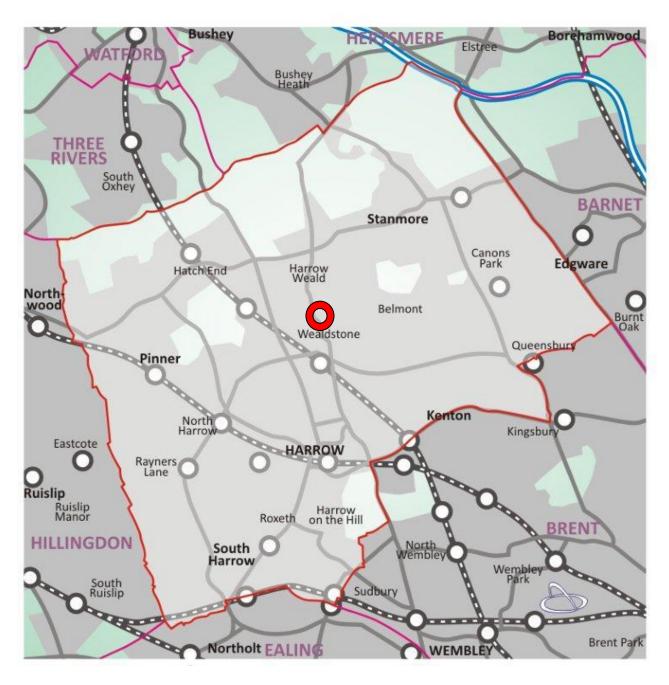
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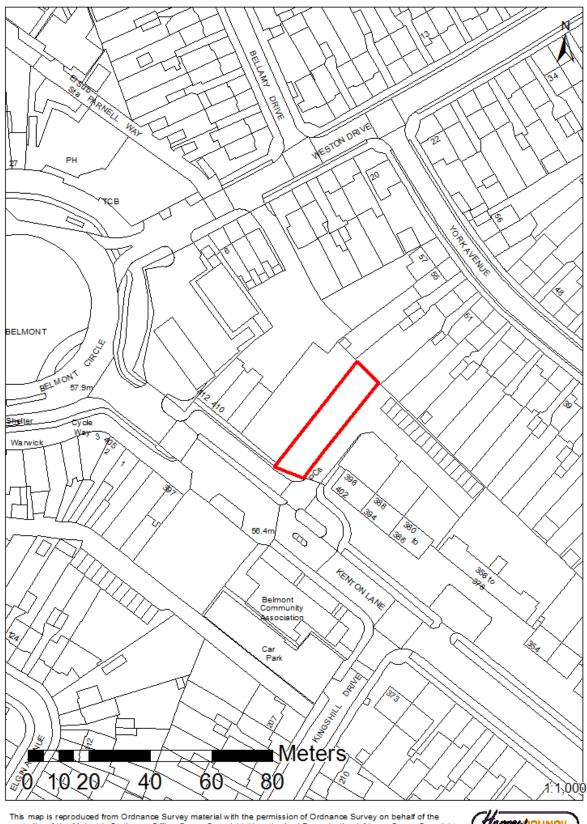




Public Convenience adj 404 Kenton Lane

P/2854/18

# Public Convenience adj 404 Kenton Lane



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#### **LONDON BOROUGH OF HARROW**

#### **PLANNING COMMITTEE**

26<sup>th</sup> September 2018

**APPLICATION NUMBER:** P/2854/18 **VALIDATE DATE:** 20/07/2018

**LOCATION:** PUBLIC CONVENIENCE ADJACENT TO 404 KENTON

LANE, HARROW

WARD:

POSTCODE:

APPLICANT:

AGENT:

CASE OFFICER:

BELMONT

HA3 8RQ

MR RAJ SHAH

COLEFAX DESIGN

FAYE MCELWAIN

**EXPIRY DATE:** EXTENSION OF TIME 28/09/18

### **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 four storey building comprising of mixed use commercial unit on ground floor front area (Use classes A1/A2/D1) and 7 (1 and 2 bedroom) flats; parking; bin and cycle stores

#### **RECOMMENDATION**

The Planning Committee is asked to:

1) Grant planning permission subject to the conditions (set out in Appendix 1 of this report).

#### REASON

The proposed development of the site would provide a quality development comprising of a satisfactory level of commercial and residential accommodation, thereby contributing to the Borough's housing stock and quality commercial floorspace. The development would be appropriate in terms of material presence, attractive streetscape, and good routes, access and make a contribution to the local area, in terms of quality and character.

The decision to GRANT planning permission has been taken having regard to the National Planning Policy Framework 2018, the policies and proposals in The London Plan 2016, the Harrow Core Strategy 2012 and the Development Management Policies Local Plan 2013, and to all relevant material considerations, and any comments received in response to publicity and consultation.

#### **INFORMATION**

This application is reported to Planning Committee as the proposed development is for seven flats.

Statutory Return Type: Minor Development

Council Interest: None GLA Community £20,580

Infrastructure Levy (CIL) Contribution (provisional):

Local CIL requirement: £63,800

#### **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
- Draft 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	Public Convenience and Garages adjacent 404
	Kenton Lane, Harrow, HA3 8RQ
Applicant	Mr Raj Shah
Ward	Belmont
Local Plan allocation	N/A
Conservation Area	N/A
Listed Building	N/A
Setting of Listed Building	N/A
Building of Local Interest	N/A
Tree Preservation Order	None
Other	The site is located within a designated local
	frontage of Belmont and is within a critical
	Drainage Area

Housing		
Density	Proposed Density hr/ha	N/A
	Proposed Density u/ph	N/A
	PTAL	2
	London Plan Density	45 - 120
	Range	
Dwelling Mix	Studio (no. / %)	0
	1 bed ( no. / %)	1
	2 bed ( no. / %)	6
	3 bed ( no. / %)	0
	4 bed ( no. / %)	0
	HMO en-suit	0
	Overall % of Affordable	N/A
	Housing	
	Comply with London	N/A
	Housing SPG?	
	Comply with M4(2) of	Condition attached
	Building Regulations?	

Transportation			
Car parking	No. Existing Car Parking spaces	10	
	No. Proposed Car Parking spaces	6	
	Proposed Parking Ratio	3:4	
Cycle Parking	No. Existing Cycle Parking spaces	N/A	
	No. Proposed Cycle Parking spaces	14	
	Cycle Parking Ratio	2:1	
Public Transport	PTAL Rating	4	
	Closest Rail Station / Distance (m)	Harrow and Wealdstone Station (1.3mi) Canons Park Station (1.3mi)	
	Bus Routes	H18, H19 186	
Parking Controls	Controlled Parking Zone?	Yes	
	CPZ Hours	Mon-Sat 8am – 6:30pm (max stay 2 hours)	
	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	Proposed storage in rear parking area.	

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 site comprises of a 397sqm parcel of land containing a derelict Public convenience fronting Kenton Lane with disused garages to the rear.
- 1.2 The site is beside a designated shopping frontage to the NW which emanates from Belmont Circle, a highly commercial area which has a wide variety of mixed used buildings of three stories in height (maximum height of 12.6m).
- 1.3 The designated frontage on Kenton Lane which the site is adjacent, consists of two storey commercial units.
- 1.4 To the SW of the site is a three storey block of flats with a pitched roof (approximately 10m maximum height).
- 1.5 On the opposite side of Kenton Lane there is a single storey modular building with a pitched roof which houses Belmont community Association. This has a level surface hard standing forming part of a car park to the rear.

### 2.0 PROPOSAL

- 2.1 Planning permission is sought to demolish the existing buildings on the site and to construct a four storey building to accommodate one mixed use (A1/A2/D1) commercial unit of 88 sqm on the front portion of the ground floor and one one-bedroom flat to the rear of the ground floor. On the upper floors six two-bedroomed flats are proposed
- 2.2 The proposed building has a depth of 19m and a width of 9.7m and is situated alongside the flank elevation of the adjacent two storey commercial unit and set back 2.4m from the established building line with a flat roof of a maximum height of 12m.
- 2.3 Six parking spaces (including one disabled space) are located to the rear of the building and are accessed utilising the existing access road to the garages to the site.
- 2.4 There would be a single entrance to the ground floor commercial unit from the front of the building and the flats be accessed by doors on the side elevation of the building.
- 2.5 Refuse and bicycle storage are located in the rear parking area.

- A private garden of 27sqm to serve the ground floor unit is located beside the rear of the building and the car park and each of the upper floor units have an outdoor terrace area of 7sqm either to the front or to the rear of the building.
- 2.7 A green roof to the building is proposed.

### 3 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
EAST/27/97/LA3	FORMATION OF ACCESS RAMP IN CONNECTION WITH PROVISION OF ACCESSIBLE UNISEX W.C.	GRANTED - 25/02/97
LBH/29451	CONSTRUCTION OF A SHOPPING TROLLEY BAY	REFUSED - 03/03/1986

### 4 **CONSULTATION**

- 4.1 A total of 11 consultation letters were sent to neighbouring properties regarding this application and a site notice was placed in the vicinity of the site.
- 4.2 The overall public consultation period expired on 27 August 2018.

### 4.3 Adjoining Properties

Number of letters Sent	11
Number of Responses Received	3
Number in Support	0
Number of Objections	3
Number of other Representations (neither objecting or supporting)	0

Summary of Comments	Officer Comments
Concerns regarding neighbouring amenity and overbearing impact on the occupiers of York Avenue	Neighbouring amenity is addressed in sections 6.4-6.4.6
Insufficient parking	The London Plan requirement is a maximum and the proposed provision is considered acceptable to serve both the residential and commercial units
The development would result is more disturbance from the coming and going of vehicles	Six car parking spaces are proposed and the commercial unit is relatively small. The lawful use of most of the site is for lock up garages, and therefore, should these be brought back into use, the vehicular movements on the site could potentially be more than would be the case with the proposed flats. Furthermore there are available pay and display parking bays in front of the site and a car park across the road which the customers of the commercial units and visitors of the future residents can use.
Disposal of rubbish is reported to be an issue with the disused site.	It is considered highly probable that, through natural surveillance, development of the site would prevent any illegal dumping of rubbish which has previously been an issue

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

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

Consultee	Summary of Comments	Officer Comments
Drainage	The Flood Risk Assessment is sufficient. However the applicant should submit further details to include:	Noted
	-a full detailed drainage design, -if a green roof is proposed full details of the construction and maintenance would be required -details demonstrating that the	

Thames Water	proposed parking/hard surfacing is permeable should be requested.  These issues can be dealt with by conditions/informatives.  The proposed development is located within 15m of underground Thames Water waste water assets. Informatives relating to the assets and surface water drainage and the disposal are suggested.	Noted
Transport	The plans for domestic waste collection should be reviewed by the Waste team as the carry distance exceeds the Council's requirement of no more than 10m.  The following conditions are required  Pre-commencement – construction logistics plan (see www.constructionlogistics.org for guidance)  Pre-occupation – details of cycle parking to include a minimum of 13 stands, 5% to be accessible (can be used by non-standard cycles), must be secure and sheltered. Plans must show dimensions, type of storage and type of stand. (London Cycle Design Standards provide guidance).  Details of locations of electric vehicle charging points – 20% active and 20% passive provision must be provided.	Noted

Waste	There is currently gated access at the side of the proposed building. Provided the waste lorries have access there would be no issues.	Noted

### 5 POLICIES

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:
  - 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'
- 5.2 The Government has issued the National Planning Policy Framework [NPPF] 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].
- 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 (2016) when adopted and forms part of the development plan for the Borough.
- 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 polices referenced within the report below and a summary within Informative 1.

### 6.0 ASSESSMENT

- 6.1 The main issues are;
  - 1) Principle of the Development
  - 2) Character and Appearance of the Area
  - 3) Residential Amenity
  - 4) Traffic and Parking
  - 5) Development and Flood Risk
  - 6) Accessibility
  - 7) Sustainability
  - 8) S17 Crime & Disorder Act
  - 9) Consultation Responses

### 6.2 Principle of Development

- 6.2.1 The site is currently occupied by a public convenience block and lock-up garages, which are proposed to be demolished as part of the development. The applicant has submitted details which indicate the poor state of repair of the current structures. Whilst the LPA would ordinarily require justification for the loss of public facilities and the loss of parking spaces, it is noted that the toilets are boarded up and are no longer within the ownership of Harrow Council or are they accessible to the public. The lock-up garages are also not accessible to the public and do not appear to be highly utilised. As such, the former uses have not been of public benefit for some time. Given this situation, it is considered that the loss of the existing buildings on the site is acceptable.
- 6.2.2 In relation to the principle of the creation of a commercial unit and seven flats, it is considered that the proposal would provide an increase in smaller housing stock within the Borough which is in accordance with the Core Strategy target of providing a minimum of 6050 additional homes before 2026. As the site has remained unused for some time the proposal presents an opportunity to create residential units to add to the Council's housing target on a brown field site. There is no policy protection in terms of the loss of the current uses on the site (toilet block and lock-up garages) and as this are unused, the principle of re-developing the site for a mixed use residential/commercial is considered to be appropriate.
- 6.2.3 As regards the commercial element of the proposal, an active frontage would be provided and would be a continuation of a parade of commercial units on Kenton Lane which is in the designated local frontage of Belmont. This proposal provides 88sqm of mixed use class (A1/A2/D1) which will allow flexibility in end user thereby improving the saleability of the unit. It is considered this development will help to secure employment for those working in the commercial unit, generating development and diversification of Harrow's economy.

6.2.4 The application site is not located within a designated shop frontage or town centre location. However, it is located directly adjacent to a designated shopping frontage within a local centre. Accordingly, none of the town centre polices are strictly relevant to the proposal. Given the proximity to the district centre and the designated local centre frontage, a mixed use scheme incorporating commercial floor space on the ground floor with residential above and on the rear of the ground floor, would be appropriate in principle.

#### 6.3 Character of the Area

6.3.1 The National Planning Policy Framework advises that:

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

- 6.3.2 Policy 7.4B of the London Plan (2016) 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. Policy 7.6B highlights that buildings and structures should be of a proportion and scale that appropriately defines the public realm. The thrust of these policies are brought forwards into the Draft London Plan.
- 6.3.3 Policy CS1.B of the Harrow Core Strategy (2012) 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; extensions should respect their host building.
- 6.3.4 DM1 of the Development Management Policies Local Plan (2013) states that proposals should achieve a high standard of design and layout in particular regard should be taken to mass, bulk scale and height.
- 6.3.5 The proportions and the scale of the proposed development are considered suitable given the size and context of the site. Although a four storey building would be higher than the neighbouring residential properties and commercial properties, as there is no predominant building type or scale in this location, this is considered not to have a negative or unbalancing impact on the streetscene. It is noted that a four storey building was granted permission on the opposite side of Kenton Lane, and this has set a precedent for this scale of building in this location/area.

- 6.3.6 The site is located at the end of a row of commercial buildings and marks the beginning of the residential buildings on Kenton Lane. The location of the plot demands a striking building with a consistent frontage. The frontage of the building is regular in appearance with consistent sized openings which succeeds in providing a bold appearance which is suitable to the site. There are vertically aligned balconies on the front and rear elevations serving the upper flats each of which have a solid balustrade which helps to break up the elevations and create visual interest. The primary material used is brick on the frontage and the flank elevation which contributes to the regular appearance, and as this appears to coincide with the vernacular building material for residential properties in the area, this is deemed appropriate to creating a modern development which integrates well with its surroundings.
- 6.37 It is considered that the proposed commercial unit relates well to the new building and would appear as a continuation of the commercial units on this section of Kenton Lane. The entrance door is positioned below the balconies on the front elevation creating a coherent a legible design. The fascia and glazing of the commercial unit is sufficiently proportioned and prominent and this would help to clarify its commercial nature without being over-dominant in comparison with the residential part of the building.
- 6.38 Overall it is considered that the proposed development presents an acceptable standard of design in compliance with the relevant development plan policies above.
- 6.4 Residential Amenity for Existing Occupiers
- 6.4.1 Policy 7.6B, subsection D, of The London Plan (2016) states that "new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate".
- 6.4.2 Policy DM1 of the DMP seeks to ensure that "proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted".
- 6.4.3 Paragraph 4.66 of the Harrow Residential Guide SPD (2010) highlights the importance of the relationship between buildings in terms of light, outlook and visual enjoyment.
- 6.4.4 The proposed building would be approximately 6.5m away from the flank elevation of the three storey block of flats to the South East of the site (396-402 Kenton Lane) with the access road running in between the existing and proposed flats. There are windows serving habitable rooms on the side elevation of the proposed. The neighbouring building has two windows on the top floor which do not appear to serve habitable rooms. There are not considered to be significant opportunities for overlooking. The proposed building is taller than the existing block of flats and is set further back from Kenton Lane which could lead to some loss of light to the

rear garden serving the flats. However, given the separation distance the impact in terms of loss of light and/or an overbearing impact is considered to be acceptable.

- 6.4.5 There is in excess of 20m from the proposed rear wall of the new building to the rear boundary of the site which bounds the rear garden of 53 York Avenue. This and the other neighbouring dwellings on York Avenue have gardens of a length of approximately 30m making the separation distance between habitable rooms approximately 50m. It is understood that there are extensions on the rear of some of the properties on York Avenue which would make this distance less. However, it is worth noting that rear windows on the extended parts of dwellings would still be sufficiently far away from the proposed units. Terraces serving the upper floor flats and bedroom windows are proposed on the rear elevation of the building. It is considered the separation distance of approximately 45-50m is sufficient to prevent any significant overlooking and is also a sufficient distance to mitigate any loss of light or overbearing impact of a four storey building on the occupiers of 53 York Avenue and the other neighbouring dwellings on York Avenue.
- 6.4.6 In relation to the commercial unit, although the end user is not know at this time, as this is a continuation of an established commercial parade and given the relatively small floor space, it is considered that the increase in activity will not have a significant impact on the amenity of occupiers of adjacent residential properties. The adjoining retail unit is open to customers from 6am to 11pm and there are other commercial units, including a petrol filling station, takeaway and restaurant in close proximity. The existing residential units therefore would experience some level of background noise. The opening hours and any deliveries which may occur as a result of the proposal can be controlled by conditions to avoid any unacceptable disturbance outside of sociable hours and a condition preventing loud music is considered necessary to protect neighbouring amenity.

#### 6.4.7 Future Occupiers

- 6.4.8 Policy 3.5C of The London Plan requires all new residential development to provide, amongst other things, accommodation which is adequate to meet people's needs. In this regard, minimum gross internal areas (GIA) are required for different types of accommodation, and new residential accommodation should have a layout that provides a functional space. Table 3.3 of The London Plan specifies minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA's as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. This is supported by policy DM1 of the DMP.
- 6.4.9 Policy DM 27 of the DMP states that the appropriate amount of amenity space should be informed by the Mayor of London's Housing Design Guide.

6.4.10 The size of the units in relation to the London Plan standards is outlined in the table below:

#### Future Occupiers

Flat		Proposed	Proposed	Minimum GIA	Minimum
		Size	GIA	(for single	Storage
				storey	
				buildings)	
1 B	ed	2 persons	56sqm	50	1.5sqm
apartment	t				
2 B	ed	3 persons	74sqm	70	2sqm
apartmen	t				

6.4.11 The proposed units exceed the minimum space standards contained in the London Plan. The apartments on the upper floors are dual aspect with primary windows facing either to the front or to the rear of the site and secondary windows facing South East on the flank elevation. Each apartment (other than the ground floor apartment) has a private balcony each measuring 7sqm. The ground floor unit has an outdoor amenity space beside the parking area of 69sqm. This is in accordance with the London Plan requirements and is deemed acceptable.

### 6.4.12 Stacking and Noise/Vibration Transfer

Paragraph 5.12 of the Council's adopted Supplementary Planning Document – Residential Design Guide (2010) states that 'The vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors.

- 6.4.13 Policy DM26 (b) which notes that proposals will be required to "secure the separation of bedrooms and other room uses between homes within the development and neighbouring dwellings having regard to the adequacy of any measures to prevent noise transference".
- 6.4.14 The upper floor units are of the same layout which minimises the possibility of unacceptable noise transfer. The residential layout of the ground floor and the first floor is not identical but broadly the bedrooms and living areas are in similar positions and it is considered, in combination with the requirements of building regulations it is likely that there will not be an unacceptable noise impact between the units.

#### 6.5 Traffic and Parking

6.5.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also contribute to wider sustainability and health objectives. It further recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Policy DM42 of the Development Management Policies states that proposals that make on-site

provision for parking should have regard to the maximum London Plan standards. The London Plan (2016) Policies 6.3, 6.9 and 6.13, and the Parking Addendum to Chapter 6 of The London Plan (2016), is relevant, which sets out maximum parking standards for new development dependent upon their use and level of public transport accessibility. A maximum of 1 car parking space to each flat is required to accord with the above London Plan requirements.

- 6.5.2 The PTAL rating of the site is relatively low at 4 and therefore it is considered that the parking provision to serve the residential element of the development is required. Six car parking spaces are proposed to the rear of the dwelling allowing one space per each of the two bed apartments. It is considered that, given the scale of the one bedroom unit, it is reasonable to allow a shortfall of one in the ratio of parking spaces to the number of units. The proposed amount of car parking is deemed to accord with The London Plan (2016) maximum requirements. In regards to the commercial unit, there is temporary parking in the vicinity of the site and it is expected that the unit will attract local residents who will arrive by foot. Given the commercial nature of the area and the relatively small scale of the unit the proposal will not result in a significant increase in parking demand.
- 6.5.3 The existing access to the lock-up garages is proposed to be utilised. There have been no objections from the Highways Authority as regards the parking and access arrangements and it is therefore deemed that there would not be an unacceptable impact on highway safety as a result of the proposal.
- 6.5.4 Fourteen secure bicycle racks are proposed to the rear of the site within the parking area. This is in accordance with the minimum requirements of the London Plan. No details on the type of cycle storage (i.e. sheltered and secure) have been provided. However, a pre-occupation condition has been attached to address this.
- 6.5.5 The London Plan requires that 1 in 5 car parking spaces (both active and passive) are provided to encourage the uptake of electric vehicles. No details of Electric Vehicle Charging points have been provided. This provision can be ensured be way of pre-occupation condition, which has been recommended.

#### 6.5.6 Waste/Refuse Storage

Policy DM 45 states that: "A. All proposals will be required to make on-site provision for general waste, the separation of recyclable materials and the collection of organic material for composting.

The on-site provision must:

- a. provide satisfactory storage volume to meet the general, recycling and organic
- b. waste material arising from the site;
- c. ensure satisfactory access for collectors and, where relevant, collection vehicles;
- d. and
- e. `c. be located and screened to avoid nuisance to occupiers and adverse visual impact."

6.5.7 The proposed refuse storage is located to the rear in the parking area. There is considered to be sufficient space to accommodate this requirement and the access road is sufficient for refuse lorries to access the refuse and waste storage facilities. The Waste Manager is satisfied that, provided the access is not gated, the proposed waste arrangements will be acceptable to serve the development.

### 6.6 <u>Development and Flood Risk</u>

- 6.6.1 *CS1W* states that DM polices set out requirements for SUDs, rainwater harvesting, flood risk assessments and surface water management.
- 6.6.2 Kenton Lane is in surface water flood zones 3a and 3b. A Flood Risk Assessment was submitted by the applicant which was deemed to be acceptable by the Council's Drainage Engineer.
- 6.6.3 The development would result in some additional hardsurfacing on the site and would therefore have an impact in terms of surface water flood risk. A green roof is proposed which will assist with surface water attenuation. The details of the green roof has been conditioned to ensure an effective and sustainable outcome. As the site is located within a Critical Drainage Area, further sustainable urban drainage [SuDs] is encouraged by way of informative.
- 6.6.4 The drainage engineer also states that permeable materials should be used for all paving and hardstanding. A suitable condition has been attached to this effect.

#### 6.7 Accessibility

- 6.7.1 Policy DM2 of the DMP and policies 3.5, 3.8 and 7.6 (a) 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.
- 6.7.2 Policy CS1.K of the Harrow Core Strategy requires all new dwellings to comply with the requirements of Lifetime Homes. Supplementary Planning Document Accessible Homes 2010 (SPD) outlines the necessary criteria for a 'Lifetime Home'.
- 6.7.3 The ground floor flat could be adapted to be wheelchair accessible, and one parking space for persons with disability is provided. There is also an access ramp provided for the ground floor flat. In addition the layout of the flats are open plan and therefore appropriate for the manoeuvring of wheelchairs. The proposed commercial unit has level access. The applicant will be required to adhere to building regulations in relation to accessibility and a condition has been imposed to ensure this. Therefore it is considered that the applicant has provided sufficient information to demonstrate that accessibility requirements and the Lifetime Homes standards can be achieved.

### 6.8 Sustainability

- 6.8.1 The London Plan policy 5.2 'Minimising Carbon Dioxide Emissions' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach, which is expanded in London Plan policies 5.3 to 5.11.
- 6.8.2 The London Plan policy 5.2 'Minimising Carbon Dioxide Emissions' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach, which is expanded in London Plan policies 5.3 to 5.11.
- 6.8.3 A green roof is proposed which will enhance biodiversity and will benefit other sustainability objectives such as surface water attenuation and the avoidance of internal and urban over-heating. There are considered to be adequate windows for light and ventilation and a new build building regulations will ensure that the sustainable credentials of the building will be achieved.

### 6.9 <u>Secure by Design Issues</u>

- 6.9.1 Secured by Design (SBD) is a UK Police flagship initiative that advocates designing out crime to promote safer neighbourhoods. It has been integrated in to planning Policy via the London Housing Design Guide.
- 6.9.2 A condition has been attached to ensure that the scheme complies with SBD requirements. For further information the applicant can contact the North West London Designing Out Crime Group on the following:

  DOCOMailbox.NW@met.police.uk

### 7.0 CONCLUSION AND REASONS FOR APPROVAL

7.1 The development would bring back a derelict brownfield site into a productive use. It is considered that the proposal would contribute of the housing stock within the Borough and the development would provide a good quality of accommodation for the occupiers of the property and the commercial unit is appropriate in this location whilst not unduly impinge on neighbouring amenities. Accordingly, subject to compliance with the attached conditions, the development would accord with development plan policies and is recommended for approval.

### **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 Drawing and Documents

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

Site Location Plan; 1018 – 001; 1018 – 100 Revision B; 1018 – 101 Revision B; 1018 – 102 Revision B; 1018 – 200 Revision B; 1018 – 201 Revision B; 1018 – 202 Revision A; 1018 – 203 Revision A; 1018 – 300 Revision A; Design and Access Statement; Flood Risk Assessment.

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

### 3 <u>Materials to Be Approved</u>

The construction of the building hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces of:

- -the new building
- -the ground surfacing
- -the boundary treatment for the site and the ground floor private garden.

have been submitted to, and approved in writing by, the local planning authority. 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, in accordance with policy DM1 of the Councils Development Management Policies Local Plan 2013.

### 4 Landscaping to Be Approved

The development hereby permitted shall not progress beyond damp proof course level until there has been submitted to, and approved in writing by the local planning authority, a scheme of hard and soft landscape works for the forecourt and rear of the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

### 5. <u>Landscape Implementation</u>

All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the occupation of the approved building or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in accordance with policy DM23 of the Councils Development Management Policies Local Plan 2013.

#### 6 Levels

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 levels of the site, have been submitted to, and approved in writing by, the local planning authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement, in accordance with policies DM1 of the Councils Development Management Policies Local Plan 2013.

THIS IS A PRE-COMMENCEMENT CONDITION

Details are required prior to commencement of development to ensure a satisfactory form of development.

### 7 <u>Disposal of Surface Water</u>

The construction of the building hereby permitted shall not commence until works for the disposal of surface water have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

#### 8 Surface Water Attenuation

The construction of the building hereby permitted shall not commence until surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these approved details and shall thereafter be retained.

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

### 9 Disposal of Sewage

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

REASON: To ensure that adequate drainage facilities are provided in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

The construction of the building hereby permitted shall not commence until full details of the Green Roof, with cross section of the construction and maintenance plan, has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

### 11 <u>Demolition and Construction Logistics Plan</u>

No development shall take place, including any works of demolition, until a demolition and construction logistics plan has first been submitted to the Local Planning Authority in writing to be agreed. The plan shall detail the arrangements for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in construction the development;
- d) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- e) wheel washing facilities; and
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- g) measures for the control and reduction of dust
- h) measures for the control and reduction of noise and vibration.

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

REASON: To ensure that measures are put in place to manage and reduce noise and vibration impacts during demolition and construction and to safeguard the amenity of neighbouring occupiers, in accordance with Policies 7.14 and 7.15 of the London Plan (2016) and Policy DM1 of the Development Management Policies Local Plan (2013) and to ensure that the transport network impact of demolition and construction work associated with the development is managed in accordance with Policy 6.3 of the London Plan (2016). To ensure that measures are agreed and in place to manage and reduce dust, noise and vibration during the demolition and construction phases of the development and manage transport impacts during the demolition and construction phases of the development.

#### THIS IS A PRE-COMMENCEMENT CONDITION

Derails are required prior to commencement of development to ensure than the amenity of nearby residential occupiers are protected.

#### 12 Secure Cycle Parking

Prior to occupation of each of the units hereby approved, details of the secure cycle parking to serve the seven flats and the one commercial unit (5% to be accessible - can be used by non-standard cycles) will be submitted to, and approved in writing by, the local planning authority. The plans must show dimensions, type of storage and type of stand. The cycle parking 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 the satisfactory provision of cycle storage, to serve the development.

### 13 <u>Electric Vehicle Charging Points</u>

Prior to occupation of each of the units hereby approved, details of locations of electric vehicle charging points (20% active and 20% passive provision) will be submitted to, and approved in writing by, the local planning authority. The electric vehicle charging points 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 the satisfactory provision of electric vehicle charging points, to serve the development

### 14 Hours of Opening (Commercial Unit)

- a) The commercial use hereby permitted for Use Class A1 shall not open to customers outside of the following times: -07:00 to 23:00 hours.
  - The commercial use hereby permitted for Use Classes A2 and D1 shall not open to customers outside of the following times: -
- b) 07:00 to 19:00 hours Monday to Friday and 8:00 to 16:00 and at no time on Sundays and bank holidays.

The commercial use hereby permitted for D1 shall not open to customers outside of the following times: -

REASON: To safeguard the amenities of neighbouring properties and ensure the proper functioning of the commercial properties within the locality, in accordance with policy DM1 of the Harrow Development Management Local Policies Plan 2013.

#### 15 Deliveries (Commercial Unit)

Deliveries for the commercial unit shall take place between the following times for each of the permitted uses:-

09:00 – 17:00 Monday to Saturday and at no time on Sundays and bank holidays.

REASON: To safeguard the amenities of neighbouring properties and ensure the proper functioning of the commercial properties within the locality, in accordance with policy DM1 of the Harrow Development Management Local Policies Plan 2013.

### 16 <u>Amplified Music (Commercial Unit)</u>

No music or amplified sound caused as a result of the commercial unit shall be audible at the boundary of any residential premises, either attached to, or in the vicinity of, the premises to which this permission refers.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents, in accordance with policy DM1 of the Harrow Development Management Local Policies Plan 2013

### 17 Part M Dwellings

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 2016, policy CS1.K of The Harrow Core Strategy 2012 and policies DM1 and DM2 of the Development Management Policies Local Plan 2013.

#### 18 Permeable Paving

All hardsurfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site. Please note: guidance on permeable paving has now been published by the Environment Agency on <a href="http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens">http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens</a>.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding, in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

#### 19 Commercial Window Display

The use of the commercial unit shall not commence until details of the window display, including lighting thereof, have been submitted to, and approved by, the local planning authority, and thereafter such a display shall be installed and retained in that form.

REASON: To ensure that the unit does not detract from the vitality of the shopping parade by its appearance in the street scene.

### 20 <u>Secure by Design</u>

Evidence of certification of Secure by Design Accreditation 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 interest of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime.

### 21 Change of Use

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

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot, the openness of the site and availability of amenity space; and to safeguard the amenity of neighbouring residents, in accordance with policies DM1 and DM16 of the Councils Development Management Policies Local Plan (2013).

#### 22 Fencing During Construction

No demolition or site works in connection with the development hereby permitted shall commence before:

a: the frontage

b: the boundary

of the site is enclosed by a close boarded fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety and to manage the impact of the development upon the local area during its demolition of the existing structures and the construction of the new building in the interests of public amenity and the local natural environment in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013) throughout the construction period.

THIS IS A PRE-COMMENCEMENT CONDITION

### 1. <u>INFORMATIVES</u>

The following policies are relevant to this decision:

### **National Planning Policy Framework (2018)**

### The London Plan (2016):

- 3.5C: Quality and design of housing developments
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.11 Green roofs and development site environs
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.3B Designing out crime
- 7.4B Local character
- 7.6B Architecture

### The Draft London Plan (2017):

- D1 London's form and characteristics
- D2 Delivering good design
- D3 Inclusive Design

#### Harrow Core Strategy (2012):

Core policy CS1.B

Core policy CS1.D

Core Policy CS1 K

Core policy CS1.W

#### Harrow Development Management Policies Local Plan (2013):

DM1: Achieving a High Standard of Development

DM2: Achieving Lifetime Neighbourhoods

DM10: On Site Water Management and Surface Water Attenuation

DM12: Sustainable Design and Layout

DM26: Conversion of Houses and other Residential Premises

DM27: Amenity space

DM38: Other Town Centre Frontages and Neighbourhood Parades

DM 42: Parking Standards DM45: Waste Management

DM46: New Community and Educations Facilities

#### **Supplementary Planning Documents:**

Supplementary Planning Document Residential Design Guide (2010)

Technical housing standards - nationally described space standard (2015).

### 2 <u>Pre-application engagement</u>

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

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

#### 3 Mayoral CIL

Please be advised that approval of this application by Harrow Council will attract a liability payment £20,580 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 20,580 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 588m2

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/w hattosubmit/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: £63,800

### 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 Street Numbering

Harrow Council is responsible for the naming and numbering of new or existing streets and buildings within the borough boundaries. The council carries out these functions under the London Government Act 1963 and the London Building Acts (Amendment) Act 1939.

All new developments, sub division of existing properties or changes to street names or numbers will require an application for official Street Naming and Numbering (SNN). If you do not have your development officially named/numbered, then then it will not be officially registered and new owners etc. will have difficulty registering with utility companies etc. You can apply for SNN by contacting technicalservices@harrow.gov.uk or on the following

http://www.harrow.gov.uk/info/100011/transport\_and\_streets/1579/street\_naming\_and\_num\_bering

#### 10 Thames Water Assets

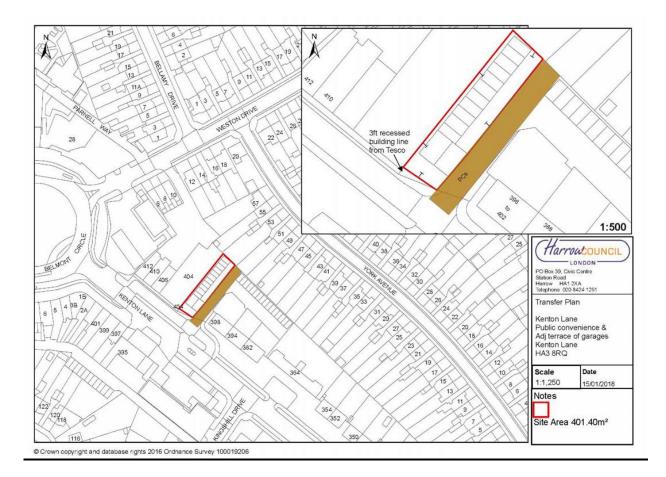
The proposed development is located within 15m of Thames Water underground assets and as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary structures <a href="https://developers/Devoloping-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes">https://developers/Devoloping-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</a>. Should you require further information please contact Thames Water. Email: <a href="developer-services@thameswater.co.uk">developer.services@thameswater.co.uk</a> Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

#### 11 Surface Water Drainage

Thames Water would advise that if the developer follows a sequential approach to the disposal of water. Prior approval will be required for the discharge to a public sewer. For further information please visit Thames Water website.

Planning Committee Wednesday 26<sup>th</sup> September 2018

### **APPENDIX 2: SITE PLAN**



## **Appendix 3: Photographs**





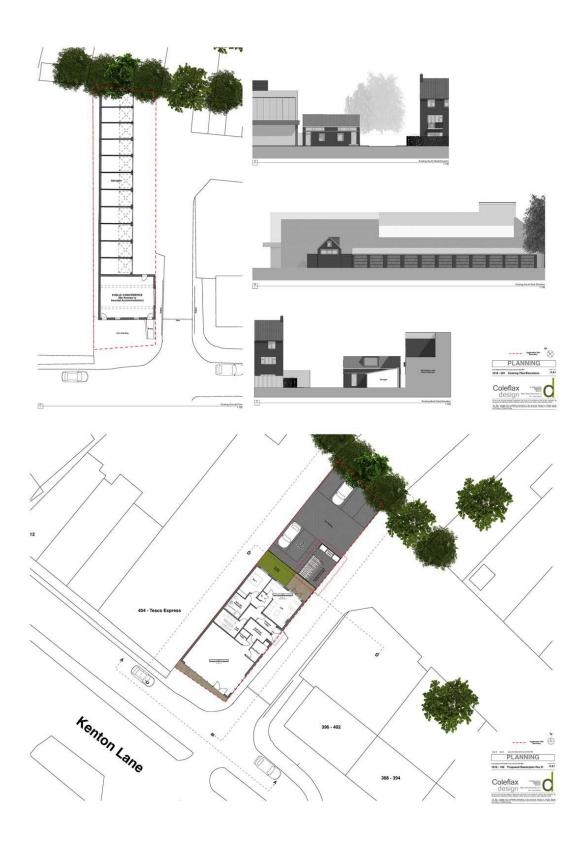


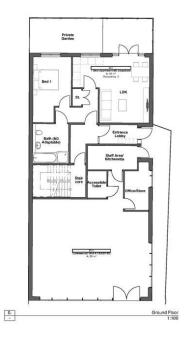






### **Appendix 4: Plans**

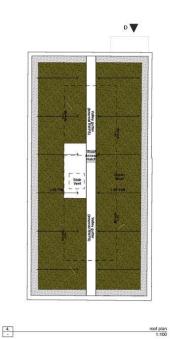












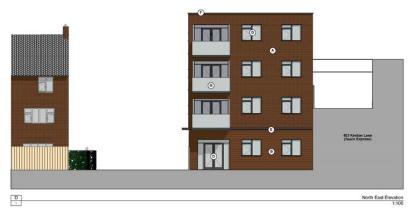






Material Key

A - Red Brown Brickwork
B - Recessed Alternate Course Feature
Brickwork
C - Brickwork









Material Key

B - Red/Brown Brickwork

B - Receased Alternate Course Feature

C - Duck Grey Alminism Curtain Walling

D - Duck Grey Alminism Curtain Walling

D - Duck Grey Alminism Curtain Walling

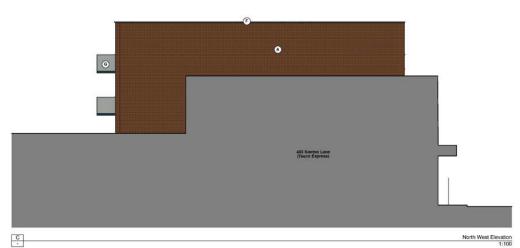
D - Duck Grey Alminism Care of Course

E - Duck Grey Alminism Familian

For - Duck Grey Alminism Rashing-Copings

Grey High pressure Intellinate panels

Grey High pressure Intellinate panels





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