



Planning Committee Agenda

Date: Wednesday 22 November 2023

Time: 6.30 pm

Venue: The Auditorium - Harrow Council Hub, Kenmore
Avenue, Harrow, HA3 8LU

The date and time for the site visit for Planning Committee Members will be communicated in due course.

The date and time for the briefing for Planning Committee Members will be communicated in due course.

Membership (Quorum 3)

Chair: Councillor Marilyn Ashton

Conservative Councillors: Christopher Baxter (VC)
Samir Sumaria
Zak Wagman

Labour Councillors: Ghazanfar Ali
Peymana Assad
Nitin Parekh

Conservative Reserve Members:

1. Anjana Patel
2. Norman Stevenson
3. Salim Chowdhury
4. Nicola Blackman

Labour Reserve Members:

1. Simon Brown
2. Kandy Dolor
3. Rashmi Kalu

Contact: Rita Magdani, Senior Democratic & Electoral Services Officer
Tel: 07707 138582 E-mail: rita.magdani@harrow.gov.uk

Scan this code for the electronic agenda:



Useful Information

Joining the Meeting virtually

The meeting is open to the public and can be viewed online at [London Borough of Harrow webcasts](#)

Attending the Meeting in person

Directions by car:

Go along Kenmore Avenue and head towards the Kenton Recreation Ground. When approaching the end of the Kenmore Avenue turn right before reaching the Kadwa Patidar Centre.

The venue is accessible to people with special needs. If you have specific requirements, please contact the officer listed on the front page of this agenda.

You will be admitted on a first-come-first basis and directed to seats.

Please:

- (1) Stay seated.
- (2) Access the meeting agenda online at [Browse meetings - Planning Committee](#)
- (3) Put mobile devices on silent.
- (4) Follow instructions of the Security Officers.
- (5) Advise Security on your arrival if you are a registered speaker.

Filming / recording

This meeting may be recorded or filmed, and if you choose to attend, you will be deemed to have consented to this. Any recording may be published on the Council website.

Agenda publication date: Tuesday 14 November 2023

Agenda - Part I

Guidance Note for Members of the Public attending the Planning Committee (Pages 7 - 10)

1. **Attendance by Reserve Members**
To note the attendance at this meeting of any duly appointed Reserve Members.
2. **Right of Members to Speak**
To agree requests to speak from Councillors who are not Members of the Committee.
3. **Declarations of Interest**
To receive declarations of disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from all Members present.
4. **Minutes** (Pages 11 - 14)
That the minutes of the meeting held on 27 September 2023 be taken as read and signed as a correct record.
5. **Public Questions**
To note any public questions received.

Questions will be asked in the order in which they were received. There will be a time limit of 15 minutes for the asking and answering of public questions.

[The deadline for receipt of public questions is 3.00 pm, 17 November 2023. Questions should be sent to publicquestions@harrow.gov.uk

No person may submit more than one question].

6. **Petitions**
To receive petitions (if any) submitted by members of the public/Councillors.
7. **Deputations**
To receive deputations (if any).
8. **References from Council and other Committees/Panels**
To receive references from Council and any other Committees or Panels (if any).
9. **Addendum**
To Follow
10. **Representations on Planning Applications**
To confirm whether representations are to be received, under Committee Procedure Rule 29 (Part 4B of the Constitution), from objectors and applicants regarding planning applications on the agenda.

Planning Applications Received

Report of the Chief Planning Officer - circulated separately.

Members are reminded that, in accordance with the Planning Protocol, where Councillors disagree with the advice of the Chief Planning Officer, it will be the Members'

responsibility to clearly set out the reasons for refusal where the Officer recommendation is for grant. The planning reasons for rejecting the Officer's advice must be clearly stated, whatever the recommendation and recorded in the minutes. The Officer must be given the opportunity to explain the implications of the contrary decision.

11. **Section 1 - Major Applications**

- | | | | | |
|-----|--|-----------|--|------------------------|
| (a) | R/O 121-255 Pinner Road -
P/0669/23 | HEADSTONE | GRANT SUBJECT
TO LEGAL
AGREEMENT | (Pages
15 -
156) |
|-----|--|-----------|--|------------------------|

12. **Section 2 - Other Applications recommended for Grant**

- | | | | | |
|-----|--|-----------------------|--|-------------------------|
| (a) | 2/01 Apollo Court, 57 The
Gardens - P/1764/23 | NORTH HARROW | GRANT SUBJECT
TO LEGAL
AGREEMENT | (Pages
157 -
214) |
| (b) | 2/02 Perwell Court,
Alexandra Avenue -
P/2572/23 | RAYNERS LANE | GRANT | (Pages
215 -
274) |
| (c) | 2/03 18 West Drive, HA3
3TS - P/2071/23 | HARROW WEALD | GRANT | (Pages
275 -
300) |
| (d) | 2/04 Astley Hse, South Hill
Avenue - P/2116/23 | HARROW ON THE
HILL | GRANT | (Pages
301 -
332) |

14. **Section 3 - Other Applications recommended for Refusal**

- | | | | | |
|-----|---|---------------|--------|-------------------------|
| (a) | 3/01 35 Cranbourne Drive -
P/2237/23 | PINNERS SOUTH | REFUSE | (Pages
333 -
360) |
| (b) | 3/02 35 Cranbourne Drive -
P/2275/23 | PINNERS SOUTH | REFUSE | (Pages
361 -
388) |

15. **Any Other Urgent Business**
Which cannot otherwise be dealt with.

Agenda - Part II - NIL

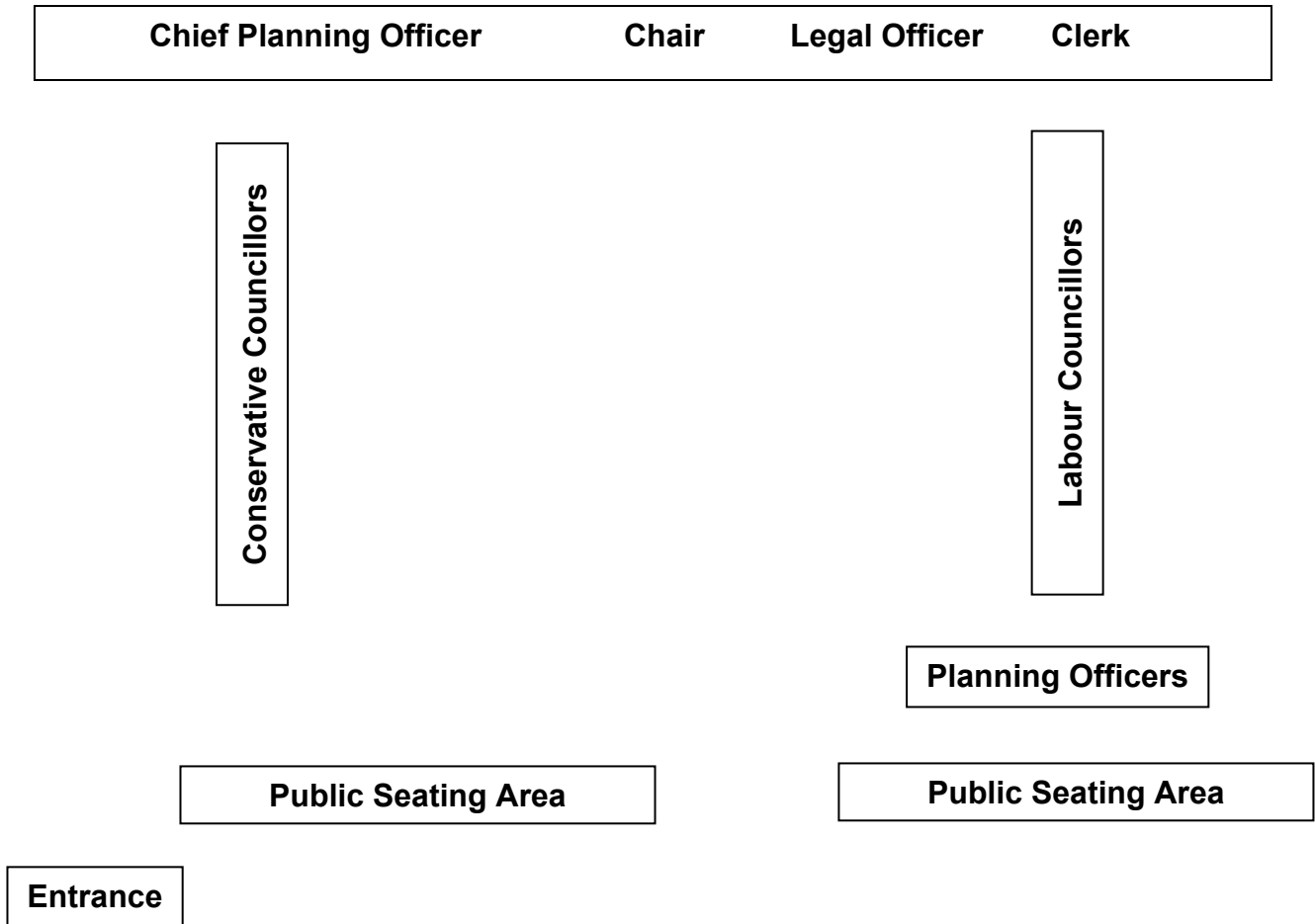
Data Protection Act Notice

The Council will record the meeting and will place the recording on the Council's website.

[**Note:** The questions and answers will not be reproduced in the minutes.]

Guidance Note for Members of the Public attending the Planning Committee

Typical Planning Committee layout for the Auditorium



Order of Committee Business

It is the usual practice for the Committee to bring forward to the early part of the meeting, those planning applications where notice has been given that objectors wish to speak, or where members of the public have come to hear the debate. However, often the agendas are quite long and the Committee may want to raise questions with officers and enter into detailed discussion over particular applications. This means that members of the public may have to wait some time before the application they are interested in is discussed. Additionally, the Committee may take a short break around 8.30 pm.

Rights of Objectors & Applicants to speak at Planning Committees

[Please note that objectors may only speak if they requested to do so by 5.00 pm on the working day before the meeting]

In summary, where a planning application is recommended for grant by the Chief Planning Officer, a representative of the objectors may address the Committee for up to 3 minutes. Where an objector speaks, the applicant has a right of reply. The Planning Service advises neighbouring residents and applicants of this procedure.

The Planning Committee is a formal quasi-judicial body of the Council with responsibility for determining applications, hence the need to apply rules governing the rights of public to speak. Full details of this procedure are set out in the Council's Constitution, which also provides useful information for Members of the public wishing to present petitions, deputations or ask public questions at Planning Committee, and the rules governing these. The relevant pages of the Constitution can be accessed via this link:

[Harrow Council Constitution - Part 4B Committee Procedure Rules](#)

Addendum

In addition to the agenda, an Addendum is produced on the day before the meeting, with any final updates included in a second Addendum on the day of the meeting. These documents update the Committee on any additional information received since the formal agenda was published and also identifies any applications which have been withdrawn by applicants or which officers are recommending for deferral.

A limited number of hard copy agendas and addendums are available for the public in the Auditorium from approximately 6.00 pm onwards on the day of the meeting.

Decisions taken by the Planning Committee

The types of decisions commonly taken by the Planning Committee are set out below:

Refuse permission:

Where a proposal does not comply with the Council's (or national) policies or guidance and the proposal is considered unacceptable, the Committee may refuse planning permission. The applicant can appeal to the Secretary of State against such a decision. Where the Committee refuse permission contrary to the officer recommendation, clear reasons will be specified by the Committee at the meeting.

Grant permission as recommended:

Where a proposal complies with the Council's (or national) policies or guidance and the proposal is considered acceptable, the Committee may grant permission. Conditions are normally imposed.

Minded to grant permission contrary to officer's recommendation:

On occasions, the Committee may consider the proposal put before them is acceptable, notwithstanding an officer recommendation of refusal. In this event, the application will be deferred and brought back to a subsequent meeting. Renotification will be carried out to advise that the Committee is minded to grant the application.

Defer for a site visit:

If the Committee decides that it can better consider an application after visiting the site and seeing the likely impact of a proposal for themselves, then the application may be deferred until the next meeting, for an organised Member site visit to take place.

Defer for further information/to seek amendments:

If the Committee considers that it does not have sufficient information to make a decision, or if it wishes to seek amendments to a proposal, the application may be deferred to a subsequent meeting.

Grant permission subject to a legal agreement:

Sometimes requirements need to be attached to a planning permission which cannot be dealt with satisfactorily by conditions. The Committee therefore may grant permission subject to a legal agreement being entered into by the Council and the Applicant/Land owner to ensure these additional requirements are met.

(Important Note: *This is intended to be a general guide to help members of the public understand the Planning Committee procedures. It is not an authoritative statement of the law. Also, the Committee may, on occasion, vary procedures).*

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Planning Committee

Minutes

27 September 2023

Present:

Chair: Councillor Marilyn Ashton

Councillors: Ghazanfar Ali Nitin Parekh
Christopher Baxter Samir Sumaria

Apologies received: Councillor Zak Wagman
Councillor Peymana Assad

249. Attendance by Reserve Members

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members: -

Ordinary Member

Councillor Zak Wagman
Councillor Peymana Assad

Reserve Member

Councillor Norman Stevenson
Councillor Kandy Dolor

250. Right of Members to Speak

RESOLVED: That no Members, who were not members of the Committee, had indicated that they wished to speak at the meeting.

251. Declarations of Interest

RESOLVED: To note that there were none.

252. Minutes

RESOLVED: That the minutes of the meeting held on 6 September 2023 be taken as read and signed as a correct record.

253. Public Questions

RESOLVED: The Chairman reported that she had spoken with the questioner and had explained to him the reason for the message is that the new Planning Portal is going live within the next couple of weeks and so the officers are engaged in determining as many applications as possible to avoid unnecessary delays during the changeover. He was satisfied with this explanation and was content not to ask the question on the basis that the message will be made clearer asap.

254. Petitions and Deputations

RESOLVED: To note that no petitions or deputations were put.

255. References from Council and other Committees/Panels

RESOLVED: To note that there were none.

256. Addendum

RESOLVED: To accept the Addendum.

257. Representations on Planning Applications

RESOLVED: To note that there were none.

258. Planning Appeals

The Committee received a report on the latest appeals received from April to June 2023. It was noted that a total of 42 had been received of which: 5 enforcements 3 no determined, 34 refusal and 1 of which comprises with costs application.

So, 67% dismissed, 31% are allowed and a split decision at 2%.

The Chair and Members thanked the Officer for the work undertaken in compiling the report.

In response to a question, Members were advised that the appeal decisions varied according to the views of the different planning inspectors.

DECISION: Noted.

259. 2-01 Royal Mail Postal Delivery Office P/1980/22

PROPOSAL Change of use from Sorting Office (Sui Generis) to Flexible use for Storage and Distribution (Class B8) and Commercial floorspace (Class E(g) ii and E(g) iii) with ancillary offices.

RECOMMENDATION The Planning Committee was 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.

DECISION: APPROVE subject to the conditions set out in the Officer's report and tabled addendum.

The Committee wished it to be recorded that the decision to approve the application was unanimous.

260. 2-02 12-22 Herga Road, HA3 5AS P/3539/22

PROPOSAL: Creation of additional two storeys (third and fourth floor levels to existing building) comprising of eight self-contained flats (4x1 person studios, 2x1bed and 2x2bed) and cycle stores and associated external alterations.

RECOMMENDATION A

The Planning Committee is asked to:

- 1) Agree the reasons for approval subject to conditions as set out in this report, and
- 2) Grant planning permission subject to authority being delegated to the Chief Planning Officer in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and other enabling development and issue of the planning permission, subject to amendments to the conditions, including the insertion or deletion of conditions as deemed fit and appropriate to the development or the amendments to the legal agreement as required. The S106 agreement Heads of Terms would cover parking permit restrictions, legal costs, administration and monitoring.:

RECOMMENDATION B

That if, by 30th November 2023, or such extended period as may be agreed in writing by the Chief Planning Officer, then delegate the decision to the Chief Planning Officer to REFUSE planning permission for the following reason.

1. The proposed development, in the absence of a Legal Agreement to provide appropriate improvements, benefits and monitoring that directly relate to the development, would fail to adequately mitigate the impact of the development on the wider area and provide for necessary social, environmental and physical infrastructural improvements arising directly from the development, contrary to the National Planning Policy Framework (2023), policies T6 and T6.1 of The London Plan (2021), policy CS1 of the Core Strategy (2012), AAP9 of the Harrow and Wealdstone Area Action Plan (2013), policies DM42 and DM50 of the Harrow Development Management Policies Local Plan.

DECISION: APPROVE – subject to completion of the Section 106 legal agreement.

The Committee wished it to be recorded that the decision to approve the application was unanimous.

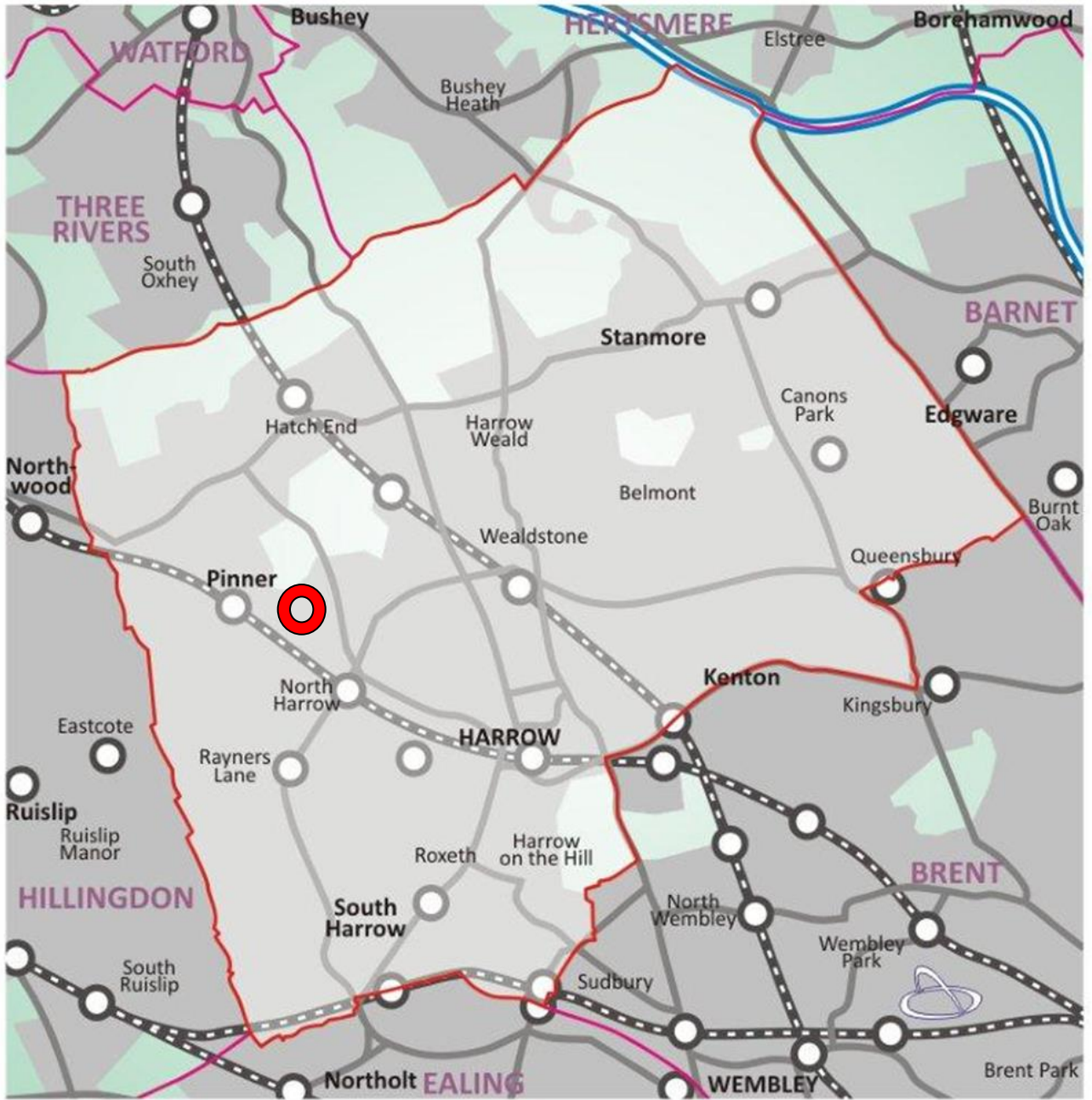
The recording of this meeting can be found at the following link:

<https://www.harrow.gov.uk/virtualmeeting>

(Note: The meeting, having commenced at 6.30 pm, closed at 7.30 pm).

(Signed) Councillor Marilyn Ashton
Chair

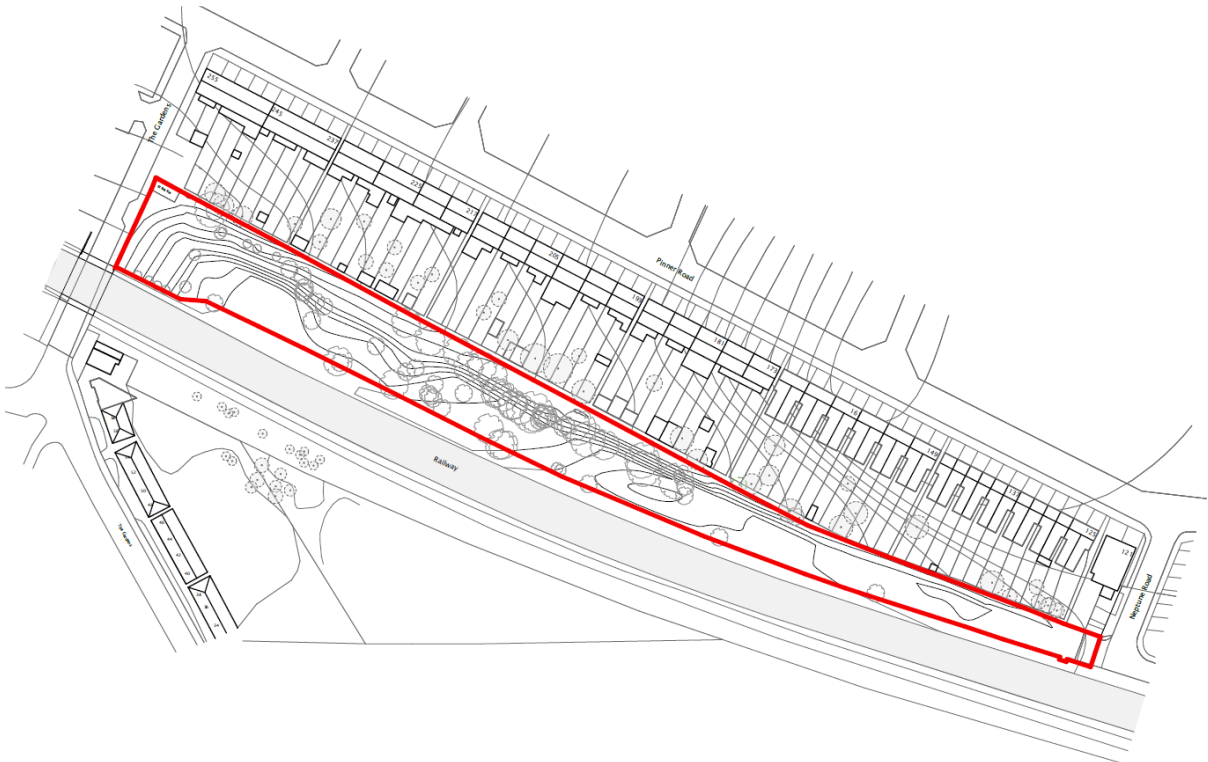
= application site



Land Rear Of 121 – 255 Pinner Road, Harrow

P/0669/23

Location Plan



01

Location Plan

1:1250

LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

22nd November 2023

APPLICATION NUMBER: P/0669/23
VALIDATION DATE: 03 MARCH 2023
LOCATION: LAND REAR OF 121 – 255 PINNER ROAD,
HARROW
WARD: HEADSTONE
POSTCODE: N/A
APPLICANT: MML INVESTMENTS LIMITED
AGENT: HGH CONSULTING
CASE OFFICER: KIMRY SCHLACTER
EXTENDED EXPIRY DATE: 31/01/2024

PROPOSAL

Development of three detached buildings comprising residential units (use class C3); New vehicle and pedestrian accesses and gates; Car parking; Cycle parking; Refuse stores; Soft and hard landscaping including amenity space; and associated ecological related works

Details: Height ranging from 2 - 4 storeys and comprising 37 residential units (22 x 1 Bed, 14 x 2 Bed & 1 x 3 Bed).

The Planning Committee is asked to consider the following recommendation:

RECOMMENDATION A

- 1) To agree the reasons for approval as set out in this report, and
- 2) Grant planning permission subject to authority being delegated to the Chief Planning Officer in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and other enabling legislation and issue of the planning permission and subject to minor amendments to the conditions (set out in Appendix 1 of this report) or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:

Early Stage review mechanism

- i) Early stage review of the development as per the Mayor's SPG.

Affordable Housing

- i) Provision of affordable housing comprising 10 no. units [comprising 5 x 2B4P (of 4 habitable rooms each), 1 x 3B5P (of 5 habitable rooms) and 1 x 1B2P (of 2 habitable rooms)] London Affordable Rent; and 3 x intermediate units of

- either London Shared Ownership or London Living Rent [comprised of 1 x 1B2P (of 2 habitable rooms) and 2 x 2B4P units (of 4 habitable rooms each)].
- ii) MML Investments Limited, or any sub lessee of MML Investments Limited, shall enter into a nominations agreement with the Council in order to ensure that suitable applicants from the Council's own waiting list can benefit from these proposals.
 - iii) 1x 2B4P and 1x1B2P of the London Affordable Rent units to be provided as fully wheelchair adapted units.

Employment and Training

- i) The developer to submit to the Council for approval, prior to commencement of the development, a Training and Recruitment Plan. The developer to implement the agreed Plan. The training and Employment plan will include:
 - a) employment initiatives opportunities relating to the construction of the Development and details of sector delivery;
 - b) the provision of appropriate training with the objectives of ensuring effective transition into work and sustainable job outcomes;
 - c) a target for the number of Apprenticeship, Work Experience and Progression Into Employment placements (as the case may be) and the percentage of local residents to be employed within the Development through local recruitment agencies or such other recruitment agencies or job centres as the Council acting reasonably considers appropriate
 - d) a target for the percentage of BAME workers and women workers to be employed within the Development through local recruitment agencies or such other recruitment agencies or job centres as the Council acting reasonably considers appropriate
 - c) the timings and arrangements for implementation of such initiatives and
 - d) suitable mechanisms for the monitoring of the effectiveness of such initiatives
- ii) A financial contribution towards the management and delivery of the construction training programme based on the construction value of the development. This is usually calculated using the formula: £2,500 per £1,000,000 build cost. (Estimated figure to TBC)
- iii) If targets set for delivery of any Apprenticeship, Progression Into Employment, Work Experience, etc. posts in the Approved Employment and Training Plan are not being met, the Owner shall submit for the Council's written approval remedial measures that would be put in place to meet the relevant targets. If the Owner fails to implement the remedial measures approved by the Council (or if the remedial measures prove to be ineffective), the Owner shall pay an Employment and Training Remedial Contribution to the Council.
- iv) The developer to use all reasonable endeavours to secure the use of local suppliers and apprentices during the construction of the development.

Highways Agreement

- i) Highways agreement for the undertaking of to add additional signage for the one-way operation of Neptune Road and construction of vehicular access.

- ii) Resident's permit restriction, and contribution of £1500 to amend the relevant traffic order.
- iii) Provision of one car club space.

Travel Plan

- i) Submission of a baseline survey following occupation (within 6 months or at 75% full, whichever is first)
- ii) Revised targets within an updated Travel Plan (as necessary) following the baseline survey, and monitoring over a 5-year period, to be submitted 1, 3 and 5 years after the baseline survey is submitted.
- iii) A travel plan bond of £10,000 will be required to secure the implementation of all measures specified in the revised Travel Plan. In addition a £5,000 monitoring fee is required to cover the cost of monitoring the travel plan. The developer to ensure the effective implementation, monitoring and management of the travel plan for the site.

Energy & Carbon Offset

- i) Prior to the commencement of the development, provision of carbon reduction on-site and payment of any offset if zero carbon reduction is not achieved on-site, as determined by the final carbon reduction achieved on site as per Condition (TBC) of this permission. Based on the submitted Energy Statement – this is currently estimated at a financial contribution of £4,894.00 towards carbon offsetting measures (£95 / tonne / year over 30 years, based on 1.7 tonnes to be off-set).
- ii) Requirement for final “as-built” Part L calculations of the Building Regulations to confirm the carbon reductions achieved on site and the final total remaining emissions to be offset through monetary contribution. This is to be submitted within one month of practical completion of the development, confirming the actual carbon emissions to be offset, with any shortfall to be paid through a further offset.

On-site and off-site Biodiversity Contribution

Off-site

- i) Contribution of £163,036.83 + VAT (adjusted at the point of application for inflation against June 2023 pricing) towards required off-site biodiversity mitigation and gain provision (including management, monitoring and reporting to be undertaken by the offset provider at requisite intervals) over a minimum period of 30 years, based on a full cost recovery price of c. £36k per biodiversity unit.

On-site

- ii) The developer, or any successor body to which responsibility for the site's management and onsite mitigation provision might in future be transferred (hereafter the responsible body) shall be responsible for fully funding and implementing monitoring of the on-site biodiversity deliverables over a period of at least 30 years following development completion.
- iii) A monitoring report (demonstrating an assessment of on-site provision against agreed milestone targets) shall be submitted to the local planning

- authority at 1, 2, 3 and 5 years after the development completion and at 5-yearly intervals thereafter.
- iv) In the event that a monitoring report or compliance checking by the local planning authority establishes that the on-site biodiversity value is not being achieved as agreed and approved in accordance with the grant of planning permission, or any parts of the biodiversity deliverables have failed then remedial action will be required.
 - v) Should remediation be necessary, the responsible body shall either (1) undertake such works as are required to bring the on-site biodiversity value in line with the agreed milestone targets within a 1-year period, or (2) pay (a) to the London Borough of Harrow a sum to provide such additional off-site contributions as will be required to meet the identified shortfall, based on a full cost recovery price of at the time of when the recovery payment is triggered (currently £36k per biodiversity unit) and (b) to the local planning authority a sum to cover any costs it faces in the preparation and/or approval of revisions to the on-site mitigation plan.
 - vi) Following any required remediation, the responsible body will undertake further monitoring and reporting, following the pattern identified above or as otherwise agreed in advance, in writing with the local planning authority, extending up to a period of 30 years from development completion plus the total period of years for which provision failed to meet targets over this period.
 - vii) Monitoring/management of badger sett, and obligation to retain the designated Badger Zone for habitat creation in perpetuity. No development shall take place within the designated Badger Zone without the express permission of the local planning authority.

Legal Costs and Monitoring Fees

- i) Legal Fees: Payment of Harrow Council’s reasonable costs in the preparation of the legal agreement
- ii) Payment of Planning Administration Fee / section 106 monitoring fee upon completion of S106 agreement (final amount TBC)

RECOMMENDATION B

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

The proposed development, in the absence of a Legal Agreement to provide appropriate improvements, benefits and monitoring that directly relate to the development, would fail to adequately mitigate the impact of the development on the wider area and provide for necessary social, environmental and physical infrastructural improvements arising directly from the development, contrary to the National Planning Policy Framework (2023), policies D7, H5, H6, H7, E11, S4, G6, G7, SI 2, T4 and DF1 of The London Plan (2021), Affordable Housing & Viability SPG, Mayor of London (2017), Play and Informal Recreation, Mayor of London (2012), policy CS1 of the Core Strategy (2012), policies DM1, DM12, DM20, DM21, DM28, DM43, and DM50 of the

Harrow Development Management Polices Local Plan and the Supplementary Planning Document: Planning Obligations & Affordable Housing (2013).

REASON FOR THE RECOMMENDATIONS

The development of the site to provide three buildings, comprising 37 residential homes, new vehicle and pedestrian accessways, landscaping and ecological works including an artificial badger sett and off-site contributions, is sited in a sustainable location, and would bring forward housing provision of a satisfactory layout and design to ensure that the future occupiers would benefit from a high standard of living accommodation. It is considered that the proposed building 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 ecological mitigation measures have been scrutinised and are considered satisfactory, subject to conditions and S106 obligations. Accordingly, the development would accord with development plan policies and is recommended for approval.

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 application is worthy of support.

INFORMATION

This application is reported to Planning Committee as it proposes construction of more than three dwellings on the site, which is outside Part 1(b) of the Scheme of Delegation.

Statutory Return Type:	Major Development
Council Interest:	None
Net additional Floorspace:	2,916sqm
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	£174,960
Local CIL requirement (Provisional):	£508,346.28

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

Policy D11 of the London Plan (2021) and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk. However, a condition has been recommended for evidence of certification of Secure by Design Accreditation for the development to be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied or used.

1.0 SITE DESCRIPTION

- 1.1 The application site is a vacant parcel of land, approximately 0.75ha, sited between the rear of houses nos. 121-255 Pinner Road (to the north) and a railway track (to the south). The site is a former railway siding, of made ground, and with uneven ground sloping down towards the north, and variously towards the eastern and western access points; with the highest point along the boundary with the railway.
- 1.2 There is an existing access off Neptune Road, and the site also directly adjoins The Gardens.
- 1.3 The adjoining houses along 121-255 Pinner Road have a consistent character, formed of two-storey terraced housing, with relatively deep gardens (17-30m) at the rear. A pathway is indicated along the length of these gardens between the houses and the site, however in some areas this may not still be maintained.
- 1.4 Two-storey houses face the site along the opposite side of Neptune Road (nos. 7-14 Neptune Road), with industrial properties located to the rear of those.
- 1.5 A purpose-built block of flats (nos. 62-66 The Gardens) and an electrical substation adjoins the site to the north along The Gardens. On the opposite side of The Gardens are commercial properties.
- 1.6 The site is located within a PTAL 3 location, considered to be good in terms of public transport accessibility. West Harrow Station is located 300m from the site's proposed access to The Gardens, while North Harrow Station and the North Harrow local centre are 800-850m to the north-east and Harrow town centre is approximately 600m to the east, with Harrow on the Hill station 1km distant. Local shops and services, as well as bus services, are also available along the designated Neighbourhood Parade on Pinner Road (opposite 121-219). The site therefore has very good access to shops and services.
- 1.7 The site is not designated or protected green land, and does not form part of a wildlife or nature sanctuary. However, the site is home to a sett of badgers, which appear to have located on site circa 2019, and is comprised largely of self-seeded scrub and trees. TfL have rights over a strip of land up to 5m deep within the site, preventing any development within this buffer zone and ensuring that vegetation is controlled so as not to interfere with railway services. TfL does carry out cutting down of vegetation within this strip as needed.
- 1.8 Although not located within a critical drainage area or flood zone, areas of localised flooding have been identified around the site. The site is located within an RAF Northolt Safeguarding Zone.

2.0 PROPOSAL

- 2.1 It is proposed to develop the site to construct three detached buildings for residential (C3) use and an artificial badger sett and designated Badger Protection Zone (BPZ), along with vehicle and pedestrian access, an internal road, and landscaping.
- 2.2 The building heights would range from 2-4 storeys (a maximum of 13.8m for the tallest building when measured from the lowest ground level point). A total of 37 dwellings would be created, comprising 22 x 1 bed, 14 x 2 bed & 1 x 3 bed units. Of these, 10 units would comprise Affordable Housing (equating to 35.5% by habitable room). Ten percent (10%) of the units would be M4(3), i.e. wheelchair user dwellings.
- 2.3 Landscaping provided throughout the site, including communal amenity areas and children's play areas, in addition to private amenity spaces (balconies/terraces) for each unit.
- 2.4 An artificial badger sett would be created at the western end of the site, and would be phased to allow for the re-location of the existing badgers prior to construction elsewhere on the site. Selected higher value trees would be retained, and landscaping and ecological mitigation measures would be provided on site. In addition, provisions would be secured for off-site mitigation to reach a target of 20% biodiversity net gain.
- 2.5 Twelve (12) car parking spaces are proposed (including 3 disabled bays) all provided with passive or active electrical charging points. One car club space would be provided on Neptune Road. A new vehicular road would be constructed on site, utilising the existing vehicular entrance from Neptune Road. In addition, a new pedestrian access would be created to The Gardens, improving the connectivity of the site and providing close access to the West Harrow station.
- 2.6 Six short stay and 63 long stay cycle parking spaces (for a total of 67 spaces) would be provided on site.
- 2.4 Separate refuse storage would be provided for each block, with wheelchair accessible apartments in Blocks 2 and 3 having private bin stores for greater convenience.
- 2.5 Air source heat pumps and PV biosolar roof space would be provided on site. Sustainable urban drainage (SUDs) would be provided to reduce surface water run-off.

3.0 RELEVANT PLANNING HISTORY

Ref no.	Description	Status and date of decision
WEST/103/98/ FUL	<i>Land Rear of 171-255:</i> Detached 2 storey building to provide 6 two-bed flats 8 semi-detached & 3 terraced houses access & parking	Refused: 07/04/1998
WEST/67/99/ FUL	<i>Land Rear of 171-255:</i> Establishment Of Wildlife Reserve	Granted: 19/03/1999
WEST/130/99/ OUT	<i>Land Rear of 171-255:</i> Outline: Provision Of 37 Space Car Park For Use By Adjoining Industrial Estate	Refused: 10/05/1999
WEST/131/99/ OUT	<i>Land Rear of 171-255:</i> Outline: Detached Building to Provide Nine, 2 Bed Flats With Access And Parking And Provision Of Public Open Space Appeal: Withdrawn (APP/M5450/A/99/1027487)	Refused: 10/05/1999
P/2632/04/CFU	<i>Land Rear of 171-255:</i> Two Storey Building To Provide 8 Flats With Access And Parking. Appeal: Dismissed 29/02/2006 (APP/M5450/A/05/1172320)	Refused: 18/03/2005
P/3450/21	Development of four detached buildings comprising residential units (use class C3); New vehicle and pedestrian accesses and gates; Car parking; Cycle parking; Refuse stores; Landscaping and Boundary Treatment; Retaining Wall; Amenity space	Withdrawn
P/0376/23	<i>Land Rear of 171-255:</i> G11 (T31) Ash (land rear of 203-205 Pinner Road): Self-sown tree. Decay present on stem. Fungal brackets visible on stem. Cavity on stem. Major bark wounding on stem. Unbalanced crown shape. Pseudoinonotus hispidus causing internal decay. High risk of limb failure. To monolith tree at 6-8m to reduce risk of limb failure.	Granted; 17/03/2023

4.0 **CONSULTATION**

- 4.1 A total of 457 consultation letters were sent to neighbouring properties regarding this application. Three site notices were also displayed. The overall expiry date of the first consultation was 4th April, 2023.
- 4.2 A total of 298 responses were received, including a number of objections from outside the Borough (approximately 70 responses).
- 4.3 After the receipt of amended details, a 14-day re-consultation was carried out, expiring on 24th and 27th October 2023, with three site notices posted on 25th October 2023. The final total of comments received was not yet available at the time of the writing of this report and will be reported via addendum, along with any impacts or changes the consultation responses may have on the contents of this report.
- 4.4 A summary of the responses received to date along with the Officer comments are set out below:

General Objection

Object to proposal.
Proposal does not address previous objections raised.
Cosmetic changes to previous proposal.
Committee should visit the site.
Does not benefit community.

Principle/Housing

Harrow has more than met demands for housing.
Proposal will not solve housing crisis.
Flats typically have unreasonable price tags and make fun of us by mentioning "affordable living". New development usually unaffordable for average resident.
Will commercialise what has previously been a village.

Officer comment: Addressed in Section 6.3

Character/Appearance/Site & Site Design

The site is tight/narrow.
Unsuitable/ inappropriate site for development.
Overdevelopment of site.
Embankment was designed as a buffer to prevent noise and not meant to be developed.
"Ribbon" development is worse than backyard development.
Not enough space for 3 buildings.
Density inappropriate for site. Increase in housing density objected to.
Design is inappropriate for site.

Would dominate existing houses along Pinner Road.
Out of character with existing houses.
Adverse impact on character.
Disproportionate visual impact.
Scale and mass are inappropriate for site. Out of keeping with low rise terraced houses of the area.
Height of development would dwarf surrounding existing buildings.
Would be a gated community.
Too close to railway.
Security of railway would be compromised.

Officer comment: Addressed in Section 6.4

Development Across Harrow

Harrow is overdeveloped, too many high rises / not enough green space.
Local area is already built up.
Development should be built somewhere less dense; there are lots of other places to build further out.
Local area cannot support additional housing.
Changes in local neighbourhood in recent times; more crowded now.
Should build on brownfield land rather than green land.
Too crowded / too many people now living in this area.
Too much commercial development in Harrow. Too much housing development in Harrow.
Development at other sites in Harrow is unsatisfactory; more towers should not be allowed.
Flats in other development in Harrow are unoccupied. Existing flats should be occupied before more are allowed to be built.
Harrow is too developed/too much concrete/ urban jungle/too many towers/too many flats/not enough green space for residents. Residents don't want more flats/urban jungle.
Harrow has lost its charm and character/ no longer a leafy green suburb.
If development is granted, will join West Harrow's accelerated developments with every scrap of land being turned into urban jungle, departs from Metroland origins.
Development would result in more similar applications, may result in allotments gardens being developed.
Sets a bad precedent.

Officer comment: Development at other site or areas of Harrow are not a material consideration within the scope of this application. However, it is noted that under current planning policy and legislation, LB Harrow does have an obligation to deliver more housing provision.

Residential Amenity

Overlooking of rear of properties along Pinner Road, unacceptable loss of privacy.
Harrow has a history of refusing high patios for overlooking, as per this development.
Disturbance
Overbearing appearance. Would appear greater than 4 storeys due to high ground.

Impacts on outlook from existing houses.
Loss of security (due to windows/balconies overlooking other properties)
Loss of daylight/sunlight. Overshadowing to houses and gardens.
Loss of privacy and visual amenity.
Loss of buffer zone / sound barrier between existing houses and railway (visual and sound).
Loss of quiet green area to the rear of existing houses, which is particularly important as Pinner Road is very busy. Loss of green space which benefits resident's mental health.
Development will be noisy.
Will be disturbing to see the proposed development from existing houses.
Any development at back of existing properties would significantly impact quality of life for residents.
Existing environment around Neptune Road is poor quality due to industrial uses, noise, traffic; development would exacerbate this.
Over development affects quality of life.

Future Occupiers

Would result in poor quality of life for adjacent residents. Loss of health and happiness.
Increased light pollution for residents.
Future occupiers will likely be vulnerable people and will be exploited via the poor conditions of the development.
Future residents will be living in an unsuitable environment, including disturbance/noise/vibration from railway/railway maintenance. Poor quality living conditions for future occupiers in a squashed site.
Residents living near railway lines at risk of noise and air pollution; health and safety implications for future residents.

Officer comment: *Addressed in Section 6.5, and with relation to green space, Section 6.8*

Loss of security / increase in crime to existing houses due to introduction of vehicle road within site. Would create a place for drug use activity.
Nothing will stop strangers access properties of Pinner Road over the fence from the development.

Officer comment: *Addressed in Section 6.4*

Increase in residents would exacerbate inequality.
High urbanisation leads to deaths.
High rise flats are reported to have poor health outcomes for residents.

Officer comment: *The proposed density would be consistent with suburban areas, and would not be considered a high-density development (e.g. as per D4 of The London Plan, which would define high-density as 350 units per hectare). The proposal does not include any high-rise development.*

Traffic & Parking

Parking survey does not appear accurate / must have been done at a quiet time.
Proposed parking is inadequate. Parking pressure in local area will be worsened, which affects residents and local shops. Development will result in a greater number of cars than parking spaces. Where will additional cars be parked?
Developer hopes people will cycle or take public transport, but I don't agree.
Increased traffic/congestion, which would result in safety issues for local residents/school.
Traffic/congestion already increased due to school expansion.
Existing traffic levels from non-residential uses are too high, causing delays/congestions for residents.
Emergency vehicles will be blocked.
Development would increase traffic and thus danger outside front doors of local residents.
Neptune Road is too narrow to handle additional traffic. Neptune Road is already congested and noisy with constant movement of vehicles, improperly waiting vehicles obstructing entrances to driveways, cutting corner, extreme congestion, etc. causing delays in travel.
Cars already drive into Neptune Road the wrong way, with no repercussions.
Parking for local residents is already "cutthroat" with regular illegal parking; Neptune Road used for parking by residents. The Gardens already has a shortage of parking.
Blind spots on Neptune Road; expect lethal accidents will happen and risks will increase with development.
Cumulative congestion from other developments in the area.
Access next to a bridge is not considered.
No access should be provided to The Gardens.
Busy access next to Pinner Road not considered.
Access road would be insecure.

Officer comment: Addressed in Section 6.4

Environmental Health/ Air Quality/Pollution

Concerns regarding Air Quality matters and whether this accounts for increases in air pollution which might arise from the development.
Site levels and levels of road and parking would result in overbearing impacts and would result in loss of privacy and security, disturbance, noise, loss of visual amenity.
Raised road above the level of adjacent properties would result in pollution/toxins to those properties.
Local area is already polluted.
Increased noise and pollution. Pollution already high and air difficult to breathe while walking.
Roadway within development is raised above the level of Pinner Road properties, so would result in undue noise, pollution and loss of visual amenity.
Noise, disturbance and pollution from construction.
Traffic, noise, and pollution after construction.
Difference in levels between houses and site would result in rain washing toxins from cars into houses.
Pests, mice, rats and foxes may disrupt gardens of existing houses.
There is an existing problem with pests/rats

Increased vermin if flooding occurs.
Health risk to existing community.
Neptune Road's environment is unhealthy (diesel/oil from lorries and noise), development will exacerbate this.

Officer comment: Addressed in Sections 6.11, with additional information in Sections 6.5 and 6.6

Biodiversity/ Green Space

Loss of important green space (amenity, mental health, regulate temperature, reduce air pollution, place for people to enjoy nature.) Covid highlighted importance of this type of space.

Loss/destruction of valuable green space / green corridor. Loss of established woodland. Green character of existing land would be lost.

Existing environment around houses is poor and loss of the trees/wildlife on this land would make living conditions unbearable.

Loss of visual amenity. Removal of trees. Trees provide joy. Beautiful woodland, should not be destroyed. Loss of trees would reduce oxygen/ increase climate change impacts.

Site is currently used by wildlife/ loss of wildlife habitat/ haven for wildlife. Impact on wildlife.

Brown long-eared bats sensitive to light and travel along trees/vegetation; development will remove one of last remaining viable commuting routes for them.

No invertebrate study done; and development would result in removal of dead wood. Bird nesting and foraging would be removed.

Lighting would affect reptiles.

Threat to wildlife.

Wildlife cannot be moved.

Wildlife not taken into account. Wildlife groups and experts not consulted.

Future occupiers of the development might not like wildlife and may commit crimes/harm against them. Overstretched wildlife groups would then have to investigate.

Loss of flora/fauna. Lost vegetation provides noise buffer with railway track and would be lost, increasing noise pollution for residents.

Negative impact on environment. Damage to ecosystem.

Mature trees not likely to be retained.

Loss of trees affects air temperature/shading/envirotranspiration.

Plan incorrectly show fewer trees on site than there actually are.

Natural/green areas in general need to be retained and protected. Not enough green areas in the local area / in Harrow. Children play in green spaces, including this one.

Britain is a nature depleted country; wildlife on decline due to overconsumption.

Objection due to lack of sustainability.

Site is an established wildlife reserve.

Site was designated as a green corridor a decade ago, which should ensure that benefits are not forfeited.

Jeopardizes government commitment to climate change.

Harms wildlife for money.

Landscaping measures do not at all compensate for destruction of the existing corridor.

Should resist development to ensure Harrow remains a green borough. Harrow needs to focus more on creating green space/ eco system.
Too much green space already lost in Harrow Borough.
10% biodiversity gain is impossible to achieve.
No survey of existing plant species provided.

Badger mitigation

Badger mitigation is inadequate. Cannot enforce exclusion zone as site is small.
Harm to/death of badgers. Disturbance to badgers. Badgers are a protected species.

Loss of natural badger sett, use of artificial one. Loss of natural badger habitat.
Artificial sett is likely to fail. Artificial sett too close to footfall/road, would harm badgers. Artificial sett not in location chosen by badgers. Badgers may not understand how to stay in man-made environment or may reject the sett and be forced elsewhere.

It's not possible to move badgers to an artificial sett.

Badgers not likely to survive construction work.

Site should be left for the badgers. Badgers need a safe space to live. Flats can be built elsewhere.

Developers in general don't care about badgers and will just take risks and pay fines.
Badgers have been living on site for years/decades.

Not enough information on management of the conservation (badger) area.

Don't trust consultant and provisions should be made by true experts.

Japanese Knotweed

Japanese knotweed is present on site and can't be/not likely to be eradicated.
Should be better managed. Proposals should not even be considered until knotweed is permanently removed.

Proposal will cause Japanese knotweed to come back or find its way to nearby homes.

Building on site will suppress Japanese knotweed which will need to then find alternate route to reach the surface and will therefore come into adjacent existing gardens

Unclear who would be responsible for clearing knotweed.

Trees

Arboricultural report is poor because it does not show how to retain trees and mitigate first, but works around the development. Development should work around trees.

Developer vandalised the tree line to make it easier to get permission.

Ecology report is unsatisfactory as it is written to mitigate the proposed development and does not assess the site and its contribution to the local area. Development should work around ecology.

Unclear how bio-diversity would be improved given buildings to be introduced.

Fly tipping and poor-quality trees on site should be dealt with by developer without constructing flats.

Officer comment: Addressed in Section 6.8, with climate change specifically addressed in section 6.9. Noise/loss of noise buffer is addressed in Section 6.5.

Crime

Development would result in increased crime in the area. As it is out of character with the area.

Low level lighting along badger area will increase crime and provide escape route for criminals.

Character of Harrow would be changed by the development to increase crime and anti-social behaviour.

Crime increasing in Harrow and development may make this worse.

Officer comment: Addressed in Section 6.4

4-storey building should not be allowed near school in order to protect children's safety.

Crime increases in Harrow must be caused by / correlated to increases in population.

Officer comment: It is unclear how the safety of children at local schools would be impacted by development of flats, regardless of size. Areas of high population densities are not necessarily directly correlated with crime, thus planning policy does not disallow high density for this reason but rather requires development, regardless of density, to incorporate Secure by Design principles.

Energy/Carbon Dioxide

Existing development around the site produces large amounts of carbon thus result in health problems for the local residents. Development will add to carbon dioxide. Removal of trees will worsen carbon dioxide / contribute to global warming/ contribute to biodiversity decline.

Officer comment: Addressed in Sections 6.8 and 6.9.

Flood Risk & Drainage

Risk of flooding

Disruption to habitat would increase flood risk.

High risk of blocked drains, causing flooding and unsanitary conditions/ damage.

Existing street drains overflow in heavy rain; development will increase concreted area and waste water on site thus will increase amount of water flowing to drains.

Cutting into embankment could cause subsidence/flooding to railway.

Officer comment: Addressed in Section 6.7

Waste

Proposal may result in flytipping on the back of Pinner Road properties. Would result in more mess for existing residents.

Flytipping is being done from/within other development in the area which have inadequate waste provision; so this development will likely result in more flytipping. If future occupiers don't have cars they will fly-tip more.

Council is bad at picking up trash so development will bring in rats.

Amount of rubbish on site is exaggerated by developer, and is small in comparison to the site area.

Officer comment: Addressed in Section 6.6

Local Services

Fear/worry that pressure on parking/schools/services had not been properly planned.

Local services (schools, GPs) are already full/stretched and cannot accept new patients. Local schools oversubscribed so that nearby residents can't get their children in. Residents leaving to find area with better schools/lower population.

Local services should have more investment before construction of new buildings. Insufficient infrastructure.

Lack of adequate playing area for children of existing population; loss of pre-existing play areas & fields to development.

Neptune Road is neglected by Council, e.g. cable TV and phonenumber offered only recently, so morale is poor and problems such as criminal activity, graffiti and flytipping have resulted.

High cost to council from public lighting, rubbish collection and access road maintenance.

Officer comment: Provisions of local services lie outside the purview of planning in certain respects, where these powers are delegated to other authorities. Some services e.g. cable TV, are via private providers rather than government services. For the purposes of planning, provisions to support local services is made under the Community Infrastructure Liability (CIL), which is applicable to this application.

Statement of Community Involvement (SCI)

Developers did not try to contact West Harrow Allotments & Gardens Association, contrary to this document.

Claims that developers have lied in presenting the findings of community feedback from consultation.

Officer comment: Addressed in Section 6.12

Other

Tensions and conflict could arise between future occupiers of the development and existing occupiers of Pinner Road.

Surrounding residents are upset and worried, and are already dealing with multiple other problems (pandemic-related difficulties, cost of living crisis).

Developer not properly maintaining existing fencing on site.

Construction will involve cranes which will be hazardous to homes and nearby school, due to risk of collapse and could cause death or injury.

Existing roads are in bad repair and not taken care of.

Overpopulation contributes to deaths in pandemics such as Covid.

Development is for profit.

Development is to benefit council through taxes.

Don't like the idea of new residential development in the area.

Previous applications were refused (P/2632/04/CFU/TW, WEST/103/98/FUL, WEST/130/99/OUT), Should be refused for same reasons. Smaller development have previously been refused.

Previous application ref: P/3450/21 was withdrawn and strongly objected by residents / petition presented. Residents still object for the same reasons. Residents have not been treated with respect by developer; indicates they will continue to do so if permission is granted. Decision is emotional for residents, although it is business for the developer. Increasing divisions and social problems in Britain, the proposal will exacerbate them. Violation of resident's human rights, as schools/GPs not expanded, lack of dedicated policing plan to town centre (increase in crime/anti-social behaviour) loss of flora and fauna, increase pollution/pests, loss of local employment, building in areas close to town centre but not affluent outer suburbs; therefore local people are subject to class discrimination. ULEZ has been expanded. Can Harrow guarantee children and elderly will not be targeted/ young people will be protected /policed? Council should be working on addressing issues affecting the community/ poor roads/ problems which lead to deaths during Covid and not this development. Problem with spitting, staining of walls and pavement in local area should be addressed. Residents have already had to object to previous proposals. Some flats on other sites being sold to foreign investors/ overseas. Council should have stopped development at an early stage as it is costly to residents and Council to continue. Higher insurance for existing community. Harrow Borough failing to meet long-term strategic priorities (affordable housing, health & wellbeing of residents, pollution, global warming). Residents not getting value for money in taxes paid. Overpopulation will affect property values, who will compensate residents? Developer has no track record of delivering eco-friendly housing, how can delivery be guaranteed/policed?

Officer comments: *These are not material planning considerations.*

Alternative Uses for Land

Council should buy the land from the developer and keep it as green space / place for badgers / amenity for residents. Land should be used for a nature reserve instead. Land should have had a "greener label"; should be designated as a "SANG" Land should be left alone. Need more "spare" land.

Officer comments: *The site is privately owned and the Council cannot compel the developer to implement alternative uses.*

Comments made in Support:

- Proposal will turn unloved land into something which will add to local biodiversity.

- A number of objections are from those who have no interest in the land and will continue to use it as a dumping ground.
- Proposal appears to be well-considered and would deliver much needed affordable housing. Housing crisis necessitates building of more housing.
- Will help gentrify the area and boost local economy.

4.5 Statutory and Non-Statutory Consultation

4.6 The following consultations have been undertaken, together with the responses received and officer comments:

Planning Policy

- It is noted that there are designations that are in place by way of Tree Preservation Orders, however there are no other specific restrictions to developing the site. Further noted that under application WEST/67/99/FUL, permission was granted for the establishment of a Wildlife Reserve. It is not known if this was ever implemented, however, it does not appear to have been carried over into current policy insofar as a designation (Development Management Plan or allocated sites).
- Application P/3450/21 was submitted August 2021 for a similar development as currently proposed, however this application was subsequently withdrawn in February 2022 to address issues in relation to Badgers on the site and Biodiversity Net Gain. It is noted that there was no objection to the principle of redevelopment of the site.
- The current scheme submitted under P/0669/23 proposes a similar scheme, albeit with 37 residential units across three buildings, a reduction from 45 units across four buildings. The reduction in building footprint across the application site has allowed for an improvement to the biodiversity matters on the site, which were a significant concern under the previous application (P/3450/21). The acceptability of this will need to be considered in consultation with the Council Biodiversity Officer, and any off-site contribution required secured appropriately.
- The proposed development is required to be zero carbon, as required by the London Plan (2021). The supporting information sets out that the on-site carbon savings have followed the London Plan (2021) energy savings hierarchy, with the scheme delivering 64% savings. This exceeds the 35% on-site savings as required by the London Plan (2021). The remaining 36% (to meet the zero carbon) shall be off-set by a financial contribution which will be secured through a S.106 obligation.
- The proposed development would provide a meaningful contribution to the boroughs housing stock, which would assist the borough in meeting its London Plan (2021) target of 802 homes per year. Furthermore, the planning application proposes to provide 35.5% (by habitable room) and also offer this in a policy compliant split of 70% London Affordable Rent and 30% Shared Ownership. In the event that the Housing Department is

satisfied with AH offer, an early stage review mechanism will be required to be secured by way of a S.106 obligation.

- It would be recommended that the private housing mix be reviewed, as the level of 1b, 2p units appears to be too high (close to 60%). Given the more suburban nature of the site / area, rather than a more urban context or town centre location, less 1 beds and more 2 and 3 beds should be prioritised.
- The principle of residential development on this site is acceptable.

Project Enabling Officer, Housing Services

- The council requires the maximum reasonable level of Affordable Housing (AH) with a borough wide target of 40% AH. This scheme is offering 10 AH units (36% by Hab rooms) of the total 37 residential units, which means whilst the scheme does not meet the 40% borough wide target, it does meet the Mayor of London's fast track route requirements of 35% AH.
- The scheme falls in acceptable proximity to the Borough's tenure requirements of 70% London Affordable Rent / 30% Intermediate with their offer of 73:27 by Hab rooms which Housing supports as this means the scheme is geared towards the borough's priority housing need (for London LAR homes).
- The bed size mix of the London LAR homes being proposed also supports the Housing Register's priority need for family sized (2 and 3 beds) London LAR homes. The 7x London LAR homes are being offered as 5x 2b4p (72% of the total LAR), 1x 3b5p (14%) and 1x 1b2p (14%). Housing would therefore support this mix.
- Housing have no comment on the size or configuration of Intermediate units.
- The scheme also meets Housing's requirement for 10% of all the LAR units to be fully wheelchair adapted with a 2 or 3 bed preference by offering 1b2b4p and 1x1b2p w/ch units (29% of the 7 LAR units).
- For management reasons, Housing would not support a scheme where LAR homes share a core with other tenures, however would support Intermediate homes sharing a core with Private homes.
- Overall, Housing would support this scheme.

Economic Development Officer

- We have no comments relating to the proposal itself.
- As a major application, we will be seeking the following to be included in any s106 agreement if approval is given:
 1. Construction Training – a requirement to produce a training and employment plan and provide a financial contribution.
 2. Local Supplier targets

LBH Highways

- Subject to conditions and obligations, Highways have no objection.

Trip Generation

- The TA indicates that the majority of future residents will travel by sustainable modes in alignment with boroughwide activity. It is anticipated that the planned mitigation measures will increase this number. The targets are ambitious. The plan is reliant on travel planning however, compliance in a relatively small residential development may be difficult to achieve and will only realistically happen over a duration.

Road Design

- A road safety audit of a proposal for this site was carried out recently but did not identify any issues with the design. Concerns raised in a previous RSA have been resolved/will be reviewed at detailed design stage.
- The proposed design of the new access is generally acceptable. A highway agreement will be required to enable the developer to carry out the work. A contribution will be required to add additional signage for the one-way operation of Neptune Road.
- It is understood that the objective is to maximise the potential of the site and not have the road as the main feature, instead dedicating more space to nature. It is also accepted that narrower streets with low traffic flows are more likely to achieve the intentions of a 'shared surface,' however, this has to be balanced with the increased risk to the most vulnerable road users such as children, elderly and disabled people.
- Swept path drawings have been supplied which demonstrate that cars and lorries can access this site. There is sufficient turning space for both types of vehicle and cars can easily pass each other; there may however, be difficulties with passing lorries. However, the anticipated flow of vehicles likely frequency of vehicles passing each other is very low, with only 12 parking spaces. Therefore, provided the route is well lit and maintained, the risk to pedestrians is also likely to be low.
- 37 flats wouldn't generate a significant level of HGV deliveries per day – deliveries are more likely to be undertaken by smaller vehicles eg. shopping and small van deliveries.
- It will be necessary to ensure that the street is designed in such a way that on-street parking cannot occur. Should parking demand exceed the number of dedicated spaces provided, it may lead to parking on-street within the development which may cause access issues for larger vehicles and increase risk to pedestrians and cyclists. Additionally, overspill parking may also occur which could impact on the surrounding streets.

Surrounding Highway Network

- The Transport assessment includes information on existing traffic flows using Pinner Road, Neptune Road and the two Pinner Road/Neptune Road junctions. This proposal does not raise any significant concerns as the likely traffic generation is considered to be minor. No alterations to these roads or junctions are required in relation to this development proposal.
- There are good existing pedestrian facilities in the surrounding area. West Harrow tube station is easily accessible on-foot from this site and Harrow town centre is also within a short walk, where there are numerous buses and rail services available along with high street shops, restaurants and leisure facilities.
- There are existing cycling facilities but it should also be noted that the Council plans to introduce new/improved measures to the route between Harrow town centre and Pinner station which will benefit future residents.
- Road traffic collision information has been provided covering the last five years. Many of the accidents were recorded as being 'slight' and appear to have been at junctions. This is not uncommon, and the development proposal is unlikely to affect this level of incidents. There were four serious accidents recorded over the study period; the assessment did not identify any specific pattern or requirement for remedial measures that would be required in relation to the development proposal.

Parking Provision

- The proposal includes 12 parking spaces (ratio 0.3) with three of these spaces allocated as disabled person's parking spaces and six with active electric vehicle charge points and the remainder with passive provision.
- The London Plan 2021 maximum parking standards would allow up to 0.5 - 0.75 spaces per dwelling in a PTAL 4 location; for this proposal that would equate to a maximum of 19-27 spaces (the lower standard should be applied to high density proposals or in more accessible locations). In line with Policy T6, the starting point for considering levels of parking should be 'car-free' where there is good access to public transport in any case and proposals should be considered in line with the highest anticipated PTAL for the site.
- The existing controlled parking zones U (Mon-Fri, 10-11am & 2-3pm) and W1 (Mon-Sat, 8am to 6.30) do not encompass this land however, parking surveys were requested in order to establish whether overspill parking may impact on these areas.
- Parking surveys were undertaken in 2021 (8am to 8pm) and in 2022 (overnight) which show that there is excessive stress on some roads during some periods of the day however, generally across the area there is still a good level of capacity for additional parking.
- Based on the worst case level of demand (28 cars) presented in the Transport Assessment, there could be an overspill parking demand for 16 spaces – throughout the entire survey period, there were at least 62 spaces. On this basis, the suggested mitigation of a permit restriction

agreement, car club space, travel plan and parking management plan are acceptable.

- A minimum of one disabled parking space each for 3% of dwellings (1 no.) is required from the outset and a Parking Design and Management Plan (LP2021 Policy T6 J and T6.1 G) should also be submitted demonstrating how bays for a further 7% of dwellings (3 no.) could be converted to disabled parking should demand increase.

Cycle Storage

- The proposal includes 69 long stay and at least 6 short stay cycle parking spaces. Based on London Plan 2021 requirements, the proposed level of provision is acceptable.
- The long stay spaces must be secure, sheltered and accessible. At least 5% of stands should be suitable for use by non-standard cycles eg. tubular stands. The short stay spaces should be on a level surface, close to the entrance/exit to the blocks. The London Cycling Designs Standards Chapter 8 provides guidance which should be followed.
- The design for the cycle stores must be provided and agreed prior to commencement of development; this should be secured by pre-commencement condition to allow for any necessary design changes to be considered before construction begins.

Delivery and Servicing

- Deliveries are to be undertaken within the site. There is no dedicated parking area for large vehicles meaning that they will have to wait on-street during loading and unloading. This may not be a problem considering the low number of vehicles expected to use this site. The TA considers the possibility of two HGV's needing to pass each other and suggests that the hard surface of the 'private strip' could be used. Although this is intended primarily for pedestrian use, the flow of pedestrians and vehicles is likely to be low and the likelihood of this situation occurring is also low.

Construction Logistics Plan

- The submitted outline CLP is acceptable. A detailed CLP is required prior to commencement, following TfL guidance and format.

Conclusion

- The proposal is within a location that has good access to public transport, cycle routes, shops, schools and other amenities. It would be reasonable to expect that some people could live here without having to rely on a private car.
- The most significant possible impact in Highways terms that we could expect from this proposal would be overspill car parking. The assessment does indicate that the likely demand generated by this site may be higher than the proposed level of parking. It is reasonable to expect people who predominantly travel by sustainable modes and need access to the

particular nearby public transport options, schools and/or workplaces to be the future occupiers. It is therefore reasonable to anticipate an amount of overspill parking but this could be lessened with appropriate marketing and implementation of a strict and ambitious travel plan. Good quality, accessible cycle parking is also essential for achieving modal shift as is a safe and well-maintained environment within the shared surface. Whilst we accept that overspill parking may occur as a result of this development, the parking survey undertaken indicates that these vehicles could be accommodated and there is no requirement to review existing parking controls at this stage.

- The overall impact is unlikely to be severe; surrounding roads and junctions would continue to operate within capacity with no significant queuing anticipated, mainly due to the low level of car parking proposed. The variety of public transport locally does mean that new trips would be spread amongst these options and are also unlikely to have a noticeable impact.
- Subject to conditions and obligations, Highways have no objection.

Travel Plan Officer:

- The development should ensure details of the TPC are provided to the Council and update a commitment to this in the Travel Plan
- Commit to a baseline survey following occupation (within 6 months or at 75% full, whichever is first)
- Revise targets, if necessary, following the baseline survey (update in Travel Plan)

Vehicle Crossing Officer

- No objections as the road (access) is already formed.
- This site is accessed from Neptune Road which is a one-way road. This will need to be signed on Pinner Road and they need to apply through the vehicle crossing team to advertise this and it should be reflected within their CLP.

London Underground/ TfL

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. Therefore, 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 detailed design and method statements (in consultation with TfL Infrastructure Protection) have been submitted to and approved in writing by the local planning authority which:

1. Provide details of any structural or civil engineering works to ensure that such works do not impart a risk to London Underground's operational railway. This will require full and ongoing consultation with TfL Engineering Infrastructure Protection
2. Prior to commencement of each phase of the development, provide details of foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent),
3. Provide details on the erection and use of tall plant (e.g. tower cranes (incl. slew radius), mobile cranes (incl. slew radius) and piling rigs) prior to commencement of those specific works
4. provide details of any removal of trees and the method to be used
5. Site specific Risk Assessments and Method Statements (RAMS) to be agreed with TfL Engineering for any activities (e.g. demolition, piling, groundworks, excavations, scaffolding, cladding, craneage etc.) which TfL may deem to be a risk to LU. The RAMS should be issued a minimum of 6 weeks prior to the individual activity commencing. It is accepted that various RAMS can only be compiled and issued at later stages in the programme.
6. provide details of vehicular access to and from the site
7. provide details on prevention of vehicle incursion from the proposed access roadway onto LU operational property.
8. Written confirmation will be required from the statutory body (e.g. Thames Water) that the works near their buried main will be undertaken in a manner that does not negatively impact on London underground's land, infrastructure, or assets.
9. accommodate the location of the existing London Underground structures
10. developer to enter into a party wall agreement with TfL
11. there should be no opening windows or balconies facing the London Underground elevation
12. No glare or glint to be shed onto the railway during the construction phase, after the structure has been built and throughout its occupation, or site lighting throughout.
13. demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land
14. demonstrate that there will at no time be any potential security risk to our railway, property or structures
15. accommodate ground movement arising from the construction thereof

16. mitigate the effects of noise and vibration arising from the adjoining operations within the structures
17. No claims to be made against TfL or London Underground by the Local Authority (i.e. Harrow Council), purchasers, tenants, occupants or lessees of the development for any noise or vibration or changes to air quality resulting from London Underground running, operating and maintaining the adjacent railway, embankment and vegetation thereon

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; tall plant; scaffolding; 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.

Additional Comments:

- Any Construction Logistics Plan should be prepared in accordance with published guidance, which can be found here: https://www.clocs.org.uk/page/construction_logistics This should be provided and compliance secured by condition, to be considered by the LPA and the local highway authority, to address TfL concerns about impact and construction mitigation. This includes impacts from construction traffic to Strategic Road Network (Pinner Road) and our bus services that use it.
- In general, the CMP and CLP look ok, as do the numbers of vehicles for construction proposed. The lorry route seems ok. The CMP show how they manage access on site, none of which is directly onto the SRN. I would expect there wouldn't be any need for any traffic management on Pinner Road given this.

<ul style="list-style-type: none"> • Suggest a condition the outline CLP that they provide a more detail CLP before they commence on site. • TfL also produces guidance on temporary traffic management, which can be found here: https://content.tfl.gov.uk/temporary-traffic-management-handbook.pdf, which may be helpful. <p>Officer Comment: <i>Details cited above which fall within the purview of planning and can meet the relevant NPPF tests with regard to conditions have been included as part of conditions attached to this permission.</i></p>
<p><u>Network Rail</u></p> <ul style="list-style-type: none"> • Network rail has no objections as this is LUL (London Underground).
<p><u>Network South East, North</u></p> <ul style="list-style-type: none"> • No comments received.
<p><u>LBH Waste Management Officer</u></p> <ul style="list-style-type: none"> • Arrangements are acceptable.
<p><u>Drainage</u></p> <ul style="list-style-type: none"> • The Flood Risk Assessment & Drainage Strategy submitted is acceptable, however the access to the site from ‘The Gardens’ is identified within surface water flood zone 3a & 3b according to our surface water flood maps and the flood risk should be assessed in the FRA. • The applicant has not addressed this flood risk, and it cannot be conditioned. • The applicant must address flooding at access point from The Gardens (dry/safe access to site) before we can recommend conditional approval, and <i>Emergency Flood Plan, NPPF and EA flood warning procedures for evacuation.</i> • Once this is approved by us the application can be conditioned with our standard drainage conditions for surface water disposal, foul water disposal and surface water attenuation & storage <p><i>Comments to revised details:</i></p> <ul style="list-style-type: none"> • We can confirm that the additional details submitted are satisfactory and the application can be conditioned with our standard drainage conditions for surface water disposal, foul water disposal and surface water attenuation & storage. <p>Officer Comment: <i>The above conditions have been attached.</i></p>
<p><u>Environment Agency</u></p> <ul style="list-style-type: none"> • No comments received.

Urban Design Officer

Context

- There are multiple constraints presented by this narrow backland site, bordered by the railway line to the south and rear gardens of Pinner Road properties to the north. The site topography is a key consideration, as is the TfL no-build zone adjacent to the southern boundary.
- The general built form of existing residential properties is two-storey (for Pinner Road fronting dwellings), with the recent garage site development on The Gardens being three storeys inclusive of habitable roof space, albeit this development is much closer to existing properties. Despite this context, there is considered to be sufficient setback and separation from existing dwellings to warrant increased height on site to a maximum of four storeys.

Site Strategy

- Given the highly constrained nature of the site, (narrow width and proximity to railway lines and rear gardens) a development of three blocks comprising 37 flats is considered to provide a good level of density without risking overdevelopment or significant overbearing to surrounding sites.
- The current biodiversity of the site is its greatest asset and it is highly positive to see that an inaccessible badger protection zone has been provided, as well as a limited area of building footprint when compared to the overall site area.
- The western pedestrian access route to The Gardens is required but must be well-lit, given it lacks much passive surveillance, with no buildings adjacent to it. A gated and keyed, resident-only access system is supported.
- There is concern that doorstep play is located very close to the access road. Additional measures such as further traffic calming measures or bollards are encouraged.
- Proposed parking locations are supported, with accessible spaces spread throughout the length of the development, adjacent to blocks.
- The inclusion of several freestanding refuse stores to Blocks 2 and 3 is not supported. These should be housed within proposed building footprints to limit visual clutter within the site.
- A gated and fobbed vehicular access point to the east of the site is supported.

Massing, Scale & Built Form

- Generally, overall height and size of building footprints for Blocks 1, 2 and 3 are supported and present a limited level of overbearing to rear gardens to the north of the site. Development is well set back from The Gardens and will have minimal impact on the street scene of this road and good

distances are maintained from rear elevations of Pinner Road properties and the north elevations of proposed blocks.

- The scale of Block 3 is considered appropriate. The third floor is inset and has a much smaller footprint compared to floors below, appearing highly subservient when compared to the rest of the building massing. This reduces actual and perceived massing.
- Overlooking to rear gardens and habitable room windows of Pinner Road properties is considered to be mitigated through a reduced number of window openings and moderate heights of blocks.

Layout, Aspect & Orientation

- There is concern regarding the amount of daylight to the lower ground floor units of Blocks 2 and 3.
- There is general support for the internal layout and arrangement of Blocks 1 and 2, and the level of dual aspect units provided.
- There is concern as to why Block 3 ground and first floors feature north-facing balconies, with a stair core and shared corridors facing south. This seems contrary to best practice, which would be to maximise south-facing amenity spaces and residential aspect for adequate daylight and sunlight. There is an opportunity to revise this and create south-facing amenity spaces, which would also reduce overlooking to existing dwellings and rear gardens to the north.
- There is support for cycle store locations for all blocks.

Public Realm & Landscaping

- The proposed landscape strategy is supported, as is the incorporation of an inaccessible badger protection area.
- The proposed lighting strategy is supported and addresses pedestrian access from the east and west of the site, as both routes are not well-overlooked.
- Given the proximity of the site to the Metropolitan line, the southern boundary treatment must be well considered. Provision of foliage and hedging to green this boundary and partially limit noise pollution from the railway line is welcomed.

External Appearance, Composition & Materiality

- There is significant concern regarding the north elevation of all proposed blocks. These are not visually attractive, with large expanses of poorly articulated brickwork and would provide a poor outlook for Pinner Road properties and rear gardens which adjoin the site.
- Of particular concern is Block 3 especially fenestration. In addition to concerns with the north elevation, the south elevation fails to maximise this southern aspect, featuring small windows and overly large areas of inactive or plain façade. Window opening alignment is required and larger window openings sought.

- The proposed external material palette is supported. The use of a red/brown metal cladding to the uppermost storeys and lift overruns is welcomed, successfully terminating blocks and providing visual interest. The use of vertical larch timber cladding to stair cores and inset balcony inlays is also supported and creates a hierarchy of material use. Brick as a predominant external material is supported. Efforts to add visual interest through projecting course feature panels are welcomed but could go further for all elevations, given the large expanses of brickwork, particularly for overly longitudinal elevations such as the north and south elevations of Block 3.
- Precedents shown are not reflected in the architectural design. Some are ambitious but this does not come through in the proposed architecture of Blocks 1, 2 and 3. While others are not. There is scope for this development to be high-quality and award-winning, but further development of facades is required.
- It appears that PV panels would be visible above building parapets. This is not acceptable and should be screened through a raised parapet. Ground level visual testing from the surrounding context is required to confirm whether PV panels would be visible.

Sustainability & Environmental Considerations

- The proposed cross-laminated timber (CLT) structural system is fully supported and the Applicant and design team are commended on the ambitious use of this system, which will radically reduce levels of embodied carbon caused by the development over a reinforced concrete construction.
- The anticipated Urban Greening Factor of 0.6 is fully welcomed. This is well in excess of the minimum level of 0.4 set by the GLA and shows a commitment to maintaining greenness, in recognition of the current qualities of the site.

Comments to revisions:

- While the proposed provision of bollards is supported, additional measures to limit children stepping onto the shared surface from play spaces are essential.
- The majority of standalone refuse stores are supported, given that these incorporate biodiversity measures. However, the location of the refuse store adjacent to the stair core of Block 3 is not supported, as it is directly beside the amenity terrace of Unit 26 and would create an unacceptable level of odour and nuisance for this unit. This store must be relocated to a more suitable location.
- Lower ground floor units suffer from reduced daylighting, however given their location and orientation, as well as the site topography in this location, there are few mitigation measures which can be put in place to remedy this situation. The lighting levels in these units is therefore acceptable.
- A number of concerns still exist regarding the internal configuration of Block 3.

- The refuse store adjacent to Unit 26 should be relocated.
- While glazed balustrades as proposed are accepted for south, west and east elevations, glazed balustrades to north-facing elevations are not supported in their current form. These should be made opaque or heavily translucent to limit actual and perceived overlooking between rear-facing amenity spaces and the gardens and dwellings of Pinner Road properties, whilst maintaining light levels to their respective units.

Comments to further revisions:

- The revised layouts for Units 27 and 28 are much improved and increase the amount of south-facing aspect to these units, as well as providing greater scope for cross (through).
- Associated updated elevations, which reflect this change to the ground floor layout and principally affect north and south elevations, are supported.
- Re: addendum to the Daylight and Sunlight Assessment for revised units 27 and 28. There are acceptable levels of daylight for these units overall. For sunlight, bedrooms to both units do not meet criteria, however this is deemed acceptable given the good sunlight levels for living/kitchen/dining spaces for each unit and would be difficult to achieve given the solely northern orientation of bedroom windows.
- The relocation of shared refuse stores away from the private amenity space of Unit 26 is supported and will improve comfort and quality of this unit for future residents.
- Block 2: Support changes made to window openings at ground and first floor levels including the addition of angled windows to some window openings to lessen actual and perceived overlooking from dwellings to the north of site.
- Block 3: Support changes made to window openings at ground and first floor levels including the addition of angled windows to some window openings to lessen actual and perceived overlooking from dwellings to the north of site.
- Approval of changes made to relocate refuse store from beside ground floor residential terraces.
- General: Support for angled window glazing details.

Secure by Design Officer

- Serious consideration must be given to crime and anti-social behaviour at the proposed development site.
- The plans for the buildings are well considered and if constructed as planned with the advised Secure By Design advice fully followed would achieve a high Secured By Design award.
- The only concern is the lighting on the path between the gate on The Gardens and the first block. This is the badger protection zone, however the lighting plan shows only 1 meter high bollard lighting on this footpath. Low bollard lighting has a recorded history of causing an unfounded fear of crime. The path lacks natural surveillance from any side, and could become an area which attracts criminal activity if not designed correctly taking into account

the needs of residence to use that footpath safely as well as the needs of the Badgers .

- A full list of Secured By requirements can be given to the developer once planning is approved. Advise the architects contact a Design Out Crime Officer to ensure that a secured by design accreditation can be achieved.
- A planning condition for Secured by Design accreditation is recommended.

Officer Comment: *Recommended measures are secure by conditions.*

Tree Officer

- The site contains dense bramble cover and has been subject to flytipping and disposal of household rubbish, mostly along the north side. TFL and Network Rail manage the trees bordering the railway line and a number of these trees have in recent years been removed and this area subject to vegetation clearance (for safety purposes and for arboricultural reasons owing to the condition of some of the trees).
- TPO 643 (confirmed 2000) covers the site and comprises a mixture of groups and individual trees. There are no A retention category trees included, the majority being either B or C retention category. The site also contains a large number of U category trees, these are trees which have a life expectancy of less than 10 years and require removal irrespective of any development proposals.
- Overall, there are no issues with the tree report.
- Under the proposals three B category trees (Birch T6, Sycamore T28 and Hawthorn T47) and one B category group (G5, Hawthorn and Prunus) will require removal to facilitate the development.
- A number of C category trees also require removal: 5 x Ash, 12 x Sycamore, 7 x Hawthorn, 3 x Poplar and 1 x Oak owing to their falling within the footprint of the development. Removal of a further group (G9) and partial removal of another (G8) is also necessary under the proposals. These trees are all C retention category and are primarily self-sown trees. As individuals they are relatively low-quality trees however it does represent a significant loss of vegetation and collectively they have greater value than as individual trees. There is however scope for mitigation planting with good quality, semi-mature tree planting and as part of a comprehensive detailed landscape scheme and aftercare / management programme.
- A number of trees require removal irrespective of the development: 7 x Prunus, 10 x Ash (all with early Ash dieback symptoms), 2 x Elder and 1 x Hawthorn are in poor physiological and structural condition. These are 'U' category trees meaning their retention (as living trees) is not feasible for longer than 10 years. This is from an arboricultural perspective and does not necessarily apply to any ecological / habitat value of dead/dying trees. One of the existing Ash trees – T31 (within G11 of TPO 643) has been given consent to remove/ monolith under application reference P/0376/23 (16/03/23). This tree has signs of Ash Dieback and has extensive decay

within the main stem and at the base. The tree is in poor condition and requires removal for safety reasons, irrespective of the development. The Ash is to be reduced to 6-8 monolith and retained for habitat.

- It was originally hoped that Sycamore T22, one of the more prominent and mature self-sown trees within the site, and which is situated close to the proposed access road, could be retained. This would usually be possible with the use of cellular confinement / no-dig surfacing, for use within the root protection area. However, the site constraints (level changes for one) and the end-use of the site, which would mean an access road passing underneath, and removal of companion trees and the dense ivy surrounding it, would leave the Sycamore exposed. The foliage is unbalanced owing to the ivy coverage – once removed this would leave foliage on the outer branches ('lion-tail') and furthermore its physiological condition (twin-stemmed / co-dominant trunks with included bark) is such that I would concur with the tree report's conclusion that in the long term, removal and replacement with a native species trees eg. Wild Service or Scots Pine, in a suitable location, would be appropriate here. A heavy standard tree (12-14cm girth) using underground anchoring system, and at least 3 years aftercare would be appropriate. I would suggest Scots Pine over other native species – these are not considered as 'high risk' in terms of potential subsidence or clay shrinkage issues and their form is such that they would be suited to more constricted spaces than, say, Oak or Beech.
- The trees being retained: Two category B trees – Oak T44 and Sycamore T42 are being retained as focal points within the development. There are opportunities here to improve the soil / rooting environment (decompaction via airspading, soil mulching etc) and for additional underplanting and other improvements – bat and bird boxes etc.
- It should be added that most of Harrow is on clay subsoil – shrinkable clay subsoil (ie susceptible to volumetric change) – planting should take this into account in species selection.
- Some RPA encroachment will be necessary in relation to the new access road and parking bays – suitable no-dig / tree root friendly design will need to be used to protect underlying roots re: Silver Birches T3, T4 and T5 and Oaks T44 and T63. RPA incursions are restricted to the hardstanding areas, no new building footprints fall within the RPA of these retained trees. Where levels are to be raised the use of stacked cell-web will be required, to reach the desired ground levels whilst allowing for gaseous exchange and retaining permeability. Both the new hard surfacing area and the kerbing/edging must be 'no-dig'. A detailed method statement based on the draft measures already outlined, can be conditioned as part of the approval.

Officer Comment: *Recommended measures are secure by conditions/S106.*

Landscape Architect:

- The site is a long and narrow strip of land located between the Chiltern railway line / London Underground Metropolitan line to the south and the

rear of 121 – 255 Pinner Road houses to the north. This submission has been subject to preapplication advice and input from the Design Review Panel (DRP) and Consultation. The LPA's recommendations for landscape have been incorporated within the current scheme and the layout appears to be well thought out and achievable, being both functional and attractive for future residents. The proposed landscape strategy has included consideration and incorporation of ecology, outside amenity and play on the way, trees and Sustainable Urban Drainage (SuDS). Subject to planning conditions and appropriate detail, the landscape should complement this development and there are no objections.

- The Landscape Strategy Plan dwg number 10707L.PP.001.Rev E together with the Outline Landscape and Ecological Management Plan (LEMP) provides a thorough scheme which addresses the site issues. The new building blocks, site infrastructure and necessary changes to levels result in the loss of trees and some habitats. The more significant trees are retained where feasible. Where it has not been possible to retain the existing trees, new tree, shrub, ornamental plants and rain gardens have been proposed to mitigate the loss and provide enhancements to the biodiversity.
- Several factors create challenges, with constraints and opportunities for development of this site, including the shape of the site and topography, with significant level changes. The site is regularly trespassed and has had ongoing issues with fly-tipping, contributing to a more unattractive appearance. The existing tree and scrub and vegetation cover, ecology, habitats and biodiversity, protected species and Japanese Knotweed have presented challenges. The site is mainly overgrown with ruderal vegetation, trees both planted and self-sown and two large stands of Japanese Knotweed which has and is currently being treated. Many of the trees are the subject of a Tree Preservation Order, covering single and groups of trees. There are no Grade A trees and only 13 of over 70 trees are Grade B. Many are low quality and self-sown, but the tree and vegetation cover contribute to the character of the site and the proposed landscape strategy seeks to retain as much of the existing vegetation as possible. This is however very difficult given the extent of the proposed development and the required changes to the existing levels.
- The Tree Officer will be able to provide detailed comments on the proposed tree loss and the trees to be retained.
- The landscape proposals incorporate a buffer zone of native planting along the northern boundary. This planting, over time, will grow sufficiently tall to soften the edge of the site between the proposed development and the neighbouring houses. The planting will not screen the proposed built development.
- To the south of the site, Transport for London own the adjacent land, with covenants attached restricting development within 5 metres of the boundary and, to allow for TfL access from Neptune Road via a

pedestrian gate to the trackside. These restrictions are incorporated into the design of the landscape masterplan.

- The central grassland space allocated for informal recreation and doorstep play along the way, adjacent to the access route, is welcomed. The available usable amenity space is however tight and narrow and would provide only limited use, since the incidental spaces are small. The play opportunities, such as balance beams, weaving poles and boulders, would reflect the proposed character and more natural appearance of the external space and a willow tunnel would add to the greenery while providing an appropriate play element. Careful consideration needs to be given to measures to ensure the children's safety, limiting children stepping out onto the shared surface. The residents would be heavily reliant on using the local park, Harrow Recreation Ground, in close proximity for outside amenity space and play facilities.
- The proposed sound attenuation fence, set out along the length of the southern boundary, would help to enhance the amenity space and also contribute to noise reduction for residents along the adjacent Pinner Road properties. The acoustic fence should help to separate the development site from the railway line to the south. The north elevation of the fence would be visually softened by planting climbing plants creating a green wall. The plants would need to be trained and this is proposed to be included in the management and maintenance of the site, which can be covered in a planning condition. The landscape softening to the southern side of the access road relies almost solely on the green wall, for about two thirds of the length, from the east up to mid-way level with Block 2, meaning the landscape planting is the minimum possible. It is therefore very important that the green wall survives and thrives, and the management, maintenance, monitoring and replacement planting should be included in the planning conditions.
- The site is tight and the building blocks have little available space around them, particularly on the northern and southern sides, to provide space for greenery. Sections of the building elevations have steel cables / mesh system to enable climber growth. This would partly help to soften the built form, but the building masses would still be apparent and highly visible.
- Species rich wildflower green roofs are proposed, to be established around roof mounted PV panels to create biosolar provision and bin stores have green roofs incorporated and these are welcomed. This will enhance the biodiversity and will require regular and ongoing management and maintenance to ensure success.
- Careful detailed design will be required to ensure the outside spaces are high quality, meaningful and functional, visually attractive and safe, with play elements set back sufficiently away from the access road.
- A comprehensive set of measures are proposed as part of the development proposals to safeguard badgers from potential harm, during construction and once the new development is operational. These are summarised in the Ecological Assessment and set out in detail in the

Outline Badger Mitigation Strategy. The Landscape Masterplan identifies a secure fenced parcel of land to be maintained, with a replacement artificial badger set. Foraging opportunities are retained and enhanced with areas of naturalised, species rich grassland, native shrub and fruiting species planting. The corridors for movement of animals is safeguarded and the provision of a locked pedestrian gate would help to secure the site and deter non-residents from cutting through to Neptune Road, and should minimise disturbance to the badger mitigation area. The future success of this will be monitored and if necessary reviewed.

- The landscape and ecology design has taken into account the existing habitats, flora and fauna on the site. Where it has been impossible to retain trees and site vegetation mitigation measures and habitat enhancements have been proposed for wildlife, including for badgers (noted above) and for birds, bats, reptiles, invertebrates and enhancements to the flora.
- The two stands of Japanese Knotweed have been identified on the site and must be eradicated, preferably before the start of construction works. Alternatively it might be possible to contain the stands of Japanese Knotweed within secure protective fencing, to prevent any access, and an eradication treatment programme put in place. There is a danger that the Japanese Knotweed could spread, if it remains on site during construction. A site survey to assess the Japanese Knotweed is required, and a Management Plan and Method Statement for guaranteed / warranted eradication. It would be preferable to eradicate the Japanese Knotweed before site preparation and construction works started.
- The Method Statement needs to explain in detail how the Japanese Knotweed is proposed to be treated, removed and eradicated, with a timetable, proposed method, drawings identifying, locating and detailing the method. Refer to the attached Environment Agency guidance document 2013 (which has been withdrawn by EA – the EA no longer provide advice on invasive species) and INNSA Code of Practice Managing Japanese Knotweed. The Japanese Knotweed eradication, including Method Statement and warranty can be covered by a planning condition.
- The London Plan Policy G5, Urban Greening recommends a target score of 0.4 for residential developments. An Urban Greening Factor Plan (dwg ref 10707L.UGF.002) has been provided. The UGF (Urban Greening Factor) has been calculated as just under 0.60, which exceeds the required target score of 0.4.
- Biodiversity Net Gain assessment has been undertaken and BNG Metric results calculated. It must be noted that the development will result in a loss of biodiversity on the site (- 51%) when applying the metric. This loss of biodiversity would be subject to an appropriate offsetting contribution, to be secured via a S106 legal agreement. The Biodiversity Officer will be able to provide comments on the BNG and UGF.

- An LEMP (Outline Landscape and Ecological Management Plan) has been provided and includes the ecological baseline and evaluation, management aims and objectives, monitoring and management responsibilities, five yearly review phasing, watering and a general management and landscape maintenance schedule of operations / calendar of tasks for year 1 and ongoing. This should ensure regular planned maintenance visits to keep the site in order for amenity and ecological purposes and that long -term benefits for biodiversity are secured. The LEMP provides sufficient information at this stage and the further detail required can be covered by a planning condition.

Officer Comment: *Recommended measures are secure by conditions/S106.*

Biodiversity Officer:

Summary:

Although there is a conflict with existing policy with regard to the loss of woodland, conditions could be set that would achieve adequate gain in support of nature’s recovery in the borough, while safeguarding the resident badgers such that the scheme could then be considered to be providing sustainable development.

Details:

The development scheme would not impact a SINC but would result in the loss of woodland including established lowland deciduous woodland (a priority habitat). This generally wouldn’t be supported.

Additionally, the site is along a rail line and forms part of a green corridor, providing a patch of valuable habitat value for wildlife in the context of the local area and contributes to the existing green corridor, despite long-term neglect, dumping and the presence of a significant quantity of Japanese knotweed. The site lies within a major area of deficiency in access to nature. However, the site itself affords residents little access to nature, and is only likely to decline further under existing circumstances.

The development site comprises made land, former rail sidings alongside the Metropolitan Railway line. The majority of onsite vegetation (woodland and scrub species) are likely to have been present in one-time farm hedges or along the roadside and easily spread by wind or bird, with subsequent arrival of non-native plants from adjacent gardens or in the case of the Japanese knotweed, translocated along the rail line.

Aerial imagery confirms that trees and scrub along the line have been cut back at intervals, probably more than once since 2019. This includes a 2-metre-wide strip within the southern margin of the development site, cut over the autumn/winter of 2019/2020 by TfL. Such cyclical intervention necessarily imposes limits on the potential long-term habitat value, but encourages greater

diversity in structure, plant diversity and opportunities for other species in the green corridor along the length of the rail line. This also emphasises the existing value and potential offered by a relatively undisturbed, broader area of trees and scrub for birds, bats and other species, that is otherwise lacking along the line's margins in this area.

It would appear that the regrowth has been strimmed back more than once, perhaps to keep open the access which the clearance provided. Regrowth may also be affected by periodic treatment of Japanese Knotweed.

The **Ecological Assessment Report** presents information on survey work undertaken by Ecology Solutions in 2022 and earlier works in 2020-21 by Corylus Ecology. Some of the faunal earlier surveys were not undertaken at optimal times - probably reflecting when the consultants were commissioned - although these vary between species.

Whilst lacking the coverage and depth to provide details as the numbers and species of birds which presently breed here, or the numbers of reptiles supported on site, with only the follow-up badger work in 2022 adding to the faunal surveys in 2020-21, it is considered that the extent and nature of the survey works undertaken provide a proportionate, sufficiently robust basis for the evaluation of the site and the submitted proposals. Any conclusions, assertions and proposal should be assessed with reference to the inevitable limitations of the supporting evidence.

The **Outline Landscape and Ecology Management Plan** provides a useful basis for a more detailed document to be drawn up in the event that the development is permitted.

The UGF assessment uses the GLA's UGF calculation tool, although the biodiverse green roof has been incorrectly assigned to the intensive green roof category rather than that for an extensive green roof. The UGF score needs to be corrected from the stated 0.5975 to 0.5883. For the purposes of this application, the corrected figures easily exceed the UGF requirements.

However it should be highlighted that the UGF was developed more to drive the greening of heavily built-up locations with little or no vegetation, rather than to support a reduction in vegetated cover as would be the case here, where the existing UGF index is likely to exceed 0.95

Biodiversity Net Gain

Since 2019 the Council has set a target of a 20% uplift in overall biodiversity value, applying the Metric requirements in relation to habitat replacement or substitution with regard to the protection and enhancement aspects of the existing local plan policies DM20 and DM21. Additionally, a minimum areal target equivalent to 2 b.u. per hectare has been applied to help ensure that brownfield development will incorporate a degree of natural greening, contributing appropriately to urban greening and coherent green infrastructure.

The BNG valuation since provided gives a baseline of 6.14 b.u. with the site's 0.76 ha. Based on the above this is considered to be an appropriate valuation equating to a per hectare value of 8.08.

Were the development to be permitted, there would be a loss of 5.59 units (91%) of the existing biodiversity value of the site, with what remains beyond the Badger Protection Zone concentrated in small pockets, mainly comprising trees and their protected root areas. This can be contrasted with the near total loss of existing biodiversity features, other than a half-dozen retained trees, under the withdrawn scheme.

It should be noted that whereas the presented figures assume retention of existing features within the BPZ this might not be the case, depending on the impact of the works associated with the installation of the artificial sett. Separate appraisal would be needed and adjustments made to figures.

The proposal is further complicated by what vegetation might be planted or permitted to grow without significant intervention within the area in which TfL will be seeking to ensure that vegetation poses no operational risks. This would have particular significance in relation to a number of retained trees and the BPZ.

Previous advice appears to have been taken on board in general, with no exaggerated claims as to the condition of what would be provided. However, because of edge effects, and in the case of the green wall provision, it is not clear that the aspirations will be achieved. Other details should be further amended.

Badgers /BPZ

No badger signs were recorded during a site visit by the Borough Ecologist in 2018 or in the course of the PEA survey in 2016. The first definite records seem to have been from 2020. Badgers were active in the area of the West Pinner (Large) Allotments site at that time and it was reported that a badger sett had been blocked off on adjoining land. It is possible that badgers moved to here from there or from elsewhere along the rail line in 2019.

The current proposal to create a badger protection zone (BPZ) around a new artificial sett, retaining existing vegetation where practicable is more sympathetic and a better prospect than the previous proposal.

It is assumed that the resulting works will have some impact on vegetation in the BPZ but that if this would affect BNG figure, any agreed offsetting arrangements will need to be adjusted accordingly. In practice, this is only likely to be necessary if installation of the sett would necessitate tree removal or extensive vegetation clearance.

Subject to Natural England's evaluation, I consider that provided appropriate measures are implemented in relation to the path and fencing and the provision and management of vegetation with the BPZ it would stand a reasonable chance

of being successful in providing a long-term home for badgers where more deliberate disturbance or other illegal activities would be much less likely.

For the longer term, incorporation of management activities for the BPZ within the wider LEMP would be required. Were the badgers to vacate the premises after the main phase of construction begins, the BPZ should continue to be managed in accordance with the provisions identified via any Natural England Licence or otherwise incorporated within the LEMP.

Green roofs

The general incorporation of biodiverse green roofs is welcome, contributing significantly to on-site mitigation. Since not all of the green roof areas will be bio-solar, it is strongly suggested that more than one type of seed mix be incorporated so that these can be treated differently, deepening the minimum substrate level and including a higher proportion of species that are drought tolerant. In the absence of any ground level water features, some of the roofs should also include the provision of ephemeral pools.

The necessary details about the green roofs are lacking. Any planning permission should be subject to a pre-commencement condition which should also require demonstration that what would be acceptable can be achieved within the roof load-bearing tolerances of approved building designs.

Invertebrates - Any final Landscape and Ecology Management Plan should provide more definite information in relation to invertebrate species. This particularly includes shelter features provided in conjunction with the green roof areas. The LEMP should consider invertebrate needs and provide clear instructions in relation to the management of the habitat areas - working within the constraints.

Shelter - Provision should be on the basis on one single or multiple occupancy wildlife shelter per residential unit. This would need to be secured by a pre-commencement condition in order to ensure that any conflict in placement or materials choice would be avoided.

Off-site provision: Once the onsite contribution and any potential measures at the allotments have been accounted for, the greater part of the offsetting requirements to meet the Council's expectations would need to be delivered elsewhere. Some of what is required would need to be of the same or greater distinctiveness than what is to be lost and some would need to directly address the provision of lowland broad-leaved woodland. A strategically-located woodland creation site has been identified and use of this in offsetting the developers' obligations has previously discussed with their consultant. Were the development to be approved, this is the approach that the Council would propose, with part of a S.106 agreement securing funds against the creation and long-term maintenance of the required number of biodiversity units, the Council

assuming responsibility for their provision and ongoing management/monitoring of the planned habitat bank.

Taken in the round and subject to

- (a) Natural England granting a licence to close the existing badger sett based on the submitted mitigation proposals and any subsequent modifications;
- (b) Reappraisal and modification of the landscaping proposals and revision of the BNG assessment as appropriate;
- (c) Agreement to fund mitigation and gain through habitat creation at other sites in Harrow in accordance with the Council's existing approach;
- (d) Delivery of the scheme as proposed, subject to (a-c)

The overall result should be provision of a new development incorporating a range of positive measures which, whilst reducing the degree of green infrastructure on site provides a secured, by-design BPZ, and increases species diversity and foraging and shelter opportunities locally whilst supporting positive measures to support nature's recovery in Harrow.

Officer Comment: *Suitable conditions/S106 obligations to address the issues above have been attached.*

Natural England

- No Objection
- Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes
- We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Fire Consultant:

- With regard to the vertical means of escape it is noted that an evacuation lift is to be provided for each of the blocks.
- It is also noted that in the same section of the report that refuges are proposed. This is incorrect, guidance for the provision of evacuation lifts in BS 9999:2017 that where evacuation lifts are provided dedicated refuges with hard-wired communications should also be provided.
- The relevant provisions of for evacuation lifts are given in annex g of BS 9999, what they are proposing does not follow the British Standard.
- Noted that the current standard (BS 9999) is a design and build document for commercial buildings. While updated guidance is due to come out soon, this is the only current standard in force.
- Developers and designers therefore need to consider introducing a concierge facility.

- If you accept what they are suggesting it could mean that in an emergency someone with a disability will be fending for themselves.
- A condition could be considered; however, note that we would interpret the wording of Policy D12.B to require adherence to current standards not future ones.

Comments to revised documents:

- Points that require clarification:
 1. In form 3 Provision of lift documents mentions that residents will be offered evacuation training to ensure that there will always be adequate responsible people onsite. This was not advised due to the question of liability.
 2. The document outlining the operation of the communication system to be used with the lifts does not make clear that the system can be operated from within the lift car, so this will need clarification.
- Aside from the above, the rest is satisfactory.
- Further revised documents (Rev C) are acceptable

Environmental Health Officer:

Air Quality and Contamination:

- Having reviewed all of the documents and been provided with additional clarification by the consultants, as long as the development continues in line with the assessments and proposed mitigation schemes outlined below, I have no objections to the development.
 - 1) Air Quality assessment mitigation scheme set out in table 16 page 24 of the report (relating to construction management of dust and particles).
 - 2) Contaminated Land report, The report identifies a couple of issues and recommends further intrusive sampling but from additional information it seems the applicant proposes to go further than the recommendations of the report and dig and dump a significant level of soil. In order to be clear, we would like to see a final method statement detailing the proposed work any specific areas of concern, the extent of the soil to be removed and details of analysis of the replacement topsoil.
 - 3) In addition to a statement of commitment to achieve or better the mitigation proposed by the above reports I would also like to see a condition requiring a completion certificate to provide assurance that the development has been undertaken in accordance with them

Noise:

1. Methods: BS 8223:2014 Guidance on sound insulation and noise reduction for buildings (BS 8233) is used but no reference to the more specific Department of Transport Calculation of Rail Noise (CRN) 6 publication, which covers more readily the monitoring of frequent passes of a noise source (i.e. train). Please advise if this CRN was considered and how this was resolved.

2. Please advise if any night time monitoring was undertaken and reasons if not. If there was – please provide the reference in the report and what use the night time monitoring was put to.
3. The baseline conditions for noise and vibration (no definition for baseline – presuming this is “background” noise level – please confirm) were obtained during COVID-19 Pandemic, between lockdown periods July 2020 – and it is explained that there should be no difference in relation to train running schedules that there are now. Please can evidence be provided of this.
4. Position of baseline condition noise equipment point is queried since it is not near most sensitive receptor or presentative position. Please can you advise also where the vibration equipment was positioned. Please refer to relevant British Standards to validate points.
5. No noise impact assessed for the residents already there on Pinner Road, in relation to this development going ahead and when it is in situ. Please advise why this was not done.
6. Issues with overheating and levels of 5db over the required level for noise – will occur, says report – but seen as acceptable as long as occurrences are minimised – not satisfactory mitigation. Is any further explanation on this.
7. Reliance on use of MVHR units to some occupancies - even though quote the benefits of being able to open windows – and should be available for the proposed occupiers. Also, no assessment of the noise loading inside by the MVHR unit has been done and required (as flagged by report itself). But then highest LAFmax on the southern façade of block 1 – apparently standard glazing and trickle vents are satisfactory. Please give detail to explain these queries.
8. Balconies most exposed to rail noise (Block 1 South Elevation) – 57db as opposed to 55db which is the limit required by the BS 8233 – which they say is obtainable with a solid glass balustrade – as long as the occupiers are sitting down. Not satisfactory mitigation, although would be happy to receive any further explanation.
9. Would like a plan to be absolutely sure what is meant by “entire Southern boundary” ref noise barrier location.
 1. My conclusion would be that the noise report is not satisfactory at this stage and that in turn noise, in particular, and vibration from the nearby railway will unduly effect future occupants of this development. In addition, there has been no assessment of the development’s effect on the current residents / properties.

Comments to revised documents (Noise):

Supplemental report has concentrated on noise measurements.

- Their conclusion was overall measured levels are indicative of a robust data set and levels are typically 3-4dB lower than the previous survey conducted in July 2020.
- That can be aligned that with the vibration part being still satisfactory within the original report – bearing in mind undertaken in between two lock downs – and on which we were critical of.
- If this is acceptable to the LPA, any other relevant eventualities could be covered with a condition or informative with regards vibration being monitored and any adverse results being dealt with and resolved in a proper manner and in relation to relevant Standards, if notification is received within the first 12 months of occupation.

Officer Comment: *With regard to Point 5 above (noise assessment on nearby residential properties), as the development is for residential properties (rather than an industrial, business or other “noise-generating” use), such an assessment is not required. See paragraphs 6.5.10- 6.5.11.*

HSE

- No concerns to raise with regards to this (re: hazards/contamination on site).

National Planning Casework Unit, DCLG

- No comments received.

Historic England

- We do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

NHS

- We have reviewed the online documents and have used the information to run the HUDU model. NHS NW London ICB would like to request a capital contribution of £115,686 to contribute towards the development of local healthcare facilities within a 1.5 mile radius, to mitigate the population increase brought to the area as a result of the proposed development.

Officer Comment: *The HUDU model has been superseded by the Community Infrastructure Levy (CIL) system. Thus, the HUDU payment above cannot be applied, instead the development will be liable for CIL, should it be granted.*

Campaign for a Better Harrow

- No comments received.

Thames Water

<ul style="list-style-type: none"> • No comments received.
<u>Affinity Water</u> <ul style="list-style-type: none"> • No comments received.
<u>EDF Energy</u> <ul style="list-style-type: none"> • No comments received.
<u>National Grid</u> <ul style="list-style-type: none"> • No comments received.
<u>Department of Transport</u> <ul style="list-style-type: none"> • No comments received.

5 **POLICIES**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

‘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.’

5.2 The Government has issued the National Planning Policy Framework [NPPF 2023] 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.

5.3 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].

5.4 A full list of all the policies used in the consideration of this application is provided as Informative 1.

6.0 ASSESSMENT

6.1 The main issues are:

- Principle of the Development
- Affordable Housing, Mix and Tenure
- Character of the Area and Design
- Residential Amenity
- Traffic, Parking and Servicing
- Flood Risk and Drainage
- Ecology, Landscaping and Biodiversity
- Energy and Sustainability
- Fire Safety
- Air Quality and Contamination
- Statement of Community Involvement
- Planning Obligations

6.2 Principle of Development

6.2.1 The relevant policies are:

- The National Planning Policy Framework (2023)
- Harrow's Core Strategy (2012): CS1.A
- London Plan (2021): H1, E11

Principle of Redevelopment for Residential Use

6.2.2 The site is not designated as any form of protected land (although it may have been in the past); and a historic application for a wildlife reserve does not appear to have been implemented. There is therefore no designated use or protections on this site, and no policy impediment to development of this site for housing.

6.2.3 The previous application ref: P/3450/21, which proposed a similar development but with a greater number of dwellings, was considered to be acceptable in principle, but was withdrawn primarily due to issues arising from the presence of badgers on site and with regard to biodiversity net gain.

6.2.4 The proposed development would provide a meaningful contribution to the boroughs housing stock, which would assist the borough in meeting its London Plan (2021) target of 802 homes per year. Furthermore, the planning application proposes to provide affordable housing which would be compliant with the London Plan and local policies and guidance in terms of type and quantity. Subject to approval of the specific details of that affordable housing provisions (see below) and an early-stage review mechanism which will be required to be secured by way of a S.106 obligation, this would be acceptable.

- 6.2.5 It is acknowledged, however that the site does comprise an informal green space which does provide valuable amenity and habitat to the local area. Thus, the acceptability of the scheme depends on ensuring the biodiversity matters are appropriately and robustly addressed.
- 6.2.6 Having regard to the London Plan (2021) policy H1 and the Council's policies and guidelines, it is considered that the principle of the proposal is acceptable., subject to further consideration of the biodiversity/ecology, affordable housing provision, and other material matters.
- 6.2.7 The proposal does not include any employment provision; however the permission will be subject to a S106 agreement which will include provisions for a training and employment plan including local employment and supplier targets.

6.3 Affordable Housing, Mix and Tenure

6.3.1 The relevant policies are:

- The National Planning Policy Framework (2023)
- Harrow's Core Strategy (2012): CS1.I/J
- London Plan (2021): GG4, H4, H5, H6, H10
- Harrow Development Management Policies (2013): DM24, DM50
- Mayor of London Affordable Housing and Viability Supplementary Planning Guidance (2017)
- Supplementary Planning Document: Planning Obligations and Affordable Housing (2013)

6.3.2 Affordable Housing is detailed in the National Planning Policy Framework (2021) as housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the definitions within the following: affordable housing for rent, starter homes, discounted market sales housing or other affordable routes to home ownership (including shared ownership). The proposed development triggers an affordable housing requirement as it constitutes a major residential development.

6.3.3 The proposal would provide 10 affordable units (comprising 37 habitable rooms), of which 6 are social rented units (25 habitable rooms), and 4 are intermediate units (12 habitable rooms). This amounts to 35.5% of the total housing (by habitable room).

6.3.4 Policy H4 of The London Plan sets out a strategic target for 50% of all new homes delivered across London to be genuinely affordable. Policy H5 sets out the "threshold approach" to affordable housing, whereby applications which meet or exceed 35% affordable housing on certain sites would not, *inter alia*, be required to provide a viability assessment. Having regard to Harrow's local circumstances, Policy CS1(J) of the Core Strategy sets a Borough-wide target

for 40% of all homes delivered over the plan period (to 2026) to be affordable, and calls for the maximum reasonable amount to be provided on development sites. In terms of dwelling mix, London Plan Policies makes reference to the priority that should be accorded to the provision of affordable housing. Policy DM24 of the Development Management Policies requires development proposals to secure appropriate mix of housing on site and to contribute to the creation of inclusive and mixed communities, having regard to the target mix for affordable housing set out in the Councils Planning Obligations SPD. Considerations include the priority to be afforded to the delivery of affordable family housing, the location of the site, the character of its surroundings and the need to optimise housing output on previously developed land.

- 6.3.5 In terms of tenure split, Policy H6 of the London Plan requires a minimum of 30% of homes to be affordable rent or social rent, 30% to be intermediate products which meet the definition of genuinely affordable housing, and the remaining 40% to be determined by the borough as low cost rented homes or intermediate products. At a local level, Harrow's planning obligations require that the Affordable units are split by tenure: 70% London Affordable Rent (LAR) to 30% London Shared Ownership / Intermediate units.
- 6.3.6 The proposal meets the criteria for the threshold approach under Policy H5, and as such no Financial Viability Assessment (FVA) has been submitted.
- 6.3.7 The Council's Policy officer and Housing officer have reviewed the proposed details, and agree that the provision is compliant with London and local policies, and would be acceptable in terms of affordable housing provision. It is noted that the 7 Affordable Rent units are located in Block 2 and do not share a core with private units, while the Intermediate units are located in Block 3, thus the arrangement is also compliant with the Borough's needs in this respect.
- 6.3.8 On the basis of the above, the proposal would be acceptable in terms of Affordable Housing provision, subject to an early stage review mechanism, to be secured by way of a S.106 obligation, as per the GLA's guidance. The Affordable housing units, including wheelchair adapted units, will also be secured as part of the S106. This has been included within the heads of terms for the scheme.

Housing Mix

- 6.3.9 The London Plan policy H10 encourages new development to offer a range of housing choices in terms of mix and housing sizes and types. This is reinforced by Core Strategy Policy CS1.I which requires new residential development to promote housing choice to meet local needs and to maintain mixed and sustainable communities. Development Management Policy DM24 states that "the appropriate mix of housing will be determined having regard to the location of the site, the character of its surroundings and the need to optimise housing output on previously developed land."

- 6.3.10 The mix of housing provided for Affordable Housing, is satisfactory, as noted above. In terms of the private units, the mix is comprised of 1 and 2-bed units, with the proportion of 1-bed units being particularly high. However, as these comprise private market units, and given the satisfactory mix otherwise, the proposed mix would, on balance, be acceptable.
- 6.3.11 The scheme would on balance meet the strategic housing aim for the borough and accord with policies H4, H5, H6 and H10 of The London Plan (2021), Policy CS1.I/J of the Harrow Core Strategy, policies DM24 and DM50 of the Harrow Development Management Policies Local Plan (2013), the Mayor of London Affordable Housing and Viability Supplementary Planning Guidance (2017), and the Supplementary Planning Document: Planning Obligations and Affordable Housing (2013).

6.4 Character of the Area and Design

6.4.1 The relevant policies are:

- The National Planning Policy Framework (2023)
- The London Plan (2021): GG2, GG6, D3, D11
- Harrow Development Management Policies (2013): DM1, DM2, DM12, DM22
- Harrow's Core Strategy (2012): CS1
- Mayor of London Housing Design Standards (2023)
- Supplementary Planning Document Residential Design Guide (2010)
- Supplementary Planning Document: Tall Buildings (Building Heights) (2023)

Planning Policy Context

- 6.4.2 The proposed development would not constitute a tall building as defined by the London Plan (2021). Notwithstanding this, an assessment of scale and mass (including building heights) has been conducted against all adopted and relevant guidance.
- 6.4.3 Harrow Council has now adopted the Tall Buildings (Building Heights) Supplementary Planning Document (SPD), which provides further guidance to Policy DM1 (Achieving a High Standard of Development) of the Harrow Development Management Policies Local Plan (2013). The Building Height SPD is intended to assist applicants in determining what would constitute a contextually tall building across Harrow. The Building Heights SPD would not conflict with the requirements as set out in Policy D9 (Tall buildings) of the London Plan (2021). Under this SPD, a contextually tall building is one that is equal to or greater than twice the prevailing height. For North Harrow, the prevailing height is considered to be 2 storeys. Given the change in ground levels on this site, all three buildings of the proposal consist of 3 storeys along the southern elevations, but include a lower ground floor level along the northern side, bringing them to 4 storeys. As per the SPD, then, the proposal

would form a contextually tall building. As such, it must relate to the existing pattern of development, be proportional to local prevailing heights, and adhere to a number of design principles. These are addressed in the sections below.

Context and Site Layout

- 6.4.4 The site is very constrained, as it is narrow but long, with access points only at either end, and changing ground levels throughout the site. The presence of TPOs and badgers on site must be considered and incorporated into the design approach. In addition, a strip of land along the southern boundary is subject to restrictions from TfL, which disallow building works within 5m of this boundary, and control the vegetation within a 2m distance of the boundary (including removal and , in order to ensure no interference with services. Such works have been undertaken by TfL within the last two years.
- 6.4.5 The primary entrance to the site is from Neptune Road (at the eastern end), where site levels are relatively equal to the surrounding roads. A series of three buildings are proposed in a linear arrangement along a gently curved road terminating at Block 1. A pedestrian path would then connect through to the western site boundary with The Gardens, and where there is a significant drop in ground levels between northern part of the site and the street. This creates site permeability and a link with the nearby public transportation options, thus increasing sustainability and functionality.
- 6.4.6 The siting of the artificial sett at the western edge is considered appropriate, as it would be somewhat secluded from activity on the rest of the site, provided that the pedestrian pathway is sensitivity designed and implemented.
- 6.4.7 Three blocks would be constructed across the site. Block 1 (to the west, closest to the Badger Zone), is a maximum of four storeys and contains 16 private tenure apartments. Block 2 contains 7 affordable housing units, with a maximum height of four storeys. Block 3 contain 14 units which would be a mix of private and intermediate tenure, and would be a maximum of four storeys high. Due to the topography of the site, the heights vary depending on where they are measured from, and the blocks all have lower ground floor elements, facing north.
- 6.4.8 The footprint of the individual proposed buildings is increased in comparison to the previous proposal, but the number of buildings is reduced to 3 buildings from four. The revised footprints are acceptable, as the buildings maintain a reasonable amount of space with the boundary and with each other (subject to detailed consideration of ecological matters).
- 6.4.9 Taking into account the constrained nature but large size of the site, it is considered by the Urban Design officer that a development of three blocks comprising 37 flats would provide a good level of density without risking overdevelopment or significant overbearing to surrounding sites.

Scale, Massing and Design

- 6.4.10 The surrounding residential properties are primarily two-storey houses. The recent development of flats along The Gardens (nos. 62-66) is three storeys inclusive of habitable roof space, and closer to the existing properties. The proposed development is set within a generously large (albeit narrow) plot, with significant setbacks from all nearby buildings. In addition, the site levels mean that the properties appear as 3-storey blocks from the south. (It is noted that the previously withdrawn scheme ref: P/3450/21 included building heights of 3-5 storeys; the 5-storey building has been omitted and Block 2 and 3 have been increased by one storey each.)
- 6.4.11 The overall height and size of building footprints for all blocks are supported and is considered to present a limited level of overbearing to rear gardens to the north of the site, given the distance from the rear of these houses. Development is well set back from both The Gardens and Neptune Road and will have minimal impact on the street scene of these road; and good distances are maintained from rear elevations of Pinner Road properties and the north elevations of proposed blocks.
- 6.4.12 The scale of the blocks are considered appropriate. Given the topography changes within the site, the buildings will appear from rear gardens of Pinner Road as 4 storeys, although it is noted that the lower ground floors sit at approximately the level of the existing boundary treatments and would be significantly screened. From within the site or adjacent railway (south elevation) Block 2 and 3 will appear as 3-storey buildings as the adjacent communal areas are on the higher ground. The third floor of each building is inset and has a much smaller footprint compared to floors below, appearing highly subservient when compared to the rest of the building massing. This reduces actual and perceived massing, as well as ensuring that overbearing impacts are avoided.
- 6.4.13 Within this context, there is considered to be sufficient setback and separation from existing dwellings to warrant the proposed height on site to a maximum of four storeys; while the relative size of the building footprints relative to the site's area allows generous area for the setting of the buildings and retaining significant amounts of green landscaped area. The development would be considered acceptable in this regard and when considered as a contextually tall building.
- 6.4.14 Lift overruns are shown on the plans, as are the relative heights of PV panels which are partially screened by parapets. The resulting roofscape would not be considered obtrusive.
- 6.4.15 The Urban Design officer raised specific concerns with regard to Blocks 2 and 3 relating to the internal layouts of some units, design (including fenestration) of northern and southern elevations, the need to maximise the use of the southern elevation, and creating additional visual interest on the northern elevations of these blocks. Revised plans have been provided which the Urban Design officer found acceptable. Additional concerns were raised by

planning officers regarding the level of overlooking to the gardens of the properties along Pinner Road, adequate light and outlook for future occupiers (in particular for north-facing aspects) and minor details of the internal layout. Further revisions have been received which address these points, including the use of oblique angled windows for bedrooms on the northern elevation, reduction in size of other (secondary) windows, and re-location of balconies to the southern elevation. It is considered that these amendments have addressed the issue of overlooking and loss of privacy and the development can now be considered in compliance with relevant policies on this point.

- 6.4.16 The north elevation of all proposed blocks initially raised concerns due to a lack of visual interest, which is of particular concern due to their facing the rear gardens of the houses along Pinner Road. It is noted that in order to address the overlooking issue, the fenestration on northern elevations has been limited, and this results in a more plain façade that would otherwise be sought. Revised plans submitted for Blocks 2 and 3 are considered an improvement; and green walls would be proposed for some elevations, which would help create visual interest and amenity. The Urban Design officer also considers that the use of a red/brown metal cladding to the uppermost storeys and lift overruns successfully terminates the blocks and provides visual interest, as does the use of other materials such as timber cladding details. Projecting course panels in the brickwork are also used .
- 6.4.17 The proposal for a cross-laminated timber-based structure for the development is fully supported by the Urban Design officer. The proposed external material palette, with brick being the primary external material.
- 6.4.18 Subject to a condition for details of materials (attached to this permission), which would ensure the development is done to a high degree of quality, as well as other conditions ensuring the green walls are implemented and maintained, the external appearance of the buildings is considered satisfactory.

Secure by Design

- 6.4.19 The proposal has been reviewed by the Secure by Design (SbD) officer, who has had direct consultation with the applicant prior to the submission of the application, which informed the design presented here. The SbD officer considered that the design of the proposal is overall well considered and, if constructed as planned with the Secure By Design advice fully followed, would achieve a high Secured By Design award. A condition to ensure that the development achieves a Secured by Design accreditation to ensure measures are in place to reduce opportunities for crime and disorder is recommended. However, the SbD officer has raised a concern with regard to the lighting along the pedestrian path between Block 1 and the access to The Gardens. This is dealt with in details in the “lighting” section below.
- 6.4.20 No concerns were raised regarding negative impacts to the security of the railway, so far as Secure by Design and planning matters go; nor have any concerns regarding security been raised by TfL. There is no basis to consider

that the development would increase crime or anti-social behaviour in the area. As the site would be brought into active use, and would introduce passive surveillance, as well as having controlled access to the site, it would be more likely to help reduce crime occurring on the site or affecting adjacent properties. The SbD officer has not raised any concerns regarding increased security risks to adjacent sites or the creation of generators of anti-social or criminal activity, including drug use.

Access

- 6.4.21 The proposal would utilise the existing vehicle access off Neptune Road (on the eastern end of the site). The gated and fobbed vehicular access point to the east of the site is supported by the Urban Design officer.
- 6.4.22 The western pedestrian access route to The Gardens is required for the best functionality of the site, but must be well-lit (without compromising the adjacent badger protection area), given it lacks much passive surveillance, with no buildings adjacent to it. A gated and keyed, resident-only access system is supported. Both access points would be therefore controlled; which would control and limit access into the site (and addresses concerns raised by adjacent residents in this regard). Although “gated” communities are generally avoided under current planning policy, given the specific site circumstances here, including the significant distance of the buildings from the access points and the need to minimise disruption to the BPZ, this approach is considered appropriate for this development.

Bin Store Appearance

- 6.4.23 The bin store for Block 1 is located internally; while for Blocks 2 and 3 external stores are used. The proposed external stores include sedum roofs and “bug hotel” features, and are considered to contribute positively to the site’s biodiversity for this reason. The original location of the communal bin store for Block 3 was not supported, as it was too close to the amenity space for one of the units. This has now been revised to a more appropriate location.

Landscaping and Trees

- 6.4.24 As noted above, the site includes an “exclusion” zone along the boundary with TfL, which enables TfL to control, and when necessary, cut or remove, the vegetation that grows adjacent this boundary to prevent interference with rail services. As such, the type of plantings that can be implemented as part of the landscaping along this boundary are limited to those which would be allowable by TfL. This has been accounted for in the landscaping plan.
- 6.4.25 As the landscaping in this case is integral to the biodiversity matters, landscaping is dealt with in more detail below under “Ecology, Landscaping and Biodiversity”. For the purposes of considerations of character, layout and appearance, it is noted that the proposal would remove much of the existing vegetation on site; and would provide for extensive landscaped areas around

the buildings and BPZ. Additional landscaping is provided on features such as roofs, walls and fences, increasing the visual amenity on site. The overall layout of the hard and soft landscaping is broadly supported, subject to additional considerations as set out elsewhere in this report.

Lighting

- 6.4.26 The proposed lighting strategy is broadly supported and addresses pedestrian access from the east and west of the site, as both routes are not well-overlooked.
- 6.4.27 The proposal utilises three types of lighting. Column mounted lighting (4m high) is used along the access road and vehicle parking areas. Wall-mounted lighting is used along the fronts of the buildings to light the entrances and access. Bollard lighting is used along the pedestrian pathway between Block 1 and the access to The Gardens.
- 6.4.28 The use of lighting adjacent the Badger Zone is not ideal. However, the use of low-level bollards helps to reduce the amount of overspill light; and it should be noted that the bollards will be on lower ground level than the Badger Zone due to the site's ground level changes, which will also limit light spill. The applicant also states that the lighting proposals have also been made in accordance with the ILP guidance for Bats and Artificial lighting. The applicant further noted that boundary treatment, such as trees and bushes, have not been modelled and will further reduce light spill to the surrounding environment.
- 6.4.29 The Secure by Design officer has raised concerns that the lighting along this pathway should be increased and should not be limited to low levels, especially given there is limited natural overlooking to this area. However, this would conflict with the needs of the Badger Zone. As the access at both ends of the site is controlled, the pathway would not be open to the general public which would limit users to primarily, future occupiers of the site. On balance, then, it is considered that the proposed lighting in this area would be satisfactory. A condition is attached to this permission for finalised details of the external lighting strategy, which would also ensure light levels would not cause any nuisance to future or adjacent occupiers. Subject to such a condition, the external lighting is satisfactory.
- 6.4.30 The site is constrained and presents several challenges, however it is considered that the proposal would represent an appropriate form of development and layout for the site. The scale and massing of the buildings retains generous amounts of landscaped areas to provide an appropriate setting, and given the separation distance from adjacent properties and changes in levels, the relationship of the buildings to its surrounding context, including its relatively heights, is considered to be acceptable, subject to the above noted conditions.

6.5 Residential Amenity

6.5.1 The relevant policies are:

- The National Planning Policy Framework (2023)
- The London Plan (2021): D3, D5, D6 D7, D11, D14, S4, SI 4
- Harrow Development Management Policies (2013): DM1, DM2, DM27, DM28
- Harrow's Core Strategy (2012): CS1
- Technical housing standards - nationally described space standard (2015).
- Mayor of London Play and Informal Recreation Supplemental Planning Guidance (2012)
- Mayor of London Housing Design Standards (2023)
- Mayor of London Affordable Housing and Viability Supplementary Planning Guidance (2017)
- Supplementary Planning Document: Residential Design Guide (2010)

Impact of Development on Neighbouring Amenity – Nos. 121-255 Pinner Road

6.5.2 The most directly affected neighbouring residents of the development would be the directly adjoining properties, nos. 121-255 Pinner Road. The proposed development would introduce 3 no. buildings up to 4 storeys high to the application site, across part (but not the whole) of the boundary along these properties. Although these neighbouring properties have relatively long rear gardens, which provides some buffering with their main living areas, the gardens are nonetheless private amenity space for these residents which must be considered.

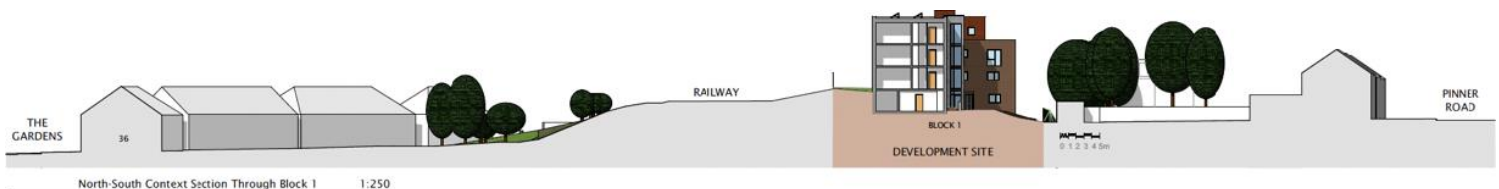


Figure 1: Contextual Cross Section of Block 1 (with The Gardens on the right, and Pinner Road on the Left)

6.5.3 With regard to visual impacts, the buildings would be sited between 17-30m distant from the rear elevations of the existing houses. For reference, a distance of approximately 18m is generally considered sufficient in suburban areas within the borough to effectively mitigate impacts of a development on adjacent properties. Additionally, some of the rear gardens do have outbuildings/structures in their rear gardens which would partially screen parts of the development. The use of landscaping along the boundary to help buffer between the development and these properties does assist to some degree, but cannot be fully relied on and does not fully mitigate the visual impacts on its own. The proposal would not contravene the Council's 45-degree code, which aims to ensure visual and overbearing impacts are minimised.

- 6.5.4 In addition, the proposal would utilise green walls on some of the northern elevations which would soften the appearance of the buildings and provide a degree of green visual amenity in views from these adjoining properties. As noted below, conditions and obligations have been attached to this permission to ensure that the green walls and other ecological measures are implemented and maintained on site. The visual impacts are considered to be reasonable given these factors.
- 6.5.5 With regard to daylight and sunlight, the submitted Daylight & Sunlight Assessment states that the adjacent houses on Pinner Road which are directly affected by the proposal are nos. 157-255 Pinner Road as well as 58, 62, 64 and 66 The Gardens (the 54 houses identified as sensitive receptors). For the daylight analysis, the report shows that all of the tested windows of these properties would meet the BRE Guidelines for VCS (vertical sky component) and No Sky Line test, with 100% of these neighbouring windows meeting both these tests. The sunlight analysis for these same windows, 100% of the windows meet the 3 relevant tests. With regard to impacts on the rear garden area, a Sun on the Ground analysis, which assesses the shadowing impacts on the amenity areas as it would be on the Spring Equinox, shows that impacts on all the neighbouring gardens meet the BRE guidelines (that half of the garden or amenity area receive at least 2 hours of direct sunlight on the 21st of March, and/or the sunlight shall not be reduced by more than 20%). It is noted in the report that BRE guidelines do not provide any thresholds or assessment criteria for overshadowing analysis carried out at any date other than 21st March.) Figure 2 below, taken from the DAS, shows the diagram for this analysis.
- 6.5.6 With regard to daylight and sunlight impacts, there would be no discernible impacts on rear windows of these properties (given the distances involved). The rearmost part of affected gardens would experience some overshadowing, but this would remain within BRE guidelines. Given this, it is considered that the proposal would not result in an unreasonable level of overshadowing and daylight impacts on these neighbouring properties.

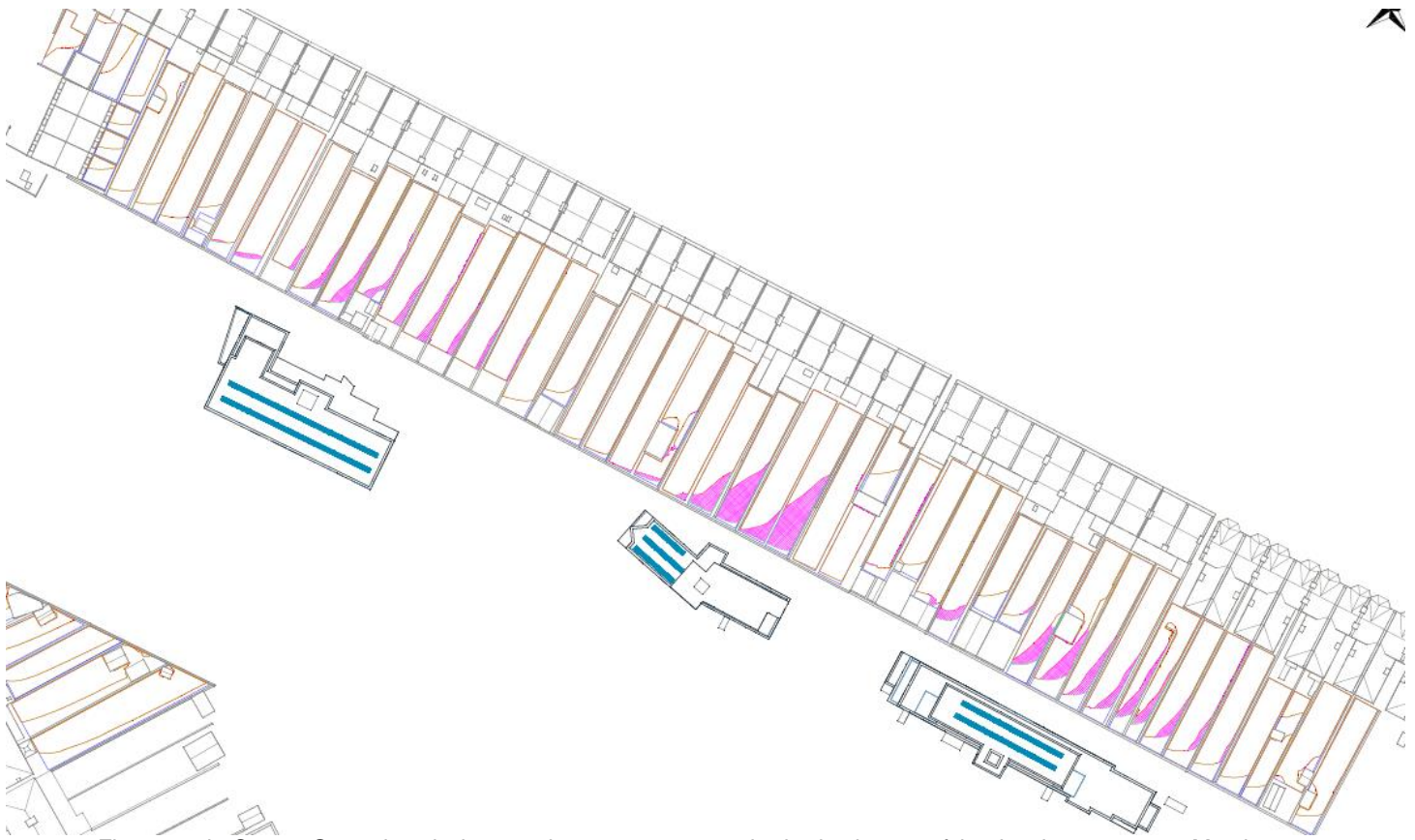


Figure 2: 2hr Sun on Ground analysis – purple areas represent shadowing impact of the development on 21 March.

6.5.7 The distance of the rear windows of these properties from the common boundary would mitigate issues of privacy relating to habitable room windows, but would not fully mitigate overlooking or privacy concerns to the garden areas. Nevertheless, overlooking to rear gardens and habitable room windows of Pinner Road properties is considered to be mitigated through a reduced number and size of secondary window openings, the use of angled window forms for primary habitable room windows on Blocks 2 and 3, and moderate heights of blocks. All north-facing windows on upper levels of Block 1 serve non-habitable rooms or corridors, or are secondary windows to habitable rooms, are small in size and can be conditioned to be obscure-glazed. Secondary windows for Blocks 2 and 3 would also be conditioned to be obscure glazed.

6.5.8 Some balconies have side openings facing north, which could also result in overlooking and loss of privacy. These can be conditioned to have privacy screening.

Impact to Nos. 7-14 Neptune Road

6.5.9 The closest of the three blocks to the Neptune Road entrance (Block 3) would be sited 125m from the access point. Given this, it is not considered that the proposal would have any direct impacts upon the properties along Neptune

Road in terms of amenity impacts. Issues relating to traffic and parking are dealt with separately below.

Impact to Houses along The Gardens

- 6.5.10 The boundaries of properties to the south as located approximately 40m from the site boundaries as measured from the location of Block 1. Given this distance, it is not considered that there would be significant amenity impacts upon these properties. In addition, the submitted Daylight and Sunlight assessment demonstrates the closest of these houses would not suffer significant daylight/sunlight impacts.

Noise & Disturbance

- 6.5.11 The proposal would involve a residential development in a residential area, and so in this regard would not be considered to be unsuitable. Given the distance of the blocks from surrounding houses, the general disturbance of comings and goings of residents would not be considered to be significant for existing neighbours.
- 6.5.12 The proposed internal road would introduce vehicular traffic into this area, and concerns have been raised by local residents about the pollution this would entail, in particular given that the site's levels (including the proposed internal road) would be above those of the adjacent rear gardens. However, given the low volumes of traffic this would involve and the distance of the houses from the site boundaries, it is considered that the disturbance which would be caused would not be significant. In some places, Block 2 and 3 would be sited between the road and the gardens, and so would further buffer noise and other impacts. Furthermore, transport related emissions from the site were also assessed as part of the Air Quality Assessment, and were shown to be neutral in line with the London Plan guidance. This report was reviewed and approved by the Council's Environmental Health officers. An additional concern was raised that the development of the site would result in a loss of the existing noise buffer with the railway. However, the embankment would remain, and the introduction of new buildings would increase noise buffering in some parts of the site. Although existing vegetation would be removed and replacement plantings would take time to get established and grow, these would still provide for the same buffering function once established.
- 6.5.13 Based on the above, it is not considered that the proposal would cause significant harm to the neighbouring residential amenity in accordance with policy D6 of The London Plan (2021) and policy DM1 of the Harrow DMPD (2013).

Future Occupiers – Internal Configuration and Quality of Accommodation

- 6.5.14 Policy D6 of the London Plan specifies that boroughs should ensure that, amongst other things, 'housing development should be of high-quality design and provide adequately-sized rooms with comfortable and functional layouts'.

It also sets out the minimum internal space standards for new dwellings. The use of these residential unit GIA's as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. The National Technical Housing Standards provide additional detail.

- 6.5.15 The Mayor's Housing Design Standards (2023) states that new homes should be dual aspect unless exceptional circumstances make this impractical or undesirable; and that where single aspect dwellings are proposed they should be restricted to homes with one or two bedspaces; should not face north; and must demonstrate that the units will: have adequate passive ventilation, daylight and privacy; and not overheat (particularly relevant for south or west-facing single aspect units). Policy DM1 undertakes to assess amenity having regard to the adequacy of the internal layout in relation to the needs of future occupiers.

Internal Layout

- 6.5.16 The internal floor areas would meet or exceed the minimum space standards as set out within the Mayors Technical Housing Standards – Nationally described (2016) and The London Plan (2021). The London Plan also seeks 2.5m floor to ceiling heights for 75% of the Gross Internal Area (GIA), the development provides a minimum of 2.6m floor to ceiling heights on all levels. The overall layout and circulation space of each unit is good. Built-in internal storage is generally good although some units have marginal shortfalls of 0.1m³, which would on balance be acceptable. Unit 19 had a shortfall in storage space of 1.0m³, which would not be acceptable; however, the submitted revised plans have corrected this and the storage space for Unit 19 is now in compliance.
- 6.5.17 The internal layout and arrangement of Blocks 1 and 2 allow for a reasonable number of dual aspect units. Revised plans were provided to improve the layouts of some units, to increase the number of dual aspect units and allow for more south-facing units. These changes have improved the scheme which is now more satisfactory. North-facing single aspect units are now limited to 3 no. units on the lower ground floor of Blocks 2 and 3 and 1 no. unit on Block 1 (which are constrained by the site levels); and there are 8 south-facing single aspect units in Blocks 1 and 3. These are all 1 or 2-bed units. Although fewer single aspect units would be preferred, on balance and given the constraints of the site including the fall in ground levels and the need to limit overlooking on northern aspects, the proposed number of single aspect units is considered acceptable and in compliance with the Mayor's Housing Standards.
- 6.5.18 Outlook for most units is good, however, the lower ground floor units for Blocks 2 and 3 have some limited outlook due to their proximity to the boundary fence. Nevertheless, some distance is provided (2-3m at minimum) and the area would be landscaped to provide visual amenity. Given the relatively small number of units affected, this is considered, on balance, acceptable.

- 6.5.19 The stacking arrangements between the floors of each block are generally good, but with some overlaps. As the proposal would be subject to building control regulations which would include noise mitigation measures, however, this degree of overlap would be acceptable.
- 6.5.20 The submitted Daylight & Sunlight Assessment demonstrates that all but 3 habitable rooms of the proposed development – as originally proposed – would be within BRE guidelines for daylight in winter. Of the 3 rooms that do not meet the criteria, 2 are kitchens (Units 17 & 18) and 1 is a bedroom (Unit 28). For measurements of direct sunlight, 8 of 37 would not meet the BRE guidelines for both winter and summer crown conditions; all of these are north-facing windows. However, the internal layout of 2 of these 8 flats (Units 27 & 28) have been amended in response to comments from the Urban Design officer; an Addendum from Herrington Consulting Ltd. confirms that BRE Guidelines are met in at least one habitable room within each of these 2 units. Both units have been re-arranged so that they now have south-facing windows and patios. On this basis, it is considered that these units now have an overall improved layout and access to natural light.
- 6.5.21 Further amendments were made to the layouts of other flats following further concerns raised by officers regarding overlooking to neighbouring rear gardens, affecting 2 more of the above 8 units (Units 32 and 33). These have been reoriented to face the southern side of Block 3, so that windows and balcony are all now south rather than north facing. Although this has not been formally re-assessed by the Daylight & Sunlight expert, given the shift from north to south-facing it would reasonably be expected to achieve an improvement in daylight and sunlight to these units.
- 6.5.22 Of the remaining 4 north-facing units noted above, these are located on ground or lower ground floor levels, and options for south-facing aspects are limited due to site levels. Given their location and orientation, as well as the site topography in this location, there are few mitigation measures which can be put in place to remedy this situation. The lighting levels in these units is therefore acceptable.
- 6.5.23 On balance, this lower number of overall units which would not fully meet BRE criteria would not be of sufficient weight to justify refusal. Overall and on balance the development would therefore result in an acceptable level of daylight and sunlight to the proposed units.
- 6.5.24 Circulation space in the internal communal areas is reasonably good, with minimum hallway widths provided. Stairways and lobbies are provided with reasonable natural light, except where this is limited on the lower ground floors by the site levels.
- 6.5.25 The site is adjacent railway lines, and as such the proposed units would be subject to significant noise and vibration from passing trains. The proposal would include an acoustic fence, and double-glazed windows with trickle vents

as well as mechanical ventilation. Provision of foliage and hedging to the southern boundary help partially limit noise pollution from the railway line, as well as providing visual amenity, but cannot be relied on, in particular given the rights TfL have to remove or cut vegetation.

Noise, Vibration and Overheating

- 6.5.26 The submitted Noise and Vibration report provided some details which were satisfactory; however the Environmental Health officer raised several concerns. Among the primary issues were the timing of the data collection relied upon for the assessment if noise impacts from the adjacent railway, which was done in July 2020, in between Covid-19 pandemic lockdowns, as well clarification regarding other technical details of the data collections such as the number of monitoring points, night-time monitoring and the specific BS guidance relied upon. The Local Planning Authority (LPA) raised concerns about the technical details and whether the measurements would reflect the current levels of train activity, and therefore noise, given the timing of the original surveys. Other minor issues were also raised, including whether the sound levels for south-facing balconies would be acceptable, given that the calculated noise exposure would be 2db above the guidance.
- 6.5.27 The applicant subsequently submitted an updated Technical Note which included a fresh noise impact survey. This survey addressed the key concerns raised, and the new measurements indicated a slightly lower level of noise than in the original survey. On the basis of the revised data, it is considered that the proposal would not result in an unreasonable amount of impacts to the future occupiers of the development, subject to the recommended mitigation measures being implemented. These include an acoustic barrier (fence) which is also shown as part of the landscaping proposals, the use of glass balustrades for balconies which buffer a small amount of sound, the use of glazing which would mitigate sound, and MVHR (mechanical ventilation with heat recovery) systems within each unit. A condition has been attached to ensure the proposed mitigation measures are implemented.
- 6.5.28 As MVHR would be relied upon, and given that the proposal constitutes a major application, the development would need to address Policy SI 4 of The London Plan, regarding overheating. A document addressing overheating was submitted, and is sufficient to demonstrate that there would not be likely to be overheating in the future units. The proposal would therefore be considered to comply with Policy SI 4.

Play Space

- 6.5.29 Policy S4 of the Mayor's London Plan seeks to ensure that development proposals include suitable provision for play and recreation, and incorporate good-quality, accessible play provision for all ages, of at least 10 sqm. per child. The proposed development makes provision for multiple small areas of informal, doorstep play space for children, totalling 375.24sqm over the

site. This would include natural play features. The GLA's child yield place space calculator generates a yield requiring a total of 121.7sqm for all age groups on a provision of 10sqm per child. Thus, the total provide exceeds the minimum required. The play space provided would be geared towards younger ages, although as part of detailed landscaping, provisions could be made to provide spaces for older children. It is noted that the entrance to Harrow Recreation Ground is located approximately 400m from the site access off Neptune Road, which would allow also for access to public play space. The play space provided would therefore be acceptable, subject to a condition for detail specification of play equipment, which shall be specified to include some provision for older age groups.

- 6.5.30 The play space does require careful consideration due to its proximity to the internal road, and concerns have been raised by statutory consultees on ensuring that sufficient separation is provided to keep children in particular safe. Given the low levels of traffic, a barrier (bollard or fencing) would likely be satisfactory. Final details of this can be dealt with as part of a landscaping condition attached to this permission.

Private and Communal Amenity Space

- 6.5.31 The Mayor's Housing Standards requires a minimum of 5sqm private outside space per 1-2 bed dwelling and an extra 1sqm for each additional occupant. All units would have their own private amenity space (in excess of the minimum required size). Although winter gardens would be helpful in sheltering balconies from noise /disturbance, they would likely create significant solar gain in summer months, creating uncomfortably warm living spaces. Thus, the balconies as proposed would be acceptable.
- 6.5.32 Terraces on the lower ground floors of Blocks 2 and 3 would be somewhat enclosed due to the changes in site levels, but revised elevations show that these would be provided with side openings that would provide a reasonable amount of light and air circulation, and so would be acceptable.
- 6.5.33 Glazed balustrades as proposed are acceptable for south, west and east elevations. However, glazed balustrades to north-facing sides of balconies would not address overlooking concerns. As noted above, privacy screens would be required as part of a condition, which would address this point. Details of the balcony treatments would also be part of the condition for materials attached to this permission.
- 6.5.34 In addition, there is a total of 275.7sqm of communal amenity space provided on site. Given the changes in ground levels, a significant amount of this area would likely serve as primarily visual and green amenity. Nevertheless, given the ample green space provided and the extensive landscaping to be provided, it is considered that there is satisfactory high-quality communal amenity space within the development. Details of levels, furniture, and other elements of communal amenity are dealt with by condition, which will also provide details of accessibility.

Accessibility

6.5.35 Policy D7 of The London Plan relating to Accessible Housing, requires at least 10% of new housing to meeting building regulations M4 (3) – ‘wheelchair user dwellings. Furthermore, it requires all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) ‘accessible and adaptable dwellings. The proposals would provide 10% of residential units (i.e. 4 units) as wheelchair adaptable units at ground floor level and as such the proposals would be complaint. The submitted information confirms all other dwellings would be compliant with Part M4(2). A condition is attached to ensure compliance with the regulations; while those wheelchair homes which are allocated to Affordable Housing units would be secured as part of the S106 agreement.

6.6 Traffic, Parking and Servicing

6.6.1 The relevant policies are:

- The National Planning Policy Framework (2023)
- The London Plan (2021): T4, T5, T6/T6.1
- Harrow Development Management Policies (2013): DM1, DM42, DM43, DM44, DM45
- Harrow's Core Strategy (2012): CS1.R
- Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2106).

6.6.2 Policies DM1 and DM42 of the DMP give advice that developments should make adequate provision for parking and safe access to and within the site and not lead to any material increase in substandard vehicular access.

6.6.3 Harrow's Highways authority confirmed that the site has a base Public Transport Accessibility Level (PTAL) of 3 (moderate) with the west of the site predicted to rise to 4 (good). It is located close to a neighbourhood parade of shops and services, local bus routes, and a station, and within reasonable walking distance of both Harrow town centre (15-minute walk) and North Harrow centre. It would be reasonable to expect that some people could live here without having to rely on a private car.

Trip Generation and Travel Plan

6.6.4 The Transport Assessment has been assessed by Harrow's Highways officer, and it was confirmed that the likely traffic generation would be minor. Road traffic collision information has been provided covering the last five years, and the Highways officer also confirmed that many of the accidents were recorded as being ‘slight’ and appear to have been at junctions, which is not uncommon. It is considered that the development proposal is unlikely to affect this level of

incidents; nor are any improvements for the existing roads considered necessary to make the development acceptable.

- 6.6.5 Targets for encouraging sustainable transport modes are ambitious, and the planned mitigation measures would increase this number; albeit this may realistically only happen over a longer time frame.
- 6.6.6 The overall impact is therefore unlikely to be severe; surrounding roads and junctions would continue to operate within capacity with no significant queuing anticipated, mainly due to the low level of car parking proposed. The variety of public transport locally does mean that new trips would be spread amongst these options and are also unlikely to have a noticeable impact.
- 6.6.7 It is noted, however, that public comments cite that blockages occur along Neptune Road due to large commercial vehicles associated with the industrial premises. This appears, based on the comments submitted, to be due to improper management and possible traffic infractions of commercial vehicles from these adjacent sites. This would not therefore fall under the purview of planning. Furthermore, as the proposal does not involve commercial uses which would generate this type of traffic, and the existing activities are not part of the site and are outside the control of the developer, it would not be reasonable to attempt to control or sanction it under this application, or to refuse permission on this basis.
- 6.6.8 The application is also supported by a Travel Plan to encourage and support the uptake of sustainable modes of travel, to ensure effective site management and access, and to manage the impacts on the local highway network (and the environment) once the buildings are occupied. (The management of vehicles during construction including staff and visitor cars will be dealt with as part of the Construction Management Plan.) The Travel Plan has been reviewed by the Travel Plan officer. The document is considered acceptable, subject to standard obligations within a S106 agreement to secure its implementation and appropriate follow-up including baseline and follow-up surveys and revised targets based on those surveys.

Car club

- 6.6.9 The proposal would include the provision of one car club space, which is proposed to be located on Neptune Road (thus allowing access by the wider community). This would further reduce dependence on private cars and help support sustainable travel. The details for securing this provision are to be via a S106 agreement.

Site Layout, Access and New Roadworks

- 6.6.10 The proposal would create a vehicular road to connect the blocks with the existing access off Neptune Road, as well as pedestrian access through to both Neptune Road and The Gardens. The creation of a pedestrian access to The Gardens greatly improves the permeability and walkability of the site

and provides almost direct access to West Harrow station (6-minute walk). The LPA would strongly support the inclusion of this pedestrian access for these reasons.

- 6.6.11 The access off Neptune Road is an existing one and the vehicle crossing officer is satisfied with this, subject to appropriate signage being implemented along Pinner Road, as Neptune Road is a one-way street. This will be secured via a S106 agreement. It is noted that the gates are set sufficiently far back from the public road (approximately 11m) to allow for vehicles to wait without blocking the flow of traffic on Neptune Road.
- 6.6.12 Although “gated” communities would normally be resisted, in these circumstances, given the distance of the buildings from the access points, and the need to protect the activity in and around the badger sett, it is considered that controlled gating at both access points is acceptable.
- 6.6.13 The internal road would be shared surface, although a condition for landscaping details would require some differentiation for pedestrians and measures to ensure protection of pedestrian and ensure play areas located near the road are also safely separated from vehicle traffic. As this road would only serve the development itself, volumes of traffic would be anticipated to be low, and the design of the street is intended to help constrain speeds.
- 6.6.14 A road safety audit of the proposal was carried out recently; Harrow Highways officers confirmed this did not identify any issues with the design, subject to detailed design stage. However, the length and width of the road raises some concern as it may be difficult for vehicles to pass each other without overrunning the area designated for walking. This is balanced with considerations that the proposal ensures the space available is given primarily to landscaping/ecology and that a narrow street with low traffic flows is more likely to achieve the intentions of a shared surface. It is also noted that increasing the size of the road may encourage informal and improper parking on site, which would be detrimental and would cause greater problems for pedestrians, cyclists, and passing vehicles. Thus, on balance, it is considered better to accept the road as proposed, and condition detailed design to be submitted, which will ensure the safety of the most vulnerable road users/pedestrians.
- 6.6.15 Swept path drawings have been supplied that demonstrate that cars and lorries can access this site. There is sufficient turning space for both types of vehicle and cars can easily pass each other; there may however, be difficulties with passing lorries. However, as the anticipated flow of vehicles is very low, the likely frequency of vehicles passing each other is low. Provided the route is well lit and maintained, the Highways officer considers the risk to pedestrians is also likely to be low.
- 6.6.16 The proposed design of the access and internal road is acceptable. A highway agreement will be required to enable the developer to carry out the

work; and the S106 will also require the developer to enter into an agreement with Harrow Highways Authority to add additional signage for the one-way operation of Neptune Road.

Delivery and Servicing

- 6.6.17 A delivery and servicing plan has been provided as part of the Transport Statement, which is considered acceptable by the Council's Highway officer. It is considered that 37 flats would not generate a significant level of HGV deliveries per day; and that deliveries are more likely to be undertaken by smaller vehicles (e.g. shopping and small van deliveries). As there is no dedicated parking area for unloading, deliveries will be on-street (within the development boundaries). Given the low number of vehicles expected, this is considered likely to be feasible.
- 6.6.18 The proposal incorporates a combination of a 2-bin communal system and a 3-bin private system. Waste storage for Block 1 would be integrated into the building, while Blocks 2 and 3 would have free-standing waste storage areas. In addition, wheelchair units for Blocks 2 and 3 and Unit 29 of Block 3 will be provided with their own private bin stores for greater convenience. A total of 5 x 1100L communal waste bins and 5 x 1280L recycling bins will be provided across the development (excluding the private bin stores), which would be above the required provision set out by the Council's Code of Practice for domestic waste. The proposed arrangement also ensures that each block has a satisfactory provision of waste storage for the number of units per block. This would therefore address concerns that the development would not provide sufficient waste provision. The Council's Waste management officer has confirmed the arrangements are acceptable.
- 6.6.19 Several concerns have been raised regarding existing fly-tipping on site, fly-tipping at other developments, and concerns that future residents would be prone to fly-tipping themselves. It is noted that the amount of fly-tipping on site at present is not of significant weight in this application, although the development, given it would increase passive surveillance and include controlled access, would be more likely to reduce fly-tipping compared to the existing circumstances. Fly-tipping at other sites is not a material consideration, and there is no basis for assuming that future residents would be prone to fly-tipping, given that waste storage provisions exceed the minimum required by the Council's Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2016).

Car Parking

- 6.6.20 The site is surrounded by a controlled parking zone; however the CPZ does not include the site itself. Of the 12 parking spaces to be provided, 3 would be disabled bays, with all bays either providing passive or active EVC provision. Given the Site's PTAL (public transportation accessibility level) and accessibility, the starting point for development is "car free", although the

London Plan would allow for a maximum of 0.5-0.75 spaces per dwelling for a site in PTAL 4 (the highest PTAL that could be considered for this site).

- 6.6.21 The application was supported by parking surveys, which show that despite some periods of excessive stress, there is still a good level of capacity for additional parking. Taking the worst-case scenario, accounting for the proposed parking and anticipated overspill parking which would result from the development if no mitigation or conditions are applied, it is considered that the mitigation measures recommended by the Highways officer would ensure the development does not result in unacceptable additional levels of parking / overspill parking. The mitigation measures include a permit restriction agreement and a Parking Design and Management Plan, as well as the proposed car club space and travel plan (both as noted above). These will be secured by way of conditions and S106 obligations.
- 6.6.22 The needs of the disabled must be considered as part of parking provisions, under London Plan policy T6. The proposal provides above the minimum number of disabled spaces required at the outset. However, as part of the Parking Design and Management Plan, it is recommended that the proposal demonstrate how additional bays would be converted to disabled parking in future should demand increase.

Cycle parking

- 6.6.23 Good quality, accessible cycle parking is also essential for achieving modal shift as is a safe and well-maintained environment within the shared surface. The development is required to provide a minimum of 63 sheltered, secure and accessible long stay cycle parking spaces and 2 short stay spaces for visitors. The proposal includes 69 cycle parking spaces in total (63 long stay spaces and 6 short stay spaces). Long stay cycle parking will be provided within dedicated secure communal cycle stores within the proposed buildings for residents, and the short stay cycle parking will be provided outside each block. The long stay store would need to accommodate at least 5% accessible stands. Detailed specifications of the cycle storage are required but can be secured by pre-commencement condition, to ensure that any necessary changes to the design are considered prior to construction.

Construction Logistics

- 6.6.24 A construction logistics plan has been provided which has been deemed acceptable by both Harrow's Highways officers and TfL. A full detailed document will be required prior to commencement on-site by condition, following TfL guidance and format. This should only be submitted when the final contractor has been appointed and is in agreement with the planned measures.

Additional Comments from TfL/London Underground

6.6.25 Transport for London (TfL)/ London Underground have provided comments which request additional conditions not already discussed above. Some of the requested details, however, would sit outside the purview of planning, and would not meet the tests set out in the NPPF for the use of conditions. Other details would already be covered by conditions that have already been discussed above, e.g. for construction logistics. However, it is considered reasonable to impose a condition requiring details of any structural or civil engineering work to ensure that they do not interfere with or pose a risk to the railway infrastructure. Other obligations that the developer may have with regard to TfL property would fall outside of the purview of planning and the onus will be on the developer to ensure that they fulfil these obligations separately, and notwithstanding any grant of planning permission.

Summary

6.6.26 The overall impacts of the development in terms on the surrounding network would be within acceptable parameters. Although the proposal could result in some overspill parking, provided that suitable mitigation measures are secured by condition and S106 obligations, these should be controlled to an acceptable degree. Other finalised details can be secured through conditions.

6.6.27 Therefore, this proposal is unlikely to result in a severe or harmful impact for the surrounding highway network, subject to such conditions and obligations, which are attached to this permission.

6.7 Flood Risk and Drainage

6.7.1 The relevant policies are:

- The National Planning Policy Framework (2023)
- London Plan (2021): SI 5, SI 12, SI 13
- Harrow Development Management Policies (2013): DM9, DM10

6.7.2 Policy DM9.B of the Development Management Policies Local Plan (2013) states, *“proposals that would fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.”*, while policy DM10.D states that *“Proposals that would fail to make adequate provision for the control and reduction of surface water run off will be refused.”*

6.7.3 The site is not located within a flood zone or a Critical Drainage Area. However, there are small areas of flood risk identified immediately adjacent the site, to the north and the west. The Drainage Authority have also previously noted localised flooding has been identified on site. The proposal would result in an increase in hardstanding on the site, and so would result in increased surface water run-off. No concerns have been raised by the Drainage Authority or by TFL with regard to development of the existing embankment affecting flooding or stability.

6.7.4 The Flood Risk Assessment & Drainage Strategy submitted by the applicant is considered broadly acceptable, however the access to the site from 'The Gardens' is identified within surface water flood zone 3a & 3b, and the flood risk at this access point needed to be addressed to ensure a dry/safe access. Revised information was provided which then addressed this point, and the Drainage Authority have approved the details. Standard drainage conditions for surface water disposal, foul water disposal and surface water attenuation & storage area attached to this permission. Permeable paving is proposed as part of the development, and a condition has also been attached for final details of this to be submitted for approval. These conditions would address the concerns regarding water run-off on site, as mitigation measures would be included in these details. In addition, separate consent would be required from Thames Water to connect to the existing system.

6.8 Ecology, Landscaping and Biodiversity

6.8.1 The relevant policies are:

- National Planning Policy Framework (2023)
- London Plan (2021): G1, G5, G6, G7
- Harrow Development Management Local Policies (2013): DM1, DM20, DM21, DM22

6.8.2 The development site is a vacant parcel of land adjacent the railway, which is currently comprised of overgrown vegetation, largely of self-seeded. The site is not designated as a protected area. Although there was a previous permission on the site to create a wildlife sanctuary, this was never implemented and that permission has lapsed. There is therefore no current specific policy definition or Use Class attached to the site. In addition, it must be noted that TfL retain rights over parts of the land, allowing them to control and cut back vegetation in areas adjacent the track, and TfL have undertaken such works in recent years. It is likely that some trimmings have also been carried out by the developer, in particular where required to maintain the access into the site. Several factors create challenges on the site, including the shape of the site and topography, with significant level changes. The site appears to be regularly trespassed and has had ongoing issues with fly-tipping. There is also Japanese Knotweed present on site.

6.8.3 Nevertheless, the site does form an area of natural greenery and woodland with associated wildlife activity, which does have intrinsic value and contributes (informally) to local green corridors; and this must be taken into account, with any harm or loss being satisfactorily mitigated in line with relevant policies. Given this, the proposal can only be considered acceptable if it provides for a satisfactory level of biodiversity contribution. Both on-site and off-site contributions are assessed and considered below.

Badgers & Biodiversity

- 6.8.4 Policy G6.D of The London Plan requires development proposals, *inter alia*, to aim to secure net biodiversity gain; while Policy DM20.B states that “*The design and layout of new development should retain and enhance any significant existing features of biodiversity value within the site. Potential impacts on biodiversity should be avoided or appropriate mitigation sought. Where loss of a significant existing feature of biodiversity is unavoidable, replacement features of equivalent biodiversity value should be provided on site or through contributions towards the implementation of relevant projects in Harrow’s Biodiversity Action Plan.*”
- 6.8.5 Since 2019 the Council has set a target of a 20% uplift in overall biodiversity value, applying the Metric requirements in relation to habitat replacement or substitution with regard to the protection and enhancement aspects of the existing local plan policies DM20 and DM21. Additionally, a minimum areal target equivalent to 2 biodiversity units per hectare has been applied.
- 6.8.6 The Council’s Biodiversity officer has reviewed all of the submitted information pertaining to biodiversity and has conducted multiple in-person site visits. The Ecological Assessment report is considered to provide a sufficient basis for the evaluation of the site and proposals; while the Outline Landscape and Ecological Management Plan is considered to provide a suitable basis for more detailed assessment and future work to refine and implement the details of the proposal.
- 6.8.7 The submitted information includes a Biodiversity Metric, which helps provide a guide to assessing the biodiversity loss and gain involved. The BNG valuation provided gives a baseline of 6.14 biodiversity units within the site’s 0.76 ha. Based on the above this is considered to be an appropriate valuation equating to a per hectare value of 8.08. The development would result in a loss of 5.59 units (91%) of the existing biodiversity value of the site, with what remains beyond the Badger Protection Zone concentrated in small pockets. (This can be contrasted with the near total loss of existing biodiversity features, other than a half-dozen retained trees under the withdrawn scheme.) In line with planning policy and other relevant legislation, the proposal sets out measures to mitigate this loss and provide new biodiversity measures on site.
- 6.8.8 Whilst the submitted report is largely considered acceptable, the Biodiversity Officer noted that some of the details require further refinement, and would also require oversight and monitoring to ensure that what is set out in the proposal can and will be delivered on site and retained in the longer term. As with all development, adjustments to the details may be required as the development progresses; for example, the implementation of the proposed artificial badger sett may result in a greater or lesser alteration to the existing retained landscape than anticipated. These provisions are secure by way of conditions and the S106 obligations which are attached to this permission.

- 6.8.9 The site is home to a sett of badgers, which appear to have located here relatively recently (c. 2019, as badgers were not reported onsite in surveys dating from 2016 and 2018, but were reported in 2020). Camera trapping survey work indicates that the badgers do forage off-site for food, including it seems, in the Allotment Gardens to the south, on the opposite side of the railway. A badger mitigation strategy has been provided which would result in the creation of a Badger Protection Zone (BPZ), 50m x 25m, in the western end of the site (adjacent The Gardens). This location allows some degree of isolation from the rest of the site, and maintains direct access to the southern boundary, towards the allotment gardens. Artificial setts would be created within the Zone, and the creation of the setts and Badger Zone would be phased so as to be completed and allow for the badgers to be re-located prior to the commencement of other works on site. The relocation and artificial setts would be regulated outside of the purview of planning, and would be subject to approval and licencing by Natural England.
- 6.8.10 The Badger Zone would not be accessible to the public, and would be separated from the rest of the development by fencing and thorny planting along the northern and eastern edges, to prevent intrusion. The footpath connecting the buildings with the access to The Gardens does run at the bottom of the slope adjacent to the sett, and would out of necessity require lighting. Although it would be ideal to have no lighting or footpath here, this access is considered vital for the success of the development, allowing permeability and direct access to a nearby train station. With careful design to the lighting, it is considered that a reasonable balance can be achieved between a safe level of lighting for pedestrians and minimising the effects of the lighting on the Badger Zone. Disturbance from people using the path would be minimised due to the secured access which would limit the numbers of people who would use the path to residents (and accompanying visitors) only.
- 6.8.11 Flora and fauna within the badger protection zone may be sensitive to dust which could impact on the badgers and so additional consideration has been given to this within the Air Quality Assessment and subsequent mitigation measures. Furthermore, the phasing of the development to ensure that the BPZ is implemented and the sett is relocated prior to the start of other works, is incorporated into the condition for the final Construction Management Plan.
- 6.8.12 Both Natural England and the Biodiversity Officer consider that the proposal to provide an artificial sett would, on balance be acceptable. Along with other related conditions to ensure the badgers on site and the proposed sett are protected both during and after construction, a S106 obligation has been included to ensure monitoring and management of the Badger Zone, and prevent future development within it.
- 6.8.13 Green roofs have been provided, with some areas being biosolar, and which would contribute to the biodiversity on site provided that a suitable mix of plants and an increase to the minimum substrate is provided. Full details of these will need to be conditioned.

- 6.8.14 Other than the provisions already set out with regard to badgers, consideration of other species on site include reptiles (sloe worms), bats and birds, vegetation, and invertebrates. In addition, the presence of some invasive species is noted, which can be removed. The are on-site provisions for mitigation and improvements such as invertebrate shelters; bird and bat shelters; species-rich habitats within the application site and creation of suitable habitats and foraging for certain species within the landscaping including new native tree, scrub and grassland planting; and sensitive lighting design. In addition, Construction Environment Management Plan details will need to be submitted to ensure appropriate measures to protect all species on site. Again, final details of all of the above will be secured by condition.
- 6.8.15 Although it is considered that the above represents a fair assessment of what it may be possible to provide on-site, given the site constraints and other factors, delivering these measures effectively would require on-going care to ensure, amongst other things, plantings get established and to continue to thrive and survive afterwards. Subsequent die-off or damage is a natural possibility. Mitigation for fauna would also require detailed approval and proper implementation. In order to ensure the mitigation and biodiversity uplift are delivered, on-going monitoring and adjustments to the plan will be required for a longer time period that would normally be governed by conditions. Furthermore, the measures above would not by themselves be sufficient to off-set the loss; thus requiring the additional of an off-site contribution to make up the shortfall, as per policy DM20. The off-site contribution would be used to help provide for the creation of new biodiverse areas within the borough. A potential strategically-located woodland creation site has been identified, although the final selection will be subject to separate processes outside of planning. Both the off-site contribution and the long-term monitoring / remediation are secured by way of S106 obligations.

Landscaping

- 6.8.16 The site would be subject to extensive landscaping, with provision for children's playspace, as noted in the section dealing with residential amenity, and which forms part of the biodiversity considerations on site.
- 6.8.17 The application is accompanied by a Landscape Strategy Plan and Outline Landscape and Ecological Management Plan (LEMP). It is noted that the development would necessitate changes to levels (affecting existing vegetation) and result in the loss of trees and some habitats.
- 6.8.18 The Council's Landscape Architect has reviewed the submitted details and concluded that the proposed landscape strategy has included consideration and incorporation of ecology, outside amenity and play, trees and Sustainable Urban Drainage (SuDS). It was further noted that the LPA's previous recommendations have been incorporated; and that the scheme and layout are considered well thought-out and achievable. Significant trees are retained where feasible, with new tree, shrub, ornamental plants and rain gardens to mitigate the loss and provide enhancements to the biodiversity.

- 6.8.19 The areas allocated for informal play are welcome, but are tight due to the space constraints. The proposed play equipment would be suitable for the setting and nature of the play areas, and final details are to be conditioned, including barriers to ensure safety from passing vehicles.
- 6.8.20 Along the northern boundary adjacent the rear of the properties along Pinner Road, the proposed landscaping would include a buffer zone of native planting. The Landscape Architect considers that this planting, over time, will grow sufficiently tall to soften the edge of the site between the proposed development and the neighbouring houses. However, as noted above in the section dealing with residential amenity, the planting will not screen the proposed built development. Sections of the building elevations have steel cables / mesh system to enable climber growth, which would help to soften the built form and increase visual amenity for neighbouring residents, although it would not fully screen the buildings which would still be apparent and highly visible. It is therefore important that these climbers are well implemented and maintained as part of the attached condition and S106 obligations so as to ensure the benefits of this visual amenity.
- 6.8.21 Along the southern boundary, Transport for London own the adjacent land, with covenants attached restricting development within 5 metres of the boundary and, to allow for TfL access from Neptune Road via a pedestrian gate to the trackside. Consideration of these restrictions are incorporated into the design of the landscape masterplan. This includes a proposed sound attenuation fence along the length of this boundary (further discussed in the section above dealing with noise and residential amenity). The fence would serve a dual purpose as it would help to enhance the amenity space as well, being visually softened by planting climbing plants to create a green wall. As other landscaping along the southern side is minimal, it is important that the planting along this fence survives and thrives. The conditions/obligations recommended from for landscaping and biodiversity include the management, maintenance, monitoring and replacement planting of this area are accordingly attached.
- 6.8.22 Biosolar roofs are proposed, incorporating species rich wildflower plantings with roof mounted PV panels. Bin stores have green roofs incorporated as well as invertebrate shelters. This will enhance the biodiversity and will, again, require regular and ongoing management and maintenance to ensure success as part of the conditions and obligations.
- 6.8.23 Therefore, subject to planning conditions and appropriate detail, it is considered that the proposed landscaping would complement the development, and contribute to biodiversity.

Trees

- 6.8.24 Trees also from part of the biodiversity considerations. There are a number of identified TPOs (Tree Protection Orders) on the site for both individual and groups of trees. However, LB Harrow's tree officer has confirmed that several trees originally listed on the TPO are no longer present, so the TPO details may not now reflect what is currently on the site. In addition, the Council's officer confirmed that works to remove trees adjacent the railway have been carried out by TfL in recent years, for safety and arboricultural purposes.
- 6.8.25 An Arboricultural report has been submitted by the applicant, which has been reviewed by the Council's Arboricultural officer. In addition, the Council's officer is familiar with the site. The submitted report has been reviewed by the Arboriculture officer, who concurs with the analysis and conclusions. It is noted that there are no Category A trees on site, and that the majority of trees that are proposed to be removed are of lower quality, some of which would require removal regardless of the proposed development (due to ash die-back, etc.) A large sycamore on site was originally hoped to be retained, however taking into consideration its condition, it is agreed that replanting with a hardy native species would be likely to produce a better outcome. The trees that would be retained would serve as focal points for the communal amenity space and the setting of the buildings. The Arboricultural officer also identified that there are opportunities to improve the soil and rooting environments for the retained trees, as well.
- 6.8.26 It is noted that some encroachment on root protection areas (RPAs) would be necessary by the access road and parking, but that suitable construction and protection measures would mitigate this. A condition for details of tree protection during construction has been included as part of this permission. The condition has been worded to include details of measures to improve the root environment for the retained trees.
- 6.8.27 Full details of replacement trees to be planted would be included as part of a landscaping condition. Finally, a condition has been attached which restricts the cutting down or alteration or damage of retained trees on site for a period of 5 years after the completion of the development, without the written permission of the Council. Note that considerations for existing and new trees is also captured as part of the biodiversity conditions and S106 obligations noted above, with an additional condition for tree protection measures during construction and improvement to rooting environments. Subject to such conditions and obligations, the proposal would be satisfactory in terms of arboricultural matters.

Urban Greening Factor

- 6.8.28 Policy G5 of The London Plan sets out that development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening, including the public realm. Elements that can contribute to this include tree planting, green roofs and walls, and soft landscaping. A target of 0.4 for residential development should be achieved in line with this policy.
- 6.8.29 The site achieves an UGF calculation of 0.59; although the Biodiversity Officer noted that the biosolar roofs were calculated incorrectly and the figure should be adjusted to 0.58. Nevertheless, this exceeds the above target, through the inclusion of a wide range of contributors including the landscaping details already discussed, rain gardens, green walls and roof, and permeable paving. The proposal would be considered acceptable in this respect.

Japanese Knotweed

- 6.8.30 There is Japanese knotweed on site, which, as per standard practice, would be required to be eradicated by the developer prior to the commencement of construction, and a condition is included here to that effect. It is noted that the applicant has undertaken previous works to treat the Knotweed on site, including recently, and the Landscape's Architect recommendation for the inclusions of a site survey to assess its current state would therefore be reasonable. It is further noted that the Japanese Knotweed eradication would need to be carried out prior to the commencement of works so as to avoid interference with the implementation of the artificial badger sett.
- 6.8.31 For clarity, the removal / treatment of Japanese knotweed on site would eradicate it, not cause it to be re-located to other nearby sites. As the removal and treatment of sites infected with Japanese Knotweed is a common and well-regulated issue, and planning conditions such as that attached here are regularly used to address the problem, it would be unreasonable to refuse permission for the development on the basis that the Knotweed has not yet been removed.

Summary

- 6.8.32 It is acknowledged that the loss of the existing woodland on site would be significant; however, this must be assessed in balance with the requirements and provisions of planning policy. Although the proposal would result in the loss of a natural (but undesignated) area of woodland, the proposed mitigation measures and contribution would sufficiently offset the loss and provide for a satisfactory biodiversity uplift, as per Policy G6 of The London Plan and Policies DM20 and DM21 of the Harrow Development Management Plan. Subject to conditions and a S106 agreement as detailed above, the proposal would therefore, on balance, meet the policy requirements with regard to biodiversity, urban greening, protection of trees, and landscaping, and would therefore be acceptable with regard to these matters.

6.9 Energy & Sustainability

6.9.1 The relevant policies are:

- National Planning Policy Framework (2023)
- The London Plan (2021): GG6, SI 2, S1 4, and SI 7
- Harrow Core Strategy (2012): CS1.T
- Harrow Development Management Local Policies (2013): DM12, DM13 and DM14

6.9.2 The application is accompanied by an Energy Statement Report, prepared by Delta Green Environmental Design dated 01/03/2023. The statement generally follows the GLA energy hierarchy and guidance. The statement outlines the sustainability measures proposed on site, which would include energy efficiency savings through building fabric, design, and utilities; the use of renewable energy generation in the form of PV's (photo-voltaic panels) and air source heat pumps (ASHPs). It is noted that the viability of air source heat pumps depend on ensuring that the system is adequately screened both visually and acoustically to prevent undue visual and noise impacts on future and neighbouring occupiers. A condition for these details relating to ASHPs is therefore attached.

6.9.3 The statement indicates that with these measures, the development would achieve a 64% on-site reduction in carbon emissions relative to Part L Building Regulations 2013, and thus exceeds the GLA requirements. The remaining 36% (to meet the zero carbon) shall be off-set by a financial contribution which will be secured through a S.106 obligation; with a further requirements for final "as-built" Part L calculations to confirm the carbon reduction achieved on-site and further contributions should the target savings not be achieved and securing compliance with the Mayor's 'Be Seen' guidance.

6.9.4 The proposed CLT (cross-laminated timber) structural system is fully supported by the Urban Design officer and the urban design officer has commended the ambitious use of this system, which would radically reduce levels of embodied carbon caused by the development over a reinforced concrete construction.

6.9.5 The measures proposed as part of the Energy Strategy to comply with zero-carbon policies, in combination with the measures outlined in section 6.7 and 6.8 to mitigate the loss of the existing woodland, incorporate sustainable drainage measures, and achieve a net biodiversity uplift would overall be compliant with planning policies seeking to address climate changes.

6.9.6 In conclusion, the Energy & Sustainability Statement is considered acceptable, as is the proposed CLT system, subject to the S106 measures noted above. Any permission should be also be conditioned to require the development is undertaken generally in accordance with an amended statement.

6.10 Fire Safety

6.10.1 The relevant policies are:

- The London Plan (2021): D5, D12

6.10.2 Part A of Policy D12 of the London Plan (2021) requires the demonstration of suitably positioned and unobstructed space for fire appliances and evacuation assembly points, and that development ensure robust strategies for evacuation are in place as well as confirmation of the fire-fighting water supply. Part B of the policy requires all major developments to provide a Fire Statement, which shows details of how the proposal would function, including means of escape for all building users including those who are disabled or require level access. Policy D5 encourages development proposals to achieve the highest standards of accessible and inclusive design.

6.10.3 A Fire Statement has been prepared by Osbourne Associates in support of the application. The Council's Fire Consultant has reviewed the Fire Statement and considers the document at this stage to be broadly acceptable. However, the consultant has highlighted that as the development would have an evacuation lift, a manned refuge should also be provided, in particular for residents who may have greater difficulty or differing needs in evacuating.

6.10.4 A revised Fire Statement was submitted which proposed measures to address this point. The revised document was deemed largely acceptable, with two minor clarifications/changes requested. A further revisions was submitted which addressed these points.

6.10.5 The revised fire safety measures are therefore considered to be acceptable, and a condition is attached to ensure the development is implemented in accordance with these details.

6.11 Air Quality & Contamination

6.11.1 The relevant policies are:

- National Planning Policy Framework (2021)
- The London Plan: SI 1
- Harrow Development Management Local Policies: DM1, DM15

Air Quality

6.11.2 The whole of the borough has been designated as an Air Quality Management Area (AQMA), due to exceedances of the annual mean objective levels for nitrogen oxide (NO₂) and particulates (PM₁₀). An Air Quality Assessment (AQA) was submitted with the application prepared by Stroma. Policy SI 1 states that this should take an Air Quality Neutral approach.

- 6.11.3 An assessment was undertaken as part of this report to examine the potential impacts on air quality during construction and operation of the proposed development. This showed that the release of dust and PM₁₀ (inhalable particles, with diameters that are generally 10 micrometres and smaller) are of medium to low risk, and the risk to human health assessed as potentially low to negligible. Suitable mitigation measures are required to ensure these impacts are mitigated against. A Construction Management Plan is therefore secured by condition. Furthermore, transport related emissions from the site were also assessed as air quality neutral in line with the London Plan guidance.
- 6.11.4 Subject to the recommended mitigation measures being implemented, the Council's Environmental Health Officers have confirmed the proposal would be acceptable with regard to air quality impacts. A condition has therefore been attached to require the development to be implemented in accord with the approved Air Quality document.

Contamination

- 6.1.5 The site is located adjacent a railway and although planning history shows no previous development, other available information shows it is comprised of made ground on a former railway siding. Consideration of contamination on site must therefore be considered.
- 6.1.6 A Phase 1 Environmental Report prepared by G.O. and a Ground Investigation report prepared by Jomas Engineering have been submitted with the application. The Environmental Health officer noted that the report identifies a couple of issues and recommends further intrusive sampling. Therefore, a final method statement detailing the proposed work any specific areas of concern, the extent of the soil to be removed and details of analysis of the replacement top soil would be required, and has been attached as a condition to this permission. Subject to such a condition, the proposal would be acceptable in terms of addressing potential contamination on site.

Pests

- 6.1.7 With regard to pests, there is no information before the LPA regarding the existing situation or the causes thereof. As the development would feature secure waste storage facilities, and would including surface water mitigation measures, there is no basis at present to assume the proposal would result in increased pest activity.

6.12 Statement of Community Involvement

- 6.12.1 The NPPF, Localism Act and the Council's Statement of Community Involvement encourage developers, in the cause of major applications such as this, to undertake public consultation exercise prior to submission of a formal application.

- 6.12.2 A Statement of Community Involvement Report was submitted which states that a public and stakeholder consultation and engagement process ran from January 2023, and which included: a digital consultation via website (live from 9th January 2023); exhibition / in-person events on Wednesday 18th and Saturday 21st January 2023; an online webinar on 23rd January 2023; and distribution of 950 flyers to nearby addresses which publicized the online resources and public events and provided details of a freephone number. As well, direct engagement was conducted with ward councillors / local MP and Assembly member, and local community groups, schools, businesses and media. The Report states that 50 people attended the in-person or webinar events, and 19 surveys were returned. The Council also sent out letters of consultation to local residents in the surrounding area inviting them to make representations on the proposed development and a total of 298 comments were received as outlined above.
- 6.12.3 Public consultation response raised complain that the developer had not contacted certain neighbourhood groups as claimed; had misrepresented the feedback from the community, and had not treated local residents with respect. The local groups mentioned are not statutory consultees, and although contact with these groups would represent best practice, it is not compulsory on the part of the developer. The Council has publicised the application and has received direct feedback from 3rd parties; the LPA does not rely on second hand reports of community feedback in the course of decision making. It is not possible for the LPA to investigate or determine how accurate the developer's statements of community feedback are, but it is noted that the concerns and worries that are outlined in the SCI are consistent with those raised in direct responses received from the public; and that the developer has made some amendments to address them, regardless of whether the public consultation indicates satisfaction with the amendments made.

6.13 Planning Obligations and EIA Screening

- 6.13.1 The application has not been formally screened by the Local Planning Authority (LPA). However, the development does not fall under the category of developments under Schedule 2 of the EIA Regulation 2017 and therefore the development is not an EIA development.
- 6.13.2 The Council has forwarded the heads of terms for a Section 106 agreement, to be agreed and completed prior to determination of this application with the applicant. These have been set out above under Recommendation A of this report. Subject to this agreement, the proposal is considered to accord with the policy requirements of policy DM50 of the Development Management Policies Document, which seeks planning obligations to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

7.0 CONCLUSION AND REASONS FOR RECOMMENDING APPROVAL

7.1 For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation and on the basis that the proposed development provides an acceptable and policy compliant residential scheme for future occupiers and does not unduly impact on the character of the area or the amenities of the residential occupiers of the adjoining, or nearby properties, subject to the attached conditions. In addition, subject to planning conditions and S106 obligations, the proposal would provide mitigation of biodiversity loss and biodiversity uplift compliant with relevant policies. The proposed development would therefore accord with the National Planning Policy Framework (NPPF, 2023) Policies GG2, GG4, GG6, D3, D5, D6, D7, D11, D12, D14, S4, G1, G5, G6, G7, T4, T5, T6/6.1, H1, H4, H5, H6, H10, SI 1, SI 2, SI 4, SI 5, SI 7, SI12; SI 13, E11 of the London Plan (2021), Policy CS1 of the Harrow Core Strategy (2012) and policies DM1, DM2, DM9, DM10, DM12, DM13, DM14, DM15, DM20, DM21, DM22, DM24, DM27, DM28, DM42, DM43, DM44, DM45, DM50 of the Harrow Development Management Policies Local Plan (2013), along with the relevant supplementary guidance.

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 91 of the Town and Country Planning Act 1990

2. Approved Drawing and Documents

Save where varied by other planning conditions comprising this planning permission or unless otherwise agreed in writing by the local planning authority the development hereby permitted shall be carried out, completed and retained in accordance with the following approved plans and document Schedule of application documents:

3043/201 Rev P08;3043/501 Rev P06; 3043/502 Rev P06; 3043/311 Rev P03; 3043/312 Rev P04; 3043/313 Rev P04; 3043/314 Rev P04; 3043/315 Rev P04; 3043/301 Rev P08; 3043/302 Rev P12; 3043/303Rev P14; 3043/304 Rev P11; 3043/203 Rev P06; 3042/401 Rev P07; 3042/402 Rev P07; 3042/403 Rev P010; 3042/405 Rev P02; 20057-DGE-XX-00-DR-E-6351-S2-P06; 20057-DGE-XX-00-DR-E-6350-S2-P06; Landscape Strategy Plan 10707L.PP.001 Rev E; Urban Greening Factor Calculator 10707L.UGF.02; 3043/321 Rev P05; 3043/331 Rev P02; 3043/200 Rev P02; 3043/202 Rev P03;

Energy Statement Report [S2, Rev 2, dated 01/03/2023] with GLA Carbon Emission reporting spreadsheet; Flat 21 Rev C CLT SAP Worksheet; Flat 23 Rev C CLT SAP Worksheet; Flat 24 Rev C CLT SAP Worksheet; Flat 32 Rev C CLT SAP Worksheet; Residential Development Fire Statement Form Rev C [dated 01/11/23] with Appendix A; Fire Safety Form 3 - Provision of Evacuation Lift Rev B; External Lighting Summary Report [ref: 20057 P03, 01.03.2023]; Ground Investigation report [ref: P2771J1980/CLP v1.0, dated 14 August 2020]; Phase 1 Environmental Report [ref: 1645-P1E-1 issued 18 June 2020]; Schedule of Units Revised Scheme [22/05/2023]; Letter dated 2nd March 2023; Statement of Community Involvement [February 2023]; Planning Statement [March 2023]; Design & Access Statement [February 2023]; Air Quality Assessment [PRO-08490, February 2023]; Arboricultural Report [ref: CTC/PIN/AR3, 3rd February 2023]; Daylight & Sunlight Assessment [Rev. 5, October 2023]; Addendum to Daylight & Sunlight Assessment [February 2023]; Ecological Assessment [10431.EcoAss.vf1, February 2023]; Outline Landscape and Ecological Management Plan [10431.LEMO.vf1, February 2023]; Flood Risk Assessment & Drainage Strategy [152019-FAH-ZZ-XX-RP-C-02-04, dated April 2023]; Updated Baseline Noise Survey [dated 8 September 2023]; Noise report [6477_001R_2-0_CW, ref 6477, dated 14 February 2023]; Travel Plan [UKP-

190-6 Issue 05, February 2023]; Transport Assessment [UKP-190-7 Issue 04, February 2023]; Appendices 1 to 8 for Transport Assessment UKP-190-7 Issue 04 [February 2023] and Appendices 9 to 13 for Transport Assessment UKP-190-7 Issue 04 [February 2023]; Construction Management Plan [Rev C, November 2022]; Outline Construction Logistics Plan [V2, dated 21/02/23]; Refuse Management Strategy [3043_S_001P.02, February 2023]; Road Safety Audit Stage 1 [May 2023]; Utilities report [Rev P04, dated 27th February 2023]; Overheating Statement [Rev 2, 25 September, 2023]; Post-Submission Design Update_P03 [May 2023]

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

3. Demolition and Construction Logistics Plan (Pre-commencement)

No development shall take place, including any works of demolition/ site clearance, until a Detailed Construction Method Statement & Logistics Plan has been submitted to, and approved in writing by, the local planning authority, in accordance with the format and guidance provided by CLOCS and Transport for London – www.tfl.gov.uk. The Detailed Construction Logistics Plan shall provide for:

- a) Programme of work and phasing including implementation of the development, including creation of the Badger Protection Zone (BPZ), relocation of badgers and Natural England licensing process;
- b) Site layout plan;
- c) The parking of vehicles of site operatives and visitors;
- d) HGV access to site including the number of HGV's anticipated;
- e) Loading and unloading of plant and materials;
- f) Storage of plant and materials used in constructing the development; Highway condition (before, during, after);
- g) Measures to control the emission of dust and dirt during construction;
- h) Scheme for recycling/disposing of waste resulting from demolition and construction works;
- i) details showing the frontage/ the boundary of the site enclosed by site hoarding to a minimum height of 2 metres; and
- j) Details on the erection and use of tall plant (e.g. tower cranes (incl. slew radius), mobile cranes (incl. slew radius) and piling rigs)

The development shall be carried out in accordance with the approved Detailed Construction Logistics Plan, or any amendment or variation to it as may be agreed in writing by the local planning authority.

REASON: To minimise the impacts of construction upon the amenities of neighbouring occupiers and to ensure that development does not adversely affect safety on the transport network in accordance with Local Plan Policies DM1 and DM43 and Policy D14 of the London Plan (2021) and to ensure that the transport network impact of demolition and construction work associated with the development is managed in accordance with Policy T7 of the London Plan (2021); as well as ensure proper protection of protected

species on site and to ensure that the proposed details do not interfere with TfL operations or infrastructure.

4. TfL Infrastructure Protection (Pre-commencement)

No development shall take place, including any works of demolition/ site clearance, until the following details have been submitted to, and approved in writing by, the local planning authority:

- a) Details of any structural or civil engineering works, including details of foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), which shall be shown to accommodate the location of the existing London Underground structures.

The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2016 Table 6.1 and 'Land for Industry Transport' Supplementary Planning Guidance 2012.

5. Construction Environment Management Plan (Pre-commencement)

No development shall take place, including any works of demolition/ site clearance until a proportionate Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP, as well as covering other relevant environmental considerations, will set out how contractors will ensure dust and particulates will be controlled, measures to protect the Badger Zone, and how contractors be made aware and have regard to protected species and the practical and legal situation with regard to development. Supporting method statements in relation to protected/priority species shall have particular regard to the requirements of any Natural England license for mitigation in relation to the badgers, features of ecological importance or concern, and INNS (Invasive Non-Native Species).

The CEMP shall be adhered to throughout the demolition and construction phases of the development.

REASON: To provide appropriate safeguards and mitigation for protection of neighbouring amenities and for biodiversity in accordance with the requirements of the National Planning Policy Framework, policies G6 and SI 1 of The London Plan (2021), and local plan policies DM20 and DM21.

6. Tree Protection Measures (Pre-commencement)

No development shall take place, including any works of demolition/ site clearance, until a detailed method statement, based on the draft tree protection measures already provided (Tree Protection Plan (pg 26, 27 / Drwg 002 – Chartwell BS5837 survey) within the BS5837 Impact Assessment, have been provided to, and approved by, the Local Planning Authority. This should include:

- a) Detailed specifications for ‘no-dig’ cellular system in relation to proposed new access roads, hardstanding areas and new parking bays within the RPA of existing retained trees;
- b) Details of schedule of tree protection monitoring & site supervision (for all key activities within RPA of existing trees) by the appointed specialist, as part of updated AMS; and
- c) Methods to improve rooting environment for retained / proposed new trees (ie mulching, biochar, decompaction).

The proposed development shall be completed in full adherence to the arboricultural details approved, unless first otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the trees to be retained on the site are not adversely affected by any proposed works.

7. Ground Contamination (Pre-commencement)

Notwithstanding the approved details, no development shall take place, including any works of demolition, until a scheme for identifying, managing and disposing of any potential contamination hazards has first been submitted to, and agreed in writing by, the local planning authority. The details shall include:

- (a) details of a further 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, including the proposed work for any specific areas of concern, the extent of the soil to be removed and details of analysis of the replacement top soil;
- (c) the management of contamination risk at the site; and
- (d) a verification plan providing details of the data that will be collected in order to demonstrate that how the works set out in the remediation strategy would be undertaken and identifying any requirements for longer-term monitoring of pollutant leakages, maintenance and arrangements for contingency action.

The proposed development shall be carried out in accordance with the scheme so agreed.

REASON: To ensure that the development does not activate or spread potential contamination at the site and that the land is appropriately remediated for the approved uses.

8. Contamination Completion Certificate

Pursuant to the details approved under Condition 7 attached to this permission, prior to the first occupation of this development, a completion certificate demonstrating that the proposal has been implemented in accordance with details as so approved under Condition 7 shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the land is appropriately remediated for the approved uses.

9. Japanese Knotweed (Pre-commencement)

No development shall take place, including works for demolition/ site clearance, until a detailed Method Statement for guaranteed / warranted eradication of the Japanese Knotweed on site has been submitted to and agreed in writing by the Local Planning Authority. This shall include:

- (a) An updated site survey;
- (b) Details of how the Japanese Knotweed is proposed to be treated, removed and eradicated, with a timetable, proposed method, drawings identifying, locating and detailing the method.

The removal and appropriate disposal of the Japanese Knotweed shall be carried out in accordance with the approved details.

REASON: To safeguard the ecology and biodiversity of the area and to ensure that measures are agreed and put in place to remove Japanese Knotweed and to prevent further contamination on and off site.

10. Site Levels (Pre-commencement)

No demolition or site works shall commence 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, have been submitted to, and approved in writing by the Local Planning Authority. Sufficient levels detail is required to understand the proposals in relation to the existing levels around the existing trees and the linkage of the proposed levels to the existing levels of the surrounding external wider site, outside the development site. The development shall be carried out in accordance with the details so agreed.

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.

11. Biodiversity Details and Management (Pre-commencement)

The development herein approved shall not be commenced until the following have been submitted to, and approved in writing by, the Local Planning Authority:

- a) A finalised Landscaping and Ecology Management Plan, including an updated assessment of post-development biodiversity unit value;
- b) Provision of shelters for bats and birds, on a one single or multi-occupancy shelter per residential unit basis, with at least 75% of the total to be incorporated within the fabric of the new buildings; as well as shelters for invertebrates and any other species to be provided for on site. Target species should be informed by the Harrow BAP and existing species records and survey data for the local area;
- c) A timetable for the delivery of urban greening and ecological measures at the site;
- d) how BNG features will be managed and monitored to maintain and enhance their value, including any replacements during the establishment phase (to run for three years from the commencement of construction);
- e) year by year schedule of the timing of operations and who has responsibility for these and for ensuring they are undertaken.
- f) how the plan will be updated at 5 year intervals; and
- g) how these operations will be funded over the lifetime of the new development (a period of no less than 30 years), during and following construction.

The development shall be carried out in accordance with the details as so agreed and retained thereafter, except as varied by agreement in writing with the Local Planning Authority.

REASON: To safeguard the ecology and biodiversity of the area in accordance with the requirements of the National Planning Policy Framework, policies G6 and G7 The London Plan, and local plan policies DM20 and DM21.

12. Green Roof Details

No works other than those relating to the proposed Badger Protection Zone hereby permitted shall not commence until details of the green and biodiverse roofs with solar PV panels shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Its location, extent, specification (plant species and soil depth), landscape integration, integration with other roof plant or renewable energy infrastructure, structural integrity, construction, operation and access. To include of a biodiverse green roof combined with bisolar PV panels and green roofs on refuse stores.
- b) Planting scheme (time of planting, plant species, plant schedule and numbers, watering), to include native plant species to be planted or seeded.
- c) Habitat features to be incorporated (specific to the green roof), including invertebrate shelters/ invertebrate opportunities such as brick / rubble piles, dead wood or bare sandy substrates.
- d) Section/profile drawings showing the green roof detail and build up, soil/ growing medium depth, different build up layers of material and membranes including water reservoirs, substrates, topography, edge details and relationship to the solar panels. This should be in accordance with the GRO Code and the current Biodiversity Metric green roof condition assessment guidance.
- e) Plans to show clearly its location, extent, drainage catchment areas (if relevant), inlets and outflows.

The development shall not be completed otherwise than in accordance with the green roof details so approved and shall thereafter be so maintained.

REASON: To reduce flood risk, enhance the biodiversity and to contribute to sustainability in accordance policies G1, G6 and SI 12 of The London Plan (2021) and policies DM12, DM20, and DM21 of the Harrow Development Management Policies Local Plan (2013)

13. Fire Safety

The proposed development shall be implemented in accordance with the approved revised Fire Safety Statement and accompanying documents, Residential Development Fire Statement Form Rev C [dated 01/11/23] with Appendix A and Fire Safety Form 3 - Provision of Evacuation Lift Rev B

The development shall be operated in accordance with the approved details in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

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). To ensure appropriate fire safety measures are approved before development is occupied.

14. Car Park Management Plan

The development hereby permitted shall not progress beyond damp proof course level until a Car Parking Design and Management Plan has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall set out the following:

- a) Finalised detailed design of the proposed internal access road.
- b) Details of general spaces that are to be 'active' electric vehicle charging point spaces and are to be 'passive' electric vehicle charging point spaces. The plan should outline the provision of one active Electric Vehicle Charging Point for at least 20% of spaces from the outset with the remaining 80% passive and the mechanism for converting passive provision to active should demand increase.
- c) Details of Disabled persons parking spaces in accordance with the levels set out in Table 10.6 of the London Plan 2021. The plan should outline the mechanism for converting standard spaces to disabled parking should demand increase.
- d) Mechanism for increasing the number of general spaces that have an 'active' electric vehicle charging point if monitoring demonstrates additional demand.
- e) Details of the allocation and management of the general and accessible car parking spaces.
- f) Details of monitoring, management and enforcement procedures for parking within the site.

The development shall be carried out in accordance with the details so agreed, and which shall be implemented prior to first occupation of the development and shall be retained as such thereafter.

REASON: To ensure that the car parking is managed in a satisfactory manner and that the development contributes to more sustainable travel in accordance with Local Plan DM42 and Policy T6 and Policy T6.5 of the London Plan (2021).

15. Cycle Parking

The development hereby permitted shall no progress beyond damp proof course level until details of shelters, racks, dimensions and location of the cycle parking spaces have been submitted to and approved in writing by the local planning authority. A minimum of 63 long stay and 6 short stay stands shall be provided. At least 5% of the long stay stands shall be accessible. The cycle storage shall be made available prior to occupation and shall be retained thereafter.

REASON: To ensure the satisfactory provision of safe cycle storage facilities, to provide facilities for all the users of the site and in the interests of highway safety and sustainable transport, in accordance with policy T5 of The London

Plan 2021 and policy DM 42 of the Harrow Development Management Policies Local Plan (2013).

16. Disposal of Foul Water

No development (other than demolition works/ those relating to the proposed Badger Protection Zone) hereby permitted shall be commenced until works for the disposal of sewage have submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the details as so agreed and retained thereafter.

REASON: To ensure that adequate drainage facilities are provided in accordance with policy SI 5 of The London Plan (2021).

17. Disposal of Surface Water

No development (other than demolition works / those relating to the proposed Badger Protection Zone) hereby permitted shall be commenced until works for the disposal of surface water have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the details as so agreed and retained thereafter.

REASON: To ensure that adequate drainage facilities are provided.

18. Surface Water Attenuation

No development (other than demolition works/ those relating to the proposed Badger Protection Zone) hereby permitted shall be commenced until surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the details as so agreed and retained thereafter.

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

19. Permeable Paving

Notwithstanding the approved details and prior to the commencement of development (other than demolition works/ those relating to the proposed Badger Protection Zone), full details of the permeable paving including cross-sections 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. The development shall be carried out in accordance with the details as so agreed and 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.

20. Landscaping

The development hereby approved shall not progress beyond damp proof course / other than those relating to the proposed Badger Protection Zone level until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the site. The hard and soft landscape details are to include the following:

- a) A scheme for detailed hard and soft landscaping of the development, to include details of the plantings and replacement trees, climbing plant supports / trellis / ground based green walls, growing medium, tree planting, tree pits, rain gardens and SUDs measures and so on. 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, plant container sizes (all at time of planting) and proposed numbers / densities and an implementation programme. Planting which may provide benefits in terms of improving air quality and pollinators are encouraged;
- b) The hard surfacing and hard landscape details shall include samples to show the texture and colour of the materials to be used and information about their sourcing/manufacturer. Details and specification for the proposed supports and fixings for plants, landscape structures and any pergolas and climbing plant supports, including proposed material and source /manufacturer and irrigation / watering for plants and detailed drawings of such; for all communal areas;
- c) Details of any retaining walls at a scale of 1:10 or 1:20;
- d) Details of the proposed green walls, planting along proposed fencing and other landscaping and tree planting.
- e) Details of all furniture and seating including information about the manufacturer, material and source;
- f) Boundary treatments including all vehicle and pedestrian/ access gates;
- g) Full scale metric cross sections and elevations for the communal open amenity space and play area (at a scale of not less than 1:100 and preferably 1:50) including the proposed details for level changes;
- h) Information indicating areas of accessible access for communal amenity space
- i) Detailed drawings (at a scale of not less than 1:100), and a specification of the natural type play equipment to be installed, including proposed manufacturer, material and source and specification of the surface treatment within the play areas, as well as border treatment to separate play areas from the roadway, which shall include provisions for all ages;

- j) Details of proposed treatment to allow for separation between play areas and the proposed internal road;
- k) Details of the bin stores materials;
- l) Proposed implementation and implementation programme, including a period of 5 year period for replacements of soft landscape;
- m) Landscape Management Plan and Landscape Maintenance of the hard and soft landscaping within the development, to include a landscape management plan for the whole of the proposed development, including long term design objectives, management responsibilities, programme of works, maintenance schedules and monitoring procedures for all landscaped areas, hard and soft landscape, green roofs, biodiverse green roofs, rain gardens, any pergola, play elements, ground based green walls and landscape structures for plant growth. The details shall also include a programme of maintenance, maintenance responsibilities, a maintenance calendar / plant replacement for 30 years of the development (reporting on implementation objectives for first year of maintenance, years 2-5, and 6 years and onwards) specifically for the planted landscape structures and green/biodiverse roofs.

This would be expected to set out, graphically and / or in writing, the overall functional and aesthetic objectives of the landscape scheme and the steps (eg legal arrangements including ownership and management responsibilities, planned maintenance tasks, any phased works, management programme of works, monitoring procedures etc.) that will be taken after implementation to ensure that the scheme becomes successfully established and reaches maturity.

REASON: To safeguard the appearance and character of the area and the development, and to support and ensure the provision of satisfactory biodiversity mitigation measures on site, in compliance with policies G6 and G7 of The London Plan, policies DM1, DM20, DM21, and DM22 of the Harrow Development Management Policies Local Plan (2013).

21. Lighting Strategy

Notwithstanding the approved details, the development hereby permitted shall not progress beyond damp proof course level, until final details of the lighting of all external communal areas and other external areas (including buildings) within the site has been submitted to the Local Planning Authority. This includes all details of the lighting including sourcing/ manufacturer details, location, height, elevations, type, direction of light sources, specification, elevations, light spillage and lighting levels. The exterior lighting would need to take account of Secure by Design principles, light spillage and impacts onto the adjacent railway, and any biodiversity recommendations or requirements, such sensitive lighting the benefit of nocturnal species (eg bats and badgers), and to provide lighting to minimise lightspill within the badger protection zone in the western side of the site.

Best practice measures are detailed in the Bat Conservation Trust Guidance Note 08/18 Bats and Artificial Lighting in the UK. The development shall be implemented in accordance with the approved details and shall be retained as such thereafter.

REASON: To ensure that the development incorporates lighting that contributes to Secured by Design principles, does not interfere with the operations of the adjacent railway and TfL infrastructure, achieves a high standard of quality, minimises energy use and, in particular avoid impacts on nocturnal species on site.

22. Materials

Notwithstanding the details shown on the approved plans, the development hereby permitted shall not proceed above damp-proof course level until samples of the materials to be used in the construction of the external surfaces noted below (but not limited to) have been made available to view on site, and approved in writing by, the local planning authority:

- a) Facing materials for the building, including brickwork bond details, down pipes and flues;
- b) All windows / doors, including those to all servicing areas and reveals;
- c) A sample casement of the proposed angled windows to the southern elevations of Blocks 2 and 3; and
- d) Balconies including balustrade detail, privacy screens for all northern balcony openings (including those facing north at an angle), soffits, and balcony underside finish.

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that the development is carried out to the highest standards of architecture and materials.

23. Acoustic Fence

The development hereby approved shall not progress beyond damp proof course level until details of the proposed acoustic fencing has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in full compliance.

REASON: To safeguard the amenity and living conditions of future and neighbouring residents.

24. ASHP Details

The development hereby approved shall not progress beyond damp proof course level until details of the proposed Air Source Heat Pump(s), which shall include visual screening and projected noise levels and noise mitigation, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be implemented and maintained in full compliance with the approved measures prior to the first occupation of the development.

REASON: To safeguard the amenity of future and neighbouring residents.

25. Secure by Design Accreditation

Prior to the first occupation of the development, evidence of Secured by Design Certification shall be submitted to the Local Planning Authority in writing to be agreed. Secure by design measures shall be implemented and the development shall be retained in accordance with the approved details.

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. the Local Plan (2013), and Section 17 of the Crime & Disorder Act 1998.

26. Communal Facilities

Prior to the first occupation of the residential units hereby permitted, 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 in writing by the Local Planning Authority. Such details shall include the specific size and location of all equipment. The approved details shall be implemented prior to the first occupation of the residential units and shall be retained thereafter. No other television reception equipment shall be installed on the building without the prior written approval of the Local Planning Authority.

REASON: To ensure that any telecommunications apparatus and other plant or equipment that is required on the exterior of the buildings preserves the high quality design of the buildings and spaces in accordance with policy D3 of the London Plan (2021), and DM49 of the Development Management Policies Local Plan (2013), and to ensure that the development achieves a high standard of amenity for future occupiers the buildings in accordance with policy DM 1 of the Development Management Policies Local Plan (2013).

27. Noise

The proposed development shall be implemented in accordance with the approved Noise Impact Assessment documents, Noise report [6477_001R_2-0_CW, ref 6477, dated 14 February 2023] and Updated Baseline Noise Survey [dated 8 September 2023], and shall be maintained as such thereafter.

REASON: To ensure the development achieves a satisfactory standard of living conditions for future occupiers.

28. Landscaping Implementation

All planting, seeding or turfing comprised in the approved details of landscaping 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, in compliance with policies DM 1, DM 22 and DM 23 of the Harrow Development Management Policies Local Plan (2013).

29. Refuse Storage

The refuse and waste bins shall be stored at all times, other than on collection days, within the designated refuse storage areas as shown on the approved plans.

REASON: To safeguard the character and appearance of the area.

30. Glazing

No window(s) / door(s), other than those shown on the northern flank elevations shall be installed in the without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

31. Obscure Glazing

The windows in the northern flank elevations above lower ground floor level of all buildings of the approved development shall:

- a) be of purpose-made obscure glass,
- b) be permanently fixed closed below a height of 1.7 metres above finished floor level and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents.

32. Permitted Development Restriction 1

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.

33. Accessibility

The development hereby permitted shall be constructed to include 90 per cent of the new homes to meet Building Regulations requirement Part M M4(2) 'accessible and adaptable dwellings' with the remaining 10 per cent meeting Building Regulations requirement Part M M4(3) 'wheelchair user dwellings' and thereafter retained in that form.

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

34. Energy and Sustainability

- A. The development shall be undertaken in accordance with the approved Energy & Sustainability Statement (Energy Statement Report [S2, Rev 2, dated 01/03/2023], with GLA Carbon Emission reporting spreadsheet).
- B. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the final completion of the development a post construction assessment shall be undertaken demonstrating compliance with the approved Energy and Sustainability Statement,

which thereafter shall be submitted to the Local Planning Authority in writing to be agreed the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with the National Planning Policy Framework 2021 and local policies.

35. Air Quality Measures

A. The development shall be undertaken in accordance with the approved Air Quality Assessment (Air Quality Assessment [PRO-08490, February 2023]).

B. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the final completion of the development, a completion certificate demonstrating that the proposal has been implemented in accordance with the above approved Air Quality Assessment shall be submitted to the Local Planning Authority.

REASON: To ensure the delivery of a sustainable development in accordance with the National Planning Policy Framework 2021, policy SI 1 of the London Plan, and local policies.

36. Retained Trees

No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any way during the development phase and thereafter within 5 years of completion of development., other than in accordance with approved plans or as permitted by prior approval in writing from the local authority.

REASON: to safeguard and enhance the character and amenity of the area, and in accordance with DM22 Trees and Landscaping and pursuant to Section 197 of the Town and Country Planning Act 1990

Informatives

1. Policies

The following policies are relevant to this decision:

- **National Planning Policy Framework (2023)**
- **The London Plan (2021):** GG2, GG4, GG6, D3, D5, D6, D7, D11, D12, D14, S4, G1, G5, G6, G7, T4, T5, T6/6.1, H1, H4, H5, H6, H10, SI 1, SI 2, SI 4, SI 5, SI 7, SI12; SI 13, E11
- **Harrow Core Strategy (2012):** CS1
- **Harrow Development Management Policies Local Plan (2013):** DM1, DM2, DM9, DM10, DM12, DM13, DM14, DM15, DM20, DM21, DM22, DM24, DM27, DM28, DM42, DM43, DM44, DM45, DM50

Supplementary Planning Documents:

- Technical housing standards - nationally described space standard (2015).
- Mayor of London Play and Informal Recreation Supplemental Planning Guidance (2012)
- Mayor of London Housing Design Standards (2023)
- Mayor of London Affordable Housing and Viability Supplementary Planning Guidance (2017)
- Supplementary Planning Document Residential Design Guide (2010)
- Supplementary Planning Document: Planning Obligations and Affordable Housing (2013)
- Supplementary Planning Document: Tall Buildings (Building Heights) (2023)
- Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2106)

2. Pre-application engagement

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.

3. Considerate Contractor Code of Practice

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

4. 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 CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237
Textphone: 0870 1207 405
E-mail: communities@twoten.com

5. 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.

6. Surface and foul water connections

The applicant is advised that the Drainage Authority in Harrow recommends the submission of a drainage plan, for their approval, indicating all surface and foul water connections and their outfall details. Please also note that separate systems are used in Harrow for surface water and foul water discharge. Please email infrastructure@harrow.gov.uk with your plans.

7. SUDs informative

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 (2023) 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. The London Plan (2021) 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.

8. TfL Infrastructure

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; tall plant; scaffolding; security; boundary treatment; safety barriers; landscaping and lighting. The applicant is further advised that the onus is on the developer to ensure that any obligations that fall outside the purview of planning with regard to notices, communication and/or obligations relating to TfL property and operations are fulfilled.

9. Designing Out Crime

For further information regarding Secure By Design, the applicant can contact the North West London Designing Out Crime Group on the following: DOCOMailbox.NW@met.police.uk

10. Fire Safety

Fire Safety Statement. The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.

11. 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.

12. Street 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 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

13. Compliance with Planning Conditions

Compliance with Planning Conditions Requiring Submission and Approval of Details Before Development Commences - You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority. Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.- Beginning development in breach of a planning condition will invalidate your planning permission.

- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

14. 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 £174,960

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 planning portal 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.

15. 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 plus indexation is £508,346.28.

This amount 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).

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:

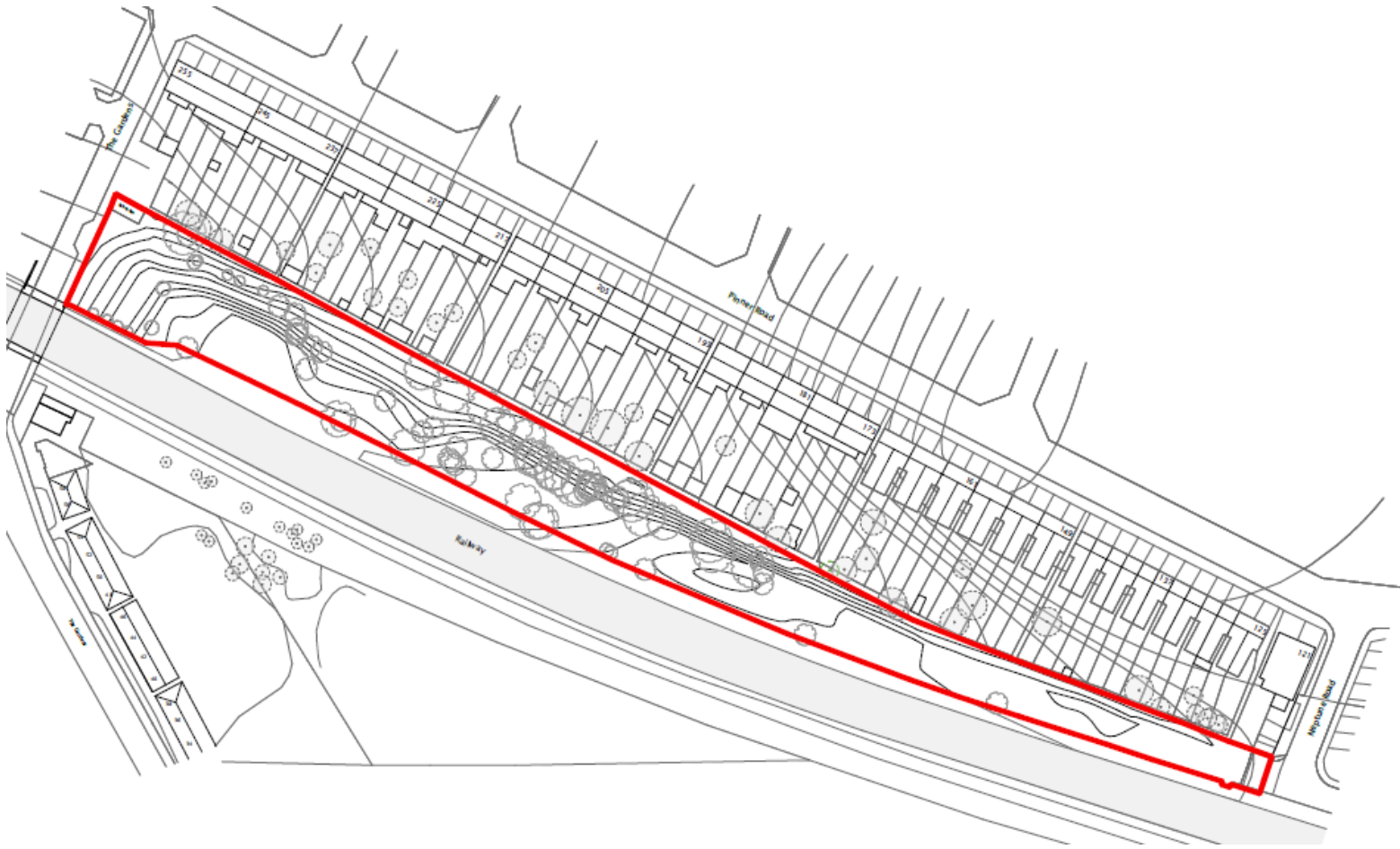
https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf

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.

CHECKED

 <p>Orla Murphy Head of Development Management 9th November 2023</p>	 <p>Viv Evans Chief Planning Officer 9th November 2023</p>
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APPENDIX 2: SITE PLAN



APPENDIX 3: SITE PHOTOGRAPHS

Views within the site:



Looking from within site to easter (existing) access on Neptune Road





Eastern end - Facing west (away from Neptuen Road)





Looking towards houses along Pinner Road





Boundary buffer and ground level changes from site to Pinner Road properties



Houses further along (moving west towards The Gardens)



And along southern boundary





Evidence of badger activity (digging under fence)



Monitoring camera



Houses along Pinner Road towards the western end of the site



Western end of the site along the southern boundary – railway bridge over The Gardens visible in distance



Looking down to The Gardens from high point of southern boundary (where Badger zone would be)



Looking back from western end of site towards the east



Looking east again

Views from outside the site:



Existing entrance off Neptune Road



Neptune Road (looking towards Pinner Road)







Neptune Road looking towards industrial units





Looking from Pinner Road to The Gardens



Western end of site off The Gardens



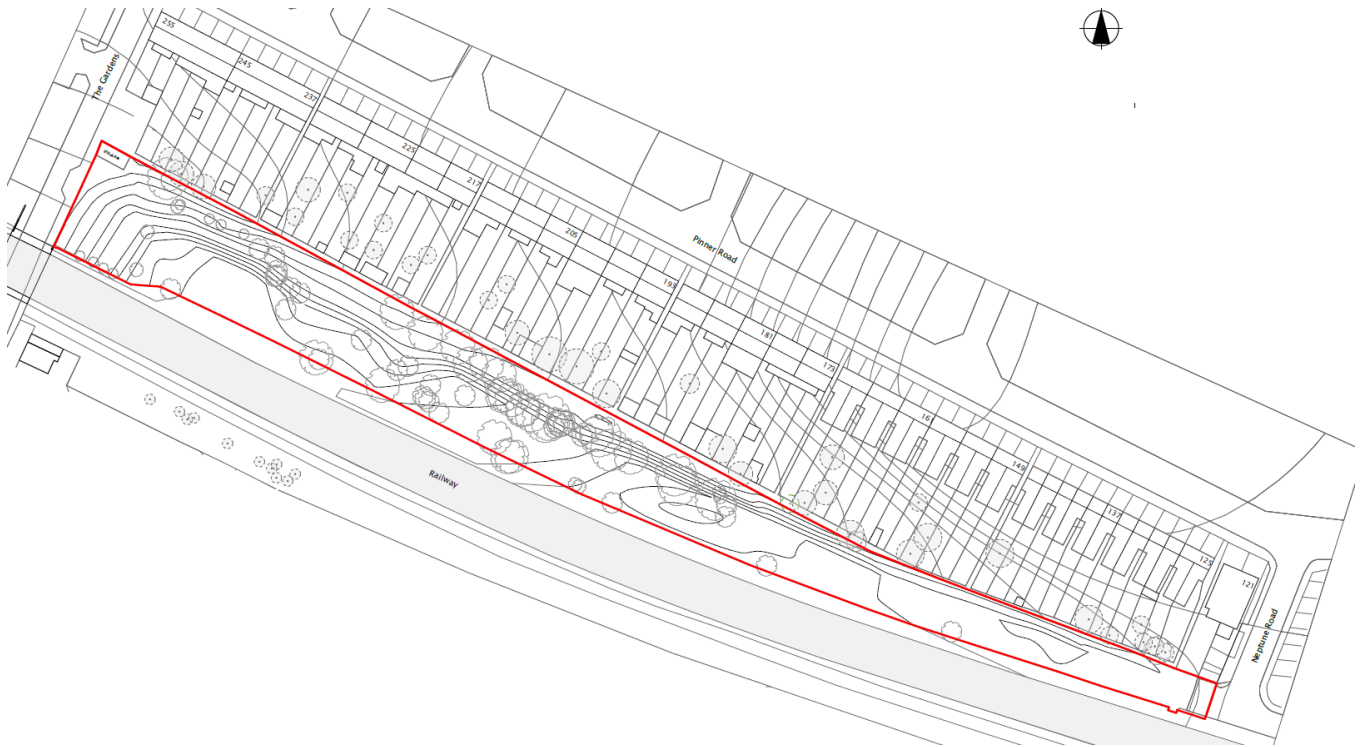




Looking back towards Pinner Road from The Gardens

APPENDIX 4: PLANS AND ELEVATIONS

Existing site plan:



Proposed Site Plans:





Proposed Site Elevations:



Block 1 - North Site elevation

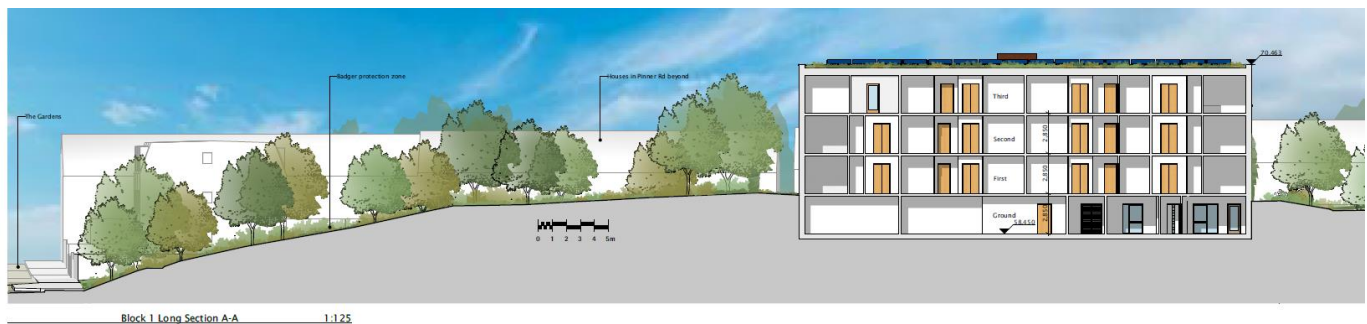


Block 3 (left) and 2 (right) - North Site elevation

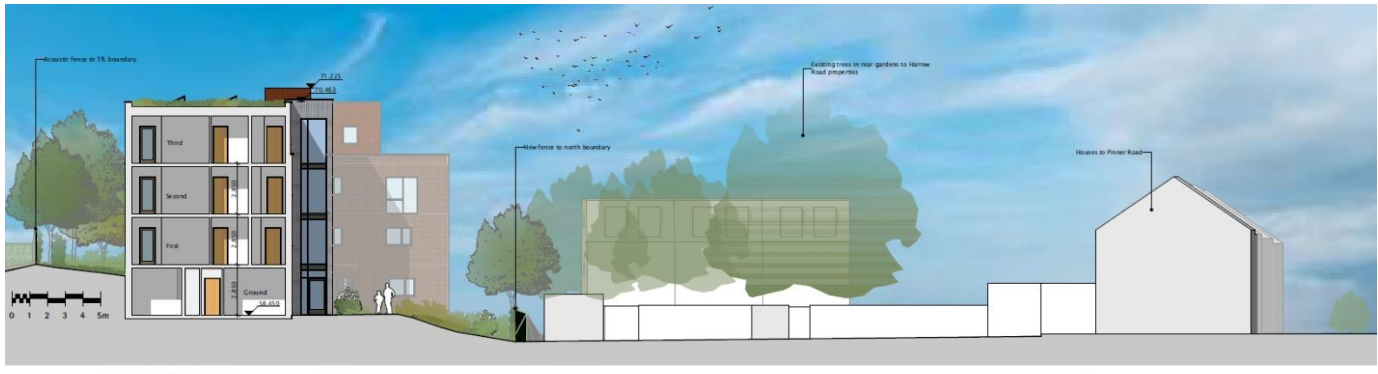


South Elevations – Blocks 1-3

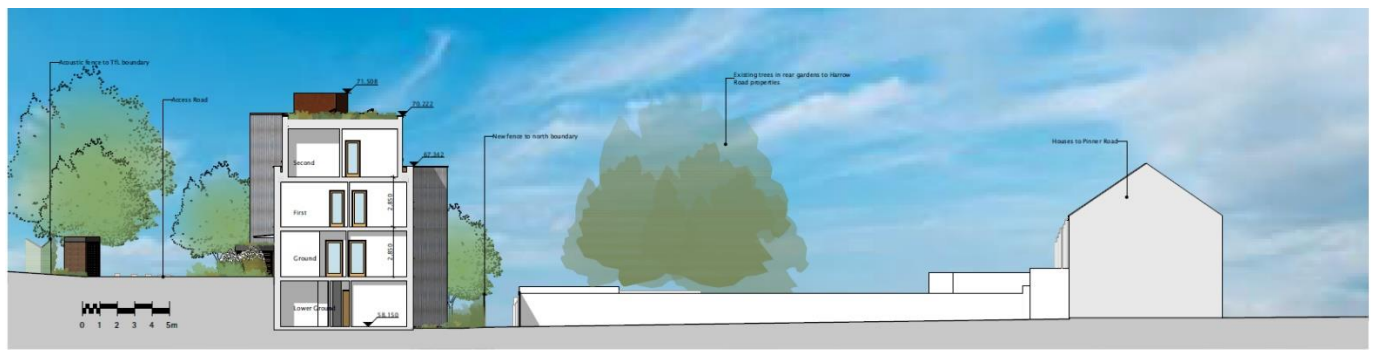
Proposed Sections:



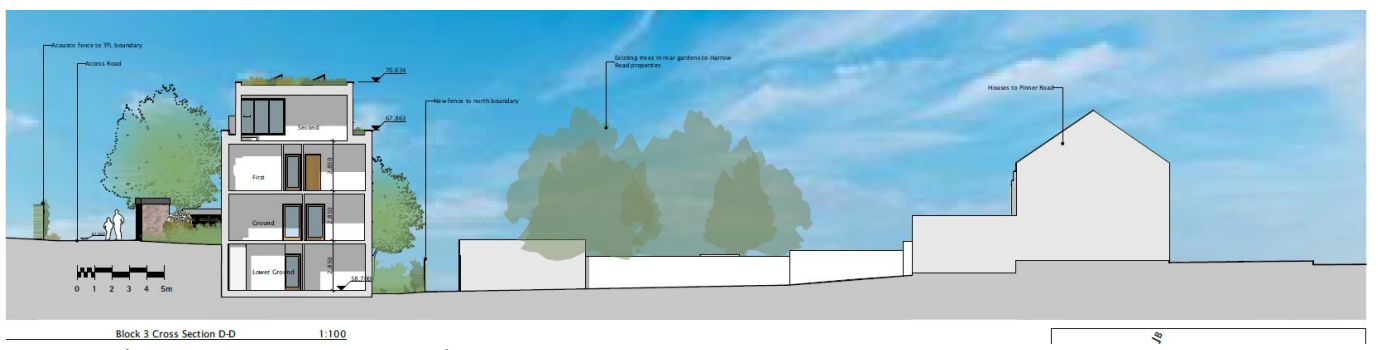
Block 1 (along roughly east-west axis)



Block 1 (along north-south axis)



Block 2 (along north-south axis)



Block 3 (along north-south axis)

Proposed Elevations:



Block 1 - North Elevation

Block 1 - Northern Elevation (facing rear of houses along Pinner Road)

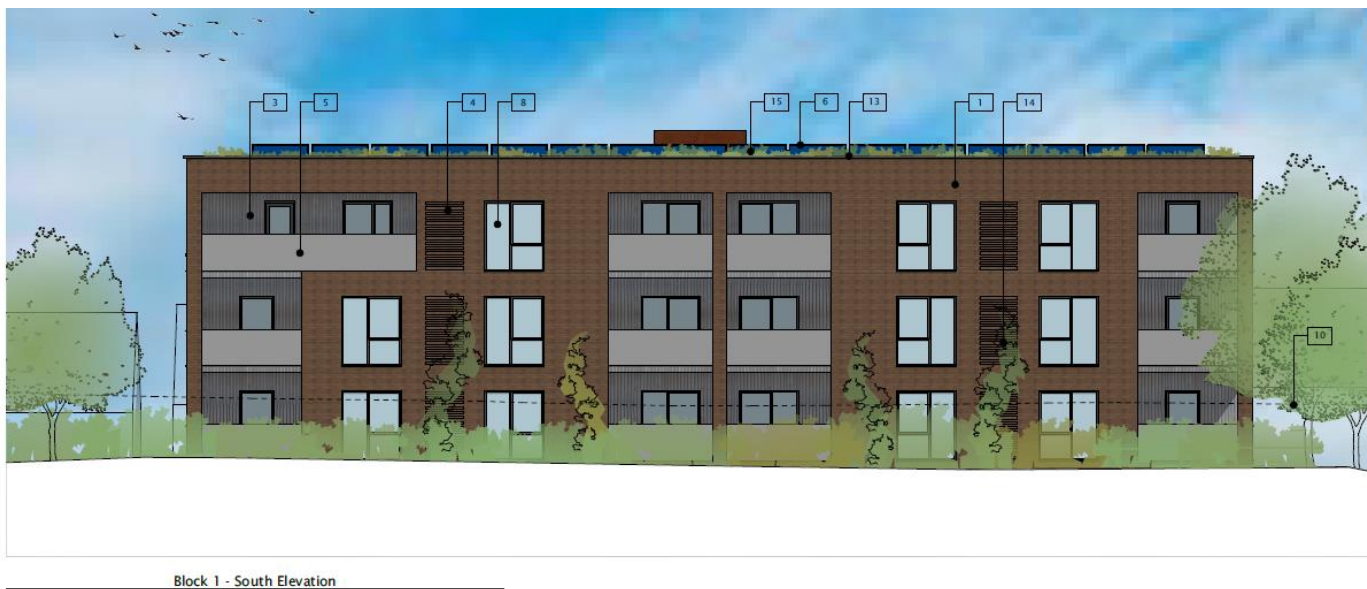


Block 1 - West Elevation

Block 1 - Western Elevation



Block 1 - Eastern Elevation



Block 1 - Southern Elevation (facing railway)



Block 2 - North Elevation

Block 2 - Northern Elevation (facing rear of houses along Pinner Road)



Block 2 - West Elevation

Block 2 - Western Elevation



Block 2 - East Elevation

Block 2 - Eastern Elevation



Block 2 - South Elevation

Block 2 - Southern Elevation (facing railway)



Block 3 - Northern Elevation (facing rear of houses along Pinner Road)



Block 3 - West Elevation

Block 3 - Western Elevation



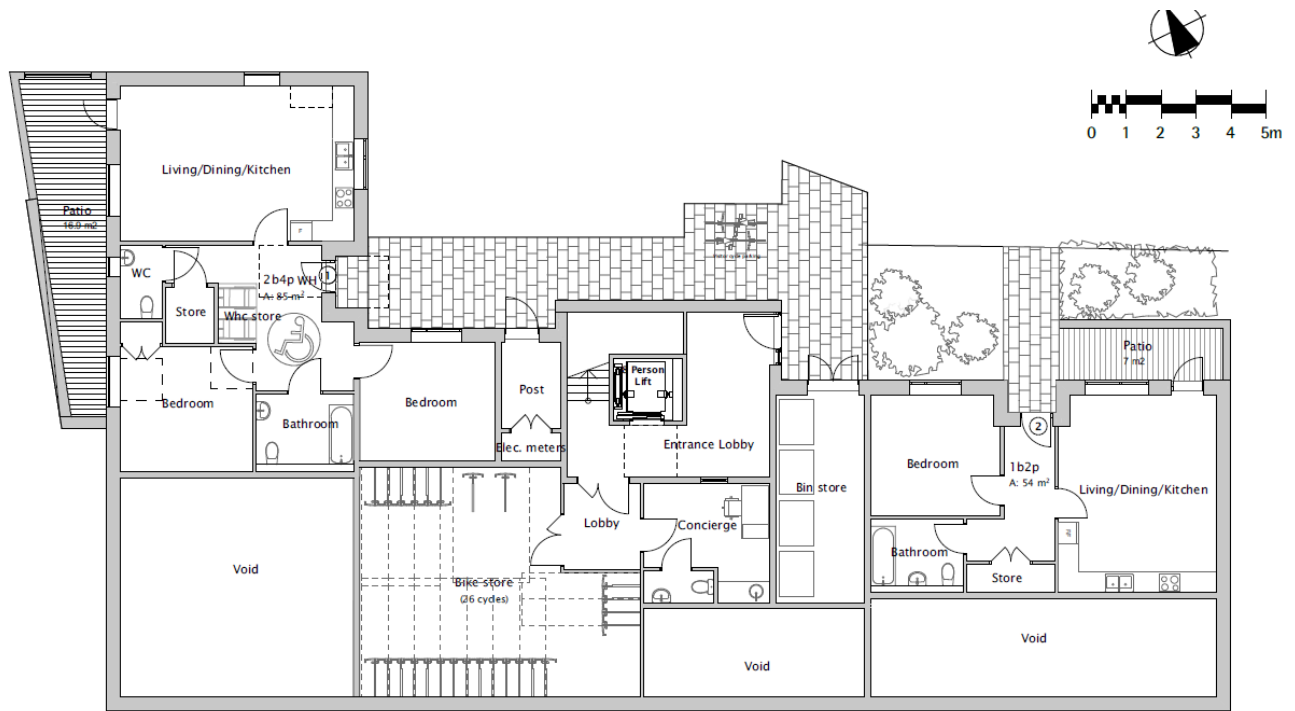
Block 3 - East Elevation

Block 3 - Eastern Elevation



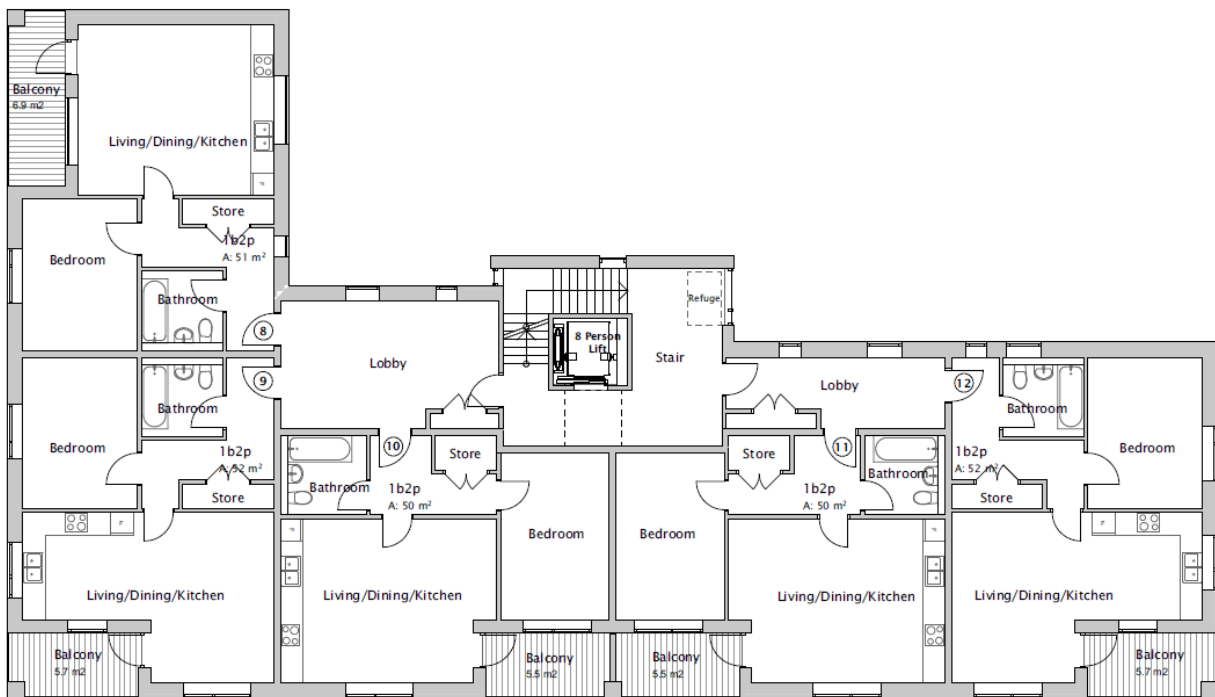
Block 3 - Southern Elevation (facing railway)

Proposed floor plans:



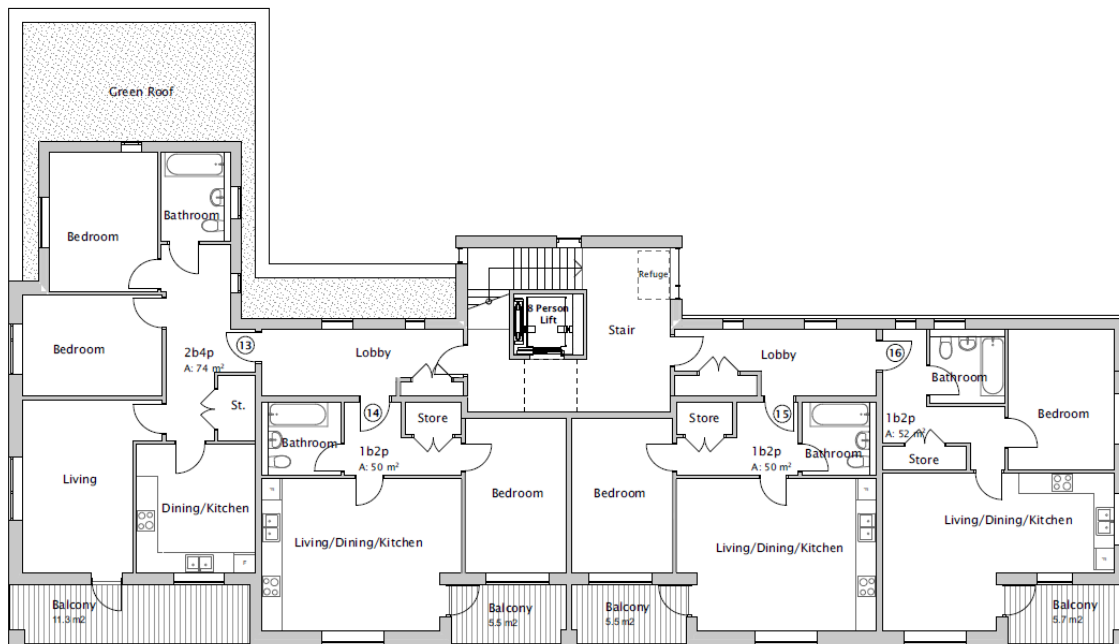
Ground Floor Plan

Block 1 - Ground floor plan



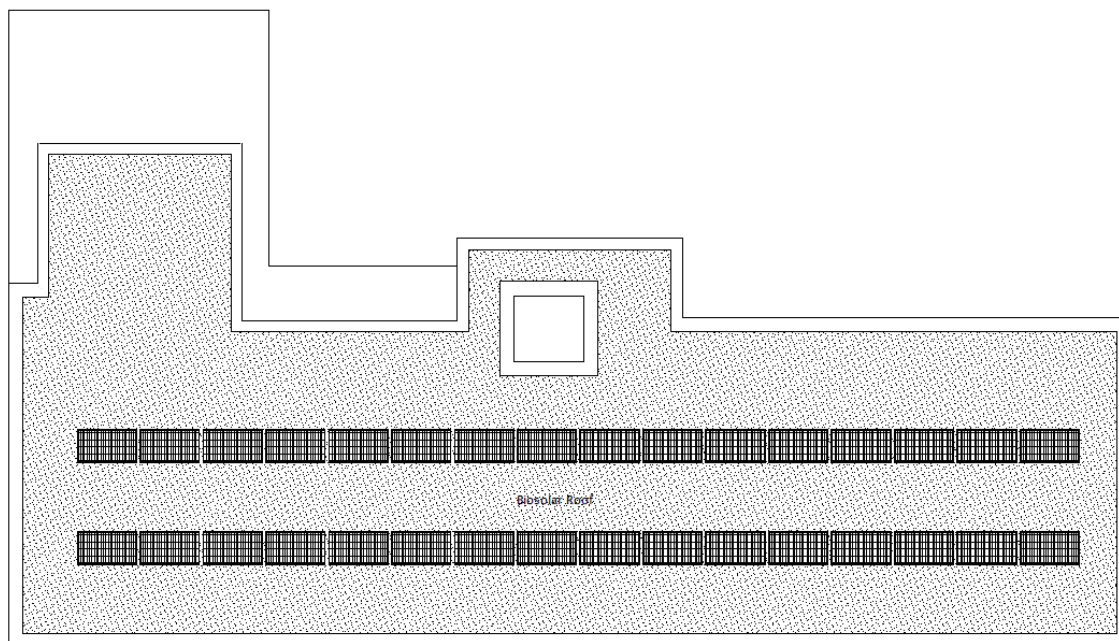
First and Second Floor Plans

Block 1 – First and Second floor plan



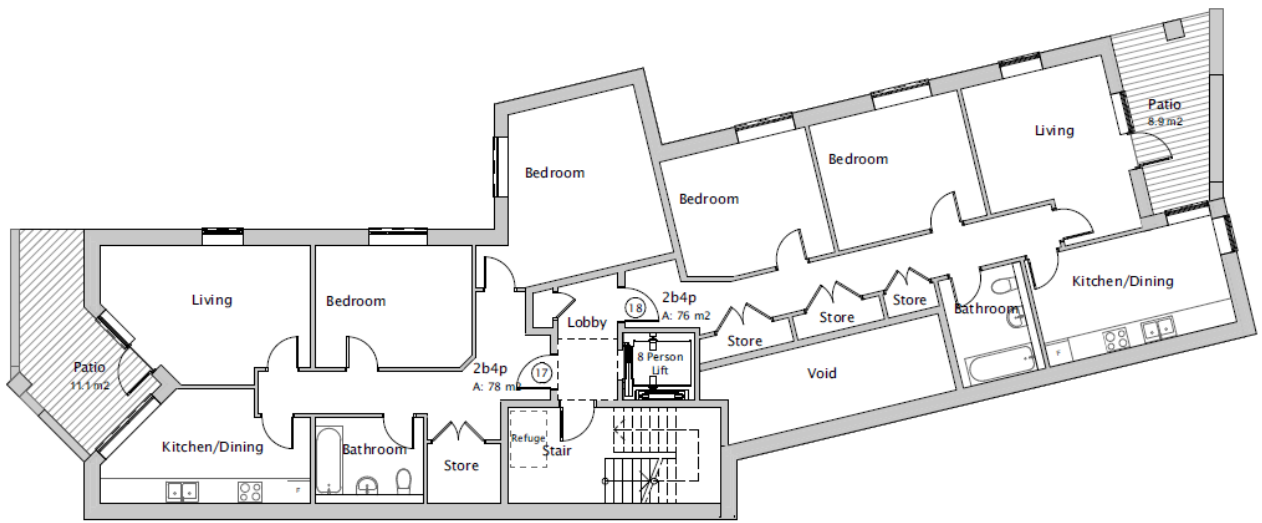
Third Floor Plan

Block 1 - Third floor plan



Roof Plan

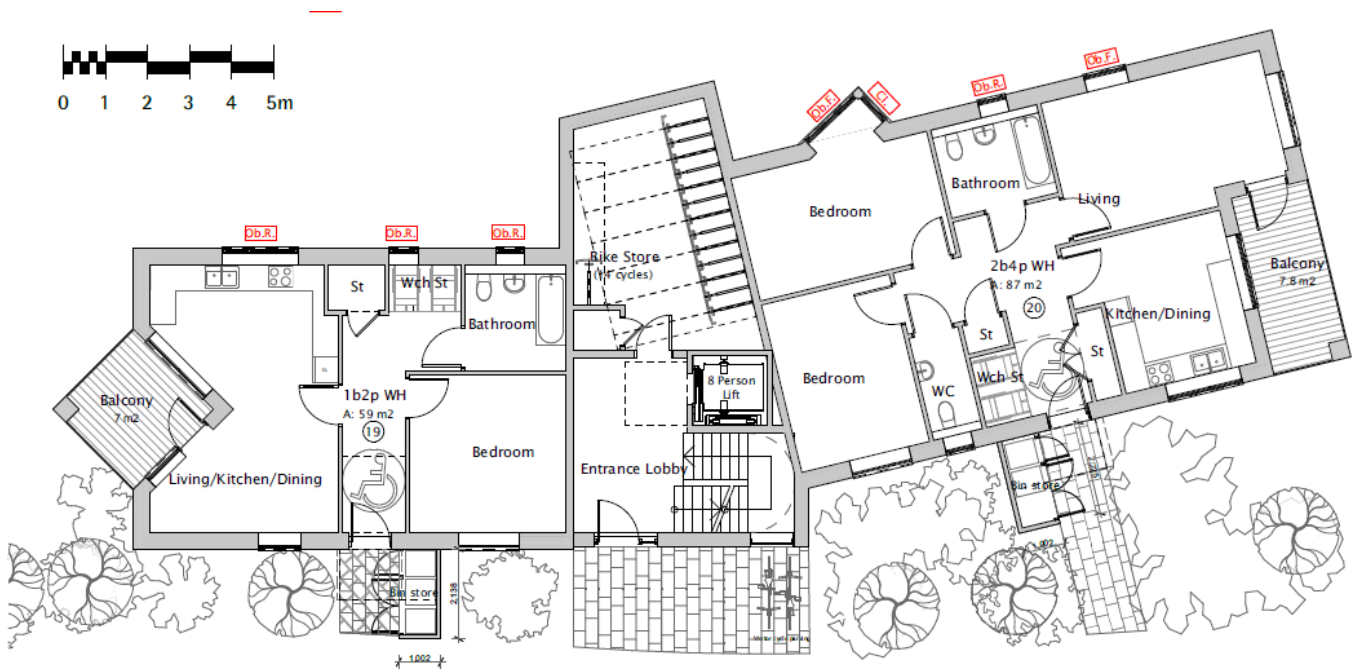
Block 1 - Roof plan



Lower Ground Floor Plan

1:100

Block 2 – Lower Ground Floor Plan



Ground Floor Plan

1:100

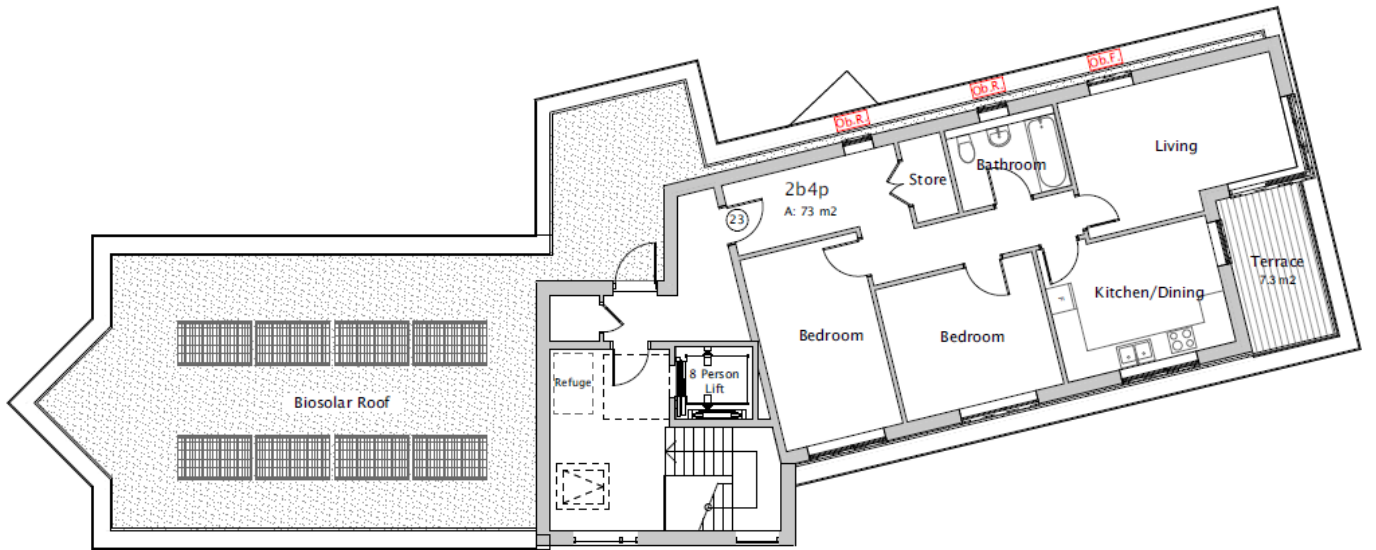
Block 2 – Ground Floor Plan



First Floor Plan

1

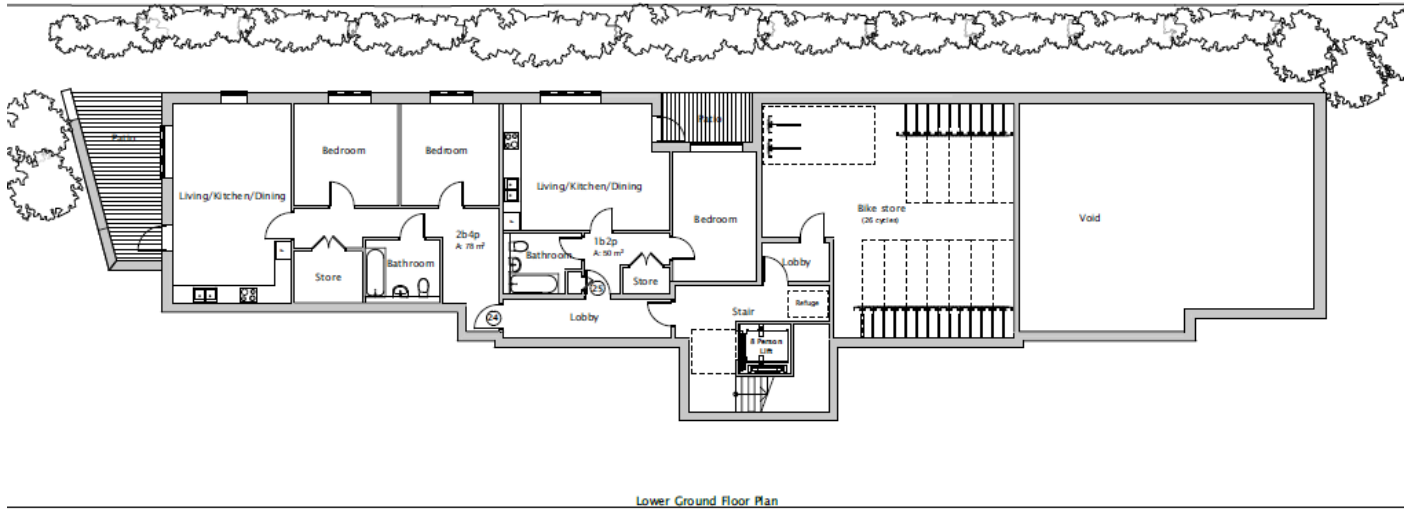
Block 2 – First Floor Plan



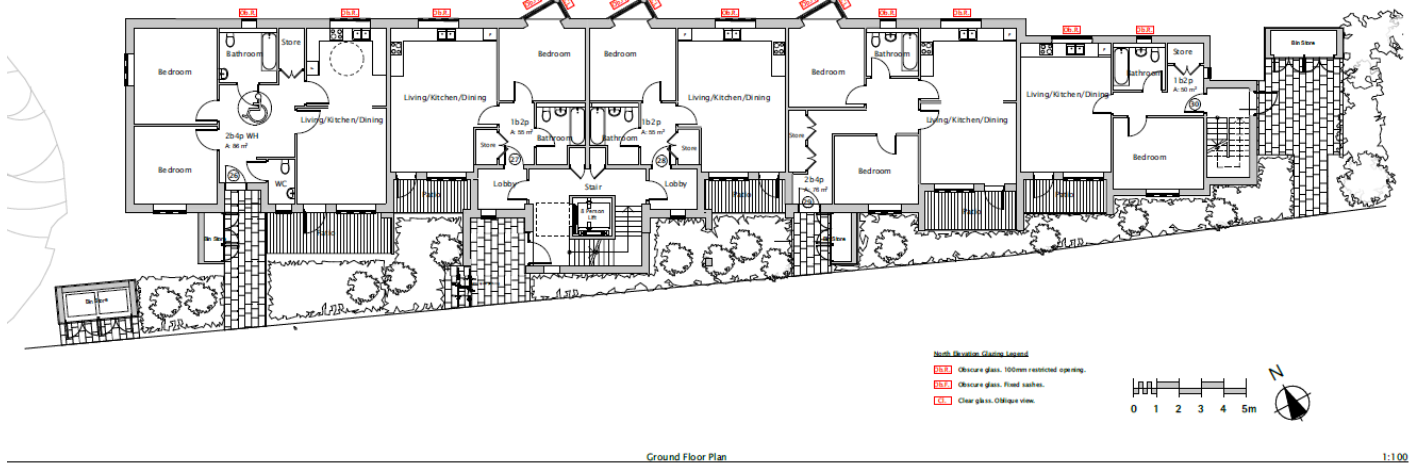
Second Floor Plan

1:

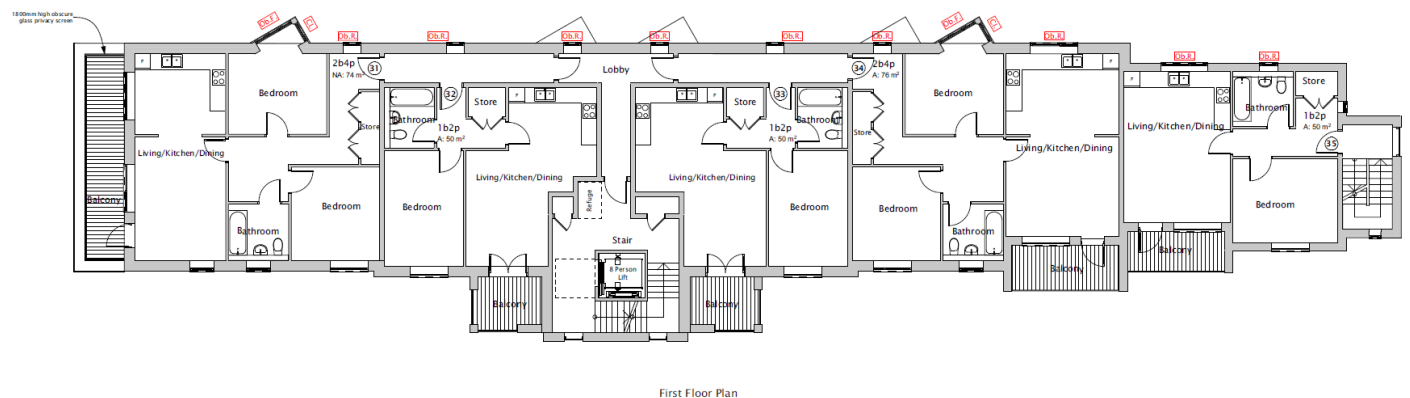
Block 2 – Second Floor Plan



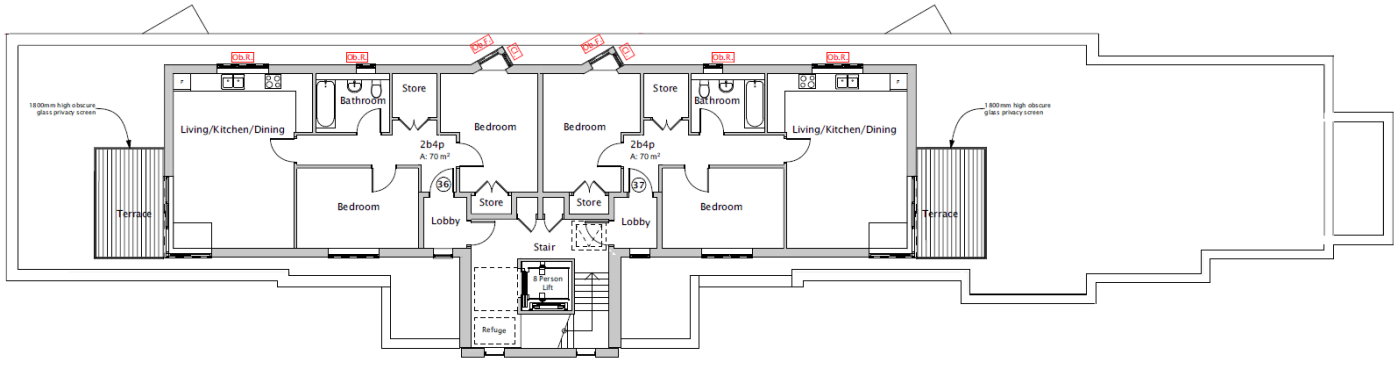
Block 3 – Lower Ground Floor Plan



Block 3 – Ground Floor Plan

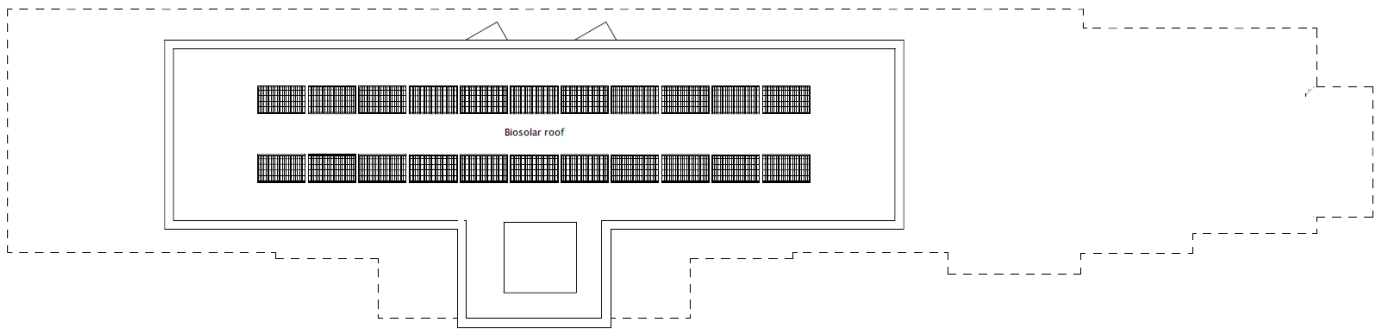


Block 3 – First Floor Plan



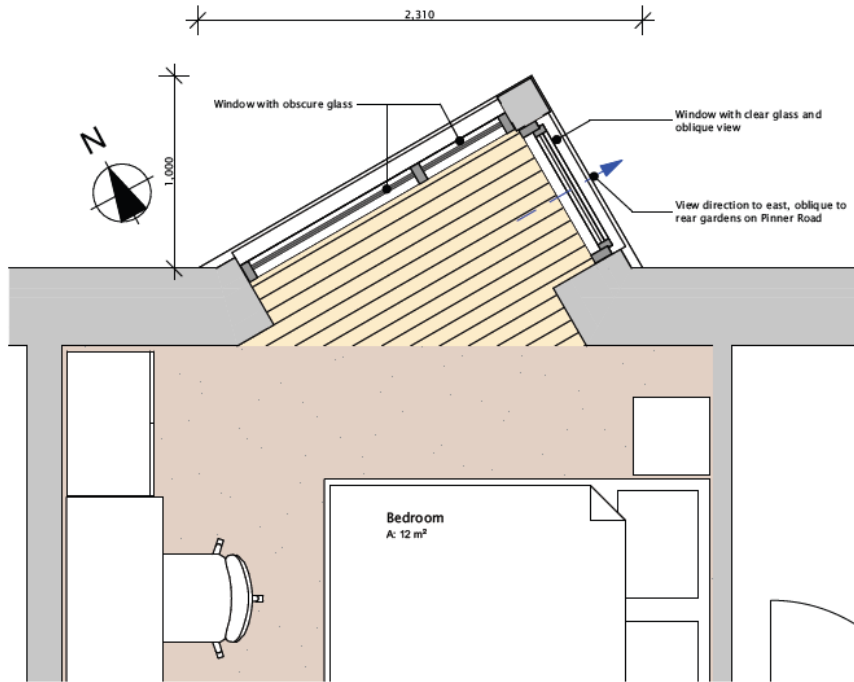
Second Floor Plan

Block 3 – Second Floor Plan



Roof Plan

Block 3 – Roof Plan



TYPICAL PLAN OF OBLIQUE WINDOWS
 (NB All oblique windows are to bedrooms - see layout plans)

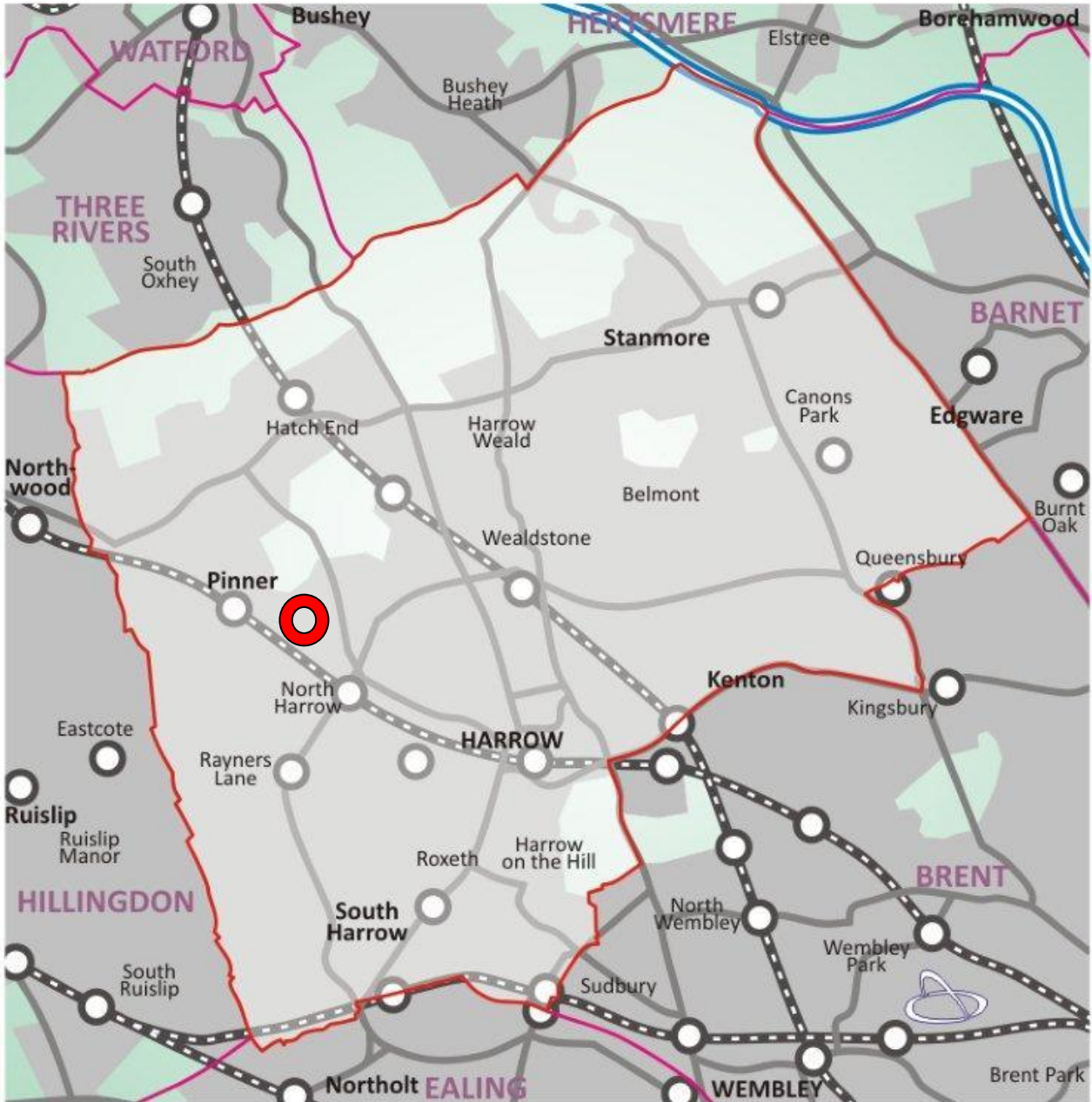
Blocks 2 and 3 – Oblique window details



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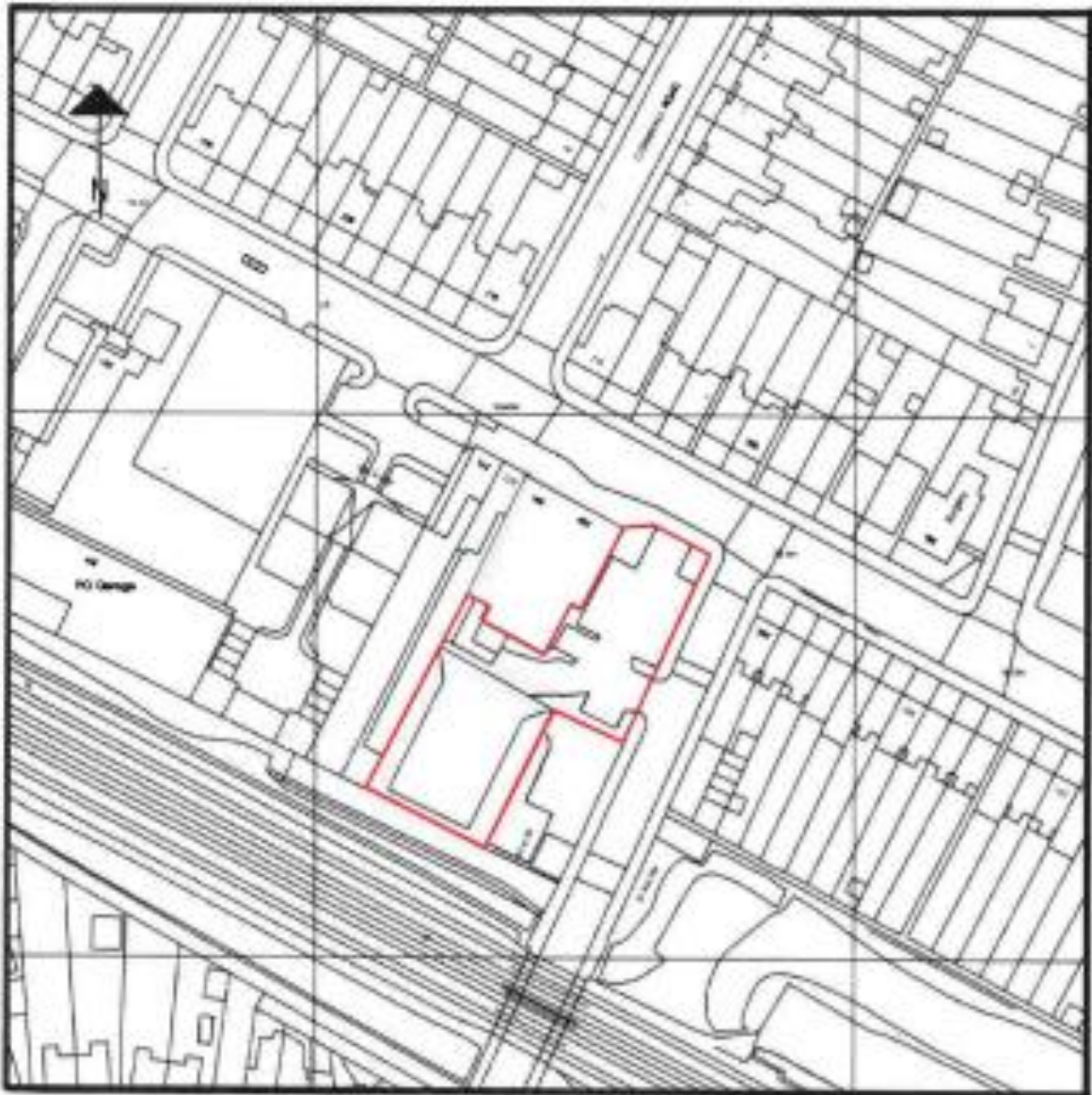
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 = application site



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 S113 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 Polices Local Plan (2013):DM1
- London Plan Policy D3

Relevant Supplementary Documents

- Residential Design Guide (2010)

6.5.2 Policy DM1 of the Development Management Polices 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 Polices 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:

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

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 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.

CHECKED

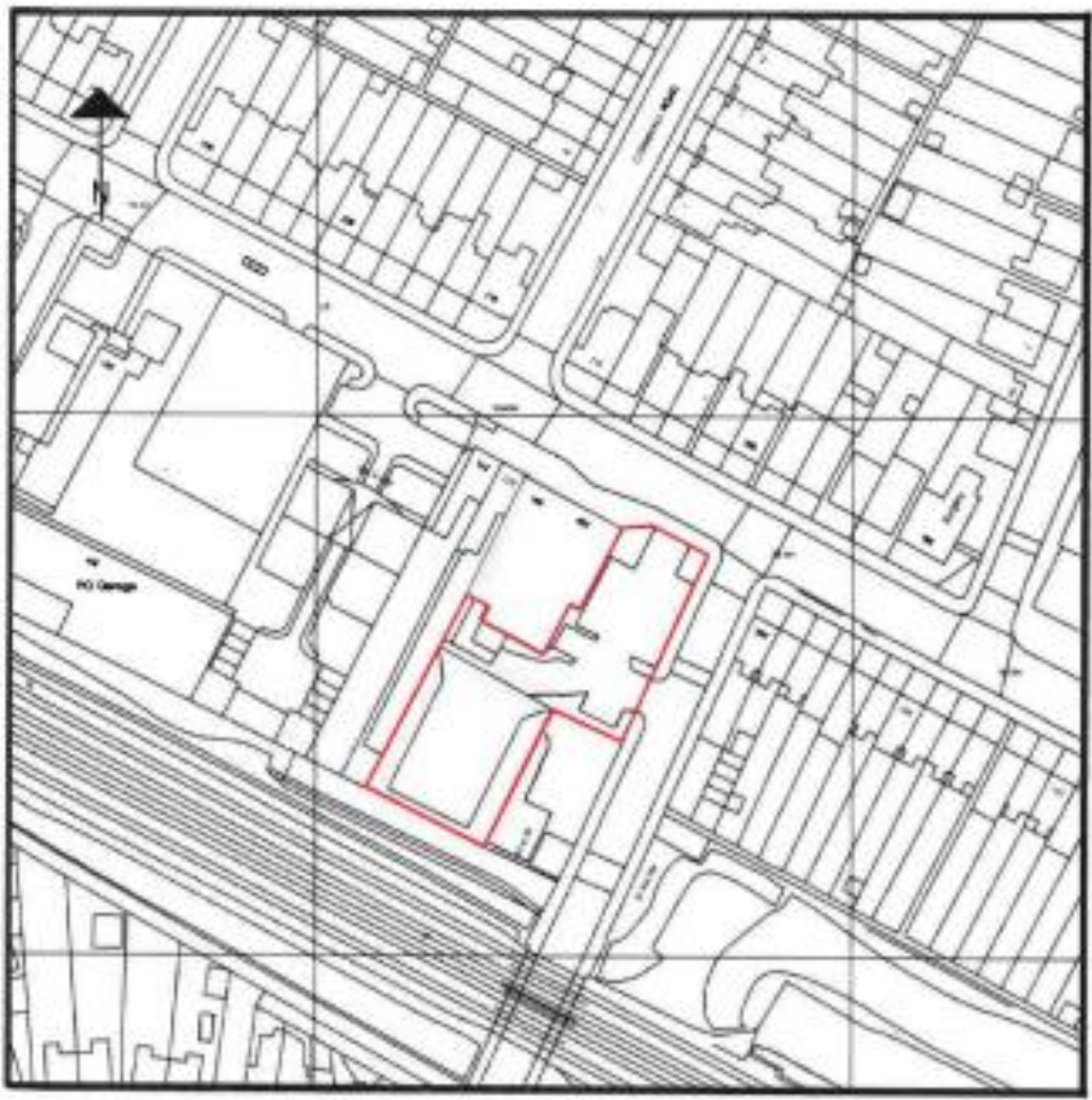


Orla Murphy
Head of Development Management
9th November 2023



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

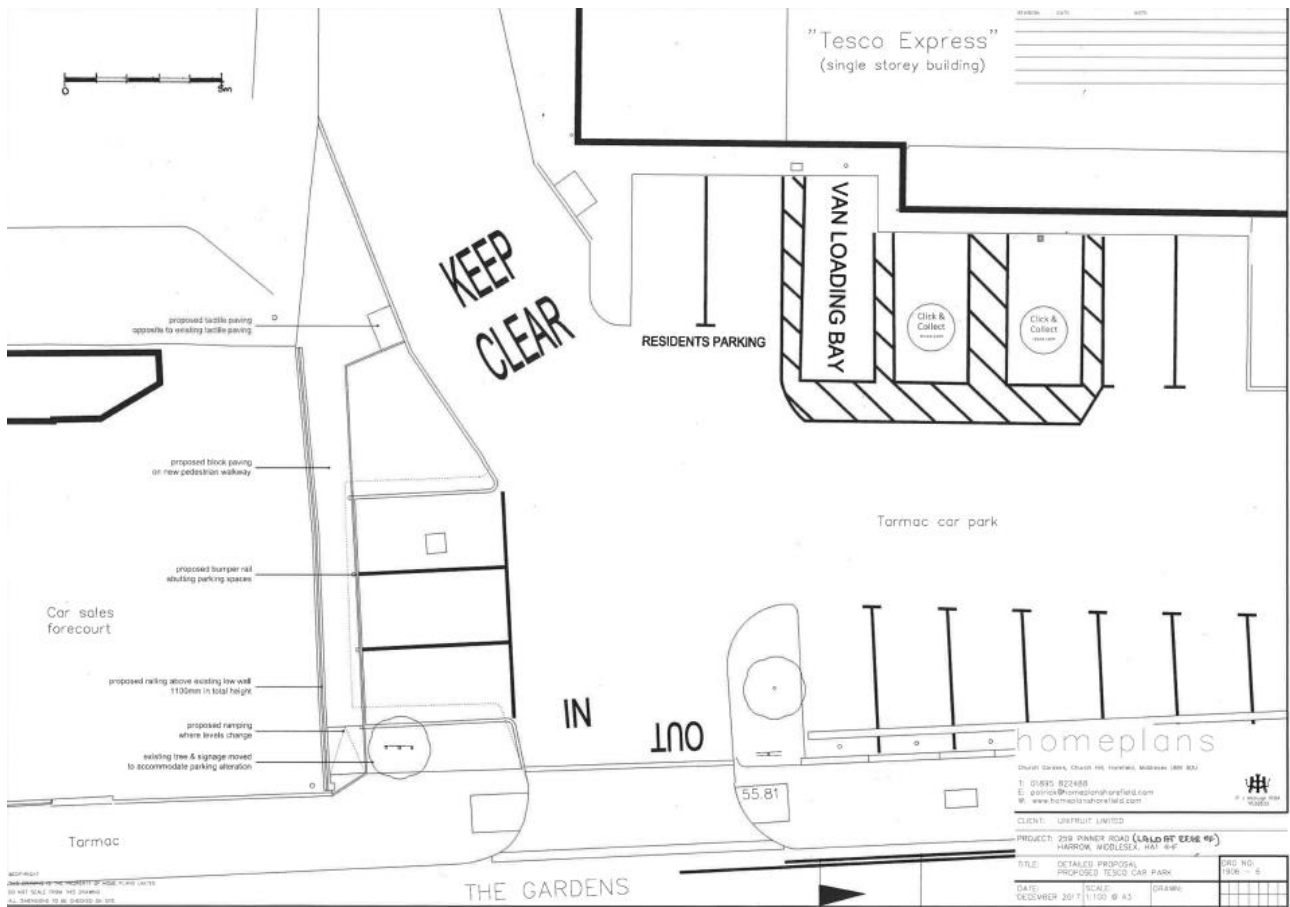


View of Adrian Court and Kotecha House along Pinner Road (prior to extensions to Kotecha House)

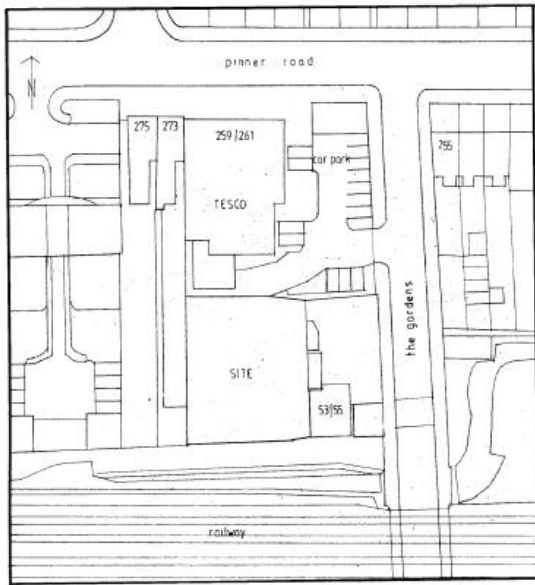


APPENDIX 4: PLANS AND ELEVATIONS

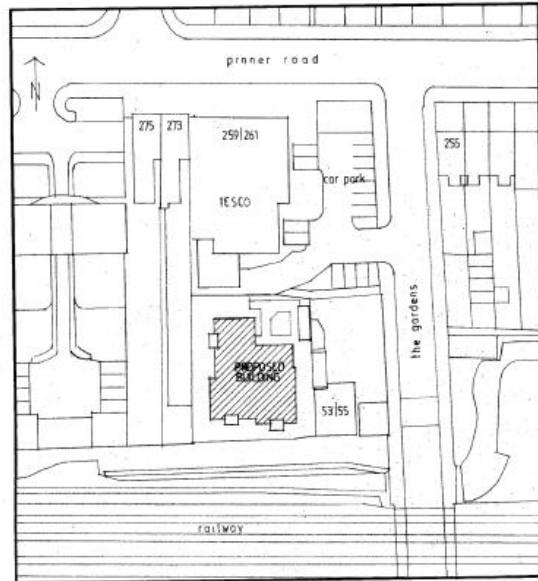
Proposed Tesco Car Park Layout



Existing and Proposed Block Plans



EXISTING BLOCK PLAN 1:500

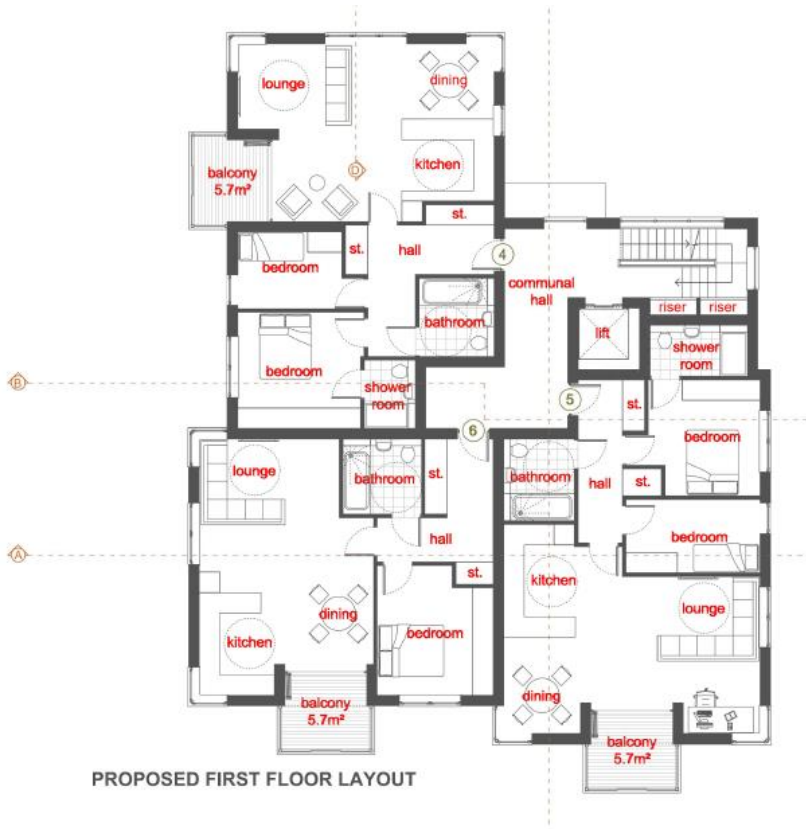


PROPOSED BLOCK PLAN 1:500

Proposed Ground Floor Plan



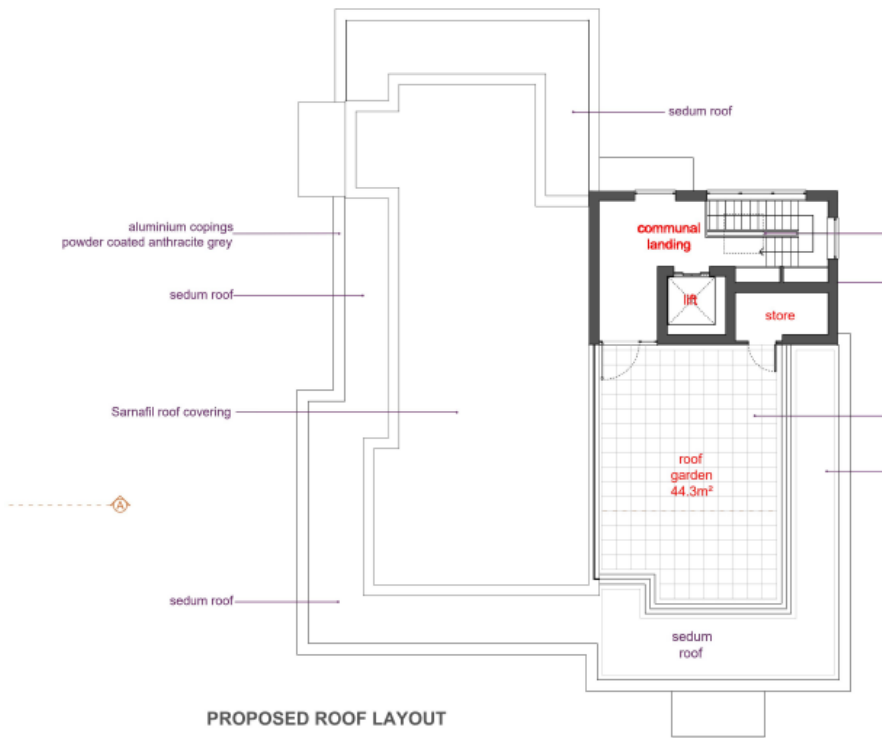
Proposed First Floor Plan



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 Rear Elevation



**PROPOSED REAR ELEVATION
FROM RAILWAY LINE**



PROPOSED SIDE ELEVATION
FROM 'THE GARDENS'

Proposed Side Elevation

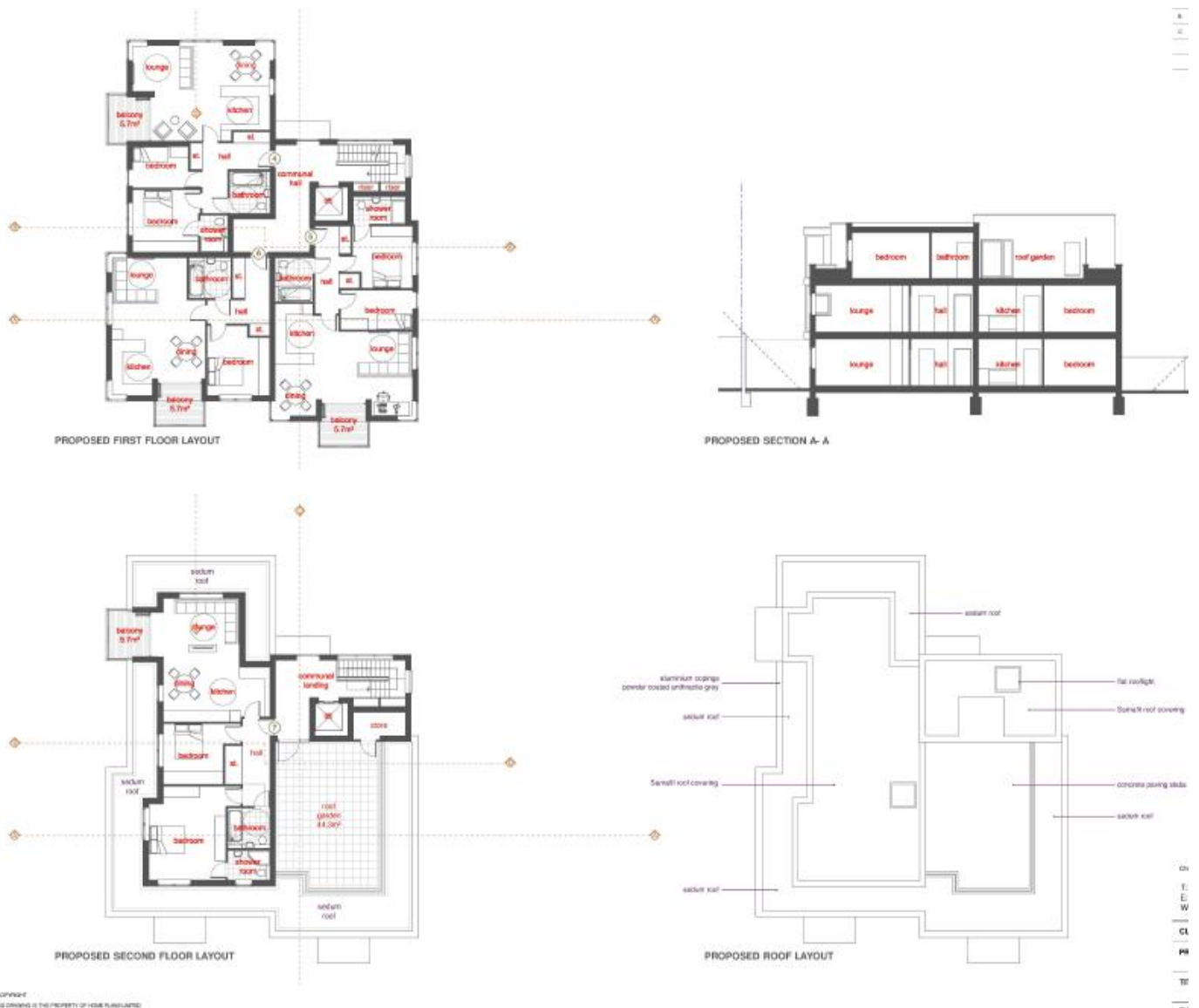


PROPOSED SIDE ELEVATION
FROM NO. 273 PINNER ROAD

Ground Floor Plan Approved Under Application P/4355/19



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



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



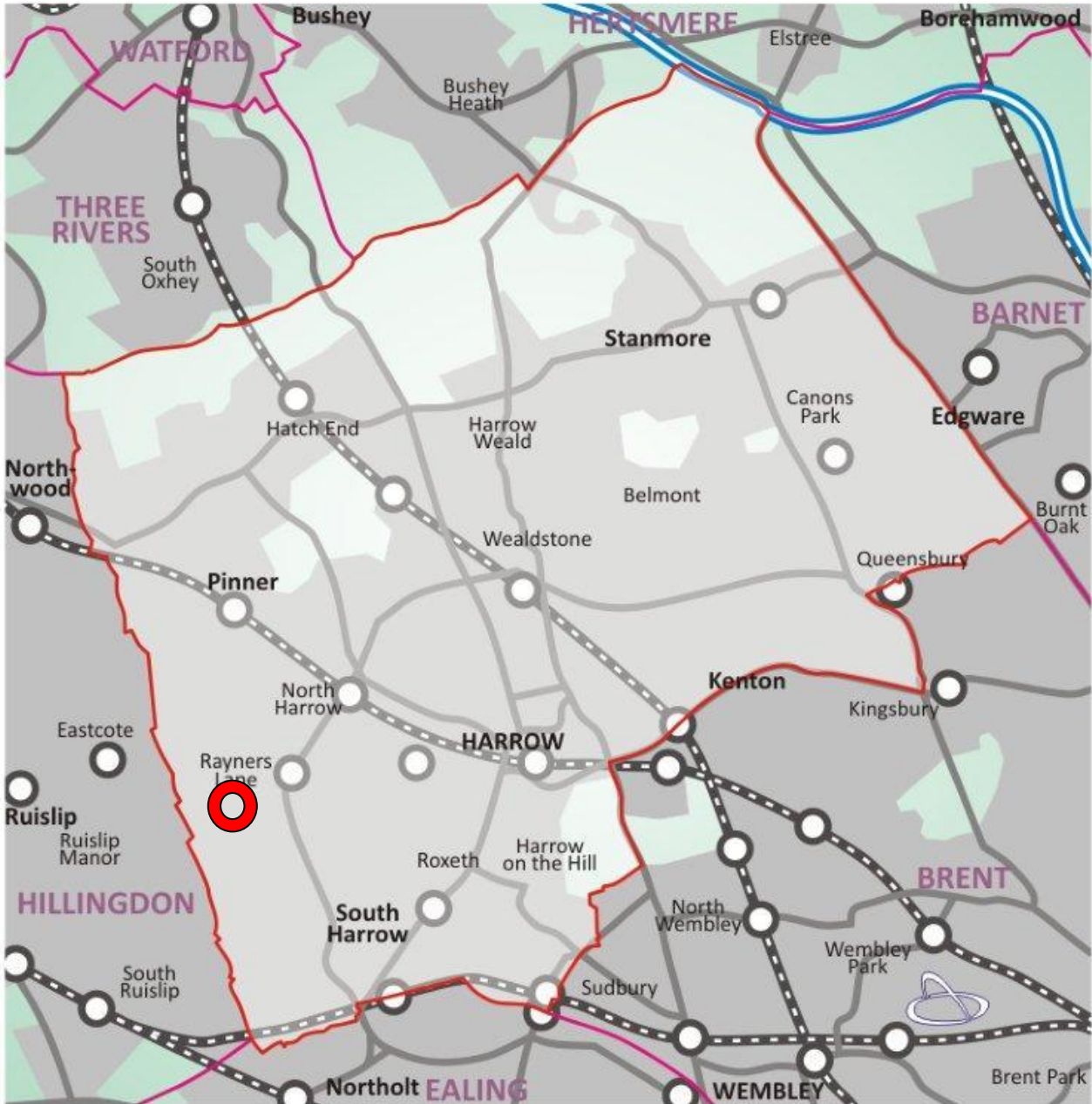
Front Elevation of Development Allowed at Appeal at Kotecha House (P/1950/21/PRIOR)



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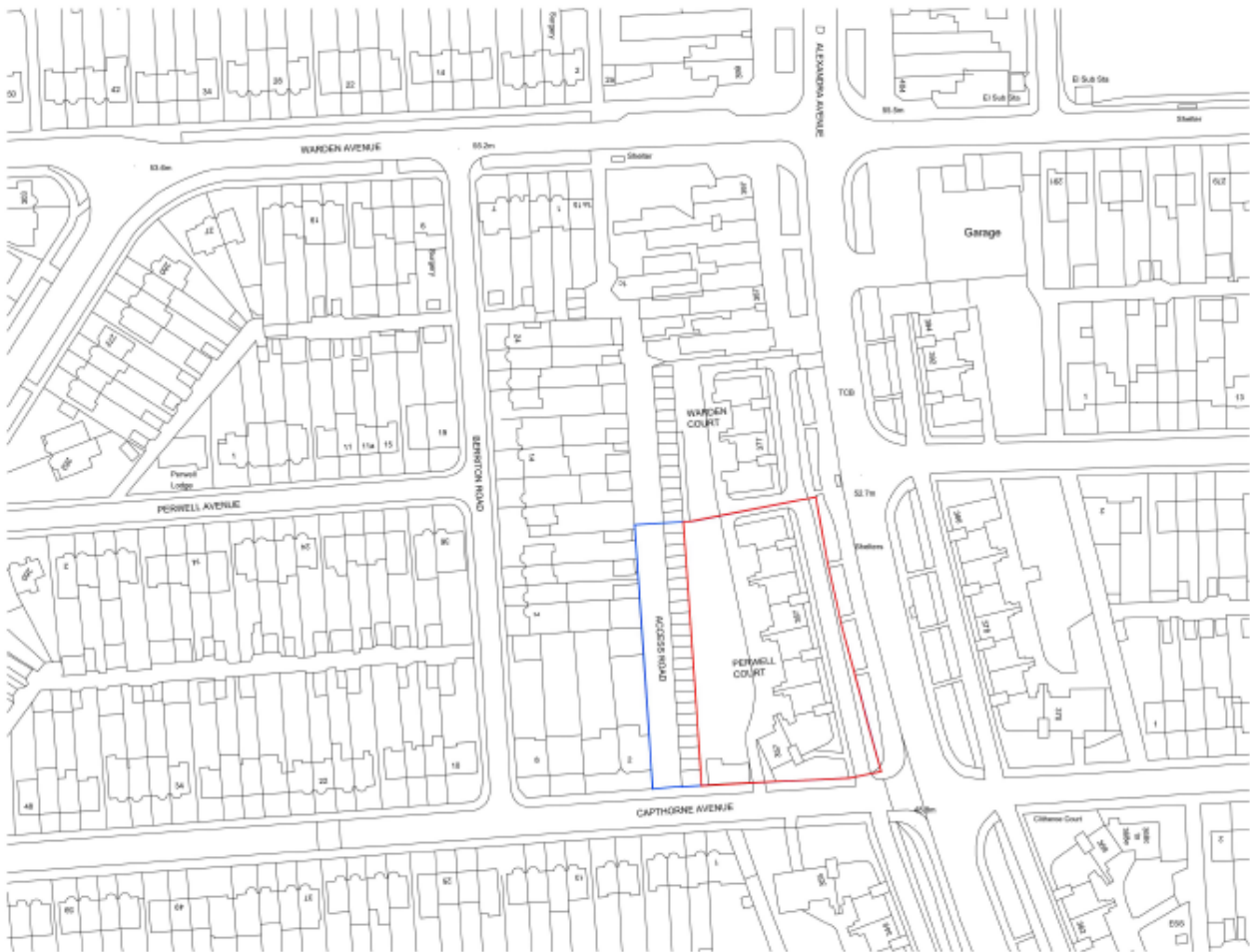
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 = application site



Perwell Court, Alexandra Avenue, Harrow, HA2 9ED	P/2572/23
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Location Plan



LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

22nd November 2023

APPLICATION NUMBER: P/2572/23
VALID DATE: 07th September 2023
LOCATION: PERWELL COURT, ALEXANDRA AVENUE,
HARROW, HA2 9ED
WARD: RAYNERS LANE
POSTCODE: HA2 9ED
APPLICANT: LEONARD
AGENT: HGH CONSULTING
CASE OFFICER: AKSHAY SISODIA
EXPIRY DATE: 27/11/2023

PROPOSAL

Creation of 9 residential units in roofspace (1 X 2 bed and 8 X studios); dormers to front rear and both side roof slopes; extensions to the stair cores to the rear; external alterations; cycle storage

RECOMMENDATION

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.

REASON FOR THE RECOMMENDATION

The proposal would not constitute Garden Land Development, it would contribute towards housing stock within the Borough and the quality of accommodation for the future. It would not detract from the character and appearance of the host building, street scene and area in a wider context. It would provide a suitable quality of accommodation for future occupiers without unduly impacting neighbouring residential amenity. It is not considered to result in significantly adverse traffic and parking impacts. The development's proposed refuse storage arrangements are considered to be acceptable. 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 additional detail on this can be requested and secured via condition. Conditions have also been recommended requiring the submission of a Construction Method Statement, details on proposed sound insulation between the flooring of the proposed loft floor units and existing second floor units directly below, and details on a revised scheme of cycle parking with the requirement for the provision of at least two external short stay cycle parking spaces. In light of the above, subject to conditions, the proposed development would be in accordance with the National Planning Policy

Framework (2023), Policies D3, D6, D7, D11, D12, H1, H2, H10, SI 2, SI 7, SI 12, SI 13, T5, T6, T6.1 and T7 of the London Plan (2021), Policies CS1.A, CS1.B, CS1.H, CS1.I, CS1.K, CS1.Q, CS1.R, CS1.S, CS1.T, CS1.U and CS1.W of the of the Harrow Core Strategy, Policies DM1, DM2, DM9, DM10, DM11, DM12, DM14, DM22, DM24, DM27, DM42, DM44 and DM45 of the Harrow Development Management Policies Local Plan, and the guidance set out within the 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).

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 415 sqm
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	Approximately £26,788 (Includes Indexation)
Local CIL requirement:	Approximately £72,347 (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 comprises a three storey block of flats (currently containing 27 units) fronting Alexandra Avenue to the east and Capthorne Avenue the South.
- 1.2 The host building incorporates a hipped roof form. At present the loft of the building is non-habitable. There are various different protruding entrance points to different sections of the building which incorporate stair cores directly above at upper floor levels. Entrances and projecting stairwells are also incorporated to the rear elevation of the building.
- 1.3 Perwell Court is of the same period and of a very similar design to surrounding blocks of flats along Alexandra Avenue and Imperial Drive. These include Warden Court, Rayners Court, Oxleay Court, Clitheroe Court, Lucas Court, Drake Court, Capthorne Court, and Imperial Court (with this particular example being separated into two separate blocks and being along Imperial Drive). It should be noted that the loft floor levels of the buildings Imperial Court have been made habitable through roof extensions, dormers and roof lights, granted on 08/05/2000 under applications WEST/149/00/FUL and WEST/148/00/FUL.
- 1.4 There is a communal amenity area to the rear of the host building which incorporates a high quantum of trees and soft landscaping. There is a row of garages further rear of this which are accessible along Aardvark Avenue.
- 1.5 To the north, the application site is flanked immediately by Warden Court, a three storey block of flats. Immediately to the south the site is flanked by the main highway along Capthorne Avenue. Capthorne Close is further south of this, and is also three storeys in height. There are a number of two storey residential dwellinghouses along Capthorne Avenue to the west of the site, west of Aardvark Avenue. No. 2 Capthorne Avenue is sited the closest, but does sit well away from the main building of Perwell Court.
- 1.6 It should be noted that planning permission has been obtained for erection of five three storey terraced dwellinghouses and one three storey building accommodating two flats in place of the existing garages to the rear under application P/1388/21 (approved on 06/10/2021). This permission has not yet been implemented.
- 1.7 The host building is not listed and is not located within a Conservation Area. The site is located within a Critical Drainage Area, but is not located within a high risk Flood Zone. The site is very proximate to Rayners Lane District Centre.

2.0 PROPOSAL

- 2.1 The applicant seeks planning permission for the provision of 9 new units within the roof of the building (1x 2 bedroom 4 person units and 8 x 1 bedroom 1 person studio units) within the loft of the building through the provision of dormers and roof lights to all roof slopes of the building. Larger dormers are to be incorporated to the rear roof slope of the building to accommodate extended stair cores.

2.2 The development would involve the provision of a single storey cycle and refuse enclosure to the rear of the site in the current freestanding bin storage area. This enclosure would incorporate a crown roof form and the bin storage area and cycle storage areas would be internally separated with separate access doors. The development would involve minor landscaping changes with a minor reduction to the soft landscaped area within the communal garden to accommodate the proposed cycle and bin store. The applicant is not proposing any new car parking spaces as part of the application. Prospective occupants will be required to make use of public transport and any available parking surrounding the site.

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
WEST/148/00/FUL	Front side and rear dormers and front and rear roof extensions to facilitate provision of 4 self contained flats in roofspace (block b nos. 5-11(Resident permit restricted)	Granted 08/05/2000
WEST/149/00/FUL (Imperial Court, Imperial Drive)	Front side and rear dormers and front and rear roof extensions for provision of 2 self contained flats in roofspace (block a nos.1-4) (Resident permit restricted)	Granted 08/05/2000
P/708/05/COU (Garages to the rear of Perwell Court)	Outline: demolition of existing garages, replacement with 36 parking spaces and development of 2/3 storey block of 7 flats with access	Granted 17/06/2005
P/5169/17/PREAPP (Garages to the rear of Perwell Court)	New Block of 7 No. Flats to Front with Additional Building to Rear Providing 2 No. Additional Flats. New Parking Following Demolition of Existing Garages.	Pre-application Advice Issued 14/08/2019
P/1820/18	Redevelopment to provide three storey building comprising of 7	Refused 11/07/2019

(Garages to the rear of Perwell Court)	flats; parking; bin store (amended plans)	
P/5196/19/PREAPP (Garages to the rear of Perwell Court)	Demolition of existing lock-up garages and construction of 7 residential units, with associated parking and enhancement to access roadway, utilising existing side entrance.	Pre-application Advice Issued 16/06/2020
P/5208/19/PREAPP (Garages to the rear of Perwell Court)	Demolition of existing lock-up garages and construction of 7 residential units with associated parking and enhancement to access roadway utilising existing site entrance	Pre-application Advice Issued 23/11/2020
P/1388/21 (Garages to the rear of Perwell Court)	Redevelopment to provide five X three storey terraced dwellinghouses (5 x 3bed) and a three storey building comprising of two flats (1 X 1bed and 1 X 3bed); landscaping; parking; bin and cycle stores (demolition of existing garages)	Granted 06/10/2021
P/2512/22/PREAPP (Perwell Court)	Refurbishment and minor external alterations to the existing roof storey to provide 9 residential units including new dormers and extended stair cores and secure cycle parking	Pre-application Advice Issued 09/11/2022
P/2428/23 (Garages to the rear of Warden Court)	Redevelopment to provide 4 X three storey terraced houses (demolition of garages)	Pending Consideration

4.0 **CONSULTATION**

- 4.1 A Site Notice was posted on 23/10/2023 and is set to expire on 13/11/2023.
- 4.2 A total of 41 consultation letters were sent to neighbouring properties regarding this application.
- 4.3 The public consultation period expired on 10th October 2023, a total of 5.no objections 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.
- 4.4 The objections raised have been summarised and responded to in the table below:

Summary of Matters Raised	Officer Response
<p>Concern over the area being overdeveloped through new builds resulting in the area being overpopulated. They note that the development will compound this issue.</p>	<p>The proposed development would only result in a net increase of 9 units, 8 of which would be sized as 1 bedroom -1 person dwellings. The increase of occupants resulting from the proposal is not considered to be excessive. Furthermore, it should be noted that there are no local plan policies which preclude the provision of new dwellings within the Rayners Lane area, it would be unreasonable to refuse the application on this basis.</p>
<p>Concern over the proposed development resulting in negative effects on the environment including, an excessive increase in bin wastage (already at problematic levels), an increase in noise pollution through additional residents entering and exiting the building and concerns over increased vehicle pollution with additional residents likely requiring car parking.</p>	<p>As a result of the proposed development a new bin and cycle store is to be provided. Officers are satisfied that the proposed bin store is of a sufficient size to accommodate the necessary quantum of bin storage for both existing occupants and proposed occupants. Whilst the proposed development would result in a degree of noise intensification with additional occupants entering and leaving the building, based on the number of units proposed and the size of the units, this is not considered to be significant enough to result in undue noise pollution to the surrounding area. With respect to the issue of increased on-street parking, the Council's Transport Officer has raised no concerns in regard to the proposal providing no new car parking. It is worth noting that the site is only a short distance away from Rayners Lane</p>

	<p>District Centre which provides a wide range of amenities and services, and is within close proximity to Rayners Lane Underground Station as well as many local bus services, as such there is not necessarily a significant need for car parking. Furthermore, with all but one of the proposed units being studio flats, there is unlikely a significant need for extensive amounts of parking. Based on the site having a Public Transport Accessibility Level (PTAL) of 3 and 4 the Council's Transport Officer has not considered it necessary for the applicant to enter into a legal agreement to remove eligibility to parking permits for prospective occupants within the surrounding Controlled Parking Zone.</p>
<p>Concern over emulating the development at Imperial Court with them being informed by a freeholder/leaseholder at Imperial Court that poor workmanship and poor materials were used, which has led to a leak from one of the loft floor level properties, significantly damaging the property below, and enabling harmful noise transference from units at loft floor level to units directly below at second floor level. Now that the Council have been made aware of the situation, they note that legal advice will be sought if these issues occur at Perwell Court.</p>	<p>Issues of workmanship and the water resistance of proposed materials would be dealt separately under building regulations and exceed the scope of this planning assessment. In order to ensure that there is no harmful noise transference between the flooring of the proposed units and ceilings of the existing units directly below, officers have recommended a condition requiring the provision of details on sound insulation. Sound insulation is also a building regulations consideration but given that noise transference is an important material planning condition, the aforementioned condition has been recommended for the avoidance of doubt. It is worth noting that building regulation requirements have been significantly updated since the construction of the developments at Imperial Court, so the standard of construction for the proposed development is naturally expected to be of a higher standard. The objector is within their rights to seek legal advice if issues occur following the construction of the development, however officers cannot comment on this at this early stage.</p>

<p>Concern over the proposed development having an adverse impact upon the character of the area and appearing at odds with the established pattern of development within the area with similar blocks along Alexandra Avenue being retained in their original 1930s form.</p>	<p>The is addressed within the Character, Appearance and Design Section of this Committee Report (6.3)</p>
<p>Concern that the proposed development would adversely impact upon the current values of properties.</p>	<p>This is not a material planning consideration and cannot be considered in the assessment of this application.</p>
<p>Within the applicant's Fire Safety Strategy it is noted that the <i>'report is based, fully or partially, on information provided by others, such as the client and other parties of the design team. Although Artec Fire carry out necessary due diligence, Artec Fire take no liability for the accuracy of information provided by others and the consequences of these inaccuracies'</i>. They note that this statement highlights potential bias as Artec Fire have not independently surveyed the site and have a have a vested interest in providing a positive report for their client.</p>	<p>Whilst officers acknowledge the objector's concerns, the applicant's Fire Safety Strategy has been reviewed by the Council's Building Control Team who have raised no objection to the proposed development. It is worth noting that the site and construction of the development will need to be inspected by a registered Building Control Inspector if the application is ultimately approved, and they will examine the development's compliance with relevant fire safety requirements.</p>
<p>They note that the landlord should have consulted leaseholders before submitting the application.</p>	<p>Within the applicant's Planning Statement (Appendix B) a copy of a letter from the developer notifying residents of the proposed development is included. The Council have no way of knowing if all occupants and proprietors of the building received this letter, this consultation is not for the Council to be concerned with, the Council have sent separate neighbour notification letters and posted a site notice notifying neighbours of the proposed development.</p>
<p>A request for the following conditions to be legally accepted in writing before the development commences:</p> <ul style="list-style-type: none"> - The landlord must make building renovations to all areas of the property. - The landlord must make the building energy efficient by 	<p>In planning terms, there is no requirement for the developer to agree to any of the conditions suggested, these would need to be reviewed separately with the landlord and constitute a civil matter. The questions raised do not relate to material planning considerations and are not pertinent to the assessment of this application.</p>

installing external wall insulation to all building areas, new windows to all flats and creating a space to allow for the installation of an air source heat pump to other residences.

- The landlord must provide more storage space to existing leaseholders by creating garages at the rear of the property.
- The landlord must replace the roof.
- The landlord must offer new build flats to existing leaseholders at a discounted price.
- The landlord must create new parking spaces.
- The landlord must make the bin storage area more secure to stop fly tipping.
- The landlord must pay for the maintenance and electricity bills for any lifts installed in the building.
- The landlord must regularly contribute to the increased maintenance costs that will be incurred due to the extra flats within the loft.
- There must be a guarantee that the works will be completed to a high standard within a certain timeframe.

They question whether or not the landlord will be providing any other benefits to existing leaseholders/owners such as rent reduction or a one-off payment, if so how will this be mitigated. They also

<p>question whether or not the landlord will provide any compensation to existing leaseholders/owners for any inconvenience or loss of value to their properties because of the works.</p>	
<p>They note that present guttering to the building is not in good condition which results in gutters being clogged making the garden unhygienic. They question what the impact will be when there are more flats within the building.</p>	<p>Issues relating to the suitability and effectiveness of rainwater goods are a matter to be considered within a Building Regulations approval and exceed the scope of this planning assessment.</p>
<p>They note that there are no ventilation facilities within the building foyer which is suffocating for people standing within the foyer.</p>	<p>This is not directly relevant to the proposed development. There is no planning requirement for the developer to make improvements to the existing foyer, if improvements are to be made, this will be on the developer's own accord.</p>
<p>They note that there is currently minimal external space on site for young people to play. They are concerned that the proposed bin and cycle store will result in further reductions in play space for children and young people.</p>	<p>The proposed bin and cycle store is predominantly sited in place of the existing hardsurfaced freestanding bin storage area which is of poor amenity value to children and young people. Whilst officers note that a small amount of the lawned amenity space would be lost to facilitate the proposed building, the extent of this is not considered significant enough to unduly impact upon the standard of amenity space provided to children and young people. Given that the proposal is a minor development (under new 10 units) there is not a specific requirement to enhance children's play facilities.</p>
<p>They note that the proposed development would result in an increase in the surface area of the roof through the provision of dormers. They emphasise that the current service charge requires all flats to contribute towards the cost of the roof, they question whether the developer would be liable for the cost of the dormers or whether this is for occupiers of the block as a whole.</p>	<p>Information on this has not been provided on this as part of the application, however this does not constitute a material planning consideration and is not pertinent to the assessment of this application. This is a civil matter between the developer and leaseholders and proprietors of the building.</p>
<p>They question whether or not the development will result in a reduction in the service charge contribution for existing flats, and question how much this reduction would be. They also</p>	<p>Once again, information on this has not been provided on this as part of the application, however this does not constitute a material planning consideration and is not pertinent to the</p>

question what compensation is to be offered to leaseholders and proprietors for inconvenience whilst the works are being carried out.	assessment of this application. This is a civil matter between the developer and leaseholders and proprietors of the building.
They acknowledge that the development is car free but question how this will work in practice, questioning how parking will be policed.	The application has been reviewed by the Council's Transport Officer who has decided that it is not necessary for the applicant to enter into a legal agreement to remove parking permits for prospective occupants on the basis that the site would have a PTAL of 3 and 4. Prospective occupants will naturally be able to park on any surrounding road which do not have parking restrictions, and if they are to park within any spaces that have been designated to specific existing flats it will be the responsibility of the owner of the building and/or their management company to police against this.
They request for the loft of the building to be allocated as additional space for all of the units at second floor level, as opposed to creating new units for commercial reasons.	This has not been proposed as part of the development. In assessing the application the Council can only examine the proposal before us.

4.5 Statutory and non-statutory consultation

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

Consultee and Summary of Comments
<p>Planning Policy – It is disappointing to see the proposed amount of 1b 1p units, as one would think if they work in practice then some could have been combined to make a larger units, even a 1b, 2p unit. In practice this could have resulted in a floorspace larger than the 50sqm, but would have provided a satisfactory level of accommodation.</p> <p>Notwithstanding the above, the proposal would not lead to any loss of family housing (indeed provides 1 unit), for which there is an evidenced need for in the borough.</p> <p>Given the design implications and the previous advice given, there is no objection to the scheme.</p> <p>Building Control – We have had a look at the Fire Safety Strategy and have no adverse comments.</p>

Highways –

Observations: The existing site is a residential mansion block. The site is located in South Harrow and has a Public Transport Accessibility Level (PTAL) of 3 (Average). The nearest station is Rayners Lane Underground Station, approximately 0.3 miles to the North and bus services are accessible locally, therefore the site is considered to be at a sustainable location. Pedestrian access to the local area is provided by a footway. The services and facilities within Rayners Lane are located via a short journey from site.

Access and Parking: The application confirms no new or altered vehicular access proposed. At present there is 3no existing accesses serving the site from the public highway. 2no accesses are from Caphorne Avenue and 1no. access is from Alexandra Avenue. The proposal is car-free and is in line with London plan 2021 – chapter 10 transport – Table 10.3 – Maximum residential parking standards as there is no minimum stated.

Cycle Storage: A brickwork cycle store has been observed on drawing no: PCTR-A-PL 500 Rev P02. The scheme includes provision of 10no. cycle spaces for long stay and 2no short stay spaces for visitors. Short stay cycle spaces should be separate from long stay cycles spaces, accessible and not behind secured doors or gates. The provision is in line with London plan 2021 – chapter 10 transport – Table 10.2 – Minimum cycle parking standards for a C3 Class building.

Trip Generation: The nature of the proposed development is unlikely to result in a material increase in additional vehicle trips to and from site. No significant or severe impact on the transport network is identified.

Construction Method Statement: A Construction Method Statement must be secured by pre -commencement condition. This must follow the format and guidance provided by Transport for London. The Construction Logistics and Community Safety (CLOCS) national standard template should be followed.

Conclusion: Subject to a conditions and obligations, this proposal is unlikely to result in a severe or harmful impact for the surrounding highway network, therefore, Highways have no objection.

Suggested condition:

- No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority in accordance with the format and guidance provided by Transport for London – www.tfl.gov.uk. The Construction Method Statement shall provide for:
 - a) Parking of vehicles of site operatives/visitors.
 - b) HGV access to site – loading and unloading of plant and materials.
 - c) Number of HGV's anticipated.

- d) Storage of plant and materials used in constructing the development.
- e) Programme of work and phasing.
- f) Site layout plan.
- g) Measures to control dust and dirt during construction.
- h) A scheme for recycling/disposing of waste resulting from demolition and construction works; and

The development shall be carried out in accordance with the approved Construction Method Statement, or any amendment or variation to it as may be agreed in writing by the local planning authority.

REASON: To minimise the impacts of construction upon the amenities of neighbouring occupiers and to ensure that development does not adversely affect safety on the transport network in accordance with Local Plan Policies DM1 and DM43 and Policy D14 of the London Plan (2021) and to ensure that the transport network impact of demolition and construction work associated with the development is managed in accordance with Policy T7 of the London Plan (2021), this condition is a PRE-COMMENCEMENT condition.

Landscape Architect – No response

Tree Officer – No response

Environmental Health – No response

Waste Management Policy Officer – No response

Drainage Team Leader – No response

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 National Planning Policy Framework (2023), The London Plan (2021) (Policies H1 and H10), The Harrow Core Strategy (2012) (Policies CS1.H and CS1.I) and the adopted Development Management Policies Local Plan (2013) (Policy DM24) all seek to increase housing supply locally, regionally and nationally, and promote the provision of high quality mix of housing in sustainable and suitable locations.

Garden Land Development

6.2.3 Policy CS1(A) of Harrow's Core Strategy undertakes to manage growth in accordance with the spatial strategy. The spatial strategy directs residential and other development to the Harrow & Wealdstone Intensification Area, town centres and, in suburban areas, to strategic previously developed sites. Policy CS1 (B) resists development on garden sites, recognising the propensity for such proposals to lead to unmanaged, incremental growth that undermines the spatial strategy.

6.2.4 The Garden Land Development Supplementary Planning Document was adopted by Harrow Council in April 2013 to assist in the interpretation of Core policy CS 1(B).

6.2.5 Paragraph 3.1 of the Garden Land Development SPD (2013) provides definition of what is garden land development:

- a. gardens of houses;
- b. gardens of properties converted to flats and purpose-built maisonettes;
- c. communal gardens to blocks of flats;
- d. communal or 'open plan' garden areas serving multiple dwellings;
- e. any land that formed part of a garden but which has been legally and/or physically severed from the donor property(ies); and
- f. land functionally related to a residential garden (or gardens) and used solely to provide residential amenity but not forming the curtilage of the dwellinghouse

6.2.6 As set out within the Paragraph 1.1 of the Garden Land SPD there is a distinction between garden land development and previously developed land. The proposed development results in the addition of extensions to the existing building and would constitute additions to be previously developed land. The proposal therefore would not be in conflict with the Council's garden land policy.

Housing Mix

6.2.7 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.

6.2.8 The proposal would provide a family sized unit alongside many smaller units. The Council's Policy Officer has identified that the preferred form of housing would be family sized units due to an evidenced need for these types of units within the borough, but they ultimately raise no objection to the proposed development noting that one family sized unit is provided and that no family sized units would be lost in facilitating the proposed development. Based on the above, officers are satisfied with the proposed housing mix.

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

Relevant Supplementary Documents

- Residential Design Guide (2010)
- 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)

- 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 states 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”.

Proposed Roof Extensions and Alterations

- 6.3.4 Officers consider the provision of additional accommodation within the roof of the building through hipped roof dormers to be acceptable on character and design grounds. The incorporation of hipped roofs to the dormers would correlate well with the hipped roof form of the main building. Whilst officers note that the proliferation of dormers to the roof of the building would be significant, their visual prominence from the street scene would not be excessive, given that the dormers would not be excessive in size, and given that the full extent of the roof would not be visible from the street scene from each respective viewpoint. The proposed dormers would align well with ground, first and second floor fenestration directly below and the proposed dormers extending the stair cores to the rear incorporate architectural design and detailing which correlates well with that applied to the existing stair cores, seamlessly appearing as a continuation of the existing stair cores. With respect to the proposed fenestration, the applicant is proposing dormer windows with horizontal glazing bars in order to ensure that the proposed fenestration appears in keeping with existing fenestration at lower levels. The proposed dormers are to be finished in red clay tiles and cladding to the sides to match the tiling applied to the roof of the existing building, this is considered to be appropriately sympathetic. The proposed roof lights are not considered to be excessive in their size, quantity and protrusions beyond the plane of their respective roof slopes, they would be low scale additions and are not considered to unduly detract from the character and appearance of the host building, street scene and area in a wider context.
- 6.3.5 Officers note that the proposed roof extensions and alterations are closely consistent with development at Imperial Court, Imperial Drive which is a building of the same period and of a very similar original design approximately 0.5 miles away from the application site. Whilst officers note that Imperial Court cannot be viewed in context with the application site along the street scene and acknowledge that surrounding blocks along Alexandra Avenue have not been extended at roof level, officers still consider the proposed development to appear as congruous and sympathetic in relation to the original building, street scene and area in a wider context. Whilst officers recognise the design merits of the original building and its group value in relation to surrounding residential blocks, it should be acknowledged

that the host building is not a statutory or locally listed building. Even if a particular building is of architectural merit in its original form, the Council's planning policy does not preclude extensions to these building as long as the extensions are proportionate, congruous and sympathetic additions. As described within Paragraph 6.3.5 above, the proposed dormers would not be excessive in size, would incorporate sympathetic hipped roofs, would align well with fenestration below, and would feature sympathetic fenestration and materials. The proposed development would to some degree diminish the group value of the host building alongside similar blocks along Alexandra Avenue, however the impact of this is not considered to be significant enough to warrant a reason for refusal. It is worth recognising that the majority of the host building's original design features have been retained and the proposed roof extensions have been designed to closely reflect the building's original design features.

Proposed Bin and Cycle Store

- 6.3.6 Officers consider the proposed bin and cycle store to be a congruous and sympathetic addition to the site, street scene and wider area. Although this storage building would have a prominent visibility along Capthorne Avenue, it is not considered to appear unduly prominent and overbearing on the basis that it is limited to a single storey, not being excessive in terms of its overall height (3.45m), scale and overall massing. It is worth noting that a large portion of the structure would be screened behind the existing brick wall fronting Capthorne Avenue. It is worth adding that the proposed bin and cycle store is to be sited in place of the existing hardsurfaced freestanding bin storage area which is of relatively poor visual amenity. The proposal would also enable bins to be internally enclosed limiting unsightly views of numerous bins. The proposed bin and cycle store is to incorporate a brickwork finish and red clay roof tiles to match those applied to the main building at Perwell Court, this storage building would consequently correlate well with the main residential building.

Landscaping

- 6.3.7 Policy DM22 of the Development Management Policies Local Plan relates to trees and landscaping. Part B of this policy notes that development proposals will be required to provide hard and soft landscaping that (a) is appropriate to the character of the area; (b) is well laid out in terms of access, car parking and the living conditions of future occupiers and neighbours; (c) achieves a suitable visual setting for the building; (d) provides for sufficient space for new or existing trees and planting to grow; and (e) supports biodiversity.
- 6.3.8 The development would involve minor landscaping changes with a minor reduction to the soft landscaped area within the communal garden to accommodate the proposed cycle and bin store. Whilst the reduction in soft landscaping is regrettable, on the basis that the quantum of soft landscaping lost would only be minimal this is not considered to form sufficient grounds to refuse the application. It is worth noting that provision of the bin and cycle store would serve to meet wider policy requirements such as the provision of adequate bin storage and cycle storage facilities.

Permitted Development Restrictions

- 6.3.9 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. This condition is to also restrict permitted development rights for the erection of gates, fences, walls and other means of enclosure under Class A of Schedule 2, Part 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), in order to prevent the site's communal amenity space from being undesirably subdivided in any way.

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 dwellings are set out within the table below:

Proposed Size	Proposed GIA	Minimum GIA
Unit 1	Approximately 70m ²	70m ²

2-Bedroom 4-person 1- storey unit		
Unit 2 1 Bedroom 1-person 1- storey unit (Studio)	Approximately 39m ²	39m ²
Unit 3 1 Bedroom 1-person 1- storey unit (Studio)	Approximately 45 m ²	39m ²
Unit 4 1 Bedroom 1-person 1- storey unit (Studio)	Approximately 44 m ²	39m ²
Unit 5 1 Bedroom 1-person 1- storey unit (Studio)	Approximately 45 m ²	39m ²
Unit 6 1 Bedroom 1-person 1- storey unit (Studio)	Approximately 44 m ²	39m ²
Unit 7 1 Bedroom 1-person 1- storey unit (Studio)	Approximately 45 m ²	39m ²
Unit 8 1 Bedroom 1-person 1- storey unit (Studio)	Approximately 44 m ²	39m ²
Unit 9 1 Bedroom 1-person 1-	Approximately 39 m ²	39m ²

storey unit (Studio)		
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- 6.4.5 All of the proposed new units would accord with London Plan and Nationally Described Space Standards in terms of their GIAs. Whilst the applicant's proposed floor plan drawings fail to clearly indicate the provision of built in storage areas for units, based on the configuration and size of the units officers are satisfied that the necessary quantum of minimum storage can be accommodated within the units in any case. The overall layout and circulation of the units are acceptable, all bedrooms are of sufficient width and square meterage to meet the minimum requirements where applicable. 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 Other than in the case of Unit 2, all of the units would be multi aspect (dual aspect in the cases of Units 3-8 and triple aspect in the case of Units 1 and 9), and all habitable areas would be served by at least one window, officers are satisfied that these units would be provided with sufficient natural light, outlook and ventilation. With respect to Unit 2, on the basis that the main bedspace is directly served by a window (fronting Alexandra Avenue) and this window also appears to be visible from the kitchen area of this unit due to the open plan nature of the unit, it is considered on balance that the occupier(s) of this unit would be provided with satisfactory outlook. With respect to the issue of daylight and sunlight, the applicant has submitted a Daylight and Sunlight Assessment that demonstrates that this particular unit as well as all of the others would be provided with a satisfactory standard of daylight and sunlight in line with BRE guidelines. The proposal has been configured to avoid impacts of harmful mutual overlooking between the proposed units themselves and well as between the proposed units and surrounding neighbouring properties.

Vertical Stacking

- 6.4.7 The applicant has submitted a floor plan drawing indicating the typical layout of a unit at second floor level. Within this drawing it is suggested that the new units have been configured to ensure that bathrooms align with bathrooms below. By virtue of the fact that the applicant has failed to fully survey all units at second floor level, officers cannot be fully satisfied that the units have been appropriately configured to avoid harmful noise transference between noise sensitive and noise generating rooms. In overcoming this, officers have recommended for the application of a condition requiring the provision of details on sound insulation between the floors of the new units and ceilings of the units directly below, with the condition requiring detailed cross sections and specification details on proposed sound insulation.

Amenity Space

- 6.4.8 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.
- 6.4.9 With 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.
- 6.4.10 No private external amenity space has been proposed for any of the proposed units. Taking into account the constraints associated with having the units sited at roof level and given that the majority of the units would not be family sized, officers consider it acceptable not to provide any private outdoor amenity space for units. Furthermore, officers recognise that the provision of roof terraces would likely detract from the external appearance of the building and could introduce impacts of harmful overlooking (either perceived or actual). The communal amenity space provided on site is considered to be of a sufficient size and quality to meet the needs of prospective occupants alongside existing occupants.

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 The proposed development is not considered to have an undue impact upon the residential amenity of any surrounding neighbours. The proposed dormers and roof lights would not exceed the ridge height of the main building, and any impacts of overlooking to properties to the west along Caphorne Avenue as well as the new houses and flats approved under application P/1388/21 (if these are to be built out) would not be too dissimilar to existing impacts of overlooking resulting from second floor rear facing fenestration. The proposed dormers would be visible from the facing habitable room windows of the houses and flats consented under application P/1388/21 however based on the significant separation distance and the fact that they would be sited at roof level and would not exceed the ridge height of the main

building, the development would not result in impacts of harmful mutual overlooking and would not unduly restrict outlook and light afforded to the facing habitable windows of these consented dwellings. The proposed bin and cycle store would be sited within fairly close proximity to the block of flats consented under application P/1388/21, but would not sit parallel to the flats themselves, being sited in line with the bin storage building consented under application P/1388/21, based on this and the fact that it would only be limited to a single storey, it is not considered to give rise to harmful residential amenity impacts.

6.5.4 The proposed roof additions are considered to be set too far away from facing habitable room windows of properties on the opposite side of Alexandra Avenue to the east to result in harmful residential amenity impacts. The same applies to properties to the South within Capthorne Court. To the north the host building is flanked by Warden Court, on the basis that this neighbouring block does not incorporate any residential accommodation at parallel roof level, harmful residential amenity impacts are not anticipated.

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' and 10% should meet Building Regulation requirement M4(3) 'wheelchair user 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 units would fail to accord with Building Regulation Requirements M4 (2) 'accessible and adaptable dwellings' and M4 (3) 'wheelchair user dwellings'. Notwithstanding this, officers recognise the challenge for meeting this requirement for loft floor units within a building without a lift. Based on the number of units proposed, it is considered unreasonable for a new lift to be expected in this instance, this is unlikely to be financially viable in any case. Based on the significant site constraints and nature of the existing building, non-compliance with Building

Regulation Requirements M4 (2) and M4 (3) is not considered to form sufficient grounds for a reason for refusal.

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 T5, T6, T6.1, T7

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 Policy DM44 of the Council's Development Management Plan relates to servicing. It is noted that proposals for major development should make satisfactory arrangements for access to and servicing within the site during construction. Proposals that would be detrimental to safety, traffic flow or the amenity of neighbouring occupiers will be resisted.

6.7.4 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.

6.7.5 The applicant is not proposing any new car parking as part of the development. The site is located within an area with a PTAL of 3-4 meaning that it has an average to slightly above average accessibility to public transport, the site is also with Controlled Parking Zone (CPZ) L. Given that the majority of the building is within PTAL 3, officers have considered the site to be within PTAL 3 for the purposes of this assessment. As per London Plan maximum car parking standards, a maximum of 6.75 car parking spaces would be acceptable for the development. Given that London Plan car parking standards are applied as a maximum, the provision of no new car parking would not be in conflict with this. It is worth adding that the application has been reviewed by the Council's Highways Authority, who has raised no concerns in regard to the proposal providing no new car parking. It is worth noting that the site is only a short distance away from Rayners Lane District Centre which provides a wide range of amenities and services, and is within close proximity to Rayners Lane Underground Station as well as many local bus services, as such there is not necessarily a significant need for car parking. Furthermore, with all but

one of the proposed units being studio flats, there is unlikely a significant need for extensive amounts of parking. Based on the site having a moderate (PTAL), the Council's Transport Officer has not considered it necessary for the applicant to enter into a legal agreement to remove eligibility to parking permits for prospective occupants, within the surrounding CPZ.

- 6.7.6 As per London Plan minimum cycle parking standards, studio or 1 bedroom 1-person dwellings are expected to provide 1.no long stay cycle parking space, 1-bedroom 2-persons dwellinghouses are expected to provide 1.5 long stay cycle parking spaces (should be rounded up to 2 in this case based on the PTAL and the development being car free), and all other dwelling sizes are required to provide 2.no long stay cycle parking spaces. A minimum total of 10.no long stay cycle parking spaces would therefore be required for the proposed development. The applicant's drawings indicate the provision of 12 cycle parking spaces within the cycle store however as per the Council's Transport Officer's comments, at least 2.no short stay spaces would be required and these would need to be located externally. A condition has consequently been recommended 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.
- 6.7.7 The proposed refuse enclosure appears to be of a sufficient size to accommodate the required quantum of bins for the building's existing and proposed units, and is conveniently sited adjacent to Capthorne Avenue allowing waste collection operatives to easily access the bins.
- 6.7.8 Given that the proposal requires extensive construction works, officers have suggested a condition requiring the applicant to provide a Construction Method Statement prior to the commencement of the development.

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 Polices Local Plan (2013): DM9, DM10 DM11,
 - London Plan Policy: SI 12, SI 13
- 6.8.2 The application site is located within a Critical Drainage Area but is not located within a high risk Flood Zone. On the basis that the proposed new units would be sited at loft floor level being elevated well above the ground, they are not considered to be susceptible to harmful flood risk and are not considered to unduly exacerbate flood risk elsewhere. Notwithstanding this, the proposed bin and cycle store would result in an increase in development footprint on site and would therefore have an impact in terms of increased surface water flood risk. Based on this, sustainable urban drainage [SuDs] is encouraged, an informative is attached to this effect.

6.9 Sustainability

6.9.1 The relevant policies are:

- National Planning Policy Framework (2023)
- 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 (2023)
- 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.

6.10.3 The applicant has submitted a Fire Safety Strategy which has been reviewed by the Council’s Building Control Team who have raised no objections to the details and measures provided within this report. Based on the Building Control Team’s observations, the proposed development is not considered to be contrary to Policy D12 of the London Plan. It is worth noting that compliance with fire safety standards is to be separately examined in greater detail at building regulation stage, should the development ultimately be approved.

7.0 CONCLUSION AND REASONS FOR RECOMMENDING APPROVAL

- 7.1 The proposal would not constitute Garden Land Development, it would contribute towards housing stock within the Borough and the quality of accommodation for the future. It would not detract from the character and appearance of the host building, street scene and area in a wider context. It would provide a suitable quality of accommodation for future occupiers without unduly impacting neighbouring residential amenity. It is not considered to result in significantly adverse traffic and parking impacts. The development's proposed refuse storage arrangements are considered to be acceptable. 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 additional detail on this can be requested and secured via condition. Conditions have also been recommended requiring the submission of a Construction Method Statement, details on proposed sound insulation between the flooring of the proposed loft floor units and existing second floor units directly below, and details on a revised scheme of cycle parking with the requirement for the provision of at least two external short stay cycle parking spaces.
- 7.2 Subject to conditions, the proposed development would be in accordance with the National Planning Policy Framework (2023), Policies D3, D6, D7, D11, D12, H1, H2, H10, SI 2, SI 7, SI 12, SI 13, T5, T6, T6.1 and T7 of the London Plan (2021), Policies CS1.A, CS1.B, CS1.H, CS1.I, CS1.K, CS1.Q, CS1.R, CS1.S, CS1.T, CS1.U and CS1.W of the of the Harrow Core Strategy, Policies DM1, DM2, DM9, DM10, DM11, DM12, DM14, DM22, DM24, DM27, DM42, DM44 and DM45 of the Harrow Development Management Policies Local Plan, and the guidance set out within the 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).

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:

Daylight and Sunlight Assessment (Dated July 2023), Planning Statement (Dated August 2023), Design & Access Statement (Dated 7th August 2023), PCT-A-PL-001 Revision P04, PCTR-A-PL 100 Revision P02, PCTR-A-PL 101 Revision P04, PCTR-A-PL 110 Revision P02, PCTR-A-PL 111 Revision P03, PCTR-A-PL 130 Revision P02, PCTR-A-PL 140 Revision P04, PCTR-A-PL 150 Revision P03, PCTR-A-PL 200 Revision P03, PCTR-A-PL 210 Revision P03, PCTR-A-PL 220 P03, PCTR-A-PL 230 Revision P03, PCTR-A-PL 300 Revision P03, PCTR-A-PL 420 Revision P02, PCTR-A-PL 500 Revision P02, Fire Safety Strategy Revision 02 (Dated 30/08/2023).

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

3. Materials

The materials to be used in external works hereby permitted to the main building, shall match those used in the exterior of the existing building.

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. Sound Insulation

Prior to the occupation of the new units hereby permitted, details of sound insulation in the form of specification details and cross section drawings detailing sound insulation between the ceilings of the second floor flats directly below and the flooring of the proposed loft floor residential units shall be submitted to and approved in writing by the local planning authority. The units hereby approved shall not be occupied until sound insulation has been installed in accordance with the approved details and this shall thereafter be retained.

REASON: To safeguard the amenity of the existing and future occupiers of the building.

6. Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority in accordance with the format and guidance provided by Transport for London – www.tfl.gov.uk. The Construction Method Statement shall provide for:

- a) Parking of vehicles of site operatives/visitors.
- b) HGV access to site – loading and unloading of plant and materials.
- c) Number of HGV's anticipated.
- d) Storage of plant and materials used in constructing the development.
- e) Programme of work and phasing.
- f) Site layout plan.
- g) Measures to control dust and dirt during construction.
- h) A scheme for recycling/disposing of waste resulting from demolition and construction works; and

The development shall be carried out in accordance with the approved Construction Method Statement, or any amendment or variation to it as may be agreed in writing by the local planning authority.

REASON: To minimise the impacts of construction upon the amenities of neighbouring occupiers and to ensure that development does not adversely affect safety on the transport network in accordance with Local Plan Policies DM1 and DM43 and Policy D14 of the London Plan (2021) and to ensure that the transport network impact of demolition and construction work associated with the development is managed in accordance with Policy T7 of the London Plan (2021), this condition is a PRE-COMMENCEMENT condition.

7. Cycle Parking

The new units hereby permitted shall not be occupied until details on a revised scheme of cycle parking have been submitted to and approved in writing by the local planning authority. The revised 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 sting, proportions and appearance of this cycle storage.

Short stay cycle parking shall be provided in accordance with the approved details, prior to the occupation of the development hereby permitted. 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 stores as shown on Drawing No. PCTR-A-PL 111 Revision P03 and PCTR-A-PL 500 Revision P02.

REASON: To ensure that a satisfactory quantum of cycle parking is provided for occupiers of the building, and to safeguard the character and appearance of the area.

8. Refuse Storage

The refuse and waste bins shall be stored at all times, other than on collection days, within the designated refuse storage areas as shown on Drawing No. PCTR-A-PL 111 Revision P03 and PCTR-A-PL 500 Revision P02.

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

9. Permitted Development Restrictions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development in relation to the site which would otherwise fall within Classes A of Part 2 of Schedule 2 of that Order and Class L of Schedule 2, Part 3 Shall be carried out without the prior written permission of the local planning authority.

REASON: To prevent an unacceptable subdivision of the site's communal garden and 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 in accordance with Policy DM1 of the Harrow Development Management Policies 2013, Policy CS1(B) of the Harrow Core Strategy 2012, Policy D3 of the London Plan 2021 and the Core Planning Principles of the National Planning Policy Framework 2023.

10. 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. Surface and Foul Water Connections

The applicant is advised that the Drainage Authority in Harrow recommends the submission of a drainage plan, for their approval, indicating all surface and foul water connections and their outfall details. Please also note that separate systems are used in Harrow for surface water and foul water discharge. Please email infrastructure@harrow.gov.uk with your plans.

7. 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 (2023) 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. The the London Plan (2021) 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.

8. 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 £26,788 (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

9. 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 £110sqm is £72.347 (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:

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

10. 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.

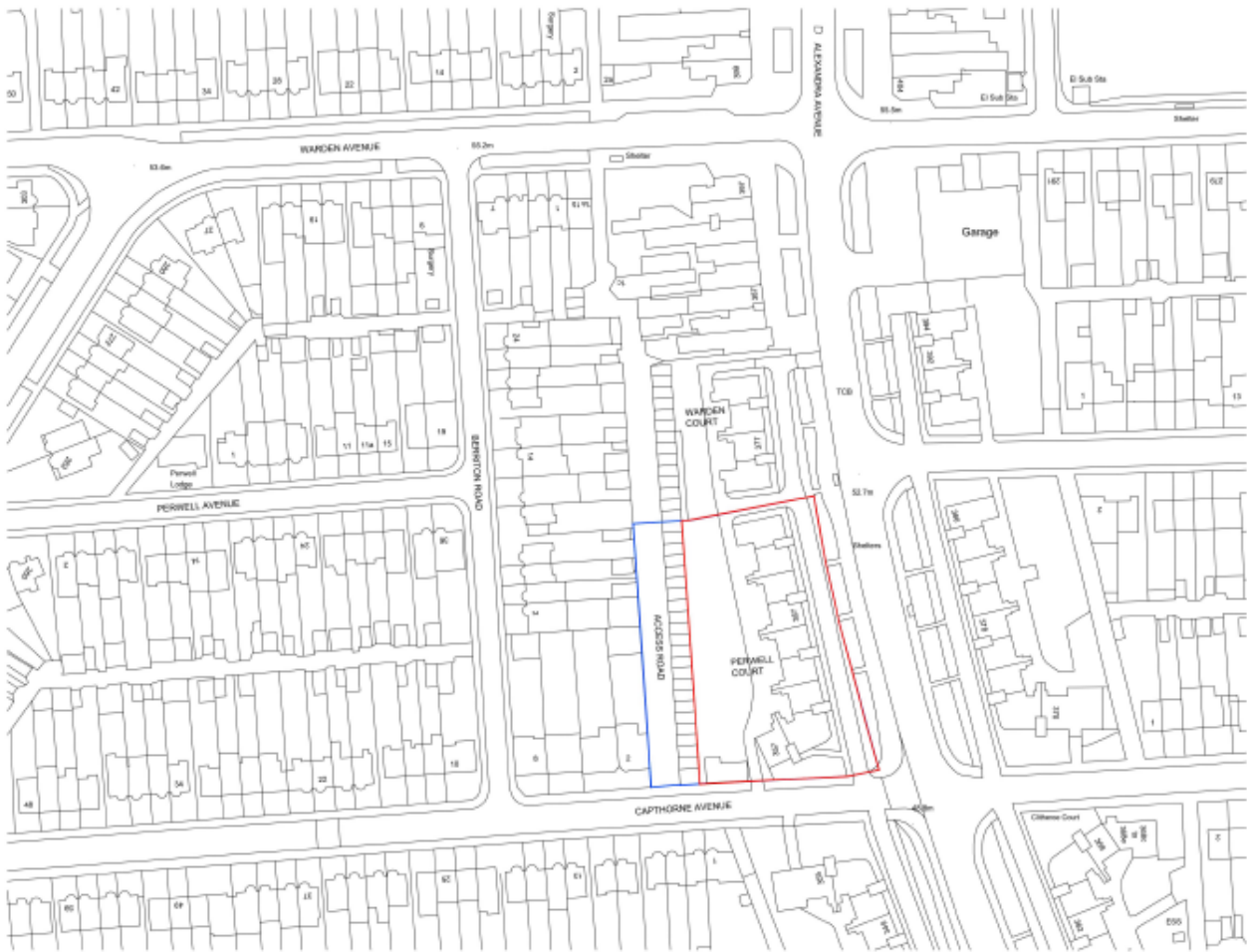
11. Street Naming and Numbering

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

CHECKED

 <p>Orla Murphy Head of Development Management 9th November 2023</p>	 <p>Viv Evans Chief Planning Officer 9th November 2023</p>
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APPENDIX 2: SITE PLAN



APPENDIX 3: SITE PHOTOS

Front Elevation of Perwell Court in context with Capthorne Avenue



Front Elevation Continued



Front Elevation Continued



Front Elevation Continued



Northern Flank Elevation of the Building Alongside Warden Court



Southern Flank Elevation of Building Along Capthorne Avenue



View of Site Along Capthorne Avenue and Garages to the Rear



View of Communal Amenity Area



View of Communal Amenity Area and Bin Storage Area



View of Communal Amenity Area and Garages to the Rear of Warden Court



Rear Elevation of Perwell Court



View of Rear Elevation Continued



View of Capthorne Court on the Opposite Side of Capthorne Avenue



View of Warden Court



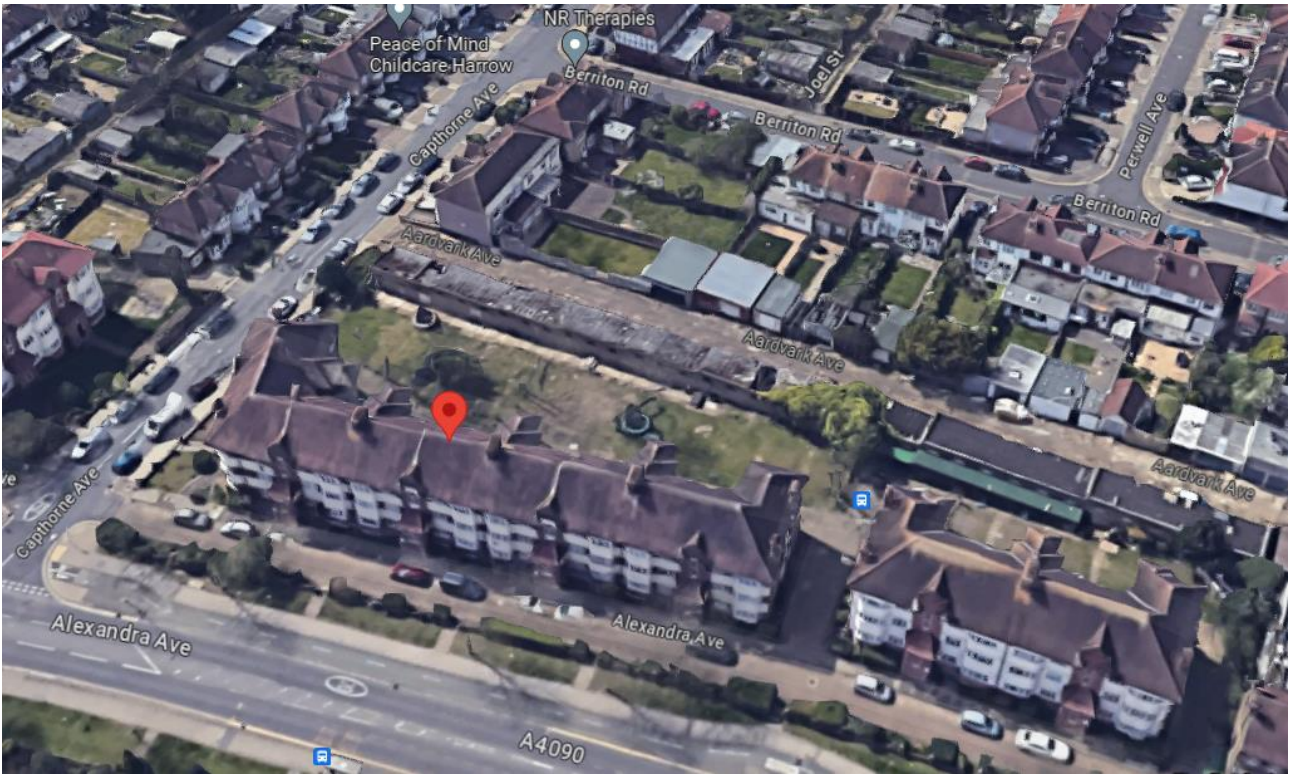
View of Imperial Court



View of Imperial Court

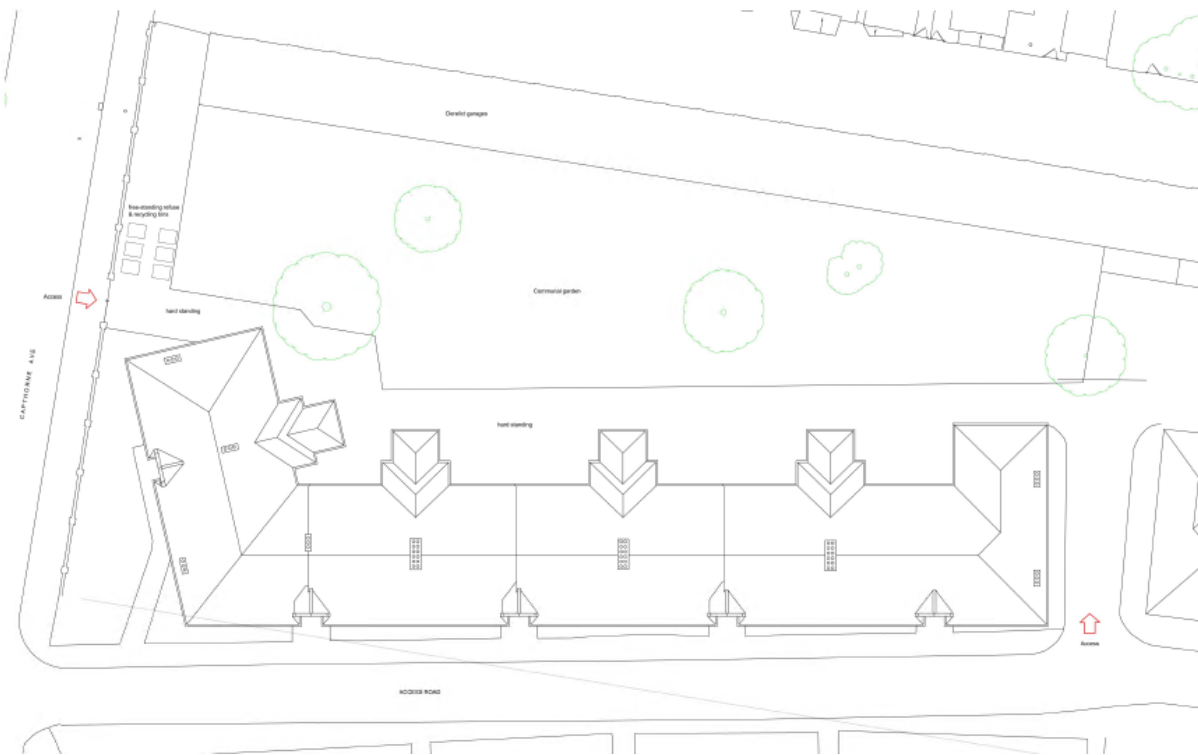


Aerial View of Site

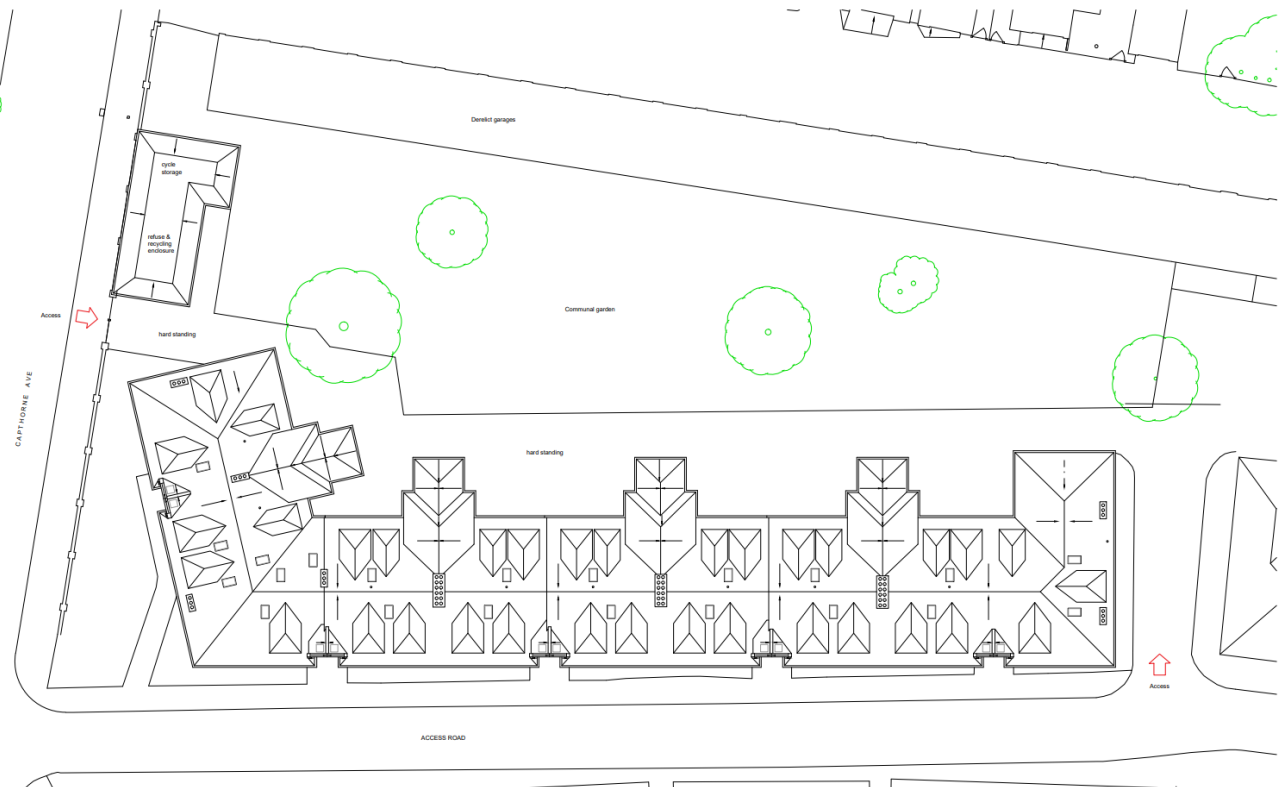


APPENDIX 4: PLANS AND ELEVATIONS

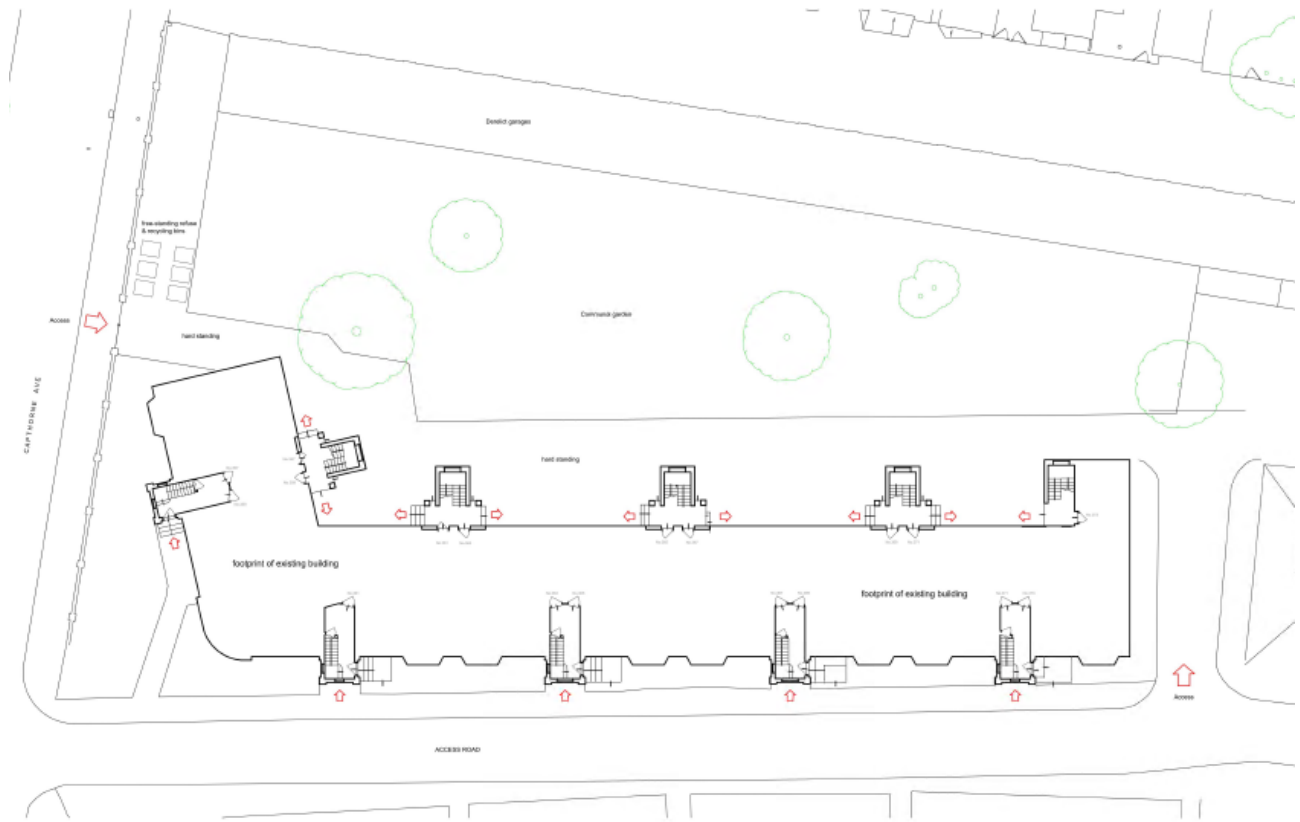
Existing Site Plan



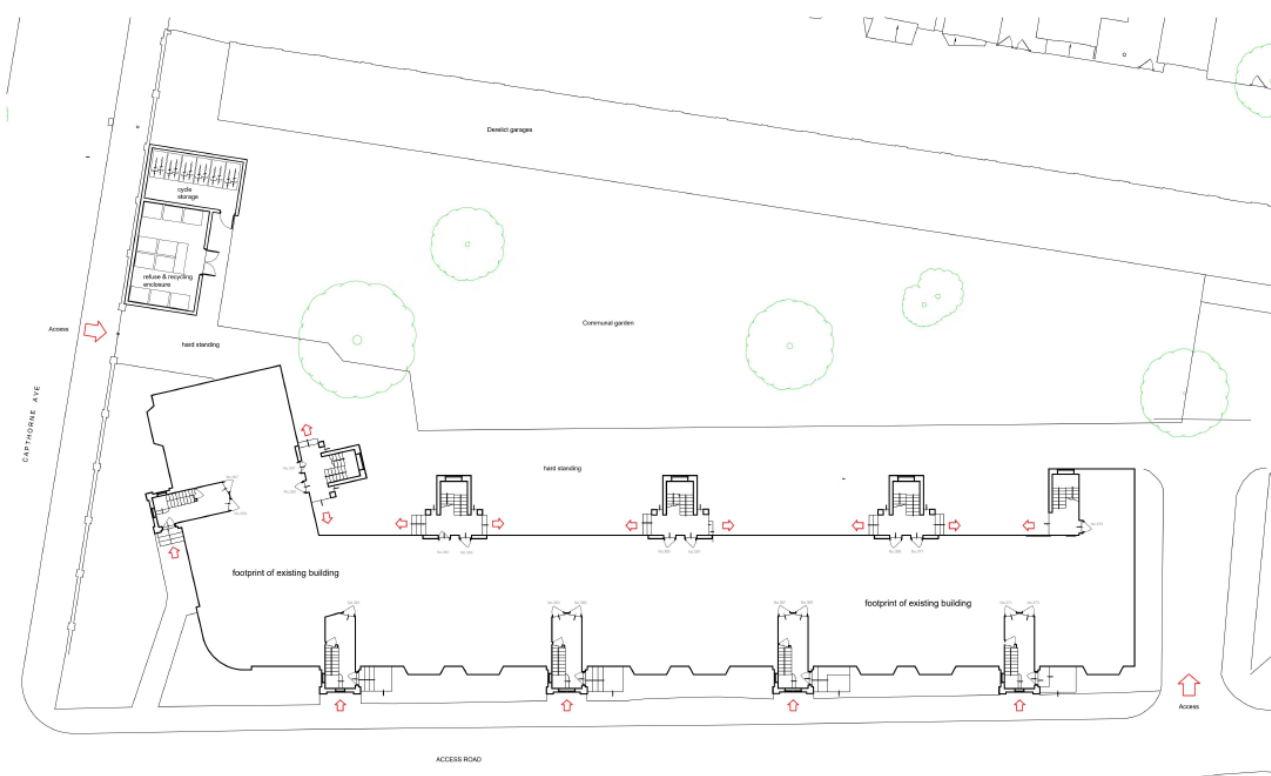
Proposed Site Plan



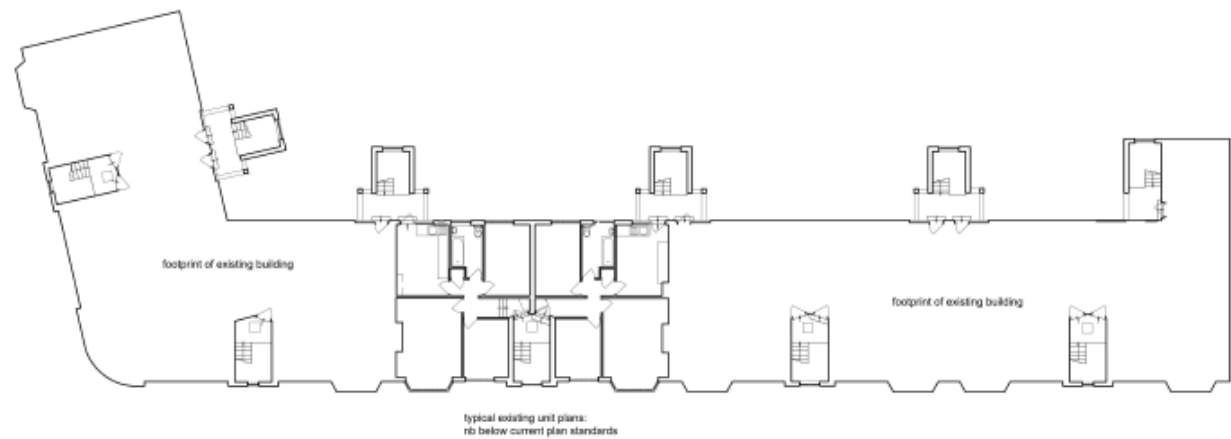
Existing Ground Floor Plan



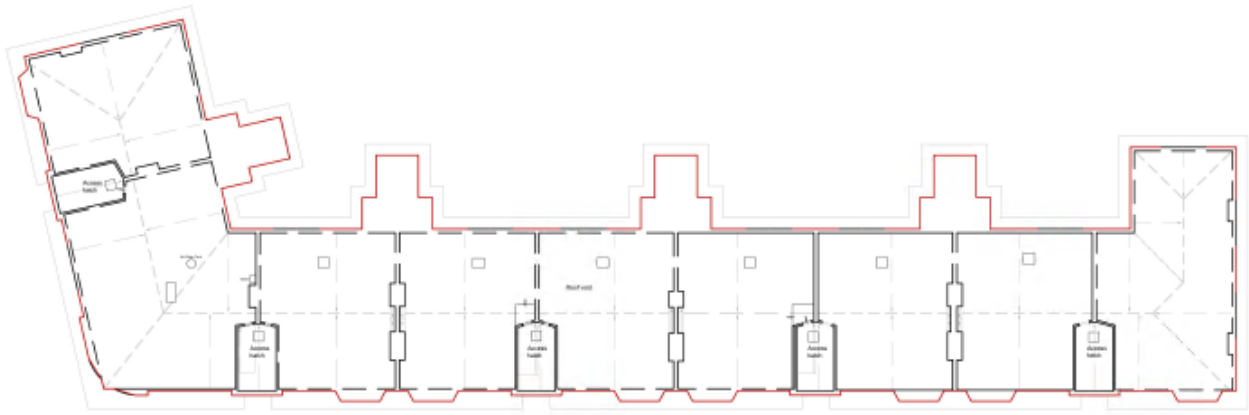
Proposed Ground Floor Plan



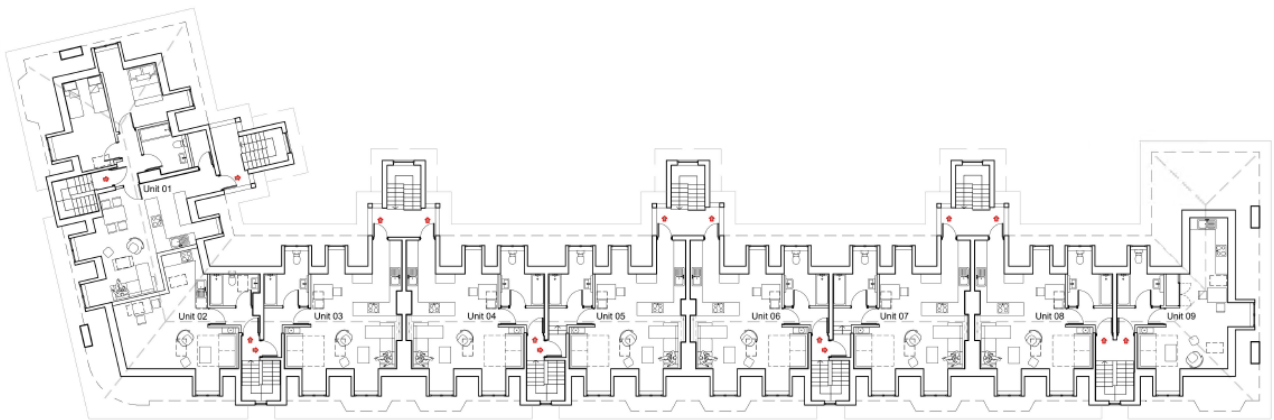
Existing Second Floor Plan



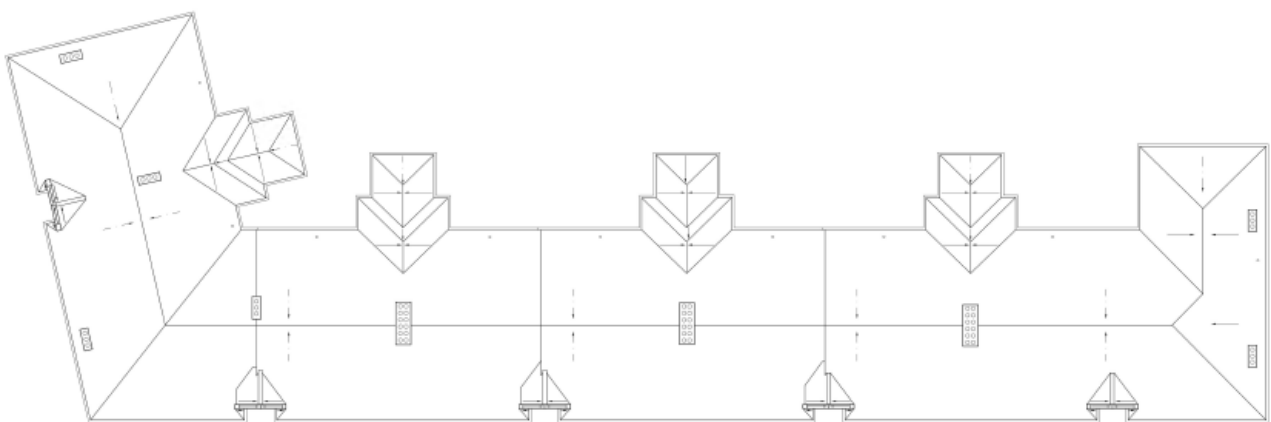
Existing Loft Floor Plan



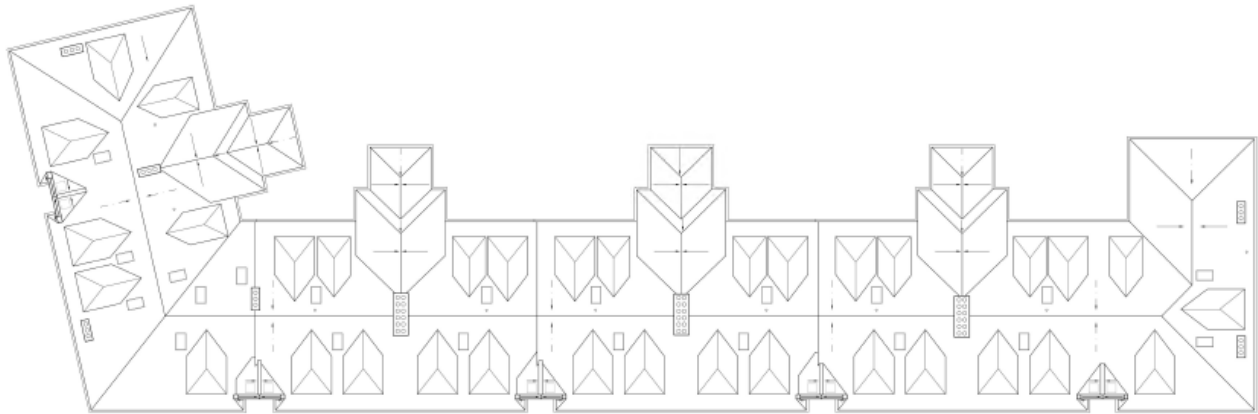
Proposed Loft Floor Plan



Existing Roof Plan



Proposed Roof Plan



Existing Front Elevation



Proposed Front Elevation



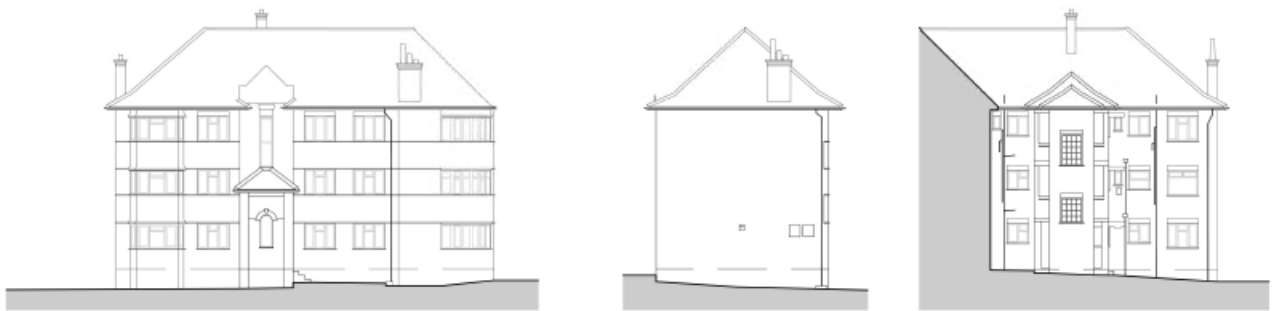
Existing Rear Elevation



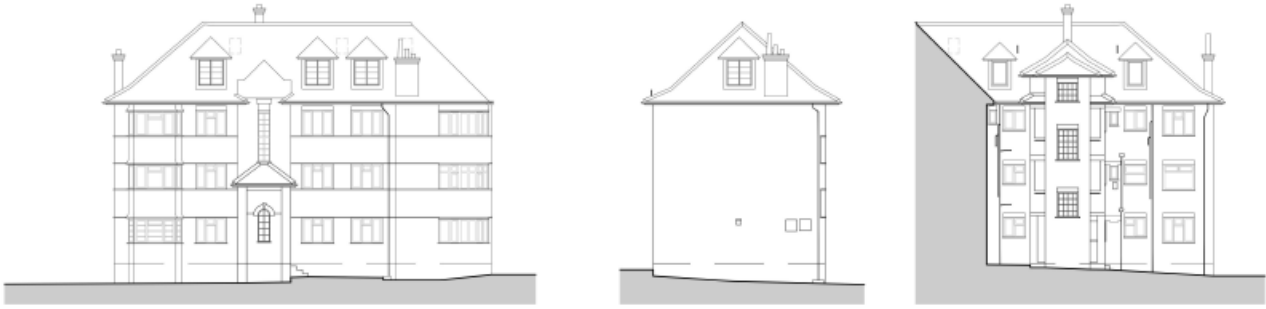
Proposed Rear Elevation



Existing Side Elevations Facing Towards Caphorne Avenue and the Garden



Proposed Side Elevations Facing Towards Caphorne Avenue and the Garden



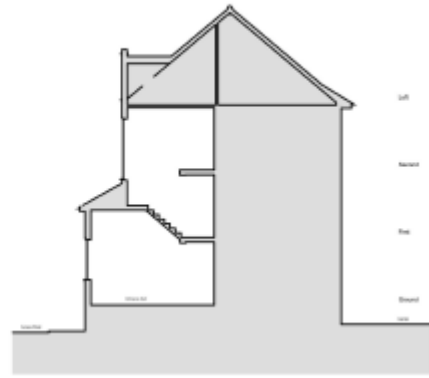
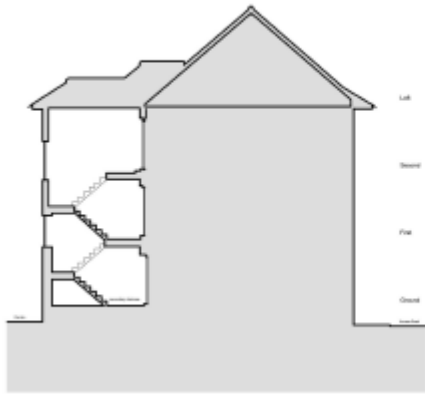
Existing Side Elevation Facing Towards Warden Court



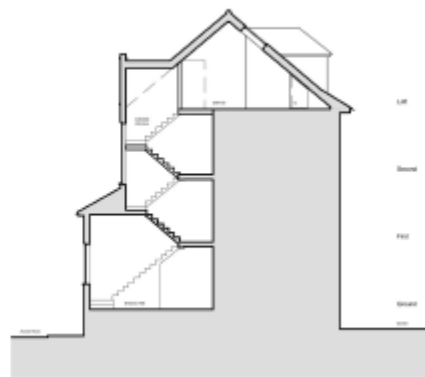
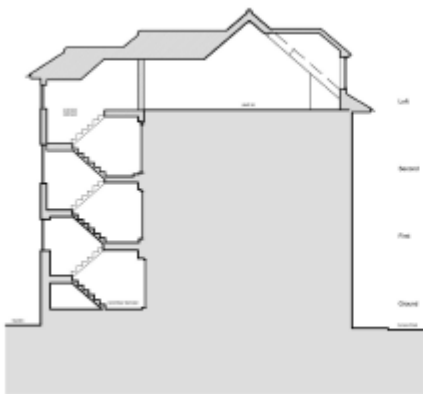
Proposed Side Elevation Facing Towards Warden Court



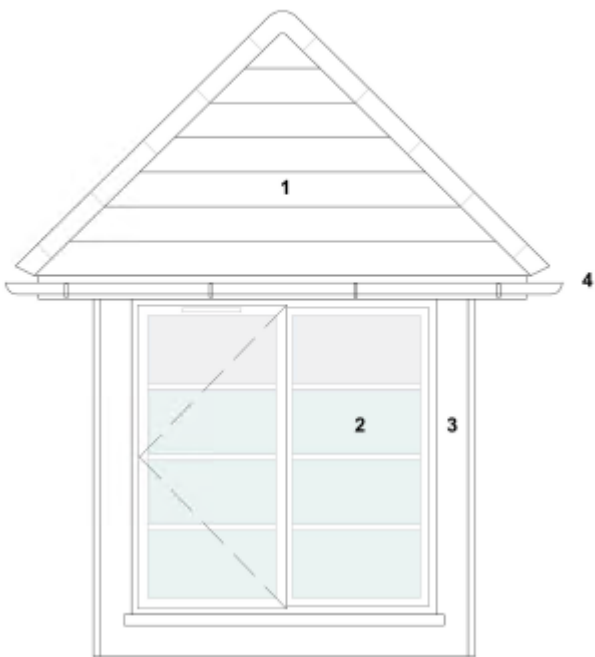
Section A and B as Existing



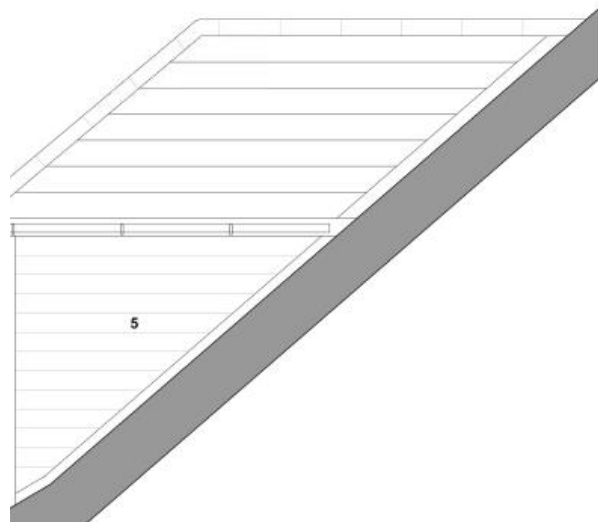
Section A and B as Proposed



Proposed Window Details



Front Elevation



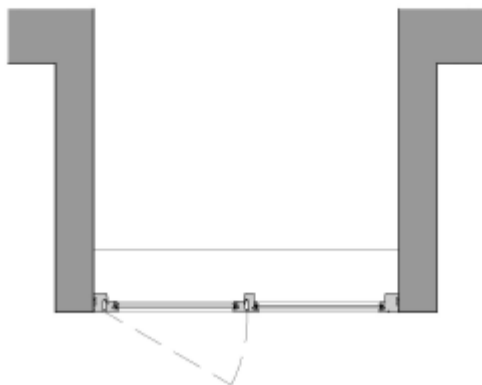
Elevation



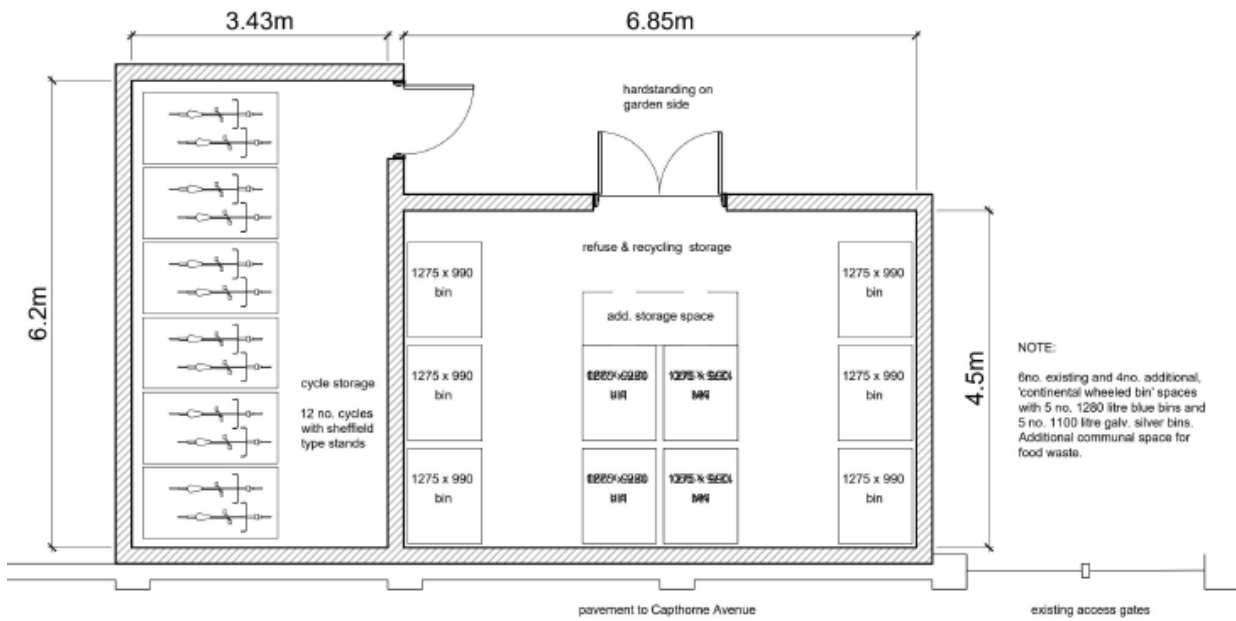
Photograph of Typical Dormer Window at Imperial Court

KEY

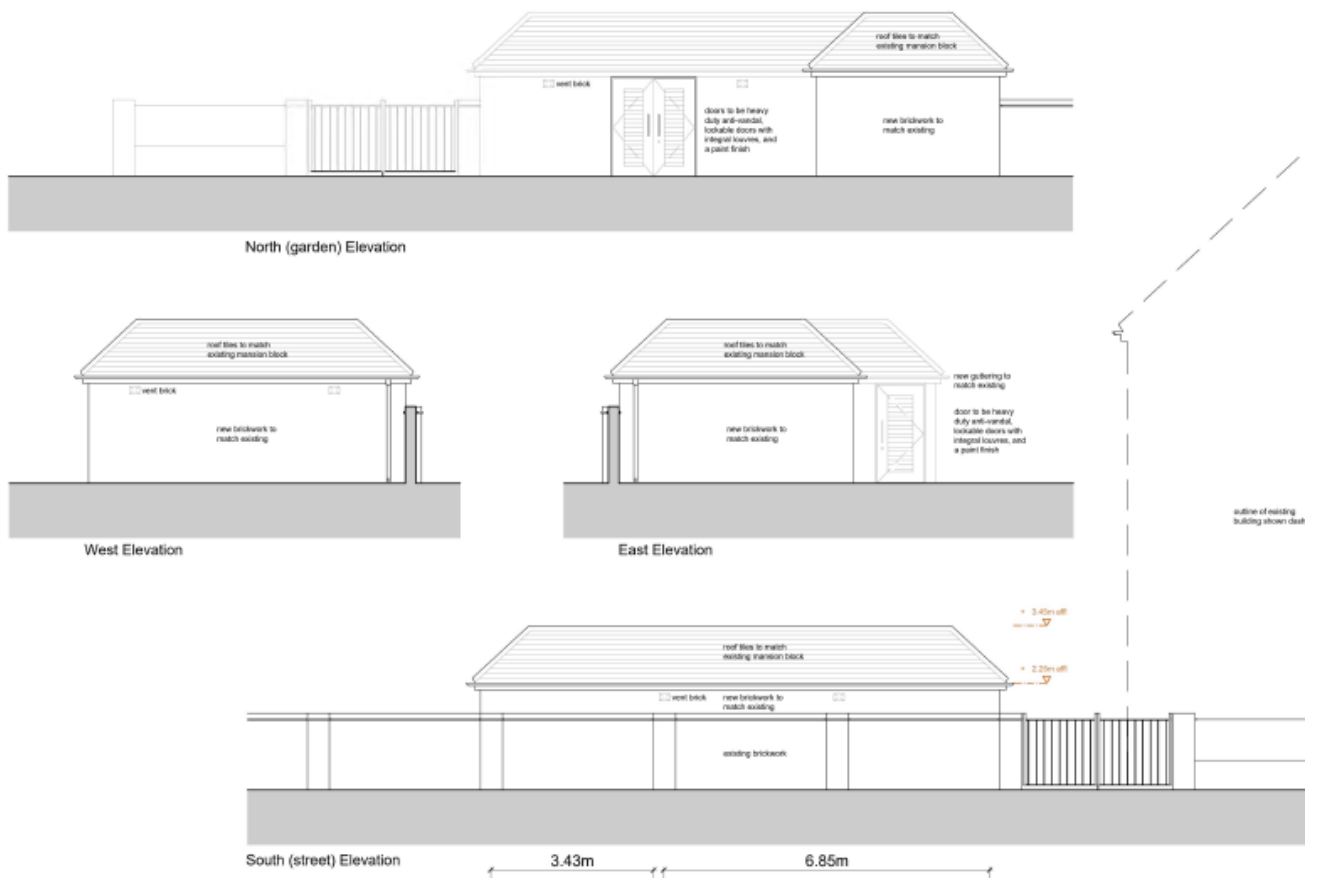
- 1. red clay tiles with profiled ridge and hip tiles to match existing
- 2. upvc casement window with fixed and opening lights and clear glazing
- 3. new lead flashing to perimeter
- 4. new black upvc guttering to perimeter
- 5. new clay tile hung cladding to match Imperial Court



Bin and Cycle Store Plan



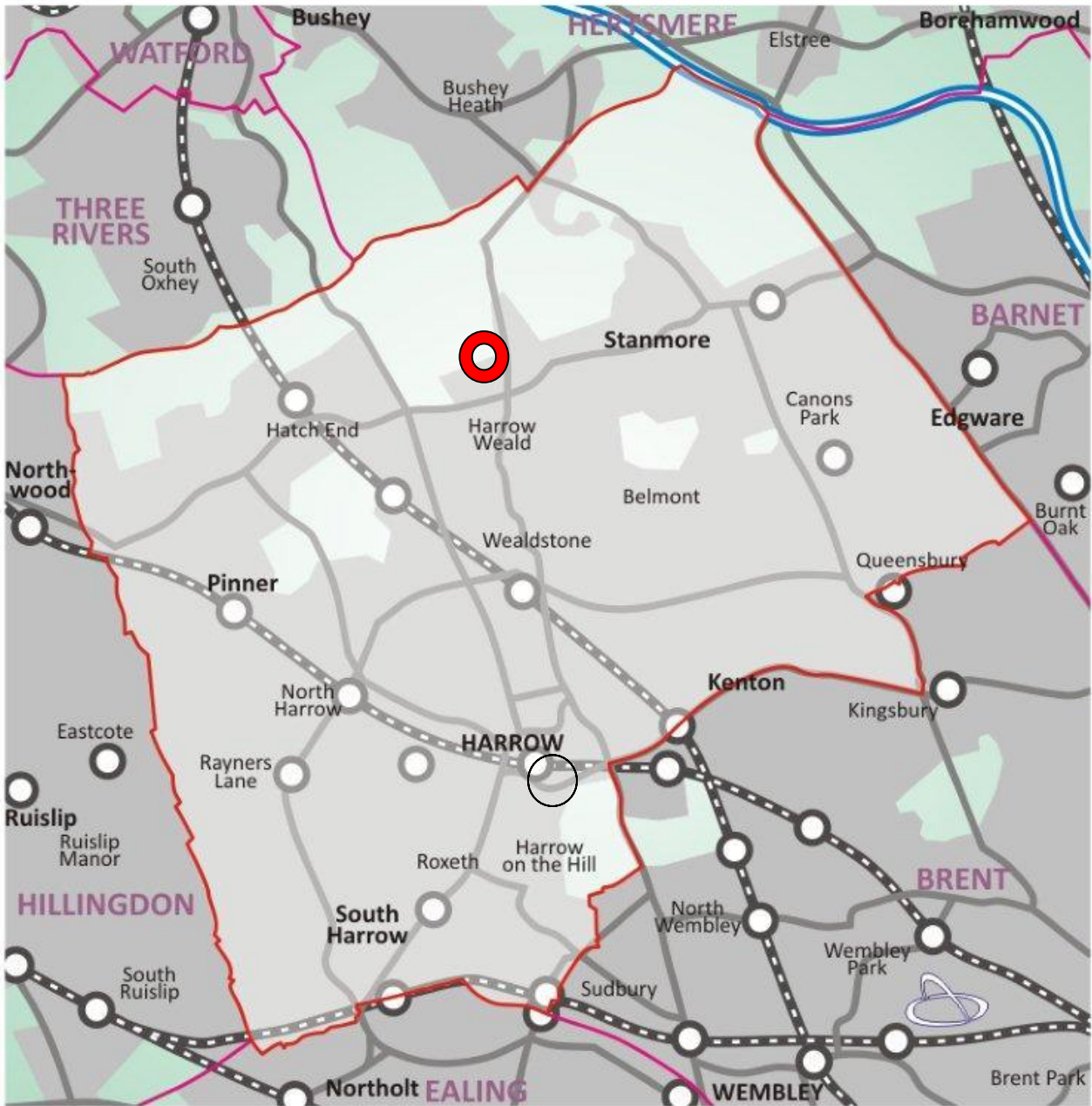
Bin and Cycle Store Elevations



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 = application site



18 West Drive, Harrow, HA3 6TS

P/2071/23

Location Plan



LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

22nd November 2023

APPLICATION NUMBER: P/2071/23
VALID DATE: 21/08/2023
LOCATION: 18 WEST DRIVE
WARD: HARROW WELAD
POSTCODE: HA3 3TS
APPLICANT: MR AMIT PATEL
AGENT: TRIARCSERVICES
CASE OFFICER: LUKE MCBRATNEY
EXTENDED EXPIRY DATE: 28/11/2023

PROPOSAL

Two storey front infill extensions; first floor front extension; single and two storey rear extension; first floor rear extension; extension and alterations to roof; rooflights in front, rear and both side roofslopes; external alterations (demolition of rear extension).

RECOMMENDATION

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:

REASON FOR THE RECOMMENDATION

The proposed development would not detract from the character and appearance of the host building, street scene and area in a wider context, nor would it unduly impact upon the residential amenity of neighbouring occupants. The proposed development is not considered to be susceptible to unacceptable flood risk and is not considered to exacerbate flood risk elsewhere. As such, the development accords with the NPPF (2023), Policies D3, D11, D12, SI 12, SI 13 of the London Plan (2021), Policies CS1.B of the Harrow Core Strategy, Policies DM1 & DM10 of the Harrow Development Management Policies Plan, and the Harrow Supplementary Planning Document: Residential Design Guide (2010).

INFORMATION

This application is reported to Planning Committee at the request of a nominated member in the public interest and therefore falls within provision A of the Scheme of Delegation.

Statutory Return Type:	(E)21. Householder Development
Council Interest:	None
Net additional Floorspace:	142 sqm
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	£9,166
Local CIL requirement:	£24,627

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

It is considered that the proposed development would not adversely impact upon community safety issues or conflict with development plan policies in this regard.

1.0 SITE DESCRIPTION

- 1.1 The property is a substantial two storey detached single family dwellinghouse located on the west side of West Drive.
- 1.2 The existing property has been extended by way of a two storey and single storey side extension.
- 1.3 The property is located within the West Drive Conservation Area.
- 1.4 The property is not subject to an article 4 Direction. The site is located within a critical drainage zone.

2.0 PROPOSAL

- 2.1 Two storey front infill extensions; first floor front extension; single and two storey rear extension; first floor rear extension; extension and alterations to roof; rooflights in front, rear and both side roof slopes; external alterations (demolition of rear extension).

3.0 RELEVANT PLANNING HISTORY

Ref no.	Description	Status & date of decision
P/1468/22	Two storey front infill extensions; first floor front extension; single and two storey rear extension; first floor rear extension; extension and alterations to roof; rooflights in front, rear and both side roof slopes; external alterations (demolition of rear extension).	GRANTED 09/09/2022
P/4802/21/PRIOR	Single storey rear extension: 8 metres deep 3.64 Metres maximum height 3 metres high to the eaves.	REFUSED 11/01/2022
EAST/175/93/FUL	Single storey front extension	GRANTED 04/08/1993
EAST/446/93/FUL	Single storey front and rear extensions.	GRANTED 19/11/1993
LBH/34258	Single storey front and rear.	GRANTED 07/01/1988
LBH/22025	Single and two storey side extensions	GRANTED 22/09/1982

LBH/35869	First floor rear extension.	GRANTED 26/09/1988
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3.1 Site History Context

3.2 The applicant has sought to regularise some confusion and irregularities found in the granted plans under the recently approved application P/1468/22. The plans approved under this application were superimposed over a Google Earth image which has led to some issues over as to the scale of the works approved. It is noted works are near completion. Leading to the as built extension projecting 0.8m further rearward compared to that granted.

.4.0 CONSULTATION

4.1 A total of 4.no consultation letters were sent to neighbouring properties regarding this application. The overall public consultation period expired on 6th October 2023.

4.2 1 response was received. Matters raised within these objections can be summarised as follows:

- Too great a scale of development for the area.
- Applicant has constructed the development over neighbouring boundary
- Not built in accordance with approved plans.

Officer Response

The proposals put forward under this application have already been addressed under the approved application P/1468/22. However, the issues relating to the breaches of planning permission have been addressed in the report below.

4.3 Conservation officer: No overall objection. The extensions appear appropriate and in keeping in terms of scale and design on balance. It is very similar to that approved in 2022 under reference P/1468/22. This application was also discussed on 21st August 2023 at the Conservation Areas Advisory Committee (CAAC). An objection was raised in relation to the front rooflights.

5.0 POLICIES

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

‘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.’

5.2 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.

5.3 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:

- Character and Appearance of the Conservation Area
- Residential Amenity
- Drainage and Flood Risk
- Fire Safety

6.2 Character and Appearance of the Conservation Area

6.2.1 The relevant policies are:

- The National Planning Policy Framework (2023)
- The London Plan (2021): D3, HC1
- Harrow Core Strategy (2012): CS1.B
- Harrow Development Management Policies (2013): DM1, DM7, DM23

Relevant Supplementary Documents

- Residential Design Guide (2010)

Part Single Part Two Storey Side Extension

6.2.2 The existing West Drive streetscene is characterised by large detached dwellinghouses with those in the immediate locality predominantly comprising hipped roof forms.

6.2.3 It is noted that the property already benefits from planning permission (ref: P/1468/22) for front infill extensions, first floor front extension, ground floor extension and first floor rear extensions. The main difference to that previously approved application is the detail of the proposed plans, in relation to the rear extensions. The ground floor extension would extend 6.5m from the rear and feature a flat roof with a maximum height of 3.23m. The first-floor rear extension would extend 3m from the rear elevation has been set in 1m from the boundary shared with no.16 West Drive. The overall appearance of the proposed rear extensions are considered to be acceptable and would in keeping in terms of scale and design and would preserve the character and appearance of the West Drive Conservation Area

Front Extensions

6.2.4 The front infill extensions and front first floor extensions would reflect the scale, design of the existing street scene. Whilst it is acknowledged the re-introduction of the West Drive Conservation would in most instances require a more sympathetic approach. The changes to the front have been accepted under the previously approved application (P/1468/22) and is therefore accepted in this instance.

Rooflights

- 6.2.5 The installation of several rooflights in the front, rear and side roof slopes are reasonably spaced and would not clutter the proposed roof slopes. On balance the rooflights are considered acceptable.

6.3 Residential Amenity

- 6.3.1 The relevant policies are:

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

Relevant Supplementary Documents

- Residential Design Guide (2010)

- 6.3.2 The proposed ground floor extension would extend approximately 4.4m beyond the rear elevation of no. 20 West Drive, whilst this is 0.4 m larger than previously assessed. Officers find the depth and height to be relatively modest and would not result in an unacceptable loss of outlook or daylight/sunlight. In relation to no. 16 West Drive the ground floor extension would extend 4.10m beyond the main rear elevation and again this is considered to be acceptable due to the site circumstances at no 16 as impacts as a result of the additional depth are mitigated by the rear extension at no 16. Regarding the first-floor extension, it would marginally breach the 45-degree code in relation to the first-floor rear corner of no. 16, however this window serves a bathroom and is obscure glazed. As the room is non habitable and not considered to be a protected window. A small breach is not considered to warrant a refusal. In relation to no. 20 West Drive, the first-floor extension would extend approximately 0.8m beyond the rear elevation (the approved application's rear wall at first floor level was to be flush with the rear wall of no 20) and would not breach the 45-degree line drawn from the edge of the nearest neighbouring side wall at no 20 West Drive. As such it is not considered that the proposal would adversely impact upon outlook to their nearest rear first floor window or indeed the ground floor.
- 6.3.3 It is noted that within the submitted objections, No. 20 has raised concerns over whether the extension has been built on their land and that the boundary wall is in fact in the ownership of no. 20. This is not a material consideration for officers and is a civil matter. There are two small side facing windows at first floor level which face directly into the blank flank all of no 20 not resulting in a loss of privacy for either neighbour. The addition of rooflight windows are considered to be acceptable and not lead to any additional loss of amenity in this suburban location.
- 6.3.4 In conclusion, the proposal would not give rise to any adverse impact in terms of loss of outlook or loss of privacy to neighbours.

Impacts on properties to the rear

6.3.5 The applicant property is sufficiently set back from the properties to the rear and would not unduly affect neighbour amenity.

6.3.6 In summary, the proposed development is considered to have an acceptable residential amenity impact in respect to all neighbouring occupants.

6.4 Drainage

6.4.1 The relevant policies are:

- National Planning Policy Framework (2023)
- The London Plan (2020): SI 12, SI 13
- Harrow Core Strategy (2012): CS1.W
- Harrow Development Management Policies (2013): DM10

6.4.2 The development would result in an increase in the development footprint on the site and would therefore have an impact in terms of increased surface water flood risk. As the site is located within a Critical Drainage Area, sustainable urban drainage [SUDs] is encouraged. An informative is therefore attached to this effect. An informative has also been included with regard to surface and foul water connections and has advised the applicant to contact Council's Drainage Engineers to provide a drainage plan.

6.5 Fire Safety

6.5.1 The relevant policies are:

- National Planning Policy Framework (2023)
- London Plan Policy: D12

6.5.2 Part A of Policy D12 of the London Plan (2021) requires the demonstration of suitably positioned and unobstructed space for fire appliances and evacuation assembly points, and that developments ensure robust strategies for evacuation are in place as well as confirmation of the fire-fighting water supply. The applicant has provided a Fire Strategy Statement to confirm that the development will not adversely affect the appropriate fire safety measures of the site.

7.0 CONCLUSION AND REASONS FOR APPROVAL

- 7.1 The proposed development would not detract from the character and appearance of the host building, street scene and area in a wider context, nor would it unduly impact upon the residential amenity of neighbouring occupants. The proposal preserves the character and appearance of the conservation area. As such, the development accords with the NPPF (2023), Policies D3, HC1, D12 of the London Plan (2021), Policies CS1.B and CS1.W of the Harrow Core Strategy, Policies DM1, DM7 & DM10 of the Harrow Development Management Policies Plan, and the Harrow Supplementary Planning Document: Residential Design Guide (2010).

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: 918-n-(rev3) 01; 918-n-(rev3) 02; 918-n-(rev3) 03; 918-n-(rev3) 04; 918-n-(rev3) 05; 918-n-(rev3) 06; 918-n-(rev3) 07; 918-n-(rev3) 08; Reasonable Exception Statement (Fire Safety); Heritage Statement (Author: TRIARC Dated: 02/08/2023).

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

3. Materials

The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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 1

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no window(s)/door(s) shall be installed in the flank elevation(s) of the development hereby permitted other than those shown on the approved plans and elevations 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. No Balcony

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from 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).

INFORMATIVES:

1. Policies

The following policies are relevant to this decision:

The National Planning Policy Framework (2023)

London Plan 2021: D3, D11, D12, SI 12, SI 13

The Harrow Core Strategy 2012: CS1.B

Harrow Development Management Policies Local Plan 2013:
DM1, DM7, DM10

Supplementary Planning Documents: Residential Design Guide (2010).

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 applicant's expense. Failure to report any damage could result in a charge being levied against the property.

5. Grant without Pre-App Advice

No Pre-Application advice was sought through the planning process.

6. Surface and Foul Water Connections

The applicant is advised that the Drainage Authority in Harrow recommends the submission of a drainage plan, for their approval, indicating all surface and foul water connections and their outfall details. Please also note that separate systems are used in Harrow for surface water and foul water discharge. Please email infrastructure@harrow.gov.uk with your plans.

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 £9,166 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 £173.43/sqm is £24,627 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 planning portal 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: 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.

9. 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 (2023) 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. The London Plan (2021) 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

CHECKED

 <p>Orla Murphy Head of Development Management 9th November 2023</p>	 <p>Viv Evans Chief Planning Officer 9th November 2023</p>
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APPENDIX 2: LOCATION PLAN



APPENDIX 3: SITE PHOTOGRAPHS



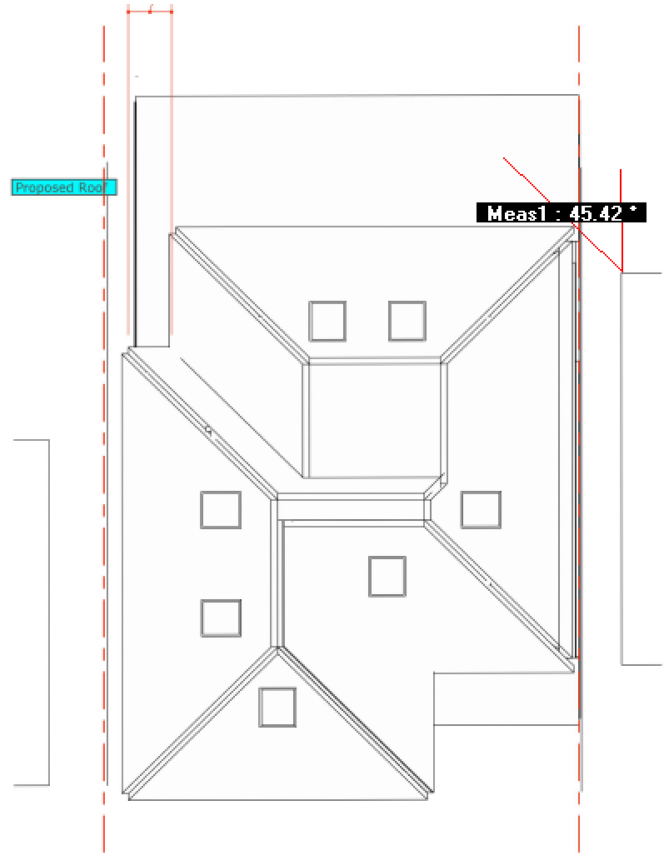
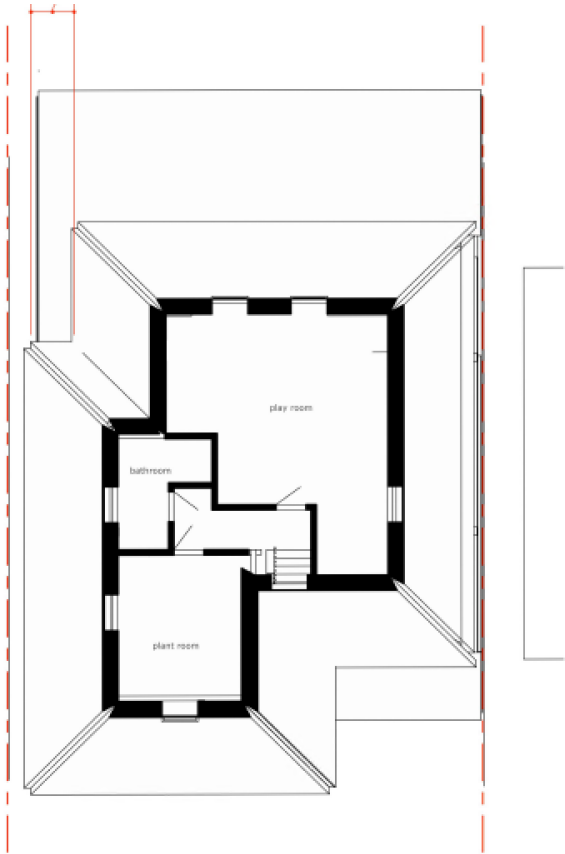
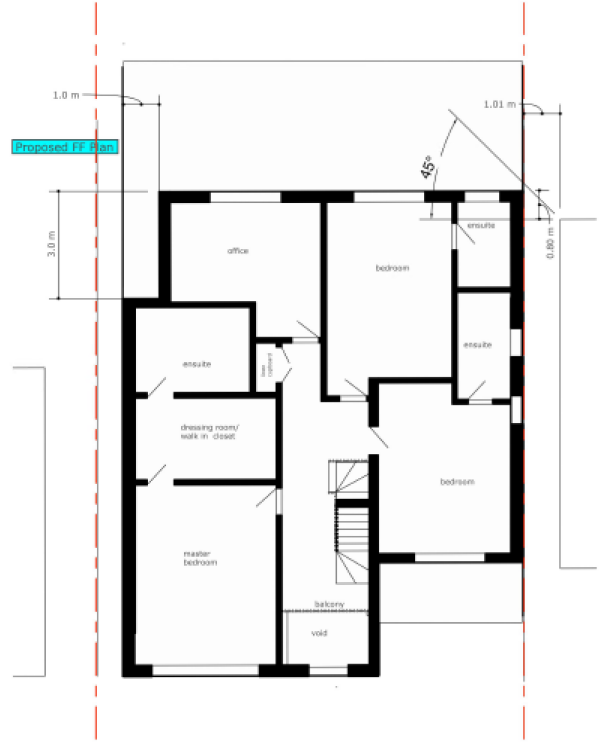
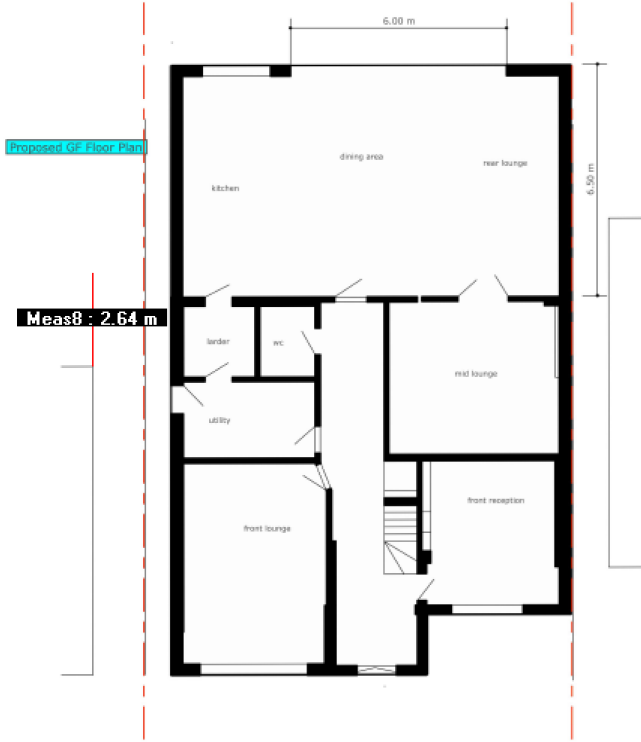


Pre-Existing





APPENDIX 4: PLANS AND ELEVATIONS

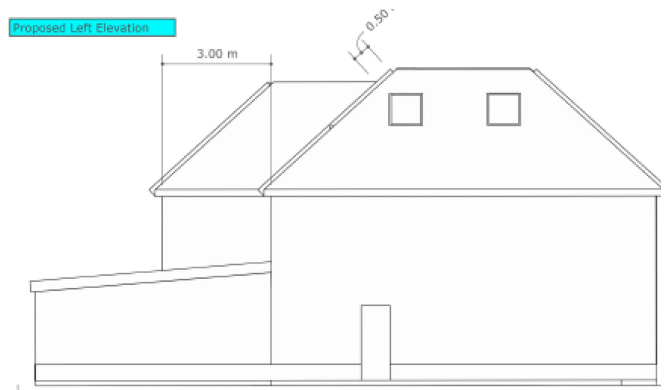


Proposed Front Elevation



MATERIALS:-
 Roof tiles proposed to be
 GREY redland 49
 Wall render to be
 LIMESTONE WHITE

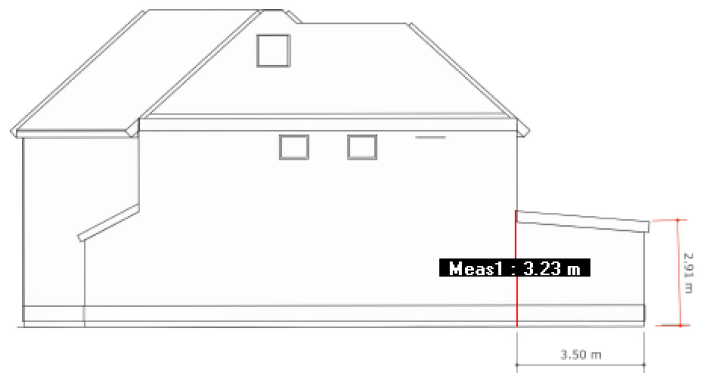
Proposed Left Elevation



Proposed Rear Elevation



Proposed Right Elevation



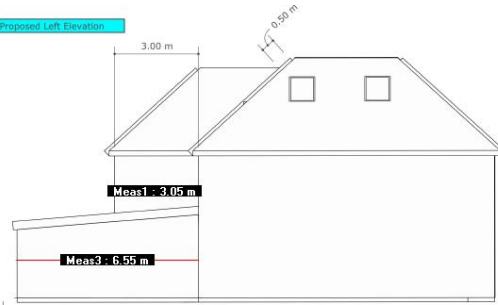
PREVIOUSLY APPROVED PLANS AND ELEVATIONS P/1468/22

Proposed Front Elevation



MATERIALS:-
 Roof tiles proposed to be GREY redland 49
 Wall render to be LIMESTONE WHITE

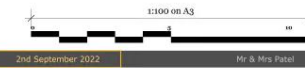
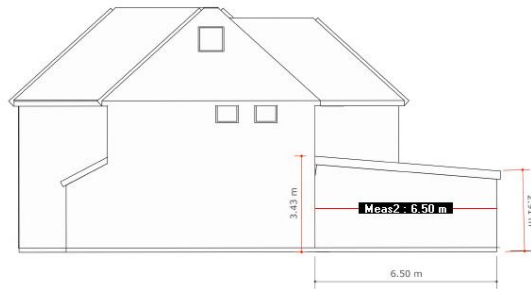
Proposed Left Elevation



Proposed Rear Elevation



Proposed Right Elevation



Double storey part infill front and side, ground floor part front, rear 8m ground floor, rear first floor stepped, with subordinate roof design hipped following existing hipped roof

PROPOSED ELEVATIONS

Drawing:- 918 -n- (rev2)

04

Existing Front Elevation



MATERIALS:-
 Roof tiles proposed to be GREY
 Wall render to be CREAM

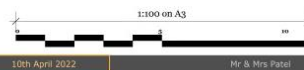
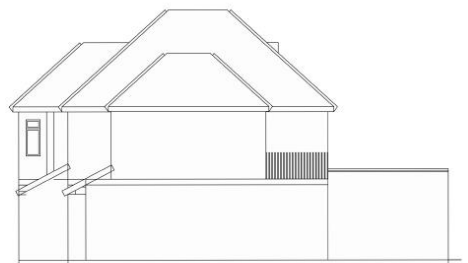
Existing Left Elevation



Existing Rear Elevation



Existing Right Elevation

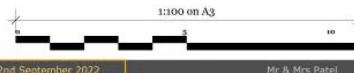
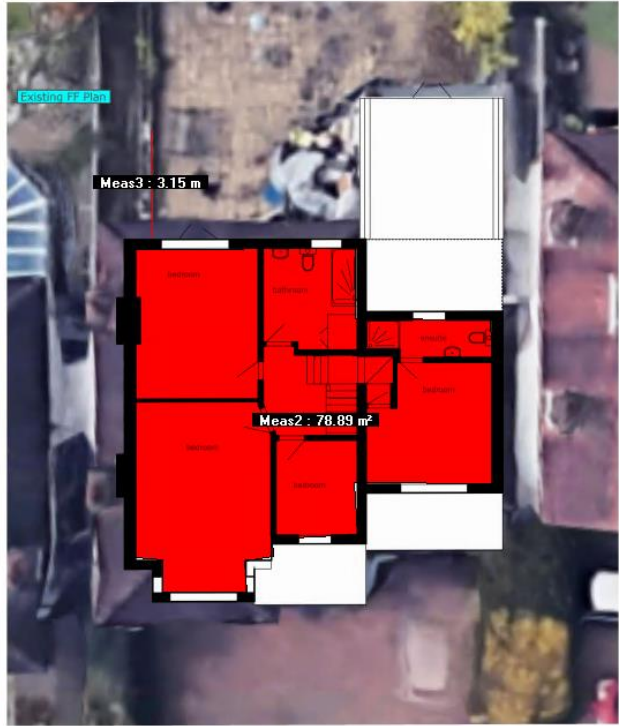
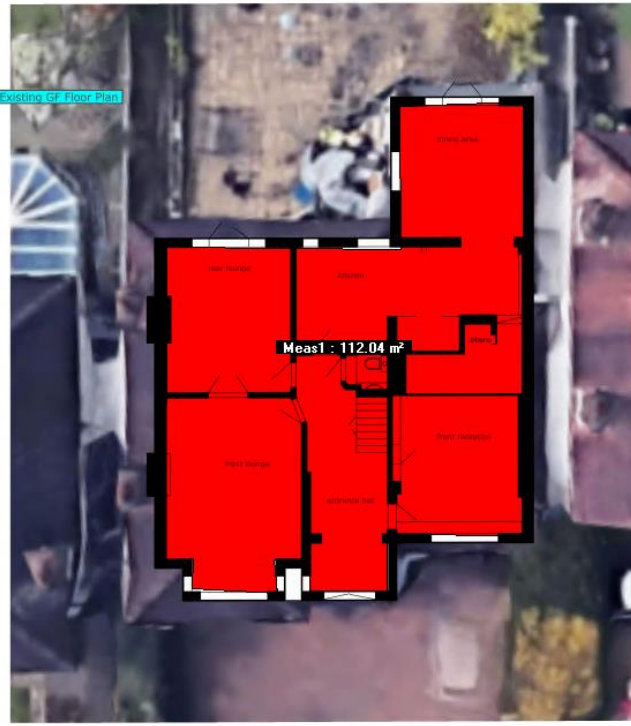


Double storey part infill front and side, ground floor part front, rear 8m ground floor, rear first floor stepped, with subordinate roof design hipped following existing hipped roof

EXISTING ELEVATIONS

Drawing:- 918 -n-

03



Double storey part infill front and side, ground floor part front, rear 8m ground floor, rear first floor stepped, with subordinate roof design hipped following existing hipped roof

EXISTING FLOOR PLANS

2nd September 2022

Mr & Mrs Patel


18 west drive HA3 6TS

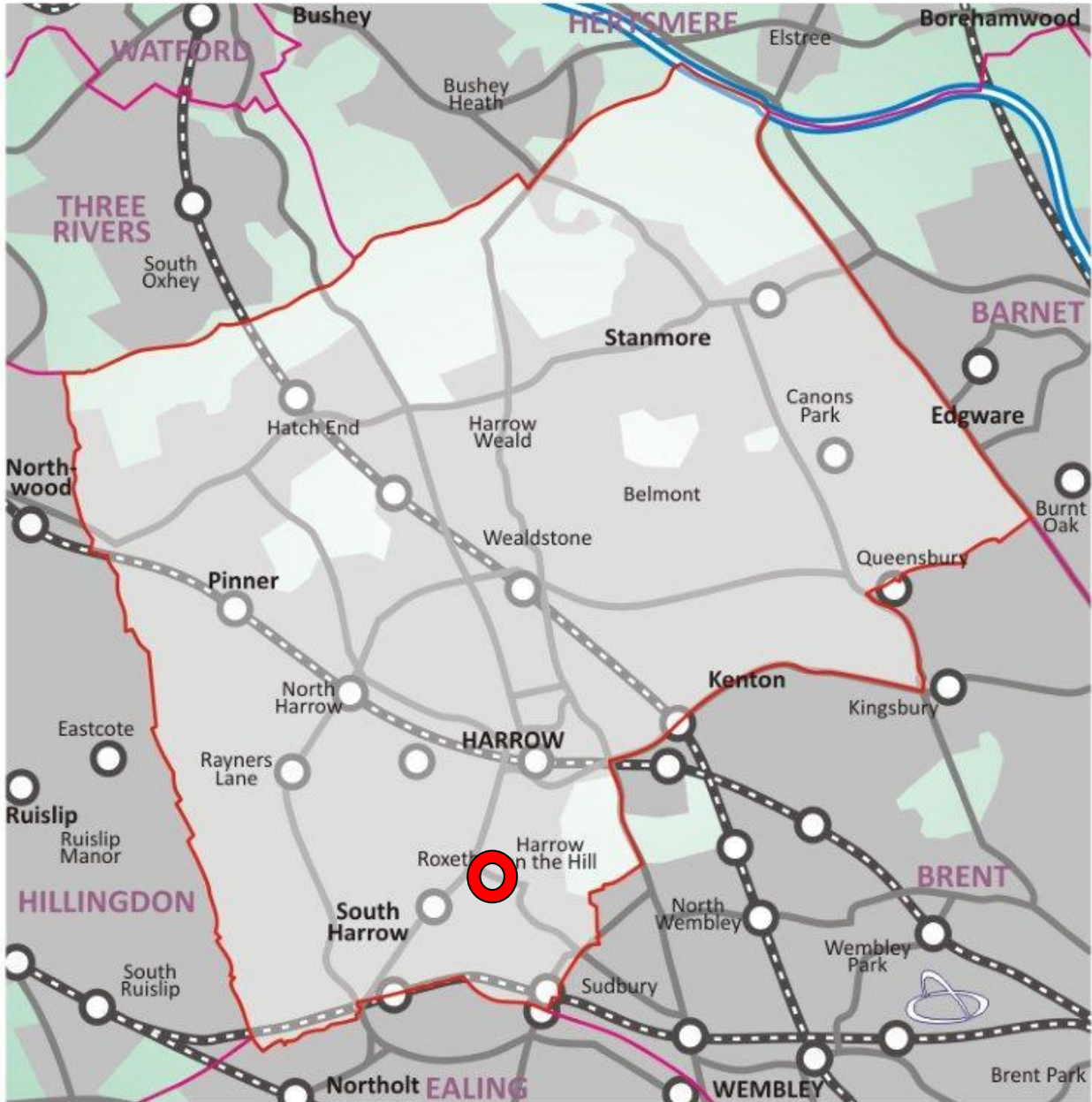
Drawing:- 918 -n-(rev2)

05

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Agenda Item: 2/04

 = application site



Astley House, South Hill Avenue, Harrow, HA1 3NU	P/2116/23
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Location Plan



1 Existing Site Location Plan
1 : 1250



2 Proposed Site Plan
1 : 500



LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

22nd NOVEMBER 2023

APPLICATION NUMBER: P/2116/23
VALID DATE: 19/07/2023
LOCATION: ASTLEY HOUSE, SOUTH HILL AVENUE, HARROW
WARD: HARROW ON THE HILL
POSTCODE: HA1 3NU
APPLICANT: MR CHI TAK KWAN
AGENT: MR WILLIAM LEE
CASE OFFICER: AGNES WANJA
EXPIRY DATE: TBC

PROPOSAL

Single storey rear extension; installation of French doors to rear and window and door to side elevation; external alterations.

RECOMMENDATION

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 subject to the Conditions listed in Appendix 1 of this report.

REASON FOR THE RECOMMENDATION

The proposed development is considered to be a modest and sympathetic addition which would not result in a detrimental impact to the character and appearance of the original building and the surrounding area, nor would it result in a detrimental impact to the residential amenities of neighbouring properties.

Accordingly, weighing up the development plan policies and proposals along with other material considerations including comments received in response to notification and consultation as set out below, Officers consider and conclude that, subject to planning conditions, the proposed development is acceptable and worthy of support. In accordance with the National Planning Policy Framework, including its presumption in favour of sustainable development, and subject to conditions, Officers recommend that the application is granted.

INFORMATION

This application is reported to Planning Committee at the request of a nominated member in the public interest.

Statutory Return Type:	Householder
Council Interest:	None
Net Floorspace:	30.67sqm
GLA CIL Contribution (provisional):	N/A
Local CIL Contribution	N/A

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

Policy D11 of The London Plan (2021) and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

1.0 SITE DESCRIPTION

- 1.1 The application site includes a two storey detached property which has a single storey front to side garage and a single and two storey rear projection.
- 1.2 Linklater House is located to the west of the site and is a two storey detached property which has a single storey side extension and a two storey side extension.
- 1.3 Tall Trees is located to the east of the site and is a two storey detached dwellinghouse and is un-extended.
- 1.4 Little Dormers is located at the rear boundary of the site.
- 1.5 The site located in the South Hill Avenue Conservation Area and an Area of Special Character.
- 1.6 The site is in a Critical Drainage Area.

2.0 PROPOSAL

- 2.1 The application seeks permission for a single storey rear extension with a depth of 9.7m, a width of 4.9m, an eaves height of 2.3m and a maximum height of 3.7m.
- 2.2 The proposed extension would have a rear facing window and windows along the side elevation. The proposed external alteration includes the removal of the window in the side wall of the existing garage and provision of a new glazed door serving an internal hallway and a small new window to serve a utility room. The proposal also includes the removal of a rear ground floor window currently serving a reception room and replacement with new French doors.
- 2.3 The proposed extension would accommodate a new bedroom with an en-suite.

3.0 RELEVANT PLANNING HISTORY

Ref no.	Description	Status and date of decision
LBH/14817	ERECT. OF FRONT & SIDE EXT. TO ENLARGE EXISTING TO ENLARGE EXISTING GARAGE	Granted 23-Mar-1979
P/3157/22	Single storey rear extension; first floor side extension; external alterations	Refused 09-Nov-2022

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Reasons for refusal:

1. *The proposed single storey rear extension due to its excessive depth, height and unsympathetic roof design when considered cumulatively with the existing front to side extension would not relate well or harmonise with the design and appearance of the host dwelling. The proposal would result in an unsympathetic form of development which is bulky and unduly obtrusive to the detriment of the character and appearance of the host dwelling and the South Hill Avenue Conservation Area, contrary to the high quality design aspirations of the National Planning Policy Framework (2021), policies D3 (D(1) and D(11)) and HC1 of The London Plan (2021), policy CS1.B of the Harrow Core Strategy (2012), policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013), the adopted Supplementary Planning Document: Residential Design Guide (2010) and the South Hill Avenue Conservation Area Management Strategy (2008).*

2. *The proposed first floor side extension due to its unsympathetic design and sitting when considered cumulatively with the existing side dormer would not relate well or harmonise with the design and appearance of the host dwelling. The proposal would result in an unsympathetic and contrived form of development to the detriment of the character and appearance of the host dwelling and the South Hill Avenue Conservation Area, contrary to the high quality design aspirations of the National Planning Policy Framework (2021), policies D3 (D(1) and D(11)) and HC1 of The London Plan (2021), policy CS1.B of the Harrow Core Strategy (2012), policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013), the adopted Supplementary Planning Document: Residential Design Guide (2010) and the South Hill Avenue Conservation Area Management Strategy (2008).*

3. *The proposed single storey rear extension, by reason of its siting and cumulative excessive rearward projection and height, would be unduly obtrusive and would result in a negative impacts of outlook, to the detriment of the visual and residential amenities of the occupiers of the adjacent property Tall Trees, contrary to Policy D3(D(7)) of The London Plan (2021), Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and guidance contained in the adopted Supplementary Planning Document: Residential Design Guide (2010).*

4.0 **CONSULTATION**

- 4.1 A total of 3 consultation letters were sent to neighbouring properties regarding this application. In addition, a site notice was posted on 14th of August 2023. The overall public consultation period expired on the 4th September 2023.
- 4.2 South Hill Estate Resident's Associations and two neighbours have submitted objections. The objections are summarised below.

Principle of Development

Character

- Detrimental impact on the Conservation Area
The proposed development, which includes a very large single storey rear extension of the garage, will damage the character and appearance of the Conservation Area.

Officer response: each application is assessed on its own merit therefore, as noted in the assessment below officers consider that the proposal would not damage the character and appearance of the conservation area. In addition to this the conservation officer has not objected to the proposal.

- The existing garage on this property is configured in a beautiful arts and crafts layout, with the garage forming an almost independent annex to the main house which gives the area its rural arts and crafts look and feel. An 8-metre rear extension to this garage would completely eliminate the property's sculpted arts and crafts look, with its secluded nature, and replace it with more of a uniform, industrial-scale building in relation to the relatively small garage that we have today.
- In addition, by impeding significant views for walkers on South Hill Avenue, this proposal will also contravene section 4.3 (b) of the South Hill Avenue Conservation Area Management Study (area number 20) 2008.
Excessive infill
- The proposed extension results in a large amount of infill of the open space between the applicant's property and Tall Trees, the neighbouring property.
- The rear extension, by virtue of its size in relation to the available plot size, constitutes a gross overdevelopment of the site.

Officer response: the proposed rear extension although proposing a depth that is greater than that recommended in the adopted guidance, it is considered to appear subordinate to the main dwelling.

Impact on Residential Amenity

- Excessive height and siting would result in undue impacts to the neighbouring property of Tall Trees in terms of overshadowing, enclosure and visual

impacts, to the detriment of the residential amenities of that neighbouring property.

- result in considerable overshadowing, loss of light, and loss of privacy to our home.
- In particular, the loss of light to our habitable rooms which are in constant use for everyday living: our living room and kitchen will be most impacted by this as they face north and are on the west side of our house bordering Astley House and will be most overshadowed.
- The proposed development will interfere with our enjoyment of our land and home, will interfere with mature planting as there are many mature shrubs and trees on the border of Astley House and Tall Trees which might be impacted when digging and building for foundations of a large extension; and generally will not enhance or preserve the amenity of this Article 4 conservation area. The removal of hedges on our boundary wall is unacceptable as these provide natural privacy to both homes. We are particularly concerned by the demolition of the existing boundary wall with the mature shrubbery on it. The entirety of the 8m proposed extension will mirror most of the west border of our home and garden.

Officer response: the proposed development has been assessed and the points above have been taken into consideration below.

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.

Consultation Responses
<p>Conservation Officer:</p> <p><u>Significance</u></p> <p>The conservation area appraisal and management strategy states:</p> <p>‘South Hill Avenue Conservation Area is a particularly lush and pleasant part of Harrow on the Hill where a number of large, historic dwellings occupy a fine position on the Hill's undulating lower slopes. Here the quiet suburban streets are provided with a backdrop of greenery, with playing fields to the south and cricket pitches to the north. The visual quality of the street scene is enhanced by densely planted gardens and lush boundaries. Such rich streetscape makes for a unique sense of place and high-quality environment’.</p> <p><u>Appraisal</u></p>

The proposal has been amended in accordance with the feedback provided at the previous application stage. I noted at pre-application stage: 'The proposal no longer cuts across the dormer and is not wider than the garage to the front – the roofline is on the same plane as the garage in front also. Subject to materials and details being conditioned to match this would preserve the special character and appearance of the conservation area in accordance with the legislation, policy and guidance. The proposed rooflights should be conservation style rooflights that are flush with the roof plane'.

However, the tile sample labelled on the plan is inappropriate. This states they will be concrete tiles. They should be clay to match. We also need mortar details. Windows should be conditioned to be flush with the roofline.

Relevant policy and guidance

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area'.

NPPF paragraphs 192, 193, 194, 196, 200

London Plan policy HC1

Harrow Core Strategy policy CS1

Development Management Policies Local Plan policy DM 7

South Hill Avenue Conservation Area Appraisal and Management Strategy

Conservation Area Advisory Committee

It is strange that this cannot mirror the extension on the other side in this case with a fully pitched roof to mirror that on the other side which might entail reducing the width of the extension slightly. Materials should match. If the existing tiles are clay then concrete is not the right solution

5.0 **POLICIES**

5.1 "Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'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.'

5.2 In this instance, the Development Plan comprises The London Plan 2021 [LP], The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan SALP 2013 [SALP].

5.3 A full list of all the policies used in the consideration of this application is provided as Informative 1 in Appendix 1 of this report.

6.0 ASSESSMENT

6.1 The main issues are:

- Character and Appearance of the Conservation Area/ Area of Special Character
- Residential Amenity
- Development and Flood Risk
- Fire Safety

6.2 Character and Appearance of the Area/ Area of Special Character

6.2.1 The relevant policies are:

- National Planning Policy Framework (2023)
- The London Plan (2021): D3. HC1
- Harrow Core Strategy (2012): CS1.B
- Harrow Development Management Policies Local Plan (2013): DM1, DM6, DM7
- Supplementary Planning Document: Residential Design Guide (2010)
- South Hill Avenue Conservation Area Appraisal and Management Strategy

6.2.2 The proposed extension would be located to the rear of the site and not visible from the street scene.

6.2.3 The Residential Design Guidance Paragraph 6.59 of the adopted SPD relates to single storey rear extensions and states "Where all other relevant permitted development criteria are met, single storey rear extensions to a depth (taken from the rear wall of the original house) of 4 metres on a detached house and 3 metres on a semi-detached or terraced house may not need planning permission. Where planning permission is required, the acceptable depth of extensions will be determined by the need for consistency of permitted development and: site considerations, the scale of the development, impact on the amenity of neighbouring residents, and the established character of the area and the pattern of development".

6.2.4 Paragraph 6.60 of the adopted SPD relates to single storey rear extensions and states "In special circumstances a greater depth may be allowed where, for example: the extension would be sited away from an adjacent side boundary, the rear building line is staggered, an adjacent dwelling is sited away from such a boundary, or where the neighbouring dwelling has a deeper extension".

6.2.5 Paragraph 6.63 of the adopted SPD relates to single storey rear extensions and states " The height of single storey rear extensions should be minimised to restrict the impact on the amenities of neighbouring residents. Subject to site considerations, the finished height of an extension abutting a residential property should be a maximum of 3 metres on the boundary for a flat roof and for a pitched roof 3.5 metres at the mid-point of the pitch at the site boundary".

- 6.2.6 It is noted the proposed rear extension would have a depth greater than that which is recommended within the Residential Design Guidance. The proposed extension has been reduced in overall depth and height from the previously refused application ref: P/3157/22. The proposed extension is considered to present a subordinate and more in keeping extension. The proposed extension would not be greater than half the width of the dwelling. The proposed extension would cover an area of 30sqm.
- 6.2.7 Although the proposed depth is greater than that recommended within the SPD, it is noted the extension would be to the rear of the site and not visible from the streetscene and would appear to be in proportion to the existing dwelling and therefore would not impact the character of the conservation area or impact the character of the existing dwelling and locality to a level that would warrant a refusal.
- 6.2.8 The proposal external alterations to the side wall of the garage and the rear wall of the main dwelling house would be sympathetic to the appearance of the host dwelling and would have no discernible impact upon the character and appearance of the Conservation Area or the Area of Special Character.
- 6.2.9 Summary
- 6.2.10 Subject to the proposed materials match the existing dwellinghouse and the proposed roof lights are conservation style roof lights, the proposed development, due to its size, scale, form and design would be a proportionate addition which would relate well to the original dwellinghouse. It is therefore considered that the proposal would have an acceptable impact on the character and appearance of the dwellinghouse and the surrounding area.

6.3 Residential Amenity

6.3.1 The relevant policies are:

- National Planning Policy Framework (2023)
- The London Plan (2021): D3, D12
- Harrow Development Management Policies Local Plan (2013):DM1
- Supplementary Planning Document: Residential Design Guide (2010)

Tall Trees

6.3.2 Tall Trees is located to the east of the site and is a two storey detached dwellinghouse and is un-extended.

The proposed single storey rear extension would be built 0.8m from the boundary with this neighbouring property and would be set approximately 6m from the flank wall of this dwelling.

- 6.3.3 Regarding the flank windows of the proposed single storey rear extension, the window serving the bathroom which would not be considered to be a habitable room and can be conditioned to be obscured glazed. Two other windows are proposed on the flank wall, these windows are high level windows and would therefore safeguard the privacy amenity of this neighbour against the perception of overlooking. The new window and door proposed in the original wall of the garage would serve non-habitable areas and are shown to be obscurely glazed. As such these external alterations would give rise to no unreasonable loss of privacy to this neighbour.
- 6.3.4 There are two rooflights on the side roof slope of the proposed single storey rear extension that would face Tall Trees. However, these rooflights would be upward facing and would face the flank wall of this neighbour. Therefore, this element of the proposal be acceptable in terms of overlooking and privacy in accordance with the adopted SPD.
- 6.3.5 This neighbour objected to the application due to the impact of the loss of shrubbery. However, the impact on the existing shrubbery would fall outside the purview of this application and would be a civil matter. The subject side is not subject to a tree preservation order, however the trees on the site are protected by virtue of the conservation area designation and as such any removal of trees will require consent from the Council. The application has not proposed any removal of trees in this application.
- 6.3.6 It is also noted that this neighbour has objected to the proposed development due to its height and depth would result in considerable overshadowing, loss of light and loss of privacy.
- 6.3.7 The proposed single storey rear extension is set away from the shared side site boundary with Tall Trees by approximately 0.8m. The proposed single storey rear extension is set away from the flank wall of Tall Trees by approximately 6m. The proposed single storey rear extension would extend beyond the rear elevation of Tall Trees by approximately 6.4m. This is 2.4m greater than the recommended depth along the boundary for this type of property. Given the separation distance between the flank wall of this neighbour and the site boundary, it is not considered that there would be impact in terms of overshadowing or an overbearing feel to the windows in the flank wall of this neighbour.
- 6.3.8 The proposed extension under this revised application has reduced the overall height of the proposed extension from a maximum height of 5.1m to 3.7m. This is a significant change as has reduced the overall visual appearance and bulk of the proposed extension.
- 6.3.9 The proposed single storey rear extension is not considered to unduly harm the residential amenity impacts of Tall Trees due to its sitting, depth and height and would not appear to be overbearing when viewed from the rear elevation of Tall Trees. The proposed single storey rear extension would be visible above the existing free standing wall on the application site and would be visible through the existing hedging that runs along the shared boundary line between the application site and Tall Trees however, given the reduced height, it would be considered acceptable.

Linklater House

- 6.3.10 The Linklater House is located to the west of the site and is a two storey detached property which has a single storey side extension and a two storey side extension.
- 6.3.11 The proposed single storey rear extension is set away from the shared side site boundary with Linklater House by approximately 23m. There are flank windows and a door on the proposed single storey rear extension. However, the proposed single storey rear extension is sufficiently set away from the shared site side boundary with Linklater House. The proposed single storey rear extension would not adversely impact the residential amenities of Linklater House.

Properties Located to the Rear of the Site

- 6.3.12 The proposed development is considered sufficiently set back from the properties to the rear and would not unduly affect the residential amenities of these neighbours in terms of outlook, overshadowing or loss of privacy.

Summary

- 6.3.13 The proposed development, due to its design, size, scale and relationship with neighbouring properties, would not result in a detrimental impact to the visual or residential amenities of neighbouring properties. The proposed development therefore complies with the above mentioned policies and guidance.

6.4 Development and Flood Risk

- 6.4.1 The relevant policies are:

- National Planning Policy Framework (2023)
- The London Plan (2021): SI12, SI13
- Harrow Core Strategy (2012): CS1
- Harrow Development Management Policies Local Plan (2013): DM10

- 6.4.2 The development would result in additional hard surfacing on the site. As the site is located within a Critical Drainage Area, sustainable urban drainage [SuDs] is encouraged. An informative is attached to this effect.

Summary

- 6.4.3 The proposed development would have an acceptable impact in terms of drainage. The proposed development therefore complies with the above mentioned policies and guidance.

6.5 Fire Safety

6.5.1 The relevant policies are:

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

6.5.2 Part A of Policy D12 of the London Plan (2021), requires the demonstration of suitably positioned and unobstructed space for fire appliances and evacuation assembly points, and that developments ensure robust strategies for evacuation are in place as well as confirmation of the fire-fighting water supply.

6.5.3 The applicant has submitted a Reasonable Exemption Statement to confirm that the development would not adversely affect the appropriate fire safety measures of the site. On that basis, the proposal therefore complies with the above mentioned policies.

7 CONCLUSION AND REASONS FOR APPROVAL

7.1 For all the reasons considered above and weighing up the development plan policies and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant, subject to conditions.

APPENDIX 1: Conditions and Informatives

Conditions

1. Time Limit

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 91 of the Town and Country Planning Act 1990.

2. Plan List

The development hereby permitted shall be carried out in accordance with the following documents and plans: REASONABLE EXCEPTION STATEMENT, 3D IMAGES, DEMOLITION PLAN, DESIGN & ACCESS STATEMENT, HERITAGE STATEMENT, 1001, 1003, 1002, 1000, 1005, 1004, 2001, 2003, 2006, 2002, 2000, 2004, 2005,

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

3. Materials

Notwithstanding the details shown on the approved drawings, the materials to be used in the construction of the external surfaces of the extension hereby permitted including brickwork bond and shall match those used in the existing building.

REASON: To safeguard the appearance and character of the conservation area and the host dwellinghouse.

4. Glazing

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), 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. Obscure Glazing

The window(s) in the flank elevation(s) of the proposed development shall: (a) be of purpose-made obscure glass, (b) be permanently fixed closed below a height of 1.7m above finished floor level, and shall thereafter be retained in that form.

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

6. The rooflights hereby permitted shall be conservation style roof lights that are flush with the plane of the roof.

REASON: To safeguard the appearance and character of the conservation area and the host dwellinghouse

Informatives

1. Relevant Policies

The following policies are relevant to this decision:

The National Planning Policy Framework (2023)

The London Plan (2021):

D3; D11, D12, HC1

The Harrow Core Strategy (2012):

CS1

Harrow Development Management Policies Local Plan (2013):

DM1, DM6, DM7

Supplementary Planning Document: Residential Design Guide (2010)

South Hill Avenue Conservation Area Appraisal and Management Strategy

2. Pre-application engagement

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 187-189 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

3. Considerate Contractor Code of Practice

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

4. 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>

5. 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 (2023) 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. The London Plan (2021) 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.

CHECKED



Orla Murphy
Head of Development Management
9th November 2023



Viv Evans
Chief Planning Officer
9th November 2023

APPENDIX 2: SITE PLAN



APPENDIX 3: SITE PHOTOS

Front of host property

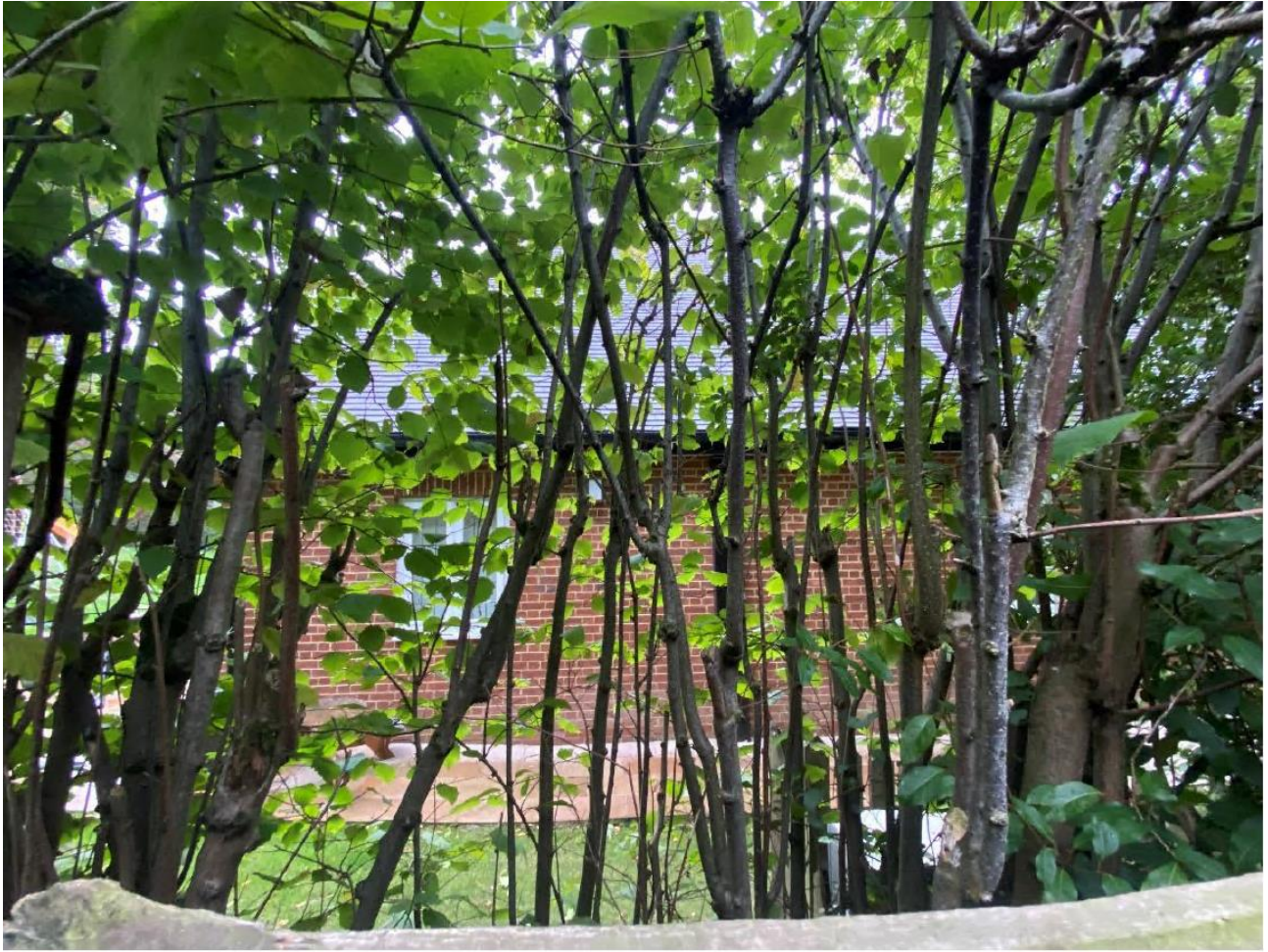


Rear View of Host property



Views of the host dwelling. Views of Linklater House (right) and Tall Trees (left).





Views of Tall Trees .





APPENDIX 4: PLANS AND ELEVATIONS



Existing Elevation - East

1 : 100



Existing Elevation - West

1 : 100



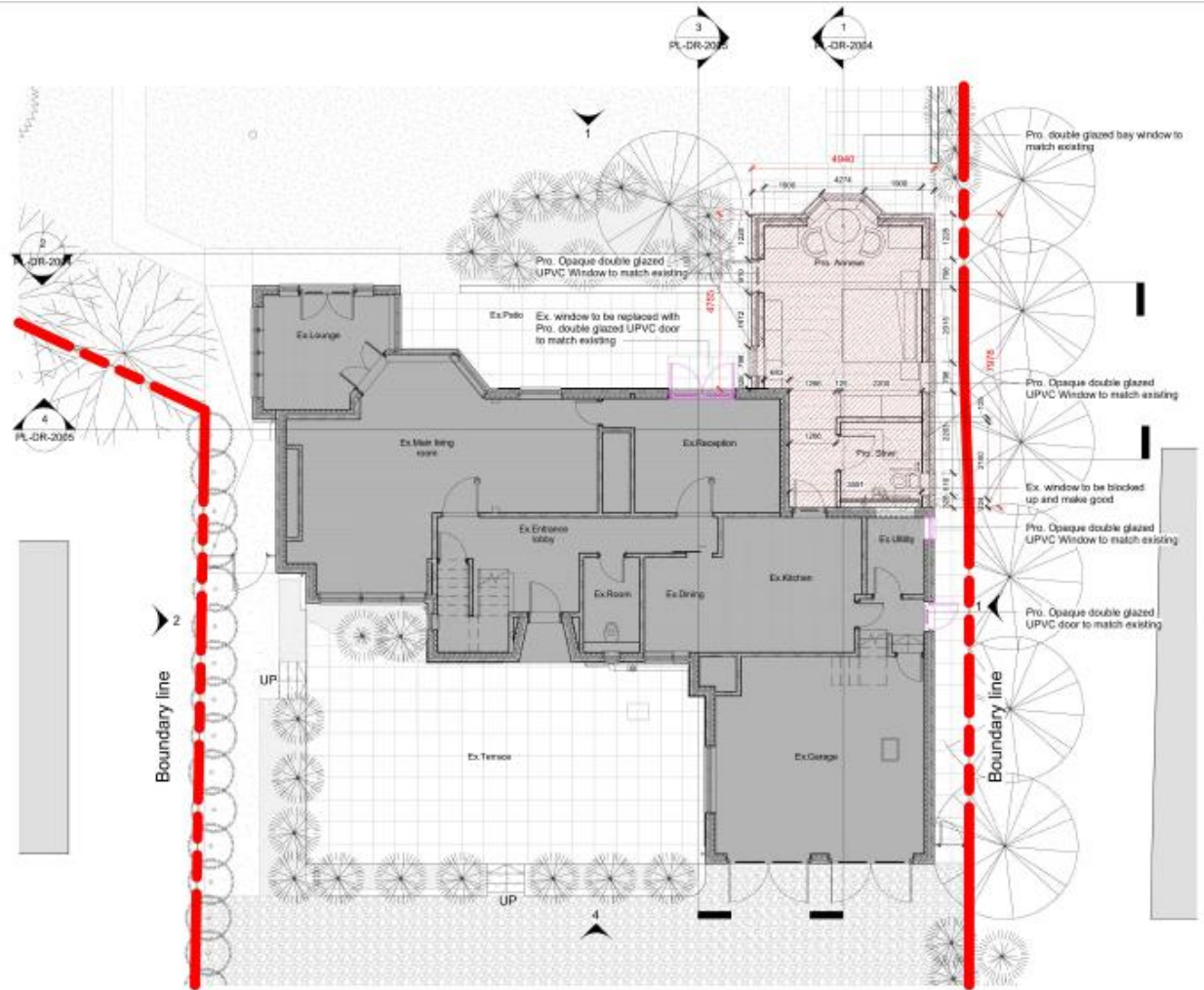


3 Existing Elevation - North
1 : 100



4 Existing Elevation - South
1 : 100





1 Proposed Ground Floor plan
1 : 100





Proposed About Roofing Ltd Sandloft Concrete Plain Roof Tile to Match Existing
Colour Sandown, Finish Granulated/Sanded

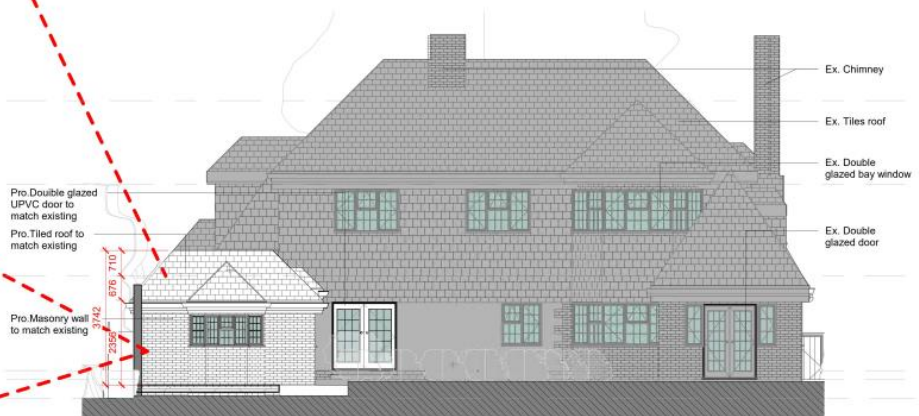


Existing Bricwork and Plain Roof Tile

Proposed mortar colour to match existing : Limetec Traditional London Ref-HMTY 180



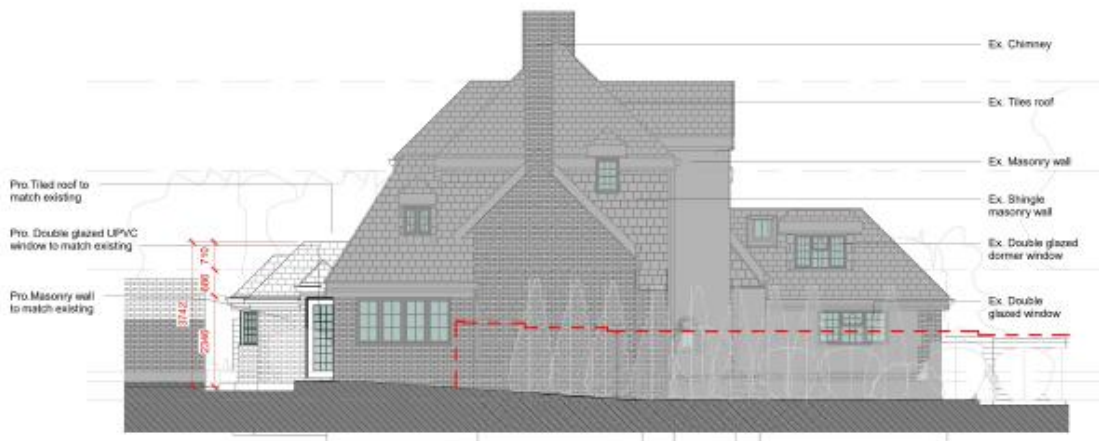
Proposed Brick to Match Existing
Ibstock Brick: Chailey Rustic



1 Elevation - North
1 : 100



1 Proposed Elevation - East
1 : 100

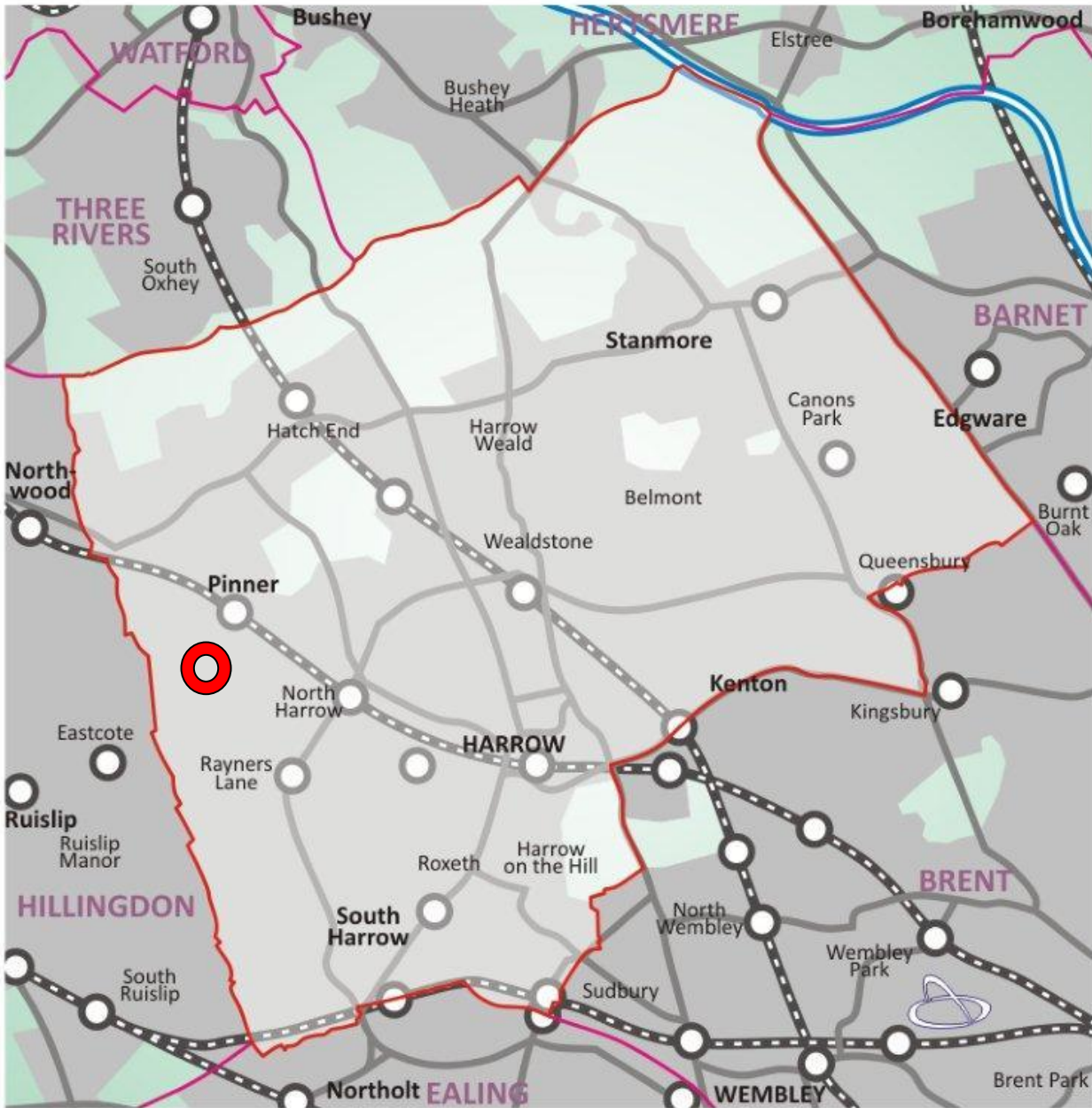


2 Proposed Elevation - West
1 : 100



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 = application site

35 Cranbourne Drive, Pinner, HA5 1BX

P/2237/23

LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

22nd November 2023

APPLICATION NUMBER: P/2237/23
VALIDATION DATE: 11/08/2023
LOCATION: 35 CRANBOURNE DRIVE
WARD: PINNER SOUTH
POSTCODE: HA5 1BX
APPLICANT: MR SAM MOORE
AGENT: ET PLANNING
CASE OFFICER: FERGUS FREENEY
EXTENDED EXPIRY DATE: 29/11/2023

PROPOSAL

Variation of condition 2 (approved plans) attached to planning permission P/1221/21 dated 18/18/2021 to amend the roof design to include hip-to-gable extensions and a rear dormer above the main dwelling, and flat roof over two-storey side and rear extension (part-retrospective)

The Planning Committee is asked to consider the following recommendation:

RECOMMENDATION

Refuse the application for the following reason:

The proposed hip to gables and rear dormer extensions above the original dwelling in conjunction with flat roof over the two-storey side extension and two storey rear extension, by reason of inappropriate design, excessive bulk, scale and massing would result in incongruous, discordant and ungainly cumulative additions to the dwelling and the rear dormer by reason of its excessive size and lack of visual containment would give rise to a bulky and dominant addition within the rear roofslope. On this basis, the proposed development would cause detrimental harm to the character and appearance of the host dwelling and the local area, contrary to the National Planning Policy Framework (2023), Policy D3.D(1) and D3.D(11) of The London Plan (2021), policy CS1.B of the Core Strategy (2012), policy DM1 of the Development Management Policies (2013), and the adopted Supplementary Planning Document: Residential Design Guide (2010).

REASON FOR THE RECOMMENDATIONS

The proposed additions and alterations are inappropriate in this location and would have an adverse impact on the visual appearance of the host building and the character and appearance of the streetscene and wider area.

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 application should be refused.

INFORMATION

This application is reported to Planning Committee at the request of a nominated member in the public interest.

Statutory Return Type:	Householder
Council Interest:	None
Net additional Floorspace:	104sqm
GLA Community Infrastructure Levy (CIL) Contribution (provisional)(£60p/sqm) (excluding indexation):	£6,240
Local CIL requirement (Provisional) (£110p/sqm)(excluding indexation):	£11,440

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

Policy D11 of the London Plan (2021) and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

1.0 SITE DESCRIPTION

- 1.1. The application site is located on the north-west side of Cranbourne Drive. The site is one removed from the corner site, but because the property on the corner (No. 37) is a low bungalow style house with a large gap between them, and the nearby curve of the road, the application property is prominent in views approaching from the east.
- 1.2. No. 37 adjoins the property to the north-east, and No. 33 adjoins the property to the south-west. The rear boundary adjoins the River Pinn.
- 1.3. The pre-existing property on the application site was a two-storey detached dwellinghouse, with a single storey attached garage at the side and single storey rear conservatory. This garage has now been demolished and substantial works carried out to part-implement an approved scheme (see planning history above). However, at roof level the implemented scheme differs in scale and appearance to that which was approved and forms the subject of part of this application (where it relates to the gables and dormer above the original dwelling).
- 1.4. The River Pinn and the adjoining allotment gardens comprise a Green Corridor, designated Open Space, and Site of Importance for Nature Conservation.
- 1.5. Several TPO trees are located along the rear boundary, approximately 11m from the existing rear conservatory.
- 1.6. The site is located within a critical drainage area; EA Flood Zones 2 and 3 are associated with the River Pinn at the rear of the site and extend up to the house itself.

2.0 PROPOSAL

- 2.1 The application seeks to vary an approved scheme (P/1221/21) to alter the roof level. This summarised below:

Approved and unchanged:

- Two-storey side to rear and first floor rear extension
- Single storey rear extension
- Front porch

Amended and subject to this application

- Approved hipped roof above main dwelling altered to a double gable ended roof
- Full width dormer included above original dwelling
- Approved hipped roof above two-storey side to rear extension altered to a flat roof
- First floor projecting rear extension approved hipped roof converted into a flat roof structure

3.0 **RELEVANT PLANNING HISTORY**

Ref no.	Description	Status and date of decision
P/0569/17	Two storey side to rear extension; single storey rear extension; front porch	<i>Granted: 10/05/2020</i>
P/3686/17	Two storey side to rear extension; single storey rear extension; front porch (demolition of attached garage and conservatory)	<i>Refused 20/11/2017 (Appeal Allowed 20/02/2018)</i>
P/1221/21	Two storey side to rear extension; single storey rear extension; front porch (demolition of attached garage and conservatory)	<i>Granted: 10/02/2022</i>
P/3990/22	CERTIFICATE OF LAWFUL DEVELOPMENT (PROPOSED): Alterations and extension to roof to form end gables; rear dormer; alterations to roof to form flat roof over existing side to rear extension	<i>Refused: 13/02/2023</i>
<p><i>Reasons for Refusal:</i></p> <p><i>1. The development granted under application P/1221/21 has not been implemented in accordance with approved drawings with the roof of the development not being constructed and the brickwork associated with the extensions granted under application P/1221/21 not matching the brickwork applied to the exterior of the main dwellinghouses as was specified to be the case on the approved drawings and within the submitted application form. In failing to be constructed in accordance with the approved drawings for application P/1221/21 the development that is being constructed on site is technically unlawful. Given that the roof extensions proposed under this certificate of lawful development application are interconnected with unlawful works they would fail to</i></p>		

<p><i>accord with Section 3, 5(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</i></p> <p>2. <i>The cubic content of the resulting roof space created by the roof extensions would exceed the cubic content of the original roof space by more than 50 cubic metres on a detached dwellinghouse. The proposal would therefore not be within the tolerances of Schedule 2, Part 1, Class B, B.1 (d) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</i></p> <p>3. <i>The proposal is NOT therefore a lawful development.</i></p>		
P/2275/23	Variation of condition 2 (approved plans) attached to planning permission P/1221/21 dated 18/18/2021 to amend the roof design also incorporating a rear dormer	<i>DECISION PENDING</i>

4.0 CONSULTATION

- 4.1 A total of 2 consultation letters were sent to neighbouring properties regarding this application. A site notice was also displayed.
- 4.2 The overall consultation period expired on 2nd October 2023. No comments were received.
- 4.5. Statutory and Non Statutory Consultation
- 4.6. No statutory internal or external consultations were carried out given the nature of the application.

5.0 POLICIES

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:
- ‘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.’
- 5.2. The Government has issued the National Planning Policy Framework [NPPF 2023] 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.
- 5.3. 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].
- 5.4. A full list of all the policies used in the consideration of this application is provided as Informative 1.

6.0. **ASSESSMENT**

6.1. The main issues are:

- Principle
- Design, Character and Appearance
- Residential Amenity
- Flood Risk and Drainage

6.2. **Principle**

6.2.1. This application is submitted to regularise unlawful works substantively located at the roof of the subject dwelling. A site visit by the planning officer 26th September indicated that the scheme presented in this application has been substantially completed in terms of built form (with external finishing, windows etc yet to be completed).

6.2.2. The works subject to this application have not been built in accordance with any of the approved schemes. In order to justify this, interpretations of appeal and court decisions have been put forward to the LPA to justify the unlawful works which have been implemented. The applicant's reasoning put forward is essentially that the proposed works could be capable of being permitted development, as such, that constitutes a fall-back position and the sequencing of any works is irrelevant, as the final outcome remains the same.

6.2.3. Court decisions put forward include, *Mansell V Tonbridge and Malling Borough Council [2017]* which finds that a fallback position is a viable material consideration which should be accounted for by the decision-maker during the determination of planning applications. In this example the court allowed permitted development rights to constitute a fallback, to permit policy non-compliant development.

6.2.4. In the example of *Widdington Parish Council V Uttlesford District Council [2023]* sets out some key points in determining when a fall-back (i.e. development which an applicant could take without a further grant of planning permission) is applicable, being:

- a) *The applicant has a lawful ability to undertake the fall-back development;*
- b) *The applicant can show that there is at least a "real prospect" that it will undertake the "fall back" development if planning permission is refused. In Mansell at §27, Lindblom LJ explained that : "the basic principle is that "for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice".*
- c) *Where a planning authority is satisfied that a fall-back development should be treated as a material consideration, the authority will then have to consider what weight it should be afforded. This will involve:*
 - i. *An assessment of the degree of probability of the fall-back occurring. As Dove J observes in Gambone at para 27, the weight which might be attached to the fall-back will vary materially from case to case and will be particularly fact sensitive; and*

ii. A comparison between the planning implications of the fall-back and the planning implications of the Proposed Development: Gambone paras 26-28.

d) The Courts have cautioned against imposing prescriptive requirements as to how and with what degree of precision the fall-back is to be assessed by the decision maker. This is in recognition of the fact that what is required in any given case is fact sensitive. As Lindblom LJ observed in para 27(3) of Mansell, there is no general legal requirement that the landowner or developer set out "precisely how he would make use of any permitted development rights". Lindblom LJ continues that "[i]n some cases that degree of clarity and commitment may be necessary; in others, not".

6.2.5. With respect court decision in *Widdington Parish Council V Uttlesford District Council [2023]* test Para 30, Test a) states, in relation a valid fall-back "The applicant has a lawful ability to undertake the fall-back development". Officers consider this test is failed as there is no lawful ability to undertake a permitted development fall-back position, for the reasons discussed below.

6.2.6. Officers are of the opinion that for a permitted development fall-back position to be applicable, the relevant provisions of the GPDO must remain active and applicable to the subject site. In this case, the relevant section would be Schedule 2, Part 1, Class B, of the GPDO.

6.2.7. Planning application P/1221/21 was subject to a condition requiring that the development is carried out in accordance with the approved plans. As the two storey side to rear extension was never completed in accordance with that permission there is a direct breach of that condition.

6.2.8. Section 3 (4) of the GPDO states:

(4) Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Act otherwise than by this Order.

6.2.9. As such, any roof extensions/alterations carried out with the belief that they would be permitted development under Class B, Part 1 of Schedule 2 would have been contrary to Section 3 (4) of the GPDO.

6.2.10. As works carried out were a breach of a planning condition, the building operations are considered to be unlawful, as has been pointed out in the decision for P/3990/22. Also pointed out in that decision, Section 3, 5(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that

*(5) The permission granted by Schedule 2 does not apply if—
(a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful.*

- 6.2.11. The decision in relation to P/3990/22 has not been subject to an appeal, as such, the circumstances and reasoning of the LPA remains valid until a material decision compels an alternative conclusion (whether by way of a new certificate of lawfulness, or an appeal decision).
- 6.2.12. It is therefore considered that the building is subject to unlawful works at roof level, and subsequently permitted development rights at roof level are removed, pursuant to Section 3, 5(a) of the GPDO.
- 6.2.13. Given that permitted development rights no longer apply, officers consider that there is no viable fallback position in relation to permitted development and assessment of this application must be wholly based on the development plan and associated guidance.
- 6.2.14. Notwithstanding the above, officers consider that even if Part B of the GPDO is considered for reference purposes, the development does not benefit from permitted development as it does not comply with the following criteria (of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)):

*B.1(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
(ii) 50 cubic metres in any other case;*

Officer comment: Officers calculate that the additional volume above the original dwelling (gable ends and rear dormer) are 54.97m³.

- 6.2.15. Additionally, the alterations to the two-storey side extension and rear first floor extension involve revisions to remove the approved hipped roof and replace it with a flat roof with raised walls to accommodate this (raising in height from approximately 5.97m approved to 6.48m proposed). This would therefore relate to the first floor of the building and not solely the roof. As such, it would be subject to Class A of the GPDO.
- 6.2.16. Class A of the GPDO states:

A.1(d): the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse

Officer comment: The eaves of the first floor rear extension exceed the height of the eaves of the existing dwelling house

A.1(h) the enlarged part of the dwellinghouse would have more than a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres

Officer comment: Part of the first-floor rear extension project 3.94m beyond the rear wall of the original dwelling

A.1 (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Officer comment: The raised wall height within the first-floor rear extension would be within 2m of the boundary and exceeds 3m in height

A.1(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey

Officer comment: The raised wall height within the first-floor rear extension exceeds 4m in height and relates to the second storey.

6.2.17. It is therefore the opinion of officers that the development does not lawfully benefit from a fall-back position, but even if it did the proposed scheme would not comply with numerous clauses within the GPDO.

Description

6.2.18. It is understood that the applicant contends that the additions above the main dwelling are permitted development, and therefore the application relates *only* to the flat roof above the two-storey side extension and first-floor rear extensions.

6.2.19. For the reasons outlined above the LPA does not consider that there is a fall-back position, the drawings show whole-scale revisions to the full roof compared to what has been approved and the LPA will therefore assess all revisions indicated on the plans as the gable over the two-storey side extension does not exist in isolation.

6.2.20. The 'as-constructed' drawings submitted with this application do not appear to be a true reflection of the current as-built situation on-site. They also differ to the 'as-constructed' drawings submitted with application P/2275/23 which shows gabling over the two-storey side extension. An officer site visit indicates that gabling over the two-storey side extension has been constructed and therefore the as-built circumstances appear to relate to those shown in the 'as-constructed' drawings submitted with P/2275/23 and are inaccurate in relation to this application. Notwithstanding, there is sufficient information for the LPA to consider the application as submitted.

6.3. Design, Character and Appearance

6.3.1. The relevant policies are:

- The National Planning Policy Framework (2023)
- The London Plan (2021): D3
- Harrow Development Management Policies (2013): DM1
- Harrow's Core Strategy (2012): CS1
- Supplementary Planning Document Residential Design Guide (2010)

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 states 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. Core Policy CS1.B specifies that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.'
- 6.3.4. Policy DM1 of the DMP 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".
- 6.3.5. The Council has adopted a Supplementary Planning Document (SPD) on Residential Design (2010), which gives design guidance and requires extensions to harmonise with the scale and architectural style of the original dwellinghouse. Substantial weight is accorded to the SPD as a material planning consideration.
- 6.3.6. Paragraph 6.57 of the Residential Design Guide SPD states that where a property has already been extended by the conversion of a hipped to gable roof extension (as would, in effect, be the case in this situation were the approved application implemented correctly), a further side extension at first floor is inappropriate, as it is generally considered to be incompatible with the design, character, bulk and appearance of the locality in the majority of cases.
- 6.3.7. Paragraph 6.66 of the Council's adopted SPD states that "The roof form of a house is a significant part of the character of an area. Alterations may significantly alter the appearance of a house and their effect on the roof form needs careful consideration. Roof alterations and dormer windows should complement the original street character and not dominate or impair their proportions or character".
- 6.3.8. Paragraph 6.73 states that "For detached houses the gabling of existing hipped roofs can be unduly prominent and should be avoided".
- 6.3.9. The site benefits from an extant permission for a two-storey side extension and first floor rear extension with associated hipped roof extension over. These approved hipped roof forms are considered to be appropriate forms of development and are consistent with the expectations of the SPD and do not harm the appearance of the host building or the character of the wider area.
- 6.3.10. The proposed substantially implemented development effectively creates development which the SPD seeks to resist in that it would gable the original dwelling and then seeks a flat-roofed two-storey side addition.
- 6.3.11. The proposed development would therefore result in the creation of an unduly bulky, discordant and incongruous roof form, that would, due to its scale,

prominence and poor relationship with the differing roof forms would overwhelm and fail to appear subordinate to and appropriate to the host property.

- 6.3.12. The SPD states at paragraph 6.72 that where a loft conversion is provided as part of a two storey side extension a single rear dormer across the whole width of the extended house may be unduly obtrusive. As a guide, a single rear dormer should never be wider than that which could be created (in accordance with this guidance) if an original hipped roof was altered to provide a gable end. The proposed development is directly contrary to this requirement and appears unduly obtrusive and out of scale with the host building and character of the wider area.
- 6.3.13. Additionally, paragraph 6.70 of the SPD requires that dormers are visually contained, specially that dormers are set in from the gable end by 1m. The proposed dormer would only be set in from the western gable end by 0.66m when seen from private gardens and 0.69m from the eastern elevation and would therefore be visible in long views from the east.
- 6.3.14. The flat roof and raised wall height at the first-floor side and rear extensions would create a bulky, incongruous and poorly designed development which has a discordant relationship with the altered main roof in that it would be intersect the roof higher than the original eaves and appears to connect into the dormer. This fails to allow for visual containment of the dormer (contrary to the above) but also fails to comply with paragraph 6.14 of the SPD which states “Roof design is very important because this will determine the overall shape of the extension. It is generally desirable for a first floor or two storey extension to be roofed to reflect both the material and design of the existing roof, including normal eaves detail. A pitched roof will normally be required on two storey extensions. This offers the advantages of greatly improved appearance, storage space, and lower maintenance costs”.
- 6.3.15. The proposed incongruous roof forms would be wholly out of character with the appearance of the host building and the prevailing character of the wider area which is one of hipped main roofs and hipped extensions where these have been built. Any gable ended properties are minimal in number and do not define the character of the area. Additionally, given the site’s prominent location the incongruous roof forms would be highly visible in approaches from the east as the neighbouring bungalow does not provide any screening.
- 6.3.16. There are no site-specific circumstances or other material considerations to support the departure from this guidance; in fact, the proposal represents an example of the type of development that the guidance was intended to prevent, as it appears bulky, incongruous, out of scale, poorly designed and does not result in a sympathetic relationship with the character of the original property or the locality.
- 6.3.17. It is noted that the applicant has put forward (amongst others) a recent appeal decision at 65 Lulworth Drive (APP/M5450/D/23/3326367) which was for a development of a gable roof above a two-storey side extension. Within this appeal the inspector states in relation to paragraph 6.57 of the SPD that “This aspect of the guidance would thus appear to reflect a desire to impose a blanket ban on

development as proposed throughout the Borough, irrespective of site-specific circumstances.”

- 6.3.18. No.65 Lulworth Drive is a semi-detached property whereby the adjoining property has been gabled and more properties in the wider area appear to have been gabled. As such it is not considered to be pertinent to this application. The site circumstances have been considered and the SPD guidance is acknowledged by the inspector to be a material consideration and it is assessed as such.
- 6.3.19. Due to the impact upon the character and appearance of the existing dwellinghouse and the wider area, it is considered that the proposal would be overly bulky, incongruous, poorly designed and out of keeping, contrary to the aims and objectives of the National Planning Policy Framework, policy D3.D(1) and D3.D(11) of The London Plan (2021), Core Policy CS1B of the Harrow Core Strategy (2012), policy DM1 of the Harrow DMP and the adopted SPD: Residential Design Guide (2010).

6.4. Residential Amenity

6.4.1. The relevant policies are:

- The National Planning Policy Framework (2023)
- The London Plan (2021): D3,
- Harrow Development Management Policies (2013): DM1
- Harrow's Core Strategy (2012): CS1
- Supplementary Planning Document Residential Design Guide (2010)

Impacts on No: 37 Cambridge Road

6.4.2. No.37 is located to the east of the subject site. The amenity impacts of the approved development were considered acceptable under the approved application P/1221/21. Although there is additional bulk and massing at roof level, the approved footprint is not altered and there is not considered to be any additional adverse amenity impact resulting on No.37 in terms of overlooking, overshadowing, sense of enclosure or outlook.

Impacts on No.33

- 6.4.3. No.33 is to the west of the subject site. Whilst the dormer would be located closer to this property there is not considered to be a material impact on overlooking beyond what is possible from the existing first floor windows.
- 6.4.4. In respect to other amenity impacts the development, for the same reasons as outlined above in relation to No.33 are not considered to introduce additional adverse amenity impacts beyond those already considered and found acceptable previously.
- 6.4.5. In summary, the proposal would have an acceptable impact on the amenities of neighbouring in accordance with the National Planning Policy Framework (2023), Policy D3.D(7) of the London Plan (2021), Core Policy CS1 (B) of the Harrow Core

Strategy (2012), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

6.5. Development and Flood Risk

6.5.1. The relevant policies are:

- The National Planning Policy Framework (2023)
- London Plan (2021): S1 12, SI 13
- Harrow Development Management Policies (2013): DM9, DM10
- Harrow's Core Strategy (2012): CS1

6.5.2. Policy DM9 B of the Development Management Policies Local Plan (2013) states, "proposals that would fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused."

6.5.3. The approved footprint is not being altered, as such there is no additional flood impact beyond that which has already been assessed and found acceptable.

6.6. Fire Safety

6.6.1. Part A of Policy D12 of the London Plan (2021), requires the demonstration of suitably positioned and unobstructed space for fire appliances and evacuation assembly points, and that developments ensure robust strategies for evacuation are in place as well as confirmation of the fire-fighting water supply.

6.6.2. Were the application acceptable in all other respects a Reasonable Exemption Statement would have been requested to address the requirements of policy D12a.

7.0. CONCLUSION AND REASONS FOR REFUSAL

7.1. The development would result in unsympathetic and bulky cumulative additions to the house, which would subsume the original character of the host dwelling and harm the appearance of the dwelling and the surrounding area.

7.2. Accordingly, the development would not accord with development plan policies and is recommended for refusal.

Informatives

1. Policies

The following policies are relevant to this decision:

National Planning Policy Framework (2023)

The London Plan (2021):

D3, D11, D12, SI12, SI13

Harrow Core Strategy (2012):

CS1

Harrow Development Management Policies Local Plan (2013):

DM1, DM2, DM9, DM10,

Supplementary Planning Documents:

Supplementary Planning Document Residential Design Guide (2010)

2. Pre-application engagement

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. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

3. 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 £6,702

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 planning portal 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

4. 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 £12,287

This amount includes indexation which is 326/224. 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 planning portal 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:

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

5. You are advised that the 'as-constructed' drawings submitted with this application do not appear to be a true reflection of the current as-built situation on-site. They also differ to the 'as-constructed' drawings submitted with application P/2275/23 which shows gabling over the two-storey side extension. Any future application(s) will need to clearly demonstrate the true as-built situation on site at the time of submission.

PLAN LIST

Cover Letter by ET Planning (dated 1st August 2023); PA-001; PA-002; PA-003; PA-004; PA-005; PA-006; PA-007; PA-008; PA-009; PA-010; PA-011; PA-012;

CHECKED



Orla Murphy
Head of Development Management
9th November 2023



Viv Evans
Chief Planning Officer
9th November 2023

APPENDIX 2: SITE PLAN



APPENDIX 3: SITE PHOTOGRAPHS

Front elevation



Neighbour at No.33



Neighbour at No.37



Long view from the east:



Rear elevation



Relationship with No.37



Relationship with No.33

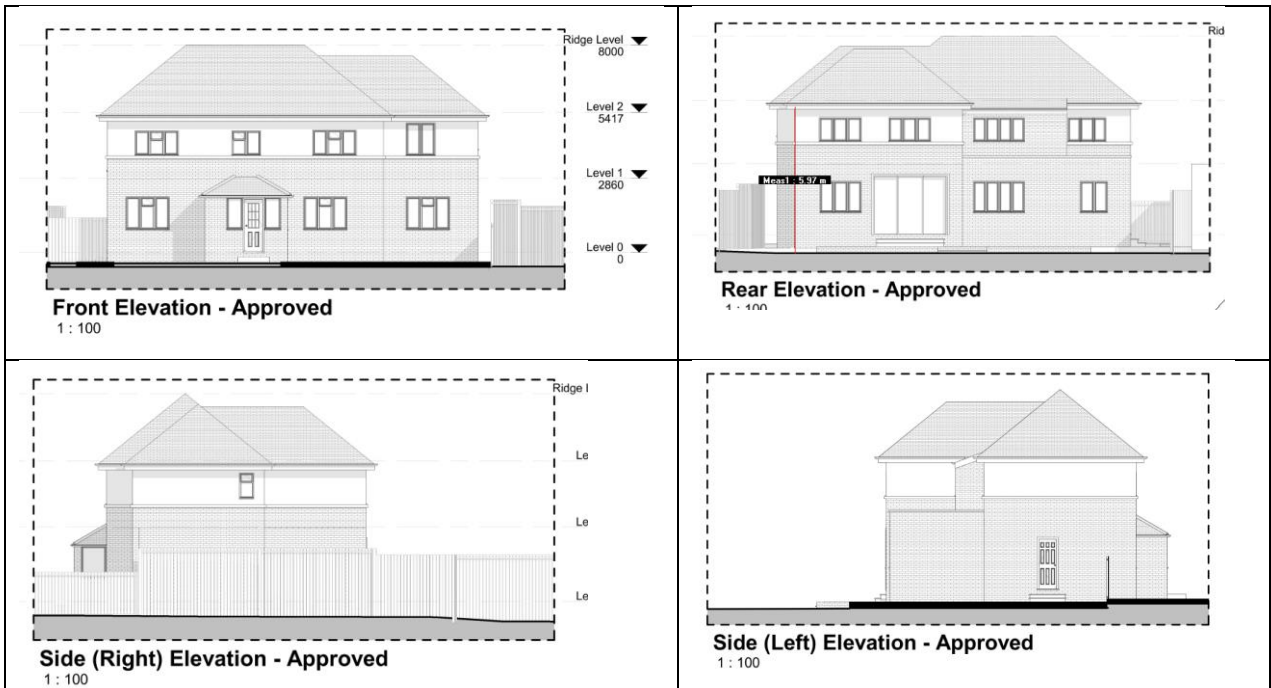


APPENDIX 4: PLANS AND ELEVATIONS

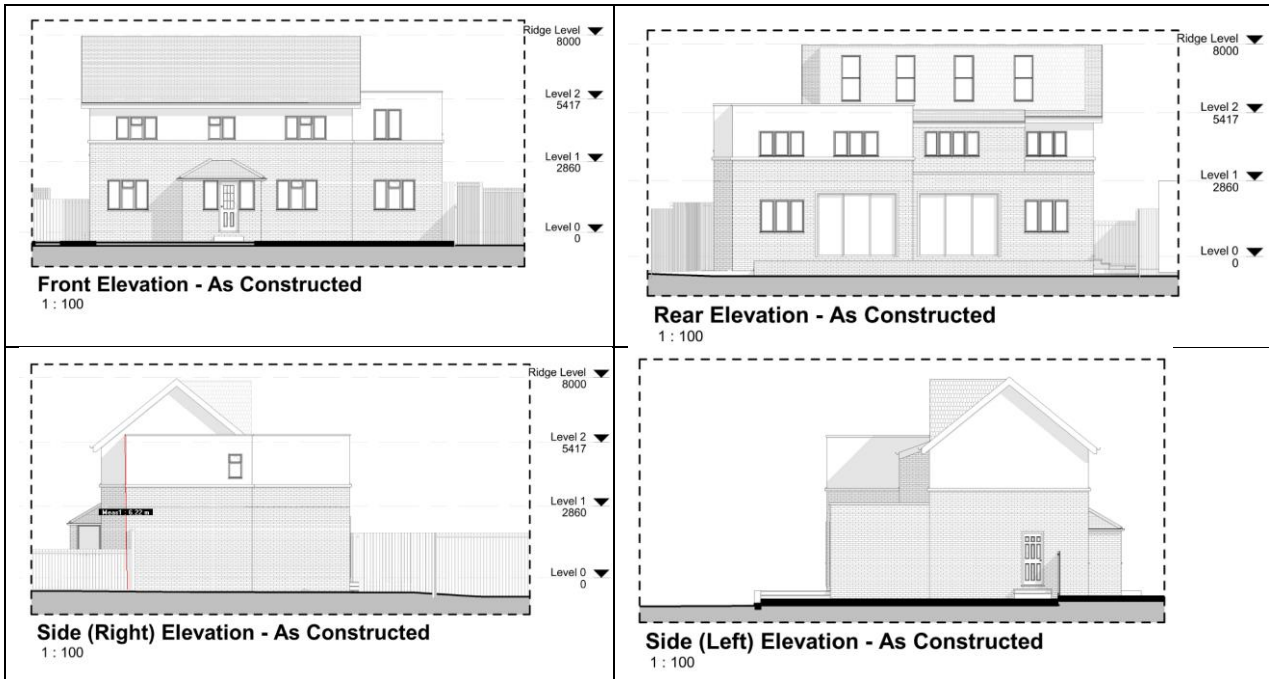
Pre-Existing Elevations



APPROVED ELEVATIONS

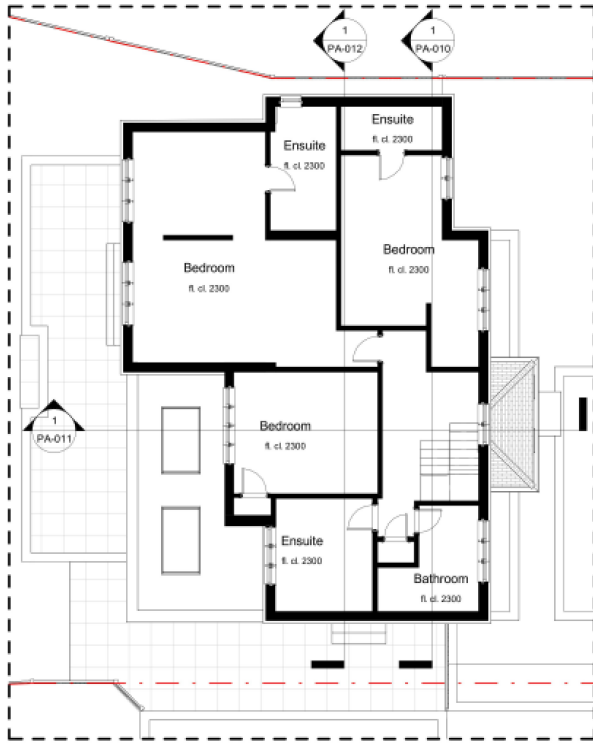


PROPOSED/AS-BUILT ELEVATIONS

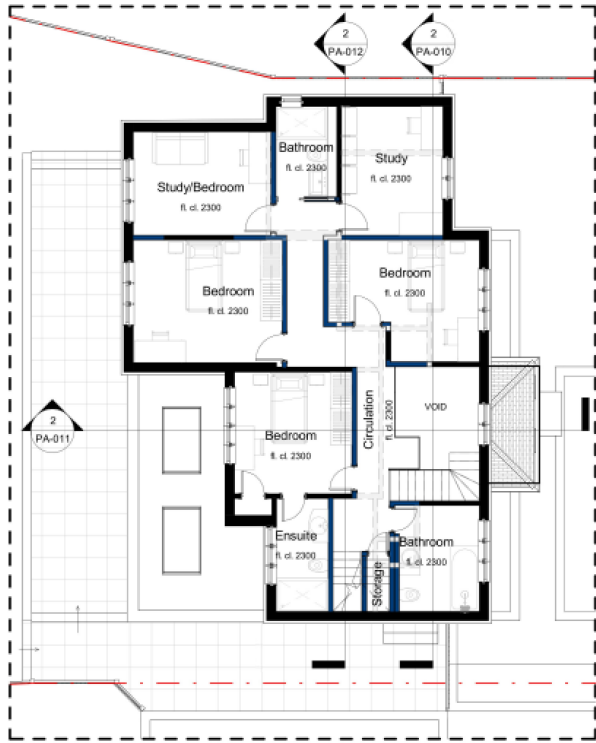


FLOOR PLANS

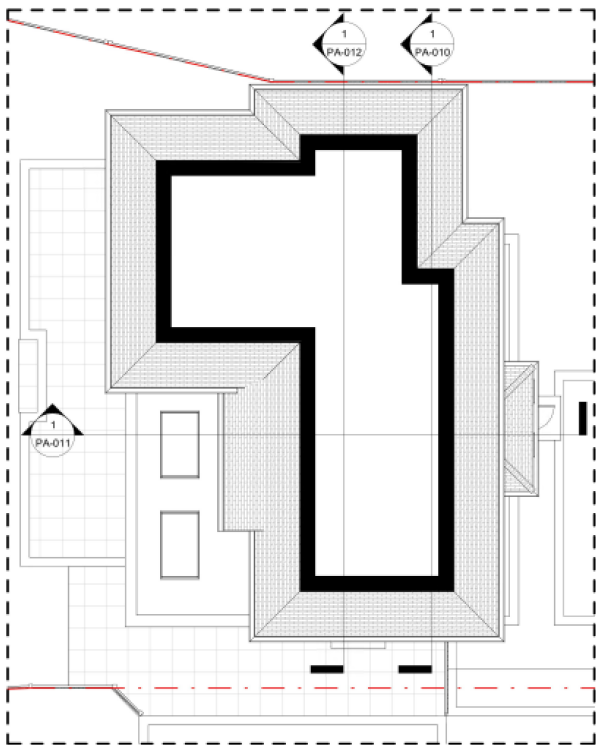




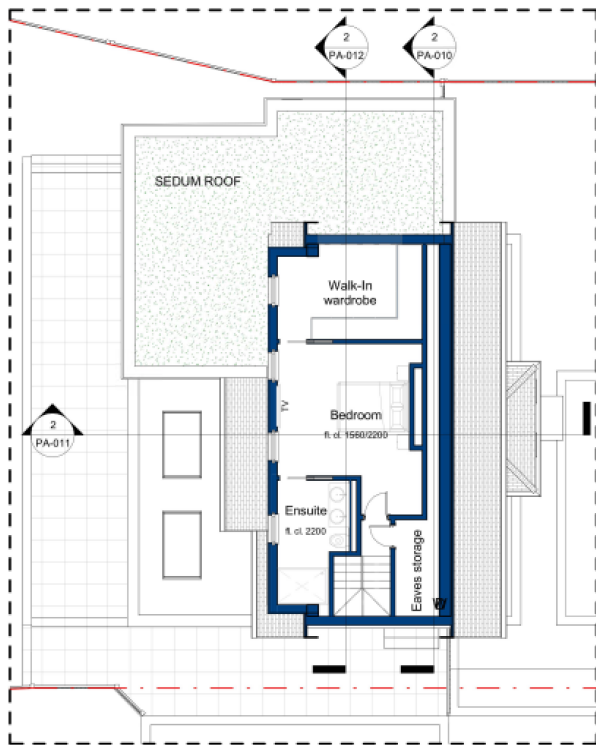
01 - First Floor - Approved
1 : 100



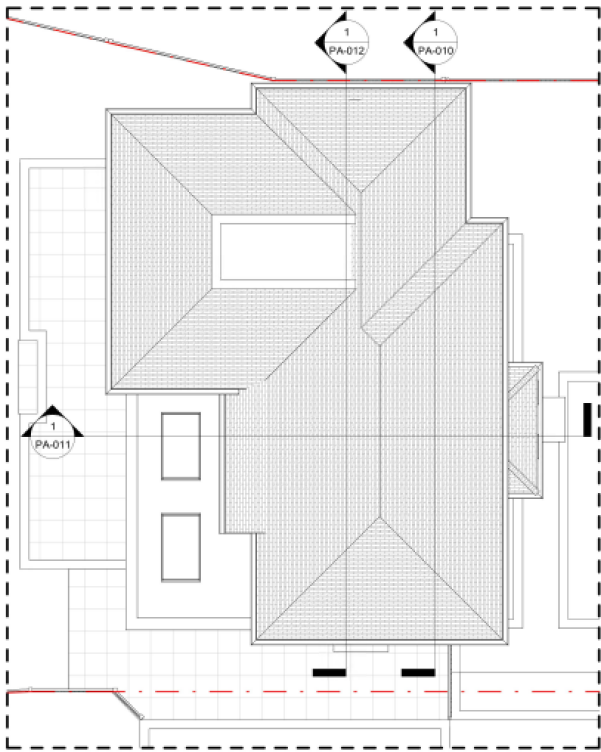
01 - First Floor - As Constructed
1 : 100



02 - Loft Floor - Approved
1 : 100

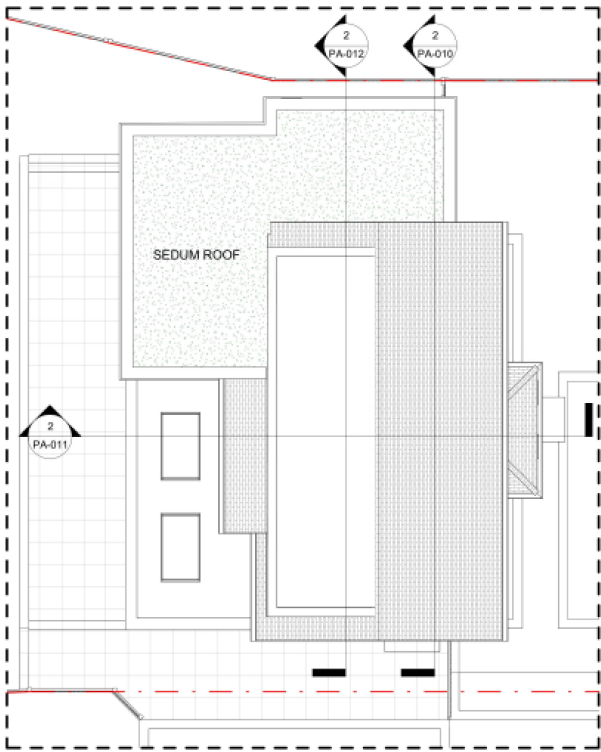


02 - Loft Floor - As Constructed
1 : 100



03 - Roof Level - Approved

1 : 100

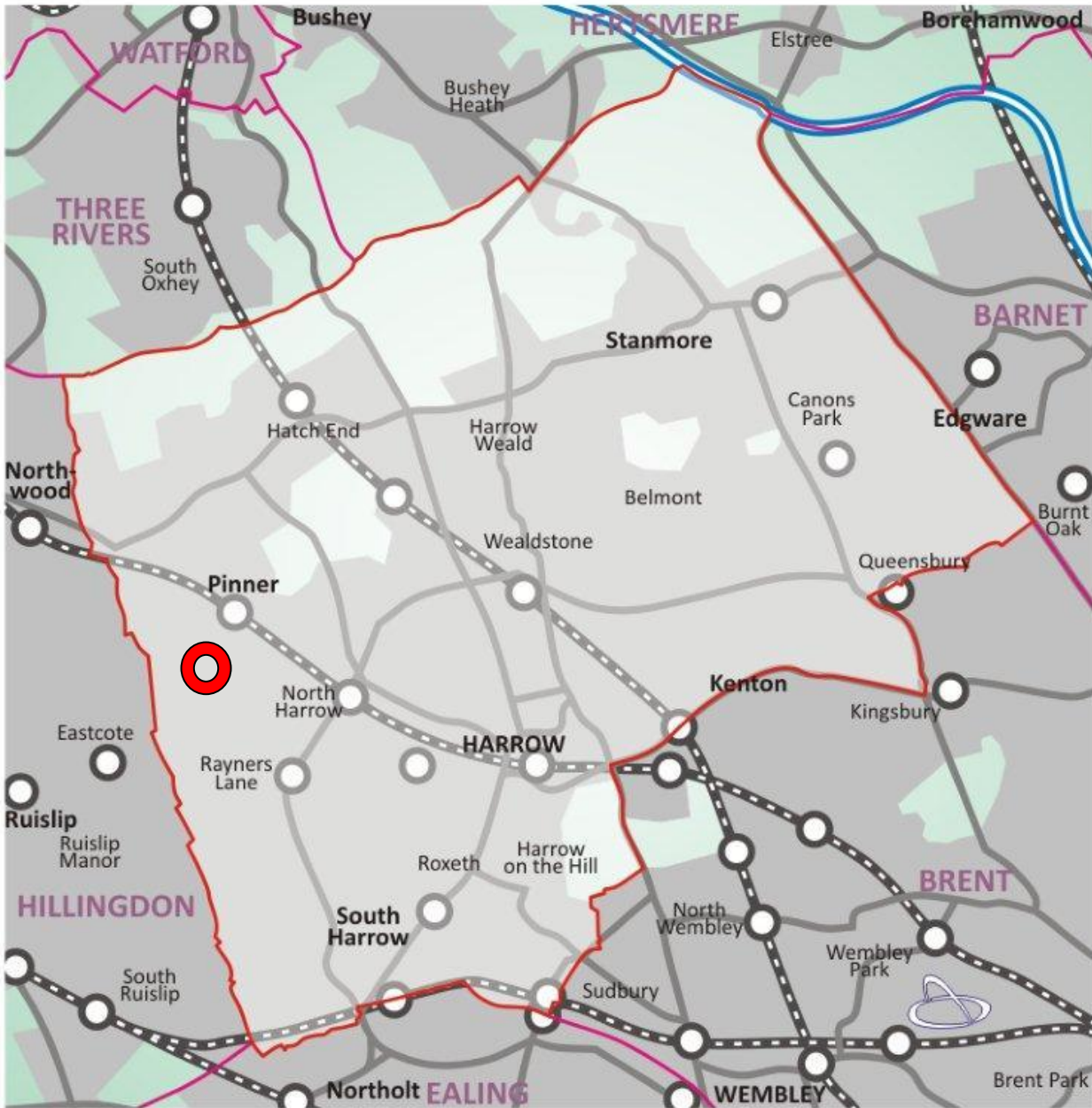


03 - Roof Level - As Constructed

1 : 100

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 = application site

35 Cranbourne Drive, Pinner, HA5 1BX

P/2275/23

LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

22nd November 2023

APPLICATION NUMBER: P/2275/23
VALIDATION DATE: 11/08/2023
LOCATION: 35 CRANBOURNE DRIVE
WARD: PINNER SOUTH
POSTCODE: HA5 1BX
APPLICANT: MR SAM MOORE
AGENT: ET PLANNING
CASE OFFICER: FERGUS FREENEY
EXTENDED EXPIRY DATE: 29/11/2023

PROPOSAL

Variation of condition 2 (approved plans) attached to planning permission P/1221/21 dated 18/18/2021 to amend the roof design to include hip-to-gable extensions and a rear dormer above the main dwelling, and gable roof over two-storey side extension (Retrospective)

The Planning Committee is asked to consider the following recommendation:

RECOMMENDATION

Refuse the application for the following reason:

The proposed hip to gables and rear dormer extensions above the original dwelling in conjunction with gable over the two-storey side extension and flat roof over the two storey rear extension, by reason of inappropriate design, excessive bulk, scale and massing would result in incongruous, discordant and ungainly cumulative additions to the dwelling and the rear dormer by reason of its excessive size and lack of visual containment would give rise to a bulky and dominant addition within the rear roof slope. On this basis, the proposed development would cause detrimental harm to the character and appearance of the host dwelling and the local area, contrary to the National Planning Policy Framework (2023), Policy D3.D(1) and D3.D(11) of The London Plan (2021), policy CS1.B of the Core Strategy (2012), policy DM1 of the Development Management Policies (2013), and the adopted Supplementary Planning Document: Residential Design Guide (2010).

REASON FOR THE RECOMMENDATIONS

The proposed additions and alterations are inappropriate in this location and would have an adverse impact on the visual appearance of the host building and the character and appearance of the streetscene and wider area.

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 application should be refused.

INFORMATION

This application is reported to Planning Committee at the request of a nominated member in the public interest.

Statutory Return Type:	Householder
Council Interest:	None
Net additional Floorspace:	111.7sqm
GLA Community Infrastructure Levy (CIL) Contribution (provisional)(£60p/sqm) (excluding indexation):	£6,702
Local CIL requirement (Provisional) (£110p/sqm)(excluding indexation):	£12,287

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

Policy D11 of the London Plan (2021) and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

1.0 SITE DESCRIPTION

- 1.1. The application site is located on the north-west side of Cranbourne Drive. The site is one removed from the corner site, but because the property on the corner (No. 37) is a low bungalow style house with a large gap between them, and the nearby curve of the road, the application property is prominent in views approaching from the east.
- 1.2. No. 37 adjoins the property to the north-east, and No. 33 adjoins the property to the south-west. The rear boundary adjoins the River Pinn.
- 1.3. The pre-existing property on the application site was a two-storey detached dwellinghouse, with a single storey attached garage at the side and single storey rear conservatory. This garage has now been demolished and substantial works carried out to part-implement an approved scheme (see planning history above). However, at roof level the implemented scheme differs in scale and appearance to that which was approved and forms the subject of this application.
- 1.4. The River Pinn and the adjoining allotment gardens comprise a Green Corridor, designated Open Space, and Site of Importance for Nature Conservation.
- 1.5. Several TPO trees are located along the rear boundary, approximately 11m from the existing rear conservatory.
- 1.6. The site is located within a critical drainage area; EA Flood Zones 2 and 3 are associated with the River Pinn at the rear of the site and extend up to the house itself.

2.0 PROPOSAL

- 2.1 The application seeks to vary an approved scheme (P/1221/21) to alter the roof level. This summarised below:

Approved and unchanged:

- Two-storey side to rear and first floor rear extension
- Single storey rear extension
- Front porch

Amended and subject to this application

- Approved hipped roof above main dwelling altered to a double gable ended roof
- Full width dormer included above original dwelling
- Approved hipped roof above two-storey side to rear extension altered to a gable roof
- First floor projecting rear extension approved hipped roof converted into a flat roof structure

3.0 RELEVANT PLANNING HISTORY

Ref no.	Description	Status and date of decision
P/0569/17	Two storey side to rear extension; single storey rear extension; front porch	<i>Granted:</i> 10/05/2020
P/3686/17	Two storey side to rear extension; single storey rear extension; front porch (demolition of attached garage and conservatory)	<i>Refused</i> 20/11/2017 <i>(Appeal Allowed</i> 20/02/2018)
P/1221/21	Two storey side to rear extension; single storey rear extension; front porch (demolition of attached garage and conservatory)	<i>Granted:</i> 10/02/2022
P/3990/22	CERTIFICATE OF LAWFUL DEVELOPMENT (PROPOSED): Alterations and extension to roof to form end gables; rear dormer; alterations to roof to form flat roof over existing side to rear extension	<i>Refused:</i> 13/02/2023
<p><i>Reasons for refusal</i></p> <ol style="list-style-type: none"> 1. <i>The development granted under application P/1221/21 has not been implemented in accordance with approved drawings with the roof of the development not being constructed and the brickwork associated with the extensions granted under application P/1221/21 not matching the brickwork applied to the exterior of the main dwellinghouses as was specified to be the case on the approved drawings and within the submitted application form. In failing to be constructed in accordance with the approved drawings for application P/1221/21 the development that is being constructed on site is technically unlawful. Given that the roof extensions proposed under this certificate of lawful development application are interconnected with unlawful works they would fail to accord with Section 3, 5(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</i> 2. <i>The cubic content of the resulting roof space created by the roof extensions would exceed the cubic content of the original roof space by more than 50 cubic metres on a detached dwellinghouse. The proposal would therefore not be within the tolerances of Schedule 2, Part 1, Class B, B.1 (d) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</i> 3. <i>The proposal is NOT therefore a lawful development.</i> 		
P/2237/23	Variation of condition 2 (approved plans) attached to planning permission P/1221/21 dated	<i>DECISION PENDING</i>

	18/18/2021 to amend the roof design also incorporating a rear dormer	
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4.0 CONSULTATION

4.1 A total of 2 consultation letters were sent to neighbouring properties regarding this application. A site notice was also displayed.

4.2 The overall consultation period expired on 2nd October 2023. No comments were received.

4.5. Statutory and Non Statutory Consultation

4.6. No statutory internal or external consultations were carried out given the nature of the application.

5.0. POLICIES

5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

‘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.’

5.2. The Government has issued the National Planning Policy Framework [NPPF 2023] 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.

5.3. 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].

5.4. A full list of all the policies used in the consideration of this application is provided as Informative 1.

6.0. ASSESSMENT

6.1. The main issues are:

- Principle
- Design, Character and Appearance
- Residential Amenity
- Flood Risk and Drainage

6.2. Principle

- 6.2.1. This application is submitted to regularise unlawful works substantively located at the roof of the subject dwelling. A site visit by the planning officer 26th September indicated that the scheme presented in this application has been substantially completed in terms of built form (with external finishing, windows etc yet to be completed).
- 6.2.2. The works subject to this application have not been built in accordance with any of the approved schemes. In order to justify this, interpretations of appeal and court decisions have been put forward to the LPA to justify the unlawful works which have been implemented. The applicant's reasoning put forward is essentially that the proposed works could be capable of being permitted development, as such, that constitutes a fall-back position and the sequencing of any works is irrelevant, as the final outcome remains the same.
- 6.2.3. Court decisions put forward include, *Mansell V Tonbridge and Malling Borough Council [2017]* which finds that a fallback position is a viable material consideration which should be accounted for by the decision-maker during the determination of planning applications. In this example the court allowed permitted development rights to constitute a fallback, to permit policy non-compliant development.
- 6.2.4. In the example of *Widdington Parish Council V Uttlesford District Council [2023]* sets out some key points in determining when a fall-back (i.e. development which an applicant could take without a further grant of planning permission) is applicable, being:
- a) *The applicant has a lawful ability to undertake the fall-back development;*
 - b) *The applicant can show that there is at least a "real prospect" that it will undertake the "fall back" development if planning permission is refused. In Mansell at §27, Lindblom LJ explained that : "the basic principle is that "for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice".*
 - c) *Where a planning authority is satisfied that a fall-back development should be treated as a material consideration, the authority will then have to consider what weight it should be afforded. This will involve:*
 - i. *An assessment of the degree of probability of the fall-back occurring. As Dove J observes in Gambone at para 27, the weight which might be attached to the fall-back will vary materially from case to case and will be particularly fact sensitive; and*
 - ii. *A comparison between the planning implications of the fall-back and the planning implications of the Proposed Development: Gambone paras 26-28.*
 - d) *The Courts have cautioned against imposing prescriptive requirements as to how and with what degree of precision the fall-back is to be assessed by the decision maker. This is in recognition of the fact that what is required in any given case is fact sensitive. As Lindblom LJ observed in para 27(3) of Mansell, there is no general legal requirement that the landowner or developer set out "precisely how he would make use of any permitted*

development rights". Lindblom LJ continues that "[i]n some cases that degree of clarity and commitment may be necessary; in others, not".

- 6.2.5. With respect court decision in *Widdington Parish Council V Uttlesford District Council [2023] test Para 30, Test a)* states, in relation a valid fall-back *"The applicant has a lawful ability to undertake the fall-back development"*. Officers consider this test is failed as there is no lawful ability to undertake a permitted development fall-back position, for the reasons discussed below.
- 6.2.6. Officers are of the opinion that for a permitted development fall-back position to be applicable, the relevant provisions of the GPDO must remain active and applicable to the subject site. In this case, the relevant section would be Schedule 2, Part 1, Class B, of the GPDO.
- 6.2.7. Planning application P/1221/21 was subject to a condition requiring that the development is carried out in accordance with the approved plans. As the two storey side to rear extension was never completed in accordance with that permission there is a direct breach of that condition.
- 6.2.8. Section 3 (4) of the GPDO states:
- (4) Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Act otherwise than by this Order.*
- 6.2.9. As such, any roof extensions/alterations carried out with the belief that they would be permitted development under Class B, Part 1 of Schedule 2 would have been contrary to Section 3 (4) of the GPDO.
- 6.2.10. As works carried out were a breach of a planning condition, the building operations are considered to be unlawful, as has been pointed out in the decision for P/3990/22. Also pointed out in that decision, Section 3, 5(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that
- (5) The permission granted by Schedule 2 does not apply if—
(a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful.*
- 6.2.11. The decision in relation to P/3990/22 has not been subject to an appeal, as such, the circumstances and reasoning of the LPA remains valid until a material decision compels an alternative conclusion (whether by way of a new certificate of lawfulness, or an appeal decision).
- 6.2.12. It is therefore considered that the building is subject to unlawful works at roof level, and subsequently permitted development rights at roof level are removed, pursuant to Section 3, 5(a) of the GPDO.
- 6.2.13. Given that permitted development rights no longer apply, officers consider that there is no viable fallback position in relation to permitted development and

assessment of this application must be wholly based on the development plan and associated guidance.

- 6.2.14. Notwithstanding the above, officers consider that even if Part B of the GPDO is considered for reference purposes, the development does not benefit from permitted development as it does not comply with the following criteria (of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)):

B.1(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

Officer comment: The front roof slope over the gable roof over the two-storey side is also considered to be a principal elevation and the creation of the gable end extension over the main part of the dwellinghouse projects beyond the principle elevation of the dwellinghouse and fronts a highway.

*B.1(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
(ii) 50 cubic metres in any other case;*

Officer comment: Officers calculate that the additional volume above the original dwelling (gable ends and rear dormer) are 54.97m³. When the volume of the gable roof above the two-storey side extension is included this increases to a total of 76.18m³.

- 6.2.15. Additionally, the alterations to the rear first floor extension involve revisions to remove the approved hipped roof and replace it with a flat roof with raised walls to accommodate this (raising in height from approximately 5.97m approved to 6.48m proposed). This would therefore relate to first floor of the building and not solely the roof. It would therefore be subject to Class A of the GPDO.

- 6.2.16. Class A of the GPDO states:

A.1(d): the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse

Officer comment: The eaves of the first floor rear extension exceed the height of the eaves of the existing dwelling house

A.1(h) the enlarged part of the dwellinghouse would have more than a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres

Officer comment: Part of the first-floor rear extension project 3.94m beyond the rear wall of the original dwelling

A.1 (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Officer comment: The raised wall height within the first-floor rear extension would be within 2m of the boundary and exceeds 3m in height

A. 1(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey

Officer comment: The raised wall height within the first floor rear extension exceeds 4m in height and relates to the second storey.

- 6.2.17. It is therefore the opinion of officers that the development does not lawfully benefit from a fall-back position, but even if it did the proposed scheme would not comply with numerous clauses within the GPDO.

Description

- 6.2.18. It is understood that the applicant contends that the additions above the main dwelling are permitted development, and therefore the application relates *only* to the gable roof above the two-storey side extension and flat roof above the first-floor rear extensions.
- 6.2.19. For the reasons outlined above the LPA does not consider that there is a fall-back position, the drawings show whole-scale revisions to the full roof compared to what has been approved and the LPA will therefore assess all revisions indicated on the plans as the gable over the two-storey side extension does not exist in isolation.

6.3. Design, Character and Appearance

- 6.3.1. The relevant policies are:

- The National Planning Policy Framework (2023)
- The London Plan (2021): D3
- Harrow Development Management Policies (2013): DM1
- Harrow's Core Strategy (2012): CS1
- Supplementary Planning Document Residential Design Guide (2010)

- 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. Core Policy CS1.B specifies that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.'

- 6.3.4. Policy DM1 of the DMP 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”.
- 6.3.5. The Council has adopted a Supplementary Planning Document (SPD) on Residential Design (2010), which gives design guidance and requires extensions to harmonise with the scale and architectural style of the original dwellinghouse. Substantial weight is accorded to the SPD as a material planning consideration.
- 6.3.6. Paragraph 6.57 of the Residential Design Guide SPD states that where a property has already been extended by the conversion of a hipped to gable roof extension (as would, in effect, be the case in this situation were the approved application implemented correctly), a further side extension at first floor is inappropriate, as it is generally considered to be incompatible with the design, character, bulk and appearance of the locality in the majority of cases.
- 6.3.7. Paragraph 6.66 of the Council’s adopted SPD states that "The roof form of a house is a significant part of the character of an area. Alterations may significantly alter the appearance of a house and their effect on the roof form needs careful consideration. Roof alterations and dormer windows should complement the original street character and not dominate or impair their proportions or character".
- 6.3.8. Paragraph 6.73 states that “For detached houses the gabling of existing hipped roofs can be unduly prominent and should be avoided”.
- 6.3.9. The site benefits from an extant permission for a two-storey side extension and first floor rear extension with associated hipped roof extension over. These approved hipped roof forms are considered to be appropriate forms of development and are consistent with the expectations of the SPD and do not harm the appearance of the host building or the character of the wider area.
- 6.3.10. The proposed substantially implemented development effectively creates development which the SPD seeks to resist in that it would gable the original dwelling and then gable above the two-storey side addition.
- 6.3.11. The proposed development would therefore result in the creation of an unduly bulky roof form, that would, due to its scale and prominence, overwhelm and fail to appear subordinate to, the host property.
- 6.3.12. The SPD states at paragraph 6.72 that where a loft conversion is provided as part of a two storey side extension a single rear dormer across the whole width of the extended house may be unduly obtrusive. As a guide, a single rear dormer should never be wider than that which could be created (in accordance with this guidance) if an original hipped roof was altered to provide a gable end. The proposed development is directly contrary to this requirement and appears unduly obtrusive and out of scale with the host building and character of the wider area.

- 6.3.13. Additionally, paragraph 6.70 of the SPD requires that dormers are visually contained, specially that dormers are set in from the gable end by 1m. The proposed dormer would only be set in from the western gable end by 0.66m when seen from private gardens.
- 6.3.14. The flat roof and raised wall height at the first-floor rear extension would create a bulky, incongruous and poorly designed development which has a discordant relationship with the altered main roof in that it would intersect the roof higher than the eaves and appears to connect into the dormer. This fails to allow for visual containment of the dormer (contrary to the above) but also fails to comply with paragraph 6.14 of the SPD which states “Roof design is very important because this will determine the overall shape of the extension. It is generally desirable for a first floor or two storey extension to be roofed to reflect both the material and design of the existing roof, including normal eaves detail. A pitched roof will normally be required on two storey extensions. This offers the advantages of greatly improved appearance, storage space, and lower maintenance costs”.
- 6.3.15. The proposed incongruous roof forms would be wholly out of character with the appearance of the host building and the prevailing character of the wider area which is one of hipped main roofs and hipped extensions where these have been built. Any gable ended properties are minimal in number and do not define the character of the area. Additionally, given the site’s prominent location the incongruous roof forms would be highly visible in approaches from the east as the neighbouring bungalow does not provide any screening.
- 6.3.16. There are no site-specific circumstances or other material considerations to support the departure from this guidance; in fact, the proposal represents an example of the type of development that the guidance was intended to prevent, as it appears bulky, incongruous, out of scale, poorly designed and does not result in a sympathetic relationship with the character of the original property or the locality.
- 6.3.17. It is noted that the applicant has put forward (amongst others) a recent appeal decision at 65 Lulworth Drive (APP/M5450/D/23/3326367) which was for a development of a gable roof above a two-storey side extension. Within this appeal the inspector states in relation to paragraph 6.57 of the SPD that “This aspect of the guidance would thus appear to reflect a desire to impose a blanket ban on development as proposed throughout the Borough, irrespective of site-specific circumstances.”
- 6.3.18. No.65 Lulworth Drive is a semi-detached property whereby the adjoining property has been gabled and more properties in the wider area appear to have been gabled. As such it is not considered to be pertinent to this application. The site circumstances have been considered and the SPD guidance is acknowledged by the inspector to be a material consideration and it is assessed as such.
- 6.3.19. Due to the impact upon the character and appearance of the existing dwellinghouse and the wider area, it is considered that the proposal would be overly bulky, incongruous and out of keeping, contrary to the aims and objectives of the National Planning Policy Framework, policy D3.D(1) and D3.D(11) of The

London Plan (2021), Core Policy CS1B of the Harrow Core Strategy (2012), policy DM1 of the Harrow DMP and the adopted SPD: Residential Design Guide (2010).

6.4. Residential Amenity

6.4.1. The relevant policies are:

- The National Planning Policy Framework (2023)
- The London Plan (2021): D3,
- Harrow Development Management Policies (2013): DM1
- Harrow's Core Strategy (2012): CS1
- Supplementary Planning Document Residential Design Guide (2010)

Impacts on No37 Cranbourne Drive

6.4.2. No.37 is located to the east of the subject site. The amenity impacts of the approved development were considered acceptable under the approved application P/1221/21. Although there is additional bulk and massing at roof level, the approved footprint is not altered and there is not considered to be any additional adverse amenity impact resulting on No.37 in terms of overlooking, overshadowing, sense of enclosure or outlook.

Impacts on No.33 Cranbourne Drive

6.4.3. No.33 is to the west of the subject site. Whilst the dormer would be located closer to this property there is not considered to be a material impact on overlooking beyond what is possible from the existing first floor windows.

6.4.4. In respect to other amenity impacts the development, for the same reasons as outlined above in relation to No.33 are not considered to introduce additional adverse amenity impacts beyond those already considered and found acceptable previously.

6.4.5. In summary, the proposal would have an acceptable impact on the amenities of neighbouring in accordance with the National Planning Policy Framework (2023), Policy D3.D(7) of the London Plan (2021), Core Policy CS1 (B) of the Harrow Core Strategy (2012), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

6.5. Development and Flood Risk

6.5.1. The relevant policies are:

- The National Planning Policy Framework (2023)
- London Plan (2021): S1 12, SI 13
- Harrow Development Management Policies (2013): DM9, DM10
- Harrow's Core Strategy (2012): CS1

- 6.5.2. Policy DM9 B of the Development Management Policies Local Plan (2013) states, “proposals that would fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.”
- 6.5.3. The approved footprint is not being altered, as such there is no additional flood impact beyond that which has already been assessed and found acceptable.

6.6. Fire Safety

- 6.6.1. Part A of Policy D12 of the London Plan (2021), requires the demonstration of suitably positioned and unobstructed space for fire appliances and evacuation assembly points, and that developments ensure robust strategies for evacuation are in place as well as confirmation of the fire-fighting water supply.
- 6.6.2. Were the application acceptable in all other respects a Reasonable Exemption Statement would have been requested to address the requirements of policy D12.

7.0. CONCLUSION AND REASONS FOR REFUSAL

- 7.1. The development would result in unsympathetic and bulky cumulative additions to the house, which would subsume the original character of the host dwelling and harm the appearance of the dwelling and the surrounding area.
- 7.2. Accordingly, the development would not accord with development plan policies and is recommended for refusal.

Informatives

1. Policies

The following policies are relevant to this decision:

National Planning Policy Framework (2023)

The London Plan (2021):

D3, D11, D12, SI12, SI13

Harrow Core Strategy (2012):

CS1

Harrow Development Management Policies Local Plan (2013):

DM1, DM2, DM9, DM10,

Supplementary Planning Documents:

Supplementary Planning Document Residential Design Guide (2010)

2. Pre-application engagement

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. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

3. 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 £6,702

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 planning portal 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

4. 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 £12,287

This amount includes indexation which is 326/224. 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:

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

PLAN LIST

Cover Letter by ET Planning (dated 1st August 2023); PA-001; PA-002; PA-003; PA-004; PA-005; PA-006; PA-007; PA-008; PA-009; PA-010; PA-011; PA-012;

CHECKED

 <p>Orla Murphy Head of Development Management 9th November 2023</p>	 <p>Viv Evans Chief Planning Officer 9th November 2023</p>
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APPENDIX 2: SITE PLAN



APPENDIX 3: SITE PHOTOGRAPHS

Front elevation



Neighbour at No.33



Neighbour at No.37



Long view from the east:



Rear elevation



Relationship with No.37



Relationship with No.33

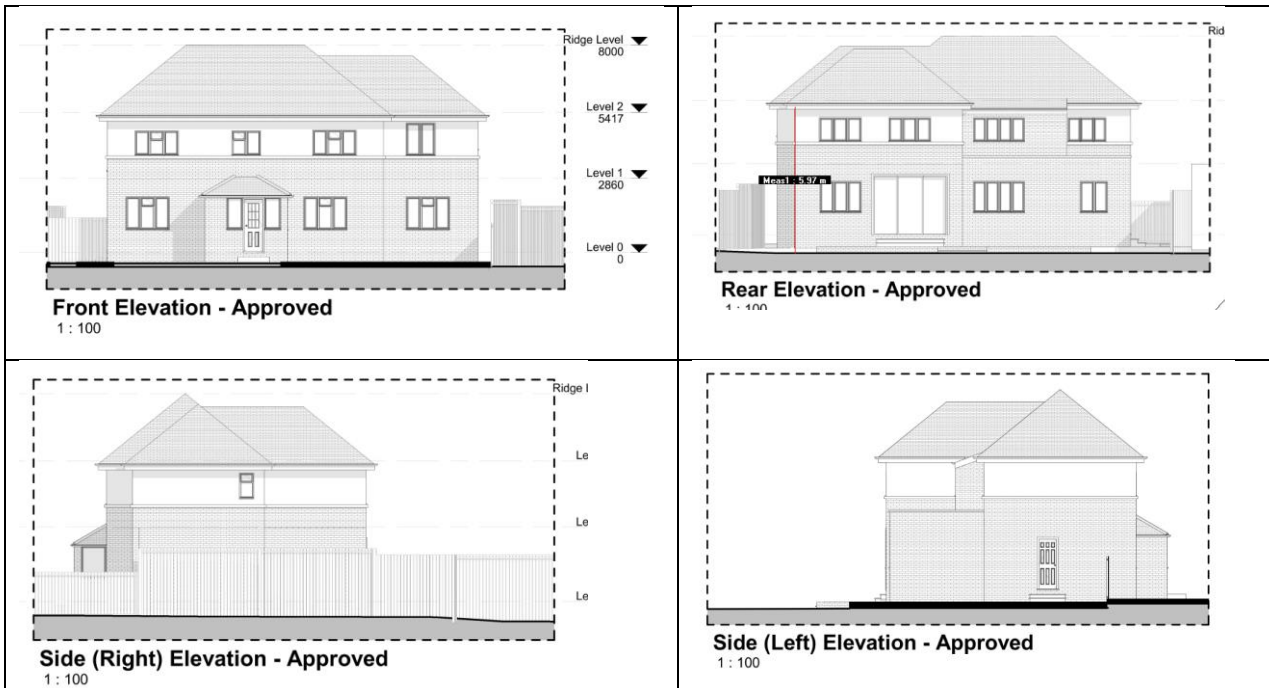


APPENDIX 4: PLANS AND ELEVATIONS

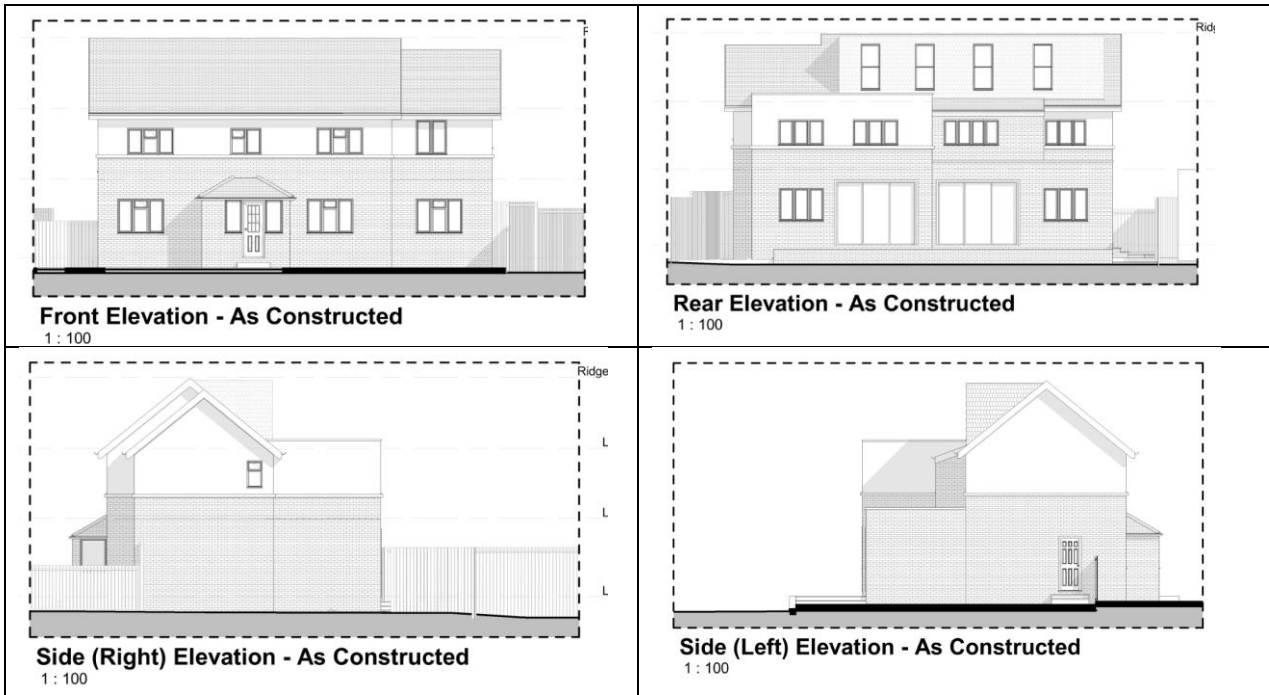
Pre-Existing Elevations



APPROVED ELEVATIONS



PROPOSED/AS-BUILT ELEVATIONS



FLOOR PLANS

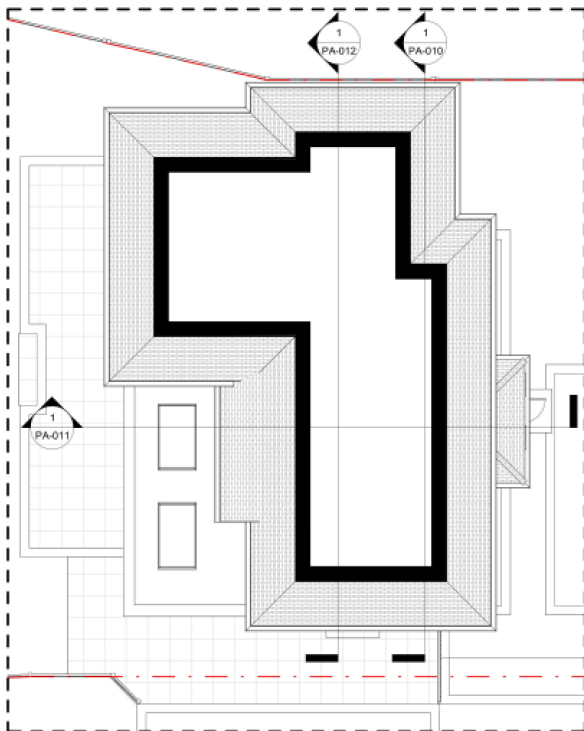




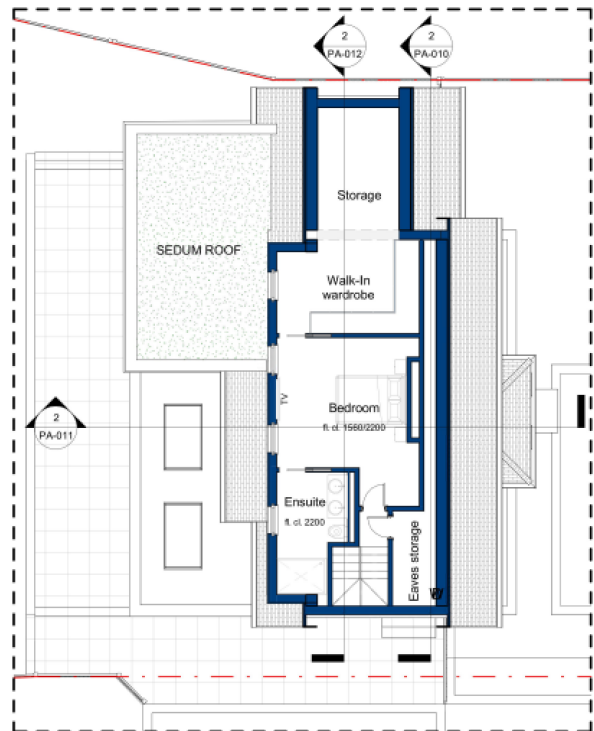
01 - First Floor - Approved
1 : 100



01 - First Floor - As Constructed
1 : 100

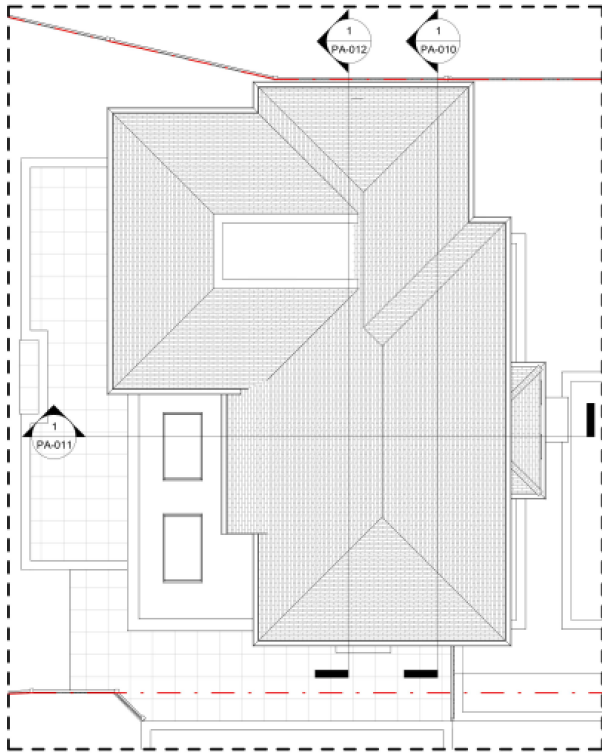


02 - Loft Floor - Approved
1 : 100

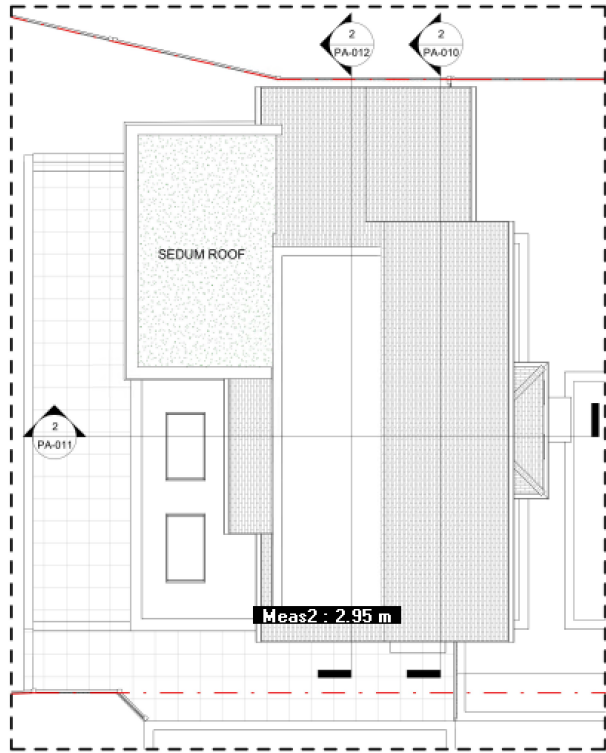


02 - Loft Floor - As Constructed
1 : 100

new walls



03 - Roof Level - Approved
1 : 100



03 - Roof Level - As Constructed
1 : 100

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