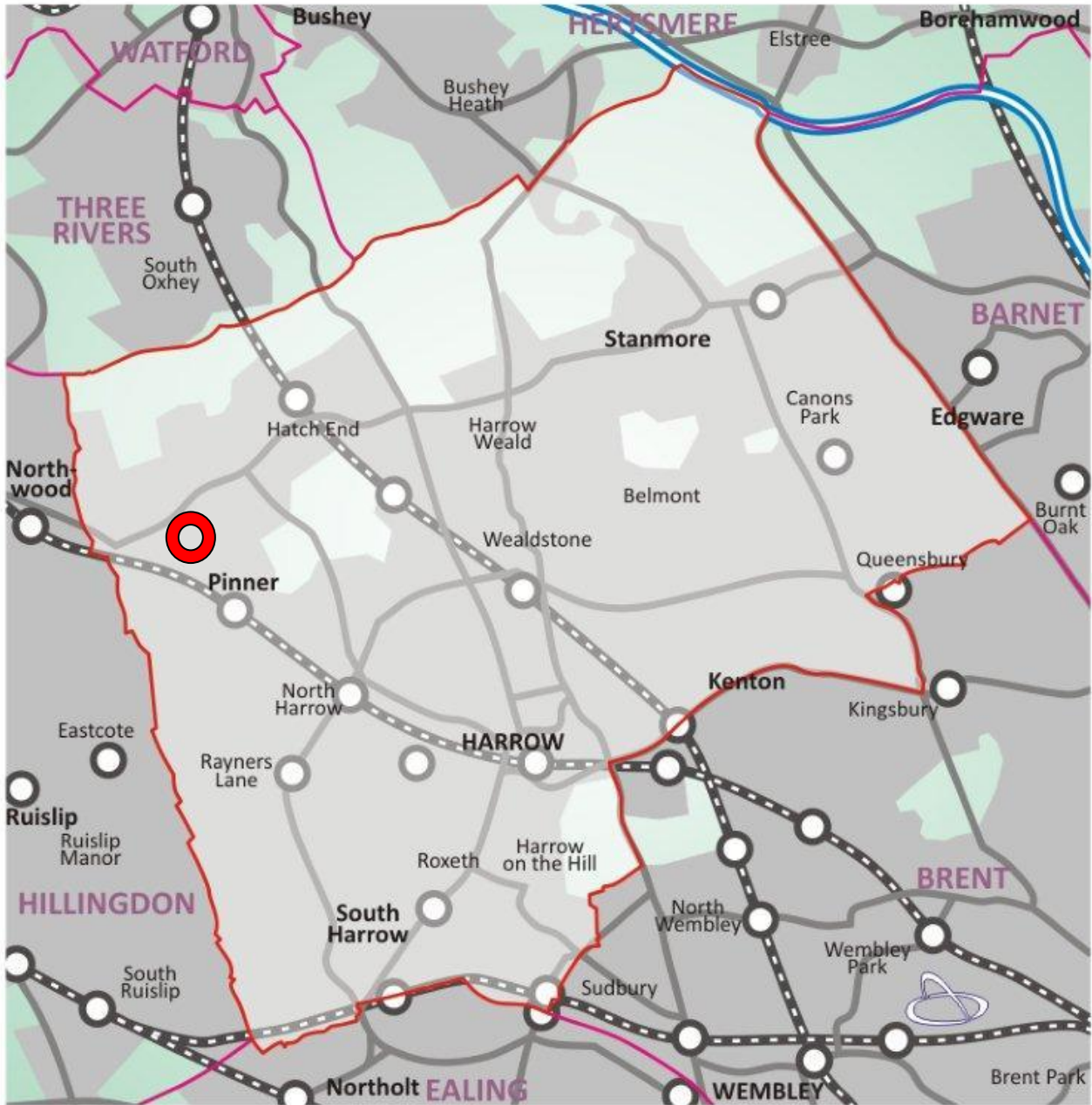


 = application site



1 Love Lane

P/3669/19

1 Love Lane HA5 3EE



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LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

12th February 2020

APPLICATION NUMBER: P/3669/19
VALIDATE DATE: 17/09/2019
LOCATION: 1 LOVE LANE, PINNER, MIDDLESEX
WARD: PINNER
POSTCODE: HA5 3EE
APPLICANT: MR ASHOK PATEL
AGENT: MR NIKOLAS MAKSIMENKO
CASE OFFICER: KATIE PARKINS
STATUTORY EXPIRY DATE: 12/11/2019
EXTENDED EXPIRY DATE:

PROPOSAL

Redevelopment to provide three storey building with accommodation in roof to provide a coffee shop (Class A1) on ground floor, 9 flats (7 x 1 bed flats and 2 x 2 bed flats) on upper floors; Refuse and Cycle storage

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
- 2) Grant planning permission subject to authority being delegated to the Interim Chief Planning Officer in consultation with the Director of Legal and Governance Services and the Chair of the Planning Committee 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) Parking permit restriction;
 - ii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement;
 - iii) Planning Monitoring Fee.

REASON FOR THE RECOMMENDATION

The proposed redevelopment of the site would provide an additional nine new dwellings of an acceptable standard of residential accommodation. The siting of the development would be appropriate in this location and would not be at odds with the existing character of development in the immediate area. The proposed internal layouts, specifications and management of the proposed development would provide an acceptable standard of accommodation in accordance with Policies 3.3 and 3.5 of The London Plan (2016) and Policy DM1 of the DMP (2013).

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework (2019), 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 the Section 106 Agreement is not completed by 17th February 2020 or such extended period as may be agreed in writing by the Interim Chief Planning Officer in consultation with the Chair of the Planning Committee, then delegate the decision to the Divisional Director of Planning to **REFUSE** planning permission for the appropriate reason.

The proposed development, in the absence of a legal agreement to provide parking permit restrictions would fail to ensure that the development in this location prioritises access by sustainable modes and does not place additional transport stress on the public highway, in accordance with the National Planning Policy Framework (2019), policy 6.13 of the London Plan (2016), policy T6 of the Draft London Plan (2019), policies CS1.T of the Core Strategy (2012) and policies DM1 and DM43 of the Harrow Development Management Policies Local Plan (2013).

INFORMATION

This application is reported to Planning Committee as it falls outside Schedule 1 of the Scheme of Delegation.

Statutory Return Type:	(E.13) Minor Dwellings
Council Interest:	N/A
Additional Floorspace:	316sqm (residential)

GLA Community Infrastructure Levy	£18,960 (excludes indexation)
(CIL) Contribution (provisional):	
Local CIL requirement:	£34,760 (excludes indexation)

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.

PART 2 : Assessment

1. SITE DESCRIPTION

- 1.1. The site is located on the eastern side of Love Lane, adjacent to the junction of Love Lane and Bridge Street.
- 1.2. The site lies within flood zone 3a of the Pinn River and the Archaeological Priority Area of medieval Pinner. The northern boundary of Pinner High Street Conservation runs through to the car park to the south-east of the site approximately 40 metres from the site.
- 1.3. Pinner High Street is a remarkable survival of a medieval village. It is noteworthy for its fine array of timber-framed buildings, a number of which are statutorily listed and date from as early as the 15th century. The attractive area has a lively café culture and retail atmosphere, which is complemented by unique pockets of open space and other modest references to past agricultural roots.
- 1.4. The application site is occupied by a two-storey building with an Art-Deco style front façade and a shallow dual-pitched roof. The footprint of the buildings occupies approximately two-thirds of the site.
- 1.5. The ground of the property is occupied by Nero coffee shop and the upper floor is used as two residential units. The residential units are accessed from the rear.
- 1.6. The northern boundary of the site abuts the alleyway which provides access to the residential property at No.11 Love Lane.
- 1.7. The entrance to the car park to the rear of the residential units to the south, the car park to the rear of High Street and the service entrance to Marks and Spencer's abuts the southern boundary of the site.
- 1.8. Red Lion Parade is located to the south of the access way and this parade has commercial units on the ground floor with residential units above arranged in a four-storey building.

2 PROPOSAL

- 2.1 The proposed redevelopment of the site would provide a new coffee shop (use class A1) and nine residential units at first, second and third floors as per the following breakdown:
 - 4 x studio (44%)
 - 3 x 1 bedroom (33%)
 - 2 x 2 bedroom (22%)
- 2.2 Cycle and refuse storage would be provided to the rear of the site.

- 2.3 Access to the residential units would be via the unnamed road to the rear of the site.

3 **RELEVANT PLANNING HISTORY**

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

LBH/37675	CHANGE OF USE OF FIRST FLOOR FROM RETAIL STORE TO FORM TWO SELF CONTAINED FLATS	Granted: 23/02/1989
P/1995/12	<p>THREE STOREY INFILL SIDE EXTENSION, FOUR STOREY REAR EXTENSION AND CONSTRUCTION OF NEW SECOND FLOOR TO PROVIDE SIX ADDITIONAL FLATS (EIGHT IN TOTAL)</p> <p>Reasons for Refusal:</p> <p>1) <i>The proposed extensions to the building, by reason of their scale, bulk, height and prominent siting, would have a dominant and overbearing effect and incongruous appearance in the streetscene, which would be harmful to the character and appearance of the area and the streetscene and the visual amenities of the area, contrary to policies 7.4.B and 7.6.B of The London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012 and saved D4 of the Harrow Unitary Development Plan 2004.</i></p> <p>2) <i>The proposed extensions to the building by reason of the poor layout and access for the residential units and the overbearing impact of the building over the alleyway to the north of the site, would result in safety risks for occupiers of the units and a perception of crime for the users of the alleyway, contrary to policies 3.5, 7.2.C and 7.3.B of The London Plan 2011, policy CS1.K of The Harrow Core Strategy 2012, saved policies D4 and C16 of the Harrow Unitary Development Plan 2004 and adopted Supplementary Planning Document: Accessible Homes 2010.</i></p> <p>3) <i>The proposed residential units, by reason of their poor layout and design, would result in poor standards of outlook, unreasonable levels</i></p>	Refused: 29/10/2012

	<i>of disturbance and cramped and substandard levels of accommodation, to the detriment of the amenities of the future occupiers of the units, contrary to policy 3.5 of The London Plan 2011, policy CS1.K of The Harrow Core Strategy 2012, saved policy D4 of the Harrow Unitary Development Plan 2004 and the adopted Supplementary Planning Document: Residential Design Guide 2010.</i>	
LBH/37675	Change of use of first floor from retail store to form two self contained flats	Granted: 23/02/89
P/1023/13	<p>Three storey infill side extension, three storey rear extension and construction of new second floor to provide four additional flats (six in total)</p> <p>Reasons for Refusal:</p> <p>1) <i>The proposed development by reason of the poor layout and access for the residential units and the overbearing impact of the building over the alleyway to the north of the site, would result in safety risks for occupiers of the units and a perception of crime for the users of the alleyway, contrary to policies 3.5, 7.2.C and 7.3.B of The London Plan 2011, policy CS1.K of The Harrow Core Strategy 2012, Policy DM1 of the emerging Development Management Policies Local Plan (2013), saved policies D4 and C16 of the Harrow Unitary Development Plan 2004 and adopted Supplementary Planning Document: Accessible Homes 2010.</i></p> <p>2) <i>The proposed residential units, by reason of their poor layout and design, unacceptable vertical stacking, would result in poor standards of outlook, unreasonable levels of disturbance and cramped and substandard levels of accommodation, to the detriment of the amenities of the future occupiers of the units, contrary to policy 3.5 of The London Plan 2011, policy CS1.K of The Harrow Core Strategy 2012, Policy DM1 of the emerging Development Management Policies Local Plan (2013): saved policy D4 of the Harrow Unitary Development Plan 2004 and the adopted Supplementary Planning Document: Residential Design Guide 2010.</i></p>	Refused: 10/06/2013

	Allowed on Appeal: 06/05/2014	
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4 **CONSULTATION**

- 4.1 A total of 76 consultation letters were sent to neighbouring properties regarding this application. Letters were sent out on 20/09/2019 and the overall public consultation period expired on 11/10/2019. One objection was received in relation to this proposal.

Summary of Comments

Area is severely congested. Marks and Spencer use the access road at the side of the application site for their deliveries. Parking and access for all shops and church etc is from Love Lane. Already problems with deliveries and servicing. Parking is difficult.

Officer Comments

Noted. Please refer to Section 6.8 Traffic and Parking below.

4.2 **Statutory and Non Statutory Consultation**

- 4.3 The following consultations have been undertaken:

4.4 **External Consultation**

Consultee

The Pinner Association

Proposed balconies would overlook the service road and Love lane. Would suffer from noise and pollution. Number of flats proposed is excessive. All the flats are small. Access to the flats would be off the service road in which there is no footway. Narrow service road. Area suffers from too much traffic. Too noisy for residential properties. Service vehicles which use the service road are required to reverse down the service road to access Love Lane. Bin and cycle stores are proposed directly off the service road, presents a hazard. A lift is not proposed. No disabled access. Poor standard of amenity for future residents. Condition is required to control the use of the paved areas for tables and chairs. Tables and chairs etc should not obstruct the highway, could be hazard and restrict movement. A condition is required to ensure there is a physical barrier between the seating area and the footway. Visibility for drivers could be restrict by seating. No on street parking proposed., nor visitor parking. This situation is not unusual for flats and businesses in a primary shopping area. Should be resident parking permit restricted.

Officer Comments

Noted

<p>TFL Engineering No objection.</p> <p>Officer Comments <i>Noted</i></p>
<p>Historic England Archaeology No objection.</p> <p>Officer Comments <i>Noted</i></p>
<p>Natural England (Ancient Monuments) No objection.</p> <p>Officer Comments <i>Noted</i></p>

4.5 Internal Consultation

Consultee
<p>GLA Urban Design Officer This will be a positive contribution to the high street. As ever, we will expect high quality materials throughout, such as aluminium framing to windows (no uPVC drainage or threshold details, coated aluminium currently shown to bespoke gutter details which is good to see), high quality brickwork and clay tiles to match the ambition of the renders. Satisfied with the architectural drawings and the impressive list of built projects showing the reality of these details, particularly to the brickwork, glazing and rainwater good junctions.</p> <p>Officer Comments <i>Noted</i></p>
<p>LBH Highways The only outstanding information required is in relation to disabled residents – DM 42 states that car-free developments will be supported where it can be demonstrated that the needs of blue badge holders would be met. The application documents do not seem to address this point. Furthermore, this policy also requires that there would be adequate safeguards against parking on the surrounding highway network and in public car parks, therefore, should the application be granted, a s106 agreement would also be required to enable a parking permit restriction to be applied which would mean that residents of this development would not be entitled to apply for parking permits for the surrounding CPZ.</p> <p>If approved, it would be necessary to apply a pre-commencement condition for a construction logistics plan.</p> <p>Officer Comments</p>

Noted

LBH Drainage Department

With regards to the above planning application, please be advised that the site is identified within fluvial flood zone 2 & 3 according to Environment Agency flood maps. The site is at a high risk of flooding hence a Flood Risk Assessment is required.

We are happy with the Flood Risk Assessment and Drainage strategy submitted by the applicant, however the emergency evacuation plan is missing.

Please request the applicant to submit the following details for our approval.

- Emergency evacuation plan, with the evacuation route drawn on the map.
- Detailed drainage design in line with our standard drainage requirements attached.
- The applicant should also contact Thames Water developer services **by email:** developer.services@thameswater.co.uk or **by phone:** 0800 009 3921 or on Thames Water website www.developerservices.co.uk regarding confirmation of capacity within their system to receive the proposed discharge from the new development. **The Thames Water confirmation letter should be submitted.**
- A cross section of permeable construction with full details should be submitted.

Please note that all the above requested details can be conditioned

Officer Comments

Noted

LBH Conservation Officer

The proposal given its scale and design that fits in with the design and materials of the area would not harm the setting of the conservation area as long as materials and details are conditioned to match the existing.

Officer Comments

Noted

LBH Planning Policy

The proposal would seek to re-provide a A1 use on the ground floor with an active frontage. Residential units above such a use within a town centre location is supported.

Planning Policy would not object to the principle of this scheme.

Officer Comments

Noted

5 POLICIES

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:
- ‘If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.’
- 5.2 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].
- 5.3 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 (2019), as this will eventually replace the current London Plan (2016) when adopted and forms part of the development plan for the Borough.
- 5.4 The document was originally published in draft form in December 2017 and subject to Examination in Public (EiP) with the Panel’s report published in October 2019. The Mayor of London has considered these recommendations, and has either accepted them or where not, provided justification as to why accepting them would not be appropriate. The Mayor has now submitted to the Secretary of State an ‘Intend to Publish’ version of The Plan. It is for the Secretary of State to determine whether he agrees with the revised Plan and it ought to be published in that form.
- 5.5 The Draft London Plan is a material planning consideration that holds significant weight in determining planning applications, with relevant policies referenced within the report below and a summary within Informative 1.

6 ASSESSMENT

- 6.1 The main issues are;
- Principle of the Development
 - Character and Appearance of the Area/Setting of the Conservation Area
 - Impact to Residential Amenity
 - Housing Supply, Density and Overall Housing Mix
 - Standard of Residential Accommodation
 - Accessibility
 - Traffic and Parking
 - Drainage

6.2 **Principle of Development**

- 6.2.1 Having regard to the planning designations on the site, there are no development plan policies that specifically preclude the provision of residential dwellings here. The provision of additional housing on this site would contribute to the strategic vision of Policy 3.3 of The London Plan (2016) which recognises the need for more homes throughout Greater London and Policy CS1 of the Harrow Core Strategy (2012) with regards to the provision of additional housing within the borough.
- 6.2.2 Policy DM24 of the Harrow Development Management Policies Local Plan (2013) requires that proposals secure an appropriate mix of housing on the site and contribute to the creation of inclusive and mixed communities. The appropriate mix of housing should have regard to the location of the site, the character of the surroundings and the need to optimise housing output on previously developed land.
- 6.2.3 The proposed residential use would be consistent with surrounding land uses. The use of the land for residential uses could therefore be supported in principle and would make a contribution to the housing stock in the borough. For these reasons it is considered that the principle of the use of this site for the provision of housing is acceptable, subject to consideration of further policy requirements as detailed below.
- 6.2.4 The proposed redevelopment would re-provide a A1 use on the ground floor with an active frontage. This element of the proposal therefore complies with policy of the DMP36. Furthermore, Planning Policy raised no objection to the proposed development.
- 6.2.5 Given the above, the principle of the proposed development to create replacement A1 floorspace and an additional 9 flats is considered to be acceptable by officers, subject to consideration of further policy requirements as detailed below.

6.3 **Character and Appearance of the Area/Setting of the Conservation Area**

- 6.3.1 The site is located within a prominent position in the Pinner District Centre, on the corner of Love Lane and an un-named road which borders the site to the south. The character of the immediately surrounding area is relatively mixed with the four-storey rounded façade of Red Lion Parade to the south, the two-storey cottage style to the north and the more established 'metroland' style buildings on the opposite side of Love Lane. The building on the site has a 'villa' style appearance mixed with an Art Deco façade. Located between significantly differing characters of building to the north and south, the building forms a transitional building in the streetscene. The building is sited well forward of the building lines to the north and south, and is set-back 2.4m from the public highway - Love Lane, and therefore provides limited space for pedestrians.

- 6.3.2 The proposed building would have a gable feature, which has been referenced from other buildings within surrounding area. The proposed development would be larger than the existing building, however it has been designed taking into the context of the site, in particular the scale, massing and roof form of the neighbouring properties and would therefore achieve a sense of balance and proportion in relation to its surroundings. It will be chamfered on the ground floor to create a corner entrance to the proposed retail unit. Furthermore, it would be further set-back from the highway than the existing building by an additional 1m and therefore would provide greater circulation space for pedestrians than what currently exists. Although the building is of a modern design, it is considered to be responsible to its surroundings.
- 6.3.3 The GLA Urban Design Officer was consulted on this application who confirmed that the proposed development would be a positive contribution to the streetscene. It is considered that the proposed building is of a high architectural design which would add further variety and interest to the area and would help to strengthen local character and distinctiveness. In addition, the Conservation Officer stated that the proposal would not harm the setting of the conservation area, given its scale and design.
- 6.3.4 The flats would be accessed from the unnamed road located to the south of the site, which does not have a footpath on either side of the road. The door would be set-back from the public highway by approximately 1.2m. The access to the flats for the previously refused scheme (P/1023/13) which was subsequently allowed on appeal, was not set back from the highway. Access was therefore direct from the street. It is therefore considered that the proposed set-back of the entrance door from the public highway would constitute an improvement to the scheme which was allowed on appeal.
- 6.3.5 Refuse Storage
- 6.3.6 Policy DM45 of the Development Management Policies Local Plan states that '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'. In terms of character and appearance, this policy requires refuse storage bins to 'be located and screened to avoid nuisance to occupiers and adverse visual impact'.
- 6.3.7 The proposed ground floor plan indicates that 4 wheelie bins would be provided in a large refuse store at ground floor level, adjacent to the roller shutter door located on the flank wall of the substation building to the rear. 2 wheelie bins would be provided for the residential flats and 2 wheelie bins for the ground floor retail use. A condition is appropriate to ensure such refuse bins are provided, prior to the first occupation of the units and commencement of the use.
- 6.3.8 It is therefore considered that the proposed development would not result in a detrimental impact to the character and appearance of the surrounding area, in accordance with the high quality design aspirations of the National Planning Policy Framework (2019), policies 3.5, 7.4 and 7.6 of The London Plan (2016), policy

CS1 of the Core Strategy (2012), policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the Supplementary Planning Document: Residential Design Guide (2010).

6.4 **Impact to Residential Amenity**

- 6.4.1 The proposed building would abut the alleyway which provides access to the residential property on the first floor of No.11 Love Lane. The proposed development would have resulted in a three storey high wall on the southern side of the alleyway. This alleyway has little natural surveillance. An application was refused in 2013 (P/1023/13) for a three storey infill development and the construction of a new second floor to provide an additional four floors. The proposed development had a maximum height of approximately 10.45m. The first reason for the refusal of this application related to the poor layout and access for the residential units and the overbearing impact of the building over the alleyway to the north of the site, resulting in safety risks for occupiers of the units and a perception of crime for the users of the alleyway. However, in dismissing the appeal, the Inspector concluded that the narrow and enclosing nature of the alleyway, it provides little more than its function as an access route, and hence very little amenity provision. The Inspector commented that people using it are not likely to be looking upwards at acute angles towards the upper levels of the existing buildings, and hence the infilling and increase in height of the proposed development would not likely result in any significant overbearing impact which would harm the outlook and amenity of users of the alleyway. Therefore, the Planning Inspectorate has concluded that the principle of a three-storey building which would directly abut the alleyway, is acceptable and would not result in a detrimental impact to the users of the alleyway.
- 6.4.2 Red Lion Parade is located approximately 5.3m to the south of the application site. There are no windows in the northern flank wall of Red Lion Parade. Given the size and scale of the proposed development and the orientation of the site, the proposed development would not result in a detrimental impact to the residential amenities of Red Lion Parade.
- 6.4.3 There are windows in the southern flank wall of No.7 Love Lane but the first floor of this property is used in association with the Funeral Directors on the ground floor. Though the development would have some impact on the amenity of this property, given the commercial nature of the use at this property, it is considered that this impact would not be unreasonable.
- 6.4.4 The proposal would therefore not result in a detrimental impact to the amenities of the neighbouring properties, in accordance with the National Planning Policy Framework (2019), policy 7.6 of The London Plan (2016), policy CS1 of the Core Strategy (2012), policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the Supplementary Planning Document: Residential Design Guide (2010).

6.5 **Housing Supply, Density and Overall Housing Mix**

- 6.5.1 The application site area is 0.023 hectares and it has a public transport accessibility level (PTAL) score of 3 indicating a good level of public transport accessibility. The site is within 800 metres of a district centre. Within the definitions of the London Plan density matrix, the site is considered to have an Urban setting. The proposed development would achieve a density of 391 units per hectare and 695 habitable rooms per hectare.
- 6.5.2 The development proposed here would contribute towards the housing stock and increase the choice of housing in the borough and would therefore find some support in policies 3.5 and 3.8 of The London Plan (2016).
- 6.5.3 The following is a breakdown of the proposed housing mix across the scheme:
- 4 x studio (44%)
 - 3 x 1 bedroom (33%)
 - 2 x 2 bedroom (22%)
- 6.5.4 Overall, it is considered that given the town centre location and the lack of external outdoor amenity space the proposed development providing a higher proportion of studios and 1 bed units would provide a satisfactory density and mix of residential accommodation within the site. The proposed units would provide an increased stock of housing within the borough and would therefore comply with policies and guidance listed above
- 6.5.5 The proposal therefore complies with the National Planning Policy Framework (2019), policies 3.4, 3.8 and 3.9 of The London Plan (2016), policy CS1 of the Core Strategy (2012), policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the Supplementary Planning Document: Residential Design Guide (2010).

6.6 **Standard of Residential Accommodation**

- 6.6.1 All 9 of the proposed flats would have sufficient gross internal area and storage space to comply with policy 3.5C of The London Plan (2016). It is noted that 6 units would have habitable room windows proposed in the north flank wall, facing towards 7 Love Lane. However, 4 of those units are studios and would have other openings to provide daylight and outlook. The remaining 2 flats would have main living area windows providing a good degree of outlook to the south. The Planning Inspector, in allowing the appeal for P/1023/13 confirmed that given the context of surrounding development in this built-up town centre location, habitable room windows which face the alleyway would provide a reasonable level of outlook and daylight. Therefore, the Planning Inspector has concluded that habitable room windows facing towards No.7 Love Lane, is acceptable. Furthermore, it is considered that the applicant has endeavoured to ensure an appropriate layout which would provide a high standard of residential amenity for future residents.

6.6.2 On this basis, given the sites location in a built-up town centre location, it is considered that the proposal would provide an adequate level of daylight, sunlight and outlook for future occupiers. It is considered that the size and layout of the proposed development would result in an acceptable form of accommodation for future residents

6.6.3 Amenity Space

6.6.4 Policy DM27 Amenity Space of the Development Management Policies Local Plan document states that the appropriate form and amount of amenity space should be informed by the Mayor's Housing Design Guide (i.e. the SPG) and criteria set out in the policy. Paragraph 4.65 of the Council's adopted SPD – Residential Design Guide (2010) states *"where balconies are accepted as the only form of amenity space to be within a development, then they should be at least 1.5 metres in depth and of sufficient size to be used as a siting out area"*. The proposed flats would have inset balconies with a floor area of 5sqm for the studios and 1 bed units a 6 sqm for the 2 bed units which are considered to be of a suitable size and are appropriately sited to ensure a high degree of amenity for future residents.

6.6.5 Noise

6.6.6 A café is proposed at ground floor level. A kitchen is not indicated on the proposed ground floor plan, nor are any a/c, extracts etc proposed. The Environmental Health Department was consulted on this application and raised no objection to the proposal, subject to conditions in relation to the submission of a noise report, the control of opening hours and a condition which would prevent any flue/extract/ducting to be installed without the prior permission of the LPA. Such conditions have been included.

6.6.7 Subject to the above mentioned conditions, it is considered that the proposed development would provide an acceptable standard of residential accommodation for future residents in accordance with the National Planning Policy Framework (2019), policy 3.5C of The London Plan (2016), Core Policy CS1 of the Harrow Core strategy (2012), policies DM1 and DM27 of the Harrow Development Management Policies Local Plan (2013) and the adopted Residential Design Guide Supplementary Planning Document (2010).

6.7 Accessibility

6.7.1 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. In October 2015 these standards were replaced by New National Standards which require homes to meet Building regulation M4(2) - 'accessible and adaptable dwellings'.

6.7.2 The proposed flats are located on the first, second and third floors and would only be accessed via stairs. Policy D5 of The Draft London Plan (2019) states in exceptional circumstances, the provision of a lift might not be achievable especially in blocks of four storeys or less. Therefore, considering the size and

scale of the proposed development, it is considered that an exception to the relevant development plan policies is appropriate. Furthermore, it is not uncommon for upper floor flats in town centre locations to be accessible by stairs only.

6.8 Traffic and Parking

6.8.1 The site is within a Controlled Parking Zone and has a relatively good Public Transport accessibility level [PTAL] of 3. The existing and proposed development does not have any car parking within the curtilage of the application site.

6.8.2 The Highways Officer also commented that the application documents do not make reference to the provision of accessible parking spaces within the curtilage of the site. The proposed development does not propose any accessible parking spaces.

6.8.3 The Highways Department raised no objection to the proposed ground floor retail unit as this is similar to the existing use and therefore would not result in any increase in traffic on the highway network.

6.8.4 The highways authority has raised no objection to the application subject to an agreement that the future occupiers are not eligible for parking permits in the neighbouring Controlled Parking Zone. This would be secured by a S106 Agreement. Furthermore a pre-commencement condition would be required to ensure a construction logistics plan is submitted for the approval of the LPA.

6.8.5 Cycle Parking

6.8.6 Policy 6.9 and table 6.3 of The London Plan (2016) require the provision of 1 secured cycle space per studio/1-bedroom unit, and 2 secured cycle spaces per all other dwellings. Therefore, the proposal would require the provision of 11 secured cycle parking spaces, which would be provided at ground floor level to the rear of the site. The Highways Department was consulted on the application, who raised no objection in this regard, subject to a condition which would require details of cycle parking to be submitted to the LPA for approval.

6.8.7 The Highways Department requested a pre-occupation condition which would require details of the cycle storage facility to be submitted to the LPA for approval.

6.8.8 Subject to the above, the proposal complies with the high quality design aspirations of the National Planning Policy Framework (2019), policies 6.3, 6.9 and 6.13 of The London Plan (2016), policy CS1 of the Core Strategy (2012), policies DM1 and DM42 of the Harrow Development Management Policies Local Plan (2013) and the Supplementary Planning Document: Residential Design Guide (2010).

6.9 **Drainage**

- 6.9.1 The application site is identified within fluvial flood zone 2 & 3 according to Environment Agency flood maps and therefore the site is at a high risk of flooding. The Drainage Department confirmed that the submitted Flood Risk Assessment is acceptable. The Drainage Department raised no objection to the proposed development subject to the submission of further details in relation to emergency planning and a drainage design, which are to be secured by condition.
- 6.9.2 Subject to the above, the proposal therefore complies with the National Planning Policy Framework (2019), policies 5.12 and 5.13 of The London Plan (2016), policy CS1 of the Core Strategy (2012) and policies DM1, DM9 and DM10 of the Harrow Development Management Policies Local Plan (2013).

6.10 **Energy and Sustainability**

- 6.10.1 Policy 5.2 of The London Plan (2016) and policy DM12 of the DMP seeks to minimise the emission of carbon dioxide by being lean, clean and green, and requires all new residential development to achieve zero carbon.
- 6.10.2 Although this application does not fall within the definition of a major application, the application is accompanied by an Energy & Sustainability Statement which outlines a number of sustainability and carbon reduction proposals including PV panels and an air source heat pump. In reducing carbon emissions, the energy statement follows the energy hierarchy by seeking to use less energy in the first instance (be lean), supplying energy efficiently (be clean) and finally using renewable energy (be green).
- 6.10.3 Subject to the above, the proposed development complies with the National Planning Policy Framework (2019), policies 5.2, 5.3 and 5.15 of The London Plan (2016), policies SI2 and SI5 of The Draft London Plan (2019), policy CS1.T of the Core Strategy (2012) and policies DM1, DM12 and DM14 of the Harrow Development Management Local Plan (2013).

7 **CONCLUSION AND REASONS FOR APPROVAL**

- 7.1 The proposed development would provide a high quality development to provide an additional 9 residential flats. The proposed internal layouts and specifications offered by the proposed development would provide an acceptable standard of accommodation.
- 7.2 The proposal is appropriate in terms of its size, scale and design and would not result in a detrimental impact to the character and appearance of the wider area or to the setting of the Conservation Area.
- 7.3 The proposed development, due to its relationship with neighbouring properties, in particular separation distances, would have an acceptable impact in terms of residential amenity.

- 7.4 The recommendation to approve planning permission has been taken having regard to the National Planning Policy Framework (2019), the policies and proposals in The London Plan (2016), the Draft London Plan (2019), 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 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: Design & Access Statement; Planning Statement; Heritage Statement; Phase 1 Flood Risk Assessment; Surface Water Drainage Strategy (SWDS); Flood Maps; Energy and Sustainability Statement; 019-S3-E000; 019-S3-E100 Rev:A; 019-S3-E101; 019-S3-E102 Rev:A; 019-S3-E200 Rev:A; 019-S3-E300 Rev:A; 019-S3-E301 Rev:A; 019-S3-E302 Rev:A; 019-S3-E303 Rev:A; 019-S3-P000 Rev:A; 019-S3-P010 Rev:A; 019-S3-P100 Rev:A; 019-S3-P101Rev:A; 019-S3-P102 Rev:A; 019-S3-P103 Rev:A; 019-S3-P104 Rev:A; 019-S3-P201 Rev:A; 019-S3-P300 Rev:A; 019-S3-P301 Rev:A; 019-S3-P302 Rev:A; 019-S3-P303 Rev:A.

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

3 Materials

Notwithstanding the submitted details and approved plans, the development hereby permitted shall not progress beyond damp proof course level until samples of the materials to be used in the construction of the external surfaces noted below have been provided to view on site, and approved in writing by, the local planning authority:

- a) Facing materials for the building including roof;
- b) Windows and doors; and
- c) Balconies.

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 the materials are agreed in time to be incorporated into the development, in accordance with policies 7.4.B of The London Plan (2016) and policy DM1 of The Development Management Policies Local Plan (2013).

4 Construction Logistic Plan

No development shall take place, including any works of demolition, until a Detailed Construction Logistics Plan has been submitted to, and approved in writing by, the local planning authority in accordance with the format and guidance provided by the Transport for London – www.constructionlogisitcs.org. The Detailed Construction Logistics Plan shall provide for:

- (a) Parking of vehicles of site operatives/visitors;

- (b) HGV access to site – loading and unloading of plant and materials;
- (c) Number of HGV's anticipated;
- (d) Storage of plant and materials used in constructing the development;
- (e) Programme of work and phasing;
- (f) Site layout plan;
- (g) Highway condition (before, during, after);
- (h) Measures to control dust, vibration and dirt during demolition, earthworks and construction;
- (i) A scheme for recycling/disposing of waste resulting from demolition, earthworks and construction works;
- (j) Details showing the frontage/ the boundary of the site enclosed by site hoarding to a minimum height of 2 metres; and
- (k) Details of cranes and other tall construction equipment (including obstacle lighting).

The development shall be carried out in accordance with the approved Detailed Construction Logistics Plan, or any amendment or variation to it as may be agreed in writing by the local planning authority.

REASON: To minimise the impacts of construction upon the amenities of neighbouring occupiers and to ensure that development does not adversely affect safety on the transport network in accordance with policy 6.3 of The London Plan (2016) and policies DM1 and DM43 of the Harrow Development Management Policies Local Plan (2013). To ensure that the works are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.

5 Foul Water Disposal

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

REASON: To ensure that there is adequate waste water infrastructure in place to serve the development and to ensure the separation of surface and foul water systems, in accordance with Policy 5.14 B of the London Plan (2016) and Policy DM 10 B of the Development Management Policies Local Plan (2013).

6 Surface Water Attenuation, Disposal and Storage

The development hereby permitted other than works of demolition shall not commence until details for the works for the attenuation, storage and disposal of surface water to be provided on site have been submitted to, and agreed in writing by, the local planning authority. The development shall be carried out in accordance with the works so agreed and the works shall thereafter be retained.

REASON: To ensure that the development incorporates sustainable drainage systems and achieves greenfield run-off rates, and to ensure the separation of surface and foul water systems, in accordance with Policy 5.13 A of the London Plan (2016) and Policy DM 10 A & B of the Development Management Policies Local Plan (2013).

7 Permeable Paving

The development hereby permitted, other than works of demolition shall not commence until full details of the permeable paving and details relating to the long term maintenance and management of the on site drainage have been submitted to and approved in writing by the Local Planning Authority. Details thereby approved shall be retained thereafter.

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, in accordance the recommendations of Core Strategy (2012) policy CS1, the NPPF and policies DM1, DM9 & DM10 of the Harrow Development Management Local Policies Plan (2013).

8 Cycle Storage

The residential units hereby permitted shall not be occupied until details for secured, sheltered and accessible cycle storage for the provision of 11 bicycles (including non-standard bicycles) have been submitted and approved in writing by the Local Planning Authority. Such cycle storage should be designed in accordance with the requirements of the London Cycle Design Standards. The development shall be completed in accordance with the approved details prior to the first occupation of the residential units, and shall thereafter be retained.

REASON: To ensure that cycle storage is available for use by the occupants of the site in accordance with policy 6.9 of The London Plan (2016) and policy DM42 of the Harrow Development Management Policies Local Plan (2013).

9 Refuse Storage

The cycle and refuse storage shall be made available prior to the first occupation of the flats or the commencement of the retail (Use Class A1), whichever is the soonest, in accordance with the approved plans and shall thereafter be retained in accordance with the approved plans.

REASON: To ensure that the parking provision is available for use by the occupants of the site and to safeguard the appearance of the locality.

10 Refuse Storage – Collection Days

The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

11 Emergency Planning

The development hereby permitted shall not be occupied until details relating to Emergency Planning Information has been submitted to and approved in writing by the Local Planning Authority, to ensure evacuation arrangements are adequate and safe access/egress from the site during a flood event is provided. Details should include reference to LB Harrow SFRA, Emergency Flood Plan and the

National Planning Policy Framework, as evacuation procedures should accompany development proposals and reference should be made to EA flood warning procedures for occupants and users. Details should also include a plan indicating a safe route for the occupants and users away from the source of flooding. The details as so agreed shall be implemented prior to the first occupation of the development.

REASON: To build in resistance and resilience in managing, reducing and mitigating the effects of flood risk following guidance in the National Planning Policy Framework.

12 Communal Aerials

Prior to the first occupation of the residential units hereby permitted, details of a strategy for the provision of communal facilities for television reception (eg. aerials, dishes and other such equipment) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the specific size and location of all equipment. The approved details shall be implemented prior to the first occupation of the residential units and shall be retained thereafter. No other television reception equipment shall be installed on 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 in accordance with policy 7.4 of the London Plan (2016), and DM49 of the Development Management Policies Local Plan (2013), and to ensure that the development achieves a high standard of amenity for future occupiers the buildings in accordance with policy DM 1 of the Development Management Policies Local Plan (2013).

13 Mail Boxes

Prior to the first occupation of the residential units, details of the arrangements for the distribution of mail (including any mail boxes) and other deliveries to residents within the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation and shall be retained as such thereafter.

REASON: To ensure that the development contributes to a high standard of design and layout in accordance with policy 7.6 of The London Plan (2016) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

14 Opening Hours

The opening hours of the ground floor A1 premises shall be between:

- 06:30 hrs to 18:30 hrs – Mondays to Saturdays
- 07:30 hrs to 18:00 hrs - Sundays and public holidays

REASON: In order to safeguard the amenities of neighbouring resident in accordance with policy 7.15 of The London Plan (2016) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

15 Noise Report

The development hereby permitted other than works of demolition shall not commence until a Noise Report, prepared by a qualified Noise consultant, proposing appropriate noise attenuation measures for protecting the proposed residential use from noise emanating from the ground floor coffee shop (Use Class A1) has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the works as agreed prior to the commencement of operations and the works shall thereafter be retained.

REASON: To ensure that adequate precautions are taken to avoid noise and odour nuisance and to safeguard the amenity of neighbouring residents.

16 No Plant

No plant or machinery, including that for fume extraction, ventilation, refrigeration and air conditioning shall be installed without the prior written approval of the Local Planning Authority.

REASON: To ensure that the proposed development does not give rise to noise nuisance to future occupiers of the proposed development in accordance with policy 7.15 of the London Plan (2016) and policy DM 1 of the Development Management Policies Local Plan (2013).

Informatives

1 Policies

National Planning Policy Framework (2019)

The London Plan (2016)

3.3, 3.4, 3.5, 3.8, 3.9, 4.8, 5.2, 5.3, 5.10, 5.11, 5.12, 5.13, 5.15, 6.3, 6.9, 6.13, 7.1, 7.2, 7.3, 7.4, 7.6, 7.15, 7.19, 7.21

Draft London Plan (2019)

H1, H2, H12, D1, D2, D3, D4, D5, D6, D8, D10, D13, SI2, SI12, SI13, T2, T4, T5, T6, G5, G6

Harrow Core Strategy (2012)

Core Policy CS 1 Overarching Policy Objectives

Harrow Development Management Policies Local Plan (2013)

DM1, DM2, DM9, DM10, DM12, DM13, DM14, DM24, DM27, DM36, DM42, DM45, DM49

Relevant Supplementary Documents

Supplementary Planning Document: Residential Design Guide (2010)

The London Plan Housing Supplementary Planning Guidance (2016)

Technical Housing Standard (2015)

Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008).

Mayors Housing Supplementary Planning Guidance (2016)

2 Compliance with planning conditions

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.

3 Pre-application engagement

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

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council 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.

4 INFORM 61

Please be advised that approval of this application (either by Harrow Council, or subsequently by the Planning Inspectorate if allowed on appeal following a refusal by Harrow Council) will attract a Community Infrastructure Levy (CIL) liability, which is payable upon the commencement of development. This charge is levied under s.206 of the Planning Act 2008 Harrow Council, as CIL collecting authority, has responsibility for the collection of the Mayoral CIL

The CIL liability for the application, based on the Mayoral CIL levy rate for Harrow of £60/sqm £94,200

This amount however does not include indexation, which will be included when a formal Liability Notice is issued. The floorspace subject to CIL may also change as a result of more detailed measuring and taking into account any in-use floor space and relief grants (i.e. for example, social housing).

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

Please complete and return the Assumption of Liability Form 1 and CIL Additional Information Form 0 .

https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf

https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf

If you have a Commencement Date please also complete CIL Form 6:

https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf

The above forms should be emailed to HarrowCIL@Harrow.gov.uk

Please note that the above forms must be completed and provided to the Council prior to the commencement of the development; failure to do this may result in surcharges and penalties

5 INFORM 62

Harrow has a Community Infrastructure Levy which applies Borough wide for certain developments of over 100sqm gross internal floor space.

Harrow's Charges are:

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

Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui generis) - £55 per sqm;

Retail (Use Class A1), Financial & Professional Services (Use Class A2),

Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4)

Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Harrow CIL Liability for this development is: £172,700. This figure excludes indexation, which will be included when a formal Liability Notice is issued. The CIL Liability is payable upon the commencement of development.

You are advised to visit the [planningportal](http://planningportal.gov.uk) website where you can download the relevant CIL Forms.

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 Portal website:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

7 Protection of Highway

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

8 Considerate Contractor Code of Practice

The applicant's attention is drawn to the requirements in the Considerate Contractor Code of Practice. In the interests of minimising any adverse effects arising from building operations, the limitations on hours of working are as follows:
0800-1800 hours Monday - Friday (not including Bank Holidays)
0800-1300 hours Saturday.

9 Sustainable Urban Drainage System (SUDS)

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

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

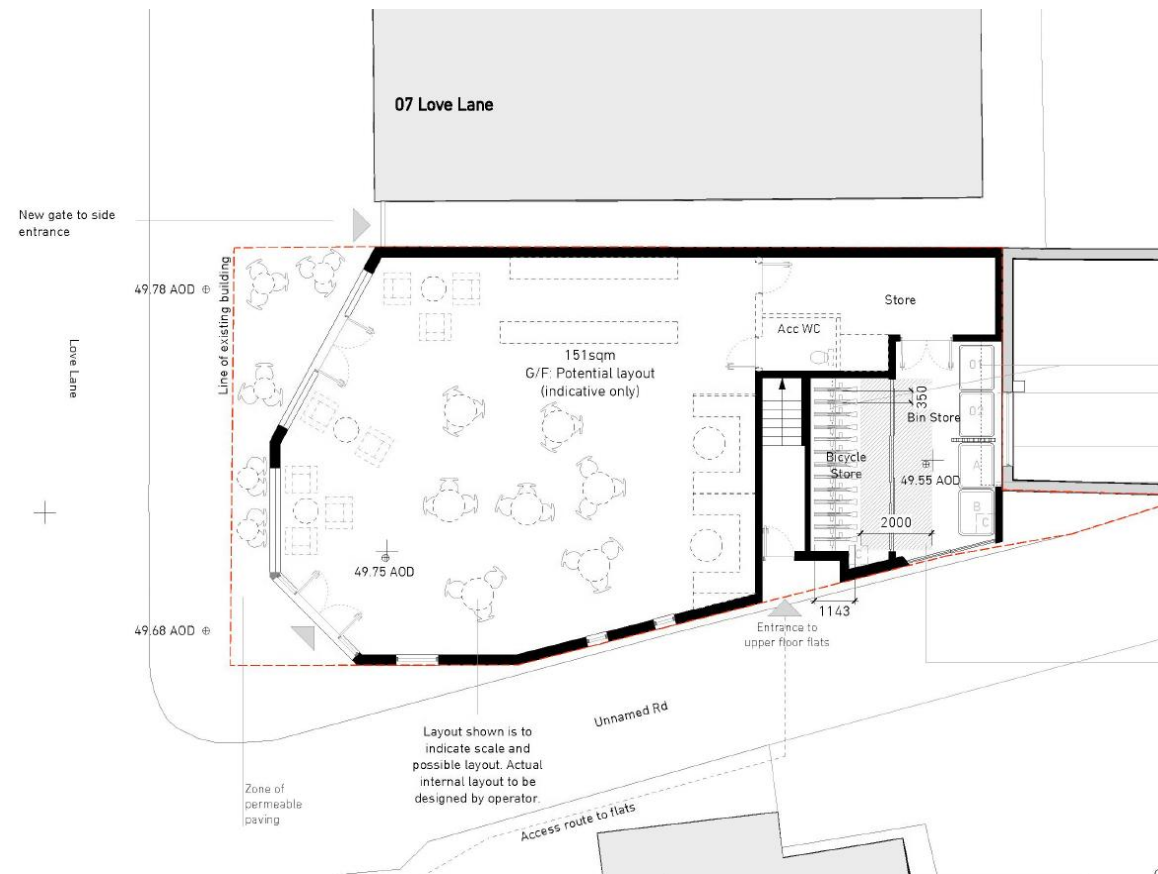
Where the intention is to use soak ways they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Support for the SUDS approach to managing surface water run-off is set out in the National Planning Policy Framework (NPPF) and its accompanying technical guidance, as well as the London Plan. Specifically, the NPPF (2018) gives priority to the use of sustainable drainage systems in the management of residual flood risk and the technical guidance confirms that the use of such systems is a policy aim in all flood zones. Policy 5.13 of the London Plan (2016) requires development to utilise sustainable drainage systems unless there are practical reasons for not doing so. Sustainable drainage systems cover the whole range of sustainable approaches to surface drainage management. They are designed to control surface water run-off close to where it falls and mimic natural drainage as closely as possible. Therefore, almost any development should be able to include a sustainable drainage scheme based on these principles.

The applicant can contact Harrow Drainage Section for further information.

Interim Chief Planning Officer	
Corporate Director	

APPENDIX 2: SITE PLAN



Proposed Site Plan

APPENDIX 3: PHOTOGRAPHS



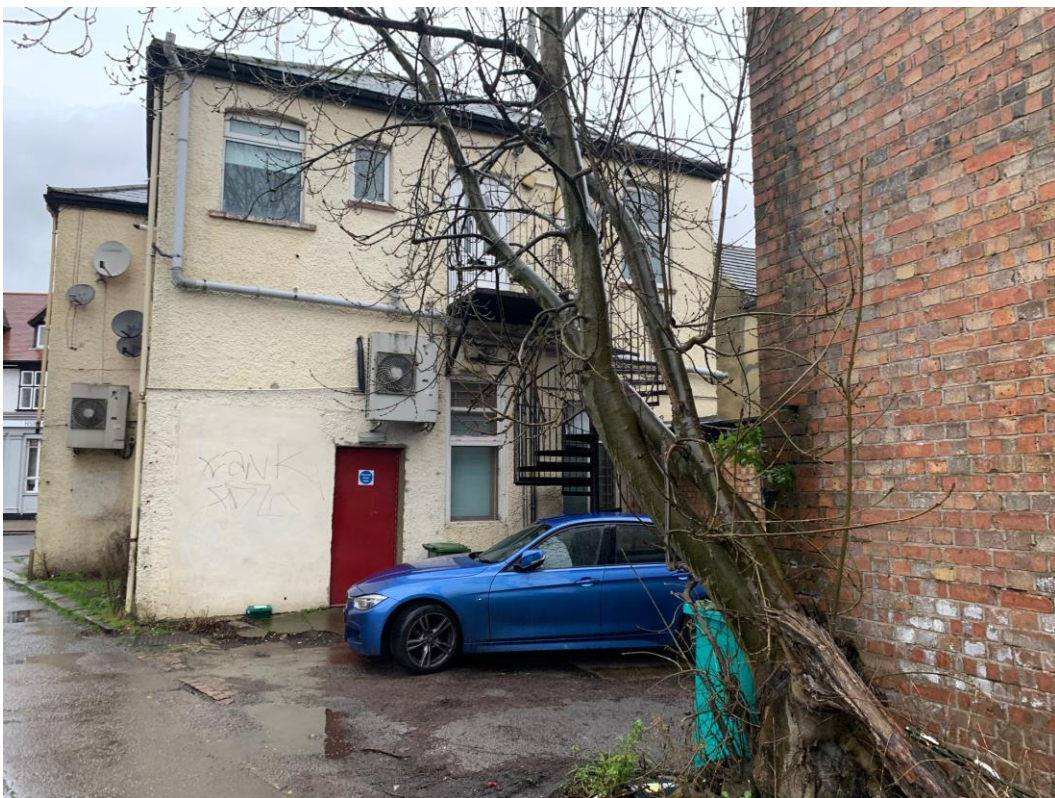
Front of host building



Front of host building, Red Lion Parade to the right.



Flank wall of host building

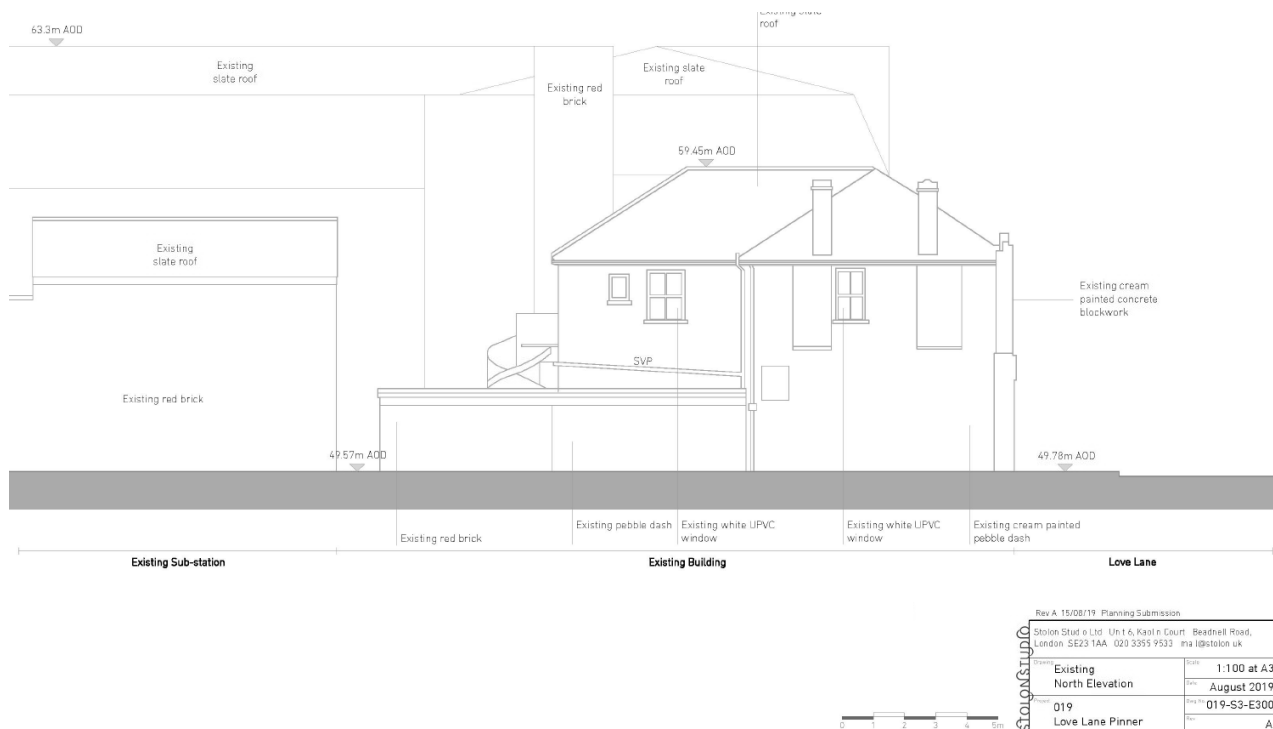


Rear wall of host building

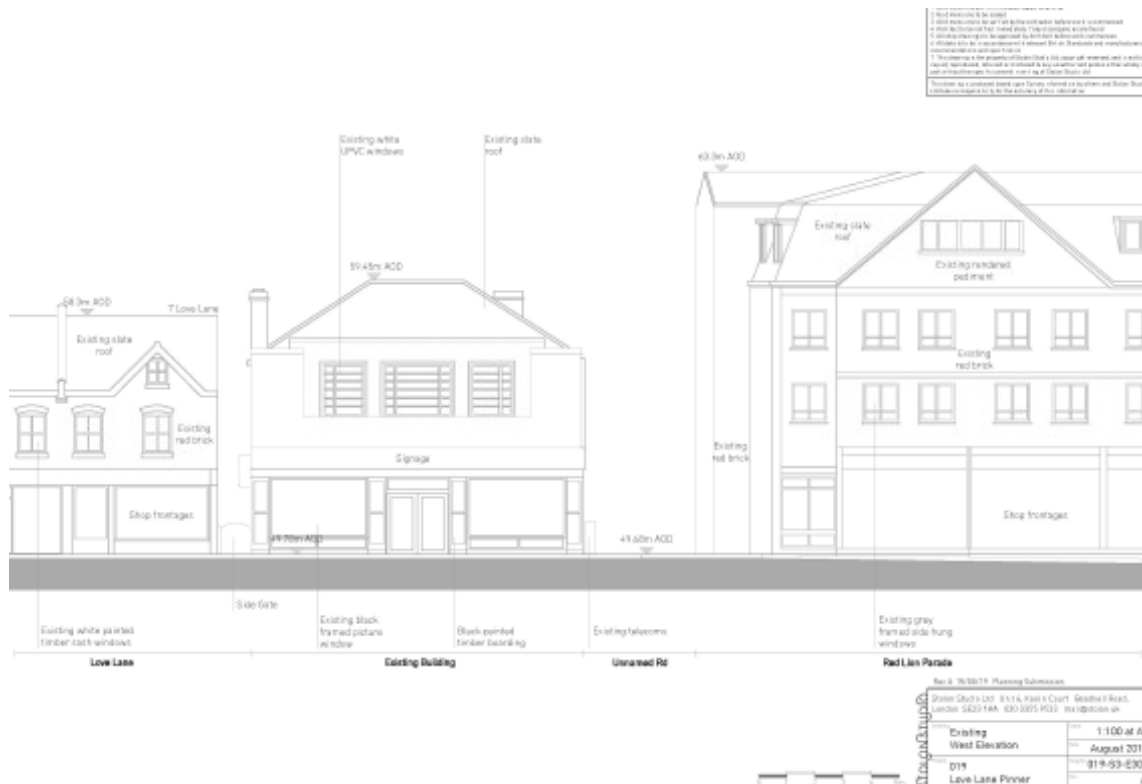


Flank wall of Red Lion Parade

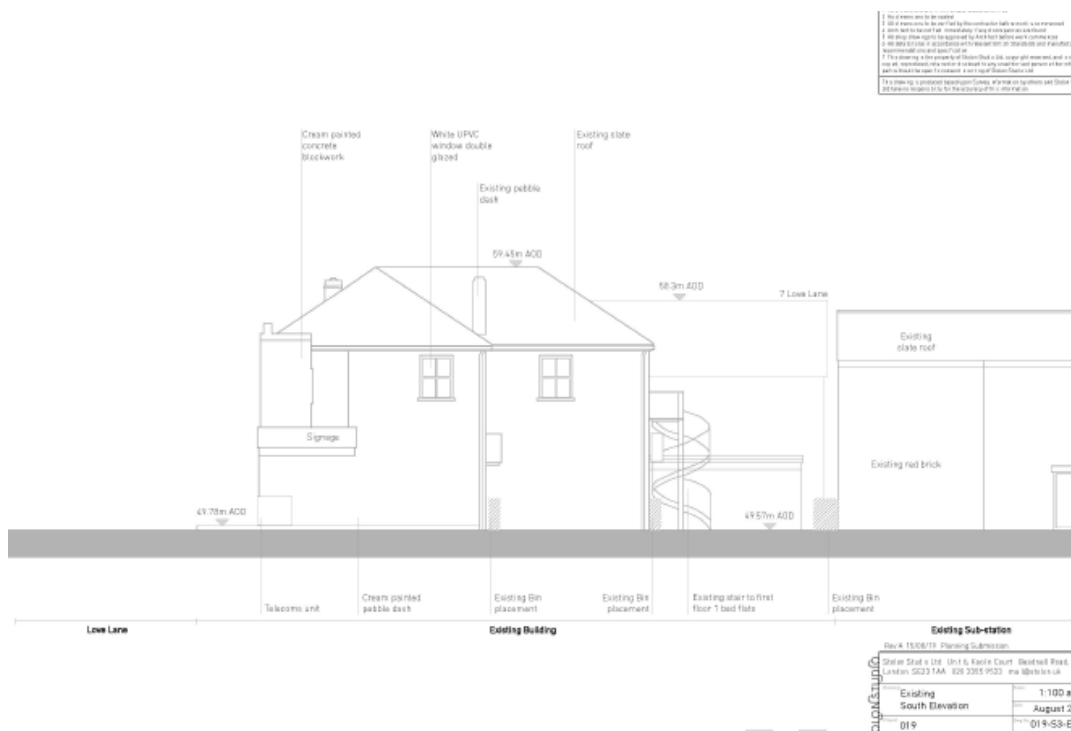
APPENDIX 4: PLANS AND ELEVATIONS



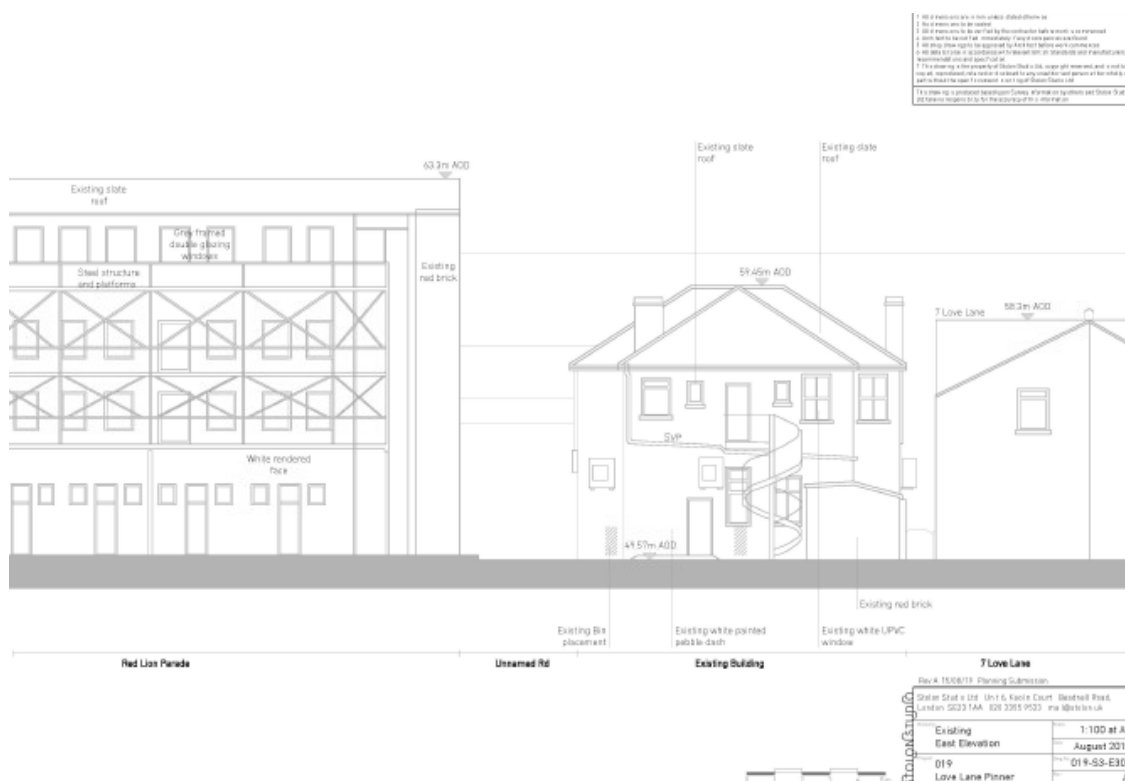
Existing North Elevation



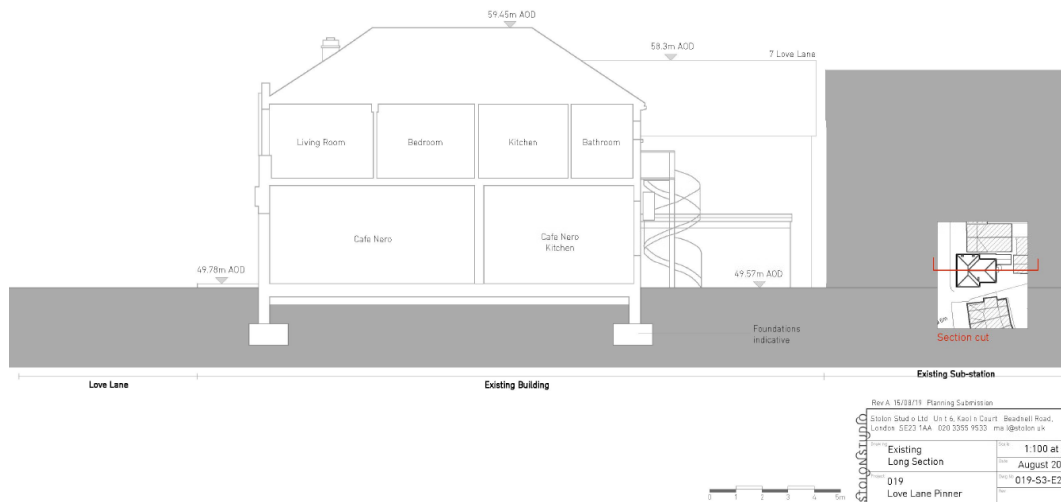
Existing West Elevation



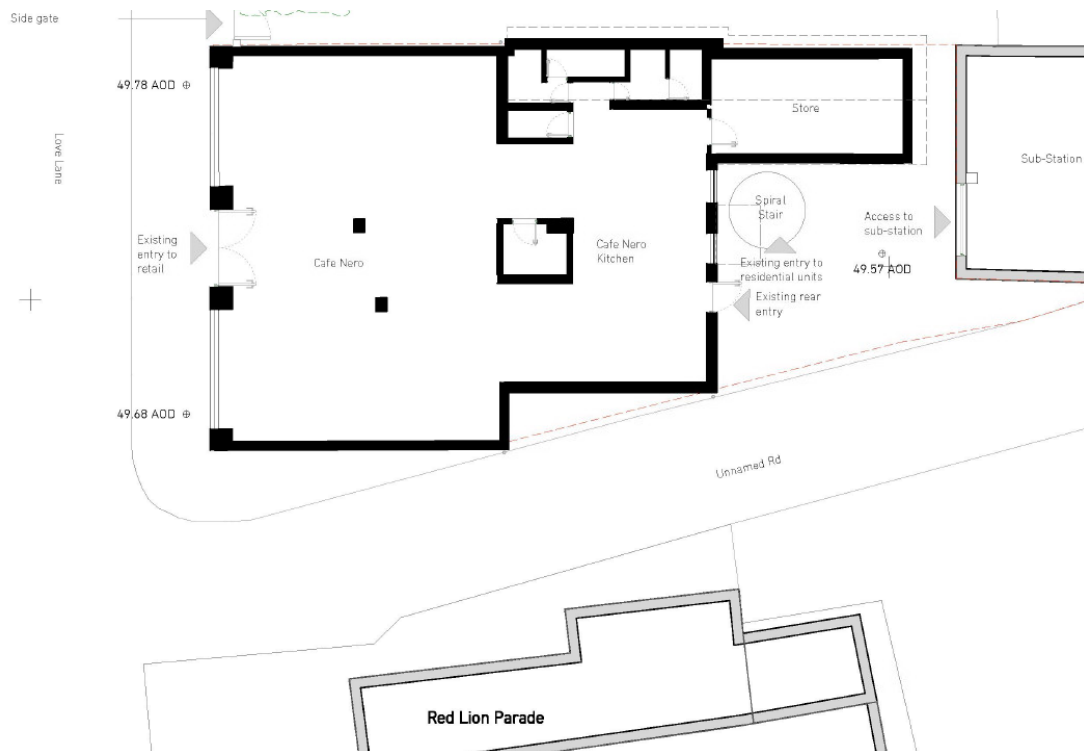
Existing South Elevation



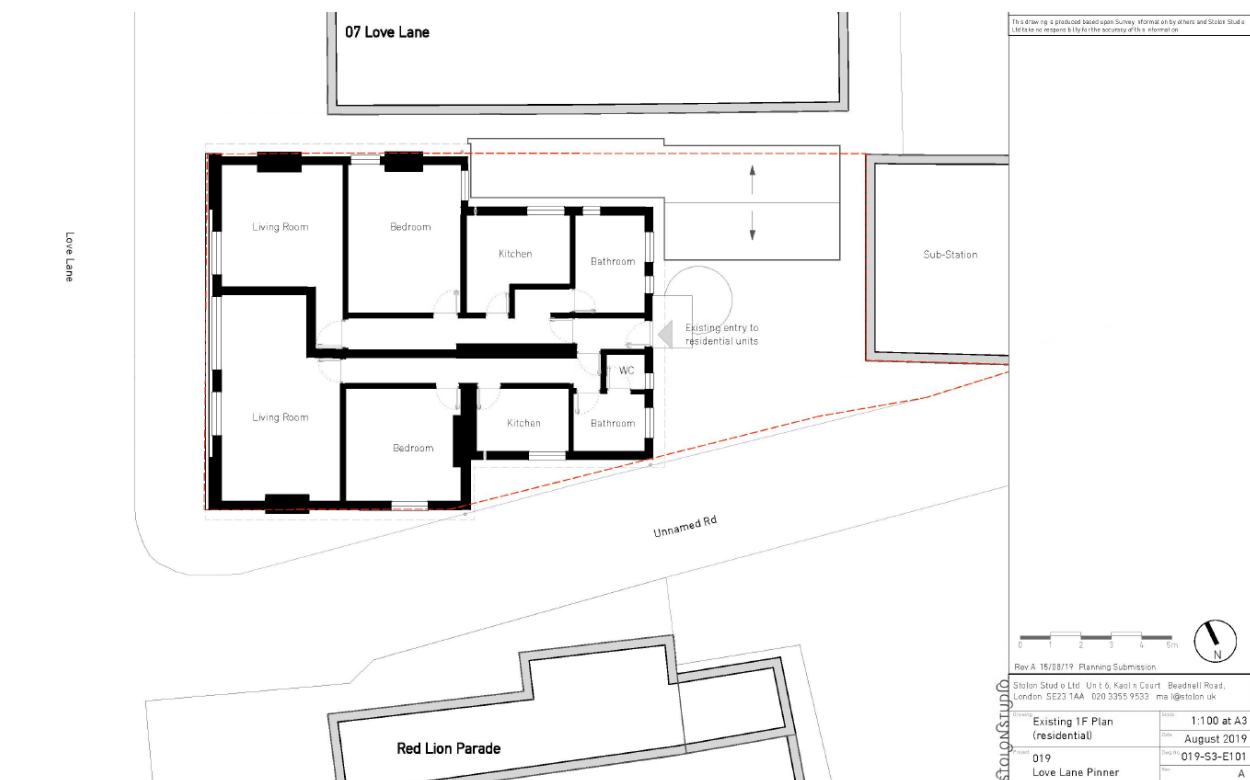
Existing East Elevation



Existing Section



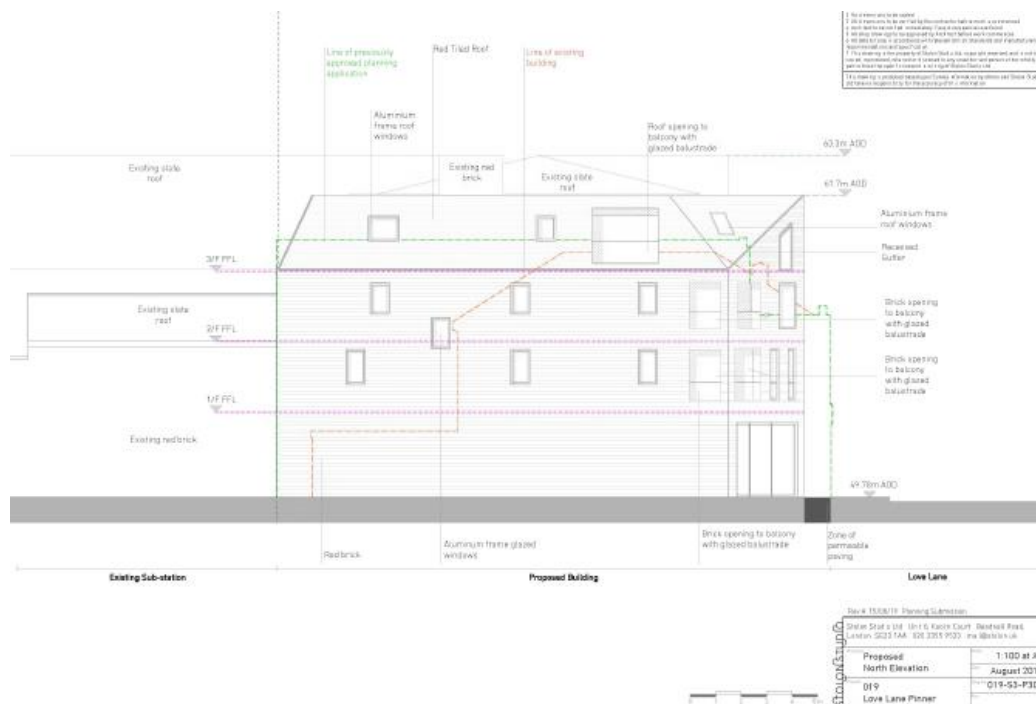
Existing Ground Floor Plan



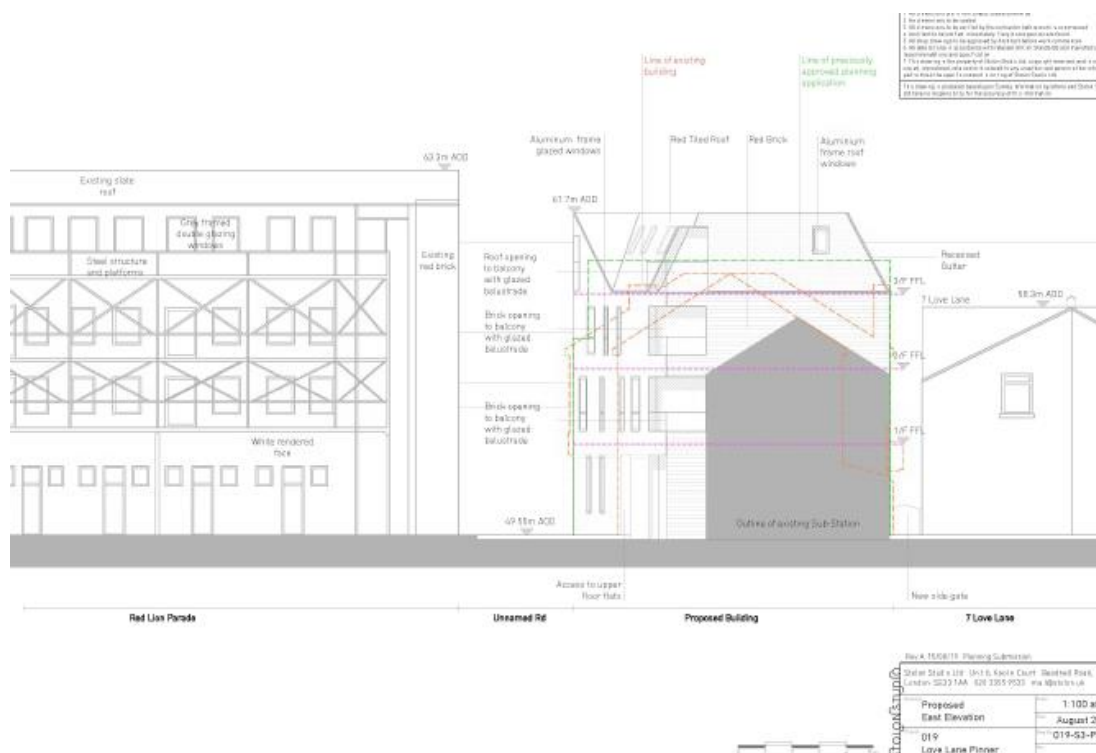
Existing First Floor Plan



Proposed Building



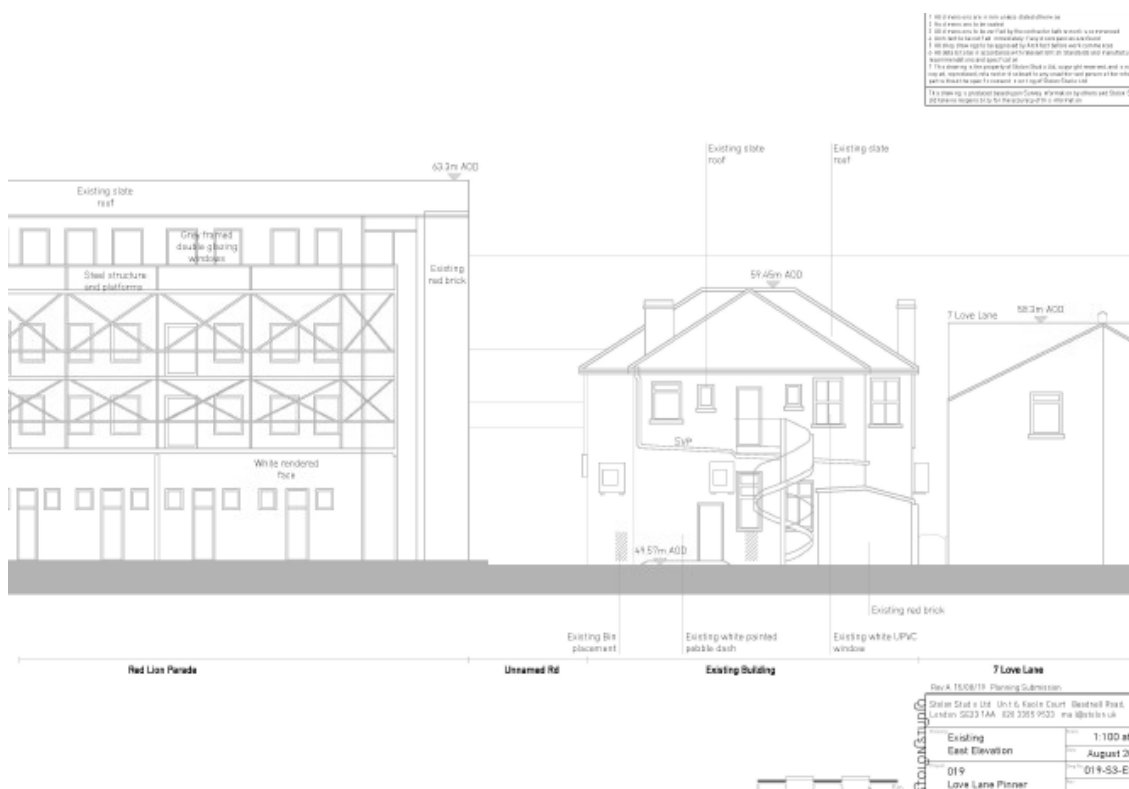
Proposed North Elevation



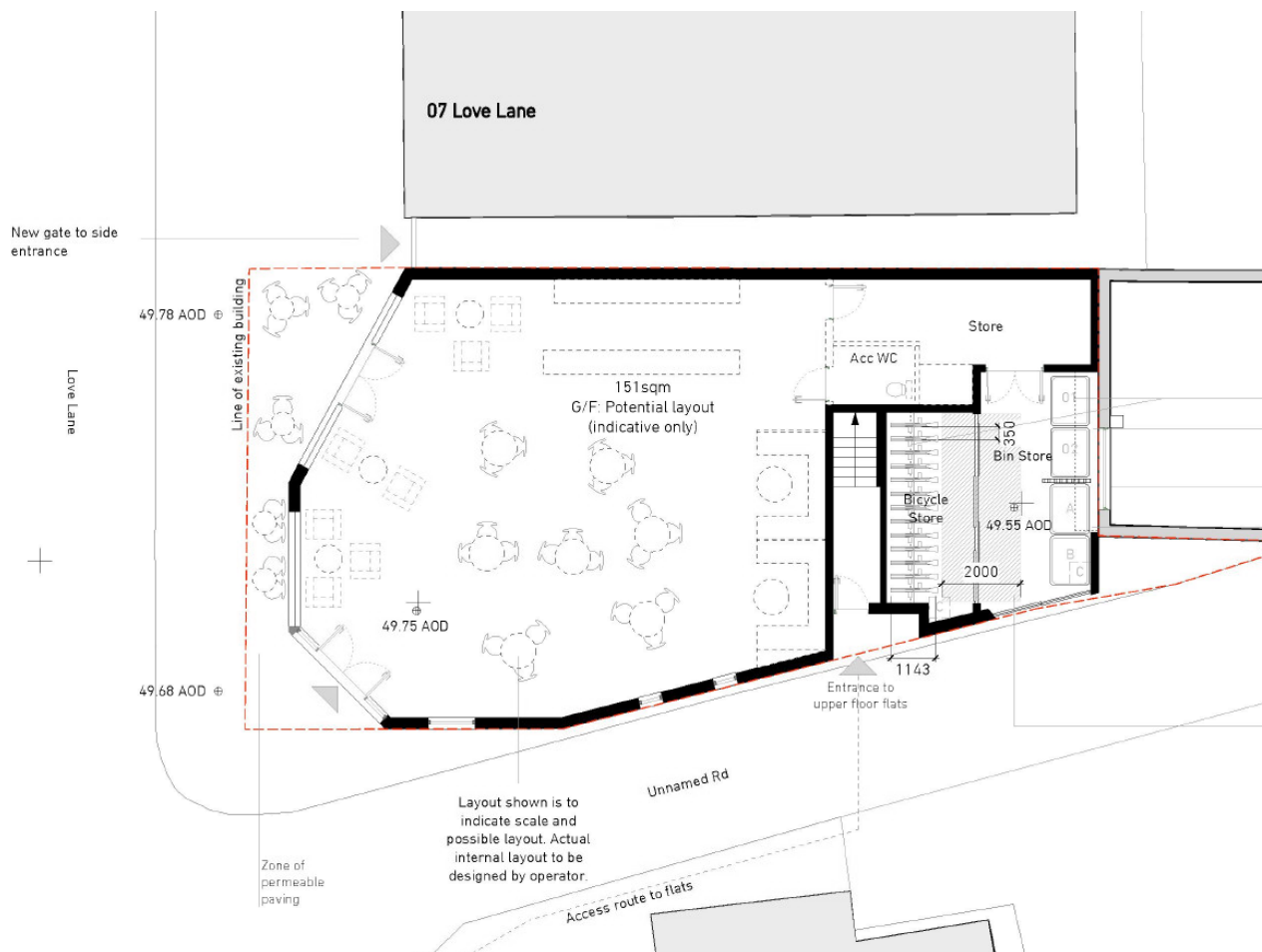
Proposed East Elevation



Proposed West Elevation



Proposed South Elevation



Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan

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