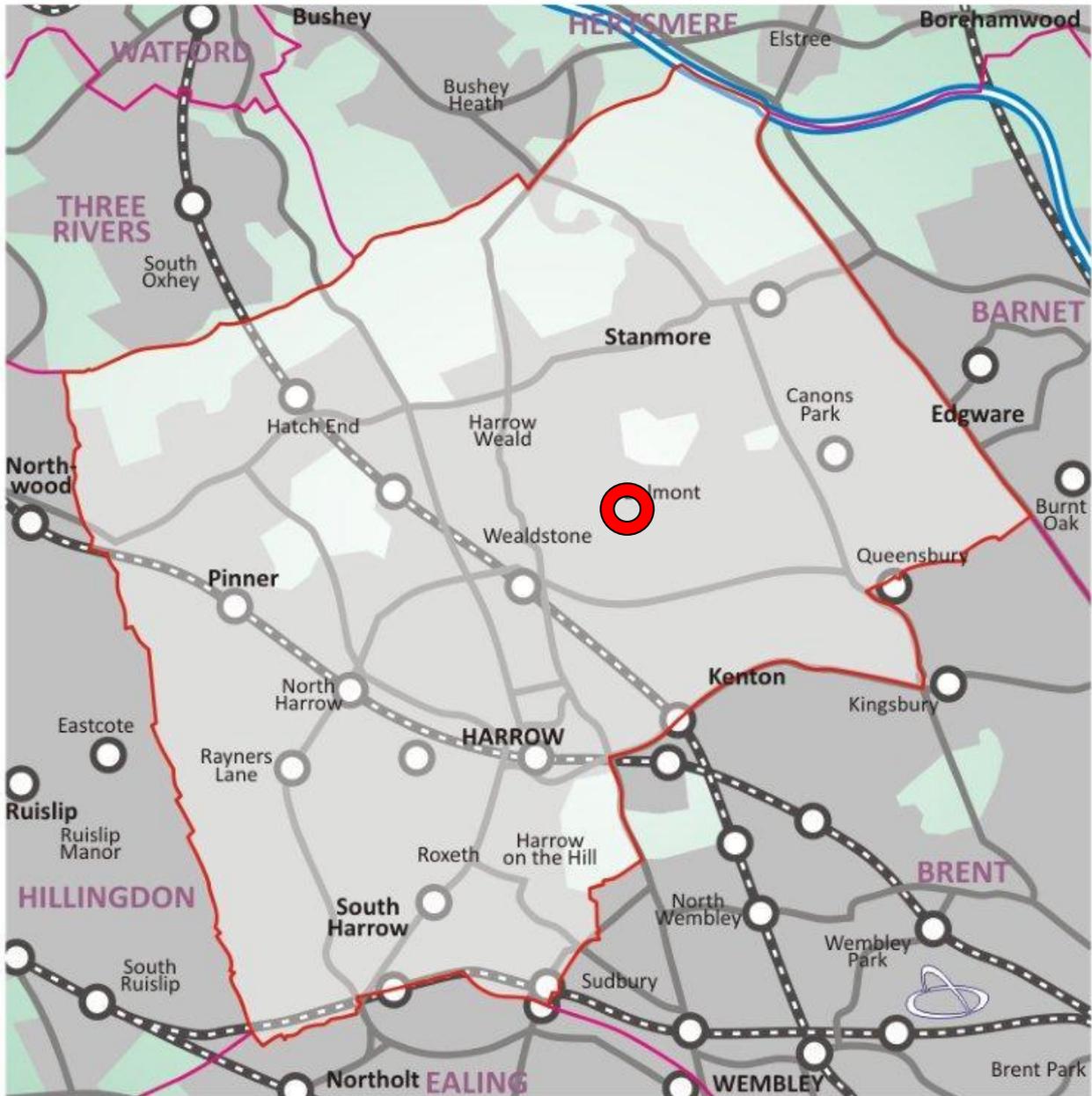


 = application site



**395 Kenton Lane, Harrow HA3 8RZ** **P/2024/22**

# Location Plan



395 KENTON LANE, BELMONT CIRCLE, HARROW.

# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

17<sup>th</sup> April 2024

**APPLICATION NUMBER:** P/2024/22  
**VALIDATE DATE:** 4<sup>th</sup> JULY 2022  
**LOCATION:** 395 KENTON LANE, HARROW  
**WARD:** KENTON WEST  
**POSTCODE:** HA3 8RZ  
**APPLICANT:** MR GADSON  
**AGENT:** HGH CONSULTING  
**CASE OFFICER:** MONGEZI NDELA  
**EXPIRY DATE:** 30<sup>TH</sup> JULY 2024 (EOT)

### PROPOSAL

Redevelopment To Provide Four Storey Building Comprising Of Two Commercial Units To Ground Floor (Use Class E) One Self Contained Flat To Ground Floor And Twelve Flats To Upper Floors (2 X 1 Bed And 11 X 2 Bed); Landscaping; Bin And Cycle Stores

### RECOMMENDATION

#### RECOMMENDATION A

- 1) Agree the reasons for approval as set out in this report, and
- 2) 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 and subject to any comments and objections that are received as a result of the site notice/advertisements which expires on 4th August 2023 being addressed to the satisfaction of the Chief Planning Officer In addition, the requirement for the formal consultation expiry of the Site Notice, erected on 4<sup>th</sup> April 2024. The Legal Agreement Heads of Terms would cover the following matters:
  - a. Affordable Housing – early and late-stage review of the development as per the Mayor’s SPG.
  - b. Harrow Employment and Training Initiatives: Employment and Training Plan and financial contribution towards local training and employment initiatives prior to commencement - £9,150.
  - c. Carbon offsetting contribution - £17,744
  - d. 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

- e. Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.
- f. Legal Agreement Monitoring fee of £2,000.

## **RECOMMENDATION B**

That if the Legal Agreement is not completed by 30th July 2024 or as such extended period as may be agreed by the Chief Planning Officer, then it is recommended to delegate the decision to REFUSE planning permission to the Chief Planning Officer on the grounds that:

The proposed development, in the absence of a legal agreement to provide appropriate Harrow Employment and Training Initiatives, Carbon offsetting provision and provision for restriction of resident parking permits would fail to comply with the requirements of policies SI 12, T6 of The London Plan (2021), policy CS1 of the Harrow Core Strategy (2012), and Policies DM42, DM43 and DM50 of the Harrow Development Management Policies Local Plan 2013 and would therefore be unacceptable.

## **REASON FOR THE RECOMMENDATIONS**

The proposal would contribute towards housing stock within the Borough and the principle of redeveloping the site in order to provide additional residential accommodation is considered acceptable.

The proposed development would appropriately relate to the site, local context, massing and architectural appearance and would bring forward housing provision of a satisfactory layout and design to ensure that the future occupiers would benefit from an acceptable standard of living accommodation.

Furthermore, it is considered that the proposal would not have an unduly harmful impact on the character of the surrounding area, or the residential amenities of the neighbouring or future occupiers and the design is considered to be sympathetic to the character of the local area.

Accordingly, weighing up the development plan policies and proposals along with other material considerations including comments received in response to notification and consultation as set out below, Officers consider and conclude that, subject to planning conditions, the proposed development is acceptable and worthy of support. In accordance with the National Planning Policy Framework, including its presumption in favour of sustainable development, and subject to conditions, Officers recommend that the application is approved.

## **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:	Small Scale Major Other
Council Interest:	N/A
Net additional Floorspace:	Approx. 1250sqm (Commercial – 291sqm Residential - 959sqm)
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	£75,000
Local CIL requirement:	£134,590

## **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

- 1.2 The application site is located to the south west of Kenton Lane close to Belmont Circle. Kenton Lane is classified as a distributor road, and the site is located within a non-designated frontage of the Belmont Local Centre.
- 1.3 The site area is 0.10 ha. Below is an aerial photograph of the application site.



Figure 1: Aerial photograph showing the application site (approximate site boundary indicated in red)

- 1.4 The site previously comprised a single storey building with associated forecourt, which was used as a MOT Service Centre (Sui Generis). However, the MOT centre was ceased following extensive fire damage to the building, which has subsequently been demolished. The site now operates as a car wash.
- 1.5 The entirety of the site is covered in hardstanding, and includes a lean-to shelter, and a temporary container at the front of the site, to facilitate the existing car wash use. The site has two existing vehicle crossovers that provide access onto Kenton Lane.
- 1.6 Located to the north-east of the site on the opposite side of Kenton Lane is a parade of commercial units that includes a small Tesco Metro store. Further to the north on the corner of the opposite side with the Belmont Circle Roundabout is a Petrol Service Station (Esso). Above the parade of shops, an additional three storeys have been constructed to facilitate 26 flats (P/2087/19). To the south of the Tesco store is a break in the building line, where an accessway cuts between the store and a terrace block of flats. Adjacent to the north-west of the subject site (on the same side of Kenton Lane) is a terraced parade of shops (Warwick Parade) with residential flats located above. This parade of shops is located within the designated frontage of the Local Centre. Immediately to the south-east of the site

are the single storey Belmont Community Hall and a public car park. To the south-west behind the site is a service road that runs from Kenmore Avenue to Kingshill Drive. Beyond this are some garages and the rear gardens of residential properties that front onto Elgin Avenue.

- 1.7 Planning permission (reference P/2652/12) was granted on 29 November 2012 for the redevelopment of the site to provide 8 flats and 370 sqm of retail floor space (Class A1) in a four-storey building, with alterations to an existing crossover and the formation of a new crossover. There has been works carried out to demolish the previous building and forecourt, and it was established in the 2015 appeal (APP/M5450/W/15/3027406) that the 2012 permission has been implemented.
- 1.8 In 2021, an application (P/1497/21) was refused which sought “*Redevelopment to provide four storey building comprising of fifteen flats (2 x 1 bed and 13 x 2 bed); installation of 2.1M high access gate at side; landscaping; bin and cycle stores*”.
- 1.9 The site is located within the Belmont Circle Local Centre, which provides a diverse mix of retail and service uses. The site has a Public Transport Accessibility Level (PTAL) of 3 which is considered moderate.

## **2.0 PROPOSAL**

- 2.1 The application proposes the redevelopment of the site to provide four storey building comprising of thirteen flats; installation of 2.1m high access gate at side; landscaping; bin and cycle stores.
- 2.2 The proposal would provide 2 x 1bed and 11 x 2bed units, these would be accessed by one main access core.
- 2.3 The fourth storey is set back from the principal elevation, and the development has a flat roof.
- 2.4 The proposed building would be predominantly brick and render with powder coated aluminium windows, with brick headers and cills, with stone bands and surround detailing.
- 2.5 The proposed development adjoins No.397 Kenton Lane but is set away from the side boundary with Belmont Community Hall, which creates a vehicle access to the car park at the rear of the site, which is gated.
- 2.6 There would be 11 car parking spaces on-site including 3 spaces with electric charging points, and one disabled parking space.
- 2.7 A total of 32 cycle parking spaces are proposed, both internal and external. Secure internal refuse storage is proposed to serve all residential units.

### 3.0 **RELEVANT PLANNING HISTORY**

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

Ref no.	Description	Status & date of decision
P/2652/12	Redevelopment to provide 8 flats and 370 sqm of retail floor space (a1) in a four storey building with alterations to an existing cross over and the formation of a new cross over; demolition of existing building (mot service centre)	Grant 29/11/2012
P/3598/14	Construction of four storey residential building (use class c3) to provide two x one-bedroom flats and thirteen x two-bedroom flats on former site of mot testing centre (use class sul generis); parking at rear; landscaping at front and rear; boundary treatment	Refused 03/02/2015 <i>Appeal Dismissed 23/09/2015</i>
P/1497/21	Redevelopment to provide four storey building comprising of fifteen flats (2 x 1 bed and 13 x 2 bed); installation of 2.1M high access gate at side; landscaping; bin and cycle stores	Refused 28/01/2022

3.2 Application P/3598/14 was refused for the following reasons:

1. *The proposal would introduce an inappropriate residential use on the ground floor of the subject premises, which would be incompatible and at odds with the functioning of the Belmont Local Centre, to the detriment of the viability and vitality of the Local Centre, contrary to the National Planning Policy Framework (2012), Policies 2.15 and 4.8 of The London Plan (2011) and Policies DM 38, DM 39 and DM 40 of the Harrow Development Management Policies Local Plan (2013).*
2. *The proposal, as a result of being capable of providing more than ten residential units, fails to provide affordable housing to the Boroughs housing stock. In the absence of a robust viability assessment to demonstrate that the proposal would be unviable to make such a provision, the proposal fails to address the key aims of Policies 3.11 and 3.13 of The London Plan (2011), Policy CS1.J of the Harrow Core Strategy (2012), Policies DM 24 and DM 50 of the Harrow Development Management Policies Local Plan (2013) and adopted Supplementary Planning Document: Planning Obligations and Affordable Housing (2013).*
3. *The proximity of the ground floor flats front rooms habitable windows, to the communal pathway at the front and the Kenton Lane public highway would not provide for a defensible buffer, and would result in direct overlooking of the windows from members of the public and poor outlook from those*

*windows, to the detriment of the residential amenities of the potential future occupiers of the flats, contrary to Policy 7.6B of The London Plan (2011), Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document Residential Design Guide (2010).*

3.3 The applicant appealed the decision (APP/M5450/W/15/3027406, dated 18<sup>th</sup> August 2015), and the Inspector concluded the following:

*'I conclude that the development would harm the vitality and viability of the Belmont Local Centre. It would conflict with DMP Policies DM39, DM38, and DM40 of the Development Management Policies Local Plan (DMP) (2013). DMP Policy 39 states that residential use of ground floor premises within town centres will not be permitted under any circumstances. DM38 indicates that residential is not an appropriate use of ground floor premises in neighbourhood parades and non-designated frontages of town centres and such uses will be resisted. DM40 supports mixed use development within town centres, having regard to the role and function of the centre, amongst other things. These policies are consistent with the Framework, insofar as it seeks to recognise town centres as the heart of their community and pursue policies to support their vitality and viability.'*

*'I conclude that there is insufficient information provided in the appellant's Financial Viability Assessment to demonstrate that the proposal cannot support any affordable housing. The development would therefore be contrary to CS Policy CS1.J. It would also fail to accord with DMP Policy DM24, which seeks to provide an appropriate mix of housing on site and DMP Policy DM50, which states that planning obligations will be sought on a scheme by scheme basis to secure the provision of affordable housing in relation to residential development schemes.'*

*'I conclude that the development, by reason of its design and layout, would provide satisfactory living accommodation, and would comply with the design and amenity objectives of DMP Policy DM1, and the Residential Design Guide (2010).'*

## **4.0 CONSULTATION**

4.1 A total of 80 consultation letters were sent to neighbouring properties regarding this application on 4<sup>th</sup> July 2022. An advertisement was placed in the Harrow Times and Harrow Observer on 7<sup>th</sup> July 2022. A site notice was produced in July 2022 but not erected and a new site notice has been erected again on 4<sup>th</sup> April 2024. All adverts, site notices and consultation letters described the proposal as a Major Development,

4.2 One objection was received.

- I object to this proposed development on the grounds that there has recently been a development across the road (above Tesco's) increasing the traffic and additional people in the area. This development would increase again the number of residents in a small area, putting pressure on car parking, schools, etc. Currently the only building is low level and building on the site would create a more hemmed in claustrophobic

feeling, especially with the building opposite being so high too. There is no mention of car parking facilities. The surrounding roads are already congested.

- **Officer Response:**

*The site is located in a sustainable brownfield location suitable for a development of this type. The principle of development had been established through the course of planning history. The proposals are not considered to be detrimental to surrounding uses including schools, car parking or medical facilities. Furthermore, the proposal is unlikely to cause significant harm to the existing highway network.*

4.3 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>Transport for London</b> No comments other than the to emphasise the development should comply with the transport policies set out in The London Plan 2021. In particular the car and cycle parking standards in tables 10.2 – 10.6 (Inclusive). Cycle parking should comply with the London Cycling Design Standards.</p>
<p><b>LBH Secure By Design Officer</b> From viewing the on line plans, the venue can achieve a Secured By Design accreditation. However, some minor changes will be required, without addressing the cycle store, postal strategy, and a suitable gate and fencing this development will not be able to achieve any Secured by Design accreditation. The postal strategy is unclear, if external post boxes are planned, they will need to be tested and certified TS009 post boxes. If the postman has permitted access to the lobby a secure secondary door will be required. The access control system needs to be video and audio with no tradesmen button...vehicle gates will be required for the car park entrance, this gate should be brought forward to the building, because of the planned undercroft at the rear, and this gate must be a tested and certified gate. There should only be one entrance for the refuse store. The cycle storage plan is unacceptable, more information is required on the planned cycle storage, the cycles need to be in a secure unit not in an open undercroft area. A full list of security requirements and security product standards can be sent to the developers once planning permission has been approved. If planning is granted, I would strongly advise that a Secured By Design accreditation be part of the planning conditions for this development. Also if planning permission is given for this development the developers should</p>

contact myself, in order to achieve a safe standard of security for the future residence, and be able to achieve a secured by design accreditation.

**LBH Policy**

The principle of development of the site has been set by P/2652/12, insofar as loss of MOT, addition of residential and 370sqm of retail space.

**LBH Highways**

No objections subject to conditions.

**LBH Drainage**

No objections subject to conditions.

**LBH Waste Management Policy Officer**

No objections subject to conditions.

**Landscape Officer**

No objections subject to conditions.

**5.0 POLICIES**

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

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

5.2 The Government has issued the National Planning Policy Framework [NPPF 2023] sets out the Government’s planning policies for England and how these should be applied, and is a material consideration in the determination of this application.

5.3 In this instance, the Development Plan comprises The London Plan 2021 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

5.4 A full list of all the policies used in the consideration of this application is provided as Informative 1.

## 6.0 **ASSESSMENT**

6.1 The main issues are:

- Principle of the Development
- Affordable Housing and Housing Mix
- Design Quality, Townscape, and Visual Impact
- Quality of Living Environment Provided for Future Residents
- Impact on adjoining residential properties
- Traffic and Parking
- Development and Flood Risk
- Sustainability
- Noise and Air Pollution
- Contaminated Land
- Community Safety
- Fire Safety

## 6.2 **Principle of Development**

6.2.1 The relevant policies are:

- The National Planning Policy Framework (2023)
- The London Plan (2021): H1, H4, E9, SD6, SD7, D3, GG1
- Harrow Development Management Policies (2013): DM1, DM2, DM24; DM31; DM38, DM39, DM40
- Harrow's Core Strategy (2012): CS1
- MoL: Affordable Housing and Viability SPG (2017)
- Housing Design Standards LPG (2023)
- Harrow Planning Obligations SPD (2013)

6.2.2 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF sets out the three overarching objectives of the planning system in achieving sustainable development is economic, social, and environmental objectives. These are interdependent and need to be pursued in mutually supportive ways. The economic objective is 'to help' build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity. Alongside this, the social objective is 'to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services.

6.2.3 Harrow's Core Strategy establishes a clear vision for the management of growth in the Borough over the Local Plan period (to 2026) and a framework for

development in each district of the Borough. Policy CS1(A) directs growth to the Harrow and Wealdstone Opportunity Area and throughout the rest of the borough, within town centres and strategic, previously developed sites.

- 6.2.4 Furthermore, the regional policy context (Policy H1 of The London Plan) requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites with particular focus on sites with existing access levels (PTALs) 3-6, which are located within 800m distance of a station, and redevelopment of car parks and low-density retail parks and supermarkets as a source of capacity.
- 6.2.5 The adopted Harrow Core Strategy sets out the spatial vision for the borough and along with the London Plan, it identifies the Belmont and Kenton area as being deficient in housing quantum. Specifically, Core Policy CS.10B sets out that a net contribution to housing supply will be sought as part of mixed use or conversion or redevelopment of sites within Kenton District Centre and Belmont Circle Local Centre.
- 6.2.6 Having regard to The London Plan and the Council's policies and guidelines, it is considered that the proposal would provide an increase in smaller housing stock within an area of high public transport accessibility in the Borough, thereby complying with the housing growth objectives and policies of the Core Strategy and The London Plan. The application site is regarded as brownfield land, and the principle of residential development on the site has been established by planning permission reference P/2652/12 and was not challenged by the Inspector within the appeal decision (APP/M450/W/15/3027406) for the same scheme.
- 6.2.7 The application site is situated within a non-designated frontage of the Belmont Local Centre, the site adjacent is a terraced shopping parade within the designated frontage of the centre.
- 6.2.8 Policy GG1 of The London Plan, that relates to building strong and inclusive communities, that those involved in planning and development must promote the crucial role town centres have in the social, civic, cultural, and economic lives of Londoners, and plan for places that provide important opportunities for building relationships during the daytime, evening, and night-time. Further, Policy E9, Part A, states that a successful, competitive, and diverse retail sector, which promotes sustainable access to goods and services for all Londoners, should be supported in line with the wider objectives of this Plan, particularly for town centres. These London-wide policies are considered consistent with the current local plan policies.
- 6.2.9 Policy DM 38.B of the DMP specifies that 'Residential is not an appropriate use of ground floor premises in neighbourhood parades and non-designated frontages of town centres and will be resisted'. Policy DM 39.D of the DMP specifies that 'Residential use of ground floor premises in town centres will not be permitted under any circumstances'. Policy DM40.A & B of the DMP states that the appropriate mix of uses in town centres will be considered having regard to amongst other factors, the compatibility of the uses proposed, and that proposals, which would be detrimental to the vitality and viability of town centres, will be refused.

- 6.2.10 The site previously comprised a MOT Centre, which contributed to the diversification, vitality and viability of the Centre. It is noted that the site now appears to be in use as a car wash. However, as agreed and concluded within the appeal of the previously refused application (APP/M450/W/15/3027406) there has been works carried out to demolish the previous building and forecourt, and the 2012 permission has been implemented.
- 6.2.11 Notwithstanding the above, Officers consider that an unfettered E-Class use to the commercial units at ground floor are unsustainable given the restrictions in delivery and servicing for some uses. Therefore, the two ground floor commercial units are recommended to be restricted to professional services, financial, estate agency, gym or office uses (Use Class E [c, d, e & g]) via a planning condition.
- 6.2.12 For the reason set out above, it is considered that the principle of this proposal meets the above policy requirements with regard to overarching goal of housing choice and provision and the need to support economic activity and development. In light of all of the above, officers raise no objection to the principle of development.

### **6.3 Affordable Housing and Housing Mix**

#### Affordable Housing

- 6.3.1 Affordable Housing is detailed in the NPPF as housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the definitions within the following: affordable housing for rent, starter homes, discounted market sales housing or other affordable routes to home ownership (including shared ownership).
- 6.3.2 The proposed development triggers an affordable housing requirement as it constitutes a major residential development. Policy H4 of The London Plan sets out a strategic target for 50% of all new homes delivered across London to be genuinely affordable.
- 6.3.3 Policy H5 of the London Plan sets out the 'threshold approach' to planning applications which trigger affordable housing requirements whereby schemes that meet or exceed the relevant threshold of affordable housing by habitable room without public subsidy, meet the relevant tenure mix and meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor are eligible to follow the Fast-Track Route.
- 6.3.4 Proposals which do not meet the threshold (and other relevant requirements of the Fast-Track approach) will need to be supported by a viability assessment and will be subject to both early stage and late-stage reviews.
- 6.3.5 Having regard to Harrow's local circumstances, Policy CS1(J) of the Core Strategy sets a Borough-wide target for 40% of all homes delivered over the plan period (to 2026) to be affordable and calls for the maximum reasonable amount to be provided on development sites. In line with Policy H6 of the London Plan (2021),

Harrow Council requires an affordable housing split of 70% London Affordable Rent or Social Rent (depending on tenure stated in Homes for Londoners: Affordable Homes Programme Prospectus period 2021-2026 or 2016-2023) and 30% Intermediate units (London Living Rent or London Shared Ownership). This is on the basis that affordable rent is the priority need within the borough.

- 6.3.6 Part A of Policy DM 50 (Planning Obligations) states that planning obligations will be sought on a scheme-by-scheme basis to secure the provision of affordable housing in relation to residential development schemes. Part B of the policy confirms that applications that fail to secure an appropriate planning obligation to make the proposal acceptable will be refused.
- 6.3.7 The development proposes no affordable housing (0%). The Council recognises that it may not be viable to provide affordable housing targets within a scheme under all circumstances. Where this cannot be provided on site, a robust viability assessment must be provided to demonstrate that the proposed scheme cannot viably provide this requirement. An Affordable Housing Viability Review prepared by Montagu Evans has been submitted with the application and concludes that the development is unable to viably provide any affordable housing.
- 6.3.8 The submitted Viability Review was the subject of an independent appraisal by consultant JLL on behalf of the Council. The independent review disagreed with some inputs of the submitted Viability Review. The Montagu Evans FVA concludes that the proposed scheme, assuming 100% private tenure, generates a deficit of -£708,983 and is, therefore, unable to support an affordable housing provision. Whilst there was some disagreement in terms of the inputs into the appraisals, JLL concluded that there remains a deficit however this deficit stands at -£86,413. As such, it is considered that the proposed scheme is unable to support an affordable housing provision.

Input	Applicant Report (Montagu Evans)	JLL Review	Status
Private GDV	£5,530,000 (£601psf)	£5,560,000 (£604psf)	Disagree
Commercial GDV	Rent: £25psf Yield: 6.5% Void: 6 months	Rent: £25psf Yield: 6.5% Void: 6 months	Agree
Construction Costs	£4,255,000 (£322psf)	£3,660,629 (£277psf)	Disagree
Contingency	5% (included in above)	5% (excluded from above)	Agree
Section 106	£21,643	£21,643	LBH to confirm
CIL & MCIL2	£272,276	£272,276	LBH to confirm
Residential Disposal Fees	Agent: 1.5% Marketing: 1% Legal: 0.5%	Agent: 1.5% Marketing: 1% Legal: £1,000/un	Disagree
Commercial Lettings Fees	Agent: 10% Legal: 5%	Agent: 10% Legal: 5%	Agree
Commercial Disposal Fees	Agent: 1.5% Legal: 0.5%	Agent: 1.5% Legal: 0.5%	Agree
Professional Fees	10%	10%	Agree*
Finance Costs	7%	7%	Agree
Profit on GDV	Residential: 17.5% Commercial: 15%	Residential: 17.5% Commercial: 15%	Agree
Construction Period	15 months	12 months	Disagree
Sales Period	3 months	3 months	Agree*
Residual Land Value	-£350,983	£237,587	Disagree
Benchmark Land Value	£358,000	£324,000	Disagree
Deficit	-£708,983	-£86,413	Disagree
Conclusion	Deficit	Deficit	Agree

Above: Summary of Montagu Evans and JLL appraisals

6.3.9 Whilst it has been determined that no affordable housing on site can viably be provided, Officers consider the scale of the development would limit the possibility for appropriate affordable housing to be delivered on site, and it is unlikely any registered social landlords would take on modest, ad-hoc housing in private blocks. As such, a legal agreement will be included to secure an early and late-stage review of viability of the development to ensure the Council can recoup any Affordable Housing contributions should the viability inputs change overtime.

6.3.10 In consideration of the above conclusions, the proposal, is incapable of supporting affordable housing. The submitted viability report, whilst disputed in certain areas, nonetheless determines that there remains a deficit in the scheme. As such, subject to the review mechanisms included in the Heads of Terms of the S106, the proposal complies with Policies H4, H5 and H6 of The London Plan (2021), Policy CS1.J of the Harrow Core Strategy (2012), Policies DM 24 and DM 50 of the Harrow Development Management Policies Local Plan (2013) and Harrow's adopted Supplementary Planning Document: Planning Obligations and Affordable Housing (2013) and the Mayor's Homes for Londoners, Affordable Housing and Viability SPG (2017) .

### Housing Mix

- 6.3.11 Policy H10 of the London Plan (Housing size mix) states that schemes should generally consist of a range of unit sizes, having regard to the requirement to deliver mixed and inclusive neighbourhoods, the need to deliver a range of unit types at different price points, the mix of uses, the range of tenures, the nature and location of the site, PTAL, the need for additional family housing and the role of one and two bed units in freeing up existing housing by providing an alternative to conversions and sub-divisions, with the aim of optimising a site's potential.
- 6.3.12 Policy DM 24 of the DMP outlines those proposals, which secure an appropriate mix of housing on site, and which contribute to the creation of inclusive and mixed communities, will be supported. Furthermore, Part A (c) states that the appropriate mix of housing will be determined having regard to the location of the site, the character of its surroundings and the need to optimise housing output on previously developed land.
- 6.3.13 The housing mix proposed is broken down as follows:
- 2 x 1bed 2person
  - 11 x 2bed 3person
- 6.3.14 Whilst the PTAL rating of 3, which is moderate, the site is within the local centre of Belmont Circle where there are shops, restaurants, dental and medical centres. There are also bus stops nearby with routes providing connections to town centres and other transport interchanges. Therefore, the mix of predominantly 2 bed units and two x 1 bed units is considered appropriate in this location.

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

*The relevant policies are:*

- National Planning Policy Framework (2023)
  - The London Plan 2021: D3, D4, D12
  - Harrow Core Strategy 2012: CS1
  - Harrow Development Management Policies Local Plan (2013): DM1, DM22, DM23
  - Residential Design Guide (2010)
  - The London Plan Housing Supplementary Planning Guidance (2016)
  - Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2016)
- 6.4.1 Policy D3 of the London Plan states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site whilst the design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, including existing and planned supporting infrastructure capacity. Higher density developments should generally be promoted in locations that are well connected

to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 of the London Plan.

- 6.4.2 Policy CS1.B of Harrow's Core Strategy notes that proposals that would harm the character of suburban areas and garden development will be resisted. All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design.
- 6.4.3 Policy DM1 (Design and Layout Considerations) specifically Part A, states all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted. Additionally, Part B, confirms that assessment of the design and layout of proposals will have regard to (only requirements relevant to the appeal referenced):
- a. the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers;
  - b. the appearance of proposed buildings, including but not limited to architectural inspiration, detailing, roof form, materials and colour, entrances, windows and the discreet accommodation of external services;
  - c. the context provided by neighbouring buildings and the local character and pattern of development;
- 6.4.4 It should be noted that the layout, massing, and scale, of the proposed development is generally the same as what has been accepted by the planning Inspector.

#### *Design, Height and Scale*

- 6.4.5 The proposed building of four storeys would have a footprint of 374sq.m and its front elevation would align with the adjoining parade, with the front landscape area, projecting 4.2m. The proposed building would have a width of 24.9m at the front (addressing Kenton Lane) and it would be stepped to the rear, which includes an undercroft for disabled parking and cycle parking, and a refuse store. The car park, that includes 11 spaces, including the two blue badge spaces, is located to the rear of the building and is access from access lane to the east of the site. The building would have a continuous eastern flank wall depth of 15.8m. The proposed building would have a maximum height of 12.5m at the highest point. The third floor of the building would be set back from the front building line of the lower floors by 1.5m.
- 6.4.6 The proposed development would have a flat roof form. The proposed building would have a brick finish, with the third floor finishing with cement cladding. Windows are powder coated aluminium, and glass balustrade forms the terrace and balconies. A 1.8m high close-boarded fences would be provided on the side and rear boundaries, and 1.2m high railings and a small gate would be provided to enclose the grassed area to the front.

6.4.7 The height and scale of the proposed building would be comparable to that of other buildings within the site, it would not appear as an alien addition in context with surrounding buildings. The form and appearance of the proposed building would not be overly complex and would be appropriate for the proposed use. The proposed building would be visible from the street scene along Kenton Lane, however the setbacks proposed are considered appropriate. The building is not considered excessive it would be sited appropriately within the surrounding context. It is not considered to appear as unduly prominent and visually intrusive when viewed along the street scene.

*Massing, Scale, & Built Form*

6.4.8 Generally, there is no concern with the overall scale of development as concluded within the officer's report for the previous application (P/3598/14). Four storeys is an appropriate scale given the prevailing heights of surrounding buildings are three-storey plus pitched roof or four storey in the case of the Tesco redevelopment site opposite. The footprint of the building is not considered to be overly large in comparison to the site area as a whole and with regard to neighbouring properties. The portion of the footprint adjoining 397 Kenton Lane considers the rear building line of this existing property and Harrow's 45-degree principle. Furthermore, the proposed setback to the fourth storey is supported and helps to delineate the third storey in relation to the adjoining parades to the west of the site.

*Site Layout*

6.4.9 The location of the access road to the rear of the site at the southern edge adjacent to Belmont Community Hall is supported and enables sufficient separation distance from this building. The residential provision on ground floor has been sufficiently separated from the street scene by way of a defensible space facilitated by the landscaping at the front of the proposal. The proposed redevelopment will reduce the amount of hardstanding which currently exists on the site. Bin and cycle stores are integral to the building footprint and the cycle store benefits from being located behind the vehicular gate line of the development.

*Form, External Appearance, and Materials*

6.4.10 Generally, the symmetrical form and three bays of the proposed street elevation are considered acceptable, however, there were a number of concerns with architectural elements of this elevation which compromised the design. Whilst parapet and lintel alignment to some features of 397 Kenton Lane are supported, other features created a poor visual appearance. However, the applicant has since amended the plans to show improvements to the ground floor front elevation, which has increased the height to 3.5m thereby showing alignment with the neighbouring buildings and emphasised the prominence of the commercial frontage. Furthermore, an uninterrupted wide band at first floor level defines commercial use and allow for a prominent signage zone. Furthermore, the applicant has now removed the bolt-on balconies at the front elevation and now included inset balconies to the flank elevations which results in a much stronger and cleaner front elevation to Kenton Lane. This is particularly necessary for Kenton Lane-fronting

units, where fully inset balconies would provide greater privacy and separation from traffic and other noise pollution.

### *Public Realm & Landscaping*

- 6.4.11 Landscaping to frontage provides defensible space, whilst also allowing the building to follow the building line of properties to west, as opposed to projecting beyond this, both benefits of which are positive. Despite this, careful attention must be paid to the types of planting proposed for these spaces and to boundary treatment, to contribute to a vibrant street scene and welcoming entrance. The applicant has stated that a communal space is located to the rear. This communal area is located adjacent to the car parking area. The Landscape Officer has noted the following:

*“Although the existing hardstanding would be reduced in extent, the building block, car parking, entrance to flats and commercial units would all be hard - building and hard landscape, which would dominate the site and be unattractive. To the rear of the development the space is dominated by car parking with a narrow strip ‘left over’ space for small patios and a communal garden. There is concern about the garden space, including the lack of privacy and the communal benches set hard against the car park. It is questionable how pleasant a space the communal garden area or small patios could be, sited adjacent to the car parking. The communal area is really unusable. Note the unsafe access to the garden, via car parking spaces. The communal space is unsuitable for play / or incidental play elements so close to a car park. Provision for play for young children does not appear to have been considered or included, and there is insufficient space for the addition of play elements as proposed. Some trees are proposed in the car park, however insufficient space has been allocated for tree pits and it is doubtful the trees could be established and survive so tightly located against the boundary fence and hard surface. The boundaries should propose buffer planting / hedging to enclose the site creating a more pleasant soft green space, provide an attractive visual setting for the building, greenery adjacent to the neighbouring properties and to enhance the biodiversity of the area. Note along the rear and eastern boundary there is no soft landscape shrub / hedge planting and no space to accommodate planting.....”*

- 6.4.12 Whilst the Landscaping Officer’s comments are valid, it is noted that the Appeal scheme had less landscaping and contained a communal area to the front of the building. Landscaping was not considered an issue in that appeal and therefore it would be unreasonable for the Council to refuse the application on this basis. Notwithstanding this, Landscaping conditions will be included with the permission to ensure a successful landscape buffer.

- 6.4.13 It is considered the revisions to the proposed massing and scale results in the proposal being more appropriate for its plot size and the wider context. In principle the materials proposed for the mixed-use building would be considered acceptable. Notwithstanding the submitted information, a condition has been attached to ensure that samples be submitted for further consideration of the appropriateness of the appearance and quality of the materials. Furthermore,

landscaping conditions are attached to ensure a robust as possible landscape/public realm is achieved.

## 6.5 Quality of Living Environment Provided for Future Residents

*The relevant policies are:*

- Harrow Core Strategy 2012:CS1
- Harrow Development Management Policies Local Plan (2013): DM1, DM2, DM27
- London Plan Policy (2021): D1, D6
- Residential Design Guide (2010)
- The London Plan Housing Supplementary Planning Guidance (2016)
- Housing Design Standards LPG 2023

*Space Standards*

6.5.1 London Plan policy D6 (Housing quality and standards) requires that housing developments meet the minimum space standards and also sets out a range of other requirements in relation to residential quality. Part D (g) of Policy DM1 of the Harrow Development Management Policies (2013) states that assessment of amenity should have regard to the adequacy of the internal layout of buildings in relation to the needs of future occupiers.

6.5.2 All of unit sizes surpass the minimum requirements of a single storey 1 bed 2 person flat (50m<sup>2</sup>) and 2bed 3person (61m<sup>2</sup>) identified within the Housing Design Standards LPG 2023. The London Housing SPG states that a minimum ceiling height of 2.5 metres for at least 75% of the gross internal area is strongly encouraged. Submitted plans show that the ground and first floor units will achieve over the prescribed 2.5m ceiling height whilst the second and third floors will meet the 2.5m requirement. The proposal layout indicated that each floor has less than 8 units served by the single core, this is therefore in accordance with Standard 12 of the London Plan Housing Supplementary Planning Guidance (2016).

*Aspect*

6.5.3 The Mayor of London's Housing SPG states that developments should minimise the number of single aspect dwellings. For the purposes of the London Housing SPG 'north facing' is defined as an orientation less than 45 degrees either side of due north. It also states that single aspect dwellings that are north facing, exposed to significant noise levels or containing three or more bedrooms should be avoided. Part A (b) of Policy DM 26 (Conversion of Houses and other Residential Premises) reaffirms that wherever possible, ensure that homes are dual aspect.

6.5.4 Sixty three percent of units (7 of 11) are dual aspect, and there would be no direct north facing single aspect units. This is a good level of compliance.

### *Privacy*

- 6.5.5 Due to the setback from the street, the layout, orientation of the site, and an appropriate stacking of the floors it is considered the privacy levels for future occupiers would be to an acceptable level. Whilst the Council did previously refuse the previous planning application, the Inspector (APP/M450/W/15/3027406) concluded that the 5m buffer of the front landscaping area and the proposed boundary treatment of railings would provide an appropriate screen for overlooking. Officers now agree with this view and consider the configuration on the ground floor would protect the privacy of future occupiers to an acceptable level.
- 6.5.6 The scheme includes one unit located on the ground floor of the proposed development, adjacent to the car parking area at the rear. The ground floor unit is the only wheelchair unit in the scheme, with direct access to the disabled car parking area and there is a communal area directly adjacent to the unit. It is noted that there is a 1.5m landscape buffer to the car parking area. It is therefore considered that the scheme has an acceptable level of privacy.

### *Daylight, Sunlight, and Overshadowing*

- 6.5.7 The application does not include a daylight and sunlight assessment; however, the applicant has sought to address this in the Planning Statement in which it is argued that this is not required as the proposal does not exceed four storeys in height. Whilst projecting balconies have now been included in the scheme which will impact daylight and sunlight levels to the floor directly below, it is considered that generally this does not result in unacceptable light levels.

### *Accessible Housing*

- 6.5.8 London Plan policy D7 (Accessible housing) requires that 90% of units meet Building Regulations requirement M4 (2) 'accessible and adaptable dwellings' and 10% of new housing must meet Building Regulations requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Policy DM1 (Achieving a High Standard of Development), Part B (g) requires the arrangements of safe, sustainable and inclusive access and movement to and within the site. Policy CS1.K of the Harrow Core Strategy, and Policy DM2 of the Development Management Policies (2013) seek to ensure that all new housing is built to 'Lifetime Homes' standards.
- 6.5.9 All of the proposed flats are confirmed as meeting the Building Regulations requirement M4(2), and Flat 1 on the ground floor will meet Building Regulation requirement M4(3). The front and rear entrances would have level access. As one wheelchair unit was considered acceptable in the previously refused scheme (P/3958/14), the accessible details of the proposal is considered policy compliant.

### *Private Amenity Space*

- 6.5.10 Standard 26 of the Mayor of London's SPG states that a minimum of 5m<sup>2</sup> of private outdoor space should be provided for 1-2 person dwellings and an extra 1m<sup>2</sup> should be provided for each additional occupant. Standard 27 states that the minimum depth and width for all balconies and other private external spaces should be 1500mm. The proposed balconies meet the minimum recommendation.
- 6.5.11 The proposals also include a communal amenity area however concerns have been raised around the success of this space given its location, size and accessibility from the units. It appears that the communal area will be accessed via the car park which is not considered an inviting route to the area. As such, Officer's will add a pre-commencement condition requiring the applicant to demonstrate how residents will access this communal area.

### *Refuse and Recycling*

- 6.5.12 The relevant policies are Core Policy CS1 B of the Core Strategy (2014) and Policies DM1, DM26 and DM45 of the Development Managements Local Plan (2013). The proposed demonstrates that waste and recycling facilities for both the commercial and residential units would be located within a secure location adjacent to the side access route.
- 6.5.13 Whilst the applicant first sought to have the refuse collected from the front of the site however the Council's Waste team preferred that the waste was collected from the side access. The applicant has provided plans that demonstrate that a standard Harrow 26 tonne HGV Waste Lorry which is approx. 2.5m in width, 3.7m in height and 10.4m in length, is able to reverse into the side area. Whilst the tracking drawings demonstrate that the truck can enter and egress the area safely, they do not show that bins can be rolled out of the bin stores whilst the truck is in situ. As such, a condition has been added requesting additional information.
- 6.5.14 The waste officer has confirmed that adequate bin storage is proposed however further details are required as above. This can be secured through a suitably worded condition.

## **6.6 Impact on adjoining residential properties**

- 6.6.1 Part C (Privacy and Amenity Considerations) of Policy DM1 (Design and Layout Considerations) requires all development proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted.
- 6.6.2 The assessment of the refused planning application (P/3598/14) concluded that the impacts on the privacy and amenity of neighbouring occupiers was acceptable. The adjacent shopping parade to the north-west of the application site has upper floor residential units. The rear wall of the proposed building on all four floors would be stepped away from the boundary with the terraced parade in four sections, such that the building would not intersect a 45-degree line in the horizontal plane from the nearest corner of the rear wall of the closest property (No.397 Kenton Lane) in

the parade. This would ensure that there would be no detrimental loss of light or outlook to the adjacent terrace.

- 6.6.3 The adjacent shopping parade to the north-west of the application site has upper floor residential units. The rear wall of the proposed building on all four floors would be stepped away from the boundary with the terraced parade in four sections, such that the building would not intersect a 45-degree line in the horizontal plane from the nearest corner of the rear wall of the closest property (No.397 Kenton Lane) in the parade. This would ensure that there would be no detrimental loss of light or outlook to the adjacent terrace.
- 6.6.4 Located to the rear of the application site are residential properties, which face away from the proposed development, onto Elgin Avenue. The proposed building would have internal layouts that incorporate the provision of habitable rooms in the front elevation overlooking Kenton Lane and the rear elevation looking out to the gardens on Elgin Avenue. Notwithstanding this, there would be a distance of more than 21m between the rear elevation of the proposed building and the rear habitable windows of properties facing onto Elgin Avenue. The proposal would therefore not unacceptably impact their living conditions by way of any unacceptable loss of privacy, overlooking or perceived overlooking. In addition, there are a row of garages fronting onto the rear service road between the site and rear of properties facing onto Elgin Avenue, which would assist in screening the proposed development from these neighbouring properties.
- 6.6.5 The buildings on the opposite side of Kenton Lane do include residential units, including the new residential development above Tesco. It is considered that the spatial buffer of Kenton Lane offsets any unacceptable level of overlooking from the principal elevation of the development. The adjacent Belmont Community Hall to the south-east would be set away from the eastern flank elevation of the proposed building by approximately 7.5m. Given that vehicle accesses are sited between the site and the Community Hall, it is considered that there would not be any unreasonable harm to the adjacent Belmont Community Hall arising from the proposed development.
- 6.6.6 The adjacent Belmont Community Hall to the south-east would be set away from the eastern flank elevation of the proposed building by approximately 7.5m. Given that vehicle accesses are sited between the site and the Community Hall, it is considered that there would not be any unreasonable harm to the adjacent Belmont Community Hall arising from the proposed development.
- 6.6.7 It is noted that the proposed building includes some windows and set in balconies facing onto the Belmont Community Hall. This has the potential to prejudice future development on that site. However, it is noted that these windows and balconies are set back from the boundary by approximately 4.3m. Furthermore, it is anticipated that any proposal from the Belmont Community Hall site would also be set back from the boundary by at least an equivalent amount. Under these circumstances, it is considered that the proposal would not prejudice future development on the site.

6.6.8 Given the above assessment and the configuration of the proposed scheme, the proposed development would not adversely affect the amenities of any of the neighbouring occupiers and would accord with the policies outlined above in respect of the protection of neighbouring amenity.

## **6.7 Traffic and Parking**

6.7.1 NFFP Paragraph 116 states that planning policies should ensure proposals should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use...address the needs of people with disabilities and reduced mobility in relation to all modes of transport... create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards...allow for the efficient delivery of goods, and access by service and emergency vehicles.

6.7.2 Policy T1 of the London Plan (Strategic approach to transport) seeks development proposals to facilitate the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041. All development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policy T2 of the London Plan (Healthy Streets) requires development proposals to demonstrate how they will reduce the dominance of vehicles on London's streets whether stationary or moving, be permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.

6.7.3 Policy T4 of the London Plan (Assessing and mitigating transport impacts) sets out that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. When required, transport assessments or statements should be submitted with development proposals to ensure that impacts on the capacity of the transport network (including impacts on pedestrians and the cycle network), at the local, network-wide and strategic level, are fully assessed.

6.7.4 London Plan Policy T5 states that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. The policy requires compliance with the minimum standards and the guidance contained in the London Cycling Design Standards. It also states that development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

6.7.5 Policy T6.1 (Residential Parking) Part A confirms new residential development should not exceed the maximum parking standards set out in Table 10.3. For an outer London borough in a PTAL of 2 – 3, for a development that includes 1- and

- 2-bedroom units it is up to 0.75 spaces per dwelling. Part C requires that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces.
- 6.7.6 Policy T6.1 (Residential Parking) Part A confirms new residential development should not exceed the maximum parking standards set out in Table 10.3. For an outer London borough in a PTAL of 2 – 3, for a development that includes 1- and 2-bedroom units it is up to 0.75 spaces per dwelling. Part C requires that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces.
- 6.7.7 Policy T6.1 Part G states for disabled persons parking for residential proposals delivering ten or more units must, as a minimum ensure that for three per cent of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset. In addition, demonstrate as part of the Parking Design and Management Plan, how an additional seven per cent of dwellings could be provided with one designated disabled persons parking space per dwelling in future upon request as soon as existing provision is insufficient.
- 6.7.8 Policy CS1 Part R of the Harrow Core Strategy (2012) requires parking for new development. Policy DM42 of the Harrow Development Management Policies (2013) reinforces the need to meet the London Plan vehicle parking and cycle parking standards.
- 6.7.9 This proposal is within a PTAL 3 location meaning that access to public transport is considered moderate. In real terms, the site is within the small retail area of Belmont Circle where there are shops, restaurants, dental and medical centres. There are bus stops nearby with routes providing connections to town centres and other transport interchanges.
- 6.7.10 In line with London Plan 2021 requirements, no more than 11.25 car parking spaces for this development are permitted (at a rate of 0.75 space per dwelling). This must include 3% disabled parking spaces from the outset with 7% enlarged for future conversion. Additionally, 20% of spaces must have active electric vehicle charge points and the remaining 80% with passive provision. The proposal includes 11 car parking spaces including one disabled bay. This is contrary to the London Plan requirement, as the maximum should be no more than 11 car parking spaces, 1 disabled bay, and 1 enlarged space. Notwithstanding this, the Highways Officer has confirmed the proposed car parking spaces are acceptable.
- 6.7.11 The development is required to provide a minimum of 26 sheltered and secure long stay cycle parking spaces; of these, 5% must be accessible eg. tubular stands. Further detail on the layout of the store including dimensions and type of stand are required, which can be conditioned if officers are minded to grant planning permission. Eight short stay spaces are also provided, and it is noted that a tubular stand for this purpose is proposed at the entrance to the building.

- 6.7.12 The submitted Transport Assessment states that the deliveries are anticipated to take place from within the site. It is proposed that servicing by delivery vehicles up to 3.5 tonne panel van can be completed internally. However, the Highways Officer has indicated that this would not be sufficient, and that delivery and servicing would have to be demonstrated with a 4.6 tonne light van. If necessary, the Highways Officer has stated that some car parking spaces can be removed to facilitate this. As such, a delivery and servicing condition will be applied to ensure this compliance.
- 6.7.13 The proposed access arrangements are acceptable, and reinstatement of a redundant vehicle crossing is considered necessary and should be secured via appropriate highway agreement.
- 6.7.14 The application has been reviewed by Transport for London and the Council's Highways Authority, both who have no objections subject to conditions. It is under this context the highways matters are acceptable.

## **6.8 Development and Flood Risk**

- 6.8.1 Part D of Policy SI 12 (Flood Risk Management) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Further, Part B of Policy SI 13 requires development proposals to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 6.8.2 Part U (Sustainable Flood Risk Management) of Policy CS1 of the Harrow Core Strategy (2013) confirms development is to be managed to achieve an overall reduction in flood risk and increase resilience to flood events.
- 6.8.3 The drainage officer has reviewed the submitted Flood Risk Assessment and has concluded is satisfactory and has no objection to the proposed development however, further details are required. It has been confirmed that this requirement can be conditioned if officers are minded to grant planning permission.

## **6.9 Energy and Sustainability**

- 6.9.1 Policy SI 2 of the London Plan (Minimising greenhouse gas emissions) states that Major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy, placing an additional requirement to monitor emissions beyond implementation to determine the effectiveness of the mitigation:
- be lean: use less energy and manage demand during operation
  - be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
  - be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
  - be seen: monitor, verify and report on energy performance.

- 6.9.2 Policy SI 2 sets targets for carbon dioxide emission reductions in buildings. These are expressed as minimum improvements over the Target Emission Rate (TER) outlined in national building regulations. The current target for residential and non-residential buildings is zero carbon beyond the current Building Regulations Part L 2013.
- 6.9.3 Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy and how a minimum on-site reduction of at least 35 per cent beyond Building Regulations will be achieved. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:
- through a cash in lieu contribution to the borough's carbon offset fund, to which these proposals will contribute by way of a legal agreement; or
  - off-site, provided that an alternative proposal is identified, and delivery is certain.
- 6.9.4 Moreover, major development proposals should calculate and minimise carbon emissions from any other part of the development, including plant or equipment, that are not covered by Building Regulations, i.e. unregulated emissions.
- 6.9.5 In addition, Policy SI 3 of the London Plan (Energy Infrastructure) states that all major development proposals shall explore opportunities to maximise the use of on-site renewable energy generation and incorporate demand-side response measures.
- 6.9.6 An Energy Statement has been prepared by Love Design Studio. The overall energy strategy capitalises on passive design measures with the use of air source heat pumps for space heating and domestic hot water along with photovoltaic solar panels for on-site electricity generation. The scheme adopts a passive design measure first approach prior to adopting zero-carbon technologies this is to reduce the demand for active measures.
- 6.9.7 The overall reduction at the 'Be Lean' stage is 12% CO<sup>2</sup> savings, which surpasses the London Plan requirement for a 10% CO<sup>2</sup>, saving at this stage. The scheme will utilise window reveals, solar controlled glazing, balconies, and internal blinds, where feasible, to reduce the requirement for active cooling.
- 6.9.8 The scheme meets the requirements of the London Plan (2021) and meets the 35% CO<sub>2</sub> reduction on-site target by achieving 57% CO<sub>2</sub> savings. A carbon offset payment will be required to ensure that the scheme achieves zero carbon. The carbon offset payment in this instance will be £17,744 and will be secured by a S106 legal agreement.
- 6.9.9 A condition will be attached to detail the specification and design of the air source heat pumps, and to undertake a post construction assessment demonstrating compliance with the approved energy strategy.

## 6.10 Noise and Air Quality

- 6.10.1 Part H of Policy DM1 (Design and Layout Considerations) of the Development Management Policies states that the impact of a proposed use and activity upon noise, including hours of operation, vibration, dust, air quality, and light pollution.

### *Noise*

- 6.10.2 London Plan policy D14 seeks to reduce, manage and mitigate noise to improve health and quality of life. The policy states that residential development proposals should manage noise by a range of measures which include reflecting the Agent of Change principle as set out in Policy D13, mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses and improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity). The policy advocates separating new noise-sensitive development from major noise sources through the use of distance, screening, layout, orientation, uses and materials – in preference to sole reliance on sound insulation and states that where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles.
- 6.10.3 A noise assessment has not been submitted as part of the planning application, therefore, a noise and ventilation condition is attached to require a detailed sound insulation scheme protecting the proposed residential development, including a ventilation strategy which would be a suitable alternative to keeping windows open and would meet the target noise levels required.

### *Air Quality*

- 6.10.4 London Plan policy SI 1 (Improving air quality) Part 1 states that:

“Development proposals should not:

- a) lead to further deterioration of existing poor air quality
- b) create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits
- c) create unacceptable risk of high levels of exposure to poor air quality.”

- 6.10.5 Part 2 of the policy sets out requirements to ensure that development proposals meet the above objectives including the requirement for developments to be Air Quality Neutral.

- 6.10.6 The application has not included an air quality assessment therefore, a condition for a construction environment management plan is attached to the permission.

## **6.11 Contaminated Land**

- 6.11.1 Policy DM15 (Prevention and Remediation of Contaminated Land) of the Harrow Development Management Policies (2013), specifically Part A, which proposes the redevelopment or re-use of land known or suspected to be contaminated and development or activities that pose a significant new risk of land contamination will be considered having regard to:
- a. the findings of a preliminary land contamination risk assessment;
  - b. the compatibility of the intended use with the condition of the land; and
  - c. the environmental sensitivity of the site.
- 6.11.2 Part B of Policy DM15 confirms proposals that fail to demonstrate that intended use would be compatible with the condition of the land or which fail to exploit appropriate opportunities for decontamination will be resisted.
- 6.11.3 No information has been submitted in relation to a preliminary land contamination risk assessment. Given the previous MOT centre use, the standard land contamination conditions are to be attached. These relate to the contamination risk at the site, identification of contamination and remediation strategy, the testing of soils for contamination.

## **6.12 Secure By Design**

- 6.12.1 London Plan Policy D11 (Safety, security and resilience to emergency) Part C states that development should maximise building resilience and minimise potential physical risks, including those arising as a result of extreme weather, fire, flood, and related hazards.
- 6.12.2 Part A (d) of Policy DM2 (Achieving Lifetime Neighbourhoods) confirms all proposal must be safe and secure for everyone in line with Secured by Design principles but gated developments will be resisted.
- 6.12.3 The proposal has been assessed by the Metropolitan Police Designing Out Crime Officer. The Designing Out Crime Officer has raised concerns regarding the crime preventing measures on site such as lighting, lockable cycle stores and boundary treatment. Therefore, in order to ensure the development is of a satisfactory level of safety and security, a condition to achieve Secure by Design accreditation has been attached.

## **6.13 Fire Safety**

- 6.13.1 Part A of Policy D12 of The London Plan (2021), requires the demonstration of suitably positioned and unobstructed space for fire appliances and evacuation assembly points, and that developments ensure robust strategies for evacuation are in place as well as confirmation of the fire-fighting water supply. The applicants have not provided a fire strategy report to ensure that the proposed building would be able to achieve full compliance with Part B (Fire Safety) of the Building Regulations (2010) and Building (Amendment) Regulations (2020). On this basis,

Officers have a planning condition to provide evidence that compliance can be achieved.

## **6.14 Biodiversity Net Gain**

- 6.14.1 As of 2<sup>nd</sup> April 2024, a Biodiversity Net Gain (BNG) Small sites was implemented which requires the applicant to submit a Small Site Metric (SSM) to assess the impact on valuable on-site habitats. Given that the application was submitted prior to this date, a BNG SSM was not required as per the legislation.

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

- 7.1 The proposal would contribute to the variety of housing stock in the borough. The proposed development would appropriately relate to the site, local context, massing and architectural appearance and would bring forward enhanced housing provision of a satisfactory layout and design to ensure that the future occupiers would benefit from an acceptable standard of living accommodation.
- 7.2 The redevelopment of the site would provide a sustainable mixed-use development of a good design with active frontage to Kenton Lane. The building would provide a modern, contemporary design that responds positively to the local context and contributes to attractive streetscape. The layout and orientation of the buildings to neighbouring properties is considered to be satisfactory to protect the amenities of the neighbouring occupiers whilst encouraging a modal shift towards more sustainable modes of travel.
- 7.3 For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant.



## APPENDIX 1: CONDITIONS AND INFORMATIVES

### Conditions

#### 1. Timing

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

REASON: To comply with the provisions of Section 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:

Planning and Design and Access Statement (May 2022), Energy Statement (May 2022), Transport Statement (May 2022), Viability Review & Report (By JLL dated 4<sup>th</sup> July 2023), Flood Risk Assessment and Drainage Strategy (May 2022), Location Plan; 20/3499/15; 20/3499/12; 20/3499/14; 20/3499/13 Rev C; 20/3499/11 Rev C; 20/3499/10 Rev C

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

#### 3. Construction Logistics and Management 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 Transport for London – [www.tfl.gov.uk](http://www.tfl.gov.uk). 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 and dirt during construction;
- i) A scheme for recycling/disposing of waste resulting from demolition and construction works; and
- j) Details showing the frontage/ the boundary of the site enclosed by site hoarding to a minimum height of 2 metres.

- k) Air quality assessment demonstrating suitable air quality during and post the construction phase

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 Local Plan Policies DM1 and DM43 and Policy D14 of the London Plan (2021) and to ensure that the transport network impact of demolition and construction work associated with the development is managed in accordance with Policy T7 of the London Plan (2021), this condition is a PRE-COMMENCEMENT condition.

#### 4. Levels

No site works or development shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement, in accordance with policies DM1 of the Councils Development Management Policies Local Plan 2013. This is a PRE-COMMENCEMENT CONDITION to ensure adequate levels before the development commences on site.

#### 5. Disposal of Surface Water/Surface Water Attenuation

The development hereby permitted shall not commence until works for the disposal of surface water and surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided and to reduce and mitigate the effects of flood risk in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013. This is a PRE-COMMENCEMENT CONDITION to ensure adequate drainage details are agreed before the development commences on site.

6. Disposal of Sewage

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

REASON: To ensure that adequate drainage facilities are provided in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013. This is a PRE-COMMENCEMENT CONDITION to ensure adequate sewage disposal details are agreed before the development commences on site.

7. Waste Management Strategy

The development hereby permitted shall not commence beyond damp proof course level, until details of a waste management plan have been submitted to and approved in writing by the Local Planning Authority. The waste management plan shall include details of tracking drawings demonstrating how 26 tonne HGV Waste Lorry is able to reverse into the side area whilst leaving sufficient room to wheel the 1100L wheelie bins out safely. The waste management plan shall be carried out in accordance with the approved details.

REASON: In the interest of sustainable waste management of the site, in accordance with policy DM45 of the Councils Development Management Policies Local Plan 2013.

8. Materials

Notwithstanding the details shown on the approved drawings, prior to commencement of the development beyond damp proof course level samples of the materials to be used in the construction of the external surfaces noted below shall be made available to view on site, and agreed in writing by, the local planning authority:

- a) All facing materials for the buildings;
- b) Windows/ doors/glazing and shopfront; and
- c) Balconies/balustrades and balcony soffits
- d) Rainwater goods .
- d) Boundary fencing including all pedestrian/ access gates;

The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

REASON: To ensure that the development is carried out to the highest standards of architecture and materials.

9. Details of windows and doors

Notwithstanding the details shown on the approved drawings, prior to commencement of the development hereby permitted beyond damp proof course level, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- i) Detailed sections at metric scale 1:20 through all external reveals of the windows and doors on each of the elevations;
- ii) Sections and elevations of the parapet detail and roofline of the proposed building.

The development shall be completed 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.

10. Land Contamination

A contaminated land investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) The results of the site investigation and detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

No development shall commence on site until details of the scheme of remedial action is submitted to the Council, for approval in writing, and completed on site as approved.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. Noise Receptor

The development hereby approved shall not progress above damp proof course level until details to show that appropriate noise mitigation measures have been incorporated within the design of each building (including appropriate glazing and Mechanical Ventilation and Heat Recovery System, and a suitable ventilation strategy which would provide an alternative to keeping windows open and would meet the target noise levels required) has been submitted to, and agreed in writing by, the local planning authority. The details shall include independent acoustic testing where applicable. The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

REASON: To ensure that the development achieves a high standard of amenity for future occupiers of the site and provides adequate noise mitigation.

12. Site Hoardings

Site works in connection with the development hereby permitted shall not commence before the boundary of the site is enclosed by a close boarded or other security fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety, in accordance with policies DM1 and DM45 of the Development Management Policies Local Plan 2013.

13. Landscaping

The development hereby approved shall not be commenced beyond damp proof course level until a scheme for the hard and soft landscaping details for the ground level areas have been submitted to, and agreed in writing by, the local planning authority. Soft landscaping works shall include: planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants, noting species, plant sizes and proposed numbers / densities and an implementation programme. Tree planting along the boundaries adjacent to the car park and screening around carparking area with

hedge planting. Screening of the bin stores with soft landscaping. The hard surfacing details shall include details of all furniture, boundary treatment, samples to show the texture and colour of the materials to be used and information about their sourcing/manufacturer.

The development shall be carried out in accordance with the scheme so agreed and shall be retained as such thereafter.

REASON: To ensure that the development makes provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe and attractive public realm and to ensure a high standard of design, layout and amenity in accordance with policy D3 The London Plan (2021), policy CS.1B of the Harrow Core Strategy (2012) and policy DM22 of The Development Management Policies Local Plan 2013.

14. Landscaping Implementation

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

REASON: To safeguard the appearance and character of the area and to enhance the appearance of the development in accordance with Policy DM22 of The Development Management Policies Local Plan 2013.

15. Landscaping Management Plan

Notwithstanding the details requested above in condition 11, prior to the occupation of the development, a Landscape Management Plan and Landscape Maintenance plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, including the communal hard and soft landscape areas shall be submitted and approved by the local planning authority. The long term Landscape Management Plan for the whole of the proposed development will ensure the future success of the development, including the long term aims and objectives for all the external areas. The management and maintenance plan shall be implemented in accordance with the details approved, in perpetuity.

The development shall be carried out in accordance with the scheme so agreed and shall be retained as such thereafter.

REASON: To ensure that the development makes provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe

and attractive public realm and to ensure a high standard of design, layout and amenity in accordance with policy D3 of The London Plan (2021), policy CS.1B of the Harrow Core Strategy (2012) and policy DM22 of The Development Management Policies Local Plan 2013.

16. Cycle Storage

Notwithstanding the details hereby approved, prior to occupation of development, details of shelters, racks, dimensions and location of a minimum of 26 long stay cycle parking spaces and 8 short stay spaces shall be submitted to and approved in writing by the local planning authority. The cycle storage shall be made available prior to occupation and shall be retained thereafter.

REASON: To ensure the satisfactory provision of safe cycle storage facilities, to provide facilities for all the users of the site and in the interests of highway safety and sustainable transport, in accordance with policy T5 of The London Plan 2021 and policy DM 42 of the Harrow Development Management Policies Local Plan (2013). To ensure appropriate cycle parking design before development commences on site, this condition is a PRE-COMMENCEMENT condition.

17. Refuse storage

Prior to occupation of the development, details of the refuse storage bins shall be submitted and approved in writing by the Local Planning Authority. 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 plans.

REASON: To maintain the appearance of the development and safeguard the character and appearance of the area.

18. Satellite Dishes

Prior to the first occupation of the development, details of a strategy for the provision of communal facilities for television reception (eg. aerials, dishes and other such equipment) shall be submitted to 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 relevant phase and shall be retained thereafter. No other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.

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

19. Permeable Paving

Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding. In accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

20. Restricted Use

The premises shall be used only as flexible E(c)(i, ii and iii) and/or E9(d) and/or E(e) and/or or E(g)(i, ii and iii) uses and for no other purposes, unless an alternative use is agreed in writing by the Local Planning Authority.

REASON: To safeguard the character and functioning of the Belmont Local Centre and to accord with Policy DM31 of the Harrow Development Management Policies Plan (2013), Policies CS1.N CS1.O, CS1.P and CS.10 of the Harrow Core Strategy (2012).

21. Change of Use (flats)

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

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by the Town and Country Planning (General Permitted Development) Order 2015 to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity in accordance with Policy DM1 of the Harrow Development Management Policies 2013, Policy CS1(B) of the Harrow Core Strategy 2012, Policy D1 of the London Plan 2021 and the Core Planning Principles of the National Planning Policy Framework 2021.

22. Permitted Development Restrictions 1

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no change of use falling under Classes M, MA, N, O or P in Part 3 of Schedule 2 of that Order shall take place within the ground floor commercial units and it shall only operate under as flexible E(c)(i, ii and iii)

and/or E9(d) and/or E(e) and/or or E(g))(i, ii and iii) uses and for no other purposes unless an alternative use is agreed in writing by the Local Planning Authority.

REASON: To ensure a suitable use operates within the space given over to the commercial unit and that space shall not be converted to a poor-quality residential unit.

23. Permitted Development Restrictions 2

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development in Class AA of Part 20 of Schedule 2 and Class MA in Part 3 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.

REASON: To safeguard the character of the area by managing the amount of site coverage and size of dwelling in relation to the size of the plot and availability of amenity space, biodiversity and to safeguard the amenity of neighbouring residents.

24. Permitted Development Restriction

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

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

25. Secure by Design

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

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

26. Accessible Units

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

REASON: To ensure that the development is capable of meeting 'Accessible and Adaptable Dwellings' standards in accordance with Policy D7 of The London Plan 2021, policy CS1.K of The Harrow Core Strategy 2012 and policies DM1 and DM2 of the Development Management Policies Local Plan 2013.

27. Car Parking Design and Management Plan

The development hereby permitted shall not be occupied until a Car Parking Design and Management Plan shall be submitted to, and agreed in writing by, the Local Planning Authority. The plan shall set out the following:

- a. Details of general spaces that are to be 'active' electric vehicle charging point spaces and are to be 'passive' electric vehicle charging point spaces. The plan should outline the provision of one active Electric Vehicle Charging Point for at least 20% of spaces from the outset with the remaining 80% passive and the mechanism for converting passive provision to active should demand increase.
- b. Details of Disabled persons parking spaces in accordance with the levels set out in Table 10.6 of the London Plan 2021. The plan should outline the mechanism for converting standard spaces to disabled parking should demand increase.
- c. Mechanism for increasing the number of general spaces that have an 'active' electric vehicle charging point if monitoring demonstrates additional demand.
- d. Details of the allocation and management of the general and accessible car parking spaces.
- e. Details of monitoring, management and enforcement procedures for parking within the site.

REASON: To ensure that the car parking is managed in a satisfactory manner and that the development contributes to more sustainable travel in accordance with Local Plan DM42 and Policy T6 and Policy T6.5 of the London Plan (2021).

28. Access to Communal Area

The development hereby permitted shall not commence above damp-proof course level until it is demonstrated how residents will access the rear communal area and a safe and secure manner without affecting the amenities of Flat 1 on the ground floor.

REASON: To safeguard the residential amenities of neighbouring residents, in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

29. Delivery and Servicing Plan

The development hereby approved shall not be first occupied until a Delivery and Servicing Plan has been submitted to, and agreed in writing by, the local planning authority. The submitted details must demonstrate that the provision of delivery and servicing can be facilitated with a 4.6 tonne light van. The development hereby approved shall be operated in accordance with the Plan so agreed, or any amendment or variation to it as may be agreed in writing by the local planning authority.

REASON: To accommodate the efficient delivery of goods and supplies and to ensure that the development does not adversely affect the free flow and safety of traffic on the transport network, in accordance policy T7 of The London Plan 2021 and policy DM 44 of the Harrow Development Management Policies. This is a PRE-OCCUPATION condition.

30. Energy and Sustainability

The development shall be undertaken in accordance with the Energy Statement. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the final completion of the development a post construction assessment shall be undertaken demonstrating compliance with the approved Energy Statement (May 2022) which thereafter shall be submitted to the Local Planning Authority in writing to be agreed the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with the National Planning Policy Framework 2023 and local policies.

31. Air Source Heat Pumps

Notwithstanding the details shown on the approved drawings, prior to commencement of the development beyond damp proof course detail of the specification and design of the air source heat pumps shall be submitted to the Local Planning Authority in writing to be agreed the Local Planning Authority for written approval.

The development shall be carried out in accordance with the scheme so agreed and shall be retained as such thereafter.

REASON: To ensure the delivery of a sustainable development in accordance with the National Planning Policy Framework 2023 and local policies.

## **INFORMATIVES:**

### 1. Policies

The following policies and guidance are relevant to this decision:

**National Planning Policy Framework (2023)**

**The London Plan 2021:** D1, D3, D4, D5, D6, D7, D8, D11, D12, G6, H1, H9, H10, S1 12, T5, T6.1, SI12, SI 13

**Harrow Core Strategy 2012:** CS1

**Development Management Policies Local Plan 2013:** DM1, DM2, DM10, DM21, DM22, DM27, DM42, DM44, DM45, DM50

Relevant Supplementary Documents:

Residential Design Guide SPD (2010), the Technical Housing Standard – Nationally Described Space Standards (2016), Characterisation and Growth Strategy LPG (2023), Small Sites Design Codes LPG (2023), Optimising Site Capacity: A Design-Led Approach LPG (2023), Housing Design Standards LPG (2023 and The Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties SPD (2016)

### 2. 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.

### 3. 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 Council has no remit regarding this Act and you are advised to seek independent professional advice from a party wall surveyor.

"The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from:  
[www.gov.uk](http://www.gov.uk) search "The Party Wall Act 1996 explanatory booklet"

#### 4. Compliance with planning conditions

IMPORTANT: Compliance with Planning Conditions Requiring Submission and Approval of Details before Development Commences

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

#### 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 £75,000. 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](https://ecab.planningportal.co.uk) 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 £134,590.

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](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.

## 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 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 (2023) 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 SI 13 of the London Plan (2021) 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.

10. Thames Water

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

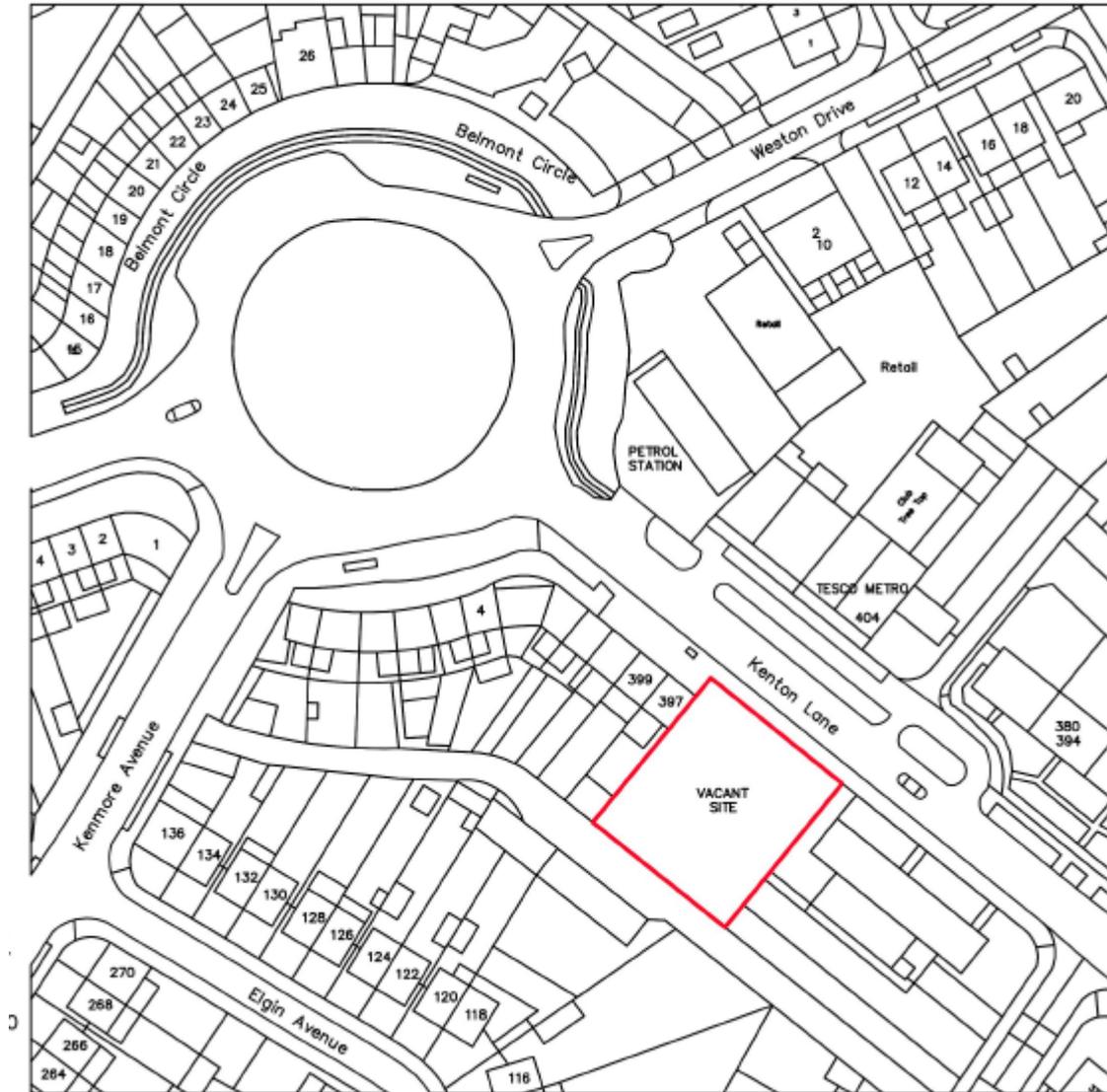
11. Fire Safety Statement

The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.

**CHECKED**

 <p>Orla Murphy Head of Development Management</p> <p>4<sup>th</sup> April 2024</p>	 <p>Viv Evans Chief Planning Officer</p> <p>4<sup>th</sup> April 2024</p>
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## APPENDIX 2: SITE PLAN



### APPENDIX 3: SITE PHOTOS



Figures 3 & 4: Photographs showing the application site

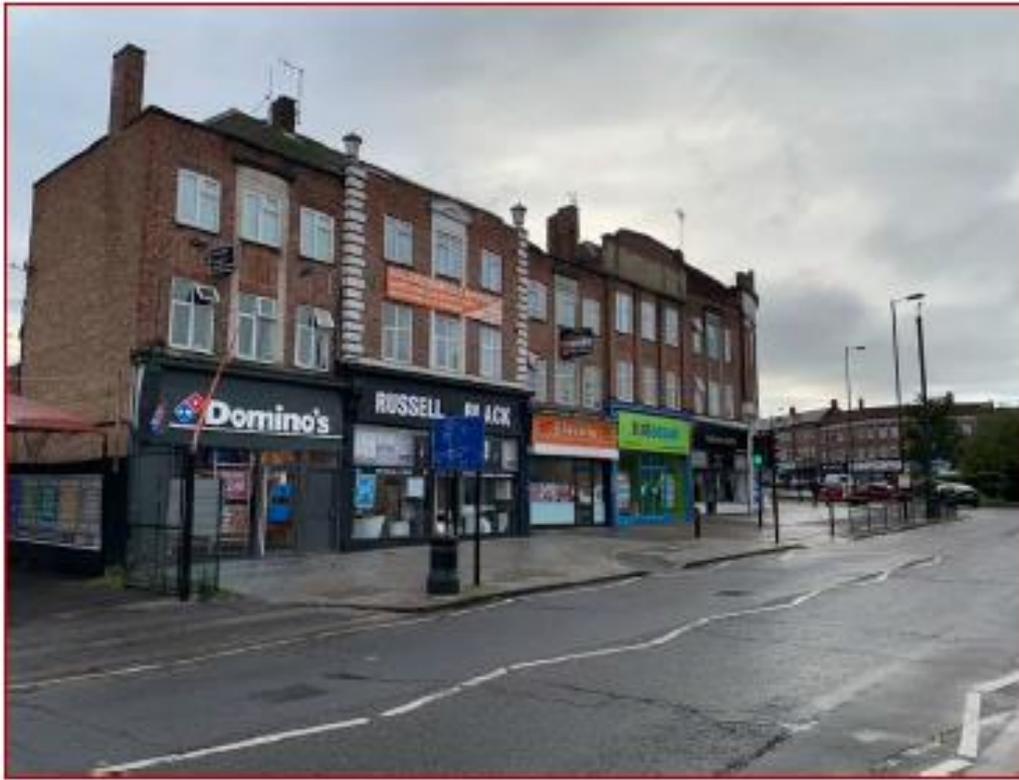
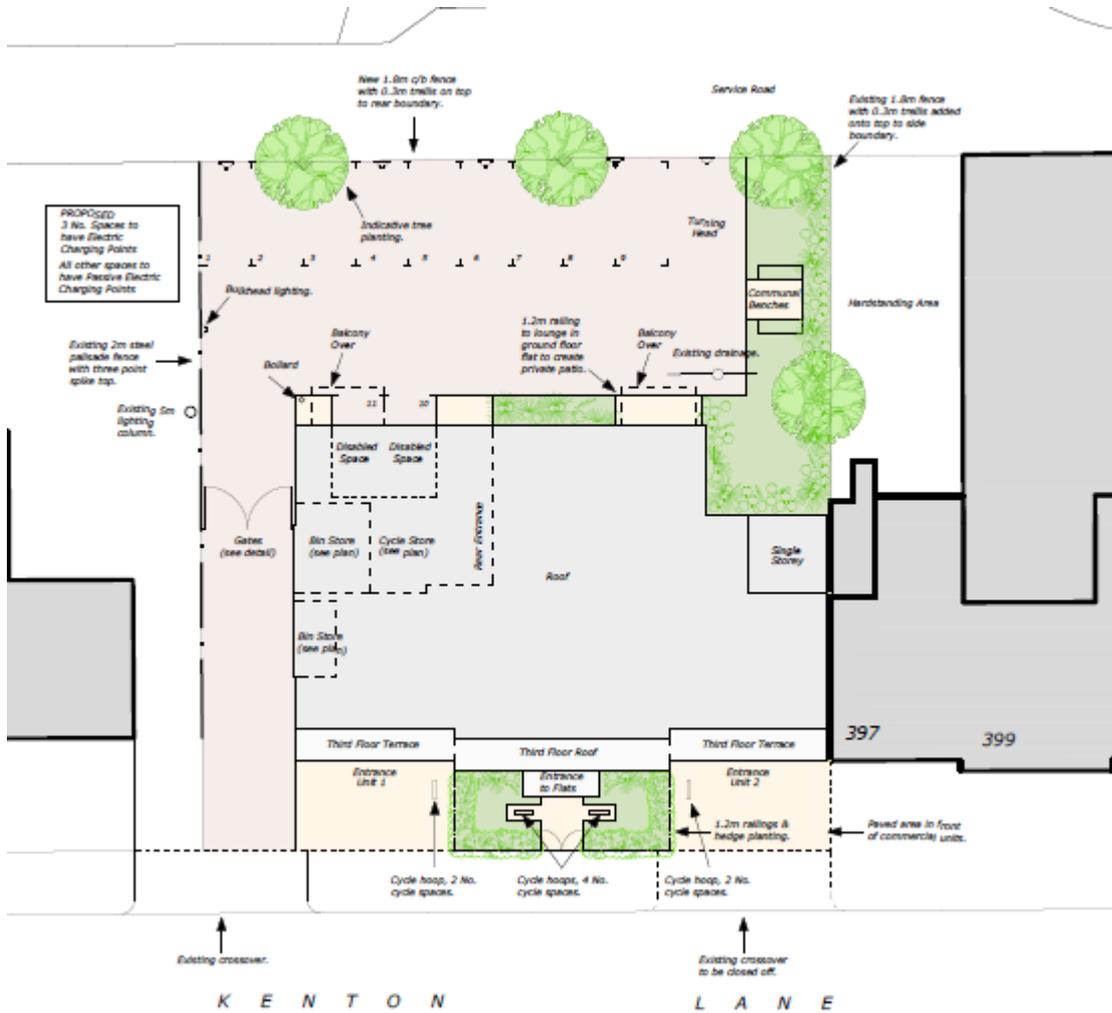


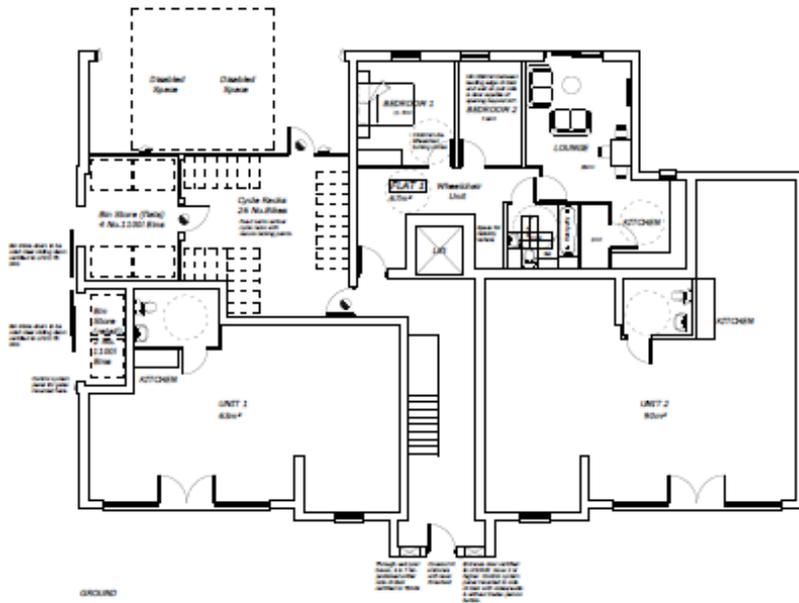
Figure 5: Properties adjacent to the application site

# APPENDIX 4: PLANS AND ELEVATIONS

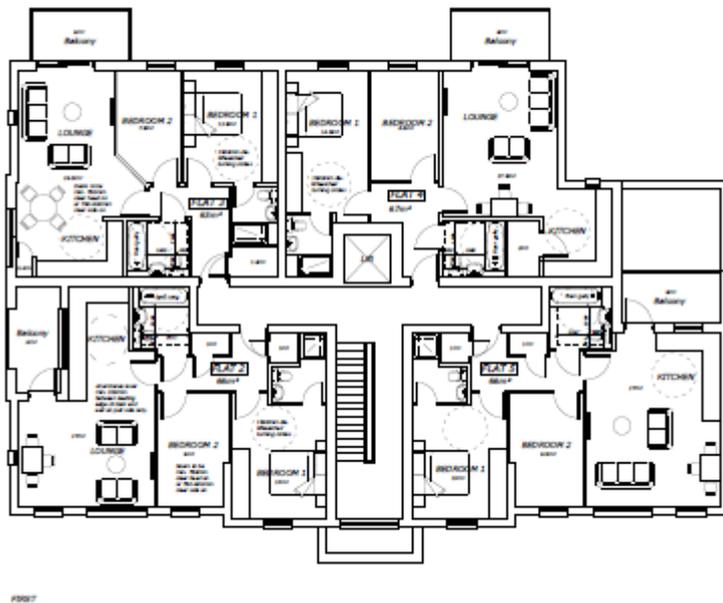
## Proposed Site Plan



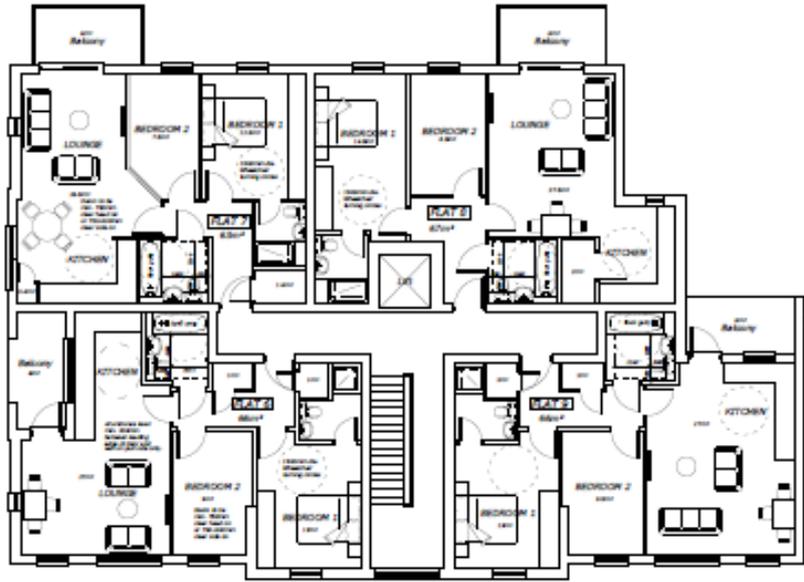
*Proposed ground floor*



*Proposed first floor*

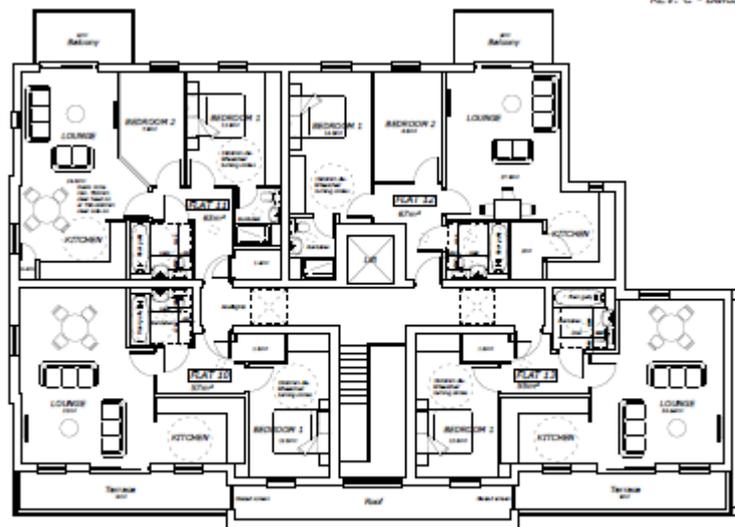


*Proposed second floor*



SECOND

*Proposed Third Floor*



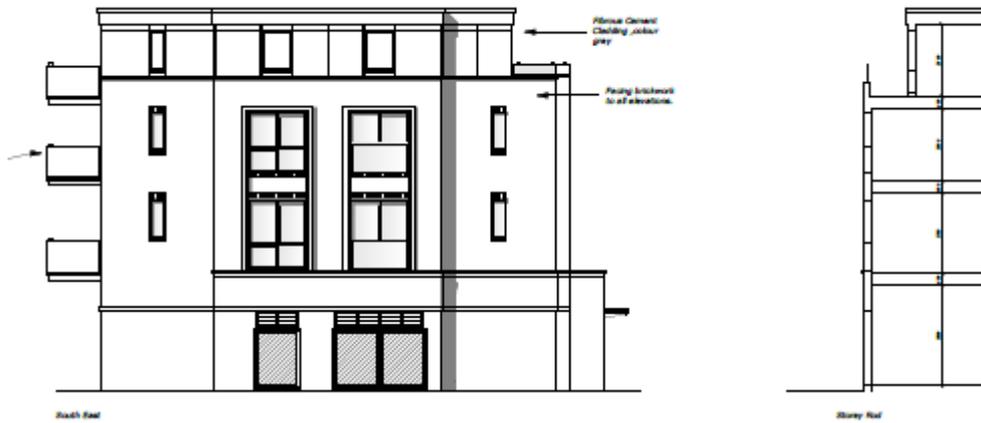
REV. C - Balconies a

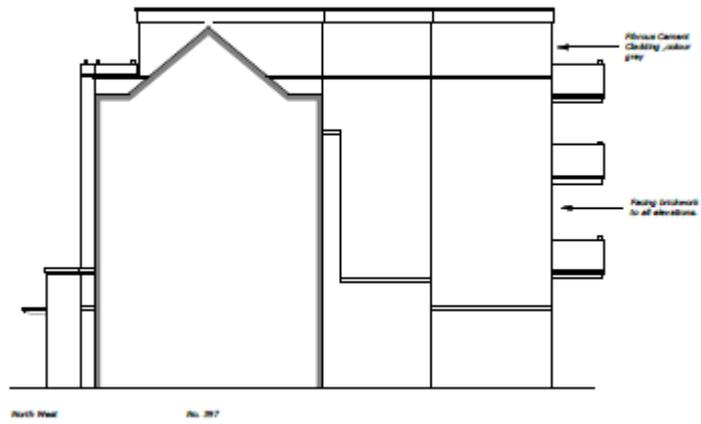
THIRD

*Proposed Front Elevation*

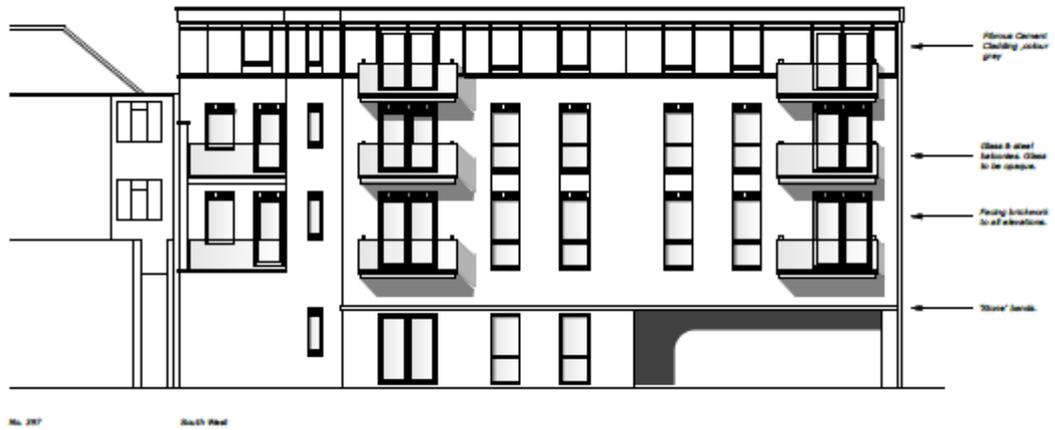


*Proposed Flank Elevations and Section*





*Proposed Rear Elevation*



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