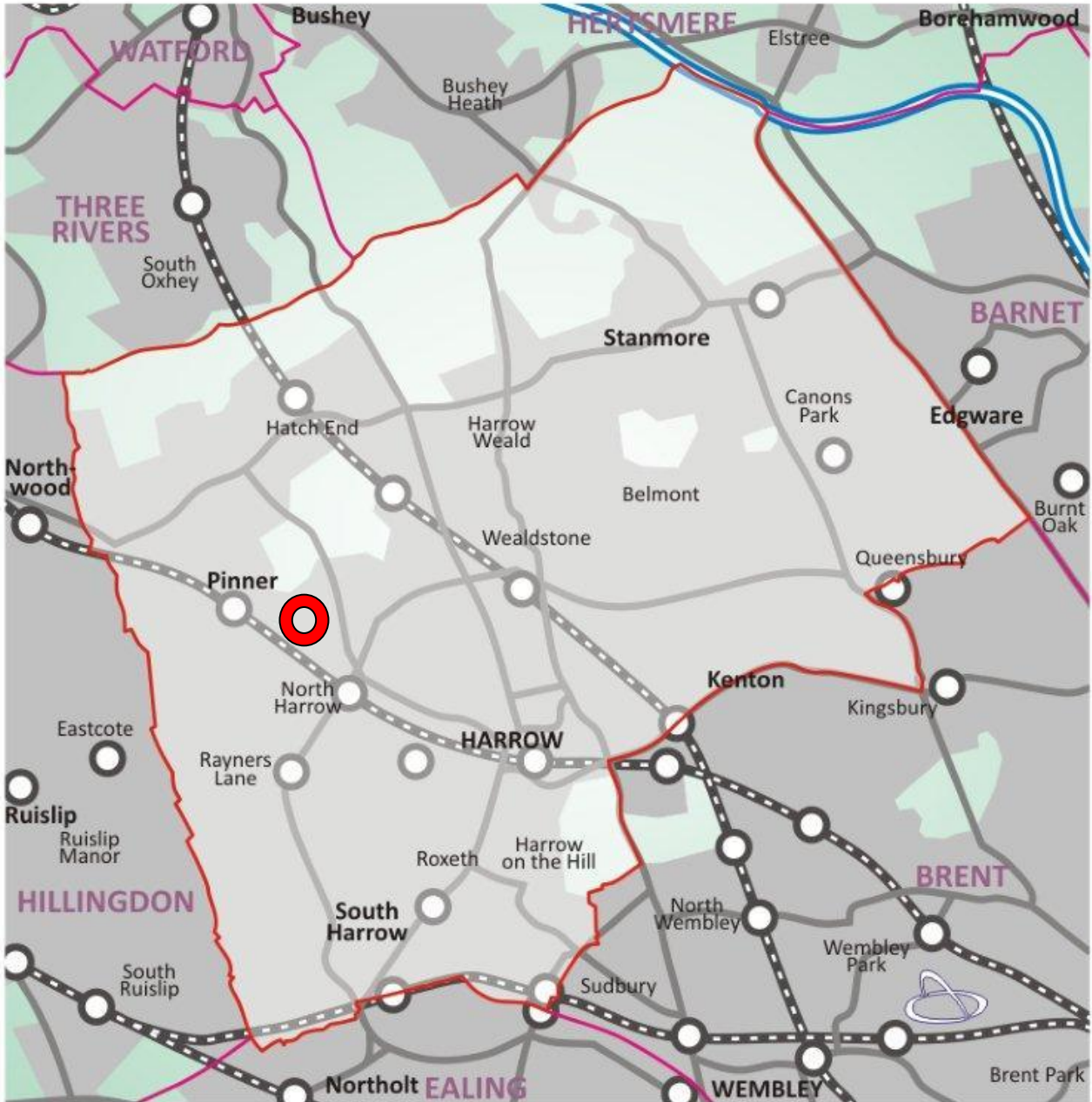
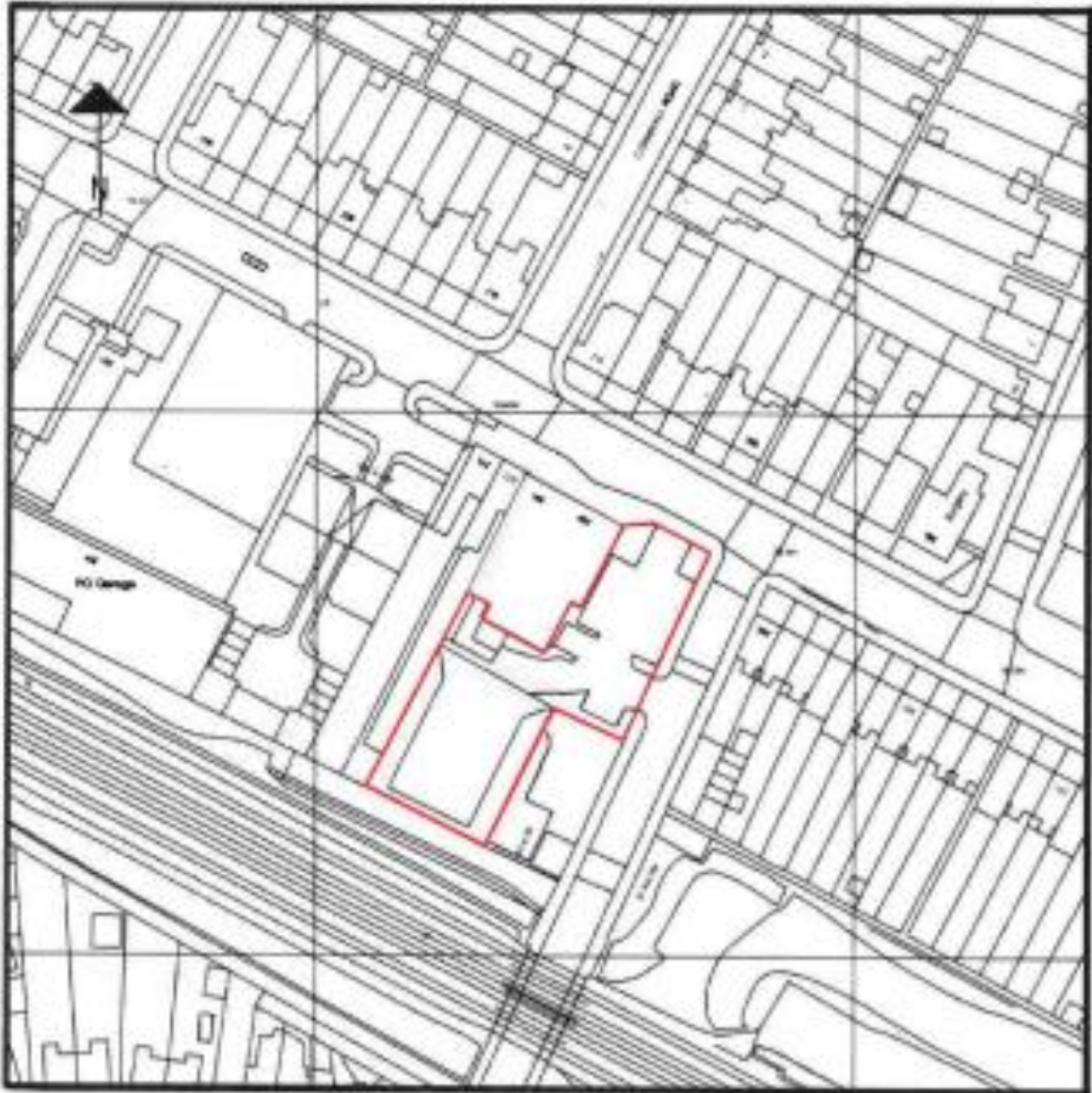


 = application site



Apollo Court, 57 The Gardens, West Harrow, HA1 4HE	P/1764/23
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Location Plan



SITE LOCATION PLAN 1:1250



LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

22nd November 2023

APPLICATION NUMBER: P/1764/23
VALID DATE: 10th JULY 2023
LOCATION: APOLLO COURT, 57 THE GARDENS, WEST HARROW
WARD: NORTH HARROW
POSTCODE: HA1 4HE
APPLICANT: MR TOLIA
AGENT: HOMEPLANS
CASE OFFICER: AKSHAY SISODIA
EXPIRY DATE: 31/01/2024

PROPOSAL

Redevelopment to provide part three/part four storey building comprising of eight flats (5 X 2 bed, 3 X 1 bed); roof terrace; bin and cycle stores; footpath link incorporating alterations to existing Tesco vehicular access and parking

RECOMMENDATION A

The Planning Committee is asked to:

- 1) Agree the reasons for approval as set out in this report, and
- 2) Grant planning permission subject to the Conditions listed in Appendix 1 of this Report and subject to authority being delegated to the Chief Planning Officer in consultation with the Director of Legal and Governance Services for the completion of Section 106 legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:
 - i. Development to be Resident Permit Restricted: With the exception of disabled persons, no resident of the development shall obtain a residents' parking permit within the Controlled Parking Zone. An additional £1,500 contribution towards the cost of amending the traffic order.
 - ii. Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.
 - iii. £500 monitoring fee to be paid to the Council to cover the Council's costs incurred in the monitoring the obligations.

RECOMMENDATION B

That if, by 31st January 2024 or such extended period as may be agreed in writing by the Chief Planning Officer in consultation with the Chair of the Planning Committee, the section 106 Planning Obligation is not completed, then delegate the decision to the Chief Planning Officer to **REFUSE** planning permission for the appropriate reason.

The proposed development, in the absence of a legal agreement to ensure a car-free development through the restriction of resident parking permits for future occupiers of the proposed dwellings, would result in increased parking stress in the locality, in a sustainable location, to the detriment of the Council's aim to reduce reliance on the private motor car in sustainable locations. The proposal is therefore contrary to Policies of the Policy T6 of the London Plan (2021), Policy CS1.R of the Core Strategy (2012), and Policies DM42, DM43 and DM50 of the Development Management Policies Local Plan (2013).

REASON FOR THE RECOMMENDATION

The principle of providing a residential development on the application site is considered acceptable. The proposed housing development would bring forward housing provision of a satisfactory mix to provide housing choice to the borough and of an adequate level to ensure suitable accommodation for future occupiers.

It is considered that the proposed buildings would have an acceptable design and external appearance and would not have an undue impact on the character and appearance of the area or the residential amenity of neighbouring occupiers. The proposal would provide appropriate living conditions for the future occupiers of the development.

Accordingly, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out below, officers conclude that the proposed development is worthy of support.

INFORMATION

This application is reported to Planning Committee as the proposed development consists of the construction of more than 3 new dwellings. The proposal therefore falls outside Schedule 1 of the Scheme of Delegation.

Statutory Return Type:	13.Minor Dwellings
Council Interest:	None
Net additional Floorspace:	Approximately 717.30 sqm
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	Approximately £46,302 (Includes Indexation)
Local CIL requirement:	Approximately £125,047 (Includes Indexation)

HUMAN RIGHTS ACT

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

EQUALITIES

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

S17 CRIME & DISORDER ACT

The applicant has failed to provide sufficient detail on the proposed development's resilience to crime. For the avoidance of doubt, a condition has been imposed requiring the applicant to submit evidence of certification of Secure by Design accreditation prior to the occupation of the development.

1.0 SITE DESCRIPTION

- 1.1 The application site relates to a parcel of vacant land located to the south west rear of 259 Pinner Road formerly used as additional car parking associated with the Apollo Public House.
- 1.2 The subject site is located within a mixed commercial, retail and residential area. Directly north of the site are Tesco Express and Ladbrokes, including associated car parking for the Tesco customers. At first floor level of the rear part of the Tesco store are 2 x 1 bedroom flats. Access for this building is via The Gardens. The application site benefits from legal right of access via this same access point.
- 1.3 To the east of the site and also accessed off, The Gardens is an MOT, services and car sales garage. South of the site adjoins an access path which leads to the rear of No. 275 Pinner Road which separates the site from the embankment carrying the Railway Line providing tube and main line services including the Metropolitan Line.
- 1.4 To the west of the application site is the rear of No. 273 Pinner Road. Within this rear garden, abutting the shared boundary with the application site is the Tunnel (Shisha) Lounge. This extends the full depth of the site.
- 1.5 The wider area further east and north of Pinner Road comprises two storey terraced and semi-detached dwellinghouses. There are also larger flatted blocks to the west such as Adrian Court which is a three storey block of flats, and Kotecha which was previously a three storey block of flats, but is in the process of being extended into a 5 storey building under P/1950/21/PRIOR.
- 1.6 The site is not located within a Conservation Area and does not contain any statutory listed buildings. The site is not located within a Critical Drainage Area and/or high risk Flood Zone.
- 1.7 It should be noted that planning permission was previously obtained on the site for the construction of a three-storey building comprising 7 Flats (5 x 2 bedroom units and 1 x 2 bedroom unit) with associated bin and cycle stores under application P/4355/19 (approved on 13/10/2020 – Committee Date 2nd September 2020). Officers have observed that the applicant has begun the early stages of construction for this development.
- 1.8 In respect to application P/4355/19, it is worth noting that the following conditions were subsequently discharged: Condition 3 (Levels), Condition 4 (Disposal of Sewage), Condition 5 (Disposal of Surface Water), Condition 6 (Construction Method Statement and Logistics Plan), Condition 7 (Materials), Condition 8 (Mechanical Ventilation Heat Recovery (MVHR) System, Condition 9 (Television Reception), and Condition 10 (Permeable Paving).

2.0 PROPOSAL

- 2.1 The applicant seeks planning permission for the redevelopment of the site, which would involve the construction of a part three storey part four storey flat roofed building comprising of 8 flats. This includes 5 x 2 bedroom units and 3 x 1 bedroom

units, an associated roof terrace, inaccessible sedum roofs in areas, a bin and cycle store, hard and soft landscaping alterations, and a footpath link which would involve alterations to the existing Tesco vehicular access and parking. There would be three units located at ground floor level which include Flat 1 (2 bedroom 3 person unit), Flat 2 (2 bedroom 3 person unit) and Flat 3 (1 bedroom 2 person unit), all of the ground floor flats would benefit from private gardens. There would be three units located at first floor level, these include Flat 4 (2 bedroom 3 person unit), Flat 5 (2 bedroom 3 person unit), and Flat 6 (1 bedroom 2 person unit). There would be two flats at second floor level, these include Flat 7 (1 bedroom 2 person unit) and Flat 8 (2 bedroom 4 person unit).

- 2.2 The application is essentially an altered version of application P/4355/19, with the fundamental changes to this approved development involving; the provision of an additional unit at second floor level which sits in place of the of the communal roof garden, the communal roof garden would now be provided above at roof level (4th Floor), which would be accessible via a communal stair core and lift, the provision of which increases the overall height and scale of the building. Flat 7 which was previously a 2 bedroom 4-person unit would become a 1-bedroom 2-person unit, and the additional unit (Flat 8) would be a 2-bedroom 4-person unit.

3.0 **RELEVANT PLANNING HISTORY**

- 3.1. A summary of the relevant planning application history is set out below:

Ref no.	Description	Status & date of decision
P/3128/19	Redevelopment to provide three storey building comprising of eight flats; parking; bin and cycle stores	Refused 26/11/2018
<p>1. The proposed application by virtue of their description and existing and proposed plans fail to demonstrate satisfactory and accurate information with regards to the proposed red line boundary and submitted land registry information associated with the subject application contrary to the provisions of the General Development Management Procedure Order 2015.</p> <p>2. The proposed development by reason of its poor siting fronting the Tesco Express service yard and poor legibility resulting in the lack of safe, sustainable and inclusive access arrangements would result in a conflict between residential and commercial traffic to the detriment highway and pedestrian safety and free flow of traffic contrary to the National Planning Policy Framework (2018), Policy 6.3 The London Plan (2016), Core Policy CS1 of the Harrow Core Strategy (2012), Policies DM1, DM22, DM44 and DM45 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document - Residential Design Guide (2010).</p> <p>3. The proposed ground floor flats by reason of their poor layout and proximity to the shared boundaries with surrounding commercial / industrial uses would give rise to poor levels of outlook, undue noise, vibration and disturbances to</p>		

<p>the detriment of the residential amenities of the future occupiers. Furthermore, the applicant has failed to satisfactorily demonstrate acceptable noise levels for all proposed residential units and private amenity spaces of the development, contrary to the National Planning Policy Framework (2012), Policies 3.5.B, 3.5.C, 7.6B, 7.15 of The London Plan (2016), Policies DM1 and DM27 of the Harrow Development Management Policies Local Plan (2013), Policies, Mayor of London's Housing Supplementary Planning Guidance (2016) and the adopted Supplementary Planning Document: Residential Design Guide (2010).</p>		
P/4355/19	Redevelopment to provide three storey building comprising of seven flats (6 X 2 bed and 1 X 1 bed); bin and cycle stores	Granted 13/10/2020
P/1104/21/PREAPP	Redevelopment to provide 3/4 storey building to provide 6 2 -bed + 2 1 bed flats with roof garden and associated cycle + bin stores and external works	Pre-application Advice Issued 20/08/2021
P/4601/21	Details pursuant to conditions 3 (levels), 4 (disposal of sewage) and 5 (disposal of surface water) attached to planning permission P/4355/19 dated 13/10/2020 for Redevelopment to provide three storey building comprising of seven flats (6 X 2 bed and 1 X 1 bed); bin and cycle stores	Approved 23/05/2022
P/2810/22	Details pursuant to condition 6 (Construction Method Statement & Logistics Plan) attached to planning permission P/4355/19 dated 13/10/2020 for Redevelopment to provide three storey building comprising of seven flats (6 X 2 bed and 1 X 1 bed); bin and cycle stores	Approved 02/05/2023
P/3504/22	Details pursuant to Condition 7 (materials); Condition 8 (Mechanical Ventilation Heat Recovery (MVHR) system);	Approved 02/05/2023

	Condition 9 (television reception) and Condition 10 (permeable paving) attached to planning permission P/4355/19 dated 13.10.2020 for Redevelopment to provide three storey building comprising of seven flats (6 X 2 bed and 1 X 1 bed); bin and cycle stores	
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Wider Tesco Site

Ref no.	Description	Status and date of decision
HAR/108014	Residential Development (Outline)	Granted 25/08/1955
LBH/1492/1	Erection of new licensed premises	Granted 02/11/1966
WEST/624/9 6/VAR	Variation of condition 5 LBH/1492/1 dated 2 Nov 66 to allow use of parking area as garden.	Refused 14/11/1996
<p>1. Car parking cannot be satisfactorily provided within the curtilage of the site to meet the Council's minimum requirements in respect of the development, and the likely increase in parking on the neighbouring highways would be detrimental to the free flow and safety of traffic on the neighbouring highway and the amenity of neighbouring residents.</p> <p>2. The proposal would result in the loss of parking spaces, and a parking layout with inadequate manoeuvring space, that would be likely to lead to displaced car parking taking place on the neighbouring highway which would be detrimental to the free flow and safety of traffic and harmful to the amenity of local residents.</p> <p>3. The proposed use of the rear parking area as a beer garden would have an unacceptable impact on the occupiers of the flats at Adrian Court, giving rise to unacceptable levels of noise and disturbance, particularly at unsocial hours.</p>		
WEST/92/95/ CON	Continued use of part of car park as playground / patio without compliance with Condition 5 of LBH/1492/1 dated 2 Nov 1966	Refused 18/07/1995

<p>1. The unauthorised uses lead to displaced car parking taking place of the neighbouring highways which is detrimental to the free flow and safety of traffic and harmful to the amenity of local residents.</p> <p>2. The unauthorised uses cause unreasonable noise and disturbance for surrounding local residents which is harmful to their enjoyment of properties and thus detrimental to residential amenity.</p>		
P/0325/09	Single storey front extension to provide additional retail floor space with associated alterations to ground floor elevations	Granted 11/09/2009
P/0327/09	Alterations to existing car park to include two additional car parking spaces and landscaping	Granted 11/09/2009
P/0328/09	Conversion of first floor to provide 2x1 bedroom flats and 2 storey rear extension	Granted 11/09/2009
P/0361/12	Change of use from retail shop (use class A1) to financial and professional services (Use Class A2) or restaurant (Use Class A5); external alterations including installation of extract flue	Granted 16/05/2012

4.0 CONSULTATION

4.1 A total of 39 consultation letters were sent to neighbouring properties regarding this application, the consultation period expired on 15/08/2023 A site notice was erected on 11/08/2023 and expired on 29/08/2023. No comments have been received. If comments are received between the publication of this committee report and the committee meeting, these shall be set out within an addendum.

4.2 Statutory and non-statutory consultation

4.3 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

Consultee and Summary of Comments
Transportation and Highways – No response
Waste Management Policy Officer – No response

Drainage Team Leader – No response

Drainage Engineer –

Comments:

With regards to the above planning application, please see below our comments.

Drainage Requirements:

In line with our Development Management Policy 10, to make use of sustainable drainage measures to control the rate and volume of surface water runoff, to ensure separation of surface and foul water systems, make provision for storage and demonstrate arrangements for the management and maintenance of the measures used, **the applicant should submit a surface water drainage strategy.**

- Please request drainage strategy for the proposed redevelopment.
- Only one drain discharging to foul sewer is shown on the proposals and we have separate drainage system in Harrow.
- **We do not have any combined drainage system in Harrow and combined drainage are not acceptable.**
- The site is not in a flood zone.
- The applicant should submit drainage details **in line with our standard requirements attached.**
- The applicant should consult Thames Water developer services **by email:** developer.services@thameswater.co.uk or **by phone:** 0800 009 3921 or on Thames Water website www.developerservices.co.uk regarding capacity of their public sewers for receiving additional discharge from the proposed development. **The Thames Water confirmation letter should be submitted.**

Proposed Parking/Hardstanding:

The use of non-permeable surfacing impacts upon the ability of the environment to absorb surface water, and hard surfacing of the front gardens and forecourts lead to localised surface water flooding. Hence the requirement for surface water to be contained within site and discharged to ground via the use of permeable paving or other suitable options.

Please request the applicant to submit a cross section of permeable paving construction with full details and their maintenance plan for our approval

Please be informed that the requested details can be conditioned with our standard pre commencement drainage conditions/informative mentioned below.

LBHPC C 02 FW Disposal

The development hereby permitted shall not be commenced until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained. To ensure that the necessary construction and design criteria for the development proposals follow approved conditions.

The applicant should contact Thames Water Utilities Limited and the Harrow Infrastructure Team at the earliest opportunity.

Reason *To ensure that adequate drainage facilities are provided in accordance with Sewers for Adoption.*

LBHPC C 03 SW Disposal

The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been submitted to, and approved in writing by, the local planning authority. To ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF.

The applicant should contact Harrow Drainage Section at the earliest opportunity.

Reason *To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in the National Planning Policy Framework.*

LBHPC C 04 SW Attenuation

The development of any buildings hereby permitted shall not be commenced until surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority. To ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF. For allowable discharge rates the applicant should contact Harrow Drainage Section at the earliest opportunity.

Reason *To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk following guidance in the National Planning Policy Framework.*

LBHPC C 13 Permeable Paving

Notwithstanding the approved details and prior to the commencement of development, full details of the permeable paving and details relating to the long term maintenance and management of the on-site drainage shall be submitted to and approved in writing by the Local Planning Authority. Details thereby approved shall be retained thereafter.

Reason *To ensure that the development has adequate drainage facilities, to reduce and mitigate the effects of flood risk and would not impact the character and appearance of the development, in accordance with The National Planning Policy Framework (2018), policy CS1 of The Core Strategy (2012), policy SI13 of the London Plan (2016) and policies DM1 and DM10 of the Harrow Development Management Local Policies Plan (2013).*

LBHPC I 05 SUDS

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible.

SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. Where the intention is to use soakaways they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365. Support for the SUDS approach to managing surface water run-off is set out in the National Planning Policy Framework (NPPF) and its accompanying technical guidance, as well as the London Plan. Specifically, the NPPF (2012) gives priority to the use of sustainable drainage systems in the management of residual flood risk and the technical guidance confirms that the use of such systems is a policy aim in all flood zones. Policy 5.13 of the London Plan (2012) requires development to utilise sustainable drainage systems unless there are practical reasons for not doing so. Sustainable drainage systems cover the whole range of sustainable approaches to surface drainage management. They are designed to control surface water run-off close to where it falls and mimic natural drainage as closely as possible. Therefore, almost any development should be able to include a sustainable drainage scheme based on these principles. The applicant can contact Harrow Drainage Section for further information.

Reason *To manage, reduce and mitigate the effects of flood risk following guidance in the National Planning Policy Framework.*

Should any further clarification be required, please advise the applicant to contact infrastructure@harrow.gov.uk

London Underground Limited –

Though we have no objection in principle to the above planning application, there are a number of potential constraints on the redevelopment of a site situated close to railway infrastructure. Due to the risk of embankments slippage caused by excavation and additional load being added to the embankment, it will need to be demonstrated to the satisfaction of TfL Infrastructure Protection engineers that:

- our right of support is not compromised
- the development will not have any detrimental effect on our structures either in the short or long term
- the design must be such that the loading imposed on our structures is not increased or removed
- we offer no right of support to the development or land

Therefore, we request that the grant of planning permission be subject to conditions to secure the following:

The development hereby permitted shall not be commenced until the following documents, in consultation with TfL Infrastructure Protection, have been submitted to and approved in writing by the local planning authority which include:

- a) Ground Movement Assessment (GMA) covering the loading assessment for the proposed works. Additional monitoring of London Underground (LU) assets will be necessary depending on the results of the GMA.
- b) Pre and post condition surveys of the LU structures and LU fence/boundary.
- c) Provide details of the construction activities including access and logistics
- d) Detailed design and Risk Assessment Method Statement (RAMS) for the use of tall plant (Cranes, Pile Rig, etc) and scaffolding to railway elevation
- e) Detailed design and Risk Assessment Method Statement (RAMS) for the proposed substructure, superstructure and temporary works at various stages of the construction phase
- f) De-vegetation proposals
- g) Demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2021, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

We also ask that the following informative is added:

The applicant is advised to contact TfL Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.

This response is made as Railway Infrastructure Manager under the "Town and Country Planning (Development Management Procedure) Order 2015". It therefore relates only to railway engineering and safety matters. Other parts of TfL may have other comments in line with their own statutory responsibilities.

Officer Comment: *Given the fact that the above pre-commencement condition was not applied in the approval of application P/4355/19, and this permission has already been commenced with foundations being laid, it is considered unreasonable to apply this pre-commencement condition in respect to the current application. The applicant could choose to continue build out the development granted under application P/4355/19 without the need to address this condition, and given the many similarities between the two schemes and the fact that works have already be undertaken on site, this condition would no longer be, precise enforceable and reasonable. In any case, the developer would have separate statutory responsibilities to accord with TfL requirements which fall outside of the*

scope of planning. The recommended informative has been imposed advising the applicant to make contact with TfL to prepare any necessary documentation that they require.

5.0 POLICIES

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:
- 5.2 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'
- 5.3 The Government has issued the National Planning Policy Framework [NPPF 2023] which sets out the Government's planning policies for England and how these should be applied, and is a material consideration in the determination of this application.
- 5.4 In this instance, the Development Plan comprises The London Plan 2021 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP]. The relevant policies are referenced within the report below and a summary within Informative 1

6.0 ASSESSMENT

6.1 The main issues are:

- Principle of the Development
- Character, Appearance and Design
- Residential Amenity
- Accessibility
- Traffic, Parking and Refuse
- Development and Flood Risk
- Sustainability
- Fire Safety

6.2 Principle of Development

6.2.1 The relevant policies are:

- National Planning Policy Framework (2023)
- The London Plan 2021: H1, H2 and H10
- Harrow Core Strategy 2012: CS1.A, CS1.B, CS1.H, CS1.I
- Harrow Development Management Policies Local Plan (2013): DM1, DM24

Relevant Supplementary Documents

- Garden Land Development SPD

- 6.2.2 The principle of the development has been established within the approval of application P/4355/19. As set out within the Committee Report for P/4355/19, the site does not operate as parking for the adjacent Tesco store, so it would not result in the loss of necessary car parking and meets the definition of 'Previously Developed Land' as set out within the National Planning Policy Framework. Given that the site was formally a vacant parking lot (before construction of P/4355/19 was implemented), the site would not form Garden Land and the proposal would not constitute Garden Land Development as defined within the Council's Garden Land SPD. Even if the site is considered to be in a C3 residential use given that the development under P/4355/19 has commenced, there would be no increase in development footprint on site beyond what has been approved under application P/4355/19, so the proposal is not considered to constitute inappropriate Garden Land Development. Having regard to the planning designations on the site, the site lies outside of a designated parade or metropolitan, district or local centre and there are no development plan policies that specifically preclude the provision of residential dwellings here.
- 6.2.3 Policy DM24 of the Council's Development Management Policies Local Plan (2013) notes that proposals that secure an appropriate mix of housing on site and which contribute to the creation of inclusive and mixed communities will be supported. Development proposals which fail to do so shall be refused.
- 6.2.4 The proposal would result in a change to the housing mix proposed under application P/4355/19 with Flat 7 being reconfigured from a 2 bedroom 4 person unit into a 1 bedroom 2 person unit and the new flat (Flat 8) forming a 2 bedroom 4 person unit. Notwithstanding this, the proposal would continue to provide a wide mix of sizes including 5 no valued family sized units for which there is an identified need within the borough. Officers thereby consider the proposed housing mix to be acceptable.

6.3 Character, Appearance and Design

6.3.1 The relevant policies are:

- National Planning Policy Framework (2023)
- The London Plan 2021: D3
- Harrow Core Strategy 2012: CS1.B
- Harrow Development Management Policies Local Plan (2013): DM1, DM22, DM23

6.3.2 Policy D3.D(1) of the London Plan states that development should in terms of form and layout, enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Policy D3.D(11) goes on to state that in terms of quality and character, developments should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

- 6.3.3 Policy DM1 of the Development Management Policies Local Plan states that “all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted”.
- 6.3.4 The fundamental difference between the current proposal and the development approved under application P/4355/19 is the increase in bulk and massing resulting from the enlargement of the stair and lift core to the north eastern side of the building in order to provide access to the communal roof garden which is set above Flat 8. This alteration would result in the building partially having a fourth floor and appearing more prominent when viewed along the street scene in views along The Gardens and the car park and access road of the Tesco site. Notwithstanding this, the proposed fourth floor element would not be significant in area and massing, and by reason of the fact that the building heights to the building are staggered, the building is not considered to appear blocky and monolithic in form. Whilst officers note that buildings along this part of The Gardens are typically one, two and three storeys in height, it should be acknowledged that the site does sit within close proximity to Kotecha House along Pinner Road which is being constructed to five storeys in height, and would be significantly taller than the proposed building. In addition to the above it is worth recognising that the application site is well set back from the main street frontage along the Gardens, and is set back well from all respective site boundaries, and this naturally reduces the visible scale and massing of the building.
- 6.3.5 The expanded part of the building would incorporate materials and fenestration that would be in keeping with materials and fenestration applied to stair and lift core applied to the development approved under application P/4355/19 (K Rend pewter grey render with anthracite grey aluminium copings and windows). The applicant previously provided a material schedule in relation to application P/4355/19 which was assessed and approved under Approval of Details application P/3504/22. Given that the proposed materials are to remain unchanged, officers have recommended for the application of a condition requiring proposed external materials to be in accordance to those approved under application P/3504/22. The applicant is not proposing changes to landscaping, boundary treatment, and bin and cycle storage beyond what has already been considered under application P/4355/19.

Permitted Development Restrictions

- 6.3.6 A condition has also been recommended restricting permitted development rights of units for a change of use to a HMO under Class L of Schedule 2, Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This would ensure that there would not be an undue intensification in the use of the site.

6.4 Residential Amenity

6.4.1 The relevant policies are:

- National Planning Policy Framework (2023)
- Harrow Core Strategy 2012: CS1.K
- Harrow Development Management Policies Local Plan (2013): DM1, DM27
- London Plan Policy: D3, D6

Relevant Supplementary Documents

- Residential Design Guide (2010)
- Technical Housing Standard – Nationally Described Space Standard (2016)
- Housing Design Standards LPG (2023)

6.4.2 Policy DM1 of the Development Management Policies Local Plan seeks to ensure that "proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted".

6.4.3 Policy D6 of the London Plan relates to housing quality and standards. The policy sets out standards for high quality design of residential units, including minimum space standards, standards for minimum head heights and standards for appropriate light, outlook and ventilation.

Future Occupiers

Minimum Space Standards

6.4.4 The Gross Internal Areas of the new dwelling are set out within the table below:

Proposed Size	Proposed GIA	Proposed Storage	Minimum GIA	Minimum Storage
Flat 1 – 2 - - bedroom 3-person 1-storey unit	Approximately 76m ²	Approximately 2.1m ²	61m ²	2m ²
Flat 2 – 2 - - bedroom 3-person 1-storey unit	Approximately 76m ²	Approximately 2m ²	61m ²	2m ²
Flat 3 – 1 - - bedroom 2-person 1-storey unit	Approximately 62m ²	Approximately 2.1m ²	50m ²	1.5m ²
Flat 4 – 2 - - bedroom	Approximately 76m ²	Approximately 2.1m ²	61m ²	2m ²

3-person 1-storey unit				
Flat 5 – 2 - - bedroom 3-person 1-storey unit	Approximately 76m ²	Approximately 2m ²	61m ²	2m ²
Flat 6 – 1 - - bedroom 2-person 1-storey unit	Approximately 62m ²	Approximately 2.1m ²	50m ²	1.5m ²
Flat 7 – 1 bedroom 2-person 1-storey unit	Approximately 54.5m ²	Approximately 2.1m ²	50m ²	1.5m ²
Flat 8 – 2 - bedroom 2-person 1-storey unit	Approximately 84.8m ²	Approximately 2m ²	70m ²	2m ²

6.4.5 All of the proposed new units would accord with London Plan and Nationally Described Space Standards in terms of their GIAs and provision of built-in storage space. The overall layout and circulation of the units are acceptable, all bedrooms other than the smaller bedroom within Flat 8 are of sufficient width and square meterage to meet the minimum requirements where applicable. Given that the smaller bedroom within Flat 8 is much closer in size to that of a double bedroom. Officers have considered this unit to be a 2-bedroom 4-person unit as opposed to a 2-bedroom 3-person unit in spite of the fact that this bedroom (not considering the en-suite) falls approximately 0.6m² short of the requirements for a double bedroom. Notwithstanding this, given that the overall GIA of this unit far exceeds the minimum standards for a 2-bedroom 4-person 1-storey unit, officers are happy to overlook this minor discrepancy. As per London Plan Standards, the minimum floor to ceiling height for new dwellings must be at least 2.5 metres for at least 75% of the GIA of each dwelling, the Nationally Described Space Standards set a requirement of at least 2.3 metres for at least 75% of the GIA of each dwelling. Measuring off the applicant's submitted drawings, it appears that all units would accord with London Plan and Nationally Described Space Standards in terms of their internal head heights.

Future Occupier Amenity - Light, Outlook and Privacy

6.4.6 All of the proposed units would be multi-aspect, and all habitable areas would be served by at least one window, officers are satisfied that all units would be provided with sufficient natural light, outlook and ventilation. The units have been configured to avoid impacts of harmful mutual overlooking between one another, and also in relation to surrounding neighbouring properties.

Vertical Stacking

- 6.4.7 Paragraph 4.55 of the Residential Design Guide SPD specifies that ‘the vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Where possible, the horizontal arrangement of rooms between flats in a block should also avoid bedrooms adjoining neighbouring living rooms, kitchens and bathrooms, as well as communal areas such as halls and stairs’.
- 6.4.8 Officers have observed that there are some stacking issues between the larger bedroom of Flat 8 and the open plan lounge, study, kitchen and dining area of Flat 5, however as identified within the Committee Report for application P/4355/19, the applicant’s noise consultant has stated that in order to comply with Building Regulations a precast wide plank floor slab for all intermediate floors with 65mm sand cement screed on a layer of 25 acoustic insulation would be provided. The ceiling would be 15mm Fireline board on a suspended metal framing. Whilst these measures are considered generally acceptable, this aspect will be covered at the Building Control Stage to ensure that sound transmission is minimised.

Noise and Disturbance

- 6.4.9 The development site is landlocked between various commercial uses and a railway line which has the potential to create undue noise and disturbance for future occupiers. The Noise Assessment submitted in support of application P/4355/19 considers the main sources of noise:
- Train noise from the railway line to the south;
 - Plant noise associated with Tesco to the north;
 - Delivery noise associated Tesco to the north;
 - Noise associated with the garage to the east; and
 - Noise from the Tunnel Lounge to the west.
- 6.4.10 The table below summarises the source of noise and the mitigation measures proposed to overcome these:

Source of Noise	Impact to future occupiers	Mitigation
Train noise and vibration from railway	<ul style="list-style-type: none">• Outdoor amenity space• Internal noise and disturbance.	<ul style="list-style-type: none">• Enclosed balconies to the rear units;• Communal terrace incorporating glass parapet.• Suitable double glazed windows coupled with a mechanical ventilation system, such that windows will not need to be opened.
Tesco plant noise	<ul style="list-style-type: none">• Outdoor amenity space• Internal noise and disturbance	<ul style="list-style-type: none">• Suitable double glazed windows coupled with a mechanical ventilation system, such that

		<p>windows will not need to be opened.</p> <ul style="list-style-type: none"> • Ambient noise would generally mask the noise generated from the plant. • On-going maintenance checks should be made in discussion with Tesco on the plant.
<p>Tesco delivery noise</p> <ul style="list-style-type: none"> - Small deliveries - Larger deliveries - Local deliveries for residents 	<ul style="list-style-type: none"> • Outdoor amenity space • Internal noise and disturbance 	<ul style="list-style-type: none"> • Considered that the mitigation noted above would adequately deal with the infrequent larger deliveries and daily deliveries (duration of 5 minutes).
<p>Noise from MOT garage</p> <ul style="list-style-type: none"> - Air Ratchets - Car Sales - MOT / Service centre 	<ul style="list-style-type: none"> • Outdoor amenity space • Internal noise and disturbance 	<ul style="list-style-type: none"> • The garage mainly used for car sales with a small service and MOT centre. • Car sales do not generate noise above traffic levels and it is not considered that noise from the service / MOT bays can be distinguished between existing background noise levels.
<p>Noise from Tunnel Lounge</p>	<ul style="list-style-type: none"> • Outdoor amenity space; • Internal noise and disturbance. 	<ul style="list-style-type: none"> • 3m high masonry wall on western boundary; • Standard double glazed window unit with sound attenuation exceeding minimum recommended specification; • Mechanical ventilation system, so windows do not need to be opened.

6.4.11 The noise report does state that the results of the vibration monitoring show no adverse impact to the development as a result and therefore no mitigation in this respect has been applied.

6.4.12 The Council's Environmental Health Officer reviewed all the noise documentation within the report and an additional note supplied by the Acoustic Consultant in relation to P/4355/19 and considered that subject to a condition requiring the development to be carried out in accordance with the proposed mitigation measures, the development would not cause detrimental harm to future occupiers in terms of noise and disturbance. Given that the proposed development remains highly comparable to P/4355/19, their comments remain applicable, and the aforementioned condition has been carried forward to this application. In relation to application P/4355/19, the Council's Environmental Health Officer did also request for a condition requiring further details relating to the Mechanical Ventilation and Heat Recovery system, however these details have already been reviewed and approved under application P/3504/22, as such a condition is recommended requiring the Mechanical Ventilation and Heat Recovery System to be installed in accordance with details provided in respect to application P/3504/22.

Air Quality

- 6.4.13 Although details on air quality are not typically required for a development of this scale, the applicant did provide an Air Quality Assessment in relation to application P/4355/19. As emphasised with the Committee Report for application P/4355/19, it is considered that the proposal under P/4355/19 meets the guidance within the Technical Guidance on Local Air Quality Management (LAQM) (TG16), IAQMEPUKs Land Use Planning & Development Control: Planning for Air Quality and IAQMs Guidance on the assessment of dust from demolition and construction, and it was concluded that the site will not generate any likely significant effects, either during the construction or operational phases with the implementation of the mitigation measures. Given that the proposed development remains highly comparable to P/4355/19, the above comments on air quality would also be applicable to the proposed development.

Amenity Space

- 6.4.14 Policy DM27 of the Development Management Policies Local Plan and paragraph 4.64 of the Council's Residential Design Guide SPD notes that residential development should provide appropriate amenity space.
- 6.4.15 Within Policy D6 of the London Plan it is noted that where there are no higher local standards in a borough's Development Plan Documents, a minimum of 5m² of private amenity space should be provided for 1-2 person dwellings and an extra 1m² should be provided for each additional occupant and it must achieve a minimum depth and width of 1.5m
- 6.4.16 Flats 1, 2 and 3 would be provided with sizable and functional rear gardens which far exceed minimum standards and appear to be provided with appropriate levels of light and natural outlook. Flats 6 and 7 would be provided with balconies which appear to be provided with high levels of outlook and natural light. The balconies of Flats 4, 5 and 8 would also be provided with high standards of natural light and outlook but would fall short of the London Plan minimum amenity space requirements for units of this size (shortfall of approximately 0.3m² for Flats 4 and 5, and a shortfall of approximately 2m² for Flat 8). Notwithstanding this, given that all of these units far exceed minimum overall internal GIA requirements, and a communal roof garden of approximately 44.3m² has been provided, officers are ultimately satisfied that the provision of amenity space for occupants of these particular units would be acceptable.

6.5 Adjacent Neighbours

6.5.1 The relevant policies are:

- National Planning Policy Framework (2023)
- Harrow Core Strategy 2012: CS1
- Harrow Development Management Policies Local Plan (2013):DM1
- London Plan Policy D3

Relevant Supplementary Documents

- Residential Design Guide (2010)

6.5.2 Policy DM1 of the Development Management Policies Local Plan seeks to ensure that "proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted".

6.5.3 Residential amenity impacts resulting from the proposal would not be too dissimilar to existing impacts from the development approved under application P/4355/19. The fundamental difference is the increase in bulk and resulting from the provision enlargement of the stair and lift core to the north eastern side of the building in order to provide access to the communal roof garden which is set above Flat 8. The enlargements would be limited to a small section of the building to north fronting the Tesco site. There are residential flats above the Tesco building (259 Pinner Road) which feature protected dormer windows which face towards the enlarged area of the building, however given that there is a significant separation distance between the enlarged area of the building and the rear of No. 259 Pinner Road (approximately 18.4m), these protected windows are not considered to be subject to an undue loss of light, outlook and visual amenity. The enlarged part of the building is considered to be too distant from other surrounding residential properties to give rise to undue harm. Although the height of the roof garden has been increased, it is still set well away from surrounding neighbours and incorporates high levels of screening around the perimeter, officers are satisfied that this roof garden would not enable harmful overlooking of surrounding habitable room windows and amenity areas.

6.6 Accessibility

6.6.1 The relevant policies are:

- National Planning Policy Framework (2023)
- Harrow Core Strategy 2012: CS1.K
- Harrow Development Management Policies Local Plan (2013): DM2
- London Plan Policy D7

6.6.2 London Plan policy D7 and associated Housing SPG standards, sets out that 90% of new homes should meet Building Regulations requirement M4(2) 'accessible and adaptable dwellings'.

- 6.6.3 Policy DM2 of the Development Management Policies Local Plan seeks to ensure that all new housing is built to 'Lifetime Homes' standards. Given that the lifetime homes standards no longer exist, in accordance with the interests of Policy DM2, the Council would expect any proposals for new residential development to be in accordance with Policy D7 of the London Plan.
- 6.6.4 Policy CS1.K of the Harrow Core Strategy requires all new dwellings to comply with the requirements of Lifetime Homes. Given that the lifetime homes standards no longer exist, in accordance with the interests of Policy CS1.K, the Council would expect any proposals for new residential development to be in accordance with Policy D7 of the London Plan.
- 6.6.5 The proposed unit appears to provide step free access with ground floor units being directly accessible and upper floor units and the roof garden being accessible via a lift. Based on the above it appears that the units are capable of complying with Building Regulation Requirements M4 (2) 'accessible and adaptable dwellings' and M4 (3) 'wheelchair user dwellings'. As per the approval of application P/4355/19 officers have recommended a condition requiring the development to be in accordance with M4 (2) of the building Regulations as this is the expected accessibility requirement for a development of this scale.

6.7 Traffic, Parking and Refuse

6.7.1 The relevant policies are:

- National Planning Policy Framework (2023)
- Harrow Core Strategy 2012: CS1.Q, CS1.R, CS1.S
- Harrow Development Management Policies Local Plan (2013): DM42 DM44, DM45,
- London Plan Policy SI7, T5, T6, T6.1

Relevant Supplementary Documents

- Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2016)

6.7.2 Policy DM42 of the Development Management Plan relates to the Council's parking standards. Criterion (F) of this Policy notes that proposals that would result in inappropriate on-site parking provision and those which would create significant on-street parking problems, prejudice highway safety or diminish the convenience of pedestrians and cyclists will be resisted.

6.7.3 This proposal is within a PTAL 3 location which is considered to be moderate. The site is located within walking distance from North Harrow and Harrow Town Centres, as well as being in close proximity to local amenities. Furthermore, there are six bus routes located approximately 20m away on Pinner Road and two Underground Stations West Harrow and North Harrow some 400m and 750m. On this basis and given the stringent parking restrictions in place by virtue of the Controlled Parking Zone (CPZ) it is considered that a 'car free' proposal is considered acceptable at this location. This is consistent with the approach taken at No. 249 Pinner Road

where permission was granted for three, two storey dwellinghouses (P/5703/15). Although they have failed to comment in respect to this application, the Council's Highways Officer did provide comments in relation to application P/4355/19 within which they requested for the applicant to enter into a legal agreement to remove eligibility to parking permits for prospective occupants within the surrounding CPZ. The applicant has agreed with this requirement.

- 6.7.4 In accordance with Policy T5 of the London Plan (2021), 1-bedroom 2-persons dwellings are expected to provide 1.5 long stay cycle parking spaces, and dwellings of a larger size are required to provide 2.0 long stay cycle parking spaces. A development of this scale would therefore be required to provide 14.5 long stay cycle parking spaces. Given that it is not possible to provide 0.5 of a cycle parking space it is appropriate to round up or down based on the site circumstances. Within the applicant's Design & Access Statement it is indicated that the cycle store can accommodate 14 cycle parking spaces which is considered acceptable, however sufficient details have not been provided on the internal configuration of the cycle store, the types of cycle stands to be incorporated and the dimensions of access doors. In the absence of this information, officers have recommended a condition requiring detail on this. In addition to the above, as per London Plan minimum short stay cycle parking standards, short stay parking for a minimum of two cycles would be required for a development of this scale. The applicant has failed to indicate the provision of any short stay cycle parking so officers have also requested for the applicant to submit details on a revised scheme of cycle parking with a requirement for at least two short stay cycle parking spaces to be provided externally as part of the aforementioned condition.
- 6.7.5 Policy DM45 relates to Waste Management. Part A of the policy notes that all proposals will be required to make on-site provision for general waste, the separation of recyclable materials and the collection of organic materials for composting.
- 6.7.6 The applicant has proposed a steel framed bin store with timber sliding gates towards the north of the site adjacent with the boundary with Tesco. Officers consider the location of the bin store to be appropriately accessible by waste collection operations, however detail on the storage capacity of the bin store is limited. The Council's Code of Practice for the Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2016) document sets out (para 2.2.1) that developments proposing a two-bin system should provide one 1100 litre waste bin and one 1280 litre recycling bin for every 8 flats. In the absence of sufficient information, officers have recommended a condition requiring the applicant to provide details on the full layout and storage capacity of the bin store, further details on the form of the enclosure, and details on the access doors and their dimensions.
- 6.7.7 The applicant submitted a Construction Method Statement in relation to P/4355/19 which was assessed and approved under application P/2810/22. On the basis that the scheme is not significantly different to P/4355/19, officers have recommended a condition for construction works to be carried out in accordance with details provided within application P/4355/19.

6.8 Development and Flood Risk

6.8.1 The relevant policies are:

- National Planning Policy Framework (2023)
- Harrow Core Strategy 2012: CS1.U, CS1.W
- Harrow Development Management Policies Local Plan (2013): DM9, DM10 DM11,
- London Plan Policy: SI 12, SI 13

6.8.2 The application has been reviewed by the Council's Drainage Engineer who has raised no objections to the proposed development subject to the application of pre-commencement conditions requiring details on foul water disposal, surface water disposal, surface water attenuation, and permeable paving. Notwithstanding this, the applicant has already discharged conditions on foul water disposal, surface water disposal and attenuation and permeable paving in respect to application P/4355/19. Given that the drainage context has not significantly changed under the current application, officers have recommended relevant conditions requiring foul water disposal, surface water disposal and attenuation, and permeable paving to be provided in accordance with details submitted in relation to previous Approval of Details applications (P/4601/21 and P/3504/22). As requested by the Council's Drainage Engineer, an informative has been applied encouraging the incorporation of Sustainable Urban Drainage Systems.

6.9 Sustainability

6.9.1 The relevant policies are:

- National Planning Policy Framework (2021)
- Harrow Core Strategy 2012: CS1.T
- Harrow Development Management Policies Local Plan (2013): DM12, DM14
- London Plan Policy: SI 2

Relevant Supplementary Documents

- SPD: Sustainable Building Design (2009)

6.9.2 London Plan policy SI 2 Minimising green house gas emission states that major development should be net zero carbon.

6.9.3 Policy DM 12 of the Harrow Development Management Policies Local Plan seeks to ensure that the design and layout of development proposals are sustainable. It states that development will need to "utilise natural systems such as passive solar design and, wherever possible incorporate high performing energy retention materials"... Proposals should make provision for natural ventilation and shading to prevent internal overheating and incorporate techniques that enhance biodiversity". Policy DM14 highlights that development proposals should incorporate renewable energy technology where feasible.

6.9.4 For minor development proposals, the development plan at this point does not set out energy and sustainability targets greater than those required by Building Regulations. As these standards would be secured through other legislation, the proposal is not considered to conflict with sustainability policies in the development plan.

6.10 Fire Safety

6.10.1 The relevant policies are:

- National Planning Policy Framework (2021)
- London Plan Policy: D12

6.10.2 Policy D12 of the London Plan notes that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. The applicant has provided a Reasonable Exemption Statement, however this is considered to be too basic and not suitable for a development of this scale. Consequently, a condition has been applied requiring the applicant to a comprehensive Fire Safety Statement to demonstrate the development's compliance with relevant fire safety standards, which will need to be approved in writing by the Council.

7.0 CONCLUSION AND REASONS FOR RECOMMENDING APPROVAL

7.1 Officers raise no objection to the principle of the development, it is considered that the proposal would not detract from the character and appearance of the application site, street scene and area in a wider context. It would provide a suitable quality of accommodation for future occupiers without unduly impacting upon neighbouring residential amenity. It is not considered to result in significantly adverse traffic and parking impacts (subject to a legal agreement restricting eligibility for parking permits within the surrounding CPZ). The development appears to be appropriately accessible. The development is not considered to be susceptible to harmful flood risk and is not considered to unduly exacerbate flood risk elsewhere. Insufficient detail has been provided on the development's compliance with Secured by Design requirements and fire safety standards, additional detail on this can be requested and secured via condition. Conditions have also been recommended requiring the submission of greater detail on cycle parking, refuse storage and landscaping.

APPENDIX 1: CONDITIONS AND INFORMATIVES

Conditions

1. Timing

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Approved Plans and Documents

The development hereby permitted shall be carried out in accordance with the following documents and plans:

Design & Access Statement, 1906-5, 1906-6, 1906-13 Revision F, 1906-14 Revision D, 1906-15 Revision E, Site Location Plan, 2735/1, HA1 4HF-02, Reasonable Exception Statement, 1906-30, Noise & Vibration Assessment (Dated 24/01/2020), Letter from Hawkins Environmental (Dated 02/07/2020), Air Quality Assessment (Dated 25/03/2020).

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

3. Materials

The external surfaces of the development hereby permitted shall be constructed in accordance with the materials details submitted and approved under application P/3504/22 and shall be retained thereafter unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard the character and appearance of the area in accordance with Core Policy CS1.B of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

4. Glazing

No window(s)/door(s), other than those shown on the approved plans shall be installed in the flank elevation(s) of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the residential amenities of neighbouring residents, in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

5. Site Levels

The development hereby approved shall be constructed in accordance with site levels details submitted and approved under application P/4601/21 and shall be retained in that form thereafter unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement.

6. Foul Water Disposal

Works for the disposal of foul water shall be implemented in accordance with details submitted and approved under application P/4601/21 and shall thereafter be retained, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that adequate drainage facilities are provided in accordance with Sewers for Adoption.

7. Surface Water Disposal and Attenuation

Works for surface water disposal and attenuation shall be implemented in accordance with details submitted and approved under application P/4601/21 and shall thereafter be retained, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in the National Planning Policy Framework.

8. Construction Method Statement & Logistics Plan

The development hereby permitted shall be constructed in accordance with the details submitted and approved under application P/2810/22 unless otherwise agreed in writing by the local planning authority.

REASON: To minimise the impacts of construction upon the amenities of neighbouring occupiers.

9. Mechanical Ventilation and Heat Recovery

The Mechanical Ventilation Heat Recovery (MVHR) system associated with the development hereby permitted shall be installed in accordance with the details submitted and approved under application P/3504/22 and shall be retained thereafter unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard the amenity of future occupiers.

10. Communal Television Equipment

The communal facilities for television reception associated with the development hereby permitted shall be installed in accordance with the details submitted and approved under application P/3504/22 and shall be retained thereafter unless otherwise agreed in writing by the local planning authority.

REASON: In order to prevent the proliferation of individual television reception items on the building which would be harmful to the character and appearance of the building and the visual amenity of the area.

11. Permeable Paving

Works for the installation of Permeable Paving on site shall be installed in accordance with the details submitted and approved under application P/3504/22 and shall be retained thereafter unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the development has adequate drainage facilities, to reduce and mitigate the effects of flood risk and would not impact the character and appearance of the development.

12. Refuse Storage Details

The flats hereby approved shall not be first occupied until refuse storage details showing a layout plan and elevations of the storage area, types of enclosure and access doorways with dimensions have been submitted to, and agreed in writing, by the local planning authority. The development shall be carried out in accordance with the details so agreed and the refuse store shall be in place prior to the first occupation of the development and thereafter retained in that form. 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.

REASON: To ensure that adequate, secure and accessible refuse storage is provided and to safeguard the appearance of the development.

13. Cycle Storage Details

The flats hereby approved shall not be first occupied until cycle parking details showing a layout plan and elevations of the storage area, types of stands and access doorways with dimensions have been submitted to, and agreed in writing, by the local planning authority. The scheme of cycle parking shall include the provision of at least two externally located short stay cycle parking spaces, and details shall also be provided on the exact siting, proportions and appearance of this cycle storage. The development shall be carried out in accordance with the details so agreed and the cycle storage shall be in place prior to the first occupation of the development and thereafter retained in that form.

Other than when in use, cycles for short stay shall be stored at all times within the designated storage area(s) as shown within the approved details.

Other than when in use, cycles for long stay use shall be stored at all times within the designated cycle store as shown on Drawing No. 1906-13 Revision F.

REASON: To ensure that an adequate, secure and acceptable form of cycle parking is provided.

14. Sound Mitigation Works

The works and mitigation measures outlined in the Noise and Vibration Assessment (Dated 24th January 2020) prepared by Hawkins Environmental hereby approved shall be carried out to the required specifications. This will also include such acoustic glazing as stated and the 3m masonry boundary wall with “the Tunnel Lounge” as specified in the addendum letter from Hawkins Environmental dated the 2nd July, unless otherwise agreed by the Local Planning Authority.

REASON: To minimise noise disturbance to the future residents of the development.

15. Landscape Plan

The development hereby approved shall not be occupied until a landscape masterplan comprising hard and soft landscape details, has been submitted to, and approved in writing by, the Local Planning Authority. The soft and hard landscaping details should include:

- Planting plans (at a scale not less than 1:100);
- Schedules of plants, noting species, plant sizes, plant container sizes (all at time of planting) and proposed numbers / densities;
- Design details are required for the climber supports, green roofs and communal amenity roof terrace area together with and landscape management and maintenance plans for all the communal external landscaped areas.
- Details of landscaping and planting specifications for the communal roof terrace;
- Details for all green roofs proposed;
- Written specification of planting and cultivation works to be undertaken;
- A landscape implementation programme;
- Hard Landscape Material Details; and
- Landscaping scheme including proposed implementation.

The landscape works shall be carried out in accordance with the details agreed.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

16. Landscape Implementation

All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the occupation of the building(s), 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, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

17. Accessibility

The development hereby permitted shall be constructed to the specifications of: "Part M, M4 (2), Category 2: Accessible and Adaptable Dwellings" of the Building Regulations 2013 as far as possible and thereafter retained in that form.

REASON: To ensure that the development is capable of meeting 'Accessible and Adaptable Dwellings' standards.

18. Private Amenity Space

Notwithstanding the submitted details, the sub-division of private rear garden areas for the ground floor flats (but excluding the boundaries adjoining No. 273 Pinner Road and the railway tracks) shall be bounded by close-boarded timber fencing to a maximum height of 1.8metres prior to the first occupation of the development and shall be retained thereafter.

REASON: To protect the residential amenities of the existing and future occupiers of the development.

19. Removal of Permitted Development Rights

The development hereby permitted shall be used for Class C3 dwellinghouse(s) only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 3, Class L shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by the Town and Country Planning (General Permitted Development) Order 2015 to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity.

20. Fire Safety

The development hereby approved shall not progress beyond first floor slab level until a Fire Safety Statement has been submitted to and approved in writing by the Local Planning Authority, this statement shall include details of how the development will function in terms of the following:

- 1) identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on b) appropriate for use as an evacuation assembly point
- 2) is designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
- 3) is constructed in an appropriate way to minimise the risk of fire spread
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users
- 5) develop a robust management strategy for evacuation which is to be periodically updated and published (details of how often this management strategy is to be reviewed and published to be included), and which all building users can have confidence in
- 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The development shall be operated in accordance with the approved details in perpetuity.

REASON: To ensure that the fire safety of the proposed building is managed in a satisfactory manner and that the development contributes to fire safety in line with Policy D12A of the London Plan (2021).

21. Secured by Design

Evidence of certification of Secure by Design Accreditation for the development shall be submitted to the Local Planning Authority in writing for approval before any part of the development is occupied or used. The development shall only be completed and operated in accordance with any approval.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime

INFORMATIVES:

1. Policies

The following policies are relevant to this decision:

The National Planning Policy Framework (2023)

London Plan 2021: D3, D6, D7, D11, D12, H1, H2, H10, SI 2, SI 7, SI 12, SI 13, T5, T6, T6.1 and T7

The Harrow Core Strategy 2012: CS1.A, CS1.B, CS1.H, CS1.I, CS1.K, CS1.Q, CS1.R, CS1.S, CS1.T, CS1.U and CS1.W

Harrow Development Management Policies Local Plan 2013:

DM1, DM2, DM9, DM10, DM11, DM12, DM14, DM22, DM24, DM27, DM42, DM44 and DM45

Supplementary Planning Documents: Garden Land Development SPD (2012), the Residential Design Guide SPD (2010), the Technical Housing Standard – Nationally Described Space Standards (2016), Characterisation and Growth Strategy LPG (2023), Small Sites Design Codes LPG (2023), Optimising Site Capacity: A Design-Led Approach LPG (2023), Housing Design Standards LPG (2023). the Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties SPD (2016) and finally the Sustainable Building Design SPD (2009).

2. Considerate Contractor Code of Practice

The applicant's attention is drawn to the requirements in the Considerate Contractor Code of Practice. In the interests of minimising any adverse effects arising from building operations, the limitations on hours of working are as follows: 0800-1800 hours Monday - Friday (not including Bank Holidays) 0800-1300 hours Saturday

3. Party Wall Act:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from:

Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the Portal website:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

4. Liability For Damage to Highway

The applicant is advised to ensure that the highway is not interfered with or obstructed at any time during the execution of any works on land adjacent to a highway. The applicant is liable for any damage caused to any footway, footpath, grass verge, vehicle crossing, carriageway or highway asset. Please report any damage to nrswa@harrow.gov.uk or telephone 020 8424 1884 where assistance with the repair of the damage is available, at the applicants expense. Failure to report any damage could result in a charge being levied against the property.

5. Grant with Pre-App Advice

Statement under Article 35(2) of The Town and Country Planning (Development Management Procedures) (England) Order 2015

This decision has been taken in accordance with paragraphs 39-42 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice..

6. Sustainable Drainage Systems

The applicant is advised that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible.

SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. Where the intention is to use soak ways they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Support for the SUDS approach to managing surface water run-off is set out in the National Planning Policy Framework (NPPF) and its accompanying technical guidance, as well as the London Plan. Specifically, the NPPF (2019) gives priority to the use of sustainable drainage systems in the management of residual flood risk and the technical guidance confirms that the use of such systems is a policy aim in all flood zones. Policy 5.13 of the London Plan (2016) requires development to utilise sustainable drainage systems unless there are practical reasons for not doing so. Sustainable drainage systems cover the whole range of sustainable approaches to surface drainage management. They are designed to control surface water run-off close to where it falls and mimic natural drainage as closely as possible. Therefore, almost any development should be able to include a sustainable drainage scheme based on these principles.

The applicant can contact Harrow Drainage Section for further information.

7. Mayoral CIL

Please be advised that approval of this application (either by Harrow Council, or subsequently by the Planning Inspectorate if allowed on appeal following a refusal by Harrow Council) will attract a Community Infrastructure Levy (CIL) liability, which is payable upon the commencement of development. This charge is levied under s.206 of the Planning Act 2008 Harrow Council, as CIL collecting authority, has responsibility for the collection of the Mayoral CIL

The Provisional Mayoral CIL liability for the application, based on the Mayoral CIL levy rate for Harrow of £60/sqm is £46,302 (Includes Indexation)

The floorspace subject to CIL may also change as a result of more detailed measuring and taking into account any in-use floor space and relief grants (i.e. for example, social housing).

You are advised to visit the [planningportal](https://ecab.planningportal.co.uk) website where you can download the appropriate document templates.

Please complete and return the Assumption of Liability Form 1 and CIL Additional Information Form 0 .

https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf

https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf

If you have a Commencement Date please also complete CIL Form 6:

https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf

The above forms should be emailed to HarrowCIL@Harrow.gov.uk

Please note that the above forms must be completed and provided to the Council prior to the commencement of the development; failure to do this may result in surcharges and penalties

8. Harrow CIL

Harrow has a Community Infrastructure Levy which applies Borough wide for certain developments of over 100sqm gross internal floor space.

Harrow's Charges are:

Residential (Use Class C3) - £110 per sqm;

Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui generis) - £55 per sqm;

Retail (Use Class A1), Financial & Professional Services (Use Class A2),

Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4)

Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Provisional Harrow CIL liability for the application, based on the Harrow CIL levy rate for Harrow of £110/sqm is £125,047 (Includes Indexation)

This amount includes indexation which is 323/224. The floorspace subject to CIL may also change as a result of more detailed measuring and taking into account any in-use floor space and relief grants (i.e. for example, social housing).

The CIL Liability is payable upon the commencement of development.

You are advised to visit the planningportal website where you can download the relevant CIL Forms.

Please complete and return the Assumption of Liability Form 1 and CIL Additional Information Form 0 .

https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf

https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf

If you have a Commencement Date please also complete CIL Form 6:

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The above forms should be emailed to HarrowCIL@Harrow.gov.uk

Please note that the above forms must be completed and provided to the Council prior to the commencement of the development; failure to do this may result in surcharges

9. Thames Water

The applicant can contact Thames Water developer services by email: developer.services@thameswater.co.uk or by phone: 0800 009 3921 or on Thames Water website www.developerservices.co.uk for drainage connections consent.

10. Street Naming and Numbering

Harrow Council is responsible for the naming and numbering of new or existing streets and buildings within the borough boundaries. The council carries out these functions under the London Government Act 1963 and the London Building Acts (Amendment) Act 1939. All new developments, sub division of existing properties or changes to street names or numbers will require an application for official Street Naming and Numbering (SNN). If you do not have your development officially named/numbered, then it will not be officially registered and new owners etc. will have difficulty registering with utility companies etc. You can apply for SNN by contacting technicalservices@harrow.gov.uk or on the following link. http://www.harrow.gov.uk/info/100011/transport_and_streets/1579/street_naming_and_numbering

11. TfL Guidance

The applicant is advised to contact TfL Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.

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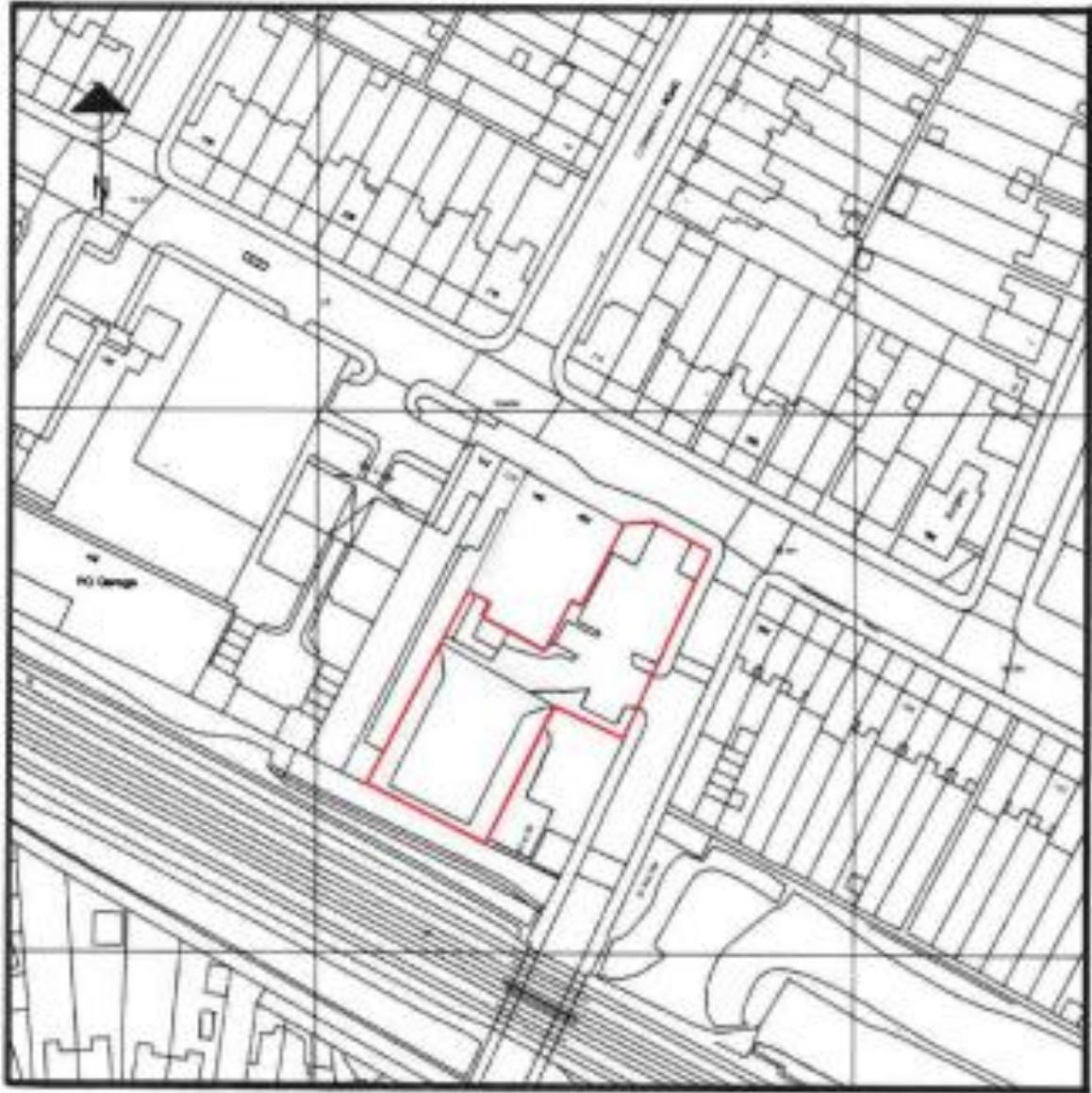


Orla Murphy
Head of Development Management
9th November 2023



Viv Evans
Chief Planning Officer
9th November 2023

APPENDIX 2: SITE PLAN



SITE LOCATION PLAN 1:1250



APPENDIX 3: SITE PHOTOS

Photo taken along The Gardens facing towards the site and Tesco Car Park and Servicing Area



Photo of site taken from Tesco car park



Photo of Tesco car park and side of No. 259 Pinner Road



View into the site facing towards railway line



Additional view into site facing towards railway line



Car centre beside the site



Application Site in Context with Car Centre



View of car centre



View of site prior to works



View of site prior to works facing towards No. 259 Pinner Road



View from Pinner Road looking towards the main entrance to Tesco and retail parade

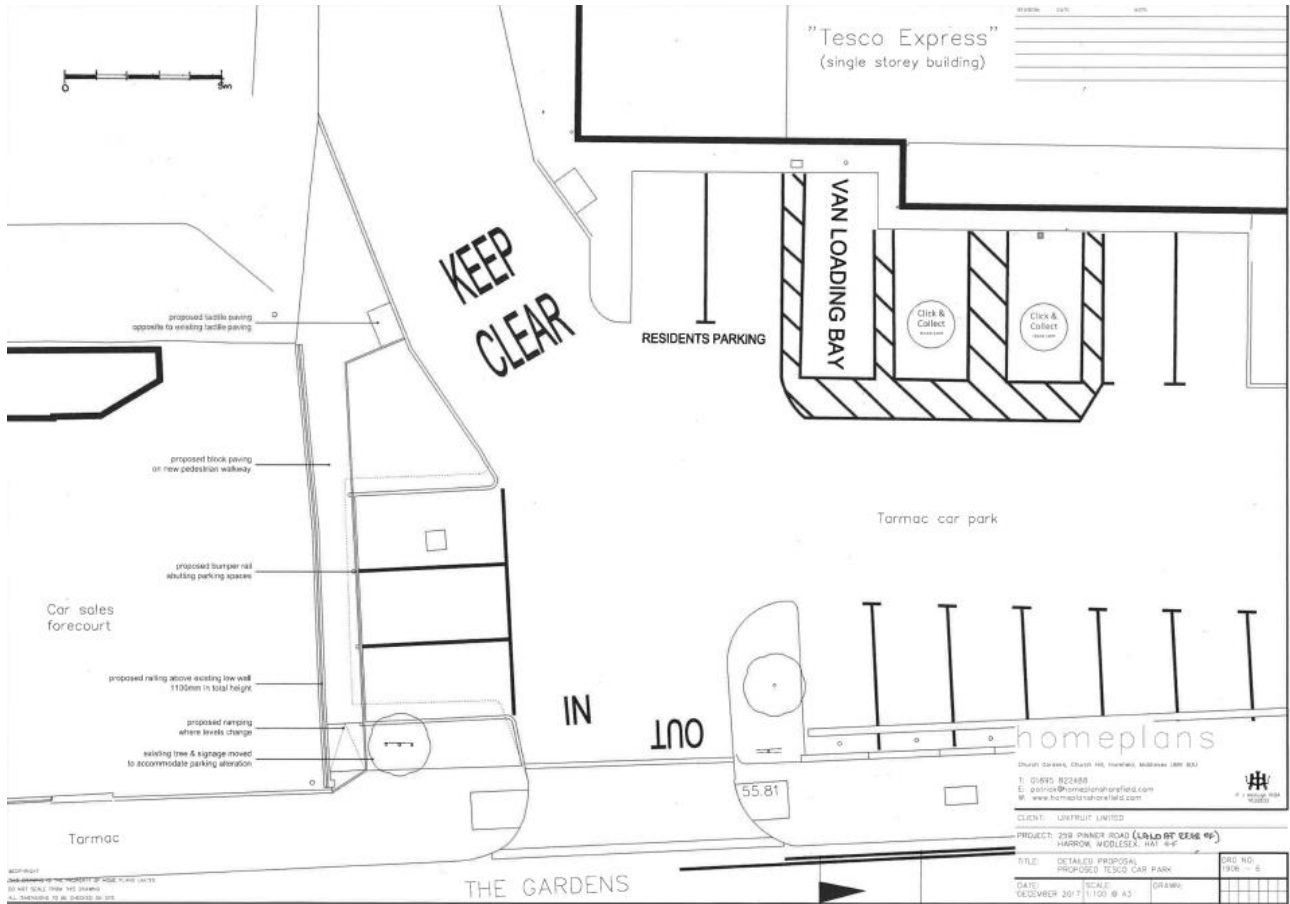


View of Adrian Court and Kotecha House along Pinner Road (prior to extensions to Kotecha House)

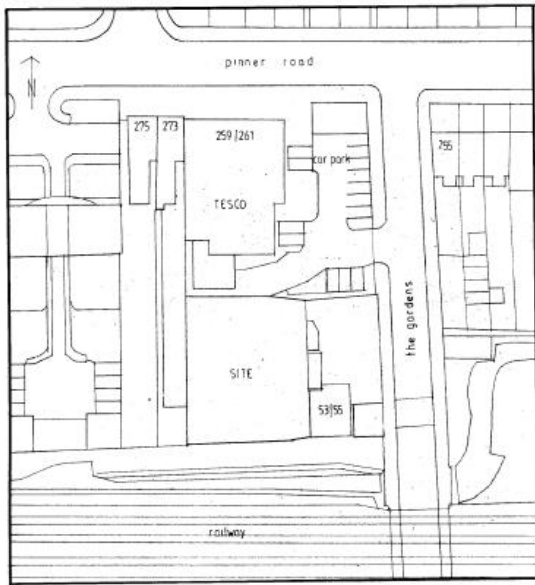


APPENDIX 4: PLANS AND ELEVATIONS

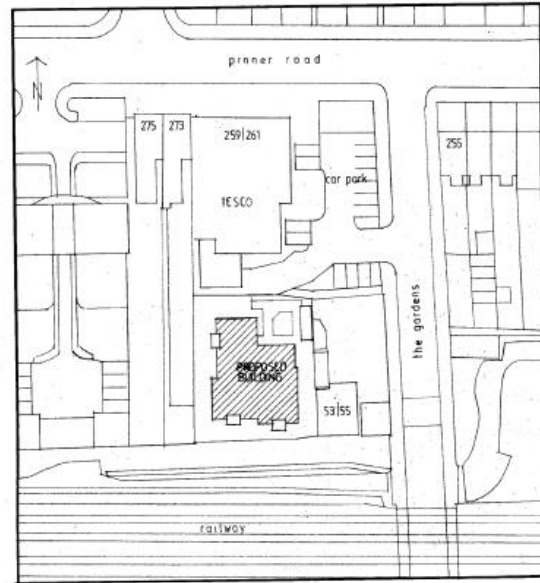
Proposed Tesco Car Park Layout



Existing and Proposed Block Plans



EXISTING BLOCK PLAN 1:500

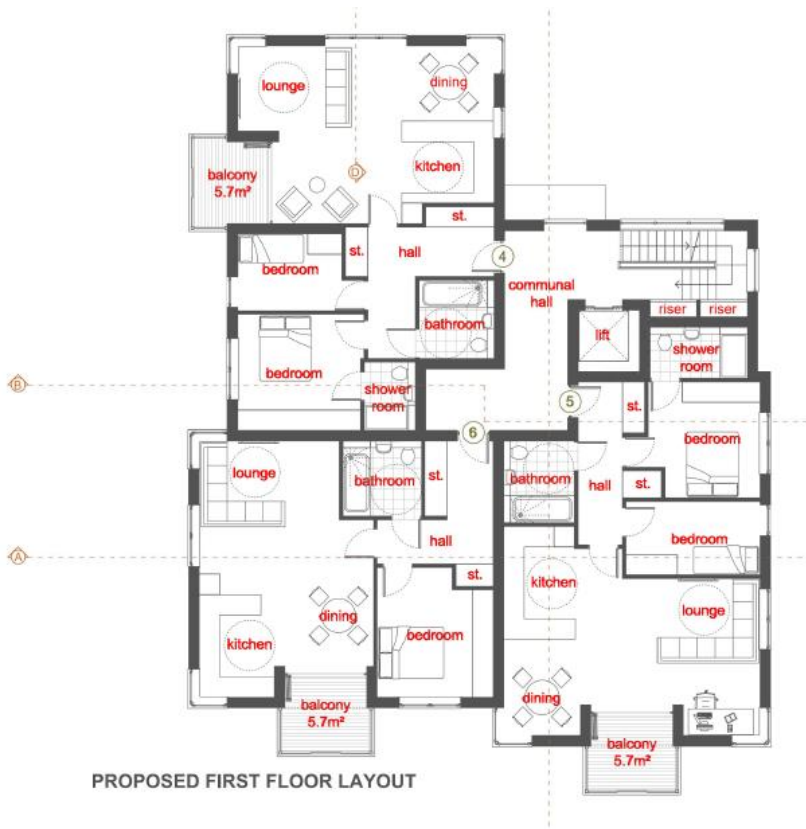


PROPOSED BLOCK PLAN 1:500

Proposed Ground Floor Plan



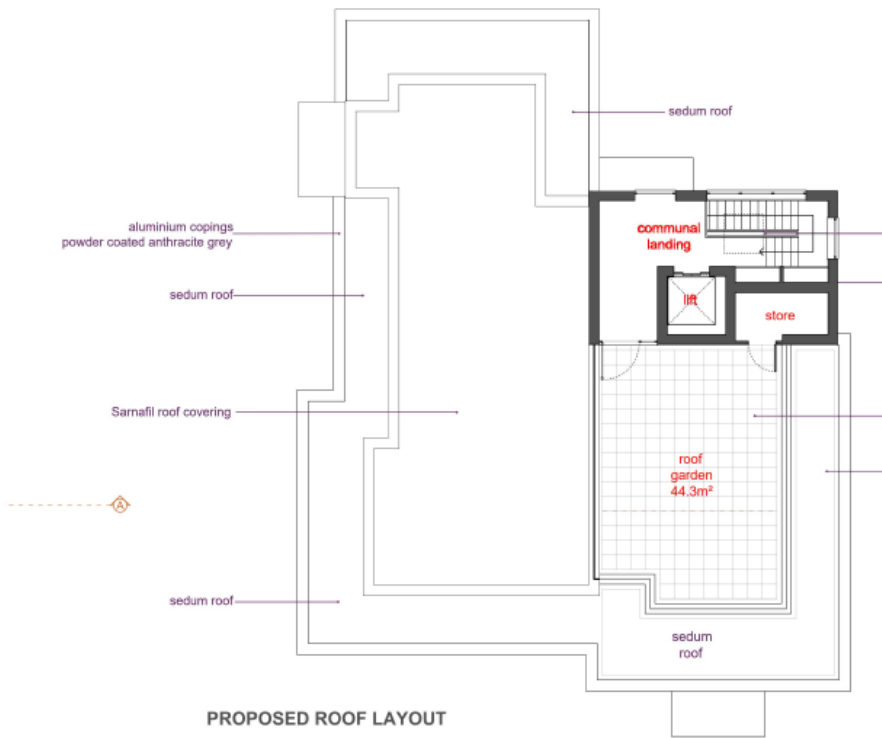
Proposed First Floor Plan



Proposed Second Floor Plan



Proposed Roof Plan



Proposed Section A-A



Proposed Section B-B



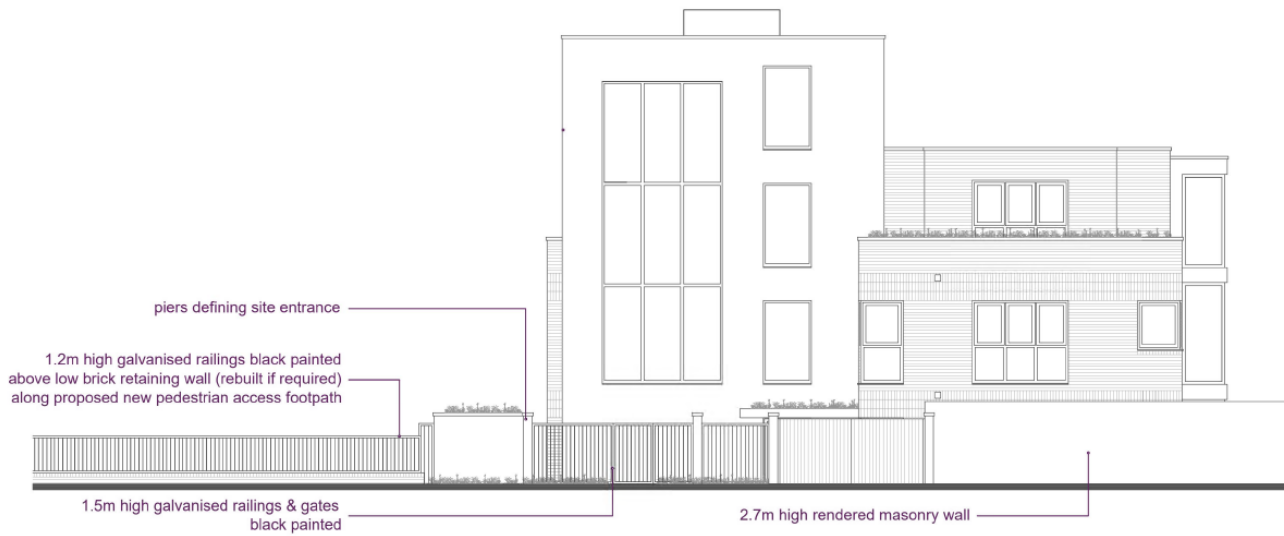
PROPOSED SECTION B-B

Proposed Front Elevations (without boundary treatment included)



PROPOSED FRONT ELEVATION
FROM TESCO STORE

Proposed Front Elevations (with boundary treatment included)



**PROPOSED FRONT ELEVATION
WITH BOUNDARY TREATMENTS**

Proposed Rear Elevation



**PROPOSED REAR ELEVATION
FROM RAILWAY LINE**



PROPOSED SIDE ELEVATION
FROM 'THE GARDENS'

Proposed Side Elevation

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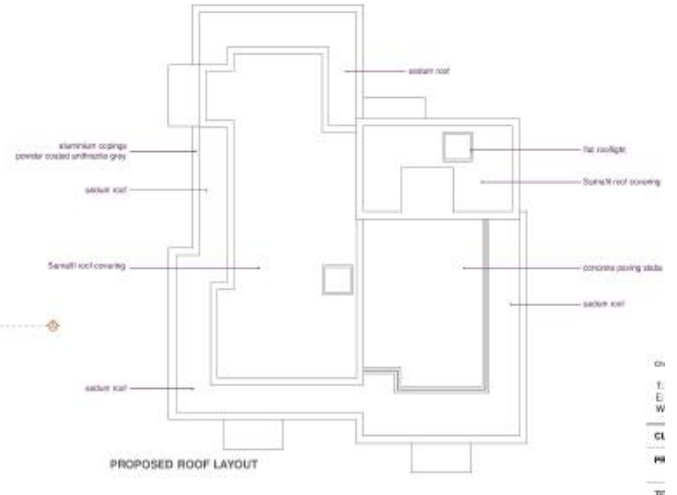
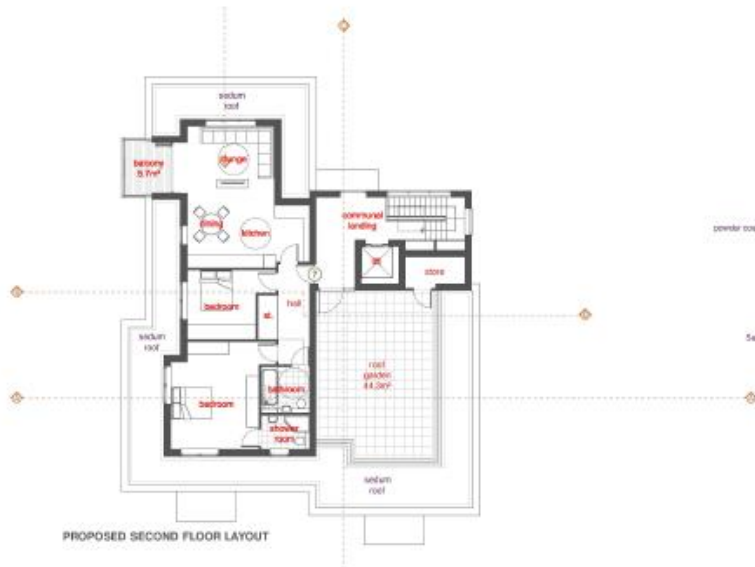
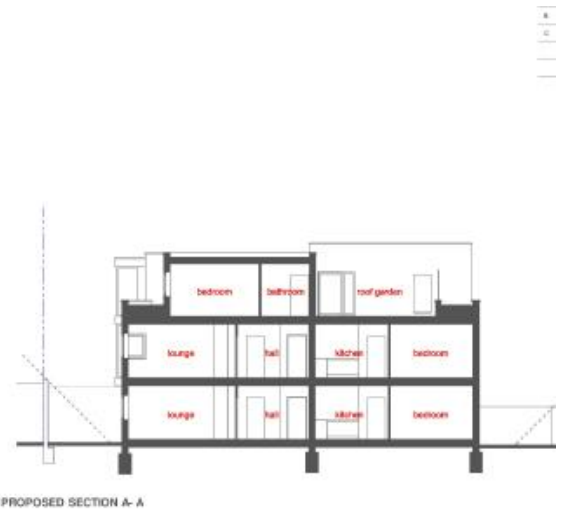


PROPOSED SIDE ELEVATION
FROM NO. 273 PINNER ROAD

Ground Floor Plan Approved Under Application P/4355/19



Other Plans and Section A-A Approved Under Application P/4355/19



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Elevations and Section B-B approved Under P/4355/19



Front Elevation of Development Allowed at Appeal at Kotecha House (P/1950/21/PRIOR)



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