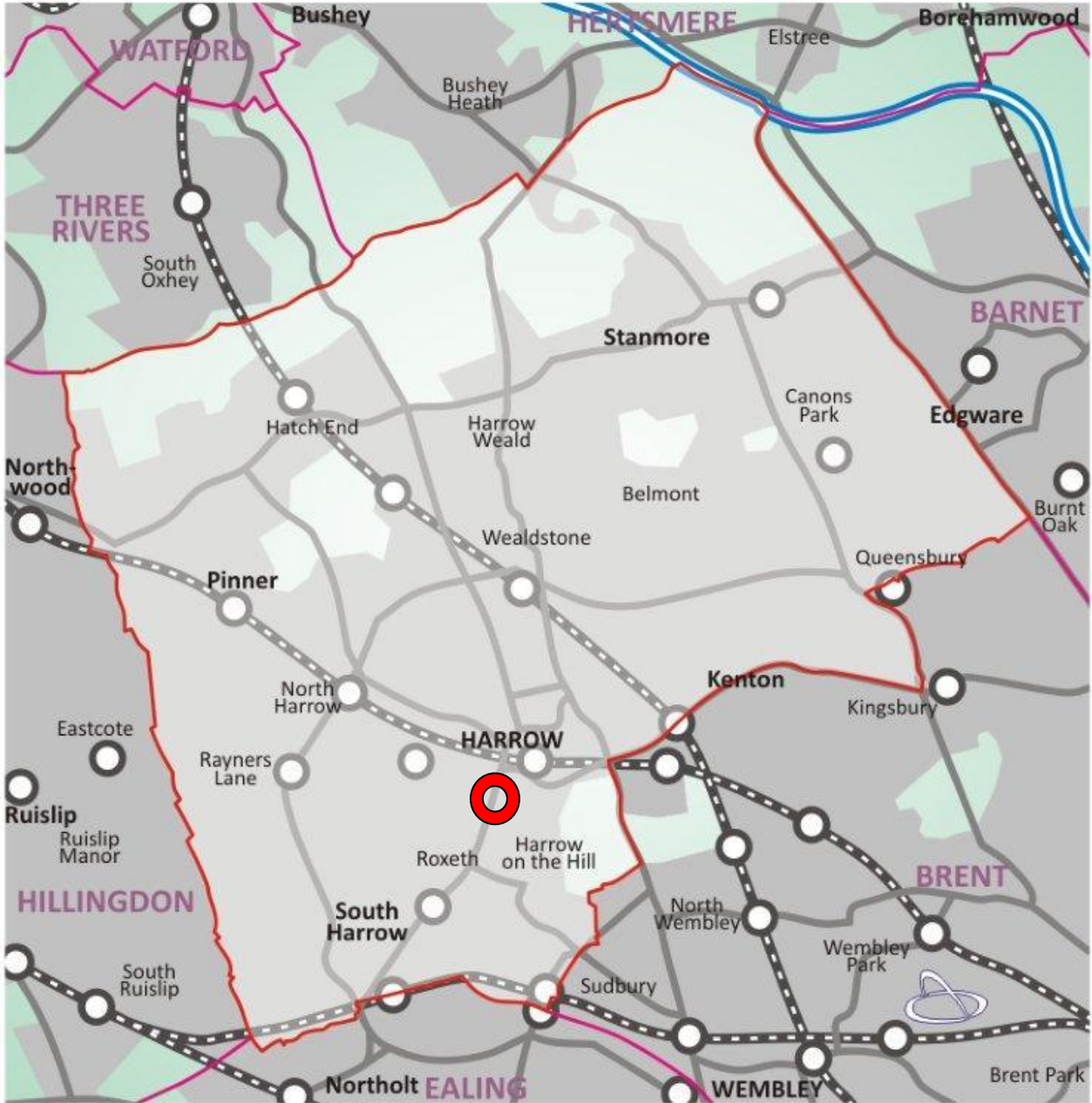
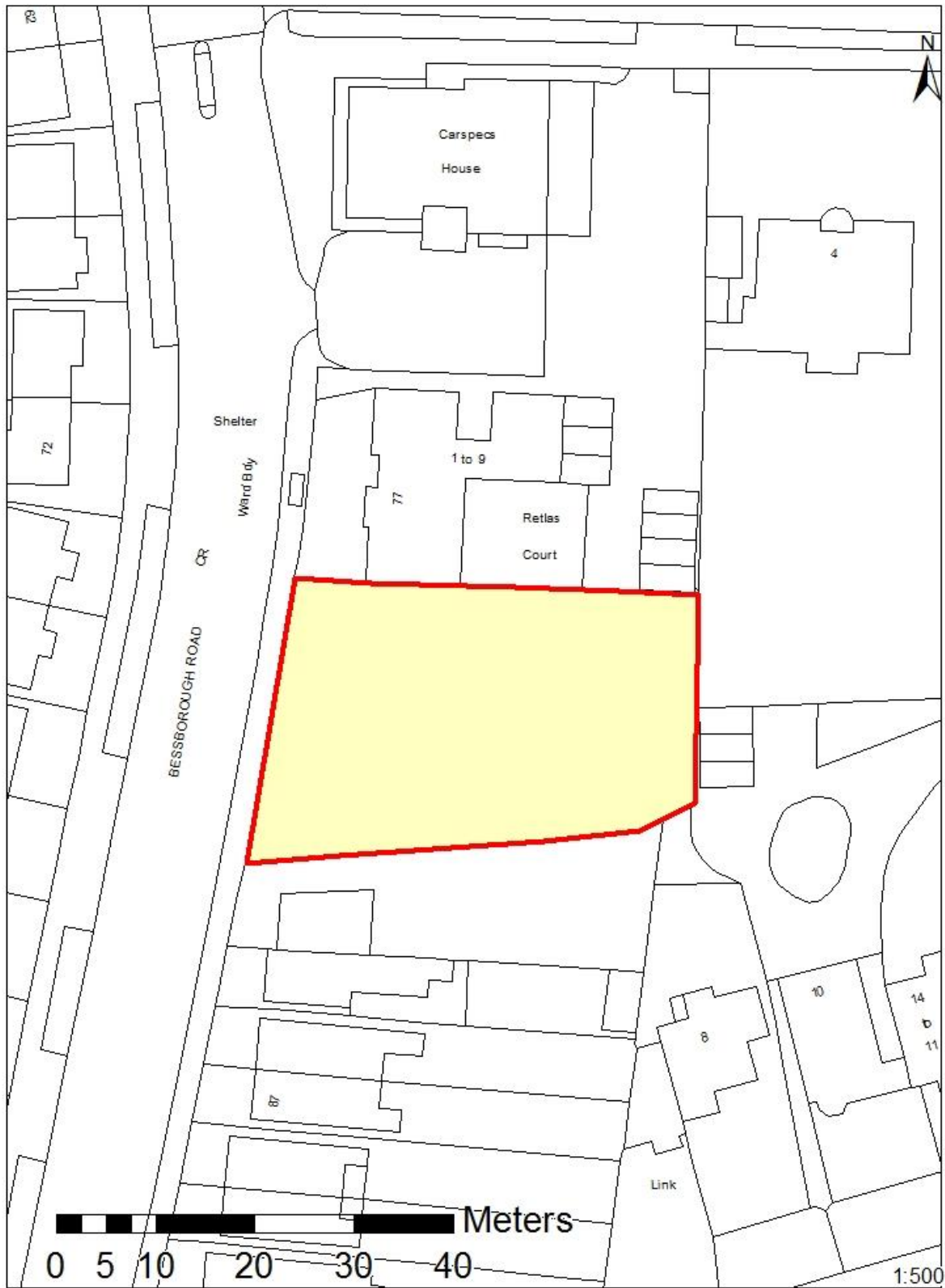


 = application site



79 Bessborough Road Harrow	P/5186/16
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79 Bessborough Road



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LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

21st February 2018

APPLICATION NUMBER: P/5128/17
VALIDATE DATE: 20/11/2017
LOCATION: 79 BESSBOROUGH ROAD, HARROW
WARD: HARROW ON THE HILL
POSTCODE: HA1 3DB
APPLICANT: MR ERIC GADSDEN
AGENT: W.J. MACLEOD
CASE OFFICER: GRAHAM MANSFIELD
EXPIRY DATE: 12/01/2018

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 a three storey building accommodating Nine Flats; New Access; Parking; Landscaping; Cycle and Bin Stores

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 RECOMMENDATIONS

The proposed scheme seeks to provide 9 residential units. The proposed residential units would contribute to a strategically important part of the housing stock of the Borough, in accordance with paragraph 3.55 of the London Plan (2016). Furthermore, the proposed development would improve the visual amenity of the site and surrounding area and would have a satisfactory impact on the character of the area, the amenities of existing neighbouring occupiers and future occupiers of the development.

INFORMATION

This application is reported to Planning Committee as the proposed development creates more than two residential units and therefore falls outside Schedule 1 of the Scheme of Delegation.

Statutory Return Type: Minor
Council Interest: None
GLA Community £31,150.00

Infrastructure Levy (CIL)
Contribution (provisional):
Local CIL requirement: £97,900.00

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 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.

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	79 Bessborough Road, Harrow, HA1 3DB
Applicant	Mr Eric Gadsden
Ward	Harrow on the Hill
Local Plan allocation	N/A
Conservation Area	Adjacent to Roxborough & The Grove
Listed Building	N/A
Setting of Listed Building	N/A
Building of Local Interest	N/A
Tree Preservation Order	None
Other	N/A

Housing		
Density	Proposed Density hr/ha	300
	Proposed Density u/ph	81
	PTAL	5
	London Plan Density Range	55-225
Dwelling Mix	Studio (no. / %)	0
	1 bed (no. / %)	0
	2 bed (no. / %)	100%
	3 bed (no. / %)	0
	4 bed (no. / %)	0
	Overall % of Affordable Housing	N/A
	Comply with London Housing SPG?	Yes
	Comply with M4(2) of Building Regulations?	Condition attached

Transportation		
Car parking	No. Existing Car Parking spaces	N/A
	No. Proposed Car Parking spaces	9
	Proposed Parking Ratio	1:1
Cycle Parking	No. Existing Cycle Parking spaces	N/A
	No. Proposed Cycle Parking spaces	18
	Cycle Parking Ratio	1:2
Public Transport	PTAL Rating	5
	Closest Rail Station / Distance (m)	Harrow on the Hill Station (695m) Metropolitan Line & Chiltern Railway Services
	Bus Routes	Roxborough Avenue Bus Stop; H10 & 395 Lascalles Avenue Bus Stop; 140 (24hrs) 114 (24hrs); H11
Parking Controls	Controlled Parking Zone?	Yes
	CPZ Hours	11-12pm
	Previous CPZ Consultation (if not in a CPZ)	N/A
	Other on-street controls	N/A
Parking Stress	Area/streets of parking stress survey	N/A
	Dates/times of parking stress survey	N/A
	Summary of results of survey	N/A
Refuse/Recycling Collection	Summary of proposed refuse/recycling strategy	Purpose built bin storage to rear

Sustainability / Energy	
BREEAM Rating	N/A
Development complies with Part L 2013?	Condition Added
Renewable Energy Source / %	N/A

PART 2: Assessment

1.0 SITE DESCRIPTION

- 1.1 The application comprises of a site located on the west side of Bessborough Road.
- 1.2 The current site contains a part two/three storey Victorian brick built building which was last used as a hostel for adults with learning difficulties.
- 1.3 The building has been vacant for a number of years and has suffered from significant fire damage. As such, the building is currently in a state of dilapidation
- 1.4 The surrounding area is predominately residential and is characterised by buildings with varied designs and styles.
- 1.5 The adjacent building to the north is a 1970's style purpose built flatted development known as Retlas Court.
- 1.6 To the south of the site (No. 81 Bessborough Road) is a Victorian two storey end of terrace dwellinghouse.
- 1.7 The rear garden of the application site adjoins properties in Roxborough Avenue which is located in the Roxborough and the Grove Conservation Area.
- 1.8 There are no protected trees on site. However, a number of significant trees are located close to the rear boundary within the adjacent conservation area.
- 1.9 The application site is located in area with good transport links and as such has a PTAL rating of 5.
- 1.10 The site is not located in a critical drainage area of Harrow. There are no other constraints on site.

2.0 PROPOSAL

- 2.1 It is proposed to demolish the existing building and erect a three storey building which would accommodate nine flats.
- 2.2 The proposed building would align with the adjacent flats at Retlas Court (to the north) and would have a separation distance of 2.0m from this property. The proposed building would be approx. 21.0m in width and feature two stepped projections which would follow the staggered building line to the south.
- 2.3 The proposed three storey building would have a maximum depth of 16.8m with a number of stepped features towards the rear.

- 2.4 The proposed building would feature two projecting gabled features which would provide external balconies serving as amenity space for the flats
- 2.6 The proposed three storey building would be a maximum height of approximately 11.5m with an eaves height of 8.4m.
- 2.7 The proposed building would be finished in brick, reflecting the local architectural vernacular of the area.
- 2.8 Cycle storage would be provided at the rear together with a soft landscaped area which would provide shared amenity space. Refuse storage would be located to the side of the building.
- 2.9 Car parking for 9 spaces would be provided to the front and rear of the proposed development.

3.0 RELEVANT PLANNING HISTORY

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

Ref no.	Description	Status and date of decision
P/0496/07	Use As A Close Care Home; Ground Floor Infill Rear, First Floor Side To Rear, And First And Second Floor Rear Extensions; External Alterations; Rear Patios	Refused: 1804/2007 Reasons For Refusal
P/0351/10	Redevelopment to Provide Part Three and Part Four Storey 30 Bed Residential Care Home with Part Basement and Parking for 5 Vehicles; Demolition of Existing Disused Care Home Building	Granted: 20/07/2010
P/1784/13	Extension of Time to Planning Permission P/0351/10 dated 16/07/2016 for Redevelopment to Provide Part Three and Part Four Storey 30 Bed Residential Care Home with Part Basement and Parking for 5 Vehicles; Demolition of Existing Disused Care	Granted: 30/09/2013

	Home Building	
P/0456/16	Redevelopment to provide a part three part four storey building for fourteen flats with new access, parking, landscaping and bin/cycle storage	<p>Refused: 15/09/2016</p> <p>Reasons For Refusal:</p> <ol style="list-style-type: none"> <i>1. The proposal fails to provide the maximum reasonable level of affordable housing to the Borough's housing stock. 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).</i> <i>2. The proposed development, by reason of its forward projecting building line, chamfered rear elevation and prominent overhanging roof form would give rise to a form of development which would be disproportionate, incongruous and contrived in appearance and overly dominant. The proposed development would appear visually obtrusive and overbearing to the detriment of the character and appearance of the streetscene, and the visual amenities of the area. The proposed scheme would therefore fail to accord with the design aspirations of the National Planning policy Framework (2012), policies 7.4 and 7.6 of The London Plan (2016), core policy</i>

		<p><i>CS1B of Harrow Core Strategy (2012), policies DM1 and DM7 of the Harrow Development Management Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).</i></p> <p><i>3. The proposed development, by reason of the proliferation of the car parking at the rear would introduce an unacceptable balance between hard and soft landscaping within the rear garden area therefore failing to provide a high quality development or provision of useable outdoor amenity space for future occupiers of the development. The development therefore fails to accord with London Plan (2016) policies 7.4, and 7.6, policies DM1 and DM27 of the Harrow Development Management Plan (2013) and the Residential Design Guide SPD (2010).</i></p>
APP/5450/W/17/3 169285	Appeal of above	Dismissed: 31/08/17

4.0 CONSULTATION

- 4.1 An advert was entered in the Harrow Times on 23rd November 2017 and a site notice erected on 27th November 2017.
- 4.2 4.2 A total of 21 consultation letters were sent to neighbouring properties regarding this application.
- 4.3 The overall public consultation period expired on 18th December 2017.

4.4 Adjoining Properties

Number of letters Sent	21
Number of Responses Received	0
Number in Support	0
Number of Objections	0
Number of other Representations (neither objecting or supporting)	0

4.5 No objections were received from adjoining residents.

4.6 Statutory and Non Statutory Consultation

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

Consultee	Summary of Comments	Officer Comments
LBH Conservation Officer	<p>The proposal is in the setting of the Roxborough Park and the Grove Conservation area and the setting of the locally listed 4, 8, 10 and 11 Roxborough Avenue which are in the conservation area.</p> <p>As per the appeal decision for application reference P/0456/16/ and paragraph 16 of that appeal decision, this proposal would have barely any perceptible impact on the Roxborough Park and the Grove Conservation Area whose special interest is outlined in this paragraph of the appeal. The proposal would then preserve the setting of this conservation area subject to appropriate details and materials to preserve the quality of design in the area that helps to preserve the setting of the conservation area.</p>	Noted, condition attached in regards to materials
LBH Tree Protection Officer	The tree protection plan and method statement submitted are acceptable	Noted; condition attached

	Provided these are implemented exactly in accordance with the details provided, there should be no adverse impact on retained trees.	
LBH Waste	No Comments received.	Noted.
LBH Planning Policy	I think it would be ok, and more likely to be in line with the surroundings. However, as their Design & Access Statement states, this is a highly sustainable area – and if it has a high PTAL, I'd be asking for a revised landscaping plan and a reduction in the amount of car parking spaces. 1 in 1 is too high for this location.	Noted; Parking provision was deemed acceptable under reference P/0456/16. The Inspector on the subsequent appeal deemed the landscaping as satisfactory.
LBH Drainage	No Objections, subject to conditions.	Noted; condition attached.
LBH Highways	79 Bessborough Road is a suburban property, despite its very close proximity to Harrow on the Hill town centre. The PTAL of 5 is very good, yet it is located outside the intensification area. Based on the above, and on the recommendation of the London plan, the provision of 9 parking spaces for 9 dwellings is suitable. The provision of the 18 cycle parking is also suitable and the bin area is accessible.	Noted
LBH Landscape Architect	No Comments Received	Noted
Thames Water	No Comments Received	Noted
Environment Agency	No Comments Received	Noted
Harrow Hill Trust	No Comments Received	Noted

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.

5.3 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].

5.4 While this application has been principally considered against the adopted London Plan (2016) policies, some regard has also been given to relevant policies in the Draft London Plan (2017), as this will eventually replace the current London Plan (2015) when adopted and forms part of the development plan for the Borough.

5.5 The document has been published in draft form in December 2017. Currently, the Mayor of London is seeking representations from interested parties/stakeholders, before the draft Plan is sent to the Secretary of State for Examination in Public, which is not expected to take place until the summer of 2019. Given that that the draft Plan is still in the initial stages of the formal process it holds very limited weight in the determination of planning applications.

5.6 Notwithstanding the above, the Draft London Plan (2017) remains a material planning consideration, with relevant policies referenced within the report below and a summary within Informative 1.

6.0 ASSESSMENT

6.1 The main issues are;

Principle of the Development
Regeneration
Character of the Area
Residential Amenity for Future Occupiers
Residential Amenity (Neighbouring Residents)
Traffic and Parking
Drainage

Trees

6.2 Principle of Development

- 6.2.1 The proposed development results in the demolition of the existing building on site. The lawful use of the existing building as a hostel for adults with learning difficulties was established in 1978 within planning permission LBH/9242 (Class C2). While permission has since been granted for the use of the site as a residential care home, this permission has not been implemented.
- 6.2.2 The proposed redevelopment of the site is therefore required to be assessed against Policy DM 47: Retention of Existing Community, Sport and Education Facilities of the Development Management Policies Document 2013.
- 6.2.3 The property on the application site has been in a state of dereliction for a number of years following a building fire. The principle of the development was established under the previously refused permission P/0456/16 that the long term vacancy of the application site would justify the need that there is no longer a need for the former facility.
- 6.2.4 Accordingly, the proposed scheme for providing residential accommodation is considered to contribute to the overall housing need of the borough and be in conformity with the Government's objectives of planning for growth and presumption towards sustainable development as outlined within the NPPF. The proposal to introduce residential units at the site is considered acceptable in principle, subject to compliance with the relevant development plan policies and supplementary planning guidance which seeks to provide high quality residential development.

Regeneration

- 6.2.5 The proposed development would allow the development of a vacant site which would generate additional housing stock within the Borough. Furthermore, the regeneration of the redundant site would improve the visual amenity and character of the surrounding area. A number of jobs will also be created during the construction phase of the development.
- 6.2.6 Given the above, the principle of the loss of the C2 use of the site is accepted and a fully residential scheme is acceptable in this instance.

6.2.7 Affordable Housing

The proposal to introduce 9 residential units to the site would be below the 10 unit threshold and as such would not trigger the requirement to provide any element of affordable housing.

6.2.8 Housing Mix

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 development proposed here would contribute towards the housing stock and increase the choice of housing in the Borough and the opportunity area and would therefore find some support in policies 3.5 and 3.8 of The London Plan (2016).

- 6.2.9 London Plan and Local Plan policies on housing development must be viewed in the context of the forecast growth across London and Harrow's spatial strategy for managing growth locally over the plan period to 2026. The proposal's 9 home contribution to housing supply ensures that this site makes an appropriate contribution to the Borough's housing need over the plan period to 2026.
- 6.2.10 The application site area is 0.11 hectares and it has a public transport accessibility level (PTAL) score of 5 indicating a good level of public transport accessibility. Within the definitions of the London Plan density matrix, the site is considered to have a suburban setting. The proposal, taken as a whole, equates to a density of 81 units per hectare and of 300 habitable rooms per hectare. The densities fall well above the overall matrix ranges for a suburban setting sites with a PTAL 5. However, as noted above, the matrix is only the starting point for considering the density of development proposals.
- 6.2.11 The site is constrained in terms of the position of neighbouring buildings and conservation area to the rear. The original scheme did seek permission for 14 units and therefore a higher density, but as outlined in the previously refused permission P/0456/16 and the subsequent dismissed appeal there were concerns regarding the proposed height and building line. The current scheme has now been amended in attempt to address these concerns.
- 6.2.12 Notwithstanding the above, it is considered that the number of units for the site would be appropriate for this location and further the proposal would comply with the other material considerations and these are discussed further in the report below.

6.3 Character of the Area

- 6.3.1 Policy 7.4 (B) of the London Plan requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass.
- 6.3.2 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.
- 6.3.3 The current application has been amended in terms of scale, mass and design following the previous refusal issued under planning reference P/0456/16 and the subsequent dismissed appeal.

6.3.4 The proposal would preserve the character and appearance of the adjoining conservation area to the rear.

6.3.5 Scale and Siting

The current scheme has been amended to address the relationship to Retlas Court, located to the north of the site. The siting of a building is considered to be an important design principle that the building line within the streetscene is respected, in order to ensure that the new build would sit within the streetscene in a satisfactory manner and to maintain the existing relationship between the application site and Retlas Court.

6.3.6 The proposed building would now sit consistently with the front elevation of Retlas Court and would provide a greater separation distance of 2.0m to the common boundary with this property. In this regard, it is considered that the current proposal addresses previous concerns in relationship between Retlas Court in terms of building line.

6.3.7 In terms of the relationship with 81 Bessborough Road. It is noted that no. 81 Bessborough already sits forward of the existing building and therefore the separation gap between no. 81 Bessborough Road and the forward siting of proposed development would maintain the existing building line relationship between the application site and no. 81.

6.3.8 Whilst the previously refused scheme under P/0456/16 raised no objection in terms of the scale of the proposed building, it was considered that the proposed fourth floor with over-sailing roof detail would appear obtrusive in the streetscene, in conjunction with the forward projecting building line adjacent to Retlas Court.

6.3.9 The proposed building has been amended in both height and design and would now feature pitched roofs at largely the same level of that at Retlas Court. In this regard, it is considered that the current application would overcome the previous concerns highlighted under planning reference P/0456/16 and those stated in the Inspectors decision dated 31st August 2017.

6.3.10 Architecture

The proposed building would be three stories in height with pitched roofs. The revised proposal would adopt a traditional approach to design, in keeping with the characteristics of the locality. Sufficient articulation to the facades would be introduced through the steps in the building line and projecting front gables. Whilst the elevations lack a high level of detailed design, the revised proposal is considered to result in clear and coherent facades, which would not appear overcomplicated, or detract from the appearance of the building.

6.3.11 In terms of materiality, the proposal would incorporate dark red roof tiles and red multi bricks, appropriately reflecting the character of the surrounding area. The applicant has indicated that the use of stone window surrounds and glass balustrades to balconies would provide a contemporary element to the more

traditional design approach. In order to assess the success of this design rationale, further detail would be required by way of a condition regarding materials. Furthermore, whilst glass balustrade is generally not the preferred material to screen balconies. Notwithstanding this, the final materials would be agreed by way of planning condition.

6.3.12 Overall it is considered that the revised design and architecture for the proposed building would be acceptable and in keeping with the character of the surrounding area. Notwithstanding the above, a condition has been attached to the permission requiring the submission of sample details of all building materials for the proposed development.

6.3.13 Layout and Landscaping

The existing site is predominately hardsurfaced to the front. The proposed development offers the opportunity to provide some meaningful landscaping across the site. This would include both hard and soft landscaping.

6.3.14 The previously refused scheme under P/0456/16 highlighted concerns regarding the proposed soft landscaping to the rear. In particular the hardstanding and car parking provision located within the rear garden was considered at odds with the prevailing pattern of development, insofar as providing car parking and excessive hardstanding within the rear garden of sites.

6.3.15 However, within the subsequent dismissed appeal the Planning Inspector found the amenity space and landscaping to be acceptable. The inspector states *'the area to the rear would be laid out with parking, shrub and tree planting. The landscaping would provide a visually attractive setting for the building and parking.'* The inspector goes on to say *'Dwellings with rear gardens are a characteristic feature of the locality but there would virtually be no public views of the area to the rear of the proposed building. I find that the absence of a communal sitting out space and the balance between landscaping and parking would not be harmful to the amenities of the development or the character and appearance of the locality, and I find no conflict with Harrow Development Plan (2013) (DMP) Policy DM 27 for Amenity Space'.*

6.4.16 The proposed landscaping would be virtually identical in terms of layout to the refused scheme under P/0456/16. Taking on board the comments of the planning inspector the proposed landscaping would be considered satisfactory. However, a condition has been attached requiring details to be submitted in relation to the landscaping details for the site.

6.4.17 Notwithstanding the above, the proposed landscaping at the rear has been increased since the previous scheme due to the fact that the number of flats has been reduced and therefore reduces the car parking and hardsurfacing to the rear.

6.5 Residential Amenity for Future Occupiers

- 6.5.1 London Plan Policy 3.5 *Quality and Design of Housing Developments* sets out a range of criteria for achieving good quality residential development. Part B of the policy deals with residential development at the neighbourhood scale; Part C addresses quality issues at the level of the individual dwelling.
- 6.5.2 Implementation of the policy is amplified by provisions within the Mayor's Housing SPG (2016). The amplification is extremely comprehensive and overlaps significantly with matters that are dealt with separately elsewhere in this report, particularly Lifetime Neighbourhoods. In response to a request for clarification about the detail internal arrangements of the proposed flats and houses the applicant has advised that the development has been designed to accord with the London Housing Design Guide. Furthermore, the Housing Standards Minor Alterations to the London Plan have now been adopted as at March 2016. Where relevant these are addressed in the appraisal below.
- 6.5.3 It is noted an objection received states that the flats would all be one bedroom. This is incorrect as can be seen from the following breakdown:

Ground floor:

Flat	Type	Area (sq m)
1	2 bedroom, 3 persons	84
2	2 bedroom, 3 persons	83.6
3	2 bedroom, 3 persons	90.7

First floor:

Flat	Type	Area (sq m)
4	2 bedroom, 3 persons	84
5	2 bedroom, 3 persons	83.6
6	2 bedroom, 3 persons	90.7

Second Floor:

Flat	Type	Area (sq m)
7	2 bedroom, 3 persons	84
8	2 bedroom, 3 persons	83.6
9	2 bedroom, 3 persons	90.7

- 6.5.4 The proposed flats in all instances exceed the required GIA for the respective occupancy levels. Furthermore, the majority of the units demonstrate that a level of dedicated storage space for future occupiers which would accord with the minimum requirements for their respective occupancy levels. The proposed units are therefore considered to provide an adequate level of accommodation for future occupiers that would not be cramped or contrived.

- 6.5.5 The London Plan Housing Standards (March 2016) calls for a minimum floor to ceiling height of 2.5 metres across 75% of the GIA of a dwelling. The proposed sections indicate that the proposal would achieve a floor to ceiling height of 2.5m. The proposed layouts are functional and would continue to provide a satisfactory level of accommodation for future occupiers.
- 6.5.6 The SPG seeks to limit the transmission of noise from lifts and communal spaces to sensitive rooms through careful attention to the layout of dwellings and the location of lifts. The SPG also recognises the importance of layout in achieving acoustic privacy. Both of these points are picked up by Policy DM1 *Achieving a High Standard of Development* which undertakes to assess amenity having regard to the adequacy of the internal layout in relation to the needs of future occupiers and, at paragraph 2.15 of the reasoned justification, echoes the SPG position on noise and internal layout.
- 6.5.7 It is noted that the proposed floor plans generally provide vertical stacking that is considered to be satisfactory. Notwithstanding this, any overlap is considered in this instance to be acceptable, as the proposed new build would be able to meet Building Regulation standards. Accordingly, it is considered that the vertical stacking of the proposed development is acceptable.
- 6.5.8 It is considered that the proposed flats would have an acceptable amount of daylight and outlook with windows either facing towards the highway of Bessborough Road or to the rear communal garden area.
- 6.5.9 Accessibility
- Policy DM2 of the DMP and policies 3.5 and 3.8 of The London Plan (2016) seek to ensure that all new housing is built to 'Lifetime Homes' standards. Furthermore, The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion.
- 6.5.10 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'. The proposed floorplans demonstrate that there would be level access for wheelchair users from the entrance. Furthermore, the applicants design and access statement highlights that the lifts, communal area and the proposed residential units have been designed to meet the Housing Supplementary Guidance and Building Regulations Part M (3).
- 6.5.11 Noting the above, the proposed development would be satisfactory in terms of accessibility, subject to a condition to ensure compliance with Building Regulations M4 (3).
- 6.5.12 Amenity Space
- Policy DM27 Amenity Space of the Development Management Policies Local Plan document states that the appropriate form and amount of amenity space

should be informed by the Mayor's Housing Design Guide (i.e. the SPG) and criteria set out in the policy.

6.5.13 For private amenity space, the SPG requires a minimum of 5m² per 1-2 person dwelling and an extra 1m² for each additional occupant, and for balconies the SPG specifies minimum dimensions of 1.5m x 1.5m. The proposed balconies would meet and exceed these minimum dimensions in terms of 1.5m x 1.5m and would meet the 5sqm minimal space requirements for amenity provision. Furthermore a number of the balconies would be inset winter gardens, which provide a much more private, quieter balcony for the future occupiers. Level access onto the balconies would be secured as part of the proposed access conditions.

6.5.14 The proposed open space to the rear would offer an area of approximately 138 square metres and would provide a welcome additional component to the amenity afforded to future occupiers of the development. The SPG calls for adequate natural surveillance, wheelchair access and management of such areas. The proposed communal amenity space would be overlooked by the blocks that they serve. It is normal for the management of residents' communal areas in new development to be taken on by a private management company or the relevant registered provider; there is no reason to expect that these arrangements will not be on an adequate footing in respect of the proposed development.

6.6 Residential Amenity (Neighbouring Residents)

London Plan Policy 7.6 states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings in relation to privacy, overshadowing, wind and microclimate.

6.6.1 Impact on 81 Bessborough Road

To the south of the application site is a two storey end of terrace Victorian property. There is currently a generous separation distance of 7.0m between no. 81 and the existing property on site. The proposed three/four storey building would introduce a larger separation distance of 7.6m between the two properties.

6.6.2 It is considered that the proposed development would not be unduly overbearing on the occupiers of no. 81 Bessborough Road in terms of daylight, overshadowing or outlook.

It is recognised that the existing building at the application site interrupts a horizontal 45 degree play form the adjacent rear corner of no. 81. The proposed building line would still result in a marginal breach of the 45 degree code. However, it is deemed that the relationship between the two properties would be acceptable as the nearest windows on the rear of no. 81 serve a bathroom and wc respectively.

6.6.3 Impact on Retlas Court – 77 Bessborough Road

Retlas Court is a three storey purpose built flatted development to the north of the application site. Retlas Court is 'L'shaped in nature and as such has habitable rooms facing the northern flank of the site to the rear and habitable windows adjacent to the common boundary with no. 79 both to the front and rear.

- 6.6.4 The location of the proposed building has been amended since the previously refused scheme under reference P/0456/16. The proposed building would align with the front building line of Retlas Court and would be sited off the common boundary by approximately 2.0m, with a further separation distance of 6.6m between the proposed rear projection and common boundary with Retlas Court.
- 6.6.5 Notwithstanding the amendments described above, the proposed building would not interrupt a 45 degree line from either the front or rear elevation of Retlas Court. At the rear of the site the western rear projection of Retlas Court has habitable windows facing the application site. However, due to the separation distance of approximately 16.0m, this element of the proposal is considered to be acceptable in terms of residential amenity.
- 6.6.6 Due to the orientation and separation distances of properties within Shepherds Court and Roxborough Avenue to the east of the rear boundary. It is considered that there would not be any undue impacts in terms of residential amenities.
- 6.6.7 Secondary flank windows are proposed for the northern flank elevation of the development. However, these would have an acceptable impact on the occupants of Retlas Court due to the lack of any windows in the facing flank of Retlas Court.
- 6.6.8 Secondary windows are also proposed facing the common boundary with no. 81 Bessborough Road. Subject to a condition requiring these windows to be of obscure glazing, these windows would have an acceptable impact on the occupants of no 81 Bessborough Road in terms of privacy.
- 6.6.9 For the reasons outlined above, it is considered that the proposed development would comply with policy 3.5.C of The London Plan 2016, policy CS1.K of The Harrow Core Strategy 2012 and policy DM1 of the Harrow Development Management Policies Local Plan 2013 in failing to ensure high quality design for the development.

6.7 Traffic, Parking and Servicing

Policies DM26 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.

- 6.7.1 The proposal seeks to provide a parking space for each flat. The resultant parking ratio would be 1:1 for the whole development. Four of which would

provide electrical charging points and one being a disabled parking space (located to the front of the proposed building). Whilst the area has a PTAL of 5 (very good), the site is located outside the intensification area. For this reason, the Council's Highways Officer has indicated that the number of parking spaces is suitable. Whilst it is acknowledged that the emerging London Plan further seeks to reduce on-site car parking, it is noted that the Planning Inspector did not raise an objection to the car-parking ratio within the previously dismissed appeal.

- 6.7.3 Secure and readily accessible cycle parking is provided, at one space per room, in line with the The London Plan (2016) requirements. This has been provided on site in the rear garden and is therefore considered acceptable.
- 6.7.4 Waste storage has been provided to the side of the site and would be accessed via a new access on Bessborough Road. The proposed location of the bin store is considered to be satisfactory and would comply with Council's Refuse Code of Practice which encourages bin placement to be within 10.0m of the point of pick up. The Council's Highways department have not raised any concerns with the proposed arrangement.
- 6.7.5 Waste storage has been provided on the flank elevation of the building, 19.0m from the site's frontage with Bessborough Road. The proposed location of the bin store does not comply with the Council's Refuse Code of Practice which encourages bin placement to be within 10.0m of the point of pick up. In this respect, the bins must be transferred to the kerbside on collection days, or the bin store must be relocated to within 10.0m of the point of pick up. A condition requiring a revised refuse strategy in compliance with the Refuse Code of Practice will be attached to this decision.
- 6.7.6 The applicant has submitted a Construction Method Statement (CMS) in support of the proposed application. The Council's Highways Authority have reviewed this information and have requested some amendments. A revised document has been provided to reflect these requested amendments.

6.8 Drainage

The site is identified as a critical drainage area of Harrow. As the proposed development would not lead to an increase in impermeable surface area, no issues would arise in this respect. The Council's Drainage officers have not objected to the application, but have suggested conditions to deal with on-site drainage and water attenuation.

- 6.8.1 Subject to the drainage conditions, the proposal would accord with the relevant policies in relation to surface water drainage and surface water attenuation.

6.9 Trees

- 6.9.1 The applicant has submitted an Arboricultural Survey in support of the proposed development. The report concludes that the proposed development would have a small impact on some of the existing tree stock, including the removal of three

trees (category c). The survey considers these trees to be of low value. Whilst the report also identifies that the new proposal would encroach onto the roof protection areas of trees, appropriate measures would ensure these areas are left largely unaffected.

- 6.9.2 It is noted that there are no protected trees on site. However, a number of significant trees are located close to the rear boundary within the adjacent conservation area.
- 6.9.3 The Council's Tree Protection Officer has confirmed that the tree protection plan and method statement are acceptable.

7.0 CONCLUSION AND REASONS FOR APPROVAL

- 7.1 The proposed loss of the care home use is considered acceptable in principle, together with the proposal for nine residential units. The proposal would contribute to the housing stock of the Borough, in accordance with paragraph 3.55 of the London Plan (2016) and would regenerate a brownfield site. Furthermore, the proposed development would have a satisfactory impact on the character of the area, the amenities of existing neighbouring occupiers and future occupiers of the development.
- 7.1.2 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 as set out above, this application is recommended for grant.

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

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

15/3387/10; 15/3387/11 rev A; 15/3387/12 rev A; 15/3387/13; 15/3387/14; 15/3387/15; 15/3387/16; AL(0)001; AL(0)040; AL(0)041; AL(9)900; Location Plan; Tree Protection Plan; Design and Access Statement; Arboricultural Survey; Construction Management Plan, Nov 2017.

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

3. Materials

Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not commence 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 approved in writing by, the local planning authority:

- a. facing materials for the building;
- b. windows/ doors;
- c. boundary fencing;
- d. ground surfacing;
- e. hard landscape materials;
- f. balcony screens; and,
- g. proposed materials for refuse/cycle storage areas

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

Reason: To safeguard the appearance of the locality and to ensure a satisfactory form of development. To ensure the details are agreed before the structure is built on site, this is a PRE COMMENCEMENT CONDITION.

4. Levels

No site works or development shall commence until details of levels of the proposed buildings, roads and footpaths in relation to the adjoining land and

highways, 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. To ensure the details are agreed before the structure is built on site, this is a PRE COMMENCEMENT CONDITION.

5. Window and Door Reveals

Notwithstanding the details shown on the approved drawings, the construction of the buildings hereby approved shall not commence beyond damp proof course level, until there has been submitted to and approved in writing by the Local Planning Authority detailed sections at metric scale 1:20 through all external reveals of the windows and doors on each of the elevations. In the event that the depth of the reveals is not shown to be sufficient, a modification showing deeper reveals shall be submitted for approval in writing. The development shall be completed in accordance with the approved details and shall thereafter be retained.

Reason: To ensure a high quality finish to the external elevations of the building.

6. Hard & Soft Landscaping

The development hereby permitted shall not be occupied until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works which shall include details of all boundary treatments on the land and external lighting. Details of the boundary treatments, shall be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained thereafter. Soft landscape works shall include: planting plans; schedules of plants, noting species, plant sizes and proposed numbers / densities; written specification of planting and cultivation works to be undertaken; and, a landscape implementation programme.

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

7. Planting Schedules

All planting, seeding or turfing comprised in the approved details of landscaping plans 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.

8. Landscape Management and Maintenance

The development hereby approved shall not be occupied until a scheme for the on-going management and maintenance of the landscaped areas, including any communal amenity space, within the development, to include a landscape management plan, long term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years for all landscape areas, has first been submitted to the Local Planning Authority in writing to be agreed. The development shall be carried out in accordance with the scheme so agreed and shall be retained as such thereafter.

Reason: To ensure that the development makes provision for hard and soft landscaping which contributes (i) to the creation of a high quality, accessible, safe and attractive public realm and (ii) to the enhancement, creation and management of biodiversity with the Heart of Harrow.

9. Secure by Design Accreditation

Evidence of certification of Secure by Design Accreditation (silver or gold) for the development shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied or used.

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.

10. Surface Water Drainage and Attenuation

No development shall take place, other than works of demolition, until details of works for the disposal of surface water, including surface water attenuation and storage, have been submitted to, and agreed in writing by, the local planning authority. The submitted details shall include measures to prevent water pollution and details of SuDS and their management and maintenance. The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

Reason: To ensure that the development achieves an appropriate greenfield run-off rate in this critical drainage area and to ensure that sustainable urban drainage measures are exploited.

11. Foul Water Drainage

No development shall take place, other than works of demolition, until a foul water drainage strategy, has been submitted to and agreed in writing by the

local planning authority. The development shall not be occupied until the agreed drainage strategy has been implemented.

Reason: To ensure that there would be adequate infrastructure in place for the disposal of foul water arising from the development, and to ensure that the development would be resistant and resilient to foul water flooding.

12. Part M Dwellings

A minimum of 10% of the units shall be built in accordance with Building Regulation standard M4 (3) 'Wheelchair User Dwellings'. All other residential units in this development, as detailed in the submitted and approved drawings, shall be built to Building Regulation Standard M4 (2) 'Accessible and adaptable dwellings'. The development shall be thereafter retained to those standards.

Reason: To ensure provision of 'Wheelchair and Accessible and adaptable' housing.

13. Television Reception Equipment

The development hereby permitted shall not commence beyond damp proof course level until 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 building and shall be retained thereafter. No other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.

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.

14. Storage

The residential premises hereby approved shall each be provided with a storage space in accordance with the Mayor of London's Housing SPG (2016) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the development achieves a high standard of residential quality for future occupiers of the development.

15. Flues & Pipework

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

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

16. Revised Refuse Strategy

Notwithstanding the details shown on the approved plans, the development hereby approved shall not progress beyond damp proof course until a Refuse Management Plan has been submitted to, and approved in writing by the local planning authority showing the relocation of the refuse storage area within 10.0m of the collection pick-up point. Alternatively, an additional kerbside storage area should be identified for the transfer of bins on collection days, in accordance with the Council's Refuse Code of Practice

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

Reason: To ensure adequate provision for refuse bins to serve the development and to safeguard the appearance and character of the surrounding area.

Informatives

1. Policies

The following policies and guidance are relevant to this decision:

National Planning Policy and Guidance:
National Planning Policy Framework (2012)

The London Plan (2016):

3.1; 3.3; 3.4; 3.5; 3.8; 3.9; 5.13; 6.3; 6.9; 6.10; 6.12; 6.13; 7.1; 7.2; 7.3; 7.4; 7.5;
7.6.

Draft London Plan (2017):

GG4; D1; D2; D3; D4; D5; H1; H2; G7; SI13; T3; T5; T6.1.

Local Development Framework

Harrow Core Strategy 2012

CS1 Overarching Policy

Development Management Policies Local Plan 2013

DM1; DM2; DM7; DM10; DM12; DM22; DM24; DM27; DM42; DM45.

Supplementary Planning Documents

Mayors Supplementary Planning Guidance: Housing (2016)

Harrow Supplementary Planning Document: Residential Design Guide 2010

2. Pre-application engagement

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.

3. Mayoral CIL

Please be advised that approval of this application by Harrow Council will attract a liability payment £31,150.00 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 £31,150.00 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 890m²

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>

4. Harrow 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: £97,900.00

5. 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.

6. 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

7. Compliance with Planning 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.

8. 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.

9. Vehicle Crossover

Please note that the vehicle crossing should be maximum 4.5m wide and it should be constructed in line with Harrow's New Vehicle Crossing Policy, dated September 2017.

Please contact the Council's Vehicle Crossings Team for further guidance.

APPENDIX 2: SITE PLAN



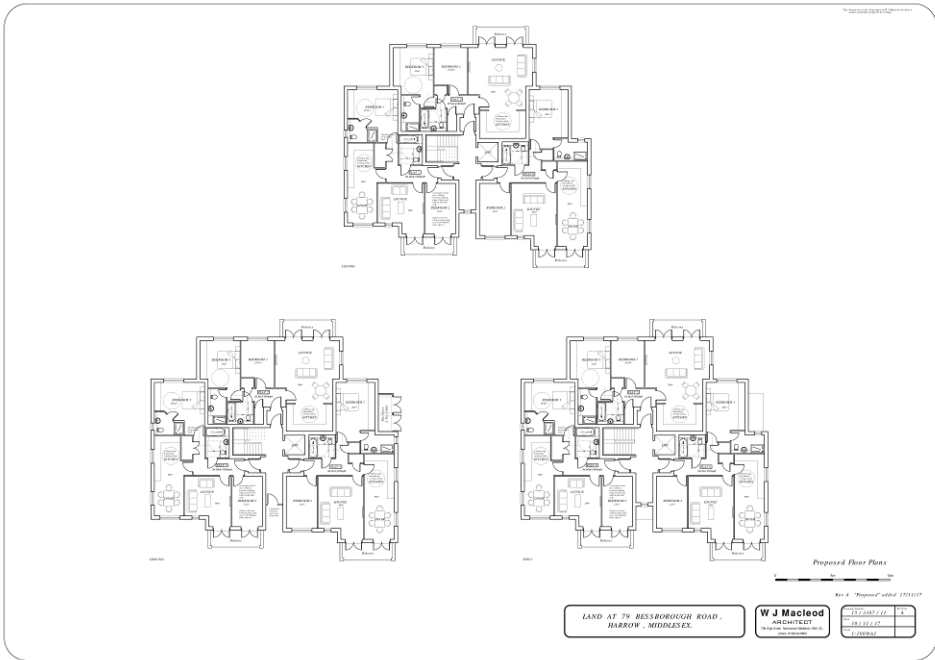
APPENDIX 3: SITE PHOTOGRAPHS





APPENDIX 4: PLANS AND ELEVATIONS





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