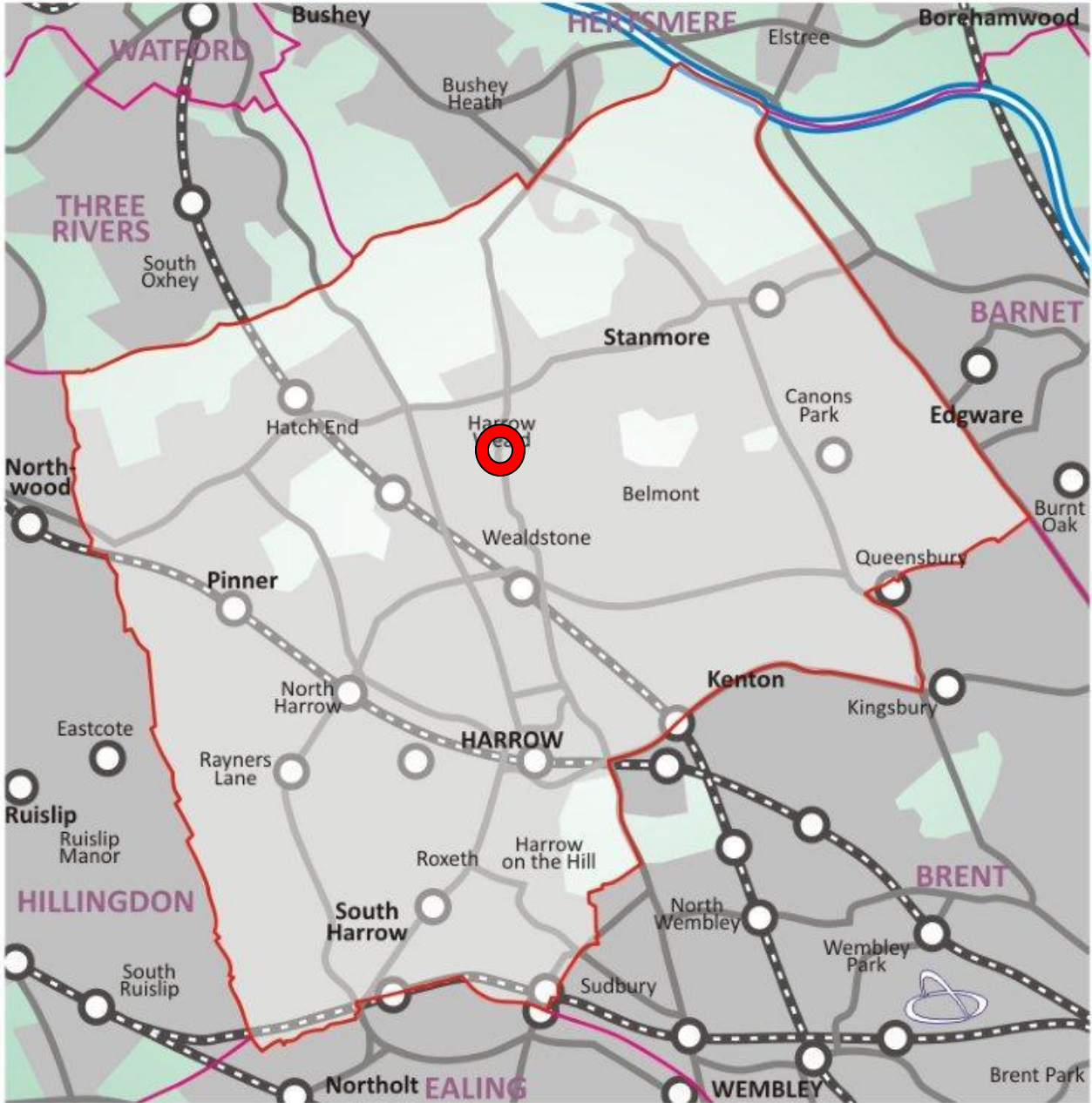
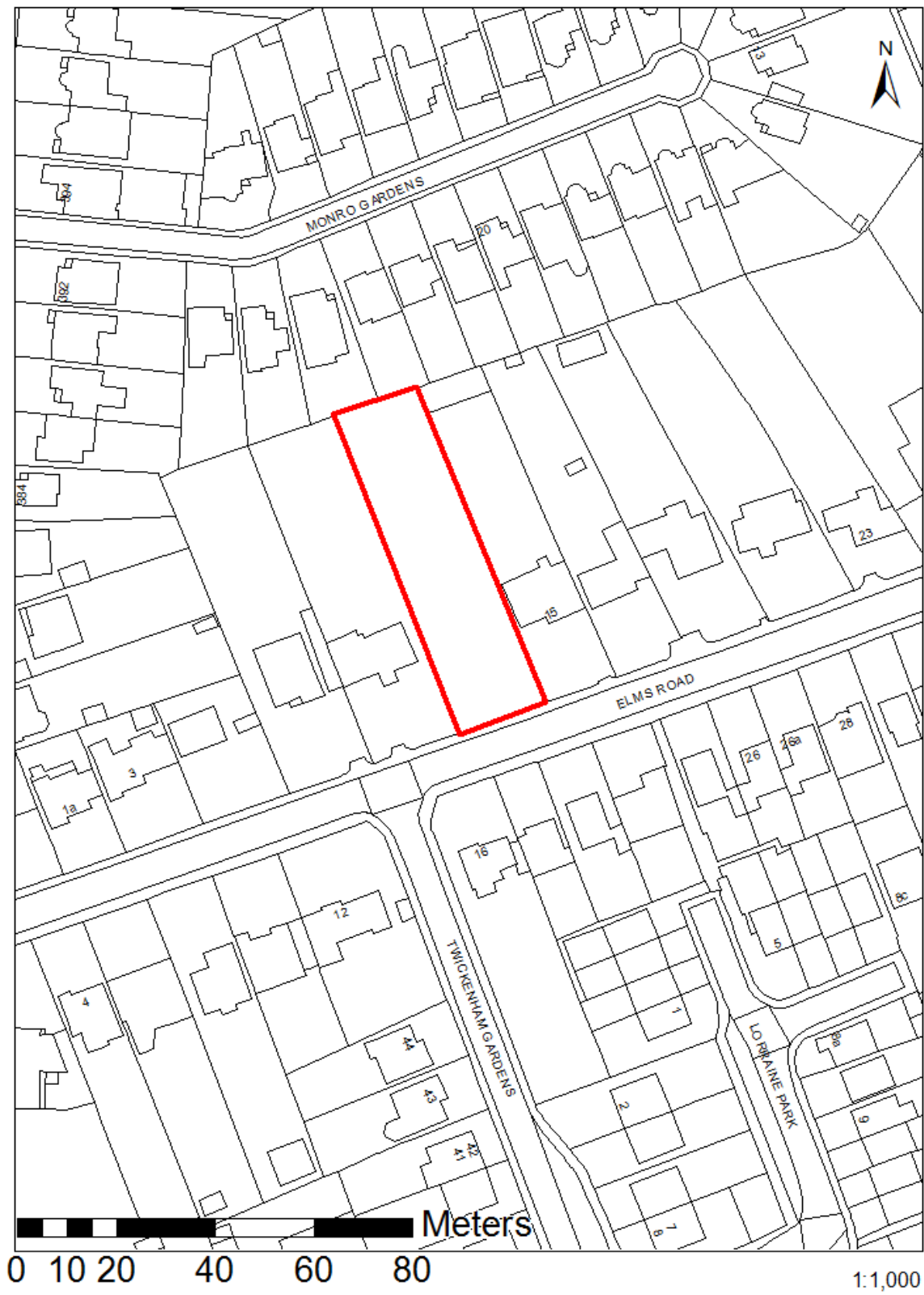


 = application site



11 Elms Road	P/2735/18
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11 Elms Road



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LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

17th October 2018

APPLICATION NUMBER: P/2735/18
VALIDATION DATE: 19/07/2018
LOCATION: 11 ELMS ROAD, HARROW WEALD, HARROW
WARD: HARROW WEALD
POSTCODE: HA3 6BB
APPLICANT: DR SAID BAKIR
AGENT: IDEAL PLANNING AND DESIGN
CASE OFFICER: ZAKERA MATIN
EXPIRY DATE: 31/10/2018

PROPOSAL

Re-Development To Provide A Two Storey Building With Accommodation In Roof To Create Seven Flats; Parking; Landscaping; Separate And Communal Amenity Space; Refuse And Cycle Storage

RECOMMENDATION

- 1) grant planning permission for the reasons set out below:

REASON FOR THE RECOMMENDATION

- 1) The proposal would accord with relevant policy and the proposed development would have a satisfactory impact on the character of the area and the amenities of existing neighbouring occupiers.

For this reason weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation, this application is recommended for grant.

INFORMATION

This application is reported to Planning Committee as the development would be for 7 new residential units and therefore falls outside Schedule 1 of the Scheme of Delegation.

Statutory Return Type:	(E) Minor Developments
Council Interest:	None
Net Additional Floor Area:	419 sq m

GLA Community Infrastructure (CIL) Contribution (provisional): £ 14,665 (based on a £35 contribution per square metre of additional floorspace)

Harrow Community Infrastructure (CIL) Contribution (provisional): £46090 (based on a £110 contribution per square metre of additional floorspace)

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	11 Elms Road, Harrow Weald, Harrow HA3 6BB
Applicant	Dr Said Bakir
Ward	Harrow Weald
Local Plan Allocation	No
Conservation Area	No
Listed Building	No
Setting of Listed Building	No
Building of Local Interest	No
Tree Preservation Order	Yes
Other	No

Transportation		
Car parking	No. Existing Car Parking spaces	8
	No. Proposed Car Parking spaces	6 (including 1 disabled space)
Cycle Parking	No. Existing Cycle Parking spaces	0
	No. Proposed Cycle Parking spaces	11
Public Transport	PTAL Rating	3
	Closest Rail Station / Distance (m)	Harrow & Wealdstone 2.0km
	Bus Routes	H12, H9, 140, 182, 258, 340, 640
Parking Controls	Controlled Parking Zone?	No
	CPZ Hours	N/A
	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	Communal refuse bins front of site/ cycle storage to rear of building

1.0 SITE DESCRIPTION

- 1.1 This application relates to a large detached building. The lawful use is as sheltered accommodation for an Old Persons Home (Use Class C2).
- 1.2 The rear garden of the application property extends approximately 40 m in depth beyond the rear wall of the single storey rear extension.
- 1.3 The front garden of the property is entirely hard surfaced. There are a number of mature trees along the front boundary of the site, which are subject to a Tree Preservation Order.
- 1.4 Elms Road lies just to the north of the 'High Road in Harrow Weald. Elms Road is characterized by large dwellings on large plots, set back from the road.
- 1.5 The site is located within a Critical Drainage Area but the the subject site is not situated within a Conservation Area and the building is not statutory Listed.
- 1.6 The PTAL (Public Transport Accessibility Level) is 3.

2.0 PROPOSAL

- 2.1 It is proposed to demolish the existing structure on site which takes the form of two adjoined dwellings and replace it with a two storey building.
- 2.2 The proposed building will have a footprint of approximately 208 sq m including a width of 15.4m, a depth of 14.5m/12.5m, with an eaves height of 5.5m and a full height of approximately 8.7m.
- 2.3 The building will be over 1 metre from the shared boundary with both No. 15 and with No. 9, although this increases significantly at various points due to the uneven boundary line.

2.4 The proposals will comprise of the 7 x flats in total comprising:

- 2 x studio flats
- 1 x 1 bedroom 2 person flat
- 2 x 2 bedroom 3 person flats
- 2 x 2 bedroom 4 person flats

Creating accommodation for approximately 18 people

2.5 The proposal would use the existing access onto Elms Road.

2.6 6 x parking spaces, including 1 x disabled space and 1 x electric vehicle charging point would be provided in the forecourt. A bin store is also shown in the front forecourt and some landscaping is indicated on the site block plan.

3.0 RELEVANT PLANNING HISTORY

Reference Number		Decision/Date	Grant
P/0106/18	Re-Development To Provide A Two Storey Building For Six Flats; Parking; Landscaping; Separate And Communal Amenity Space; Bin / Cycle Storage	23/03/2018	Granted
Reference Number		Decision/Date	Reason for Refusal
P/4591/16	Outline Application For Access Appearance And Scale : Redevelopment To Create Two Storey Building With Accommodation In Roof To Provide Eight Flats; Basement Parking	Refused/ 01/12/2016	1. The proposed redevelopment of the site, by reason of the excessive footprint of the building and its encroachment on a private rear garden area, would represent overdevelopment of the site, and would result in an over-intensive and an inappropriate form of development, at odds with the Councils spatial strategy for growth to the detriment of the character and appearance of the locality, contrary to the National Planning Policy Framework (2012), policies 3.5A and 7.1D of The London Plan (2016) and core policies CS1 A and CS1 B of the Harrow Core Strategy 2011-2026

		<p>and the adopted Supplementary Planning Document: Garden Land Development (2013).</p> <p>2. The proposed building, by reason of its excessive scale, bulk and massing would give rise to a form of development which would be disproportionate, incongruous and overly dominant, to the detriment of the character and appearance of the streetscene, and the visual amenities of the area, contrary to policies 7.4 B and 7.6.B of The London Plan 2015, policies CS1.B of the Harrow Core Strategy (2012), policy DM1 of the Development Management Policies Local Plan 2013 and the adopted Supplementary Planning Document: Residential Design Guide 2010.</p> <p>3. The proposed building, by reason of its excessive height and its bulky roof design would be visually intrusive in its surroundings to the detriment of the character and appearance of the streetscene, and the visual amenities of the area, contrary to policies 7.4 B and 7.6.B of The London Plan 2015, policies CS1.B of the Harrow Core Strategy (2012), policy DM1 of the Development Management Policies Local Plan 2013 and the adopted Supplementary Planning Document: Residential Design Guide 2010.</p> <p>4. The proposed development by reason of its height, depth, bulk, and siting would lead to an overbearing and overshadowing impact on neighbouring properties No. 9 and No. 15 Elms Road which would be harmful to the amenities of the occupiers of this site contrary to policy DM1 of the Development Management Policies Local Plan 2013 and the adopted Supplementary Planning Document: Residential Design Guide 2010.</p> <p>5, The proposal, by reason of the proximity of the first floor side windows on both side elevations of the proposed building would result in actual and perceived overlooking of the rear gardens of Nos. 9 and 15 Elms Road, to the detriment of the amenities of the users of those</p>
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			properties contrary to Policy 7.6.B of The London Plan 2016, Policy DM1 of the Development Management Policies Local Plan 2013, and the adopted Supplementary Planning Document: Residential Design Guide 2010.
<u>P/3084/10</u>	Change of use from an old persons home to three residential flats (one flat at ground floor level and two flats at first floor level - 3 year temporary permission)	Refused 13/06/2011	<p>1. The proposed change of use to three flats, by reason of inappropriate layout, lack of refuse storage arrangements, inadequate provision of private amenity space for the future occupiers and failure to demonstrate that the proposed flats would be accessible and inclusive in design for all, would provide substandard and low quality accommodation to the detriment of future occupiers of the properties, contrary to Planning Policy Statement 3, policies 3A.5, 3A.6, 4B.1 and 4B.5 of The London Plan (2008), saved policies D4, D5 & C16 of the Harrow Unitary Development Plan (2004), the Council's adopted Supplementary Planning Document – Residential Design Guide (2010) and the Council's adopted Supplementary Planning Document Accessible Homes (2010).</p> <p>2. The proposal, by reason of the provision of excessive amounts of hard surfacing in the front garden would detract from the character and appearance of the property and the area and would fail to achieve a high quality of forecourt greenery, to the detriment of the character and appearance of the property and the area, contrary to saved policies D4 and D9 of the Harrow Unitary Development Plan (2004) and the Council's adopted Supplementary Planning Document – Residential Design Guide (2010).</p>

EAST/201/01/FUL	First Floor side and rear extensions single storey rear extension (revised)	Granted 05/04/2001	N/A
EAST/606/97/FUL	Single storey side extension	Granted 26/09/1997	N/A
LBH/31045	Two Storey side and rear and single storey rear extensions & change of use to old persons home with provision of front car parking assistant	Granted 06/11/1986	N/A

4.0 **CONSULTATION**

4.1 A total of 4 neighbours were sent consultation letters. The expiry date for the letters was 09/08/2018

4.2 Adjoining Properties

Number of Letters Sent	4
Number of Responses Received	0
Number in Support	1
Number of Objections	0
Number of other Representations (neither objecting or supporting)	0

4.3 Statutory and Non Statutory Consultation

4.4 The following consultations have been undertaken:

The following consultations have been undertaken:

- LBH Highways
- Landscape Architect
- Tree Officer
- Waste Management Officers
- Councils Drainage Team

4.5 Internal Consultation

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

Consultee	Summary of Comments	Officer Comments
LBH Highways	Acceptable subject to conditions.	Comments noted and are addressed in the relevant section of the report below.
Landscape Architect	Acceptable subject to conditions.	Comments noted and are addressed in the relevant section of the report below.
Tree Officer	Acceptable subject to conditions.	Comments noted and are addressed in the relevant section of the report below.
Waste Management Officers	No comments	
Councils Drainage Team	Acceptable subject to conditions.	Comments noted and are addressed in the relevant section of the report below.

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.

- 5.3 In this instance, the Development Plan comprises The London Plan 2016, The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan SALP 2013 [SALP].
- 5.4 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 was published in draft form in December 2017. Given that the draft Plan is still at early stages of the formal process it holds very limited weight in the determination of planning applications. Although this weight will increase as the Draft London Plan progresses to examination in public stage and beyond, applications would continue to be determined in accordance with the 2016 London Plan. It is anticipated that the Examination in Public will commence early 2019.

6.0 ASSESSMENT

6.1 The main issues are:

- Principle of the Development
- Regeneration
- Character and Appearance
- Amenity of Neighbouring Occupiers
- Amenity of Future Occupiers
- Traffic, Car/Cycle Parking/Refuse Storage
- Development and Flood Risk
- Trees and Development
- Secure by Design Issues

6.2 Principle of Development

Loss of Sheltered Accommodation

- 6.2.1 In the previously refused application, the existing Use Class of the Building was considered to be C2 (sheltered accommodation), which is the most recent lawful use at the site. Policy DM 29(b) 'Sheltered Housing, Care Homes and Extra Care Housing' requires that the loss of care homes or sheltered housing will only be supported where it can be reasonably demonstrated there is no longer a demand for that use on the site. A recent proposal similar to the current proposal was granted in committee under P/0106/18 for six flats on 23/03/2018.
- 6.2.2 A considerable amount of supporting information has been provided in relation of a recently granted proposal under reference P/0106/18, as required by the policy to demonstrate that there is no longer a demand for the use. The principle of change of use is already established in the previous granted scheme. The previous report mentions that, "the responses from three estate agents stating that they have marketed the building unsuccessfully. It also includes an email from Abbeyfield Care Homes who previously used the site for care home use, stating that they have not had an interest in the application site since 2006. A response from the Council's Adult Services Team states that their records which date back to 2013 do not include any evidence of the site being in care home use from 2013 to the present day. The site is currently vacant and on officer site visit appeared in need of extensive modernisation or refurbishment in order to be put in to any use, although no financial data was submitted with the application outlining what refurbishment costs would be. Furthermore, evidence has not been submitted to demonstrate that the rent levels within the marketing data is at the correct level in the current market. However, the submitted evidence does appear to show that the site has not been in care home use for over 11 years. The scheme is considered acceptable by the Councils Planning Policy Team. On this basis the current scheme would not represent the loss of an existing care home and would therefore not be contrary to policy DM29." *New Building and Garden Land Development*
- 6.2.3 Paragraph 53 of the NPPF states that 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens'. Policy 3.5 of the London Plan (2016) states that Boroughs may introduce a presumption against development on private residential gardens where this can be locally justified. Following on from National and Regional Planning Guidance, Harrow's Core Strategy includes such a presumption, having been locally justified and independently examined through the development plan process. The Council has developed a Supplementary Planning Document: Garden Land Development ('SPD'), which seeks to resist development on 'garden land'. This SPD provides clarity on the purposes of policies CS1.A/B of Harrow's adopted Core Strategy and as such, it seeks to assist in the delivery of the strategic objectives of the development plan.

6.2.4 The Garden Land SPD provides clarity on what is and what is not garden land development. In relation to the current proposal, paragraph 3.6 states that *‘the redevelopment of an existing dwelling or group of dwellings to provide multiple dwellings or flats on the same building footprint, plus any appropriate enlargements’* is not garden land development.

For consistency and clarity, the SPD provides guidance in relation to what is an appropriate enlargement. It states at paragraph 3.7 that ‘the Council will allow any enlargement in footprint that is equivalent to whichever is the larger of either:

- (i) the footprint of any permitted extensions (excluding outbuildings) that could be exercised for the dwelling(s); or
- (ii) the footprint of an extension (excluding outbuildings) that would be consistent with Harrow’s Residential Design Guide SPD’.

6.2.5 In the previously refused scheme reference P/4591/16 it was considered that an increase of the footprint from 210 sq. m to over 300 sq. m would represent unacceptable garden land development, contrary to relevant policy and guidance. In the current proposal, the new building would be slightly below the existing built footprint and on this basis, is considered to have overcome the previous reasons for refusal in this regard and is considered acceptable. Furthermore, a recent proposal similar to the current one was granted in committee on 23/03/2018.

6.3 Character and Appearance of the Area

6.3.1 The NPPF does not change the law in relation to planning (as the Localism Act 2012 does), but rather sets out the Government’s planning policies for England and how these are expected to be applied. It remains the case that the Council is required to make decisions in accordance with the development plan for an area, unless other material considerations indicate otherwise (S.38 (6) of the Planning Act). The development plan for Harrow comprises The London Plan 2016 [LP] and the Local Development Framework [LDF].

6.3.2 The NPPF states 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’. The NPPF continues to advocate the importance of good design though it is notable that the idea of ‘design-led’ development has not been carried through from previous national policy guidance to the National Planning Policy Framework.

- 6.3.3. The London Plan (2016) policy 7.4B states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment. Core Strategy policy CS1.B states that ‘all development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design’.
- 6.3.4 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”.

Appearance

- 6.3.5 The current proposal is similar to the previously granted scheme under P/0106/18 which was granted in committee on 2/03/2018. The proposed elevations would be similar to the previously granted scheme. The only difference would be the insertion of three small rear dormers in the rear roof slope and roof lights in the front roofslope. The rear dormers would be modest in scale and would be visually contained in the rear roofslope and would appear proportionate to the dwellinghouse. The proposal would include a crown roof, however, it would not be apparent from the street view and would not change the appearance of the proposal from the previously granted scheme, when viewed from street. Overall the proposal is considered acceptable in terms of appearance.

Scale

- 6.3.6 In a previously refused scheme under P/4591/16, the scale of the development was found unacceptable due to the excessive depth and height of 12m. The current proposal would maintain a similar eaves height as nearby neighbours. Neighbouring dwellinghouse No.9 is approximately 7.5m high and no.15 is 8.5m high. The current proposal would be approximately 8.7m high and the previously approved scheme under P/0106/18 was 8.6m to 8.3m high. Furthermore, the depth would be similar to the existing building on site. On this basis it is considered that the scale of the proposal would be similar to the previously granted scheme and would respect the scale of the development in the surrounding area.

Landscaping

- 6.3.7 At present most of the front of the site is finished in hard landscaping. The new site plan shows 6 parking spaces on the front forecourt, as well as some soft landscaping, although details of the landscaping have not been submitted. Based on the existing appearance and nearby neighbours, this is considered largely acceptable, subject to a condition requiring further landscaping details to be submitted.

Access

- 6.3.8 It is proposed that the existing access to the site would remain unchanged. The existing forecourt has already been extensively paved. This existing access is considered adequate to accommodate the vehicle and pedestrian demand of seven residential units.
- 6.3.9 London Plan policy 3.8 which addresses housing choice, requires 90% of new housing to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and 10% of new housing to meet Building Regulation requirement M4 (3) 'wheelchair user dwellings, i.e., design is to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The application site does have ground floor residential units proposed, although it is limited in scale and so it would not be considered reasonable to make M4 (3) a requirement, especially with the limited number of new units. However, there are specifications that can be included to make residential units of this type to be more accessible and so the requirement to meet M4 (2) as far as possible will be secured via a planning condition.

Materials

- 6.3.10 In terms of material, the finish to the building would be roof tiles to match the existing, render walls, aluminium windows, all of which would be acceptable. Council's Arboricultural officer advised to retain the existing hard surfacing in the driveway to reduce the impact on the nearby protected trees. Permeable paving can be used in other hard surfaced areas. A condition is attached to ensure that the proposed materials/colours are acceptable. Subject to this, the scheme would be considered acceptable in terms of materials.

Conclusion

6.3.11 Subject to the conditions mentioned above, it is considered that the external appearance and design of the development is consistent with the principles of good design as required by the National Planning Policy Framework (2018). The resultant development would be appropriate in its context and would comply with policies 7.4B and 7.6B of The London Plan (2016), Core Policy CS1 (B) of the Harrow Core Strategy, policies DM1 and DM23 of the Council's Development Management Policies Local Plan and the Council's adopted Supplementary Planning Document – Residential Design Guide (2010), which require a high standard of design and layout in all development proposals.

6.4 **Amenity of Neighbouring Occupiers**

6.4.1 Core Strategy Policy CS1 B requires development to respond positively to the local context in terms of design, siting, density and spacing. Policy DM1 Achieving a High Standard of Development sets out a number of privacy and amenity criteria for the assessment of the impact of development upon neighbouring occupiers. Harrow has also produced a Residential Design Guide SPD.

6.5.2 Given the siting of the proposed replacement building, it is considered that the proposal would comply with the 45 degree line on the horizontal plane when measured from the adjacent first-floor rear elevations of the adjoining properties. The proposal would project approximately 3m in depth beyond the neighbour at No. 9 and 2.4 m beyond the neighbour at No. 15. While the site is at a higher level than No. 15, the fact that there would be a distance of 2m to the boundary, the proposal would be acceptable in accordance with guidance and policy. There are no primary windows facing flank elevations and the distance to neighbours at the rear boundary is considered sufficient to protect neighbours from overlooking. On this basis, the scheme is considered acceptable in terms of light and outlook/ overlooking and privacy for neighbouring occupiers. While the proposal would bring increased occupancy to the site, it is a relatively large site, effectively consisting of two plots and is not considered that it would result in significantly greater occupancy than two large detached dwellinghouses, for example or compared to the previous care home use. On this basis the scheme is considered acceptable in terms of neighbouring amenity in accordance with policy DM1 of the Harrow DM Policies.

6.6 Future Occupier Amenity

6.6.1 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.

6.6.2 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 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.

6.6.3 Policies DM1 Achieving a High Standard of Development and DM27 Amenity Space set out a number of privacy and amenity criteria for the assessment of proposals for residential development.

6.6.4 *Internal Space*

6.7 The proposed flats and the bedrooms would meet the required size for new residential units. Purpose built storage has been provided for all units. All units are considered acceptable in terms of Gross Internal Floor Area.

6.8 Table showing GIA

	Proposed Floor area sqm	Mimimum floor area Required(sqm)
Flat1- 2B 4P	74.5	70
Flat2- 1B 2P	53.5	50
Flat3- 1B 1P	37.3	37
Flat4- 2B 3P	62	61
Flat 5-2B 3P	61	61
Flat 6-1B 1P	37.5	37
Flat7- 2B 4P	93	70

Layout/ Light and Outlook

- 6.9 The studios would be single aspect, as would the rear units at ground and first floor. The Mayor of London Housing SPG Standard 29 states that developments should minimise the number of single aspect dwellings. Also that single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided. The single aspect north facing units consist of 1 x 1 bedroom unit on the ground floor and 1 x 2 bedroom units on the first floor. The level of natural light to the living rooms and second bedroom of the upper floor rear unit would not be optimal due to the north facing aspect and shape of these rooms. However, this would still provide acceptable living space and would overall be acceptable in accordance with policy DM1.

Stacking/ Floor to Ceiling Heights

- 6.10.1 The proposed floor to ceiling height would be between 2.5m to 3.05m. About 50.35% of the Gross internal floor area (GIA) of the proposed loft unit would have floor to ceiling height of 2.5m which is below the 75% required. However, the actual GIA of the loft unit would be 93 sqm which is more than the required 70 sqm for a 2 bed 4 person unit. The reason why the ratio comes below the 75% is that the actual GIA of the unit is more. If the GIA was 70 sqm the ratio would be around 50% which is close to 50.35%. Moreover the height of the loft unit would be more than 3metres in most of the areas which is above the required 2.5m. The loft unit would have generous internal floor area, layout and outlook. On balance, it is considered that the shortfall is acceptable.

Private Amenity Space

- 6.11 Harrow Policy DM27 addresses amenity space and states that an appropriate form and amount of amenity space should be informed by the Mayor of London Housing Design Guide (2016) and other factors such as pattern of development, likely needs of future occupiers, privacy of neighbouring occupiers and the quality of space proposed.
- 6.12 The proposal would provide private amenity space for the ground floor units No. 1 and 2. The scale of these would significantly exceed the minimum size recommended in the Mayor of London Housing SPG. Subject to a condition requiring a high level fence to protect the amenity of future occupier's privacy, these would be considered acceptable. The remainder of the garden would be used as a communal amenity space for the remaining units. Two of the units with access to the communal garden would be studios, most likely with only 1 occupier each. This communal amenity space would be relatively large in area and the number of future occupiers who would have access to this would be fairly

limited. Overall it would be consider an acceptable garden space. The TPO trees will be addressed in a separate section of this report.

6.13 Traffic, Car/Cycle Parking/Refuse Storage

- 6.14 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. London Plan policy 6.3 states that ‘development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed’. Policies 6.9 and 6.10 relate to the provision of cycle and pedestrian friendly environments, whilst policy 6.13 relates to parking standards. Core Strategy policy CS1.Q seeks to ‘secure enhancements to the capacity, accessibility and environmental quality of the transport network’, whilst policy CS1.R reinforces the aims of London Plan policy 6.13, which aims to contribute to modal shift through the application of parking standards.
- 6.15 6 car parking spaces are shown at the front of the property, including one disabled parking space and one passive electric vehicle charging point. The Highways Authority response stated that parking provision needs to comply with the London Plan 2016 standards; 20% active and 20% passive electric vehicle charging points are required. London Plan (2016) provides maximum parking standard for residential development. According to Table 6.2 less than 1 per unit should be provided for 1 to 2 bed units. The proposed 6 parking spaces for seven units are considered acceptable would comply with the maximum parking standard.
- 6.16 The cycle storage to the rear of the property appears to show 10 x cycle spaces. The requirement is 11 for this number of units at this size. The response from the Highways Authority states; cycle parking also needs to meet these standards and should be provided at a rate of 2 spaces per two bed and 1 space per one bed and studio. Therefore, an additional space is needed to meet the minimum requirement of 11 spaces. Upon receiving the comments from Highways, the applicant has submitted a revised site plan increasing the number of cycle parking to 11. However, a condition is attached requiring the details of cycle parking for the future occupiers.

- 6.17 It is noted that the Draft London Plan 2017 has higher cycling requirements. However, as an emerging document this carries limited weight and the scheme meets current London Plan cycle parking standards.

Construction Logistics Plan

- 6.18 The Highways Authority requires a construction logistics plan which has been addressed through a planning condition.

Refuse Storage and Servicing

- 6.19 Policy DM45 requires appropriate refuse storage that is located and screened to avoid harm to neighbouring occupiers. The proposal shows the refuse storage in a container near the front of the site. This appears acceptable in principle, although additional details would be required to demonstrate that it meets policy DM45. On this basis further details will be required through a planning condition.

6.20 Flood Risk and Development

- 6.21 The site is not in a higher risk flood zone and the proposed footprint would be similar to the existing. The Council's Drainage Team has made comments related to requirement of sustainable drainage measure and surface water run-off. Subject to relevant conditions and informatives on this basis, the scheme is considered acceptable in terms of flood risk and development in accordance with Harrow Development Management Policy DM10.

6.22 Trees and Development

- 6.23 Policy DM1 of the Harrow Development Management Policies Local Plan (2013) states that the assessment of the design and layout of proposals will have regard to the need to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit. Policy DM22 states that the removal of trees subject to TPO's or assessed as being of significant amenity value will only be considered acceptable where it can be demonstrated that the loss of the tree(s) is outweighed by the wider public benefits of the proposal.

6.24 The applicant has submitted an Arboricultural Report detailing the existing trees onsite, including the tree at the front which has a Tree Protection Order (TPO) and any potential impacts from the proposed development. Tree officer advised to retain the existing driveway, instead of replacing it with new hard surfacing to minimize the impact on the existing TPO trees. The Council's Tree Officer has commented that the proposed measures and details within the Arboricultural Report are acceptable and the undertaking the measures within this would be sufficient to protect trees on site, which has been attached as a condition.

6.25 Based on this it is considered that the proposed works would not have any detrimental impact on the health of these trees.

6.26 Therefore, subject to the safeguarding condition, it is considered that the proposed development would be in compliance with Policy 7.21 of The London Plan (2016), Policies DM1 and DM22 of the Harrow DM Local Plan (2013) and the guidance contained in the Council's adopted SPD Residential Design Guide (2010).

6.27 Secure by Design Issues

6.28 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.

6.29 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

6.30 Conclusion

6.31 The principle of providing residential accommodation at the application site has been considered as acceptable. The proposed housing development would bring forward housing provision of a satisfactory mix to provide housing choice to the borough and of an adequate level to ensure suitable accommodation for future occupiers. It is considered that the proposal would have an acceptable design and external appearance and would not have an undue impact on the character and appearance of the area or the residential amenity of neighbouring occupiers. The proposal would provide appropriate living conditions for the future occupiers of the development. In addition to this, the details submitted in relation to refuse and cycle parking is considered to be acceptable subject to conditions requiring further details.

6.32 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: Tree Survey (BS 5837: 2012), Arbtech TCP01, Planning, Design And Access Statement (Revision A, 20TH June 2018), Marketing Statement (9 February 2018), 1337 01 Rev B, 1337 02 Rev B, 1337 03 Rev E, 1337 04 Rev D, 1337 05 Rev C, 1337 06 Rev C, 17003-001.

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

3. Materials

Notwithstanding the submitted details and approved plans, 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 and roof
- b) Windows and doors;
- c) Rainwater goods
- d) Hardsurfacing

The applicant shall submit full construction details of permeable paving (except for the front driveway near the TPO trees) with their maintenance plan. 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 protect the locality from surface water flooding.

4. Construction Logistics Statement

No development shall take place until a Construction Logistics Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. measures to control the emission of dust and dirt during construction
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To ensure that the construction of the development does not unduly impact on highway safety and the amenities of the existing occupiers of the properties adjacent to the site. To ensure that the proposed works can be incorporated in to the design, this is PRE-COMMENCEMENT Condition.

5. Waste and Surface Water Disposal, Surface Water Attenuation

The development hereby permitted, shall not be commenced until details of the following have been submitted to, and approved in writing by, the local planning authority:

- i. works for the disposal of sewage
- ii. works for the disposal of surface water
- iii. surface water attenuation and storage works

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

REASON: To ensure that adequate drainage facilities are provided and to reduce and mitigate the effects of flood risk. This is required as a pre-commencement condition as it would not be possible to ensure that suitable measures would be put in place after works had commenced. To ensure that the proposed works can be incorporated in to the design, this is PRE-COMMENCEMENT Condition.

6. Refuse Storage

Prior to occupation of the development hereby approved details of refuse storage shall be submitted to the local planning authority for approval in writing. The refuse storage shall be implemented and shall thereafter be retained in accordance with the approved details. Thereafter, the refuse and waste bins shall be stored at all times, other than on collection days, within the designated refuse storage areas as shown on the approved details. The refuse storage area shown on the approved plans shall be allocated as indicated. Access to the refuse storage area shall not be obstructed on collection days.

REASON: To provide acceptable refuse storage and avoid harm to the amenity of neighbouring occupiers.

7. Secure by Design

Evidence of certification of Secure by Design Accreditation for the development shall be submitted to an 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.

8. Cycle Storage

Prior to occupation of the development hereby approved safe and secure cycle storage for 11 x bicycles shall be provided for the use of future occupiers as shown on the approved plans. The bicycle storage shall be implemented and shall thereafter be retained.

REASON: To provide safe and secure cycle storage for the use of future occupiers.

9. M4 (2) Accessibility

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

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

10. Landscape

A landscape plan and management plan, including long term design objectives, management responsibilities and maintenance schedules for all communal landscape areas other than small, privately owned, domestic gardens, shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The landscape plan and management plan shall be carried out as approved.

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

11. Landscape

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

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

12. Fencing

Notwithstanding the approved plans, the proposal shall not be occupied before the boundary of the site, including the proposed private gardens are enclosed by a close boarded fence to a minimum height of 1.8 metres. The fencing shall be implemented and thereafter retained.

REASON: In the interests of amenity and highway safety.

13. Trees

The development shall be undertaken in accordance with the Tree Survey (BS 5837; 2012). The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected.

14. Permeable Paving

Before the hard surfacing hereby permitted is brought into use the surfacing (except from the front driveway near the TPO trees) 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

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

15 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 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.

1 **INFORMATIVES**

Policies

The following policies and guidance are relevant to this decision:

National Planning Policy and Guidance:

National Planning Policy Framework (2018)

The London Plan (2016):

- 3.1 Ensuring Equal Life Chances for All
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.21 Trees

Draft London Plan (2017)

Local Development Framework

Harrow Core Strategy 2012

CS1 B Local Character

Development Management Policies Local Plan 2013

- DM1 Achieving a High Standard of Development
- DM2 Achieving Lifetime Neighbourhoods
- DM9 Managing Flood Risk
- DM10 On Site Water Management and Surface Water Attenuation
- DM12 Sustainable Design and Layout
- DM22 Trees
- DM23 Streetside Greenness and Forecourt Greenery
- DM24 Housing Mix
- DM27 Amenity Space
- DM37 Secondary Shopping Frontage
- DM42 Parking Standards
- DM44 Servicing

DM45 Waste Management

Supplementary Planning Documents

Mayor of London Housing Supplementary Planning Guidance (2012)

Residential Design Guide Supplementary Planning Document (2010)

Accessible Homes Supplementary Planning Document (2010)

Building Regulations 2010 M4 (2) Category 2: Accessible and Adaptable Dwellings

Technical Housing Standards- Nationally Described Space Standard 2015

Code Of Practice For The Storage And Collection Of Refuse And Materials For Recycling In Domestic Properties 2016

2 GRANT WITH PRE-APPLICATION ADVICE

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 MAYOR CIL

Please be advised that approval of this application by Harrow Council will attract a liability payment £ 12,880 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 £12,880 for the application, based on the levy rate for Harrow of £35/sq m and the stated increase in floorspace of 368 sq m.

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: £40, 480

Residential (Use Class C3) - £110 per sq m;

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: £40, 480

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

8. INFORMATIVE

Notwithstanding the details set out in condition 16 above, the Construction Management Plan should also be produced in accordance with Transport for London guidance. Further information can be found at: <https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/guidance-by-transport-type/freight>

9. INFORMATIVE

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

10 STREET NAMING AND NUMBERING INFORMATIVE

Harrow Council is responsible for the naming and numbering of new or existing streets and buildings within the borough boundaries. The council carries out these functions under the London Government Act 1963 and the London Building Acts (Amendment) Act 1939. All new developments, sub division of existing properties or changes to street names or numbers will require an application for official Street Naming and Numbering (SNN). If you do not have your development officially named/numbered, then then it will not be officially registered and new owners etc. will have difficulty registering with utility companies etc.

You can apply for SNN by contacting technicalservices@harrow.gov.uk or on the following [link](http://www.harrow.gov.uk/info/100011/transport_and_streets/1579/street_naming_and_numbering).
http://www.harrow.gov.uk/info/100011/transport_and_streets/1579/street_naming_and_numbering

11 THAMES WATER CONNECTION

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

12 SUDS

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

SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

Where the intention is to use soak ways they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Support for the SUDS approach to managing surface water run-off is set out in the National Planning Policy Framework (NPPF) and its accompanying technical guidance, as well as the London Plan. Specifically, the NPPF (2012) gives priority to the use of sustainable drainage systems in the management of residual flood risk and the technical guidance confirms that the use of such systems is a policy aim in all flood zones. Policy 5.13 of the London Plan (2016) requires development to utilise sustainable drainage systems unless there are practical reasons for not doing so. Sustainable drainage systems cover the whole range of sustainable approaches to surface drainage management. They are designed to control surface water run-off close to where it falls and mimic natural drainage as closely as possible. Therefore, almost any development should be able to include a sustainable drainage scheme based on these principles.

The applicant can contact Harrow Drainage Section for further information.

Plan Numbers: Tree Survey (BS 5837: 2012), Arbtech TCP01, Planning, Design And Access Statement (Revision A, 20TH June 2018), Marketing Statement (9 February 2018), 1337 01 Rev B, 1337 02 Rev B, 1337 03 Rev E, 1337 04 Rev D, 1337 05 Rev C, 1337 06 Rev C, 17003-001.

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