

Churchill Hall, Hawthorne Avenue, Harrow

P/1945/17



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Churchill Hall, Hawthorne Avenue, Harrow

P/1945/17

#### LONDON BOROUGH OF HARROW

#### PLANNING COMMITTEE

6<sup>th</sup> September 2017

**APPLICATION NUMBER:** P/1945/17 **VALIDATE DATE:** 19/05/2017

**LOCATION:** CHURCHILL HALL, HAWTHORNE AVENUE

WARD: GREENHILL POSTCODE: HA3 8AG

APPLICANT: MR J DE SWARTE
AGENT: H&G PLANNING
CASE OFFICER: CATRIONA COOKE

**EXPIRY DATE:** 04/08/2017

## PURPOSE OF REPORT/PROPOSAL

The purpose of this report is to set out the Officer recommendations to the Planning Committee regarding an application for planning permission relating to the following proposal.

Redevelopment to provide three to five storey building with basement parking to create 37 flats and class D1 unit at ground floor; amenity areas; landscaping; bin and cycle storage; re-location of vehicle access on Hawthorne Avenue; parking permit restricted.

## **RECOMMENDATION**

The Planning Committee is asked to:

- 1) Delegate Authority to the Divisional Director of Regeneration, Enterprise, and Planning to determine the application:
- 2) Agree a resolution to grant planning permission subject to authority being delegated to the Divisional Director of Regeneration, Enterprise and Planning in consultation with the Director of Legal and Governance Services for the continued negotiation and 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:

#### **Heads of Terms for the Legal Agreement**

- i) To provide an open book review of the scheme at 80% of the sales. The Council will seek to clawback 70% of any super profit (if any) generated by the scheme to reach a policy compliant scheme with regard to Affordable Housing.
- ii) Carbon offsetting payment in accordance with Policy 5.2 of the London Plan: Contribution of £49,320 towards carbon reduction programmes within the Borough
- iii) Planning monitoring fee
- iv) Employment and Recruitment Plan; and
- v) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement
- vi) Parking Permit Restriction;

#### REASON FOR RECOMMENDATION

The proposed redevelopment of the site would provide new housing. The redevelopment of the site would also secure new community use space to replace the dilapidated Churchill Hall and provide an active frontage to Kenton Road. The building will provide a modern, contemporary design that responds positively to the local context, whilst providing good quality living conditions for all future occupiers of the development. The layout and orientation of the buildings to neighbouring properties is considered to be satisfactory to protect the amenities of the neighbouring occupiers and mitigation measures would ensure that the safety and convenience of the road network of Harrow would be maintained, whilst encouraging a modal shift towards more sustainable modes of travel

#### INFORMATION

This application is reported to Planning Committee as it would provide in excess of 6 residential units. The application is therefore referred to the Planning Committee as it is it does fall within any of the provisions set out at paragraphs 1(a) - 1(h) of the Scheme of Delegation dated 29 May 2013.

#### **BACKGROUND**

This application follows a previous application P/5255/15 which was refused at Committee on 26<sup>th</sup> May 2016 and a subsequent appeal was dismissed.

The appeal was dismissed solely with regards to the wording of the Section 106 with regard to the restriction on parking permits. The Inspector found the impact on the character of the area and residential amenity to be acceptable.

Statutory Return Type: Major Development

Council Interest: N/A

GLA Community Infrastructure Levy £94,045.00

(CIL) Contribution (provisional):

Local CIL requirement: £295,570.00

## **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**

Policies 7.3.B and 7.13.B of The London Plan and Policy DM1 of the Development Management Polices 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.

# LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- Planning Application
- Statutory Register of Planning Decisions
- Correspondence with Adjoining Occupiers
- Correspondence with Statutory Bodies
- Correspondence with other Council Departments
- National Planning Policy Framework
- London Plan
- Local Plan Core Strategy, Development Management Policies, SPGs
- Other relevant guidance

#### **LIST OF ENCLOSURES / APPENDICES:**

Officer Report:

Part 1: Planning Application Fact Sheet

Part 2: Officer Assessment

Appendix 1 – Conditions and Informatives

Appendix 2 – Site Plan

Appendix 3 – Site Photographs

Appendix 4 – Plans and Elevations

## **OFFICER REPORT**

**PART 1: PLANNING APPLICATION FACT SHEET** 

The Site	
Address	Churchill Hall, Hawthorne Avenue
Applicant	Mr J De Swarte
Ward	Greenhill
Local Plan allocation	N/A
Conservation Area	No
Listed Building	No
Setting of Listed Building	No
Building of Local Interest	No
Tree Preservation Order	No
Other	N/A

Housing		
Density	Proposed Density hr/ha	542 hrh
	Proposed Density u/ph	194 dph
	PTAL	5
	London Plan Density	70-260dph
	Range	200 – 700hrh
Dwelling Mix	Studio (no. / %)	-
	1 bed ( no. / %)	8/22%
	2 bed ( no. / %)	28/78%
	3 bed ( no. / %)	-
	4 bed ( no. / %)	-
	Overall % of Affordable	0
	Housing	
	Social Rent (no. / %)	-
	Intermediate (no. / %)	-
	Private (no. / %)	37/100%
	Commuted Sum -	-
	Comply with London Housing SPG?	YES
	Comply with London Housing SPG?	YES
	Comply with M4(2) of Building Regulations?	YES

Transportation		
Car parking	No. Existing Car Parking spaces	30
	No. Proposed Car Parking spaces	Residential: 18 D1 unit: 1
		Incl. 3 disabled spaces 4 ECP (active) &
	Proposed Parking Ratio	4 ECP (passive) 0.5
Cycle Parking	No. Existing Cycle Parking spaces	0
	No. Proposed Cycle Parking spaces	68 – secure 8 – short term / visitor (4 x residential & 4 x D1)
	Cycle Parking Ratio	Motorbike Parking Area Long Stay (Residential):
	Cycle Faiking Natio	1 per 1 bed & 2 per 2 bed Short Stay (Residential): 1 space per 40 units
		Long Stay (D1 use): 1 space per 8 staff Short Stay (D1 use): 1 per 100sqm
Public Transport	PTAL Rating	5
	Closest Rail Station / Distance (m)	Kenton Mainline Station: 150m Northwick park Station: 300m
	Bus Routes	Kenton Road – Adj to Site: five routes (114 / 183 / 223 / H9 / H19) Plus two routes Adj to Northwick Avenue / Northwick Park Station: H10 / H18
Parking Controls	Controlled Parking Zone?	YES
	CPZ Hours	Mon to Friday 11am - 12 noon
	Previous CPZ Consultation (if not in a CPZ)	N/A
Darking Ctross	Other on-street controls	Single Yellow Lines
Parking Stress	Area/streets of parking stress survey	Parking Stress Survey Undertaken on Hawthorne Avenue and all roads within 200m of the site in both Harrow and Brent

	Dates/times of parking stress survey	Overnight Tuesday 26th & Wed 27th January 2016 [The Lambeth specification - a survey undertaken overnight when residential development has the greatest parking demand to determine the level of parking stress in the surrounding areas].
	Summary of results of survey	The combined total of spaces available overnight in Hawthorne Avenue (11 to 12). Exceeds the robust level of parking being considered for this exercise and considerably more than the actual anticipated car ownership at the development site. Elsewhere in the survey area, extending 200m in all directions from the site there were also further parking opportunities and the overall level of kerb side parking stress observed on two nights was of the order of 50% to 52%. As a rule of thumb guide a level of 80% = parking stress. Conclusion: Not an area of parking stress Parking Survey Findings Accepted by Appeal Inspector: Appeal Decision: 17th February 2017 Appeal Ref: APP/M5450/W/16/3160688
Refuse/Recycling Collection	Summary of proposed refuse/recycling strategy	The refuse store will be located on the northern west boundary of the development and accessed from Hawthorne Avenue within a walk / carry distance of around 10–15m

Sustainability / Energy	
BREEAM Rating	N/A
Development complies with Part L 2013?	YES
Renewable Energy Source / %	35% CO <sub>2</sub> reduction on-site plus carbon offset payment: £49,320 (27.4t @ £60/t for 30 years = £1800/t)

#### **PART 2: ASSESSMENT**

## 1.0 SITE DESCRIPTION

- 1.1 The application site is a rectangular parcel of land (0.19 hectares), located on the corner of Kenton Road and Hawthorne Avenue.
- 1.2 The site currently contains a part two-storey / part three storey conservative club (Class D1), known as Churchill Hall.
- 1.3 The building ceased operation in January 2015.
- 1.4 A car parking area (30 spaces), accessed via Hawthorne Avenue and Kenton Road, is located towards the sites frontage with Kenton Road.
- 1.5 The surrounding area includes a mix of uses due to its close proximity to the Kenton District Centre, which is located approximately 60m south-west of the site.
- 1.6 The surrounding development on Kenton Road is generally characterised by parades of three-storey buildings which include commercial uses at ground floor with residential above.
- 1.7 Kenton Court, a three storey residential development adjoins the north-eastern boundary of the site.
- 1.8 The boundary between the London Borough of Harrow and the London Borough of Brent is along the centre of Kenton Road and therefore, all residential streets to the south are within Brent.
- 1.9 At the rear, the site adjoins adjoin a two-storey semi-detached dwelling located at 1/1a Hawthorne Avenue.
- 1.10 Hawthorne Avenue is characterised by two-storey semi-detached and detached dwellings.
- 1.11 The property is not located within a conservation area, nor are there any listed buildings in the immediate surrounds.
- 1.12 The site has a Public Transport Accessibility Level [PTAL] rating of 5 (very good).

## 2.0 PROPOSAL

- 2.1 The proposed development intends to demolish the existing part two-storey / part three-storey building.
- The proposed replacement build would comprise a contemporary part three-storey / part four-storey / part five-storey building, comprising a flexible D1/D2 unit and 37 self-contained flats, including a mix of one-bed (2 person), two-bed (3 person) and two-bed (4 person) units.
- 2.3 A flexible Class D1 (Clinics, Health Centres, Museums, Public Libraries, Art Gallery, Law Court); and/or D2 (Gymnasium) unit (290sqm) would be provided at ground floor, along the Kenton Road frontage.
- 2.4 The proposed new build would follow an L-shape footprint, extending 40.7m in width across the Kenton Road frontage and 26.5m in depth along Hawthorne Avenue.
- 2.5 The building would be 5 storeys on the corner of Hawthorne Avenue and Kenton Road, stepping down to 4 storeys along the Kenton Road elevation.
- 2.6 The building would be stepped down a further level (3 storeys) adjacent the common boundary with No. 1 Hawthorne Avenue.
- 2.7 The proposed building would be constructed of a sand-faced brickwork in buff and dark grey with powder-coated aluminium windows and doors.
- 2.8 Pedestrian access to the D1 unit would be provided via Kenton Road. Two separate access points would be provided along the Hawthorne Avenue frontage for the residential use.
- 2.9 An area of soft landscaping would be provided at the rear of the building.
- 2.10 3 disabled car parking spaces would be provided to the north of the proposed building, accessed via a vehicle crossover from Hawthorne Avenue.
- 2.11 An electric charging point would also be provided.
- 2.12 Secure cycle parking for 68 cycles would be provided at the rear of the building.
- 2.13 Basement parking for 15 cars.
- 2.14 Refuse and recycling would be stored externally on the northern side of the building, approximately 10m from Hawthorne Avenue,

#### 3.0 RELEVANT PLANNING HISTORY

	Redevelopment to provide three to four storey building with basement parking to create 38 flats and class d1 unit at ground floor; amenity areas; landscaping; bin and cycle storage; relocation of vehicle access on Hawthorne Avenue	06/02/2017
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#### Reasons for refusal:

- 1. The proposal fails to provide the maximum reasonable level of affordable housing to the Boroughs housing stock. In the absence of a robust viability assessment to demonstrate that the proposal would be unviable to make such a provision the proposal fails to address the key aims of Policies 3.11 and 3.13 of the London Plan (2016), Policy CS1. J of the Harrow Core Strategy (2012), Policies DM 24 and DM50 of the Harrow Development Management Policies Local Plan (2013), The Mayors Housing SPG (2016) and adopted Supplementary Planning Document: Planning Obligations and Affordable Housing (2013).
- 2. The proposed development by reason of its overall appearance, poor fenestration and roof design and lack of clear architectural distinction regarding the different functions of the building would result in a development which would be of a poor quality in design and appearance that would fail to enhance the streetscene or the character of the area. The proposal would thereby fail to achieve the aspirations set out under policies 7.4B, and 7.6B of The London Plan (2016), policy CS1.B of the Harrow Core Strategy (2012) and policy DM1 of the Harrow Development Management Polices Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).
- 3. The proposal, by reason of inadequate Gross Internal Areas for Flats 10, 11, 21 and 22 and a lack of private amenity space for some of the family sized units, would provide a substandard level of accommodation, to the detriment of the residential amenities of the potential future occupiers of the flats, contrary to Policies 3.5, 3.8 and 7.6 of The London Plan (2016), Core policies CS1.B and CS1.K of the Harrow Core Strategy (2012), policies DM 1 and DM 27 of the Harrow Development Management Policies Local Plan (2013), the adopted Supplementary Planning Document Residential Design Guide (2010) and the Mayor's Housing Supplementary Planning Guidance (2016).

4. The proposal fails to demonstrate how the development would achieve zero carbon dioxide reduction on-site as required by Policy 5.2B of The London Plan (2016) or in the case that if it cannot be met on site that any shortfall would be provided off-site through a cash in lieu contribution. The proposal in the absence of such detail/ contribution would directly conflict with Policy 5.2B of The London plan (2016), Core Policy CS1.T of the Harrow Core Strategy (2012) and Policy DM12 of the Harrow Development Management Policies Local Plan (2013).

P/5255/15	Redevelopment to provide three to five storey building to create 37 flats and class d1/d2 unit at ground floor; amenity areas; landscaping and associated parking; bin and cycle storage; re-location of vehicle access on Hawthorne Avenue	Refused 26/05/2016 Appeal Dismissed: 17/02/2017
P/3490/15	Application for prior approval of proposed demolition of existing building and associated structures	Prior approval not required: 19/08/15
P/2774/15	Proposed notification for demolition of Churchill Hall	Refused: 10/07/15
P/303/04/DAD	Advertisement Consent: Internally illuminated advertisement panel.	Refused: 06/05/04
EAST/395/95/ADV	Illuminated double sided unipole poster panel	Refused: 10/08/95
WEST/582/94/ADV	Advertisement hoarding	Refused 10/10/1994

## 4.0 **CONSULTATION**

- 4.1 A total of 96 consultation letters were sent to neighbouring properties regarding this application.
- 4.2 The overall public consultation period expired on 09/06/2017

## 4.3 Adjoining Properties

Number of letters Sent	96
Number of Responses Received	3

Number in Support	0
Number of Objections	3
Number of other Representations (neither objecting or supporting)	0

4.3.1 A summary of the notification responses received along with the Officers comments are set out in the table below.

Neighbour	Summary of Comments	Officer Comments
Mr Streames-	The building lines	The objections are noted.
Smith	exceeded in both the	However these issues
	Kenton Road and	were considered by the
	Hawthorne Avenue	Inspector and found to be
	The overall height is greater than the adjacent properties in both Kenton Road an Hawthorne Avenue together with properties opposite	acceptable.
	There is a total incompatibility between the number of cars and motorcycle spaces compared to the number of flats, noting that some flats are 2 bed and others are single bed. Note that there is approximately 2 bicycle spaces per flat.	
	The noise level on the slope to the basement will be enhanced due to the severe slope on the interrupted egress entering into Hawthorne Avenue and also waiting to get onto the Kenton Road during the rush hours which will add to pollution levels especially in the winter months	
	Due to the pollution levels of the busy Kenton Road	

perhaps air conditions would be more healthy than having balconies. It has been noted that the majority of the bins are relatively inaccessible There is a lack of amenities for relaxation and children's play area The trees will be overlapping the pavement in the Kenton Road which will lead to increased maintenance by the Council The average number of cars catered for is approximately has a car per flat which would suggest the excess vehicles would use the surrounding roads which already have parking restrictions. There is no allocation for the shop or visitors. J Driver The proposal is far too The objections are noted. **Associates** large for the site and the However these issues number of flats should be were considered by the reduced Inspector and found to be acceptable. 37 flats plus a D1 unit are proposed but only 18 parking spaces appear to be provided and no parking for the D1 unit. This is totally inadequate and will completely overload the parking on all the surrounding roads especially Hawthorne Avenue, Flambard Road and Gerard Road which is connected by a footpath to Hawthorne

Avenue, to the detriment of the local residents. These roads have a 1 hour parking restriction and the proposal not to allow parking permits will not therefore be applicable as far as these roads are concerned. There is also no indication of the use that will apply to the D1 unit. The drawings indicate that the height of the proposed building when viewed from Hawthorn Avenue will be much higher than the adjoining house to the left. This will appear overbearing. The drawings appear to show the proposed construction considerably in front of the building lines of both Kenton Road and Hawthorne Avenue. This should not be allowed. I have checked with some of my neighbours and they were unaware of this application. I strongly consider that all residents of Gerard Road. Flambard Road and Hawthorne Avenue should have been notified of this application as they will undoubtedly be affected by it. The proposed building is The objections are noted. Arnold 35 Hawthorne too tall. It will not blend However these issues Avenue with the existing street were considered by the architecture. Inspector and found to be acceptable.

## 4.4 <u>Statutory and Non Statutory Consultation</u>

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

Compulter	C	Off:
Consultee	Summary of Comments	Officer Comments
LB Brent	No comments received	The Committee will be informed if any representation are received
Highways Authority	No objection subject to permit parking restriction.	This requirement is included in the S106.
Landscape Architect	No Objection subject to conditions relating to landscaping, boundary treatment and levels.	Conditions recommended
TFL	No objections	Noted
MET Police	No objections. However, the development should achieve Secured by Design accreditation as detailed within the New Homes 2014 Guide.	Condition recommended
Elmwood Residents Association	A D1/D2 commercial unit and 39 flats, but only 18 parking spaces which includes 4 disabled space. The calculation of the likelihood for a car requirement (rather than using public transport) must be based on specific evidence from the specific surrounding area, rather than that of Harrow as a whole. Virtually all houses in residential roads surrounding the area have at least one car, many have two (local car ownership in Harrow is 0.9 per household, which includes those in central Harrow where a more reasonable case can be	The objections are noted. However these issues were considered by the Inspector and found to be acceptable.

made for zero car policy in new residential developments). This bears witness that simply removing the provision of cars parking spaces does not remove the need for residents in the new development to have cars. The lack of car parking spaces will simply mean residents in the new development will simply park their cars on adjacent roads, most likely Hawthorne Avenue and Flambard Road, a huge increase in congestions on surrounding roads and a loss of local amenity. This does not include the increased parking burden from the inclusion and use of the D1 community space (although the inclusion of a community space is one that the residents association welcomes). The demand for additional car parking spaces from the new development from both residential and community space is not sustainable based on the planned additional number of parking spaces. There will be an unacceptably high loss of amenity by surrounding residents.

Surrounding roads will not be able to handle more resident vehicles. Parking spaces are at a premium already; this development will take away parking spaces from residents of existing dwellings and the bars and shops on Kenton parade opposite the proposed development who often use the car park on Fridays and at weekends.

D1 parking provision is planned to be just 1 parking space. As discussed at the previous committee meeting but omitted from the appeals hearing, if the D1 amenity space is envisaged to be an effective community space it is reasonable to expect people from further afield to travel to use this space by car. As mentioned previously, finding parking spaces on adjacent roads is difficult already and will be made even harder after this development. The area requires an amenity space after the loss of Churchill Hall, but with adequate consideration for the associated need for users of that space to park. It is the responsibility of the developer to find a solution to this matter, if this involves having a two level underground car park to accommodate this, then this is what should be proposed.

The appeal decision (February 7 2017) uses Census data from 2011, which is 6 years old. National data for licensed car ownership shows that the number of licensed cars owned has increased 8% between 2011 and 2016 (the last year we

have data for) and 5% in London. There is no reason to believe that this trend will not continue over time. I.e. starting with a provision of car parking places which is below the national and local ownership average in the presence of a trend of increasing car ownership will create a shortage of car parking places which will only get worse as the years pass. This must be the consideration - whether the development provides adequate car parking provision to meet demand now and in the future.

The proposed building is too high at 4-5 stories and will be unacceptably obtrusive in the street scene due to its extreme prominence at the corner of Kenton Road and Hawthorne Avenue and on the bends of Kenton Road when looking towards Northwick roundabout. From Figure 15 p.37 of the developer's Planning Statement it is clear the development will dominate the street scene; it should be no more than 3 stories, with a roof-line in keeping with the adjacent block of flats (Kenton Mansions) and all other properties along Kenton Road.

The contemporary yellow brick design is not in keeping and instead jars with the local architectural character of the area on both sides of Kenton Road which comprises (red) brick homes and buildings with pitched roofs and will consequently have a negative impact on the area. The brick colour and modern design needs to be changed to match and be in closer keeping/complement the surrounding buildings more.

The design is unattractive, unsightly and lacking any character which is particularly noticeable in comparison to Kenton Mansions which is situated immediately adjacent to the subject site. The residential building complex currently being built on Manor Road/Bonnersfield Lane (similar in scale to that being proposed here) is much more respectful of the architectural character of the surrounding buildings, featuring pitched roofs, for example.

The design materials and brick colour are not in keeping with the details and materials of the local architecture and buildings

Too many flats are proposed in proportion to the size of the site. Will place too much strain on local services.

Increased strain on mains services, particularly drainage.

The proposed building

should have a pitched roof to be in keeping with the surrounding area.

The design statement claims to take reference from its immediate neighbours; actually the flat roof design means that the elevations go up to roof level which causes the proposed development to be overly imposing and have a very harsh impact on the surrounding skyline.

Although the north eastern elevation of the proposed building is not higher than the height of the ridge of the pitched roof of Kenton Court, it still dominates the current neighbouring buildings rather than complimenting them.

## 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] which consolidates national planning policy and is a material consideration in the determination of this application.
- In this instance, the Development Plan comprises The London Plan 2016 [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].
- 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;

Principle of the Development
Regeneration
Affordable Housing
Residential Amenity and Accessibility
Traffic, Parking and Drainage
Impacts on Trees and Biodiversity
Sustainability

#### 6.2 Principle of Development

- 6.2.1 The National Planning Policy Framework outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. It emphasises that paragraphs 18 to 219 should be taken as a whole. Economic, social and environmental considerations form the three dimensions of sustainable development. With regard to the social role of the planning system, this is in supporting strong, vibrant and healthy communities by creating a high quality build environment that reflect the community needs and support its health, social and cultural well-being. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly.
- 6.2.2 Paragraph 12 of the NPPF states that: 'This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.'
- 6.2.3 Core Strategy Policy CS1B states that "Proposals that would harm the character of suburban areas and garden development will be resisted. 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."
- 6.2.4 Development Management Policy DM1 requires that:
  - "A. All development and change of use 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.
  - B. The assessment of the design and layout of proposals will have regard to:

- the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers;
- the appearance of proposed buildings, including but not limited to architectural inspiration, detailing, roof form, materials and colour, entrances, windows and the discreet accommodation of external services;
- c. the context provided by neighbouring buildings and the local character and pattern of development;
- d. the provision of appropriate space around buildings for setting and landscaping, as a resource for occupiers and to secure privacy and amenity:
- e. the need to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit:
- f. the functionality of the development including but not limited to the convenience and safety of internal circulation, parking and servicing (without dominating the appearance of the development) and the appearance, capacity, convenience, logistics and potential nuisance of arrangements for waste, recycling and composting; and
- g. the arrangements for safe, sustainable and inclusive access and movement to and within the site.
- 6.2.5 The proposed development results in the demolition of the existing building on site, known as 'Churchill Hall'. The Community Hall has been closed since January 2015.
- 6.2.6 When in operation, the hall provided approximately 783sqm of Class D1 floorspace within a part two-storey / part three-storey building. Specifically, the existing floor plans indicate that the building comprises a function hall and bar on the ground and first floors, while the second floor includes a snooker hall.
- 6.2.7 The applicant has indicated that the existing building is of an age and condition such that its re-use is uneconomic and inefficient for modern purposes. Specifically, the existing building is considered to have poor wheelchair accessibility and the deteriorating fabric of the building is considered to result in its poor energy efficiency. The vacancy and dilapidated condition of the building was confirmed during an officer visit to the property in November 2015. Accordingly, it is accepted that significant works are required to the existing building in order to achieve an acceptable quality of D1 floorspace that would comply with Building Regulations and Energy and CO2 Savings.
- 6.2.8 Notwithstanding this, given the lawful use of the site as a community hall (Class D1), the proposed redevelopment is required to be assessed against Policy DM 47: Retention of Existing Community, Sport and Education Facilities of the Development Management Policies Document 2013.

#### Policy DM47 reads as follows:

- 'A. Proposals involving the loss of an existing community, sport of educational facility will be permitted if:
- a) there is no longer a need for that facility (having regard to the amount of local patronage, the quality of facilities offered and the duration and extent of marketing; or,
- b) there are adequate similar facilities within walking distance which offer equivalent provision; or,
- c) the activities carried on are inconsistent and cannot be made consistent with acceptable living conditions for nearby residents; or,
- d) the redevelopment of the site would secure an over-riding public benefit.
- B. Proposals for the redevelopment of community or educational facilities that secure enhanced re-provision on the site, or on another site which improves accessibility will be supported'.
- 6.2.9 While it is acknowledged that the proposal represents a significant reduction in the overall amount of D1 floorspace, it is noted that in recent years, the use of the existing building was generally restricted to the ground floor. Given the part two / part three storey scale of the building, the total extent of the floorspace was generally not required to accommodate the events.
- O1/D2 unit is considered to represent an enhanced re-provision in terms of quality. Specifically, in addition to the dated appearance of the building, the hall was located at the rear of the site, with a car parking area provided towards the sites frontage with Kenton Road. The proposal intends to provide a 290sqm unit within a new build mixed-use building. The proposal would provide an active ground floor community facility along the Kenton Road frontage, with a courtyard area including soft landscaping and seating to the front of the building. In this respect, the proposed unit would provide for an enhanced external appearance that would have a high visibility within Kenton Road and a modern internal fit out. Furthermore, given the location of the community use within a new build, the proposed unit would be wheelchair compliant, with grade level thresholds provided via Kenton Road and would also meet energy efficient requirements.
- 6.2.11 The applicant has indicated that the proposed unit would offer a flexible Class D1(a-g, excluding place of worship) and Class D2(e) use. The space could be occupied by a single tenant or divided into smaller spaces. While concerns have been received regarding the intended use of the D1 unit, it is considered that the flexibility in the internal arrangement of the space would ensure that the space is available and functional to a range of end users within the D1/D2 use class. Although further concerns have been raised regarding the lack of amenities within the unit, the proposal plans demonstrate an indicative layout of the unit, with the internal arrangement omitted. As aforementioned, it is considered that the internal layout of the unit would be determined based on the requirements of future tenants, once they are known. Given the stage of the

- development (prior to the grant of planning permission), it would be unrealistic to expect the developer to have secured an end user at this time.
- 6.2.12 Accordingly, while it is noted that the proposal represents a significantly smaller provision of D1 floorspace, given the current condition of the existing building, the low levels of use and the lack of interest during marketing, it is considered that the proposed unit represents an enhanced re-provision in terms of quality. Specifically, the unit within a new-build mixed-use building would be more suitable in terms of appearance and internal condition, flexibility and accessibility. Accordingly, the proposal is considered to satisfy Policy DM47(B) of the Development Management Policies Document 2013.
- 6.2.13 The site is regarded as previously developed land for the purposes of the policies contained within the National Planning Policy Framework and the Harrow Core Strategy which seeks to redirect all new development the Harrow and Development Opportunity Area, to town centres and to previously developed land in suburban area. In addition to the D1/D2 use of the site, the site could also support residential use, in part to cross-subsidise the D1/D2 use but also to deliver new housing in a high accessible location, thereby contributing to the Borough Housing targets. The proposal to develop this site for residential purposes is therefore considered to be acceptable in principle.

#### 6.3 Regeneration

- 6.3.1 The London Borough of Harrow published a Regeneration Strategy for 2015 2026. The objective of this document is to deliver three core objectives over the plans life, which include;
  - Place; Providing the homes, schools and infrastructure needed to meet the demands of our growing population and business base, with high quality town and district centres that attract business investment and foster community engagement;
  - Communities; Creating new jobs, breaking down barriers to employment, tackling overcrowding and fuel poverty in our homes and working alongside other services to address health and welfare issues;
  - Business; Reinforcing our commercial centres, promoting Harrow as an investment location, addressing skills shortages, and supporting new business start-ups, developing local supply chains through procurement.
- 6.3.2 Whilst it is acknowledged that the proposed development would not address all of the aspects noted in the above bullet points, it would achieve the overall aspiration of regeneration of the Borough. Currently, the site is underutilised, and not the most efficient use of the site. The proposed development allows the site to be used in a much more efficient way, which would at least for the short term assist in providing employment for local trade workers (secured through a S.106). Furthermore, the construction of the site would result in some temporary jobs within the Borough, which would be throughout the duration of the construction process.

- 6.3.3 It is therefore considered that the proposed development would meet the overarching principles of regeneration into the area.
- 6.4 Affordable Housing Provision
- 6.4.1 The NPPF defines affordable housing as: social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Intermediate housing is defined as homes for sale and rent provided at a cost above social rent but below market levels.
- 6.4.2 The strategic part of London Plan Policy (2016) 3.11 calls for 60% of affordable housing provision to be for social and affordable rent and for 40% to be for intermediate sale or rent, and gives priority to the provision of affordable family housing. However, London Plan Policy 3.12 which is a planning decisions policy requires the on-site provision of the maximum reasonable amount of affordable housing from private residential developments.
- 6.4.3 The London Plan's housing policies are supplemented by the Mayor's Housing SPG (2016). In relation to affordable housing policies, the tone of the SPG is to further emphasise the need for policies to be applied in a manner that maximises output and, having regard to viability, to encourage not restrain housing development.
- 6.4.4 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 having regard to the following considerations:

the availability of public subsidy the housing mix; the provision of family housing; the size and type of affordable housing required; site circumstances/scheme requirements; development viability; and the need to meet the 40% Borough-wide target.

- 6.4.5 Policy DM24 (Housing Mix) of the Development Management Policies Local Plan document supports proposals that secure an appropriate mix of housing on the site. The policy undertakes to have regard inter alia to the target mix for affordable housing set out in the Planning Obligations SPD and the priority to be afforded to the delivery of affordable family housing.
- 6.4.6 The proposed development would provide for 36 residential units within the site. Policy 3.13A (Affordable Housing Thresholds) of the London Plan (2016) requires that any development which has the capacity to provide 10 or more homes should provide an affordable housing contribution.
- 6.4.7 The development proposed here would contribute towards the housing stock and increase the choice of housing in the Borough and would therefore find

some support in policies 3.5 and 3.8 of The London Plan as detailed above. However, the Mayor has recently highlighted that Harrow Council performs very well in terms of securing consents for additional housing however, has performed poorly in terms of securing affordable homes. The Mayor notes that the "proportion of Harrow's housing approvals during the last three years, the provision of net affordable housing units equates to just 10%". As such, there is an emphasis to secure additional affordable housing within the Borough.

- 6.4.8 The Council recognise that not in all circumstances is it viable to provide affordable housing targets within a scheme. Where this cannot be provided on site, a robust viability assessment must be provided to demonstrate that the proposed scheme cannot viably provide this requirement. The proposed development initially offers a zero provision of affordable housing as part of the scheme. The applicant has submitted a Financial Viability Appraisal to support the zero provision of affordable housing to the Boroughs stocks. The submitted information has been independently reviewed and tested to ensure that the zero provision of affordable housing is the maximum reasonable affordable housing that can be made as part of the proposed scheme.
- 6.4.9 The independent assessment of the Financial Viability Assessment and a separate review of the construction costs, concluded that the proposed scheme could not reasonably provide an affordable housing contribution, as detailed within the applicant's appraisal. The proposed offer of zero Affordable Housing units is therefore considered the maximum reasonable offer, and as such would accord with the Core Strategy (2012) in terms of securing Affordable Housing.
- 6.4.10 Notwithstanding the above, the Harrow Planning Obligations SPD (2013) provides a mechanism to review viability across the lifespan of a development, as there can be a period of time from when a development is permitted to when it is finally built out. Given that at this point in time there is no affordable housing contribution, this does not mean at a future time the market would not shift, which may allow for a surplus over what is detailed at the current time of writing this report. As such, it is considered reasonable that as part of the S.106 legal agreement, a review mechanism is agreed to allow a review of the development, in this instance at the 80% of sales. An obligation is recommended accordingly.
- 6.4.11 For these reasons, the proposed development would therefore met the strategic housing aim for the borough and accord with policy 3.13 of the London Plan (2016), Policy CS1.J of the Harrow Core Strategy, policies DM24 and DM50 of the Harrow Development Management Policies Local Plan (2013) and the Supplementary Planning Document: Planning Obligations and Affordable Housing (2013).

#### 6.5 Character of the Area

6.5.1 The NPPF makes it very clear that good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making better places for people.

- 6.5.2 The London Plan (2016) policies 7.4B and 7.6B set out the design principles that all Boroughs should seek to ensure for all development proposals. The London Plan (2016) policy 7.4B states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment. The London Plan (2016) policy 7.6B states, inter alia, that all development proposals should; be of the highest architectural quality, which complement the local architectural character and be of an appropriate proportion composition, scale and orientation.
- 6.5.3 Core Policy CS(B) states 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.'
- 6.5.4 Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) reinforces the principles set out under The London Plan (2016) policies 7.4B and 7.6B and seeks a high standard of design and layout in all development proposals. It goes on to state, amongst other things, that developments should contribute to the creation of a positive identity through the quality of building layout and design, should be designed to complement their surroundings, and should have a satisfactory relationship with adjoining buildings and spaces.
- 6.5.5 The application site is located on the corner of Kenton Road and Hawthorne Avenue. Hawthorne Avenue is a residential street generally comprising large two-storey semi-detached and detached dwellings. The property adjoining the north-western boundary of the site is a two-storey semi-detached dwelling that has been converted into two flats (1/1a Hawthorne Avenue). On the opposite side of Hawthorne Avenue is a two-storey detached dwelling. This building on the site, given its more civic purpose, differs in design form to the more traditional 'metroland' architecture of the surrounding area.
- 6.5.6 Kenton Road is noted as being mixed in character, comprising both residential and commercial uses. Although the site is located outside the boundary of the Kenton District Centre, the application site and the development opposite establish the start of commercial uses leading into the district centre. Specifically, development on the south-western side of Hawthorne Avenue and Rushout Avenue is predominantly residential, comprising two-storey detached and semi-detached dwellings with front forecourts. Development on the northeastern side of these roads incorporates mixed-use buildings with greater heights. Opposite the application site on the corner of Kenton Road and Rushout Avenue is a three-storey terrace building, which includes an active frontage of commercial, service, and retail uses at ground floor, with residential above. The application site establishes non-residential uses on the northeastern side of Kenton Road. The exception to this is Kenton Court, a three storey residential development that adjoins the north-eastern boundary of the application site. While this property does not include ground floor commercial units, the building establishes higher density residential development along

Kenton Road. Further north-east towards Kenton Station, development heights increase to 6 storeys.

Massing, Scale and Siting

- 6.5.7 The subject application seeks permission to replace the existing part two / part three-storey community hall with a more contemporary style flatted development with D1/D2 floorspace at ground floor. The proposed building would form an L-shape to address both street frontages that would rise in steps towards the road junction, creating a higher prominent corner element.
- 6.5.8 When considering the existing building at the application site, it is noted that due to the positioning of the building towards the rear boundary, with car parking towards the frontage, the community hall did not actively form part of the Kenton Road streetscene. Specifically, the community hall was set back approximately 30m from Kenton Road and approximately 20m from the established front building line of Kenton Court to the north-east. The building included its primary entrance along the Hawthorne Avenue frontage.
- 6.5.9 In this context, the proposed redevelopment is considered to be an overall enhancement of the site, providing definition to this part of the Kenton Road streetscene and appropriately relate its siting to the building line of adjoining properties. Through the use of a highly glazed frontage, the ground floor commercial unit forms an active frontage within the Kenton Road streetscene. The front building elevation would also align with the principle front elevation of Kenton Court to the north-east. Although the building line would step forward towards the corner with Hawthorne Avenue, this is considered acceptable given the form of the building, which has been designed to include a prominent corner element.
- 6.5.10 The proposed new build would follow a stepped design along the Kenton Road frontage. The 5 storey corner element would be stepped down to 4 storeys at the north-eastern end, adjacent Kenton Court. At 4 storeys in height, the proposed development would sit lower than the ridgeline of the adjoining three-storey pitched roof of Kenton Court. In this respect, the proposed scheme is considered to respect the scale and character of the surrounding development on Kenton Road.
- 6.5.11 Similarly, the proposed Hawthorne Avenue elevation has been designed to respect the scale, massing and building lines of the surrounding development. The north-western projection of the building has been setback to align with the principle front building elevation of the adjoining property at no. 1/1a Hawthorne Avenue. The proposed building also represents an increased setback and an overall reduction in the depth and bulk adjacent to this common boundary in comparison with the existing building on the site. Accordingly, when considering the siting and scale of the existing building, the proposed scheme better respects the scale and siting of surrounding development, especially that of no. 1/1A Hawthorne Avenue.

- 6.5.12 In terms of massing, the proposed Hawthorne Avenue elevation would include two steps. Specifically, this elevation would step down to 4 storeys from the corner element and would step down to 3 storeys, with a ground floor undercroft, adjacent no. 1 Hawthorne Avenue. In this context, the flat roof of the proposed new build would only extend marginally higher than the pitched roof of no. 1 Hawthorne Avenue. The proposed stepped nature of the building along this frontage is considered to provide articulation to the building elevation, while breaking up the overall massing of the building.
- 6.5.13 While it is acknowledged that the 5 storey maximum height and the 4 storey height along Hawthorne Avenue would exceed the maximum height of the surrounding area, given the corner location of the site within close proximity to the Kenton District Centre and also when considering the appropriate design of the proposal, the height and proportions of the new build are considered acceptable. The Inspector stated in his decision that "In this instance there is some merit in using the scale of the building to define the entrance to Kenton Road District Centre, which is a large commercial area which currently lacks a sense of arrival. On balance the concept of a landmark building is a sound one. The stepped approach to the height of the façade of the proposed building would also enable it to broadly relate to the scale and building lines of its immediate neighbours whilst being a feature at the corner between Kenton Road and Hawthorne Avenue"
- 6.5.14 Accordingly, while it is noted that concerns have been received in regards to the overall height and massing of the proposal, for the reasons discussed above, the scale and massing of the proposed building is considered to be proportionate to the site and surrounding scale of development, while establishing its own character in the urban environment.

#### Architecture

In terms of the overall appearance of the development, the proposed new build 6.5.15 would provide a composed and contemporary design, which centres on large steps within the building elevations and a prominent corner element, designed to address the junction at Hawthorne Avenue and Kenton Road. While the building lacks specific detailed design elements, the inset, stepped nature and recessed areas would break up the massing and provide an adequate level of articulation to the façades of the building. The depth of window reveals and recessed balconies would further articulate the relatively uncluttered appearance of the building by adding depth to the facades. While the arrangement of the window reveals and the stepped nature of the building all help delineate each of the proposed storeys, the use of vertical portrait shaped windows provide a degree of vertical emphasis to the proposal. Overall it is considered that the use of materials, the generous window pattern and use of recessed balconies, results in a coherent and legible facade to the building along Kenton Road and Hawthorne Avenue.

The Inspector agreed with this view in his decision letter stating "The fenestration lines of the appeal building would also respond to that of neighbouring properties, which would assist in integrating the scale of the appeal building with its neighbours. Hawthorn Avenue would enable the proposed building to respond to the transition from the urban character of Kenton Road to the suburban character and sale of development in Hawthorne Avenue. In this respect, the stepped approach, along with changes in facing materials, would ensure the building was not viewed as a single mass. It would also ensure the building would not appear discordant when viewed from Hawthorn Avenue when looking south towards the more urban character of Kenton Road."

- 6.5.16 Given the above it is considered that the proposal would not harm the character and appearance of the area.
- 6.6 Residential Amenity

Impact on Neighbouring Amenity

- 6.6.1 Policy 7.6 of The London Plan (2016) states that "Buildings and structures should not cause unacceptable harm to the amenity of the surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate".
- Policy DM 1 of the Harrow Development Management Polices Local Plan (2013) requires that: "All development and change of use proposals must achieve a high standard of privacy and amenity of neighbouring occupiers". "The assessment of the design and layout of proposals will have regard to: "the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers".
- 6.6.3 The proposed development would introduce 37 residential units to the application property. It is likely that up to a maximum of 114 people would occupy the proposed flats. Given the mixed character of the surrounding area and also the location of the site from Kenton district centre, it is considered that the proposed development would not unacceptably exacerbate any existing levels of noise and disturbance experienced within the area. In this respect, any potential amenity impacts of the proposed development would be limited to the scale and siting of the proposed building.
- 6.6.4 The applicant has submitted a Sunlight and Daylight Assessment which explores the potential impact of the proposed development upon the adjoining buildings. The following buildings were assessed:

  Kenton Court

  1/1a Hawthorne Avenue

  92/92a Hawthorne Avenue

## **Kenton Court**

- 6.6.5 Kenton Court is a three-storey residential development adjoining the northeastern boundary of the application site. The property is of a traditional design, with a pitched roof and front bay windows. The property includes an additional building fronting Elmwood Avenue and a car parking area at the rear, adjacent the north-eastern boundary of the application property.
- 6.6.6 As demonstrated on the site plan, the proposed building would not extend forward of the principle front building elevation of Kenton Court. The north-eastern projection of the proposed new build would also generally align with the rear elevation of this neighbouring property. In this respect, the proposed building would not intercept the 45 degree horizontal splay taken from the nearest corner of this neighbour to the main building. While it is noted that a small section of the proposed projecting roof terraces would marginally intersect the 45 degree splay, this would not result in a loss of light to this neighbour. It is also noted that Kenton Court includes three flank windows located approximately 6.3m from the flank elevation of the proposed building. The Daylight and Sunlight Assessment indicates that these windows serve bedrooms. Given the separation provided to these windows, the assessment confirms that the windows shows full adherence to the BRE guidelines.
- 6.6.7 In terms of outlook, it is noted that in addition to the 3 flank wall windows, Kenton Court includes rear facing bay windows. However, given the L-shape of the proposed building, which generally aligns with this neighbouring property and includes the bulk of the mass towards the corner of Kenton Road and Hawthorne Avenue, it is not considered that the proposed building would appear overly dominant when viewed from Kenton Court. Furthermore, given the current dilapidated appearance of Churchill Hall, the proposed new build is considered to represent a visual enhancement of the application premises.
- 6.6.8 In terms of overlooking, while it is acknowledged that the proposal would introduce flank wall windows and roof terraces facing this neighbouring property, no undue loss of privacy would occur. Specifically, the proposed flank elevation located approximately 4.7m from this neighbour would include obscured glazing to all residential windows. While flank wall windows to the proposed ground floor D1/D2 unit are proposed, these would overlook a blank flank wall. Furthermore, given the L-shape of the building, the north-western projection of the property and the proposed fourth floor would include windows and roof terraces facing Kenton Court. However, given the separation provided between these windows and the common boundary (approximately 27m) and also considering that this part of the building aligns with the car parking area of Kenton Court, no undue overlooking or loss of privacy would result. Furthermore, in order to reduce the potential for overlooking to this property, conditions of approval would require further information regarding the proposed screening to roof terrace and the treatment along the common boundary.

## 1/1a Hawthorne Avenue

- 6.6.9 The rear boundary of the site adjoins 1/1a Hawthorne Avenue, a two-storey semi-detached dwelling. Specifically, the property comprises two flats, No. 1 at ground floor and no.1a at first floor. At present, Churchill Hall extends approximately 1.5m from the common boundary with no.1/1a, at a height of 3 storeys. The existing building also extends approximately 1.5m forward of the front elevation of this neighbouring property
- 6.6.10 At ground floor, a proposed undercroft area, including refuse storage and vehicular access to the site, would be located approximately 0.8m from the common boundary with this neighbour. This part of the building would include a height of 3.0m and would align with the front elevation of the neighbouring property. The proposal would then extend to three-storeys (including ground floor undercroft) approximately 2.0m from this boundary. The rear elevation of this part of the building would generally align with the principle rear elevation of this neighbour.
- While the ground floor of the proposal would intersect the 45 degree splay when taken from the original rear corner of 1/1a Hawthorne Avenue, given the acceptable height of this part of the proposal (3.0m), no undue loss of amenity would occur. Furthermore, the proposed upper floors of the building would not intercept the 45 degree horizontal splay, with the exception of a small section of the proposed projecting roof terraces. This would not result in a loss of light to this neighbour. As detailed within the Daylight and Sunlight Assessment, the proposal represents light gains to the flank and rear facing windows at this property due to the reduced height and the proposed massing being relocated away from this common boundary. The report concludes that the flank windows at this property exceed the BRE guidelines. The Inspector stated "I am satisfied the appeal scheme would materially improve, rather than harm the living conditions of the occupants of No.1.

## 92/92a Kenton Road & Properties opposite on Kenton Road

- 6.6.12 No. 92 Hawthorne Avenue is a two-storey detached property located on the opposite site of Hawthorne Avenue. A distance of approximately 20 separates the proposed development from this property. Similarly, a distance of approximately 26m separates the upper floor residential units on the opposite side of Kenton Road. In this respect, no undue loss of amenity would occur.
- 6.6.13 While the proposal would have some impact on the visual amenity of surrounding properties, especially when considering the 5 storey height on the corner of Kenton Road and Hawthorne Avenue, given the acceptable design and appearance of the proposal, it is not considered that any undue loss of outlook would occur. The Inspector concluded "The outlook from No.92 would undoubtedly be altered in a significant way but the distance between the appeal building and No.92, of approximately 20m, would be sufficient to ensure the outlook was not harmfully dominated."

## Amenity of future occupiers

- 6.6.14 Policy DM 27 of the Harrow DMP LP (2013) states that: "Residential development proposals that provide appropriate amenity space will be supported. The appropriate form and amount of amenity space should be informed by
  - a. the location and dwelling mix;
  - b. the likely needs of future occupiers of the development;
  - c. the character and pattern of existing development in the area;
  - d. the need to safeguard the privacy and amenity of neighbouring occupiers; and
  - e. the quality of the space proposed including landscaping (see Policy DM22 Trees and Landscaping)."

#### Density, Unit Mix & Room Size

- 6.6.15 The application site area is 0.19 hectares and it has a public transport accessibility level (PTAL) score of 5 indicating a very good level of public transport accessibility. Within the definitions of the London Plan density matrix, the site is considered to have an urban setting. The proposal, taken as a whole, equates to a density of 194 units per hectare and of 542 habitable rooms per hectare. These densities fall within the overall matrix ranges for urban setting sites with PTAL 5, being between 70-260 units per hectare. However, as noted above, the matrix is only the starting point for considering the density of development proposals.
- 6.6.16 The following is a breakdown of the proposed housing mix across the scheme.

Unit Size	No. of Units (Total)	% of All Units
1 Bed (2 Person):	8	21.6%
2 Bed (3 Person):	17	45.9%
2 Bed (4 Person):	12	32.4%
Totals:	37	100%

6.6.17 All of the proposed residential units would be flats within the development. The table above demonstrates that there would be a satisfactory mix of housing types within the scheme. It is acknowledged that the proposed housing mix within the development includes a majority of two bedroom, 3 or 4 person units. Whilst it is acknowledged that the amount of units is significantly weighted to the lower occupancy levels, for a scheme of this scale and location, which is likely to be attractive to small family or professional groups, it is considered that the mix and size of units would be appropriate and would accord with development plan policies.

## Accessibility

6.6.18 The London Plan (2016) requires all new development in London to achieve the highest standards of accessibility and inclusive design as outlined under policy

- 7.2. Policy DM 2 of the Harrow DMLP (2013) seeks to ensure that buildings and public spaces are readily accessible to all.
- 6.6.19 While the above policies require compliance with Lifetime Home Standards, in October 2015 these standards were replaced by New National Standards which require 90% of homes to meet Building Regulation M4 (2)- 'accessible and adaptable dwellings".
- 6.6.20 The Design and Access Statement has confirmed that the common areas within the building, including the stairwells corridors and lobbies, will be designed to comply with Lifetime Homes and Wheelchair standards. Level access would be provided to the D1 unit and the residential properties. While objections have been received from surrounding residents in regards to the lack of wheelchair units provided, the applicant has indicated that all of the proposed flats would comply with Lifetime Homes Standards and would be wheelchair adaptable
- 6.6.21 While compliance with the Lifetime Homes Standards is acknowledged, a condition of approval is required to ensure that the proposed development would meet regulation M4 (2) of the building Regulations which would secure an appropriate standard for future occupiers and make the units accessible to all.
- 6.6.22 Accordingly, subject to compliance with this condition, it is considered that the proposed accommodation would be satisfactory and as such would comply with policy 3.5 of The London Plan (2015), standard 5.4.1 of the Housing SPG (2012).

## 6.7 Traffic Parking and Drainage

#### Traffic

- 6.7.1 This development is within a PTAL5 location. The site is within a reasonable walking distance of many local amenities including supermarkets, restaurants, retail outlets and primary schools. It is considered that for these reasons residents would be able to live comfortably here without the need for a personal car.
- 6.7.2 In support of the current planning application a Transport Statement has been submitted in an attempt to demonstrate that the proposed development would not unacceptably harm the safety and free flow of the public highway. An additional document has been prepared by EAS in response to the comments raised by the local residents and the objection raised by Brent Council. Specifically, Brent Council raised an objection on the grounds that the proposal would likely lead to excessive overspill on nearby streets within the remit of Brent Council, to the detriment of free and safe flow of traffic.
- 6.7.3 The proposed development would result in the demolition of the existing community hall and loss of the car parking area to the front of the site to make way for the new build. Two dropped kerbs on Hawthorne Avenue and Kenton Road serve the existing car parking area. It is proposed to provide 3 on-site parking spaces to the rear of the site to serve the 37 flats and the commercial

unit. It is proposed to relocate the current vehicular access on Hawthorne Avenue, approximately 40m from the junction with Kenton Road. The existing crossover on Kenton Road would be closed up. While the relocation of the crossover on Hawthorne Avenue is accepted in principle, this would be subject to approval from the Highways department following the grant of planning permission

- 6.7.4 The applicant has shown the provision of secure cycle storage (68 spaces) for the occupiers of the residential units in line with the requirements of the London Plan. 5 additional spaces have been provided for the D1 use at the front of the site. While the proposed locations of the cycle storage are considered to be acceptable, further details regarding the cycle shelter would be required by way of a condition of approval. The proposed provision of cycle parking is considered to support the London Plan's desire for achieving a model shift away from private car ownership.
- 6.7.5 A basement car park is proposed for 15 cars with access from a relocated access on Hawthorne Avenue away from the junction with Kenton Road. This additional provision is supported by Highways Authority and Transport for London. Notwithstanding this, it is considered necessary to restrict car parking permits for future occupiers to ensure that there would be no additional impact stress on the surrounding Controlled Parking Zones.

## **Drainage**

- 6.7.6 London Plan (2016) Policy 5.13 A states that development should utilise urban drainage systems, unless there are practical reasons for not doing so, and should aim to achieve Greenfield run-off rates. Core Strategy Policy CS 1 U requires development to be managed to reduce flood risk and increase resilience to flood events. Policy DM 10 A of the Development Management Policies Local Plan (2013) gives substantial weight to the achievement of Greenfield run-off rates and part B of the policy sets out the design and layout criteria for major development proposals.
- 6.7.7 The application site is located within a critical drainage area of Harrow. The Drainage Authority have raised no objection to the proposal subject to conditions which are recommended.

## 6.8 Sustainability

6.8.1 Paragraphs 96-98 of the NPPF relate to decentralised energy, renewable and low carbon energy. Chapter 5 of the London Plan contains a set of policies that require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions. Specifically, policy 5.2 sets out an energy hierarchy for assessing applications, as set out below

- 1) Be lean: use less energy
- 2) Be clean: supply energy efficiently3) Be green: use renewable energy
- 6.8.2 Policy 5.3 seeks to ensure that future developments meet the highest standards of sustainable design and construction, whilst policies 5.9-5.15 support climate change adaptation measures.
- 6.8.3 The applicant has submitted an Energy Statement, which details the likely energy demands of the proposed development and proposed a strategy to increase energy efficiency. The Energy Statement goes on to investigate measures to reduce the carbon emissions by 35%.
- 6.8.4 The energy strategy proposes a strategy that follows the energy hierarchy outlined in the London Plan, namely prioritising energy efficiency measures first, followed by 'clean' (low carbon) technologies and followed by 'green' technologies i.e. renewables. The proposal achieves compliance with the 2013 Building Regulations through energy efficiency / 'be lean' measures alone (achieving a 0.85% reduction below the 2013 Building Regulations 'Baseline'), which meets the requirements in the London Plan with respect to energy efficiency. The strategy proposes the installation of exhaust air heat pumps in each flat and Photovoltaic (PV) system on the roof of the development which could contribute to the overall reduction in Carbon Dioxide emissions of 35%. The energy strategy proposes to offset the remaining emissions (i.e. 27.3) tonnes of carbon) through a carbon offsetting payment based on the Mayor's rate of £1,800 per tonne (£60/tonne/year over 30 years); this is the rate used by the Council. At 27.3 tonnes to be offset, the zero carbon payment is £49.420. which would be secured by way of a S.106 obligation.
- 6.8.5 London Plan Policy 5.2 requires that whilst there is a mechanism for carbon offsetting payments, carbon reduction targets (including zero carbon) should be met on-site. The energy strategy suggests that there is scope for on-site renewables, but discounts this as 'the scheme has already achieved in excess of the 35% CO2 reduction no further onsite energy generation from renewable energy is required'. Consequently, before the energy strategy / condition can be discharged, the applicant should amend the strategy to incorporate the maximum amount of solar PV on-site that is possible on the site or is necessary to achieve carbon zero. Should carbon zero not be achievable on-site, any remaining emissions should be offset by way of an amended carbon offset payment, which is in accordance with paragraph 2.3.58 of the Mayors Housing SPG (March 2016).
- 6.8.6 It is therefore considered that subject to a condition requiring the recommendations within the Sustainability and Energy Statement reports to be implemented within the development, the proposal would accord with the policies listed above. Furthermore, an obligation with the S.106 shall also be agreed to capture the cash in lieu payment as detailed above. An obligation and conditions to capture this has been recommended.

# 7.0 CONCLUSION AND REASONS FOR APPROVAL

7.1 The proposed development would make a more efficient use of this previously developed site and would make a welcome contribution to the supply of new housing to the Council Housing Stock. It would accord with the Borough's spatial vision and strategy as set out in the Harrow Core Strategy. The development of the site is therefore considered to be acceptable in principle.

## **APPENDIX 1 : CONDITIONS AND INFORMATIVES**

# **Conditions**

# 1 <u>Timing</u>

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 Plans and documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Planning Statement; Daylight/Sunlight Assessment; Arboricultural Assessment; Tree Protection Plan; Energy and Sustainability Assessment; Transport Statement; SUDS and Drainage Statement; 1863 99; 1863 107 Revision F; 1863 108 Revision F; 1863 109 Revision F; 1863 300; 1863 301; 1863 302; 1863 303; 1863 304; 1863 305; 1863 306:

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

# 3 <u>Drainage 1</u>

The development hereby permitted shall not commence until details of the works for the disposal of sewage to be provided on site have been submitted to, and agreed in writing by, the local planning authority. The development shall be carried out in accordance with the works so agreed and the works shall thereafter be retained.

Reason: To ensure that there is adequate waste water infrastructure in place to serve the development and to ensure the separation of surface and foul water systems, in accordance with Policy 5.14 B of the London Plan (2016) and Policy DM 10 B of the Development Management Policies Local Plan (2013). To ensure that the works are agreed in time to be incorporated into the development, this is a **PRE-COMMENCEMENT** condition.

#### 4 Drainage 2

The development hereby permitted shall not commence until details for the works for the attenuation, storage and disposal of surface water to be provided on site have been submitted to, and agreed in writing by, the local planning authority. The development shall be carried out in accordance with the works so agreed and the works shall thereafter be retained.

Reason: To ensure that the development incorporates sustainable drainage systems and achieves greenfield run-off rates, and to ensure the separation of

surface and foul water systems, in accordance with Policy 5.13 A of the London Plan (2016) and Policy DM 10 A & B of the Development Management Policies Local Plan (2013). To ensure that the works are agreed in time to be incorporated into the development, this is a **PRE-COMMENCEMENT** condition.

#### 5 D1 Use

Notwithstanding the approved drawings, the 290sqm ground floor unit, fronting Kenton Road, shall only be used for the following purposes without the prior written approval of the local planning authority; Use Class D1 (Clinics, Health Centres, Museums, Public Libraries, Art Gallery, Law Court); and/or D2 (Gymnasium) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

REASON: To protect the amenity of future and existing residential occupiers, and to protect the use of the ground floor of the approved development as commercial floor space in accordance with policies DM1 and DM31 of the Harrow Development Management Policies Local Plan (2013).

### 6 Landscaping 1

Notwithstanding the approved plans, a landscape management plan, including species numbers/locations, long term design objectives, management responsibilities and maintenance schedules for all communal landscape areas shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved. Details are required prior to occupation to ensure a satisfactory form of development.

Reason: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policy DM22 of The Development Management Policies Local Plan 2013. Details are required PRIOR TO THE OCCUPATION to ensure a satisfactory form of development and avoid potentially unenforceable conditions.

# 7 Landscape 2

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first 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 ensure that the development maintains appropriate provision for soft landscaping soft landscaping details (including planting appropriate to biodiversity enhancement), in accordance with Policies DM 1 A & B, DM 21 A

and DM 22 B of the Development Management Policies Local Plan (2013).

#### 8 Materials

The development hereby approved shall not progress beyond damp proof course level until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and agreed in writing by, the local planning authority:

- a. the buildings;
- b. the ground surfacing; and
- c. the boundary treatment.

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

Reason: To ensure that the development achieves a high standard of design and layout and to ensure that the ground surfacing materials are permeable in accordance with Policy DM 1 A & B and DM 10 B of the Harrow Development Management Policies Local Plan (2013).

#### 9 Refuse

Notwithstanding the approved plans, the development hereby approved shall not progress beyond damp proof course level until further details relating to the bin storage capacity as shown on the approved plans and the suitability of the approved units has 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 shall thereafter be retained.

Reason: To ensure that means of enclosure of the bin store achieve a high standard of design and layout, having regard to the character and appearance of the area, and that the development achieves a high standard of amenity for neighbouring occupiers of the site and future occupiers of the development, in accordance with Policy DM 1 A & B and C & D of the Harrow Development Management Policies Local Plan (2013).

#### 10 Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement & Logistics Plan has been submitted to, and approved in writing by, the local planning authority. The Method Statement shall provide for:

- a) detailed timeline for the phases and implementation of the development
- b) demolition method statement
- c) the parking of vehicles of site operatives and visitors;
- d) loading and unloading of plant and materials;
- e) storage of plant and materials used in constructing the development;
- f) measures to control the emission of dust and dirt during construction; and
- g) scheme for recycling/disposing of waste resulting from demolition and construction works.

The development shall be carried out in accordance with the approved Method Statement & 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, in accordance with Policy DM1 of the Local Plan, and to ensure that development does not adversely affect safety on the transport network in accordance with Policy 6.3 of the London Plan and Policy DM43 of the Local Plan.

Details are required PRIOR TO COMMENCEMENT OF DEVELOPMENT to ensure a satisfactory form of development.

# 11 Accessible Homes

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 and thereafter retained in that form.

REASON: To ensure that the development is capable of meeting 'Accessible and Adaptable Dwellings' standards in accordance with policies 3.5 and 3.8 of The London Plan 2015, policy CS1.K of The Harrow Core Strategy 2012 and policies DM1 and DM2 of the Development Management Policies Local Plan 2013.

# 12 <u>Levels</u>

No site works or development 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 agreed in writing by the local planning authority. 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 in accordance with Policies DM1 and DM42 of the Harrow Development Management Policies Local Plan (2013). Details are required PRIOR TO THE COMMENCEMENT OF DEVELOPMENT to ensure a satisfactory form of development and avoid potentially unenforceable conditions.

#### 13 Secure By Design

Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the development shall be installed in accordance with details to be submitted to and agreed in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant design guides published on the Secured by Design website: http://www.securedbydesign.com/guides/index.aspx.

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

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, in accordance with Policy DM2 of the Harrow Development Management Plan (2013), and Section 17 of the Crime & Disorder Act 1998.

### 14 Energy

The development hereby permitted shall be constructed and operated in accordance with the details contained with the approved Energy Statement.

REASON: To ensure that the development makes appropriate provision for the minimisation of carbon dioxide emissions in accordance with Policy 5.2 of the London Plan (2015) and policy DM12 of the Harrow Development Management Policies (2013).

## **Informatives**

#### 1 Policies

The following policies are relevant to this decision:

National Planning Policy Framework (2012) (NPPF)

## The London Plan (2016):

- 3.3 Increasing Housing Supply
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.21 Trees and Woodlands

#### **Harrow Core Strategy 2012**

Core Policy CS 1 – Overarching Policy Objectives

Core Policy CS4 – South Harrow

#### Harrow Development Management Polices Local Plan (2013)

- Policy DM 1 Achieving a High Standard of Development
- Policy DM 2 Achieving Lifetime Neighbourhoods
- Policy DM 10 On Site Water Management and Surface Water Attenuation
- Policy DM 12 Sustainable Design and Layout
- Policy DM 14 Renewable Energy Technology
- Policy DM 18 Open Space
- Policy DM 20 Protection of Biodiversity and Access to Nature
- Policy DM 21 Enhancement of Biodiversity and Access to Nature
- Policy DM 22 Trees and Landscaping
- Policy DM 23 Streetside Greenness and Forecourt Greenery
- Policy DM 24 Housing Mix
- Policy DM 27 Amenity Space
- Policy DM 42 Parking Standards
- Policy DM 44 Servicing
- Policy DM 45 Waste Management

#### **Relevant Supplementary Documents**

Supplementary Planning Document – Residential Design Guide (2010)

Mayor Of London, Housing Supplementary Planning Guidance (2016) Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)

### 2 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.

#### 3 Party Wall Act

#### 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

#### 4 Compliance With Conditions

IMPORTANT: 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.

# 5 <u>Pre-application Engagement</u>

Statement under Article 31 (1) (cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended). 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.

#### 6 GLA CIL

Please be advised that approval of this application, (by PINS if allowed on Appeal following the Refusal by Harrow Council), attracts a liability payment of £94.045.00 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

Your proposal is subject to a CIL Liability Notice indicating a levy of £94,045.00 for the application, based on the levy rate for Harrow of £35/sqm and the stated floorspace of 2,687 sqm

You are advised to visit the planning portal website where you can download the appropriate document templates.

http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

#### 7 Local CIL

Harrow has a Community Infrastructure Levy which will apply Borough wide for certain uses of over 100sqm gross internal floor space. The CIL has been examined by the Planning Inspectorate and found to be legally compliant. It will be charged from the 1st October 2013. Any planning application determined after this date will be charged accordingly.

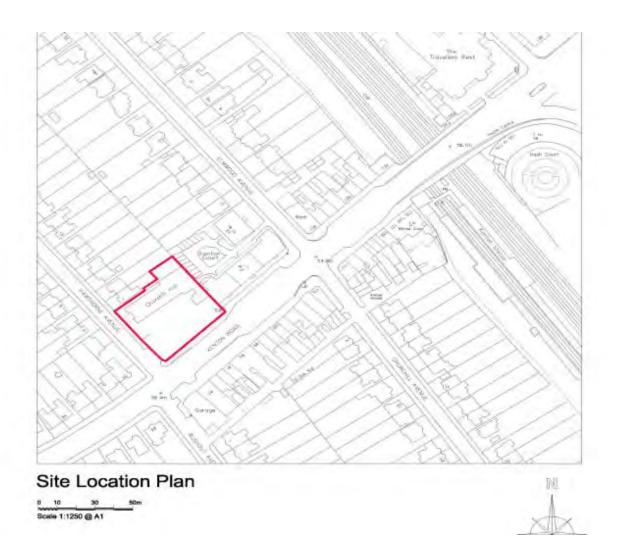
Harrow's Charges are:

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 Harrow CIL Liability for this development is: £295,570.00

# **APPENDIX 2 : SITE PLAN**



# **APPENDIX 3 : SITE PHOTOGRAPHS**

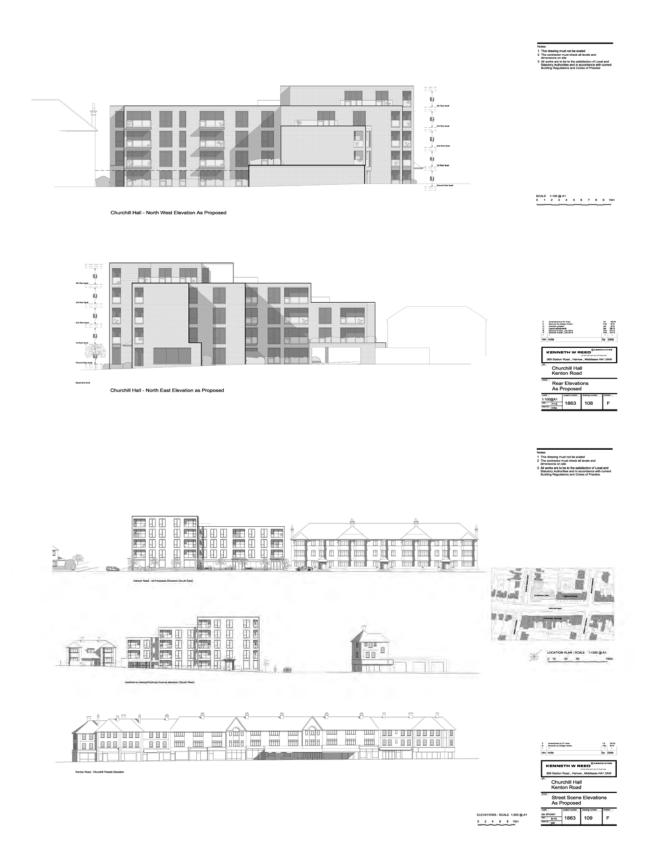


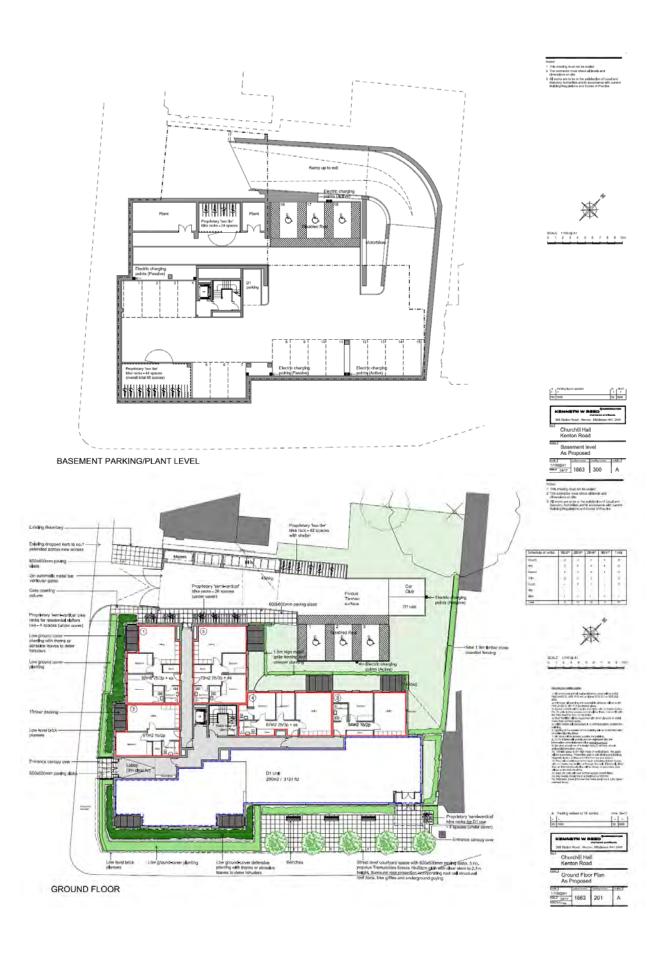




# **APPENDIX 4: PLANS AND ELEVATIONS**

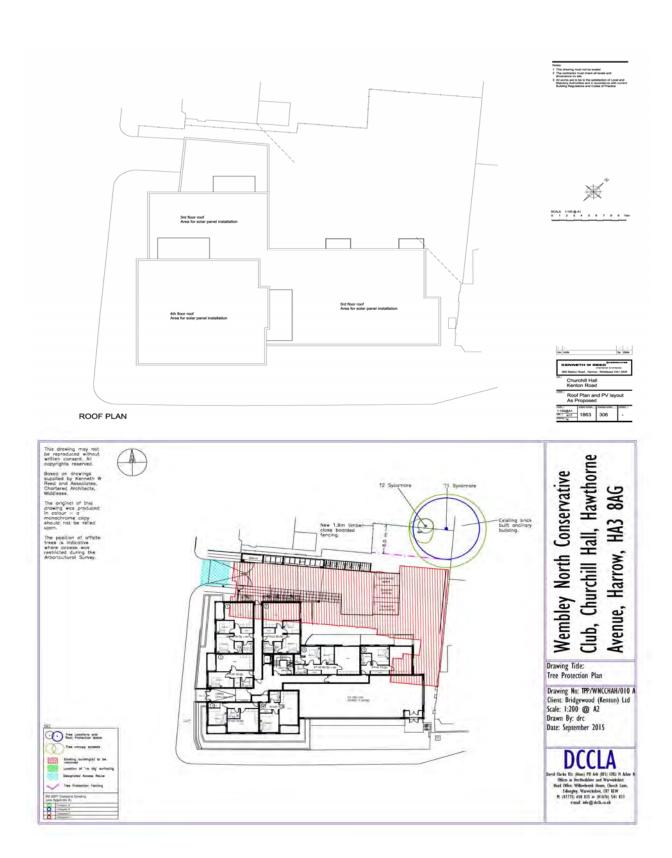












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