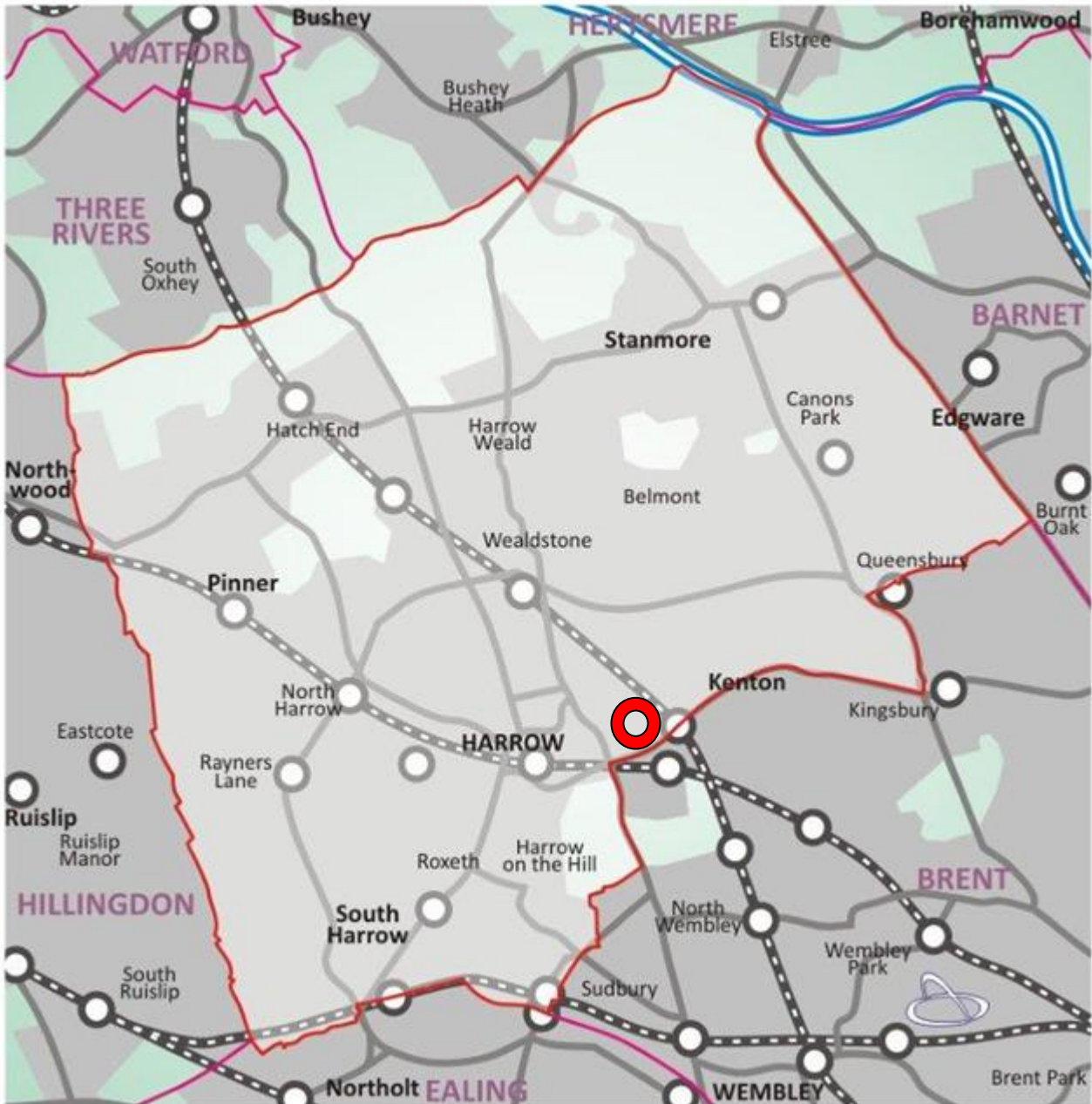


 = application site



<b>Baldwin House, 2 Gayton Road, Harrow, HA1 2XU</b>	<b>P/3644/22</b>
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## Location Plan



# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

24<sup>th</sup> May 2023

**APPLICATION NUMBER:** P/3644/22  
**VALID DATE:** 02/03/2023  
**LOCATION:** BALDWIN HOUSE, 2 GAYTON ROAD, HARROW  
**WARD:** GREENHILL  
**POSTCODE:** HA1 2XU  
**APPLICANT:** WOOLBRO MORRIS LTD  
**AGENT:** BOYER PLANNING  
**CASE OFFICER:** CATRIONA COOKE  
**EXPIRY DATE:** 26/04/2023

### PROPOSAL

Creation of fifth floor comprising of four flats (2 x 1 bed and 2 x 2 bed); bin and cycle stores

### RECOMMENDATION A

- 1) agree the reasons for approval as set out in this report, and
  - 1) grant planning permission subject to authority being delegated to the Chief Planning Officer in consultation with the Director of Legal and Governance Services for the completion of a 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 Legal Agreement Heads of Terms would cover the following matters:
    - i. Parking Permit Restrictions – The development to be “resident permit restricted” in accordance with section 16 of the GLC (Gen Powers) Act 1974 and the developer to ensure that 1) all marketing/advertising material makes reference to this fact and 2) all agreements contain a covenant to the effect that future occupiers and tenants (other than those who are registered disabled) will not be entitled to apply for residents parking permit or a visitor permit. A contribution in accordance with the adopted fees and charges is required to amend the Traffic Management Order
    - ii. Legal Fees: Payment of Harrow Council’s reasonable costs in the preparation of the legal agreement.
    - iii. Legal Agreement Monitoring fee of £500

## **RECOMMENDATION B**

That if the Legal Agreement is not completed by 30th June 2023, or as such extended period as may be agreed by the Chief Planning Officer in consultation with the Chair of the Planning Committee, then it is recommended to delegate the decision to REFUSE planning permission to the Interim Chief Planning Officer on the grounds that:

The proposed development, in the absence of a legal agreement to provide appropriate provision for restriction of resident parking permits would fail to comply with the requirements of policy T6 of The London Plan (2021), policy CS1 of the Harrow Core Strategy (2012), AAP19 of the Harrow & Wealdstone Area Action Plan (2013), and Policies DM42, DM43 and DM50 of the Harrow Development Management Policies Local Plan 2013 and would therefore be unacceptable.

## **REASON FOR THE RECOMMENDATION**

The form, scale and siting of the proposed additional floor on the site is appropriate in this location and does not appear at odds with the existing character of development in the immediate area and would not have an adverse impact on the amenity of the occupiers of adjoining properties in accordance with Policy AAP1; AA2 and AAP 4 Area Action Plan (2019), Policy D3 of The London Plan (2021) and Policy DM1 of the DMP (2013).

## **INFORMATION**

This application is reported to Planning Committee as it would provide in excess of 3 new 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
Additional Floor Area	312sq m
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	£18,720 (based on a £60 contribution per square metre of additional floorspace)
Local CIL requirement:	£502,171.84 (based on a £110 contribution per square metre of additional floorspace including 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**

Policy D11 of the London Plan (2021) 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. However, a condition has been recommended for evidence of certification of Secure by Design Accreditation for the development to be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied or used.

## **1.0 SITE DESCRIPTION**

- 1.1 The site is located on the southern side of Gayton Road, near its junction with Station Road to the north west. To the north east is the junction of Gayton Road and Lyon Road.
- 1.2 To the east of the site is a residential development comprising 355 flats in 5 blocks ranging between 5 and 11 storeys in height. The block nearest the subject site is 8 storeys in height.
- 1.3 To the south of the application property is the London Underground and National Rail Line.
- 1.4 To the north of the site are properties that front onto Station Road, with Trinity Public House being located directly on the opposite corner.
- 1.5 The property is located within the Harrow Opportunity Area.
- 1.6 The existing building consists of five stories fronting onto Gayton Road, with a three storey rear outrigger projecting towards the rear of the site. The existing property has been converted into 36 flats.
- 1.7 The property has a hard surfaced parking area at the front.
- 1.8 The property is within the Harrow Metropolitan Centre, but does not form part of a designated frontage.
- 1.9 The property is not a listed building nor is it in a Conservation Area.
- 1.10 The site is partially within a Landmark Viewing Corridor.

## **2.0 PROPOSED DETAILS**

- 2.1 It is proposed to construct an additional storey to the front section of Baldwin House fronting Gayton Road. The proposed additional floor would be constructed in contrasting materials to the design of the host building.
- 2.2 Creation of 4 flats: two x one bedroom flats and two x two bedroom flats.
- 2.3 The internal design of the proposed additional floor has been amended during the assessment of this application. However, this does not alter the fundamental layout of the proposed flats or the external appearance of the proposed extension.

### 3.0 RELEVANT PLANNING HISTORY

Ref no.	Description	Status & date of decision
P/0286/14	Conversion of offices (class b1a) to thirty six self-contained flats (class C3) (Prior approval of transport & highways impacts of the development and of contamination risks and flooding on the site).	Granted: 17/03/2014
P/2579/14	Installation of replacement windows and doors; replacement entrance canopy; external alterations; relocation of cycle store	Granted: 12/09/2014
P/2625/14	Addition of third and fourth floors to rear wing of building to provide four x 1 bedroom and two x 2 bedroom flats; re-configuration of two flats to create access for additional dwellings	Refused: 15/10/2014
<p>Reasons for refusal:</p> <p>1) <i>The proposed scheme, in addition to the existing prior approval permission (P/0286/14) on the site would result in an incremental increase in the provision of dwellings on this site and the proposal fails to meet the local needs for affordable housing. In the absence of a robust viability assessment to demonstrate the scheme would be unviable to provide such a provision, the scheme fails to address the key aims of policies 3.5 and 3.13 of the London Plan (2011), Policy CS1.J of the Harrow Core Strategy (2012), Policies DM24 and DM50 of the Harrow Development Management Policies Local Plan (2013) and Supplementary Planning Document: Planning Obligations and Affordable Housing (2013).</i></p> <p>2) <i>The proposed development would, by reason of its height, bulk and depth and it's relationship with the future residential flats within the existing building given prior approval under permission P/0286/14, would result in unreasonable, levels of overlooking, perceived overlooking, and loss of privacy and outlook. The proposal would therefore be detrimental to the amenities of the neighbouring occupiers contrary to policy DM1 of the Development Management Policies Local Plan 2013 and the adopted Supplementary Planning Documents Residential Design Guide 2010.</i></p> <p>Appeal: APP/M5450/A/2228631, Appeal Dismissed: 16 February 2015</p>		
P/4427/14	Two storey rear extension above existing three storey rear projection to provide for gym and storage area: reconfiguration of two residential units	Refused: 20/02/2015

	permitted under prior approval ref: p/0286/14	
Reason for refusal: The proposed development would, by reason of its height, bulk and depth and it's relationship with the future residential flats within the existing building given prior approval under permission P/0286/14, would result in unreasonable perceived overlooking, loss of privacy and outlook. The proposal would therefore be detrimental to the amenities of the neighbouring occupiers contrary to policy DM1 of the Development Management Policies Local Plan 2013 and the adopted Supplementary Planning Documents Residential Design Guide 2010.		
P/0634/21	Creation of fifth floor comprising of four flats (2 x 1 bed and 2 x 2 bed); bin and cycle stores	Refused: 05/10/2021
Reason for refusal: The proposal, by reason of inappropriate design would result in an incongruous and obtrusive form of development which would appear at odds with the subject building. As such the proposal would fail to meet with the high quality design aspirations of the National Planning Policy Framework (2021), and would conflict with Policies D3 D (11) of the London Plan (2021), Policy CS1.B of the Core Strategy (2012) and Policy DM1 of the Development Management Policies Local Plan (2013).  Appeal App/M5450/W/21/3286319 Dismissed: 23 <sup>rd</sup> September 2022		

#### 4.0 **CONSULTATION**

- 4.1 A total of 107 consultation letters were sent to neighbouring properties regarding this application.
- 4.2 The public consultation period expired on 23<sup>rd</sup> March 2023 3 objections were received from adjoining residents.
- 4.3 A list is set out below of the comments submitted:

<p><b>Neighbouring Amenity</b></p> <ul style="list-style-type: none"> <li>• Bins are overflowing</li> </ul> <p><i>Officer response: See 6.8.3 below</i></p> <p><b>Other matters raised:</b></p> <ul style="list-style-type: none"> <li>• Current building vibrates when a train passes. Adding extra load on the building is dangerous</li> <li>• Premium was paid for top floor flats</li> <li>• The Lift will be disrupted</li> <li>• Inconvenience during building works</li> </ul> <p><i>Officer response: These are not material planning considerations</i></p>
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#### 4.4 Statutory and Non Statutory Consultation

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

Consultee and Summary of Comments
<p><b>MOD</b> No Comments received</p> <p><b>London Underground</b> No objection subject to condition.</p> <p>Officer Comment: Condition recommended.</p> <p><b>Secure by Design</b> No objection subject to Condition.</p> <p>Officer Comment: Condition recommended.</p>

#### 4.5 Internal Consultation

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

Consultee and Summary of Comments
<p><b>LBH Highways</b></p> <p>This is a small addition to an existing conversion of 36 flats. Being in Harrow town centre, the site has the benefit of excellent public transport links (PTAL 6) and easy access to all of the amenities that would normally be associated with a busy metropolitan area.</p> <p>The principle of four additional flats is acceptable in highways terms as the residual impact of the proposal is expected to be minimal.</p> <p>Cycle parking is to be included in line with London Plan minimum standards but also includes a further three spaces for the existing units. This is welcomed however, the site seems to already fall short of the 36 spaces approved under P/0286/14 and P/2579/14 and is indicated to be in the same place as this existing cycle parking. Plans are required detailing the 36 approved spaces plus the new spaces. Short stay cycle parking should also be provided for visitors – ideally two spaces close to the entrance/exit.</p> <p>The car free approach is also accepted however, the location of the four</p>

disabled parking spaces approved under P/0286/14 is not apparent. Car free developments should still include disabled parking and as these flats are in addition to existing, it is expected that the new residents would also be entitled to use them should there be a need.

## **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 In this instance, the Development Plan comprises The London Plan 2021, 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 A full list of all the policies used in the consideration of this application is provided as Informative 1 in Appendix 1 of this report.

## **6.0 ASSESSMENT**

6.1 The main issues are;

- Principle of the Development/ Background
- Impact on Wider Viewing Corridor
- Character and Appearance of the Area
- Residential Amenity
- Fire Safety
- Impact on RAF Safeguarding Zone
- Traffic and Parking
- Accessibility
- Development and Flood Risk

### **6.2 Principle of development**

6.2.1 The relevant policies are:

- National Planning Policy Framework (2021)
- The London Plan 2021: H1, H2, H9
- Harrow Core Strategy 2012:CS1
- Harrow Development Management Policies Local Plan (2013):DM1, DM24

## Principle of Development/ Background

6.2.2 As noted above a previous application P/0634/21 was refused for the following reason:

“The proposal, by reason of inappropriate design would result in an incongruous and obtrusive form of development which would appear at odds with the subject building. As such the proposal would fail to meet with the high quality design aspirations of the National Planning Policy Framework (2021), and would conflict with Policies D3 D (11) of the London Plan (2021), Policy CS1.B of the Core Strategy (2012) and Policy DM1 of the Development Management Policies Local Plan (2013).”

6.2.3 A subsequent appeal was dismissed (Appeal Decision at Appendix 5) solely on the grounds that a legal agreement had not been completed to ensure future occupiers were not eligible for parking permits. But found that the proposal with regards to character and appearance to be acceptable.

6.2.4 The proposal would add an additional storey to the front section of Baldwin House fronting Gayton Road to provide an additional four flats, two one bedroom and two, two bedroom flats. This is an acceptable mix. As the proposal comprises fewer than 10 new units, there is no requirement for affordable housing provision.

6.2.5 Having regard to the London Plan and the Council's policies and guidelines, it is considered that the proposed extensions would constitute an increase in housing stock within the Borough and the development would therefore be acceptable in principle.

### **6.3 Impact on Wider Viewing Corridor**

6.3.1 The relevant policies are:

- The London Plan 2021: HC4
- Harrow Development Management Policies Local Plan (2013):D3
- Area Action Plan (2013): AAP6

6.3.2 The site lies within the Gayton Road settings corridor as show on the proposals map. The proposed additional storey would be acceptable in terms of character and appearance and would not harm the composition of the view and would not exceed the threshold height of 73m.

### **6.4 Character and Appearance of the Area**

6.4.1 The relevant policies are:

- National Planning Policy Framework (2021)
- The London Plan (2021): D3
- Harrow Core Strategy 2012: CS1
- Harrow Development Management Policies Local Plan (2013): DM1
- Harrow and Wealdstone Area Action Plan Policies: AAP1, AAP2, AAP4

### *Mass, Siting and Design*

- 6.4.2 The site comprises a 3 storey converted office block that fronts Gayton Road at the junction with Station Road. The existing building is brick built.
- 6.4.3 In assessing the impact of the proposed development on the character and appearance of the building and the area, the Appeal Inspector acknowledged that the grey arches and off-white render utilised a design that would not replicate the flat roofed and brick construction of the upper floor. However, the Inspector goes on to state that the materials did reflect the materials of the ground floor front elevation and that such materials and the contrasting design of the proposal would add to, and improve the visual interest of the otherwise utilitarian design of the former office building. The Inspector further noted that the design and appearance of the proposal would sit comfortably with the varying design and scale of the surrounding buildings and that the design of the proposal is an appropriate response to the existing character of the building and the place its within and would contribute in a positive way towards the local character
- 6.4.4 Based on the appeal decision and given the scale of residential development within the locality it is considered that this relatively modest increase in height would not be considered in itself to be at odds with the overall local pattern of development.
- 6.4.5 In summary, it is considered that the proposed design would improve the overall appearance of the host property due to the quality of detailing and finish.

## **6.5 Residential Amenity**

### 6.5.1 *The relevant policies are:*

- Harrow Core Strategy 2012:CS1
- Harrow Development Management Policies Local Plan (2013): DM1, DM27
- The London Plan (2021): D3, D6

### *Relevant Supplementary Documents*

- Residential Design Guide (2010)
- The London Plan Housing Supplementary Planning Guidance (2016)

### Neighbouring Occupiers

- 6.5.2 The neighbouring flats to the east of the site are sited 10m from the subject site. A daylight/sunlight report has been submitted with the application which confirms that there would be an acceptable impact on this adjoining property. Furthermore, there are no windows proposed in the flank elevation. There is a terrace proposed on the front of the development. However, given the distance from the neighbouring residential development it is considered that there would be an acceptable impact in relation to overlooking.

### Existing Occupiers

- 6.5.3 Concerns have been raised by existing residents regarding noise and disturbance during construction. A condition is recommended to ensure that a construction logistics plan is submitted prior to commencement of work.
- 6.5.4 The existing flats were approved under prior approval. The layout of the existing flats is not known. However, given that the proposal would be constructed above the existing roof it is considered that there would be an acceptable impact on the properties below. Furthermore, noise insulation would be a requirement of Building Control.
- 6.5.5 The proposed flats would offer views of the public domain of Gayton Road and the car park to the rear. Therefore, it is considered that there would be no impact on the residential amenities of existing occupiers with regard to overlooking.
- 6.5.6 Further concerns have been raised regarding issues of plumbing and water services which are outside the scope of this application.

### Future Occupiers

- 6.5.7 The proposed additional floor includes the following breakdown of residential units:

Flat	Type	Area (sq m)
1	2 bed, 3 person	80
2	2 bed, 3 person	72
3	1 bed, 2 person	60
4	1 bed, 2 person	55

- 6.5.8 The proposed flats in all instances exceed the required GIA for the occupancy levels proposed. Furthermore, the units demonstrate that a level of dedicated storage space for future occupiers which would accord with the minimum requirements for their respective occupancy levels. The proposed units are therefore considered to provide an adequate level of accommodation for future occupiers that would not be cramped or contrived.
- 6.5.9 The London Plan Housing Standards (March 2016) and policy D6 in the London Plan calls for a minimum floor to ceiling height of 2.5 metres across 75% of the GIA of a dwelling. The proposed plans (sections) indicate that the proposal would achieve a floor to ceiling heights of 2.3m to 2.9m. It is considered that overall the proposed floor to ceiling heights would be acceptable.

### Daylight and Outlook

- 6.5.10 All units would be dual aspect and have floor to ceiling windows in the front elevations. The units would have windows to all habitable rooms, therefore it is considered that the proposed flats would have an acceptable amount of daylight and outlook with windows either facing towards the highway of Gayton Road and to the rear. As such, it is considered that the proposed accommodation would provide acceptable living conditions in this regard.

### Amenity Space

- 6.5.11 Each flat would be provided with a private terrace which is considered to be acceptable.

## **6.6 Fire Safety**

- 6.6.1 Part A of policy D12 requires the demonstration of suitably positioned and unobstructed space for fire appliances and evacuation assembly point and ensure robust strategies for evacuation are in place as well as confirmation of the fire fighting water supply. A condition is recommended to ensure that a fully comprehensive fire strategy is provided prior to the commencement of the development.

## **6.7 Impact on RAF Safeguarding Zone**

- 6.7.1 Baldwin House is located within the RAF Northolt Safeguarding Zones: Green Zone which require Ministry of Defence consultation. The Ministry of Defence were consulted and no objections have been received.

## **6.8 Traffic, Parking and Servicing**

- 6.8.1 Policy DM42 relates to parking standards and states that the number of car parking spaces and cycle spaces should meet London Plan (2021) standards. There are currently 15 car parking spaces in an un-delineated communal car park area to the south of the site according to the Design and Access Statement.

- 6.8.2 The site is located within PTAL 6a and therefore a car free development is considered acceptable subject to a legal agreement to restrict parking permits for future residents which is outlined in Recommendation A above.

### Bin Storage

- 6.8.3 An additional three bins are proposed to the rear of the site to accommodate the additional flats. This is considered to be acceptable, a condition is recommended to ensure that a Management Plan is submitted to ensure a the safe management of the bins.

## **6.9 Accessibility**

6.9.1 The relevant policies are:

- Harrow Development Management Policies (2013): DM2
- Harrow's Core Strategy (2012): CS1
- The London Plan (2021): D6

6.9.2 It is acknowledged that the upper floors flats may not be accessible to all. This is not always possible for altered buildings and it would not be reasonable to seek any further details in this regard.

6.9.3 Accordingly, it is considered that the proposed accommodation would be satisfactory and as such would comply with the relevant policies.

## **6.10 Development and Flood Risk**

6.10.1 The site is located within a critical drainage area, given that there would be no change to the amount of hard surfacing on site, it is considered that the proposal would be no worse than the existing development in terms of flood risk and resiliency.

## **7.0 CONCLUSION AND REASONS FOR APPROVAL**

7.1 The proposed development would bring forward housing provision of a satisfactory mix, layout and design to ensure that the future occupiers would benefit from a high standard of living accommodation. It is considered that the proposed building would have an acceptable design and external appearance and would not have an undue impact on the character and appearance of the area or the residential amenity of neighbouring occupiers. Accordingly, the development would accord with development plan policies and is recommended for approval.

## **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 92 of the Town and Country Planning Act 1990.

#### 2. Approved Plans and Documents

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

682\_10-100-P5; 682\_10-105-P3; 682-EX-100 P2; 682-EX-101; 682-EX-102; 682-EX-103; 682-EX-104; 685-EX-105; 682-EX-200; 682-EX-300; 682-EX-301; 682-EX-302; 682-EX-303; 682-10-105-P1; EX-10-106-P1; EX-10-200-P1; EX-10-300-P1; EX-10-301-P1; EX-10-302-P1; EX-10-303-P1; Technical Note dated 04/02/21; 682-72-100-P1 Design and Access Statement; Design Addendum June 2021; Daylight and Sunlight Report; Planning Statement; Environmental Noise and Impact Assessment.

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

#### 3. Materials

Notwithstanding the details shown on the approved plans, the development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below (but not limited to) have been made available to view on site, and approved in writing by, the local planning authority:

- a: facing materials for the building, including down pipes;
- b: windows / doors; and
- c: balustrade details.

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.



#### 4. Construction Traffic Management Plan

No development shall take place, including any works of demolition, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the local planning authority, this must include (but is not limited to):

- 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 and dirt during construction;
- i) Loading/unloading arrangements;
- j) Number and types of vehicles anticipated for each phase of works;
- k) Any temporary traffic management requirements eg. parking bay suspensions; and
- l) Vehicle tracking drawings if any large HGV's will be entering/exiting the site

The development shall be carried out in accordance with the approved Construction Traffic Management 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.

#### 5. London Underground

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) have been submitted and approved in writing by the local planning authority which:

- Provide details of construction activities including access and logistics
- Provide details of tall plant lifting to the rear of the development
- Provide pre-post condition survey of the LUL retaining wall and Earth structures and LUL fence/boundary thereof
- Provide ground movement assessment covering, loading assessment for the proposed 5<sup>th</sup> floor and existing foundation capacity

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraph of this condition shall be completed, in their entirety before any part of the building hereby permitted is occupied

REASON: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan policy

T3 (2021) and Land for Industry and Transport Supplementary Planning Guidance 2012.

6. Fire Safety (Pre-Commencement)

Prior to the commencement of the development hereby approved, a Fire Safety Statement shall be submitted to and approved in writing by the Local Planning Authority, this statement shall include details of how the development will function in terms of the following:

- 1) identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on b) appropriate for use as an evacuation assembly point
- 2) is designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
- 3) is constructed in an appropriate way to minimise the risk of fire spread
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users
- 5) develop a robust management strategy for evacuation which is to be periodically updated and published (details of how often this management strategy is to be reviewed and published to be included), and which all building users can have confidence in
- 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The development shall be operated in accordance with the approved details in perpetuity.

REASON: To ensure that the fire safety of the proposed building is managed in a satisfactory manner and that the development contributes to fire safety in line with Policy D12A of the London Plan (2021). To ensure appropriate fire safety measures are approved before development commences on site, this condition is a PRE-COMMENCEMENT condition.

7. Communal Television Equipment

The development hereby approved shall not commence, until details of a strategy for the provision of communal facilities for television reception (eg. aerials, dishes and other such equipment) as been 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 building 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: In order to prevent the proliferation of individual television reception items on the building which would be harmful to the character and appearance of the building and the visual amenity of the area

8 Secure By Design

Prior to the first occupation of the development, evidence of Secured by Design Certification shall be submitted to the Local Planning Authority in writing to be agreed. Secure by design measures shall be implemented where practical and the development shall be retained in accordance with the approved details.

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.

9 Management Plan

The development hereby approved, shall not be occupied until a detailed strategy has been submitted to, and agreed in writing by, the local planning authority, outlining what measures would be put in place to ensure that the refuse bins are rotated to ensure that there is sufficient capacity within the main refuse store to meet the needs of the residents. The measures shall be carried out in accordance with the strategy so agreed and shall be retained as such thereafter.

REASON: To safeguard the amenity of the future residents.

## **Informatives**

### 1. Policies

**The following policies are relevant to this decision:**

#### **National Planning Policy Framework (2021)**

##### **The London Plan (2021):**

D3 Inclusive Design  
D5 Accessible Housing  
D6 Housing and Quality Standards  
D12 Fire Safety  
T5 Cycling  
T6 Car Parking

#### **Harrow Core Strategy 2012**

Core Policy CS 1 – Overarching Policy Objectives

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

DM 1 – Achieving a High Standard of Development Policy  
DM 2 – Achieving Lifetime Neighbourhoods Policy  
DM 9 - Managing Flood Risk Policy  
DM 10 – On Site Water Management and Surface Water Attenuation  
DM22 – Trees and Landscaping  
DM 24 – Housing Mix  
DM 27 – Amenity Space  
DM 42 – Parking Standards  
DM 44 - Servicing  
DM 45 – Waste Management

#### **Area Action Plan (2013)**

AAP1 – Development within Harrow Town Centre  
AAP2 – Station Road  
AAP4 – Achieving a High Standard of Development throughout the Heart of Harrow

#### **Relevant Supplementary Documents**

Mayor of London Housing Supplementary Planning Guidance (2016)  
Residential Design Guide Supplementary Planning Document (2010)  
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. 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. 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](mailto:communities@twoten.com)

## 5. London Mayor's CIL Charges

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 Provisional Mayoral CIL liability for the application, based on the Mayoral CIL levy rate for Harrow of £60/sqm is £12,240.

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/form_1_assumption_of_liability.pdf)

[https://ecab.planningportal.co.uk/uploads/1app/forms/cil\\_questions.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](https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf)

The above forms should be emailed to [HarrowCIL@Harrow.gov.uk](mailto: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

## 6. Harrow Council CIL Charges

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 Provisional Harrow CIL liability for the application, based on the Harrow CIL levy rate for Harrow of £110/sqm is £32,313.60

This amount includes indexation which is 323/224. 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).

The CIL Liability is payable upon the commencement of development.

You are advised to visit the planningportal website where you can download the relevant CIL Forms.

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/form_1_assumption_of_liability.pdf)

[https://ecab.planningportal.co.uk/uploads/1app/forms/cil\\_questions.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](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.

#### 7. Street numbering

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

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

You can apply for SNN by contacting [technicalservices@harrow.gov.uk](mailto:technicalservices@harrow.gov.uk) or on the following link.

[http://www.harrow.gov.uk/info/100011/transport\\_and\\_streets/1579/street\\_naming\\_and\\_numbering](http://www.harrow.gov.uk/info/100011/transport_and_streets/1579/street_naming_and_numbering)

#### 8. Liability For Damage to Highway

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

9. Sustainable Drainage Systems



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 (2021) 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.

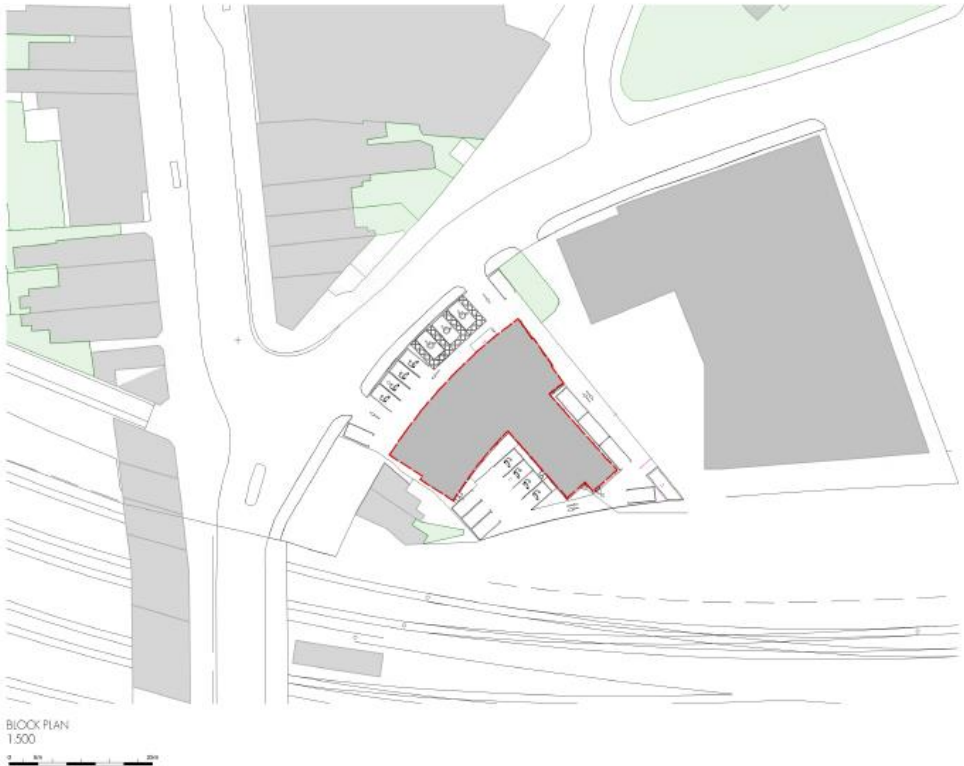
**CHECKED**

 <p>Orla Murphy Head of Development Management</p> <p>11<sup>th</sup> May 2023</p>	 <p>Viv Evans Chief Planning Officer</p> <p>12<sup>th</sup> May 2023</p>
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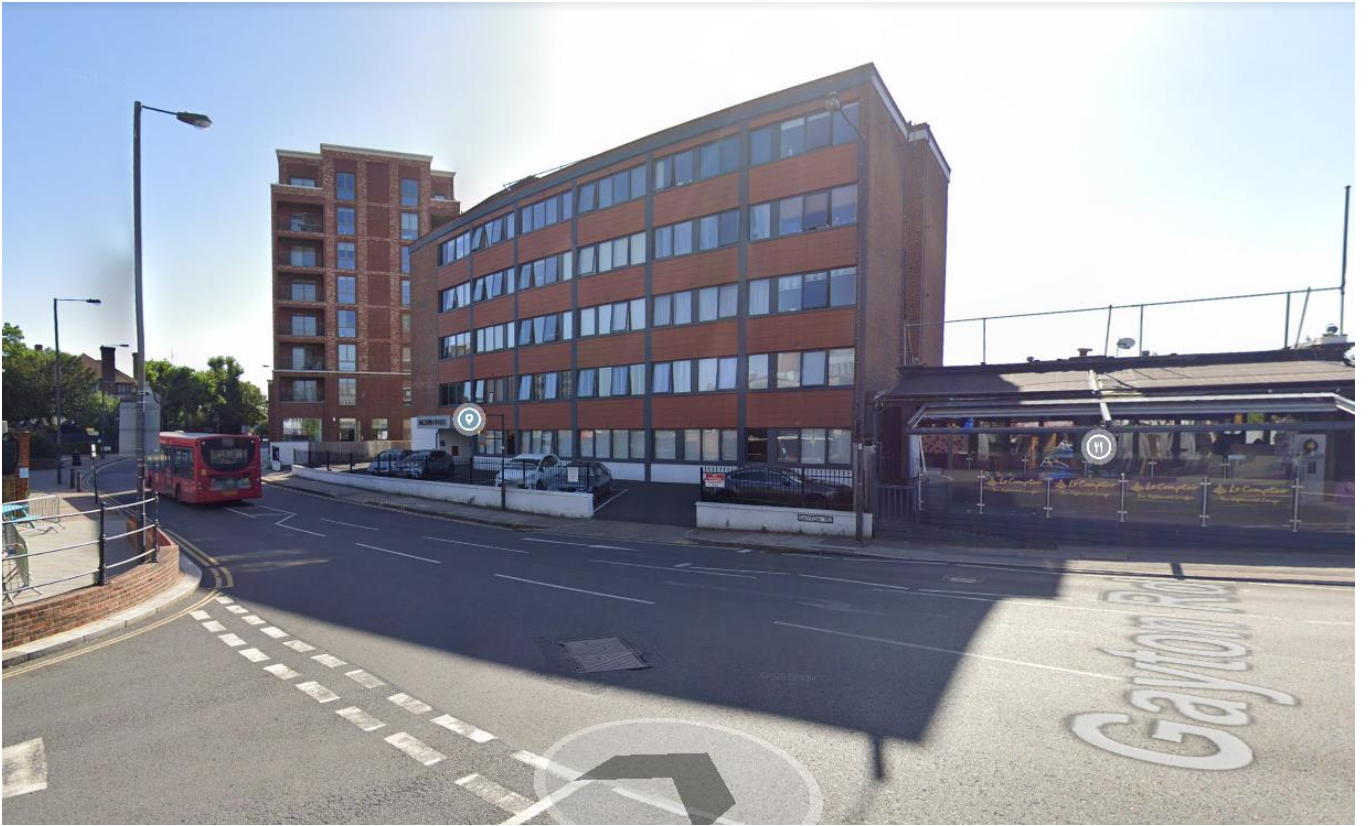


# APPENDIX 2: SITE PLAN

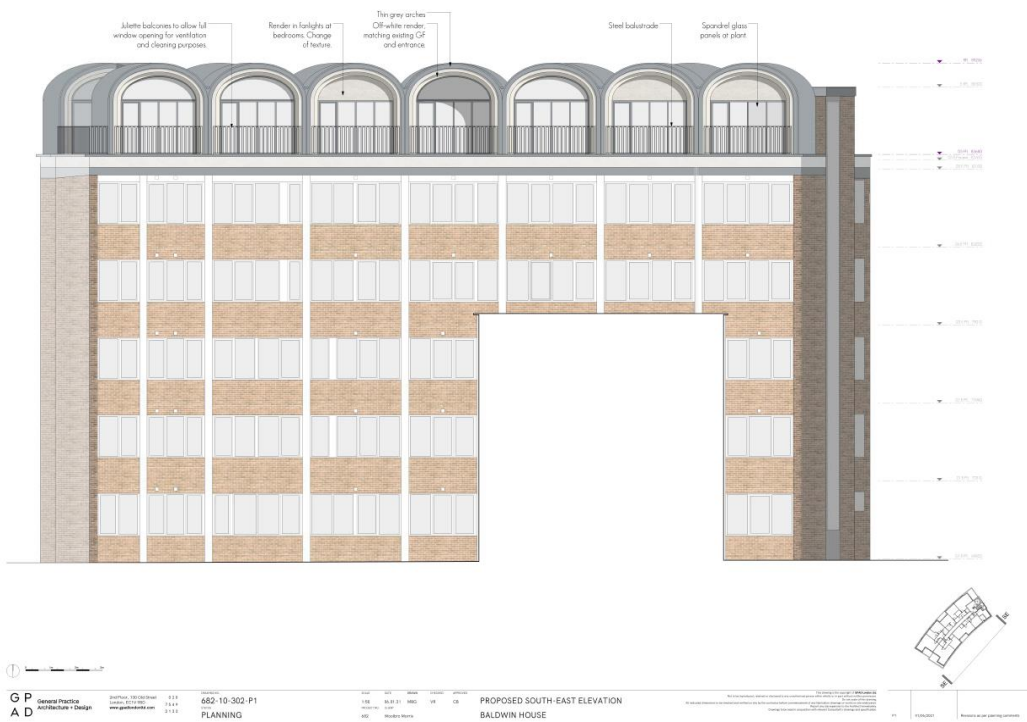
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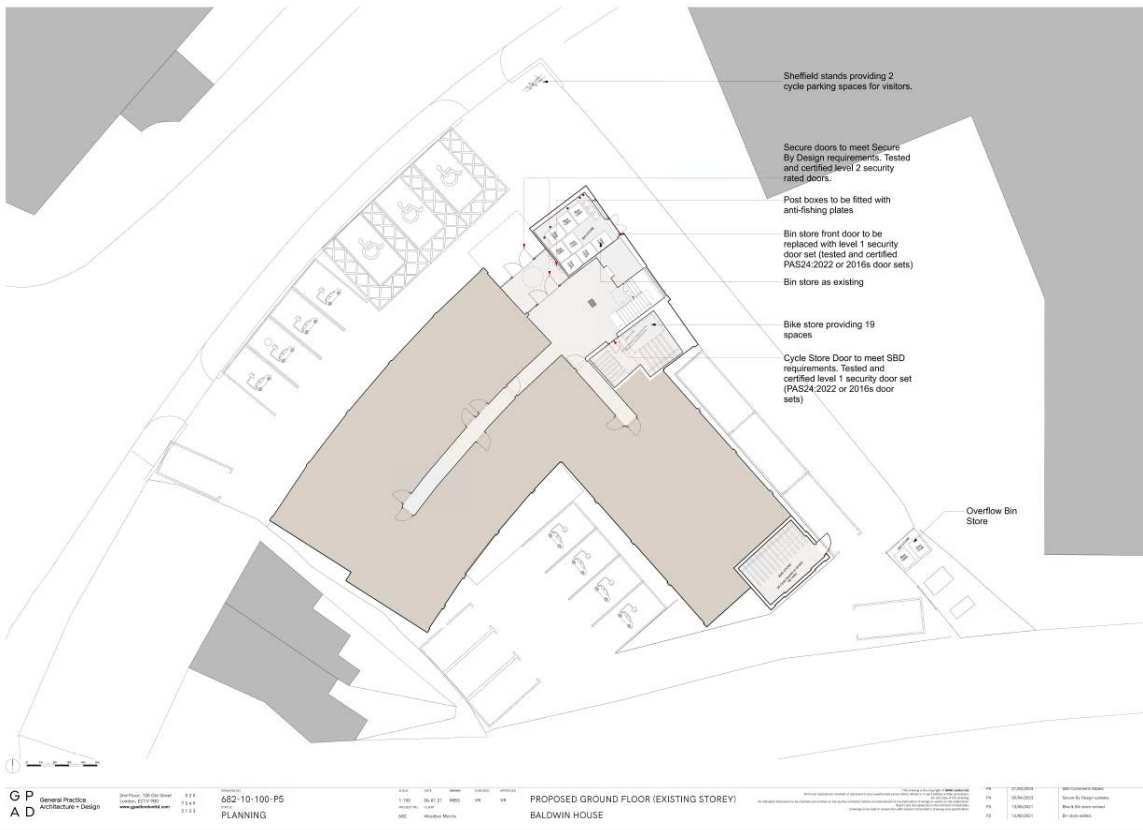


## APPENDIX 3: SITE PHOTOGRAPHS



# APPENDIX 4 – Plans and Elevations





## APPENDIX 5 – Appeal Decision



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### Appeal Decision

Site visit made on 16 August 2022

by **Elaine Moulton BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2022

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**Appeal Ref: APP/M5450/W/21/3286319**

**Baldwin House, 2 Gayton Road, Harrow, London HA1 2XU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Woolbro Morris Ltd against the decision of London Borough of Harrow.
  - The application Ref P/0634/21, dated 12 February 2021, was refused by notice dated 5 October 2021.
  - The development proposed is the construction of an additional storey on the existing building to provide 4no. residential units.
- 

#### Decision

1. The appeal is dismissed.

#### Preliminary Matters

2. The appellant has stated that there were no objections to entering into a planning obligation to restrict parking permits for future residents. However, such an obligation had not been submitted within 7 weeks from the start date as set out at para N.2.1 of Annex N of the Procedural Guide: Planning appeals England. I allowed additional time for an executed copy of an obligation to be submitted. On 13 September 2022 a draft obligation was provided by the appellant, but the document was not signed or dated. The obligation therefore has no legal effect. Under the approach set out at para N.2.2 of the Guide, I am not required to delay the issuing of a decision to allow further time for a dated legally binding planning obligation to be submitted. I have therefore determined this appeal based on the information before me.

#### Main Issues

3. The main issues are:
  - whether car-free sustainable development would be secured; and
  - the effect of the proposal on the character and appearance of the host building.

#### Reasons

##### *Car free development*

4. Policy T6 of the London Plan 2021 states that car-free development should be the starting point for all development proposals that are (or are planned to be) well-connected by public transport. Additionally, the Policy T6.1 states that new residential development should not exceed the maximum parking standards.

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<https://www.gov.uk/planning-inspectorate>

5. Policy DM42 of the Harrow Development Management Policies Local Plan 2013 (DMPLP) indicates, amongst other things, that proposals that make on-site provision for parking will be supported where the number of vehicle parking spaces would have regard to the maximum London Plan standards. It goes on to say that proposals for car-free development within town centres will be supported where it can be demonstrated that there would be adequate safeguards against parking on the surrounding highway network and in public car parks.
6. The relevant policies therefore require this development to be car-free given that the site lies within Harrow Town Centre and has an excellent Public Transport Accessibility Level (PTAL) of 6b according to the evidence before me. As the proposal does not include any additional car parking provision on site it is car-free development that is supported by policy provided suitable safeguards would prevent off-site parking.
7. During my site visit, I noted that the site is located within a Controlled Parking Zone (CPZ) with on-street parking reserved for permit-holders only, Monday to Saturday between 8.30am and 6.30pm. To ensure that no occupiers of the development, other than a Blue Badge holder, would be entitled to apply for such a permit and for the development to be truly car-free, it is necessary to have a suitable mechanism in place. The requirement for a planning obligation to secure a car-free development is made clear in the officer report and acknowledged and accepted by the appellant. Such an obligation has not, however, been provided as I have indicated above.
8. In the absence of an obligation, the appellant had suggested the imposition of a planning condition that requires the completion of such an obligation. Any such condition would have to be negatively worded, preventing development from taking place before arrangements have been made that secure the development as car-free. I am mindful of Planning Practice Guidance advice that a negatively worded condition requiring a planning obligation or other agreement to be entered into before development can commence may be appropriate in exceptional circumstances, where there is clear evidence that the delivery of the development would otherwise be at serious risk. No such evidence has been provided and as such it is not appropriate to impose a condition in this case.
9. In conclusion, in the absence of a suitable planning obligation, car-free sustainable development would not be secured. In that regard it would not comply with the sustainable transport requirements of Policy T6 of the London Plan 2021 and DM42 of the DMPLP.

#### *Character and appearance*

10. The appeal relates to a five-storey building converted to residential use from an office. The existing building is gently curved with a flat roof, predominantly constructed in brick with terracotta cladding beneath the upper floor windows and off-white render at ground floor.
11. Whilst the grey arches and off-white render utilised in the design of the development would not replicate the flat roofed and brick construction of the upper floor, they would reflect the materials of the ground floor front elevation. Such materials and the contrasting design of the proposal would add to, and

improve, the visual interest of the otherwise utilitarian design of this former office building.

12. The design and appearance of the proposal would sit comfortably with the varying design and scale of the surrounding buildings notwithstanding that they are also predominantly flat roofed and brick constructions.
13. Overall, the design of the proposal is an appropriate response to the existing character of the building and the place it is within and would contribute in a positive way towards the local character.
14. Therefore, the proposal would not harm the character and appearance of the building. Accordingly, it would accord with the design aims of Policy D3 of the London Plan 2021, Policy CS1 of the Harrow Core Strategy 2012 and Policy DM1 of the DMPLP.

### **Conclusion**

15. Whilst I have found that the proposal would not harm the character and appearance of the building this does not outweigh the harm arising due to car-free sustainable development not being secured by a suitable mechanism. The proposed development therefore conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
16. For the reasons given above the appeal is dismissed.

*Elaine Moulton*

INSPECTOR

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