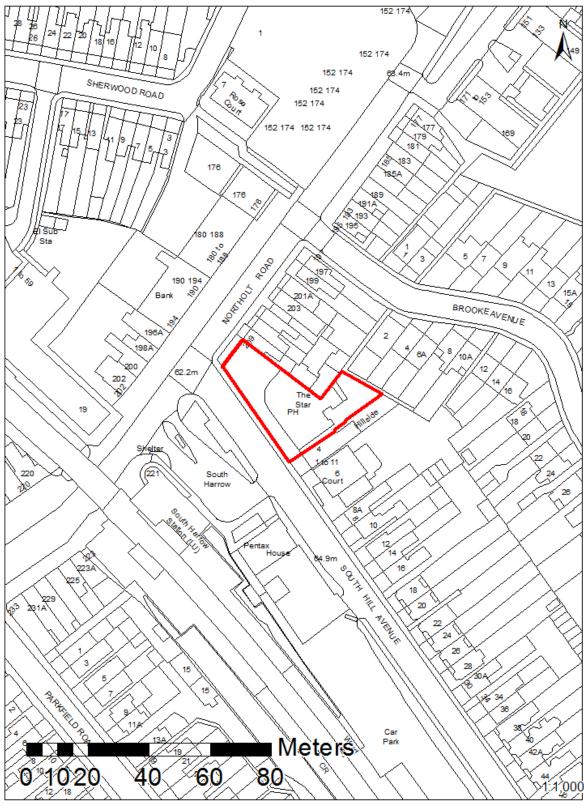


The Star Public House, South Hill Avenue

P/5614/18

The Star Public House, South Hill Avenue



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LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

22nd May 2019

APPLICATION P/5614/18

NUMBER:

VALIDATE DATE: 20/12/2018

LOCATION: THE STAR PUBLIC HOUSE

SOUTH HILL AVENUE

HARROW

WARD: HARROW ON THE HILL

POSTCODE: HA2 0NQ

APPLICANT: PUNCH PARTNERSHIPS (PML) LTD

AGENT: WYG

CASE OFFICER: TENDAI MUTASA

EXPIRY DATE: 14/02/2019 (EXTENDED)

PROPOSAL

Redevelopment to provide part 2/part 4 storey building with basement comprising of 10 residential units (1 x 1 bed and 8 x 2 bed) (Use class C3); including one unit (1x 2bed) to be ancillary to the Public House sited at ground floor and basement (Use class A4); bin and cycle stores; landscaping

The Planning Committee is asked to:

RECOMMENDATION A

The Planning Committee is asked to:

- 1) agree the reasons for approval as set out in this report, and
- grant planning permission subject to authority being delegated to the Interim Chief Planning Officer 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:
 - i) Prior to Occupation of the Development notify all prospective owners, residents, occupiers or tenants of the Housing Units of the Development that they will not be eligible for a Resident Parking Permit or Visitors Parking Permit to park a motor vehicle where a CPZ has been implemented unless they hold a Disabled Person's Badge.
 - ii) Provide an undertaking that the 2 bedroomed flat (APT 1) on the first floor will be for the sole use of the pub as Manager's Accommodation and as such its use should remain ancillary to the pub and not be sold or let separately.

- iii) Reinstate the redundant dropped kerb to full height in order to provide a better pedestrian environment.
- iv) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.
- v) Planning Administration Fee: Payment of £1580 administration fee for the monitoring and compliance of the legal agreement

RECOMMENDATION B

That if, by 24th July 2019 or such extended period as may be agreed in writing by the Chief Planning Officer, the section 106 Planning Obligation is not completed, then delegate the decision to the Chief Planning Officer to **REFUSE** planning permission for the appropriate reason.

The proposed development, in the absence of a legal agreement to provide an undertaking that the 2 bedroomed flat on the first floor will be for the sole use of the pub and as such used ancillary to the pub and not be sold or let separately or the restriction of resident parking permits, would fail to comply with the requirements of policies 3.11 and 3.12 of The London Plan 2016 and policy CS1.J of the Harrow Core Strategy 2012 and Policies DM1 and DM46 of the DMP 2013 and would therefore be unacceptable.

INFORMATION

This application is reported to Planning Committee as it would provide in excess of 3 residential units. The application is therefore referred to the Planning Committee as it does not fall within any of the provisions set out at paragraphs 1(a) - 1(h) of the Scheme of Delegation dated 12th December 2018.

Statutory Return Type: E13 Minor Dwellings

Council Interest: None

GLA Community £34,320.00

Infrastructure Levy (CIL)

Contribution (provisional):

Local CIL requirement: £62,920.00

(Based on net additional floor space of 572 sgm in C3)

HUMAN RIGHTS ACT

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

EQUALITIES

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

S17 Crime & Disorder Act

Policies 7.3.B and 7.13.B of The London Plan and Policy DM1 of the Development Management Polices Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

OFFICER REPORT

Housing		
Density	Proposed Density hr/ha	353 hr/ha
	Proposed Density u/ph	122 u/ha
	PTAL	5
	London Plan Density	200-700 hr/ha
	Range	70-260 u/ha
Dwelling Mix	Studio (no. / %)	-
	1 bed (no. / %)	1
	2 bed (no. / %)	9
	3 bed (no. / %)	-
	4 bed (no. / %)	-
	Overall % of Affordable	-N/A
	Housing	
	Social Rent (no. / %)	-
	Intermediate (no. / %)	-
	Private (no. / %)	9/100%
	Commuted Sum	-
	Comply with London	Yes
	Housing SPG?	
	Comply with London	Yes
	Housing SPG?	
	Comply with M4(2) of	Yes
	Building Regulations?	

Uses		
Existing Use(s)	Existing Use / Operator	Public House with flats above
	Existing Use Class(es) sqm	Classes A4 and C3
Proposed Use(s)	Proposed Use / Operator	Ground floor public house unit (Class A4) with Residential use (Class C3) on upper floors
	Proposed Use Class(es) sqm	Retail – 493.7sqm GIA
		Residential – 629.6sqm GIA
Employment	Existing number of jobs	12
	Proposed number of jobs	12

Transportation		
Car parking	No. Existing Car Parking	3
Cai paiking	spaces	3
	No. Proposed Car Parking	0
	spaces	
	Proposed Parking Ratio	-
Cycle Parking	No. Existing Cycle Parking	0
	spaces	
	No. Proposed Cycle	20
	Parking spaces	
	Cycle Parking Ratio	-
Public Transport	PTAL Rating	5
	Closest Rail Station /	South Harrow Train and
	Distance (m)	Bus Stations / 45m
	Bus Routes	Northolt Road / Adjacent
Parking Controls	Controlled Parking Zone?	YES
	CPZ Hours	10AM – 11AM and 2PM –
		3PM Mon -Sat
	Previous CPZ	-
	Consultation (if not in a CPZ)	
	Other on-street controls	Double yellow lines
Parking Stress	Area/streets of parking	
	stress survey	
	Dates/times of parking	-
	stress survey	
	Summary of results of	-
	survey	
Refuse/Recycling Summary of proposed		Communal ground floor
Collection	refuse/recycling strategy	refuse store to the front of
		the building via existing
		the front next to the public house refuse store.
		nouse refuse store.

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

Assessment

1.0 SITE DESCRIPTION

- 1.1 The site is on junction of South Hill Avenue and Northolt Road.
- 1.2 The site is positioned to the east of Northolt Road which a parade of two storey properties, with ground floor business uses and residential flats above. The terrace is a designated Town Centre. The subject site is not within any shopping frontage designation.
- 1.3 The site contains a two storey building with a broadly flat roof and finished in render and mostly brick. The character of the area varies in terms of design and massing.
- 1.4 The building is in use as a public house with some accommodation above and benefits from car parking spaces at the front and an outdoor garden area at the front and rear.
- 1.5 The site is not located within a flood zone or a critical drainage area of Harrow.

2.0 PROPOSAL

- 2.1 Redevelopment of the site to provide a part 2/part 4 storey building with basement comprising of 10 residential units (1 x 1 bed and 8 x 2 bed) (Use class C3); including one unit (1x 2 bed) to be ancillary to the Public House sited at ground floor and basement (Use class A4); bin and cycle stores; landscaping.
- 2.2 The proposed new build would have a maximum height of approximately 13.85m, a depth of approximately 18.45m and a width of approximately 39.30m, fronting South Hill Avenue.
- 2.3 The proposal would adopt a contemporary design approach, incorporating recessed modelling to the front facade. The proposed building would utilise one tone of brick with steel railings on the proposed balconies.
- 2.4 The primary access to the building would be located on South Hill Avenue frontage.
- 2.5 The ground floor and basement would comprise a public house unit with the rest of the floors occupying the flats comprising 10 units. The stairwells would provide access to the upper floors.
- 2.6 The first floor would comprise 4 units, 1 x 1 bedroom and 3 x 2 bedrooms including the Pub Manager's unit. Each of these units except the 1 bedroom unit would benefit from a roof terrace or winter balcony. The second floor would comprise 3 x 2 bedroom flats. The proposed third floor would comprise 3 units, 3 x 2 bedroom flats. Each of these units would benefit from a roof terrace or winter balcony.

2.7 Refuse storage and cycle parking spaces would be provided at the enclosed front area of the site.

3.0 RELEVANT PLANNING HISTORY

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

Description	Status and date of decision
P/2804/10 relating to the installation	Granted 2004
of telecommunication equipment	
Historical applications relating to	Granted 1995, 1996 and 1999
signage and patio new wall railings	

4.0 **CONSULTATION**

- 4.1 A total of 30 consultation letters were sent to neighbouring properties regarding this application.
- 4.2 The overall public consultation period expired on 05/02/2019 and 1 objection was received from adjoining neighbours.
- 4.3 A summary of the responses received along with the Officer comments are set out below:

Summary of Comments	Officer Comments
Received from 4	The proposals will be set approximately
Brooke Avenue	36m from the habitable windows of
Objects to the	properties on Brooke Avenue. By reason of
application due to:	the distance and typical character of
	overlooking onto rear gardens of properties
Proposals will result in	sited along this street, it is considered that
loss of light to	the amenities of properties on this street will
habitable rooms and	not be harmed. The Design and access
also loss of privacy to	statement submitted with this application at
the garden areas. No	pages 26 and 27 details how the proposals
daylight study has	have been sympathetically designed to
been submitted	mitigate any harm to neighbour amenity.

4.6 Statutory and Non Statutory Consultation

4.7 The following consultations have been undertaken:

LBH Environmental Health
LBH Highways
LBH Planning Policy
LBH Design
LBH Landscape Architects

LBH Waste Officer
Designing Out Crime Officer, Metropolitan Police Service

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

Summary of	Officer Commen	ts
Comments		
Designing Out Crime Off	ficer,	Condition attached
Metropolitan Police Service		
Should be conditioned in	line with	
designing out crime princ		
LBH Design Amendments requested and		Condition attached
conditions requested for		
LBH Highways		Noted
S106 for parking restriction requested		
LBH Landscape Architects		Noted
No objections subject to conditions		

5.0 POLICIES

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

- 5.2 The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these should be applied; it is a material consideration in the determination of this application.
- 5.3 In this instance, the Development Plan comprises the London Plan (2016) and the Local Plan. The Local Plan comprises the Harrow Core Strategy (2012), Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (2013), the Site Allocations Local Plan (2013) and the accompanying policies map.
- The document was published in draft form in December 2017 and is currently in the Examination in Public (EiP) stage, with the Panel's report expected in Autumn 2019. Given that the draft Plan is in the EiP stage of the formal process it holds some weight in the determination of planning applications, although lesser weight will be given to those areas of the plan that are being challenged through the EiP process (including any potential inconsistencies with the NPPF).
- 5.5 Notwithstanding the above, the Draft London Plan (2017) remains a material planning consideration, with relevant polices referenced within the report below and a summary within Informative 1.

6.0 ASSESSMENT

- 6.1 The main issues are:
 - Principle of the Development
 - Design and Character of the Area
 - Residential Amenity
 - Refuse and Servicing
 - Traffic and Parking
 - Landscaping
 - Accessibility
 - Sustainability

6.2 Principle of Development

- 6.2.1 The existing building is currently in use as a public house at basement and ground floors with ancillary residential accommodation above comprising of 7 bedrooms and kitchen areas.
- 6.2.2 In light of this, the site is regarded as previously developed land for the purposes of the policies contained within the National Planning Policy Framework and the Harrow Core Strategy. Policy CS1.A of the Core Strategy notes that growth in Harrow should be managed and that new residential development should be directed towards the Harrow and Wealdstone Intensification Areas, town centres and, in suburban areas, to strategic previously developed sites. In this way, the growth of the borough would develop in a coherent, efficient and effective manner, ensuring that pooled resources secured through planning gain on development sites contributed more efficiently to infrastructural and economic growth and that the impact on the environment arising from development are minimised. On this basis, the proposal to develop this site is considered to be acceptable in principle.
- 6.2.3 This application seeks to demolish the existing two storey building and replace it with a part 2/ four storey building in order to create 10 flats including one flat ancillary to the public house which will be re-built at ground and basement levels. Although the scheme proposes 10 units which would trigger affordable housing contribution, one of the flats would be ancillary to the pub and as such the scheme will not provide any affordable homes. This has been secured by a section 106 agreement to ensure that the ancillary flat will be used solely for the public house. The principle of developing the site to provide for residential flats and a commercial unit has already been established and it is considered to result in an efficient and effective use of the site. The part two, part four storey height proposed would be appropriate in this location.
- 6.2.4 For the above reasons, the principle of providing a four storey building is considered acceptable, as the proposed siting and footprint would be in keeping with the scale of development in the locality.

- 6.2.5 The proposal would not undermine the spatial development strategy for the Borough set out in the Core Strategy and would accord with the NPPF 2018, policies 3.4, 3.5A and 3.8 of The London Plan 2016, policies CS1.A and CS1.B of the Harrow Core Strategy 2012.
- 6.3 <u>Design and Character of the Area</u>
- 6.3.1 Policy 7.4 (B) of the London Plan requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.
- 6.3.2 Core Policy CS1.B specifies that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.'
- 6.3.2 Policy DM1 of the DMP gives advice that "all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted."
- 6.3.3 The site is located to the ease and south of a parade of shops, which is a designated Town Centre, does not fall within the town centre designation. The site constitutes previously developed land and the application seeks to demolish the existing building with a replacement to provide residential flats at first floor, second floor, third floor and fourth floor whilst retaining a commercial use on the ground floor and basement.
- 6.3.4 As discussed above the principle of development is considered acceptable as the uses are already established. Therefore, this application will assess other material considerations such as character and appearance, amenity, service and parking.
- 6.3.5 In terms of the appearance of the building, the applicant is seeking to use one tone of brick. A red brick finish would be utilised throughout, with glazing at the ground floor frontage. The use of the single tone of brick is considered to be a successful method to provide visual articulation to the building and matching the surrounding which is the widely used brick type. The balconies would include steel panels with aluminium railings. In line with the proposed steel balcony railings, the use of aluminium for the proposed windows and doors is favourable to uPVC in quality and appearance. While the principal materials are generally considered to be acceptable, the final palette of materials will be subject to a damp-proof condition requiring samples and further information on specific detailing of the materials, including alternatives to uPVC.

- 6.3.6 In terms of the proposed height, the building would include a maximum height of four stories with a stepped down two storey element. The stepped down second storey element would only extend over part of the development, with the remaining building being four storeys towards Northolt Road. This situation is acceptable because the land slopes towards Northolt Road and the properties at the top of South Hill Avenue are two stories in height. Furthermore, the use of glazing ensures that the fourth storey would be distinguished from the appearance of the lower level, thereby breaking up the mass of the building. The inset of the second floor from all the front parapets ensures that higher level floor appears as a recessive element, which does not dominate the appearance of the building within the streetscene.
- 6.3.7 When considering the proposed height in context with the surrounding area, it is noted that the stepped down second floor element of the building would be in keeping with the height and roofs of the adjacent two storey buildings. While the four storey element would extend marginally higher than these adjoining buildings, given the bulk of the fourth floor is towards the sloping part of the site and also considering the separation between the buildings, the difference in height would not be overly discernible within the streetscene.
- 6.3.8 Accordingly, when considering the character and massing of surrounding development, together with the stepped down nature of the proposed, the height and proportions of the proposed development is considered acceptable.

6.4 Refuse and servicing

- 6.4.1 Policies DM26 and DM45 of the DMP requires that bin and refuse storage must be provided "in such a way to minimise its visual impact if stored on forecourts (where such provision cannot be made in rear gardens), while providing a secure, convenient and adequate facility for occupiers and collection, which does not give rise to nuisance to neighbouring occupiers". Further policy DM 45 states that the onsite provisions must ensure satisfactory access for collectors and where relevant, collection vehicles.
- 6.4.2 The proposal demonstrates that waste and recycling facilities for the residential units would be located within a secure location near the access lane to the property. The refuse storage for the commercial units has been separated from the residential and is located within a secure facility.
- 6.4.3 The proposed plans indicate a satisfactory level of refuse facilities for the flats and commercial unit. These have been separated and as such it is considered that the proposed location is considered acceptable.
- 6.4.4 In conclusion, the proposed development would provide a good quality development on the site. The contemporary design of the building would add positively to the built form, setting out a high quality contemporary design that other developments in the town centre will set as a standard. It is considered that the development would accord with policies 7.4.B and 7.6.B of the London Plan

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

6.5 <u>Residential Quality</u> Residential Amenity Space of Future Occupiers

- 6.5.1 Policy 7.6B, subsection D, of The London Plan (2016) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.
- 6.5.2 Policy DM1 of the DMP seeks to ensure that "proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted".
- 6.5.3 Policy 3.5C of The London Plan requires all new residential development to provide, amongst other things, accommodation which is adequate to meet people's needs.

6.5.4 Room Size and Layout

The table below illustrates the extent to which the proposed development would comply with the recommended room sizes of the London Housing Supplementary Planning Guidance (2016).

Bedrooms	Bed	Minimum GIA (sq m)			Minimum GIA (sq m)	
	Space s	1 storey dwellings	2 storey dwellings	Built – in storage (sq m)		
1b	1p	39 (37) *		1.0		
	2p	50	58	1.5		
2b	3р	61	70	2.0		
	4p	70	79	1.0		

Minimum Floor Area Required	1 Bedroom, 1 person = 39m ² 2 Bedroom, 3 person = 61m ² 2 Bedroom, 3 person = 70m ²
Flats as proposed	
(1 bedroom, 1 person)	39.7m ²
Flats as proposed	
6 x 2 bedroom, 3 person	61.1 m ² - 63.0 m ²
Flats as proposed 3 x 2 bedroom, 4 person)	70.1 – 74.9m²

- 6.5.5 As demonstrated within the above table, the proposed flats would meet the gross internal floor area requirements for flats of their respective occupancy levels. Each of the rooms provided would have a functional layout and would have an adequate outlook and receive a satisfactory level of natural light. It is considered that the proposed living accommodation provided would therefore be considered acceptable and would accord with the relevant policies.
- 6.5.6 The London Plan 2016 (as amended by Housing Standards Policy Transition Document Statement Oct 2015) requires built in storage to be provided for each unit. Plans submitted with the application indicate storage space on the plans for some flats, however units 1, 6 and 9 do not show storage space. In this case this is considered acceptable because the bedrooms exceed the minimum floor space standards and as such has space for storage without prejudicing floor space standards. In light of this it has been demonstrated that sufficient storage has been provided.
- 6.5.7 Paragraph 5.12 of the Council's adopted Supplementary Planning Document Residential Design Guide (2010) states that 'The vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Policy DM26 (b) which notes that proposals will be required to "secure the separation of bedrooms and other room uses between homes within the development and neighbouring dwellings having regard to the adequacy of any measures to prevent noise transference". It is noted that some of the rooms in the flats would be located adjacent to the lift, however in this regard it is considered that as this is a new build, this is can be overcome by noise insulation through Part E of the building control regulations. An informative will be attached to the permission to direct the applicants to the relevant building control services. Subject to this, the overall stacking relationship would be acceptable in accordance with paragraph 5.12 of the adopted SPD.
- 6.5.7 It is therefore considered that the proposed accommodation is satisfactory and would comply with policy 3.5 of The London Plan 2016 and Policy DM1 of the Harrow DMP (2013), and the Residential Design Guide SPD (2010).
- 6.5.8 Impact of Public House of New Flats

Although the public house is existing with ancillary accommodation above, it is considered that the close proximity of neighbouring new residential uses above suggest that the proposal would have a significant and noticeable impact on local amenity levels. It is considered that as this is a new build, any noise from the new public house can be overcome by noise insulation through Part E of the building control regulations. An informative will be attached to the permission to direct the applicants to the relevant building control services. However, it is considered that the use of the rear garden if would be harmful to neighbouring occupiers with regard to disturbance to their bedrooms due to its close proximity to neighbouring residential properties above. It is considered that the activity and disturbance associated with the use of the beer garden during the existing/proposed hours would have an adverse effect on neighbouring residential amenity in the late hours of the night and morning and the harm would be exacerbated by the large size of

the unit. In light of this a condition has been attached to limit the opening hours of the beer garden to 09:00 hours to 21:00 hours, Monday to Sunday including Bank Holidays.

6.6 Outdoor Amenity Space

- 6.6.1 Policy DM1 of the DMP seeks to inter alia ensure that development proposals provide an appropriate form of useable outdoor space. This is further reinforced under paragraph 4.64 of the SPD requires that residential development should provide appropriate amenity space.
- 6.6.2 The proposal would provide external amenity space in the form of balconies for the flats. However the 1 bedroom 1 person flat does not have amenity space, however in this instance it would be considered unreasonable to fail the whole scheme on this aspect alone as there are parks located a short walk to the site which includes large open areas of grass. Further to this the flat is only a single occupancy unit and the scheme provides for amenity space at ground floor level to the rear of the scheme intended for use by future occupiers of the flats and not by the public house. It is therefore considered that the provision of amenity space for the flats in this location is acceptable.
- 6.6.3 Given the above, it is considered that the proposal would have no significant adverse implications for host and neighbouring residential amenities, and would accord with policies 7.4B and 7.6B of The London Plan (2016), policies DM1 and DM27 of the DMP and the Council's adopted Supplementary Planning Document 'Residential Design Guide (2010)' in that respect.

6.7 <u>Impact on neighbouring properties</u>

- 6.7.1 The proposed development would introduce 10 residential units to the application property. It is likely that up to a maximum of 31 people would occupy the proposed development. Given the mixed character of the surrounding area and also considering the location of the site on a busy road, the proposed development would not unacceptably exacerbate any existing levels of noise and disturbance experienced within the area. In this respect, any potential amenity impacts would be limited to the scale and siting of the proposed building.
- 6.7.2 To the west and north east of the site consists of commercial premises at ground floor with residential flats above and a bus station. The closest building within the nearby parade is a vacant site. Therefore there would be no loss of light, outlook or privacy to that property.
- 6.7.3 To the south of the site is a commercial building which is a two storey building closer to the two storey element of the proposals. No windows have been proposed on this side and as such there will be no issues regarding loss of privacy or overlooking.

- 6.7.4 To the east of the properties are properties on Brooke Avenue which are residential and mostly two storey buildings. An objection has been received from neighbouring properties on this side siting overlooking to rear gardens and loss of privacy to rear gardens. However it is considered that the loss of amenities to neighbouring gardens in these situations is not uncommon and the distance from the proposed to neighbouring habitable windows is considered acceptable. In light of this it is considered that the living conditions of those neighbouring occupiers would not be unacceptably harmed.
- 6.7.5 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". It is considered that the proposal would safeguard neighbouring amenity, in accordance with policy DM1 of the Harrow Development Management Policies (2013) and the adopted SPD: Residential Design Guide (2010).
- 6.8 Traffic, Safety and Parking
- 6.8.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also contribute to wider sustainability and health objectives. It further recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions which will vary from urban to rural areas.
- 6.8.2 London Plan policy 6.3 states that 'development proposals should ensure that impacts on transport capacity and the transport network, at both 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 and implementation of a Travel Plan.
- 6.8.3 Policy DM42 of the DMP give advice that developments should make adequate provision for parking and safe access to and within the site and not lead to any material increase in substandard vehicular access.
- 6.8.4 This proposal is within a very good Ptal 5 location with access to various amenities within walking distance. The Highways Team have commented that this location is suitable for a car free proposal.
- 6.8.5 The proposal for no parking spaces is acceptable and a parking permit restriction will be secured via s106 agreement meaning that residents will not be eligible for permits for the surrounding CPZ. Details of the current servicing arrangements have not been made clear and as such the future plans must be detailed in a service and delivery plan that has been secured by pre-occupation condition

- 6.8.6 The proposed levels of cycle parking for both the residential and commercial elements are acceptable however it is necessary to ensure that 5% of the long stay elements are accessible (can be used by non-standard cycles). Details have been secured by pre-occupation condition.
- 6.8.7 The existing vehicle crossover will be redundant as a result of these proposals if the development proceeds and should be reinstated to full height kerb to provide a better pedestrian environment. This work will have to be undertaken by the applicant via agreement through the s106.
- 6.8.8 Given the site location on a busy junction it is considered necessary to recommend a condition to ensure that prior to commencement of work a construction method statement and logistics plans are submitted and approved to ensure that there is no impact on the adjacent highway.
- 6.8.9 Overall, subject to conditions and the S106 agreement, it is considered that the proposal would not have an adverse impact on the free flow of traffic or highway and pedestrian safety. In view of the above, it is considered that the proposal is acceptable in relation to policies 6.3, 6.9 and 6.13 of The London Plan (2016), policy CS1 R of the Harrow CS (2012) and policy DM 42 of the Harrow DMP LP (2013).

6.9 <u>Landscaping and Biodiversity</u>

- 6.9.1 Given the significant site coverage and areas of hard standing associated with the development, the proposal would leave minimal space for meaningful soft landscaping. Specifically, due to the proximity of the building to the side boundaries, landscaping would be restricted to the area to the front of the building and to the rear. Given the minimal areas for landscaping, the applicant has been advised that the Local Authority will be seeking a high standard of soft landscaping and planting to soften the appearance within the streetscene and from surrounding properties. The areas of hardstanding must also be finished to a high standard, consisting of a palette of materials that complements the building.
- 6.9.2 In this context, and despite the submission of a landscape plan by the applicant, the Council's Landscape Architect has requested that detailed information is submitted to the LPA for approval, relating to landscaping (hard and soft), planting and levels. Specifically, the Landscape Officer has advised that the native planting proposed for the site is inappropriate. The applicant has been advised that the planting should include ornamental planting, suitable for a garden space.
- 6.9.3 Accordingly, while it is acknowledged that a significant amount of further detail is required in regards to the proposed landscaping, the applicant has displayed willingness to work with the Council's Landscape Officer to ensure the current concerns are addressed to the Council's requirements. Furthermore, it is not unusual for this type of information to be requested by way of pre-occupation condition. In this respect, subject to the aforementioned conditions, the proposal is considered to comply with Policy DM22 of the DMP 2013.

6.9.4 The Council's Biodiversity Officer has not commented on the proposal, however the applicants have committed to having avoid disturbing bird nesting by avoiding any removal of shrubs to outside the nesting season. Further to this they have committed to integrating bat features within the external walls of the new building. Accordingly, it is considered that the ecological and aesthetic value of the area would be enhanced and the development would thereby comply with policies DM 20 and 21 of the DMP (2013).

7.0 <u>Accessibility</u>

- 7.1.1 Policy DM2 of the DMP and policies 3.5 and 3.8 of The London Plan 2016 seek to ensure that all new housing is built to 'Lifetime Homes' standards. Furthermore, The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion.
- 7.1.2 Policy CS1.K of the Harrow Core Strategy requires all new dwellings to comply with the requirements of Lifetime Homes. Supplementary Planning Document Accessible Homes 2010 (SPD) outlines the necessary criteria for a 'Lifetime Home'.
- 7.1.3 While the above policies require compliance with Lifetime Home Standards, in October 2015 these standards were replaced by New National Standards which require 90% of homes to meet Building Regulation M4 (2) 'accessible and adaptable dwellings'.
- 7.1.4 The Design and Access Statement has confirmed that the common areas within the building, including the stairwells corridors and lobbies, would be designed to comply with Part M of the Building Regulations and Wheelchair standards. The applicant has also indicated that all of the proposed flats would comply with Part M and some of them would be wheelchair adaptable.
- 7.1.5 While the above compliance with Part M of the Building Regulations is acknowledged, a condition of approval will ensure that the proposed development would meet regulation M4 (2) of the building Regulations which would secure an appropriate standard for future occupiers and make the units accessible to all.
- 7.1.6 Accordingly, subject to compliance with this condition, it is considered that the proposed accommodation would be satisfactory and as such would comply with policy 3.5 of The London Plan (2016), standard 5.4.1 of the Housing SPG (2012).

7.2 Sustainability

- 7.2.1 Policy DM12 of the DMP requires the design and layout of development proposals to inter alia utilise natural systems such as passive solar design, incorporate high performing energy retention materials, incorporate techniques that enhance biodiversity, such as green roofs and green walls.
- 7.2.2 A condition is recommended to ensure that the proposal would comply with Building Regulations Part L.

7.3 CONCLUSION AND REASONS FOR APPROVAL

- 7.3.1 The proposed redevelopment of the site would provide a high quality development comprising of a public house at ground floor and residential accommodation at upper levels. The proposed internal layouts, specifications and services offered by the proposed development would provide an acceptable standard of accommodation.
- 7.3.2 The proposal would enhance the urban environment in terms of material presence, attractive streetscape and makes a positive contribution to the local area, in terms of quality and character.
- 7.3.3 The layout and orientation of the buildings and separation distance to neighbouring properties is considered to be satisfactory to protect the amenities of the neighbouring occupiers.
- 7.3.4 The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2018, the policies and proposals in The London Plan 2016, the Harrow Core Strategy 2012 and the Development Management Policies Local Plan 2013, and to all relevant material considerations, and any comments received in response to publicity and consultation.

APPENDIX 1: Conditions and Informatives

Conditions

1. <u>Timing</u>

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. <u>Approved Drawing and Documents</u>

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

17.2364.103 P2

17.2364.104 P8

17.2364.105 P7

17.2364.106 P5

17.2364.107 P5

17.2364.108_P7

17.2364.109 P6

17.2364.110_P2

17.2364.111_P3

17.2364.112 P3

ENC/300818/3DD3/Top, ENC/300818/3DD3/MB, ENC/300818/3DD3/E,

Transport Statement dated December 2018, Sustainability and Energy Statement, Preliminary Ecological Assessment dated November 2018, Planning, Design and Access Statement dated December 2018

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

3. Construction Method Statement

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

- a) detailed timeline for the phases and implementation of the development
- b) demolition method statement
- c) the parking of vehicles of site operatives and visitors;
- d) loading and unloading of plant and materials;
- e) storage of plant and materials used in constructing the development;
- f) measures to control the emission of dust and dirt during construction; and
- g) scheme for recycling/disposing of waste resulting from demolition and construction works.
- h) details showing the frontage/the boundary of the site enclosed by a close boarded fence to a minimum height of 2 metres.

The development shall be carried out in accordance with the approved Method Statement & Logistics Plan, or any amendment or variation to it as may be agreed in writing by the local planning authority throughout the construction period.

REASON: To minimise the impacts of construction upon the amenities of neighbouring occupiers, in accordance with Policy DM1 of The Development Management Policies Local Plan 2013, and to ensure that development does not adversely affect safety on the transport network in accordance with Policy 6.3 of the London Plan and Policy DM43 of The Development Management Policies Local Plan 2013.Details are required PRIOR TO COMMENCEMENT OF DEVELOPMENT to ensure a satisfactory form of development.

4. Materials

Notwithstanding the details shown on the approved plans, the development hereby permitted shall not proceed above 150mm above ground level until details and samples of the materials to be used in the construction of the external surfaces noted (but not limited) below have been submitted, provided on-site and approved in writing by, the local planning authority:

- a) window threshold details, including deep reveals and set backs
- b) well-spaced steel balustrade with thin, balustrade spokes should have flat, thin profiles
- c) balcony decks (As well as finish underneath)
- d) brickwork, to both ground floor and higher levels
- e) aluminium feature band with proposed signage
- f) planter details on ground floor
- g) external brick wall
- h) boundary walls
- i) all external paving materials

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

REASON: To enhance the appearance of the development and safeguard the character and appearance of the area, in accordance with policies 7.4.B of The London Plan 2016 and policy DM1 of The Development Management Policies Local Plan 2013. Details are required PRIOR TO COMMENCEMENT OF DEVELOPMENT BEYOND 150MM ABOVE GROUND LEVEL to ensure a satisfactory development and as enforcement action after time may be unfeasible.

5. Class usage of the basement, ground floor and 2 bedroom flat at first floor

The basement and ground floor unit including the ancillary two bedroom flat on first floor of the premises shall be used for the purpose specified in the application and for no other purpose, (use Class A4) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).

REASON: To safeguard the amenity of the residents on the upper floors and neighbouring occupiers and maintain the vitality of the parade, thereby according with policy DM1 of the Development Management Policies Local Plan 2013.

6. Opening Times of Public House Unit and Beer Garden

The proposed Public House Unit use hereby permitted shall not be open to customers outside the following times:-

Mon – Wed - 10am -12pm Thur – 10am – 1am Fri – 10am -2am Sat – 10am - 2am Sun- 10am – 12pm

The proposed beer garden use hereby permitted shall not be open to customers outside the following times without the prior written permission of the local planning authority.

09:00 hours to 21:00 hours, Monday to Sunday including Bank Holidays.

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

7. Landscaping

The development hereby approved shall not progress beyond 150mm above ground level until a scheme for the hard and soft landscaping of the development, to include details of the planting, hard surfacing materials, raised planters and external seating, has been submitted to, and agreed in writing by, the local planning authority. Soft landscaping works shall include: planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants, noting species, plant sizes and proposed numbers / densities and an implementation programme.

The hard surfacing details shall include samples to show the texture and colour of the materials to be used and information about their sourcing/manufacturer. The hard and soft landscaping details shall demonstrate how they would contribute to privacy between the approved private amenity space and the public house space. The development shall be carried out in accordance with the scheme so agreed and shall be retained as such thereafter.

REASON: To ensure that the development makes provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe and attractive public realm and to ensure a high standard of design, layout and amenity in accordance with policy 7.4B of The London Plan (2016), policy CS.1B of the Harrow Core Strategy (2012) and policy DM22 of The Development Management Policies Local Plan 2013.

8. Planting

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 in accordance with policy DM22 of The Development Management Policies Local Plan 2013.

9. Delivery and Service Plan

Prior to the public house being brought into use, a full Delivery and Service Plan shall be submitted to and approved in writing by the local Planning Authority. The Delivery and Service Plan thereby approved shall be adhered to thereafter.

REASON: To ensure that the development does not harm the safety and free flow of the public highway.

10. Noise Condition

The development shall not begin until a scheme for the control of noise transmission to the adjoining dwellings has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures"

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

11. <u>Secure by design</u>

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

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime.

12. Refuse storage

Other than on collection days, the refuse/waste bins shall at all times be stored in the approved refuse/waste storage area.

REASON: To enhance the appearance of the development and safeguard the character and appearance of the area, in accordance with policies 7.4.B of The London Plan 2016 and policy DM1 of The Development Management Policies Local Plan 2013.

13. Cycle Storage

The cycle storage hereby approved shall be carried out and implemented in full on site in accordance with the approved details and shall be retained for the duration of this public house use and the residential use on the site

REASON: To ensure the satisfactory provision of safe cycle storage facilities, to provide facilities for all the users of the site and in the interests of highway safety and sustainable transport, in accordance with policy 6.9B of The London Plan (2016) and policy DM 42 of the Harrow Development Management Policies Local Plan (2013).

14. Accessibility

The development hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2) and (3), evidence demonstrating compliance should be submitted to and approved in writing by the Local Planning Authority prior to occupation. The proposal shall be carried out in accordance with the approved drawings and retained thereafter.

REASON: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time.

15. Restrict Permitted Development

Notwithstanding the provisions of the Electronic Communications Code Regulation 5 (2003) in accordance with The Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Schedule 2, Part 16, Class A of that order shall be carried out in relation to the development hereby permitted without the prior written permission of the local planning authority.

REASON: In order to prevent the proliferation of individual telecommunication items on the building which would be harmful to the character and appearance of the building and the visual amenity of the area.

16. Communal Facilities for Television Reception

Prior to the first occupation of the development, details of a strategy for the provision of communal facilities for television reception (eg. aerials, dishes and other such equipment) shall be submitted to the Local Planning Authority in writing to be agreed. Such details shall include the specific size and location of all equipment. The approved details shall be implemented prior to the first occupation of the relevant development and shall be retained thereafter. No other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.

REASON: To ensure that any telecommunications apparatus and other plant or equipment that is required on the exterior of the buildings preserves the high quality design of the buildings and spaces.

17. Before the hard surfacing hereby permitted is brought into use the surfacing 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.

<u>Informatives</u>

1. Policies

The following policies are relevant to this decision:

National Planning Policy Practice Guidance (2019)

The Draft London Plan (2017):

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

The London Plan 2016

- 3.3 Increasing Housing Supply
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable Drainage
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1Building 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
- 7.19 Biodiversity and Access to Nature

Harrow Core Strategy 2012

Core Policy CS 1 – Overarching Policy Objectives

Harrow Development Management Polices Local Plan (2013)

Policy DM 1 – Achieving a High Standard of Development Policy

DM 2 – Achieving Lifetime Neighbourhoods Policy

DM 10 – On Site Water Management and Surface Water Attenuation

Policy DM 12 – Sustainable Design and Layout

Policy DM 21 –Enhancement of Biodiversity and Access to Nature

Policy DM 22 – Trees and Landscaping

Policy DM 23 – Streetside Greenness and Forecourt Greenery

Policy DM 24 – Housing Mix

Policy DM 27 – Amenity Space Policy

Policy DM 42 - Parking Standards

Policy DM 44 - Servicing

Policy DM 45 – Waste Management

Policy DM 49 -Telecommunications

Relevant Supplementary Documents

Supplementary Planning Document: Residential Design Guide (2010)

The London Plan Housing Supplementary Planning Guidance (2016)

Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2016)

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

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

Grant without 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. Harrow has a pre-application advice service and actively encourages applicants to use this service.

Please note this for future reference prior to submitting any future planning applications.

3. 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.

4. 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

5. <u>Compliance with Planning Conditions</u>

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start.
 For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

6. London Mayor's CIL Charges

Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of £34,320.00 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

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

Your proposal is subject to a CIL Liability Notice indicating a levy of £34,320.00 for the application, based on the levy rate for Harrow of £60/sqm and the stated increase in floorspace of 572sqm

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

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

7. Harrow Council's CIL Charges

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

Harrow's Charges are:

Residential (Use Class C3) - £110 per sqm; (£62,920.00)

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 contribution for this development is £62,920.00

8. Street Numbering Advice

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

All new developments, sub division of existing properties or changes to street names or numbers will require an application for official Street Naming and Numbering (SNN). If you do not have your development officially named/numbered, then then it will not be officially registered and new owners etc. will have difficulty registering with utility companies etc.

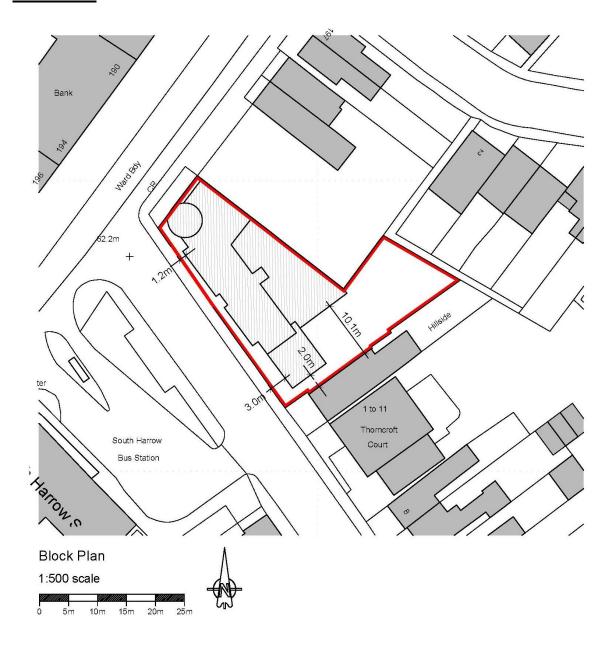
You can apply for SNN by contacting technicalservices@harrow.gov.uk or on the following

http://www.harrow.gov.uk/info/100011/transport_and_streets/1579/street_naming_and_numbering

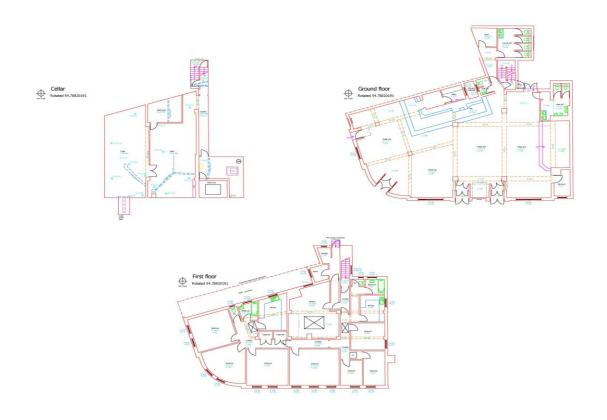
Checked

Interim Chief Planning Officer	BK 8/5/19
Corporate Director	PW 9/5/19

SITE PLAN



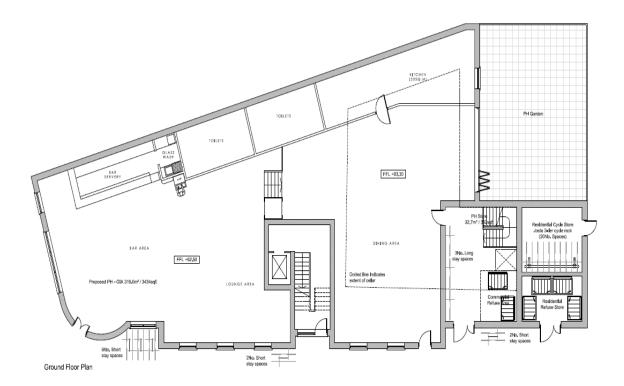
Existing Floor Plans



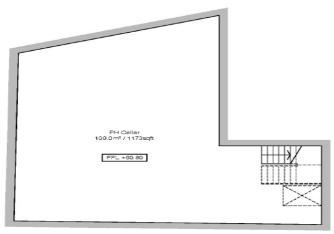
Existing Elevations



<u>Proposed Plans and Elevations</u> <u>Ground Floor Plan</u>

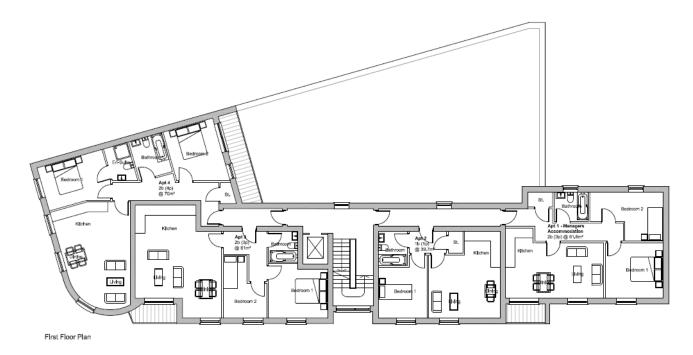


Basement Plan

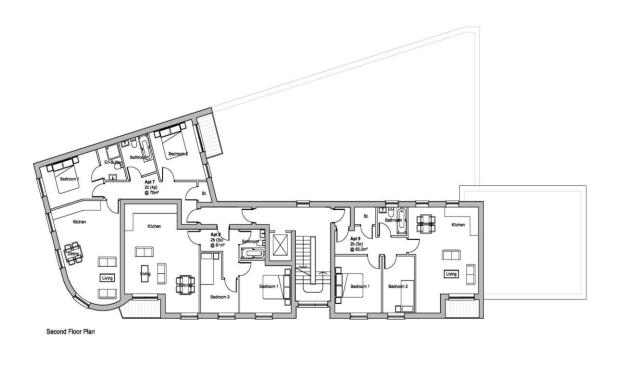


Basement Floor Plan

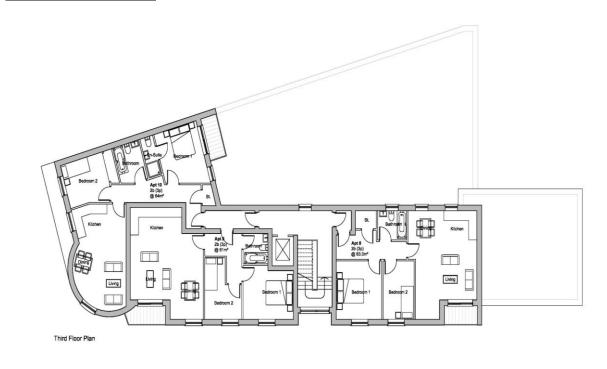
Proposed First Floor



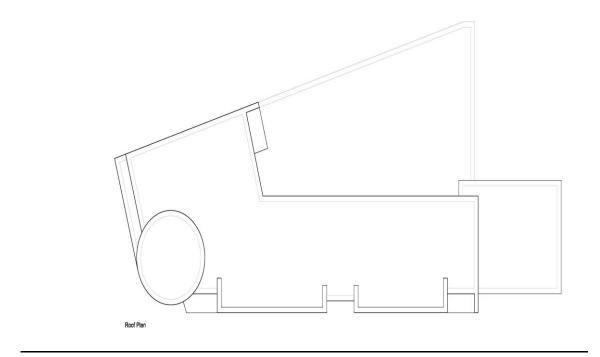
Proposed Second Floor



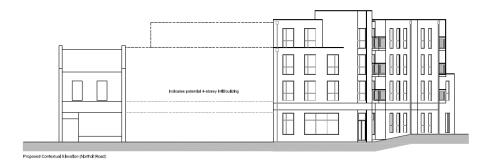
Proposed Third Floor



Proposed Roof Plan



Elevations





Elevations



Site Photographs

Existing building on site



Looking on towards Northolt Road





Opposite the site



From rear of building



Looking from Northolt



Road





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