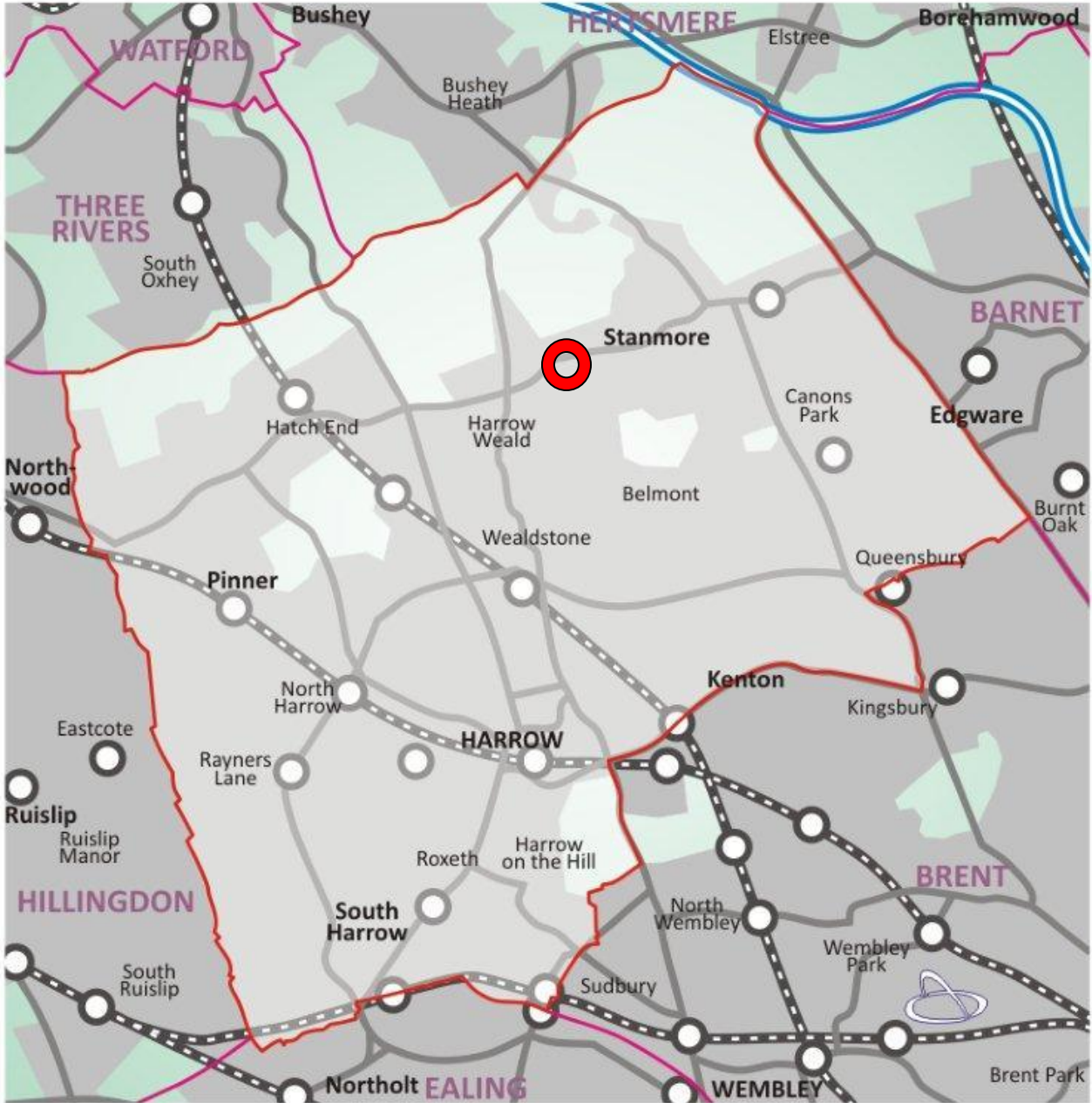
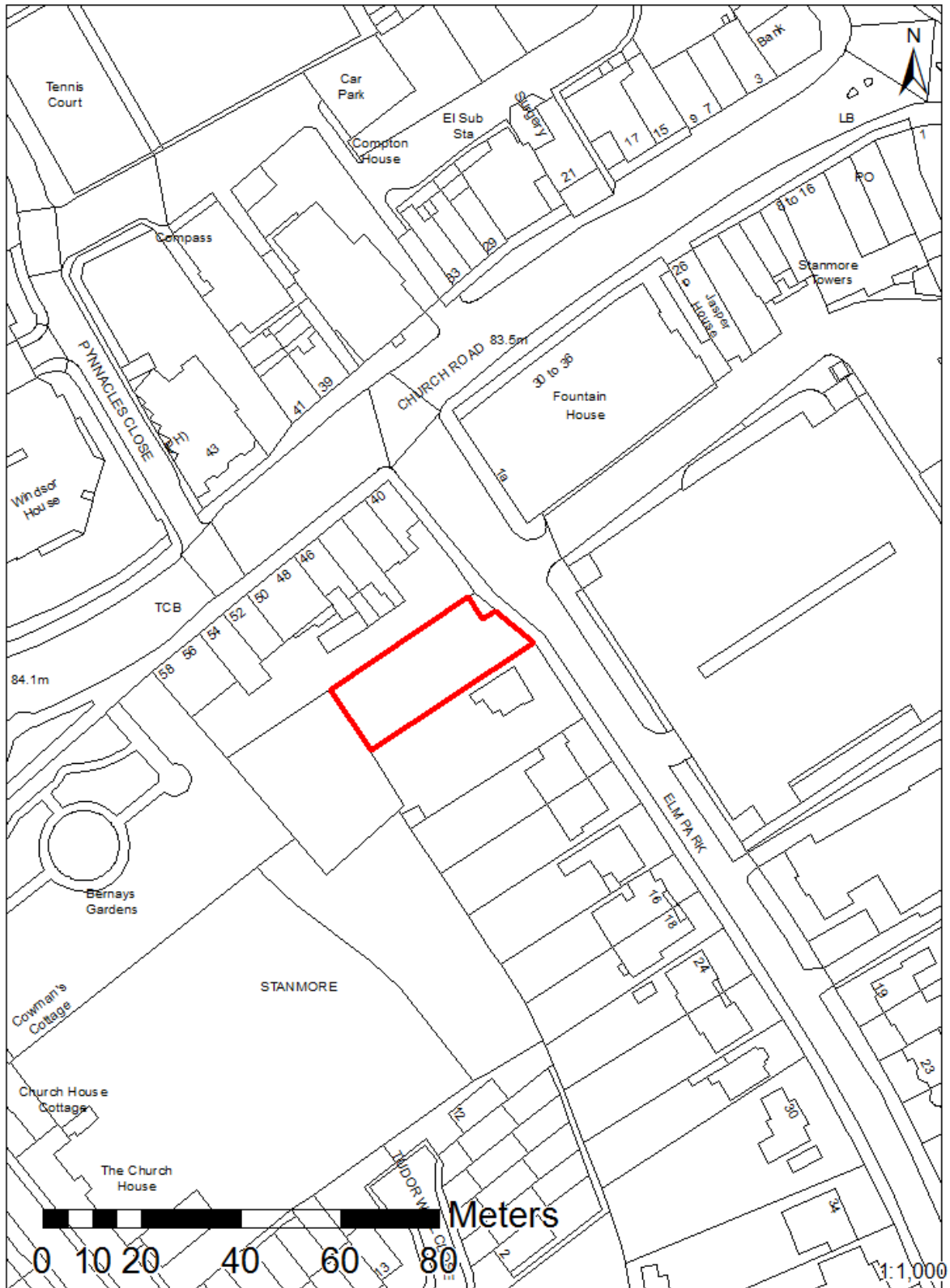


 = application site



<b>4 Elm Park</b>	<b>P200318</b>
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# Garages adj & dwelling to r/o 4 Elm Park



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# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

17<sup>th</sup> October 2018

**APPLICATION NUMBER:** P/2003/18  
**VALIDATION DATE:** 18/05/2018  
**LOCATION:** GARAGES ADJACENT AND DWELLING TO REAR OF 4 ELM PARK STANMORE  
**WARD:** STANMORE PARK  
**POSTCODE:** HA7 4BJ  
**APPLICANT:** HM II LTD  
**AGENT:** MR STUART RACKHAM  
**CASE OFFICER:** NICOLA RANKIN  
**EXPIRY DATE:** 27/07/2018

### PURPOSE OF REPORT/PROPOSAL

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

Re-development to provide one two storey building for four flats; landscaping; separate and communal amenity space; bin / cycle storage

### RECOMMENDATION

The Planning Committee is asked to:

- 1) grant planning permission subject to authority being delegated to the Divisional Director of Regeneration, Enterprise and Planning in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and other enabling legislation and issue of the planning permission and subject to minor amendments to the conditions (set out in Appendix 1 of this report) or the legal agreement. The Section 106 Agreement Heads of Terms would cover the

following matters:

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

- i) Restriction of parking permits for future occupiers.
- (ii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement;

### **REASON**

The proposed development of the site would provide a quality development comprising of a satisfactory level of residential accommodation, thereby contributing to the Borough's housing stock. The housing 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 2012, 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.

### **RECOMMENDATION B**

That if, by 14<sup>th</sup> January 2019 or as such extended period as may be agreed by the Divisional Director of Regeneration, Enterprise and Planning in consultation with the Chair of the Planning Committee, then it is recommended to delegate the decision to REFUSE planning permission to the Divisional Director of Regeneration, Enterprise and Planning on the grounds that:

The proposed development, in the absence of a legal agreement to provide appropriate mitigation measures to ensure the development would not exacerbate on street parking concerns of the proposed development, would fail to comply with the requirements of policies 6.9 of The London Plan 2016, Policy DM42 of the Harrow Development Management Policies Local Plan (2013), and core policy CS1.R of the Harrow Core Strategy 2012.

### **INFORMATION**

This application is reported to Planning Committee as the development is for four new residential units and it is subject to a Section 106 Agreement. It therefore falls outside Schedule 1 of the Scheme of Delegation.

Statutory Return Type: (E)  
Minor  
Developments  
None

Council Interest: None

**Net Additional Floor Area:** 293 sq  
m

**GLA Community Infrastructure (CIL) Contribution (provisional):** £ 10,255 (based on a £35 contribution per square metre of additional floorspace)

**Harrow Community Infrastructure (CIL) Contribution (provisional):** £32,230 (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	Garages adjacent and dwelling to Rear of 4 Elm Park Stanmore HA7 4BJ
Applicant	HM II Ltd
Ward	Stanmore Park
Local Plan Allocation	No
Conservation Area	No
Listed Building	No
Setting of Listed Building	No
Building of Local Interest	No
Tree Preservation Order	No
Other	No

Housing		
Density (0.035 HA) 11	Proposed Density hr/ha	314 hr/ha
	Proposed Density u/ha	114 u/ha
	PTAL	PTAL 2
	London Plan Density Range	Urban Setting: 200-450 hr/ha
Dwelling Mix	Studio (no. / %)	0
	1 bed (no. / %)	1 unit/ 25%
	2 bed (no. / %)	3 units/75%
	3 bed (no. / %)	
	4 bed (no. / %)	0
	Overall % of Affordable Housing	0%
	Affordable Rent (no. / %)	0%
	Intermediate (no. / %)	0%



	Private (no. / %)	4 units / 100%
	Commuted Sum	N/A
	Comply with London Housing SPG?	Yes
	Comply with M4(2) of Building Regulations?	Yes Subject to a planning condition, the scheme will meet accessibility requirement.

Transportation		
Car parking	No. Existing Car Parking spaces	12 (disused garages)
	No. Proposed Car Parking spaces	0
	Proposed Parking Ratio	0
Cycle Parking	No. Existing Cycle Parking spaces	0
	No. Proposed Cycle Parking spaces	8
	Cycle Parking Ratio	2:1
Public Transport	PTAL Rating	2
	Closest Rail Station / Distance (m)	Stanmore Underground Station 1.0km
	Bus Routes	H12, 340, 142, 107
Parking Controls	Controlled Parking Zone?	Yes, CPZ Zone B
	CPZ Hours	3pm-4pm Mon Fri

	Previous CPZ Consultation (if not in a CPZ)	N/A
	Other on-street controls	Double yellow lines on Elm Park and London Road/Uxbridge Road
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	3 separate refuse storage areas, with one each for the front units and a shared storage area for the rear two units, located near the front of the site adjacent to the property at No. 4 Elm Park.

## 1.0 SITE DESCRIPTION

- 1.1 The application site contains an existing house at No. 4 Elm Park, which has been divided in to 4 flats and also contains 12 garages running parallel to No. 4 Elm Park. These were previously rented out and are now no longer in use. The

garages have a mono-pitched roof and measure 4.70m in height, with an eaves height of 2.85m and measure 34 m in depth, filling the full depth of the site along the northern side. The existing dwelling at the rear of the site measures 5m in height with a width of 8m and a small gap between this and the garages.

- 1.2 At the rear of the site facing No. 4 Elm Park is a two storey house facing towards 4 Elm Park, this was built without planning permission but it was regularised through a Certificate of Lawful Existing Development. To the south of the site is No. 6 Elm Park, a detached dwellinghouse, which has a similar roof form as No. 4 Elm Park. No. 4 Elm Park is a dwelling which was converted to flats and is under the same ownership as the development site.
- 1.3 The site to the rear is a currently vacant site that has planning permission for 6 new residential units on Church Road. To the north is a service road and retail units at the ground floor and upper floor flats on Church Road.
- 1.4 The site is located within a Critical Drainage Area. To the east of the site is the Old Church Conservation Area, although this does not abut the application site and so the site is not considered to have an impact on the character of the Conservation Area.
- 1.5 The PTAL level is 2 which is low.

## **2.0 PROPOSAL**

### *Scale and Massing*

- 2.1 The proposal is to demolish the existing garages and build 4 x residential units set over two floors including roof space. The building would be 'L' shaped, covering the area currently occupied by garages and also by the house to the rear that was built without planning permission. This house has been regularised through a Certificate of Lawful Development and as such it is a material planning consideration.
- 2.2 The main building facing towards Elm Park would be of similar design to the existing house at No. 4 Elm Park with a roof ridge at the same height and a similar roof form.
- 2.3 The front building would have a pitched roof with an eaves height of 5m and a full height of 8m. The width at the frontage would be 5.50m, with a depth of 16m, which is the same as the upper floor depth of the adjacent neighbour No. 4 Elm Park.

- 2.4 The rear building would have an eaves height of 4.50m and a full height of 6m. The width would measure 14m with a depth of the building of 5.50m.

#### *Elevations and Materials*

- 2.5 The main elevation materials would primarily be red brick, varied with red textured brick work. The roof tiles would be in red clay, with the side gate finished in painted timber.
- 2.6 The front elevation of the front building (Block A) would feature windows of a similar size and shape as that of the adjacent building at No. 4 Elm Park - The side elevation of block A would feature one window at first floor which would serve a stairwell.
- 2.7 The rear building, Block B, would have ground floor windows and rooflights, but no first floor windows facing in to the development. The rear elevation of Block B would feature small windows, rooflights and also a full-length set of windows/doors serving a living room with a recessed balcony.

#### *Residential Accommodation*

- 2.8 This would consist of 4 x residential units which are briefly described below:
- A.01 would be a 2 bedroom 3 person unit on the ground floor towards the front facing Elm Park.
  - A.02 would be a 2 bedroom 3 person unit on the first floor towards the front, immediately above A.01.
  - B.01 would be a 2 bedroom 4 person unit on the ground floor in the rear building.
  - B.02 would be a 1 bedroom 2 person unit on the first floor above unit B.01.

#### *Access, Outdoor Amenity Space and Landscaping*

- 2.9 The site would have two main access points. Units A.01 and A.02 which front on to Elm Park, would be accessed via a main entrance just off Elm Park, with stairs up to first floor flat A.02. The rear flats would be accessed via a side passage adjacent to the existing flatted development at No. 4 Elm Park. A staircase would run directly up to first floor flat B.02 and there would be a central entrance to flat B.01 on the ground floor.

- 2.10 The access would be set away from the flank wall of No. 4 Elm Park with a new landscaped zone and reconfigured pathway. Small gardens would be provided for Units A.01, A.02 and B.01, with a balcony for the upper floor, 1 bedroom flat B.02.

*Car and Cycle Parking, Refuse Storage*

- 2.11 8 x cycle parking spaces are proposed, with separate storage areas for each respective unit.
- 2.12 No car parking spaces have been indicated and the Planning Statement states that it would be a car free development, due to the its town centre location in Stanmore. The existing space at the front of No. 4 Elm Park is currently used by the rear building that would be demolished.
- 2.13 The refuse storage would be located separately for Units A.01 and A.02 along the northern flank of the building, with a separate access to the bin stores. The refuse storage for B.01 and B.02 would be along the southern flank wall of the existing flats at No. 4 Elm Park.

*Revisions to Current Application*

- 2.14 The current application has been revised as follows:
- The ground floor front window facing on to Elm Park has been increased in scale to improve outlook to the ground floor flat A.01.
  - Rooflights, which are intended to be clear-glazed have been added to the bedroom of the upper floor rear flat B.02.
  - The height of the rear building has been reduced from 7 to 6 metres and the roof form changed from a pitched roof to a pitched crown roof form.
  - The windows on the west elevation of proposed Block B have been amended to give better outlook to the bedroom and bathroom of apartment B.02.

Revisions to Previous Application

- 2.15 The scheme has undergone significant revisions in comparison with the previously refused scheme reference P/2594/17. These can be summarised as follows, with the sub-headings following the reasons for refusal in the previous case:

*Character and Appearance/ Bulk and Scale*

- The scale of the development has been significantly reduced at the northern side, with the flank wall reduced in height from 3.50m to 2.20m.
- The rear building has been reduced in depth from 9m to 5.50m, leaving a low wall at a height of 2.20m along the side with a space of 12m between the two main buildings. This compared with a flank wall at a height of 3.50m in the previous scheme, with a space between the buildings of only 10m.

*Neighbouring Occupier Amenity- Overlooking/ Privacy*

- The first floor window and terraces facing upper floor flats on Church Road have been omitted

*Neighbouring Occupier Amenity- Light and Outlook*

- Reduced scale adjacent to No. 4 Elm Park

*Refuse Storage*

- Refuse storage has been relocated away from neighbouring flats at No. 4 Elm Park.

*Access Arrangements*

- The access arrangements have been amended so that only occupiers of the two rear flats (serving a maximum of 6 occupants in total) would pass the flank wall, with the pathway remodelled to take it further away from this flank wall.

*Future Occupier Amenity*

- The number of units has been reduced from 5 to 4. While the occupancy of the development overall would be likely to be similar or slightly higher than in the previous proposal, all of the units are now located on one floor only, rather than two or even three in previous schemes and other issues related to light and outlook have been addressed.
- Purpose-built storage has been supplied within each unit

*Outdoor Amenity Space*

- The quality of the outdoor amenity spaces have been significantly improved, with the outdoor spaces increased in size and located at ground floor only, with a greater degree of privacy and outlook.

### 3.0 RELEVANT PLANNING HISTORY

R e f e r e n c e  N u m b e r	D e v e l o p m e n t  D e s c r i p t i o n	D e c i s i o n  /  D a t e	Reason for Refusal
P / 2 5 9 4 / 1 7	R e d e v e l o p m e n t  T o P r o v i d e S i n g l e A n d T w	R e f u s e d  :  3 1 / 0 8 / 2 0 1 7	<p>1. The proposal, by reason of poor design, excessive bulk and scale, would result in a development of poor quality and incoherent design, that would appear cramped within the site and would be excessively bulky, particularly above ground floor and would result in a gross overdevelopment of the site, to the detriment of the character and appearance of the immediate locality, the street scene and the area generally, contrary to the high design aspirations of the National Planning Policy Framework (2012), policies 7.4B and 7.6B of The London Plan (2016), policy CS1.B of the Harrow Core Strategy (2012), policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).</p> <p>2. The proposal, by reason of the close proximity and orientation of first floor windows, balconies and terraces facing habitable rooms in</p>

	<p>o S t o r e y B u i l d i n g W i t h A c c o m m o d a t i o n I n R o o f T o C r e a t e A T o t a l O f F i v e F l a t s ; R e f u s</p>		<p>nearby existing buildings, would result in an unacceptable degree of perceived and actual overlooking and loss of privacy to the occupiers of upper floor flats at No's 40-54 (even numbers) Church Road, contrary to policy 7.6B 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.</p> <p>3. The proposal, by reason of its excessive scale and bulk in close proximity to neighbouring gardens and habitable rooms, would result in an unacceptable sense of enclosure and loss outlook and visual amenity to the occupiers Flats at No. 4 Elm Park, contrary to policy 7.6B 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.</p> <p>4. The proposal, by reason of lack of appropriately located refuse storage would result in an unacceptable servicing arrangement from a private access road outside the site boundary, contrary to policies DM1 and DM45 of the Harrow Development Management Policies Local Plan (2013).</p> <p>5. The proposal, by reason of lack of adequate access arrangements, would result in an excessive degree of nuisance and disruption to existing occupiers of the flats at No. 4 Elm Park and the dwellinghouse at No. 6 Elm Park, contrary to policies DM1 of the Harrow Development Management Policies Local Plan (2013).</p> <p>6. The proposed residential units, by reason of their lack of purpose built storage space, failure to demonstrate adequate floor to ceiling heights and poor degree of natural light and outlook, would result in substandard, cramped and poor quality accommodation, that</p>
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	e A n d C y c l e S t o r a g e ; A m e n i t y A n d L a n d s c a p i n g		<p>would fail to be inclusive in design, to the detriment of the residential amenities of future occupiers, contrary to policies 7.6B of The London Plan (2016), policy DM1 of the Development Management Policies Local Plan (2013), the Supplementary Planning Document: Residential Design Guide (2010), the Technical Housing Standards Nationally Described Space Standards (2015) and the Mayor of London Housing Supplementary Planning Guidance (2016).</p> <p>7. The proposed outdoor amenity space would be unacceptable due to a poor degree of privacy and outlook, resulting in an inadequate standard of amenity for the future occupiers of the proposed units, contrary to policy DM1 and DM 27 of the Harrow Development Management Policies Local Plan (2013), the Harrow Residential Design Guide SPD and the Mayor of London Housing Design Guide SPG (2016).</p>
P / 5 0 1 0 / 1 6	R e d e v e l o p m e n t T o P r o v i d e T w o X T w	R e f u s e d :  1 3 / 0 1 / 2 0 1 7	<p>1. <i>The proposal, by reason of poor design, excessive bulk and scale, and use of inappropriate features including front balcony, would result in a development of poor quality and incoherent design, that would appear cramped within the site and would be excessively bulky particularly at higher floors and result in an overdevelopment of the site, to the detriment of the character and appearance of the street scene and the area, contrary to the high design aspirations of the National Planning Policy Framework (2012), policies 7.4B and 7.6B of The London Plan (2016), policy CS1.B of the Harrow Core Strategy (2012), policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning</i></p>

	<p>o S t o r e y B u i l d i n g s W i t h A c c o m m o d a t i o n I n R o o f T o C r e a t e A T o t a l O f S i x F l a t s ; R e f u s</p>		<p><i>Document: Residential Design Guide (2010).</i></p> <p>2. <i>The proposal, by reason of the close proximity and orientation of first and second floor windows directly facing neighbouring gardens and habitable rooms would result in an unacceptable degree of perceived and actual overlooking and loss of privacy to the occupiers of No. 6 Elm Park, Flats at No. 4 Elm Park and occupiers of upper floor flats at No's 40-54 (even numbers) Church Road, contrary to policy 7.6B 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.</i></p> <p>3. <i>The proposal, by reason of its excessive scale and bulk in close proximity to neighbouring gardens and habitable rooms, would result in an unacceptable sense of enclosure and loss of light and outlook to the occupiers of No. 6 Elm Park and Flats at No. 4 Elm Park, contrary to policy 7.6B 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.</i></p> <p>4. <i>The proposal, by reason of lack of appropriately located refuse storage and adequate access arrangement, would result in an excessive degree of nuisance and disruption to existing occupiers of the flats at No. 4 Elm Park and the dwellinghouse at No. 6 Elm Park, contrary/ to policies DM1 and DM45 of the Harrow Development Management Policies Local Plan (2013).</i></p>
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	e A n d C y c l e S t o r a g e ; A m e n i t y A n d L a n d s c a p i n g		<p>5. <i>The proposed residential units, by reason of their poor design and layout, inadequate sizes, lack of purpose built storage space and failure to demonstrate adequate floor to ceiling heights and poor degree of natural light and outlook, would result in substandard, cramped and poor quality accommodation, which would fail to be inclusive in design, to the detriment of the residential amenities of future occupiers, contrary to policies 3.5C, 7.2 and 7.6B of The London Plan (2016), policies DM1 and DM2 of the Development Management Policies Local Plan (2013), the Supplementary Planning Document: Residential Design Guide (2010), the Technical Housing Standards Nationally Described Space Standards (2015) and the Mayor of London Housing Supplementary Planning Guidance (2016).</i></p> <p>6. <i>The proposal has failed to demonstrate that there would be been sufficient / acceptable provision made for private outdoor amenity space for the residential units, resulting in an inadequate standard of amenity for the future occupiers of the proposed units, contrary to policy DM1 and DM 27 of the Harrow Development Management Policies Local Plan (2013), the Harrow Residential Design Guide SPD and the Mayor of London Housing Design Guide SPG (2016).</i></p>
P / 5 0 1 0 / 1 6	P l a n n i n g A p p	A p p e a l  D i	

<p>/ 5 2 0 6 A P P / A P P / M 5 4 5 0 / W / 1 7 / 3 1 7 8 1 4 7</p>	<p>e a l f o r P l a n n i n g R e f e r e n c e P / 5 0 1 0 / 1 6 : R e d e v e l o p m e n t T o P r o v i d e T w o X T w o S t o</p>	<p>s m i s s e d</p>	
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	r e y B u i l d i n g s W i t h A c c o m m o d a t i o n I n R o o f T o C r e a t e A T o t a l O f S i x F l a t s ; R e f u s e A n d		
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	C y c l e S t o r a g e ; A m e n i t y A n d L a n d s c a p i n g		
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#### 4.0 **CONSULTATION**

4.1 A total of 25 neighbours were sent consultation letters on the initial consultation. The expiry date for the consultation was 08/06/2018. A second consultation was undertaken based on revised plans received. The expiry date for this was 12/07/2018.

#### 4.2 Adjoining Properties

Number of Letters Sent	25 (per consultation)
Number of Responses Received	03
Number in Support	0
Number of Objections	03 (in total)
Number of other Representations (neither objecting or supporting)	0

<b>Details of Respondents</b>	
<b>1.</b>	Elm Park Residents Association

<b>2.</b>	Mr Robert Stones, 40 Church Road, Stanmore (responded to consultation and reconsultations)
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<b>Comments Objecting to the Proposal</b>		
<b>Subject of Comments</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>
<b>Character and Appearance</b>	Out of character, poor visual amenity. Planning Inspectors previous decision highlights this.	The scale of the development on the character of the area is addressed in the 'Character and Appearance' section of the report below.
<b>Conservation Area</b>	Impact on nearby Conservation Area and adjoining Listed Wall in Bernays Garden.	The Conservation Officer concluded in previous schemes that there would be no harm to heritage assets. The current proposal is reduced in scale.
<b>Neighbouring Amenity/ Overdevelopment</b>	There are existing permissions for rear of church road, the proposal would create a dangerous 'back alley'	This is addressed in the body of the report below.
<b>Traffic and Parking</b>	Already traffic problems in the area, due to Sainsbury's. Further residents, visitors, delivery vehicles etc. would exacerbate existing problems. Complaints by shop	This is addressed in the body of the report below.

	<p>holders that they have difficulty accessing rear of their premises. No controls so would result in new residents parking without permission.</p> <p>The site is not a Town Centre, but a District Centre, no restriction on vehicles, will exacerbate existing problems, deliveries, etc.</p>	
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<b>Flood Risk</b>	Increased development, surface water run-off, sewers overflowing.	This is addressed in the body of the report below.
<b>Construction Issues</b>	<p>Construction phase, difficulty of vehicle entry.</p> <p>Businesses parking spaces could be affected during construction phase. Staff from their businesses coming and going.</p>	<p>Noise, fumes and working hours during the construction period will be addressed through planning conditions via a Construction Management Plan/ Construction Statement. There are also environmental health regulations which apply to construction work, but are outside the remit of planning.</p>
<b>Planning Issues</b>	<p>Existing garages and buildings on site have been extended without planning permission and represent an eyesore. Issues with Bats</p>	<p>The lack of planning permission for existing garages and rear building is acknowledged. However, due to the longstanding nature of these developments, their presence is considered a material planning consideration.</p> <p>Biodiversity issues have been addressed within the report.</p>
<b>Covenants</b>	Not a planning issue, but covenants do not allow more than 1	As stated in the comment this is not a material planning

	property per plot, can be legally challenged.	consideration as it would be covered under private property rights and so would not be assessed as part of this application.
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4.3 Statutory and Non Statutory Consultation

4.4 The following consultations have been undertaken:

- LBH Highways
- Planning Policy
- Design Officer
- Drainage Engineering Officers
- Waste Management Officers

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.

<b>Con sult e e</b>	<b>Summary of Comments</b>	<b>Officer Comme nts</b>
LBH High ways	<p>Highways response as follows:</p> <p><u>Summary</u> A development proposal of this size is not likely to generate excessive amounts of traffic or parking demand however, the site is within a PTAL 2 location. Attention should be given to DM42 is given with regard to the Council's position on car free developments in particular, the availability of on-street space and public car parks are considered a disincentive to use alternative modes of transport.</p> <p><u>Disabled Parking</u> It is also necessary to ensure that the parking needs of disabled people are met; at present the proposal does not appear to address this.</p> <p><u>Parking</u> If the garages are not currently in use it would be</p>	Commen ts noted and are addresse d in the relevant section of the report below.

	<p>difficult to argue that parking would be affected. It is not possible to park on-street in the immediate vicinity as this section of Elm Park is covered by 'at any time' waiting restrictions. The car park opposite 4 Elm Park is privately operated and has a maximum stay of 2 hours, therefore this isn't really an option for parking for residents either.</p> <p>The only remaining concern in relation to parking would be the effect this development would have overnight; a parking survey would demonstrate whether there would be any capacity on-street however, due to the constraints involved with owning a car whilst living in this development, we would not anticipate high numbers seeking overnight parking</p> <p><u>Car-Free Development</u> To support the car free element, it would be appropriate to impose a resident permit restriction which would mean that residents of the development would not be entitled to apply for resident or visitor parking permits and couldn't park in the surrounding CPZ during hours of operation.</p> <p><u>Conclusion/ Required Conditions/Cycle Parking/Construction Plan</u> We would have no objection to the principle of the proposed development but would require information on parking for disabled residents. Should this</p>	
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	<p>application be granted there should be conditions applied for cycle parking storage – quantity, locations and type of storage; construction method statement/logistics plan and a legal agreement for resident permit restriction.</p>	
<p>Drainage Engineering Officers</p>	<p><b><u>Drainage Requirements:</u></b>  In line with our Development Management Policy 10, to make use of sustainable drainage measures to control the rate and volume of surface water runoff, to ensure separation of surface and foul water systems, make provision for storage and demonstrate arrangements for the management and maintenance of the measures used, the following details are required:</p> <ul style="list-style-type: none"> <li>• The applicant should submit drainage details <b>in line with our standard requirements attached.</b></li> <li>• The applicant can contact Thames Water developer services <b>by email:</b> <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a> or <b>by phone:</b> 0800 009 3921 or on Thames Water website <a href="http://www.developerservices.co.uk">www.developerservices.co.uk</a> for drainage connections consent.</li> <li>• <b><u>Proposed Hardstandings</u></b>  The use of non-permeable surfacing impacts upon the ability of the environment to absorb surface water, and the hardsurfacing of the front gardens and forecourts lead to localised surface water flooding. Hence our requirement for use of permeable paving for all hardstanding.  The applicant should submit full construction details of permeable paving with their</li> </ul>	<p>Comments noted and are addressed in the relevant section of the report below.</p>

	<p>maintenance plan.</p> <p>Please be informed that the <b>requested details can be conditioned with pre-commencement conditions, attached are our standard drainage conditions/informative for reference.</b></p>	
Waste Management	No objection received	N/A
Biodiversity Officer	No objection to the proposal, subject to comments in the main body of the report.	See main body of the report.

## 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 (2016) when adopted and forms part of the development plan for the Borough.
- 5.5 The document has been published in draft form in December 2017. Currently, the Mayor of London is seeking representations from interested parties/stakeholders, before the draft Plan is sent to the Secretary of State for Examination in Public, which is not expected to take place until the summer of 2019. Given that that the draft Plan is still in the initial stages of the formal process it holds very limited weight in the determination of planning applications.
- 5.6 Notwithstanding the above, the Draft London Plan (2017) remains a material planning consideration, with relevant policies referenced within the report below and a summary within Informative 1.

## **6.0 ASSESSMENT**

6.1 The main issues are:

- Principle of the Development
- Regeneration
- Character and Appearance
- Amenity of Neighbouring Occupiers
- Amenity of Future Occupiers
- Development and Flood Risk
- Traffic, Parking, Servicing and Construction Issues
- Secure by Design Issues
- Sustainable Development/Development and Flood Risk

## **6.2 Principle of Development**

6.2.1 The proposal for residential development was found acceptable in principle for 6 flats and 5 flats respectively, in the previously refused applications, references P/5010/16 and P/2594/17. In the appeal decision on the former application, reference P/5010/16, (Harrow appeal reference P/5010/16/5206 PINS Reference APP/M5450/W/17/3178147) the Planning Inspector stated in paragraph 44 of his report that he took no issue with the principle of development on this site within the urban area for residential purposes and agreed that the proposal makes effective use of previously developed land in accordance with one of the core planning principle of the NPPF. Relevant policy and site circumstances have not changed significantly since then and so the same view is taken in regard to the principle of the current proposal for four flats.

## 6.3 Regeneration

6.3.1 The London Borough of Harrow published a Regeneration Strategy for 2015 – 2026. The objective of this document is to deliver three core objectives over the plans life, which include;

- **Place;** Providing the homes, schools and infrastructure needed to meet the demands of our growing population and business base, with high quality town and district centres that attract business investment and foster community engagement;
- **Communities;** Creating new jobs, breaking down barriers to employment, tackling overcrowding and fuel poverty in our homes and working alongside other services to address health and welfare issues;
- **Business;** Reinforcing our commercial centres, promoting Harrow as an investment location, addressing skills shortages, and supporting new business start-ups, developing local supply chains through procurement.

6.3.2 Whilst it is acknowledged that the proposed development would not address all of the aspects noted in the above bullet points, it would achieve the overall aspiration of regeneration of the Borough. The construction in the site would result in some temporary jobs within the Borough, which would be throughout the duration of the construction process.

6.3.3 It is therefore considered that while the development does not have a particular emphasis on regeneration, it would not be contrary to the objectives highlighted above.

## 6.4 Character and Appearance of the Area

6.4.1 The National Planning Policy Framework (NPPF) was published by the Government on March 27th 2012. 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].

6.4.2 The NPPF states (paragraph 64) 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.

6.4.3 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'. Policies D1 and D2 of the draft London Plan 2017 address issues of character and appearance and while this policy has not yet been implemented it is still a material planning consideration.

- 6.4.4 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”.

#### *Scale and Siting*

- 6.4.5 A neighbour objection has been made that the proposal is excessive in scale, resulting in overdevelopment of the site, which was referred to in the Planning Inspectors report previously.
- 6.4.6 In the Planning Inspector’s report, in dismissing an appeal related to a previously refused scheme (appeal reference P/5010/16 and APP/M5450/W/17/3178147), attention was drawn to the lack of space between No. 4 and the proposal as it is uncharacteristic of the prevailing pattern of development along Elm Park, and would appear odd and ill at ease within the street scene. In addition, the ridge height beyond No. 4 Elm Park, to the full depth of the site with a wraparound was considered excessive. In the subsequently refused application reference P/2594/17, the proposal was reduced in depth and also refused partly by reason of excessive scale and bulk and the space between buildings was referred to. There is no appeal decision related to application P/2594/17 and so there is no guidance from the Planning Inspectorate as to the acceptability of that scheme. Under the current application, the height, scale and massing of the proposal has been further reduced compared to the previous refused schemes. The design has also been amended so that the building would clearly front Elms Park rather than the adjacent service road. On balance, having regard to the inspector’s comments, it is considered that the proposed development would provide an acceptable appearance in the street scene.
- 6.4.7 In the current proposal, the depth of the front building is similar to that in the previously refused scheme and there is still the same lack of space between the proposed development and the neighbouring flats at No. 4 Elm Park. The ridge height would be in line with No. 4. However, the scale of the development overall has been significantly reduced due to the omission of the linking element between blocks A and B leaving a space of 12 metres between the buildings. Additionally the northern, flank wall would be reduced by 2.4 metres from the existing height of the garages at 4.8 metres. Several changes have also been made to Block B since the submission of the original application. The rear building has been reduced in depth from 9m to 5.50m. The height and roof form has also been amended. Revised plans have been submitted showing the red outline of the existing garages and rear building. The southern part of the roof of block B would be no higher than the existing roof form and there would

only be a marginal increase in the bulk and mass on the other (northern) side compared to the existing situation.

- 6.4.8 Overall in terms of its built mass and scale, the current proposal has overcome the previous reasons for refusal and is considered acceptable in this regard, in accordance with policy DM1.

*Appearance/ Materials*

- 6.4.9 In the previously refused scheme reference P/2594/17 part of the reason for refusal related to detailing, with the front elevation showing detailing similar to balconies which was not considered appropriate. It was also considered that the windows and other detailing would not be in keeping with the building at No. 4 Elm Park and the surrounding street scene. In the current proposal, the detailing is much more in keeping with the building at No. 4 Elm Park: the window proportions and heights are much more similar to No. 4, the balcony-style details have been omitted and the low wall has been reduced in height to correspond to that at No. 4. While it would not be appropriate to entirely reproduce the detailing of No. 4, this amended detail reduces the extent to which they contrast and has overcome previous concerns related to character and appearance.
- 6.4.10 The main elevation materials would primarily be red brick, varied with textured red brick work. The roof tiles would be in red clay, with the side gate finished in painted timber. This would be largely in keeping with the character and appearance of the area. The previous refusals did not relate specifically to materials and in the current proposal. Subject to a condition requiring submission of sample materials, the proposed materials are considered acceptable in accordance with policy DM1.

### *Landscaping*

- 6.4.11 Policy DM23 of the Harrow Development Management Policies Local Plan (2013) states that proposal should make appropriate provision for hard and soft landscaping of forecourts
- 6.4.12 In the previously refused scheme reference P/2594/17 and the scheme prior to that, reference P/5010/16 it was found that although the proposal would not have introduced any green landscaping, aside from at the side/rear which would not be visible within the street scene this would not represent a reason for refusal in itself. This is largely the same in the current scheme and as relevant policy and site circumstances have not changed, the same view would be taken, i.e., this would not represent a reason for refusal. There would be a small forecourt area and so a condition has been attached requiring landscaping details for this area.

### *Refuse Storage*

- 6.4.13 Policy DM45 addresses waste management. This 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 waste material arising from the site;
  - b. ensure satisfactory access for collectors and, where relevant, collection vehicles;  
and
  - c. be located and screened to avoid nuisance to occupiers and adverse visual impact.”
- 6.4.14 In the previously refused scheme reference P/2594/17 the refuse storage would have been inside the building with the cycle storage and would have been serviced off the service road to the north. This arrangement would have been considered unacceptable as the refuse bins would all have been accessed from outside the site with bins placed on the private access road itself. In the current proposal, only units A.01 and A.02 would access their refuse bins from this northern side. Moreover, Unit A.02 can also access their refuse bins via the staircase leading to their rear garden/courtyard. This, while not an ideal arrangement is significantly improved and would overall provide satisfactory location and positioning for collection. Moreover, with the number of units reduced from 5 to 4 this would also help to reduce concerns in this regard. The proposed refuse arrangements in the current scheme are considered to have overcome the previous reason for refusal in this regard, in accordance with policy DM45. Neighbouring amenity issues related to refuse storage will be addressed in the section below.

### Conclusion

- 6.4.15 Subject to the conditions mentioned above, it is considered that the external appearance and design of the development have overcome the previous reasons for refusal and are consistent with the principles of good design as required by the National Planning Policy Framework (2012). 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.

### **6.5 Amenity of Neighbouring Occupiers**

- 6.6 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 adopted a Residential Design Guide SPD.

### *Neighbours Light and Outlook*

- 6.4 In the previously refused scheme reference P/2594/17, it was considered that the proposed development at two storeys would enclose No. 4 Elm Park and would be in close proximity to No. 6 Elm Park at two storey height, with a scale significantly larger than the existing buildings on site.
- 6.5 The building height along the flank wall has been reduced significantly in the current scheme and with a full height of the flank wall of 2.20m, which would be much lower than the existing garages and would improve outlook for neighbours at No. 4 and No. 6 Elm Park in comparison to the existing relationship. The applicant has submitted a Daylight and Sunlight Report which is referred to in the applicant's submission and states that there would not be harm to the neighbouring occupiers in terms of daylight/sunlight. The findings of this report have not been verified by an independent source, but the reduced scale of the development in comparison to the previous scheme is such that it is considered that this previous reason for refusal has been overcome, in accordance with policy DM1. As per the previously refused scheme, the distance to flats to the north on Church Road is sufficient that it would not result in harm to these neighbours amenity in terms of light and outlook.
- 6.6 It is noted that No. 4 Elm Park has a dormer which would face towards the new two storey building. The applicants have provided photographs which indicate this dormer serves a staircase which would not be protected for the purposes of the SPD: Residential Design Guide (2010). Additionally it is noted that although

that there would be a minor encroachment of the 45 degree code from the first floor of No. 4 Elm park, this is not considered to be detrimental to the first floor rear bedroom as this is also served by a further window on the side wall of the building. This has been confirmed by additional site photographs provided by the applicant.

- 6.7 In the previously refused scheme reference P/2594/17, the balcony to the northern side wall was found unacceptable due to perceived and actual overlooking to neighbouring flats to the north on Church Road. In the current proposal these have been omitted, with the only flank window serving a corridor, which would be of a nature and distance sufficient to ensure an acceptable relationship in this regard.
- 6.8 In other respects the previously refused scheme was found acceptable in terms of overlooking and privacy. The current scheme is reduced in scale and would not result in a greater degree of overlooking to neighbours at No. 4 and 6 Elm Park than is the case in the current arrangement.
- 6.9 It is noted that there is extant planning permission for 6 x flats on a site to the rear of the garages, at an address of rear of 56-58 Church Road. While this scheme has not been substantially commenced it is expected to be built out shortly. The upper floor windows of the subject development would not directly overlook the proposed windows/habitable rooms of rear of 56-58 Church Road. It is considered that the alterations to the roof profile of block B, which has resulted in a reduction in overall height, would mitigate concerns regarding an overbearing impact or sense of enclosure in relation to the neighbouring flats under construction.
- 6.10 Overall, the current proposal has overcome the previous concerns in relation to neighbouring amenity, in terms of overlooking and privacy and has not created new concerns in this regard and would be considered acceptable in accordance with policy DM1 and other relevant policy considerations.

#### *Access and Refuse Arrangements*

- 6.11 In the previously refused scheme it was found that the entrance located on the southern side entrance of the site at No. 4 Elm Park, for the 5 new units, as well cycle storage would have resulted in a much heavier use of this access than is the case at present, requiring future occupiers accessing the site directly along the entire length of the flank wall at No. 4 as well as passing along the side and rear of their rear garden and excessive disruption to the occupiers of No. 4 Elm Park as well as those at No. 6 to the south.
- 6.12 In the current proposal, the arrangement has been significantly altered. There would only be 2 flats, the rear units at B.01 and B.02 accessing their flats from the southern side adjacent to No. 4 Elm Park rather than occupiers of 5 flats as was the case in the previously refused scheme. Furthermore, the current proposal includes a reconfigured pathway and a new landscaped zone which would ensure that future occupier would remain 1.7m from the flank wall of No.4 as they passed by. The screening with vegetation would help to increase the

sense of privacy for No. 4 Elm Park which would also extend along the side of the rear garden which serves Flat 2 at No. 4 Elm Park. Overall the current arrangement, subject to conditions requiring further details of the screening and boundary treatment would overcome the previous reason for refusal related noise and disruption in accordance with policy DM1 of the Harrow DM Policies.

**6.13 Future Occupier Amenity**

6.14 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.

6.15 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.

6.16 In the previously refused scheme reference P/2594/17 the proposed new units were considered unacceptable in terms of future occupier amenity in relation to lack of purpose built storage space, failure to demonstrate adequate floor to ceiling heights and poor degree of natural light and outlook. In the current proposal, significant revisions have been made which will be addressed below.

*Proposed Units Sizes*

6.17 All of the proposed units meet London Plan standards in terms of overall unit sizes. All of the bedrooms meet space requirements and purpose built storage requirements.

*Floor to Ceiling Heights*

6.18 The floor to ceiling heights on the ground floor would be over 2.5m and so would meet the London Plan requirements. The second floor unit B.02 would be partly located in the roof area and as a result, only approximately 70% of the unit would have a floor to ceiling height above 2.50m, which would not fully comply with London Plan requirements. The area over 2.50m in height would be 45 sq m and as the overall GIA space requirement for a flat like this is 50 sq m, this would be considered acceptable. In the front building, while flat A.02 is located in the roof, the eaves height would be 2.5m and the floor area of 75 sq m, far exceeds the 61 sq m required by London Plan standards. On this basis, the scheme would be considered acceptable in this regard.

### *Light, Outlook, Privacy and Overall Layout*

- 6.19 In the current application, all of the units offer an acceptable degree of light, outlook and privacy to future occupiers. Areas of specific concern in this proposal were the degree of light to the front living room of A.01 as the depth of this kitchen/living/dining room is over 8m. As a result the proposal has been revised so that the front window would be increased in size to be relatively large, offering an acceptable degree of light and outlook to future occupiers. The low wall in front of this would also be reduced in height as part of the development to improve outlook which would offer an acceptable situation for future occupiers. Another area of concern was the degree of light and outlook to the bedroom of the upstairs rear flat B.01. However, this has now been revised so that as well as a window, it would have two clear-glazed rooflights, which is considered acceptable. Notably, these windows will have opening restrictors and directional film applied to ensure that the visibility through the windows (open and closed) is limited to a north westerly direction i.e. facing towards the car park and refuse/cycle stores which has the benefit of offering natural surveillance to these areas. These details are confirmed on the submitted drawings and can be controlled by planning condition.
- 6.20 Aside from this, in the previously refused scheme there were concerns due to main windows of habitable rooms being located close to high walls. In the current proposal, the windows to habitable rooms facing in towards the development would only be adjacent to single storey walls, so that although they would be relatively close to these, there would still be sufficient light and outlook.
- 6.21 Another concern in the previously refused scheme was privacy for the future occupiers of the ground floor rear units as other future occupiers would walk past their windows to access their own flat entrances. In the current scheme it has been rearranged so that only occupiers of flat B.01 could walk past their windows and so there would not be overlooking or loss of privacy. In this regard the scheme has overcome previous reasons for refusal and is considered acceptable in accordance with policy DM1 in terms of future occupier amenity.

### *Outdoor Amenity Space*

- 6.22 Policy DM27 'Amenity Space' states that residential development proposed should provide appropriate amenity space to serve future occupiers needs and that should be in keeping with the character and pattern of the area. It goes on to state that proposals that would fail to provide appropriate amenity space will be refused.
- 6.23 The Mayor of London Housing Design Guide 4.10.1 states that a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq m should be provided for each additional occupant.

- 6.24 In the previously refused scheme reference P/2594/17 it was found that the proposed outdoor amenity spaces met space requirements highlighted above. However, there were concerns over the ground floor terraces, due to their limited depth of 1.6m and high level partitioning, which was designed to avoid loss of privacy but resulted in poor degree of outlook. This unacceptable level of outdoor amenity space formed one of the reasons for refusal.
- 6.25 In the current proposal, the number of units is reduced from five to four. All of the units have been provided with private outdoor amenity space and all meet the space requirements highlighted above. The units in Block A would both have a ground floor patio to the rear of Block A. These spaces are relatively small and have partitioning around them, but as this would only be to a single storey level and both can access their outdoor space directly from their flats, this is considered acceptable. The patio for unit B.01 at ground floor rear would be a private space and there would be an acceptable degree of privacy and outlook. The site context, i.e., a built up area and the fact that these units are only of limited occupancy also needs to be taken into account. The upstairs balcony would provide an appropriate level of amenity space for flat B.02 and the recess would provide privacy. Overall, taking into account the site constraints, the outdoor amenity space has overcome the previous reason for refusal and is considered acceptable in accordance with policy DM1 and DM27.
- 6.26 **Traffic, Car/Cycle Parking**
- 6.27 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.
- 6.28 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.



- 6.29 Policy DM42 of the Harrow DM Policies states that proposals for car-free development within town centres will be supported where it can be demonstrated that:
- a. there is sufficient public transport capacity to serve the trip demand generated by the development;
  - b. there would be adequate safeguards against parking on the surrounding highway network and in public car parks; and
  - c. the needs of blue badge holders would be met.

*Traffic Intensity*

- 6.30 The development is intended to be car-free. The response from the Highways Authority states that a development proposal of this size is not likely to generate excessive amounts of traffic or parking demand. This was the same view taken with the original proposal reference P/5010/16, which was a 6 unit development, rather than the current 4 unit development. However, the Highways response does highlight the fact that the site is within a PTAL 2 location which is considered low. It is noted as per neighbour objections that the site is not within a town centre as such and that usually car free developments are located in those areas.
- 6.31 The Highways response goes on to state that if the garages are not in use and that there is no on-street parking then there is little option for parking nearby and that the development would by necessity become car-free. The issue of overnight parking was raised which could be determined through a parking survey, but due to the limited scale of the development, this was not considered necessary by the Highways Authority. A legal agreement restricting parking permits for future occupiers will be required if the scheme is recommended granted, which will prevent on street parking, except by illegal means which would be dealt with by the proper authorities.
- 6.32 A neighbour objection was made related to parking in the private access road. However, that could happen at the present time and as this is a private road it is outside of the Highways Authority jurisdiction. While the point that this may impact on nearby businesses is noted, this could still be the case at present with the vacant garages or if the garages are in use and it is a matter that should be addressed with the owner/interested parties to the private road.

*Disabled Parking*

- 6.33 Policy DM42 (part C.c) of the Harrow Development Management Policies Plan confirms that "Proposals for car-free development within town centres will be supported where it can be demonstrated that the needs of blue badge holders would be met".
- 6.34 The highways response states that it is necessary to ensure that the parking needs of disabled people are met as per policy DM42 at present the proposal does not appear to address this.

- 6.35 The applicant has responded on this point, stating that the existing driveway in front of No. 4 is within the applicant's ownership and used by the existing owner of the rear dwelling (being demolished), this can also be used to meet any needs arising from the proposal and is considered acceptable in meeting the requirements of this policy.

*Cycle Parking*

- 6.36 The level of cycle parking is acceptable, but should be conditioned for details of quantity, location, and type of storage, which will be secured via a planning condition.

*Summary*

- 6.37 In a larger development there would be greater concerns about a car-free development in this location. However, it is only of limited scale and with restrictions as described above it would be considered acceptable in line with policy DM42 subject to further details related to disabled parking in order to meet policy DM42.c.

*Refuse, Servicing and Emergency Services Access*

- 6.38 Refuse storage is proposed to be located within the front garden in a communal store and along the side of the building. This would be accessible for future occupiers and would be a sufficient distance from the future occupier units and from the site boundaries to avoid harm to amenity. This would be sufficiently close to the site boundary to be accessible for collection and it will be conditioned to be kept in the storage area except on collection days.
- 6.39 A neighbour objection has been made that the proposal could restrict access for emergency vehicles. There is no available street parking as highlighted above so future occupiers could not park in the front and block emergency vehicles. If vehicles were parked on the private road, this would be an issue related to the owner of the road and it is unlikely that this situation would be worse than at present with garages to the side.

*Construction Logistics Plan*

- 6.40 A neighbour objection was also made that there would be noise/disruption and traffic during the construction phase. The Highways Authority requires a construction logistics plan which has been addressed through a planning condition which would need to address traffic and parking as well as noise, pollution, etc.

6.41 **Flood Risk and Development**

6.42 A neighbour objection has been made in relation to development and flood risk. The site is not in a higher risk flood zone and the proposed footprint would be similar to the existing. The Councils Drainage Team has made comments in relation to requirements for sustainable drainage measures and surface water run-off as well as permeable hard surfacing.

6.43 Subject to conditions on this basis, the scheme is considered acceptable in terms of flood risk and development in accordance with Harrow Development Management Policy DM10.

6.44 **Accessibility**

6.45 New National Standards require 90% of homes to meet Building regulation M4 (2) - 'accessible and adaptable dwellings'. It is acknowledged that the flats at upper floor level would not be suitable for wheelchair users. However, this is still an impart requirement and so a condition has been attached to ensure that the proposed dwellings will meet regulation M4 (2) as far as possible.

6.46 **Ecology and Biodiversity**

6.47 Policy 7.19C (a) of The London Plan (2016) states that development should, wherever possible; make a positive contribution to the protection, enhancement, creation and management of biodiversity. Policy DM 20 of the Harrow Development Management Policies Local Plan (2013) relates to Protection of Biodiversity and Access to Nature. This states that proposals that would harmful to locally important biodiversity or increase deficiencies in access to nature will be resisted.

6.48 It is noted that one of the neighbour objections to this case mentioned environment for bats in the garages. In the previously refused schemes reference P/5010/16 and P/2594/17, the applicant submitted a report from a wildlife expert to demonstrate that there would not be harm to protected species including bats and wild birds. This submission also includes recommendations that mitigation measures should be implemented to reduce any impact of the development proposal on local wildlife. This report has been resubmitted with the current application

- 6.49 The Council's Biodiversity Officer responded stating that the submitted documents are acceptable. However, the response went on to state that drawings/plans for enhancements should be submitted and that if it is to be a flat roof then it will need to be a green roof with wild flowers as the desired planting with the appropriate substrate depth and that they would need to avoid doing so in the breeding bird season.
- 6.50 In the current submission there are no flat roof areas proposed and so the green roof enhancements etc. would not be required. There have been no changes to relevant policy and site circumstances since that time.

### *Summary*

- 6.51 In summary, subject to condition requiring the works to be undertaken in accordance with the recommendations of the biodiversity report which would limit harm to biodiversity assets, the proposal would comply with policy DM 20 of the Harrow Development Management Policies Local Plan (2013).

### 6.52 **Secure by Design Issues**

- 6.53 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.
- 6.54 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](mailto:DOCOMailbox.NW@met.police.uk)

## **Conclusion**

- 6.55 The principle of providing residential accommodation at the application site, as previously, is considered acceptable. In terms of the previous reason for refusal these covered character and appearance, neighbouring occupier amenity, future occupier amenity including outdoor amenity space, refuse storage and refuse arrangements. The current proposal is considered to have overcome these previous reasons for refusal and would be considered to have an acceptable impact in all the issues highlighted above, and on this basis it is considered that the current proposal, subject to planning conditions and a legal agreement requiring restriction of parking permits is acceptable.
- 6.56 The 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.
- 6.57 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: 1601\_P401\_A; 1601\_P402\_C; 1601\_P403\_B; 1601\_P405\_A; 1601\_P406\_A; 1601\_P407\_C; 1601\_P408\_A; 1601\_P409\_A; 1601\_P410; 1601\_P411\_A; 1601\_P308; Planning, Daylight and Sunlight Report dated September 2016; 1601\_08\_180420 (Design and Access Statement); Planning Statement dated May 2018; 1601\_P301; 1601\_P302; 1601\_P303; 1601\_P304; 1601\_P305; 1601\_P306; 1601\_P307; 1601\_P400; Ecological Survey reference 163335/JDT.

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

#### 3. Materials

The construction of the buildings hereby permitted shall not commence 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: the building
- b: the ground surfacing
- c: internal and external boundary treatments (including indication of heights)

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. To ensure that high quality and acceptable materials would be used in the construction of the development and that the proposed works can be incorporated in to the design, this is PRE-COMMENCEMENT Condition.

#### 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. Restriction of HMO

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

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by the Town and Country Planning (General Permitted Development) Order 2015 to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity.

#### 6. Levels

The development of the proposed building hereby approved shall not 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. To ensure that the proposed works can be incorporated in to the design, this is PRE-COMMENCEMENT Condition.

7. Drainage

Notwithstanding the approved plans, the construction of the development hereby permitted shall not commence until details for a scheme for works for the disposal of foul water, surface water and surface water attenuation and storage works on site as a result of the approved development are submitted to the local planning authority to be approved in writing. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that the development has adequate drainage facilities, to reduce and mitigate the effects of flood risk and would not impact the character and appearance of the development.

8 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.

9 Refuse Storage

The refuse and waste bins shall be stored at all times, other than on collection days, within the designated refuse storage areas as shown on the approved plans. 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 enhance the appearance of the development and safeguard the character and appearance of the area and to minimize disruption to the highways network.



10 Secure by Design

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.

11 Cycle Storage

Notwithstanding the approved plans, prior to practical completion of the development, details of safe and secure cycle storage for eight bicycles for the use of future occupiers shall be submitted to the local planning authority to be approved in writing. The bicycle storage shall be implemented in accordance with the approved details and shall thereafter be retained in that form.

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

12 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.

13 Biodiversity/Ecology

The development hereby permitted shall be undertaken in accordance with the recommendations of the approved Ecological Survey reference 163335/JDT and retained in that form thereafter.

REASON: To minimize any harm to ecological assets within the site and immediate area.

14 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 and shall be retained thereafter.

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

15 Landscape Management

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building, 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.

First floor rear windows

16. Prior to the first occupation of the rear building B, details of the window treatment of the first floor flats shall be submitted and approved in writing by the local planning authority. The details shall be implemented as approved and thereafter retained.

REASON: To safeguard the residential amenities of the neighbouring occupiers.

## **INFORMATIVES**

### Policies

The following policies and guidance are relevant to this decision:

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

**Draft London Plan (2017)**  
D1 and D2 Design

### **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

### **Local Development Framework**

#### Harrow Core Strategy 2012

- CS1 B Local Character
- CS 1 U Flooding

#### 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
- DM20 Protection of Biodiversity and Access to Nature
- DM23 Streetside Greenness and Forecourt Greenery

DM24 Housing Mix  
DM27 Amenity Space  
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 £ 10,255 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 £ 10,255 for the application, based on the levy rate for Harrow of £35/sq m and the stated increase in floorspace of 293 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: £32,230

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: £32,230

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](mailto:communities@twoten.com)

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## 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

Notwithstanding the details set out within Construction Logistics 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>

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## 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](mailto: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

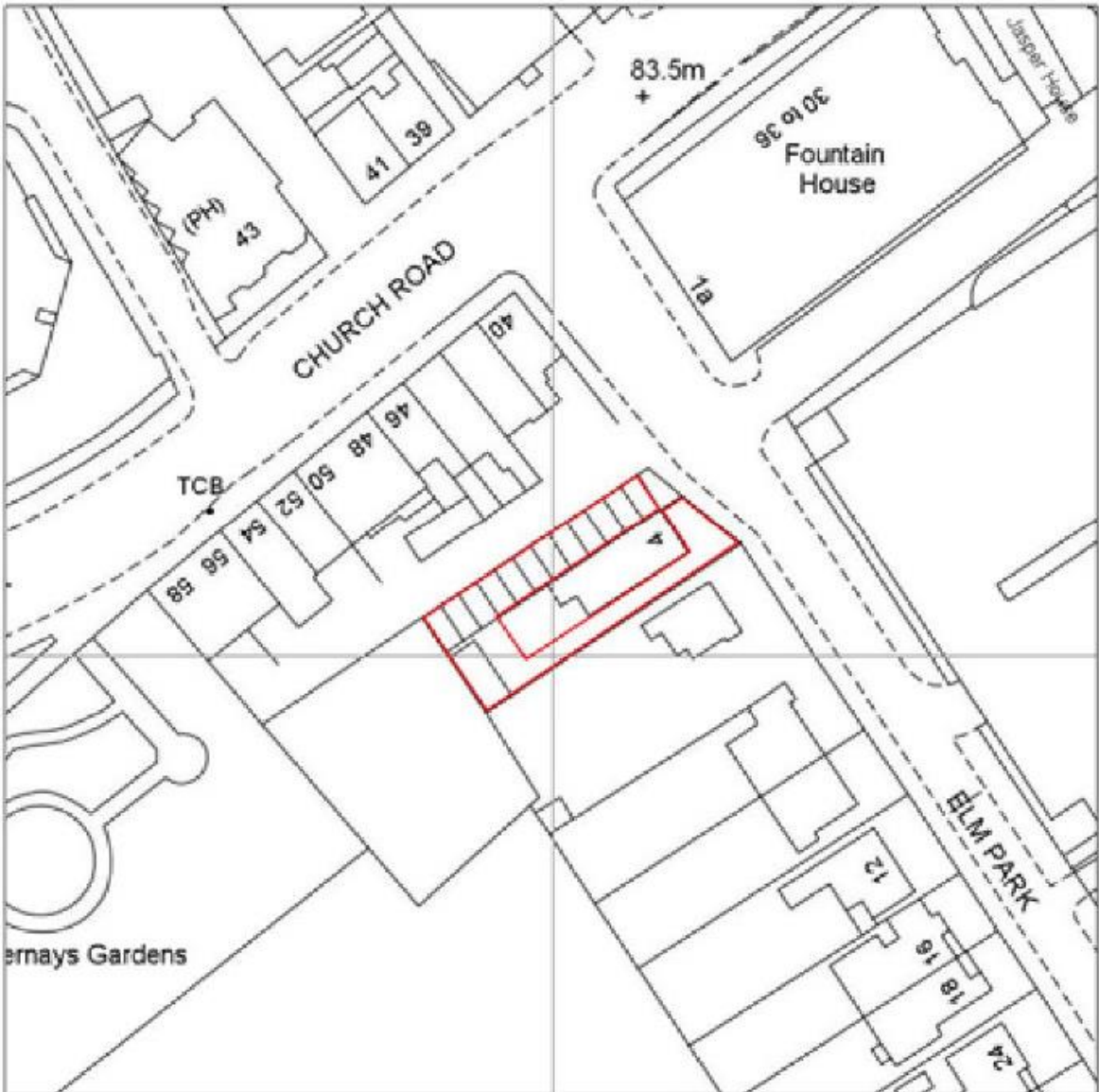
Harrow Council is responsible for the naming and numbering of new or existing streets and buildings within the borough boundaries. The council carries out these functions under the London Government Act 1963 and the London Building Acts (Amendment) Act 1939. All new developments, sub division of existing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

**Plan Numbers:** 1601\_P401\_A; 1601\_P402\_C;  
1601\_P403\_B; 1601\_P405\_A; 1601\_P406\_A;  
1601\_P407\_C; 1601\_P408\_A; 1601\_P409\_A;  
1601\_P410; 1601\_P411\_A; 1601\_P308; Planning,  
Daylight and Sunlight Report dated September 2016;  
1601\_08\_180420 (Design and Access Statement);  
Planning Statement dated May 2018; 1601\_P301;  
1601\_P302; 1601\_P303; 1601\_P304; 1601\_P305;  
1601\_P306; 1601\_P307; 1601\_P400; Ecological Survey  
reference 163335/JDT.

**APPENDIX 2: SITE PLAN**





**APPENDIX 3: PHOTOGRAPHS**



Front Elevation



Side elevation (north)



Rear elevation



Rear of shops/flats to north on Church Road

## DATE OF NOTICE

24/11/2016

We would like to advise all current users of garages at 40-50 Church Road, Stanmore, Middlesex that we require all contents to be removed from garages by 31<sup>st</sup> December 2016.

Any items un-cleared thereafter will be disposed of.

Should you wish to discuss above then please contact us on

**07974701769 VIJAY PINDORIA**

**07974375655 SUNIL PINDORIA**

Pindoria Estate Management.

Notice requiring vacation of garages in 2016

## APPENDIX 4: PLANS AND ELEVATIONS

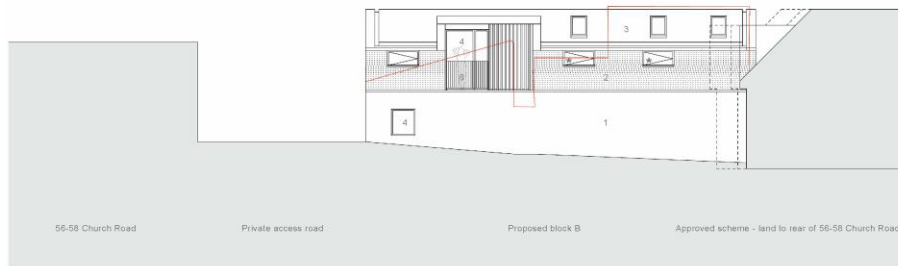


Proposed Front Elevation

- Materials
- 1 Red brick
  - 2 Red textured brickwork
  - 3 Red clay tile
  - 4 Grey pvc windows
  - 5 Painted timber
  - 6 Grey painted metal railing

Profile of existing rear building

\* Windows marked thus: have directional film and restricted opening to restrict vision over the gardens and buildings of land to rear of 56-58 Church Road



0 5m  
latitude

1:100 @ A3

Proposed west elevation  
Garages adj. to and dwelling (to 4 Elm Park, Stanmore, HAT 4BJ 1601\_P407\_C

Proposed Rear Elevation

- Materials
- 1 Red brick
  - 2 Red textured brickwork
  - 3 Red clay tile
  - 4 Grey ggc windows
  - 5 Painted timber
  - 6 Grey painted metal railing

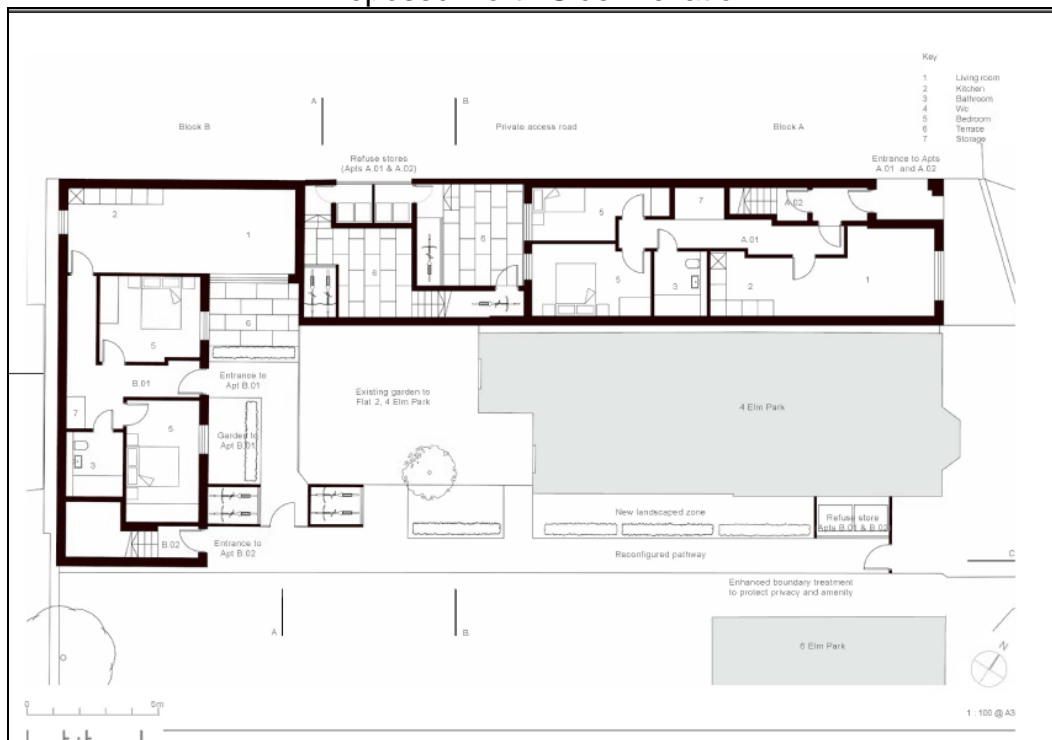
Profile of existing rear building



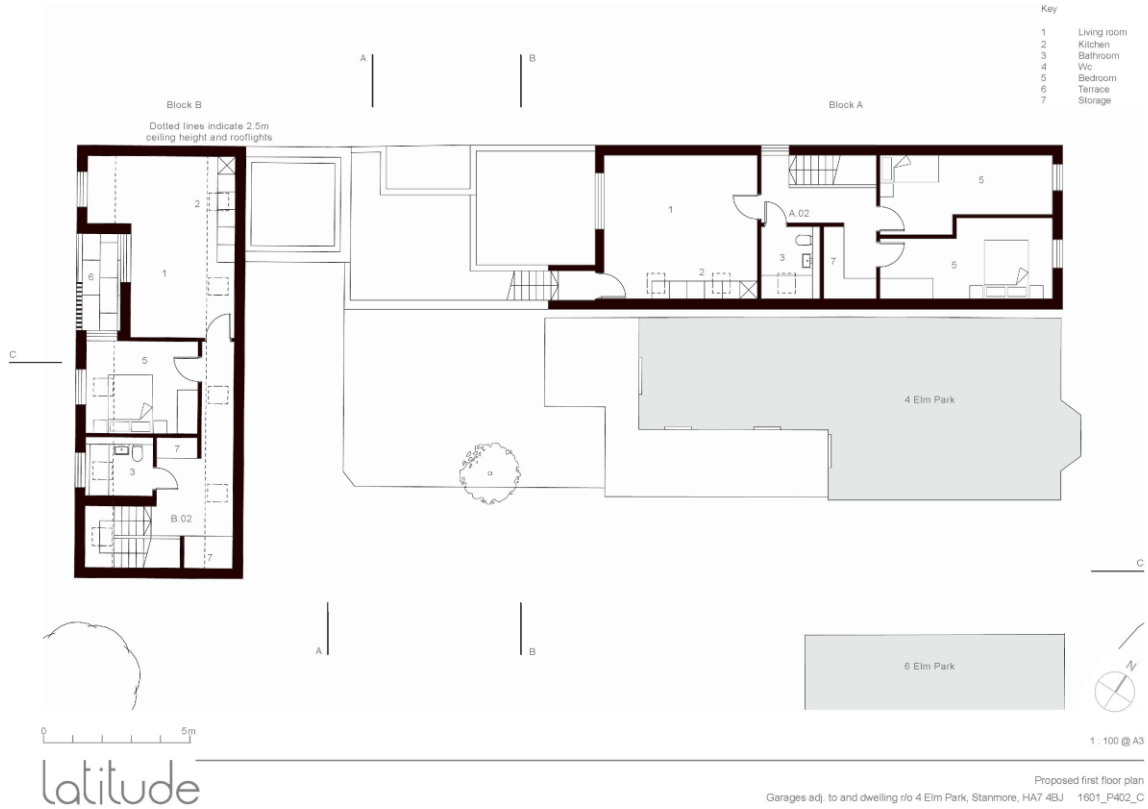
1:100 @ A3

Proposed north elevation  
Garages adj. to and dwelling r/o 4 Elm Park, Stanmore, HA7 4BJ 1601\_P406\_A

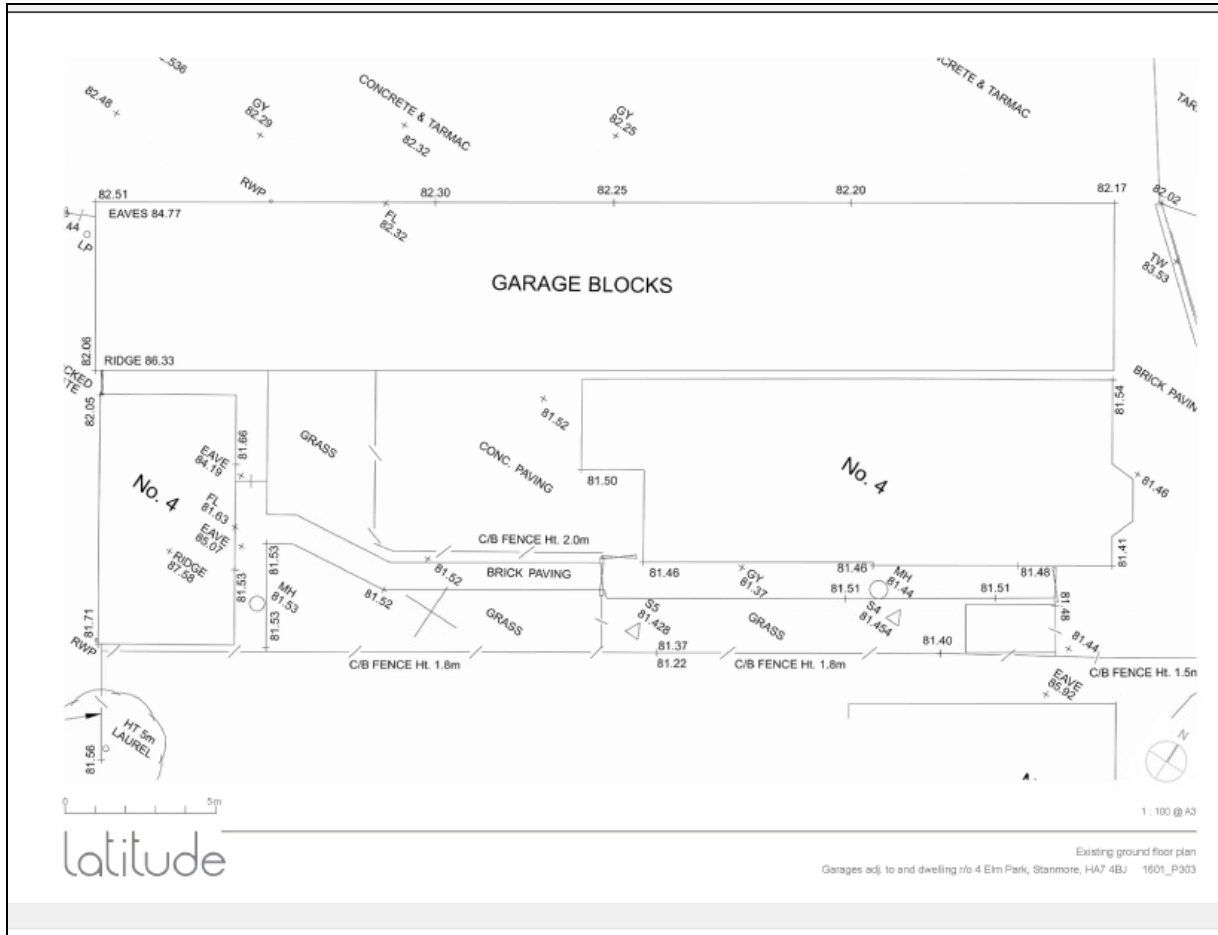
### Proposed North Side Elevation



Proposed Ground floor Plan (Block A to right, Block B to left)



## Proposed First Floor Plan

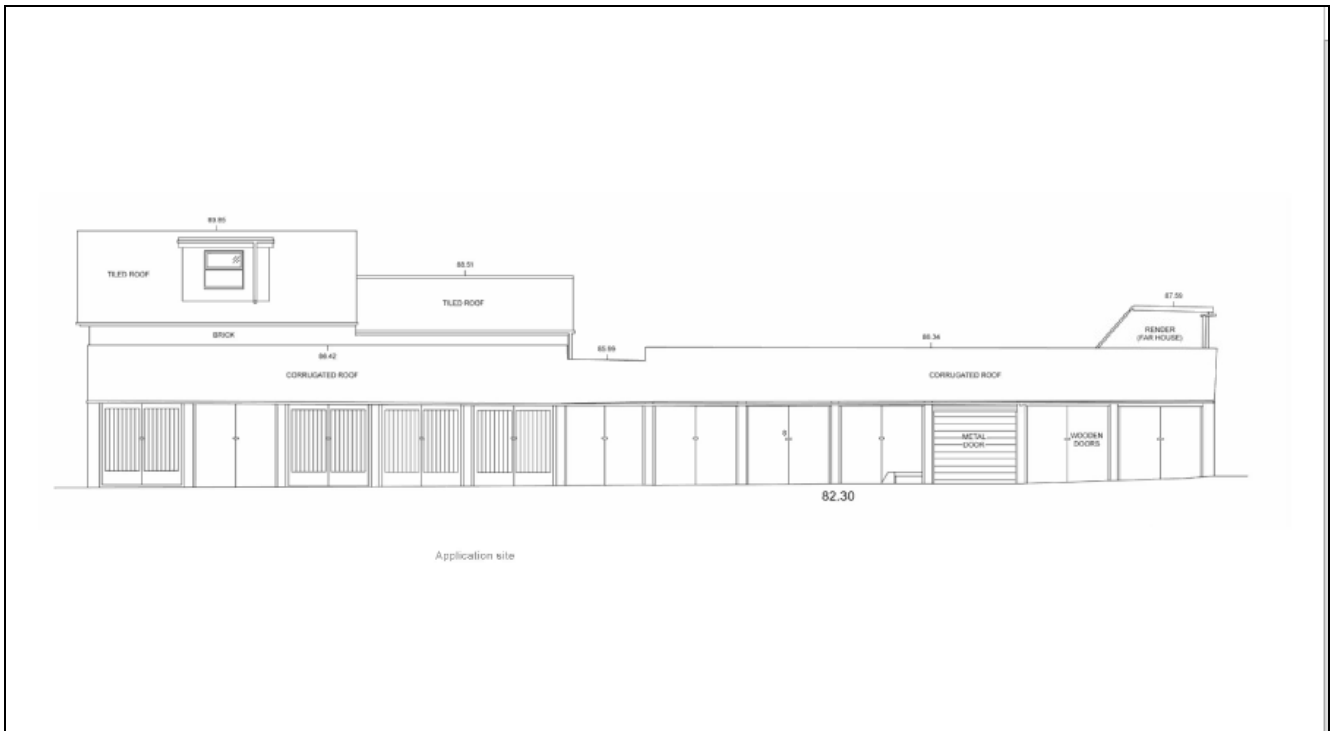


Existing Site Block Plan



Existing Front Elevation





Existing Side Elevation

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