

## Deller and Palmerston Road site, Wealdstone

in the London Borough of Harrow

planning application no. P/1619/16

### Planning application

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008 ("the Order").

### The proposal

Redevelopment of the site to provide 186 residential units (Use Class C3); 1,165sqm office floorspace (Use Class B1) and 695sqm flexible commercial and community floorspace (Use Classes A1, B1, D1, D2) in buildings between 1 and 17 storeys in height; basement to provide carparking and cycle parking spaces; one vehicle access from Palmerston Road and one vehicle access from Masons Avenue; refuse storage; entrance gates; public realm and landscaping; photo-voltaic panels; demolition of existing buildings.

### The applicant

The applicant is **Origin Housing**, the architect is **MOSS Architecture**, and the agent is **Savills**.

### Recommendation summary

The Mayor, acting as Local Planning Authority for the purpose of determining this application,

- i. grants conditional planning permission in respect of the application P/1619/16 for the reasons set out in the 'reasons for approval' section below, and subject to the prior completion of a section 106 legal agreement;
- ii. delegates authority to the Assistant Director - Planning and the Executive Director of Development, Enterprise and Environment to issue the planning permission, agree, add, delete or vary, the final detailed wording of the conditions and informatives as required, and authority to negotiate, agree the final wording, and sign and execute, the section 106 legal agreement;
- iii. delegates authority to the Assistant Director - Planning and the Executive Director of Development, Enterprise and Environment to agree any variations to the section 106 agreement;
- iv. delegates authority to the Assistant Director - Planning and the Executive Director of Development, Enterprise and Environment to refuse planning permission, if by 30 September 2017, the section 106 legal agreement has not been completed;
- v. notes that approval of details pursuant to conditions imposed on the planning permissions will be submitted to, and determined by, Harrow Council; and,

- vi. notes that Harrow Council will be responsible for the enforcement of the conditions attached to the respective permission.

## Drawing numbers and documents

<b>Existing plans</b>	
M701_000.PL1.2; EXISTING SITE SURVEY	M701_121.PL1.2; EXISTING SITE SECTION 01
M701_101.PL1.2; EXISTING SITE LOCATION PLAN	M701_122.PL1.2; EXISTING SITE SECTION 02
M701_102.PL1.2; EXISTING SITE PLAN	
<b>Proposed Parameter plans</b>	
M701_201.PL1.4; PROPOSED SITE LOCATION PLAN	M701_232.PL1.4.1; PROPOSED SITE SECTION 02.R2
M701_202.PL1.4.2; SITE INFO.R3	M701_233.PL1.4.1; PROPOSED SITE SECTION 03
M701_203.PL1.4.2; PROPOSED BASEMENT PLAN	M701_234.PL1.4.1; PROPOSED SITE SECTION 04
M701_204.PL1.4.1; PROPOSED SUB BASEMENT PLAN	M701_235.PL1.4; PROPOSED SITE SECTION 05
M701_231.PL1.4; PROPOSED SITE SECTION 01	M701_236.PL1.4; PROPOSED SITE SECTION 06
<b>Block A</b>	
M701_301.PL1.4.2; BLOCK A PROPOSED PLANS - GRD, 1ST + 2ND	M701_321.PL1.4.1; BLOCK A - PROPOSED ELEVATIONS
M701_302.PL1.4.1; BLOCK A PROPOSED PLANS - 3RD, 4TH + ROOF	M701_321.PL1.4.2; BLOCK A PROPOSED SECTION
<b>Block B</b>	
M701_401.PL1.4.1; BLOCK B PROPOSED GROUND + 1ST FLOOR PLAN	M701_408.PL1.4; BLOCK B PROPOSED 14TH + 15TH FLOOR PLAN
M701_402.PL1.4; BLOCK B PROPOSED 2ND + 3RD FLOOR PLAN	M701_409.PL1.4; BLOCK B PROPOSED 16TH + ROOF FLOOR PLAN
M701_403.PL1.4; BLOCK B PROPOSED 4TH + 5TH FLOOR PLAN	M701_421.PL1.4.1; BLOCK B PROPOSED NORTH ELEVATION.R2

M701_404.PL1.4; BLOCK B PROPOSED 6TH + 7TH FLOOR PLAN	M701_422.PL1.4; BLOCK B PROPOSED SOUTH ELEVATION.R2
M701_405.PL1.4; BLOCK B PROPOSED 8TH +9TH FLOOR PLAN	M701_423.PL1.4; BLOCK B PROPOSED EAST ELEVATION.R2
M701_406.PL1.4; BLOCK B PROPOSED 10TH + 11TH FLOOR PLAN	M701_424.PL1.4; BLOCK B PROPOSED WEST ELEVATION.R2
M701_407.PL1.4; BLOCK B PROPOSED 12TH + 13TH FLOOR PLAN	M701_431.PL1.4.1; BLOCK B PROPOSED SECTION
<b>Block C</b>	
M701_501.PL1.4; BLOCK C PROPOSED GROUND + 1ST FLOOR PLAN	M701_508.PL1.4; BLOCK C PROPOSED 14TH + ROOF FLOOR PLAN
M701_502.PL1.4; BLOCK C PROPOSED 2ND + 3RD FLOOR PLAN	M701_521.PL1.4 ; BLOCK C PROPOSED NORTH ELEVATION
M701_503.PL1.4; BLOCK C PROPOSED 4TH + 5TH FLOOR PLAN	M701_522.PL1.4; BLOCK C PROPOSED SOUTH ELEVATION
M701_504.PL1.4; BLOCK C PROPOSED 6TH + 7TH FLOOR PLAN	M701_523.PL1.4; BLOCK C PROPOSED EAST ELEVATION
M701_505.PL1.4; BLOCK C PROPOSED 8TH +9TH FLOOR PLAN	M701_524.PL1.4; BLOCK C PROPOSED WEST ELEVATION
M701_506.PL1.4; BLOCK C PROPOSED 10TH + 11TH FLOOR PLAN	M701_531.PL1.4; BLOCK C PROPOSED SECTION 01
M701_507.PL1.4; BLOCK C PROPOSED 12TH + 13TH FLOOR PLAN	
<b>Block D</b>	
M701_601.PL1.4.1; BLOCK D PROPOSED GROUND FLOOR	M701_622.PL1.4.1; BLOCK D PROPOSED EAST AND WEST ELEVATIONS (UNIT 5)
M701_602.PL1.4.1; BLOCK D PROPOSED FIRST FLOOR PLAN	M701_623.PL1.4.1; BLOCK D PROPOSED NORTH ELEVATIONS
M701_603.PL1.4.1; BLOCK D PROPOSED SECOND FLOOR PLAN	M701_624.PL1.4.1; BLOCK D PROPOSED SOUTH ELEVATIONS
M701_604.PL1.4.1; BLOCK D PROPOSED ROOF PLAN	M701_631.PL1.4.1; BLOCK D PROPOSED SECTION 01 & 03
M701_621.PL1.4.1; BLOCK D PROPOSED EAST AND WEST ELEVATIONS	M701_632.PL1.4.1 BLOCK D PROPOSED SECTION 02 & 04

<b>Block E</b>	
M701_701.PL1.4.1; BLOCK E PROPOSED PLANS	M701_731.PL1.4.1; BLOCK E PROPOSED SECTION
M701_721.PL1.4.1; BLOCK E PROPOSED ELEVATIONS	
<b>Highways</b>	
M701_901.PL1.4.2; PROPOSED DELIVERY TRUCK & MOVEMENT STRATEGY	SK18.PL1.4.1; HIGHWAYS MASON AVE LAY-BY TRACKER
M701_902.PL1.4.2; PROPOSED REFUSE COLLECTION STRATEGY	SK23.PL1.4.2; MASONS AVE EMERGENCY VEHICLE TRACKER
M701_903.PL1.4.2; PROPOSED LARGE GOODS DELIVERY STRATEGY	
<b>Supporting documents</b>	
DESIGN & ACCESS STATEMENT (REV. PL1.4.2, OCTOBER 2016);	DAYLIGHT & SUNLIGHT REPORT (REF.MC/SB/ROL7316 – DATED MARCH 2016);
PLANNING STATEMENT (REVISION OCTOBER 2016);	DAYLIGHT WITHIN THE PROPOSED DWELLINGS & SUNLIGHT TO PROPOSED AMENITY SPACES REPORT (REF. MC/KW/ROL7316 – DATED 30 MARCH 2016);
ECONOMIC STATEMENT (DATED OCTOBER 2016);	AMENITY SPACES REPORT (REF. MC/KW/ROL7316 – DATED 30 MARCH 2016);
REVISED TRANSPORT ASSESSMENT (DATED AUGUST 2016);	FLOOD RISK ASSESSMENT (DATED MARCH 2016);
REVISED TRAVEL PLAN (DATED AUGUST 2016)	FLOOD RISK ASSESSMENT ADDENDUM (DATED MAY 2016);
DELIVERY & SERVICING PLAN (AUGUST 2016)	SUPPLEMENTARY FLOOD RISK LETTERS DATED 27/07/2016, 22/09/2016 AND 29/09/2016
ADDENDUM TO TRANSPORT REPORTS (DATED 14TH OCTOBER 2016);	AIR QUALITY ASSESSMENT (REF. 1993M-SEC-00001-02, DATED MARCH 2016);
REVISED TRAVEL PLAN (DATED AUGUST 2016)	ENERGY STATEMENT (REF. 15-099 VS 01, DATED MARCH 2016);
VISUAL IMPACT ASSESSMENT DATED AUGUST 2016);	ENERGY STATEMENT – ADDENDUM (REF. 15-099 VS 01 – ADD 01, DATED OCTOBER 2016);

VERIFIED VIEWS METHODOLOGY REPORT (DATED MARCH 2016-03-24),	PEDESTRIAN WIND CLIMATE REPORT (REF. EN-CAPE 15.239 C – V1);
PHASE 1 DESK TOP STUDY (REF. DTS/6066B – DATED JULY 2016),	SUPPLEMENTARY WIND LETTER (DATED 23/09/2016);
FACTUAL REPORT (REF. FACT 6088 – DATED 30TH P NOVEMBER 2015);	CONTAMINATION ASSESSMENT REPORT (REF. CONT/6088A - DATED JUNE 2016);
LETTER FROM MUIR ASSOCIATES LTD. (FOUL SEWAGE REF. PB/D1786- HC-001, DATED 18TH P APRIL 2015,	GEOTECHNICAL INTERPRETATIVE REPORT (REF. GEO/6088 - DATED 11TH MARCH 2016);
CONSERVATION STATEMENT (DATED JULY 2016);	SECURE BY DESIGN REPORT (DATED AUGUST 2016).

## Introduction

1 Having assumed authority to determine this planning application, this report sets out the matters that the Mayor must consider in forming a view over whether to grant or refuse planning permission and to guide his decision making at the representation hearing. This report includes a recommendation from GLA officers, as set out below.

## Officer recommendation - reasons for approval

2 The Mayor, acting as the local planning authority, has considered the particular circumstances of this application against national, regional and local planning policy, relevant supplementary planning guidance and all material planning considerations. He has also had regard to Harrow Council’s planning committee report dated 16 November 2016 and the draft decision notice setting out six refusal reasons that the Council resolved to issue, together with subsequent correspondence received from the Council. The reasons below set out why this application is acceptable in planning policy terms:

- I. The proposed development would provide a residential-led mixed use development, including flexible office space for individuals, local start-up business and small and medium sized enterprises, and flexible retail/commercial/community uses as local services for residents. The proposal would make a more efficient use of a prominent and highly accessible, already developed site, on the edge of Wealdstone town centre in close proximity to Harrow and Wealdstone station. It would also contribute to delivering the objectives of the Harrow and Wealdstone Opportunity Area and the Heart of Harrow Housing Zone, delivering much needed homes and higher employment densities supporting the regeneration of Wealdstone town centre. Whilst the proposed residential-led redevelopment of the site would be in conflict with elements of Local Plan Policies AAP3, AAP5 and AAP15, it accords with London Plan Policies 2.7, 2.13, and 4.7; and Harrow Local Plan Policies CS1 and AAP18, as well as the NPPF, when considered as a whole.
- II. The scheme would provide 186 residential units, of which 74 would be affordable (40%). The scheme would make a significant contribution to housing delivery targets for the area and the aims of the Harrow and Wealdstone Opportunity Area and the Heart of Harrow Housing Zone. The financial viability position has been independently verified and the scheme will deliver the maximum reasonable amount of affordable housing. A review mechanism will be carried out and will secure up to 50% affordable housing if viable. The

residential quality would be high, given the general compliance with relevant Building Research Establishment guidance, London Plan and local policy standards. The development, therefore, accords with the NPPF; London Plan Policies 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13 and 7.15; Harrow Local Plan Policies CS1, AAP4, AAP5, AAP11 and AAP13, and DM1 and DM28; the Mayor's Housing SPG (2016), draft Affordable Housing and Viability SPG (2016) and Shaping Neighbourhoods: Play and Informal Recreation SPG (2012); and the Council's Planning Obligations SPD.

- III. The design of the proposal is of a high quality in respect to its response to the site and local context, in terms of height and massing; layout and ground floor uses; connections and permeability; architectural appearance and materials; and public realm. The development would optimise the potential of the site, whilst delivering a high quality public realm with new connections to Wealdstone town centre, taking advantage of the opportunities of its Opportunity Area context, and contributing to the regeneration of Wealdstone District Centre. GLA officers are satisfied that material considerations exist to justify departure from the AAP guidance as to building heights and that outcomes and design considerations also exist to justify the scale of the development. Overall, the design of the proposal accords with the NPPF, London Plan Policies 7.1, 7.3, 7.4, 7.5, 7.6, and 7.7; and Local Plan Policies CS1, and DM1 and the requirements of Policy AAP6.
- IV. The proposal would preserve the significance of three heritage assets located in the vicinity of the application site and their settings as well as the composition of the local protected views in which the development lies. The proposed development satisfies the requirements of the NPPF, London Plan Policy 7.8, Local Plan Policies CS1, DM3 and DM7 in relation to the historic environment.
- V. The proposed development would greatly improve the accessibility of the built form and associated public realm for residents and visitors alike, by delivering an environment that is walkable, provides a choice of homes, including wheelchair accessible/ adaptable homes, and provide accessible shops and places to spend time and to work. This inclusive environment would contribute to the principles of 'lifetime neighbourhoods'. The proposal is therefore in accordance with the NPPF; London Plan Policies 3.8, 7.1 and 7.2; and Local Plan Policies DM1 and DM2.
- VI. Given the urban context of the site, the application would not unacceptably impact upon the amenity of neighbouring occupiers in terms of: privacy/outlook; daylight, sunlight, overshadowing; noise and disturbance; wind; and light spill. The development is therefore acceptable with respect to the NPPF; London Plan Policies 7.6, 7.7 and 7.15 and Local Plan Policies CS1 and DM1.
- VII. The proposed development would be of a high standard of sustainable design and construction, minimising carbon dioxide emissions by promoting passive design, using low carbon energy and including renewable energy in accordance with the energy hierarchy. The development would not increase floodrisk and would deliver sustainable urban drainage benefits over the existing situation at the site and deliver urban greening. The proposed development would also acceptably mitigate its own environmental impact in terms of air quality, land contamination and waste. As such, the scheme complies with the policies contained with Chapter 5 and Policies 7.7 and 7.14 of the London Plan, and; Harrow Local Plan Policies CS1, DM13, DM14, DM15 and DM45.
- VIII. The proposal for a high density residential scheme in a highly accessible location accords with the London Plan policy of encouraging such development in locations that give rise to a pattern of development that minimises the need to travel by car. The quantum of proposed car parking is acceptable subject to a suitable framework of controls, including a

car parking management plan, provisions for instigating and managing extended hours for the new controlled parking zone in conjunction with a permit free agreement and measures to encourage sustainable travel including electric vehicle charging points, a travel plan, car club spaces and improved way finding and pedestrian permeability. The transport aspects of this proposal when considered with the conditions and obligations are considered to be in accordance with strategic and local transport policies. As such, the proposed development complies with the policies contained with Chapter 6 of the London Plan, Harrow Local Plan Policies CS1, DM1, DM42, DM43 and DM44.

- IX. Appropriate, reasonable and necessary planning conditions and planning obligations are proposed to ensure that the development is acceptable in planning terms and the environmental impacts are managed. Accordingly there are no, or insufficient, grounds to withhold planning consent on the basis of the policies considered and other material planning considerations.

## **Recommendation**

3 That the Mayor acting as Local Planning Authority, grants planning permission in respect of application P/1619/16, subject to completion of a section 106 legal agreement, and the inclusion of planning conditions and informatives, as summarised below. The detailed wording of conditions and informatives are set out in the draft decision notice appended to this report.

4 That the Mayor agrees that the ‘Assistant Director – Planning’ and the ‘Director of Development, Enterprise and Environment’ be delegated the authority to issue the planning permission and agree, add, delete or vary the final wording of the conditions and informatives and planning obligations, as required.

5 That the Mayor agrees that the Assistant Director of Planning and the Director of Development and Environment, be given delegated authority to negotiate and complete the legal agreement, the principles of which have been agreed with the applicant as set out in the heads of terms detailed below.

6 That the Mayor notes the approval of details pursuant to conditions imposed on the planning permission will be submitted to, and determined by, Harrow Council (the “Council”).

7 That the Mayor notes that Harrow Council will be responsible for the enforcement of the conditions attached to the permission.

## **Section 106 legal agreement**

8 The prior completion of a legal agreement to secure the following planning obligations:

### *Affordable housing and wheelchair homes*

- A minimum of 74 homes (40% of overall units) on the site to be provided as affordable homes, with 30% affordable rent and 70% shared ownership;
- A viability review mechanism will secure the delivery of more affordable housing (up to a level of 50% of the scheme) should it be viable; and
- 10% of affordable rented homes to be constructed as wheelchair accessible homes.

### *Design Review and Design Code*

- The retention of the existing architect (or one of equivalent standard) until the development is completed; or, the submission of a Design Code for approval by the Council

that details the quality of the external materials of the finished development and other design parameters.

#### *Employment and training*

- A contribution of £3,500 to fund local employment and training programmes;
- The use of local suppliers and apprentices during the construction of the development
- A training and recruitment plan;
- An employment management plan; and
- SME workspace to be operated by an identified workspace provider.

#### *Decentralised energy network*

- Sufficient space and a safeguarded route to allow expansion of CHP scheme and connection to any future district decentralised energy network.

#### *Transport and highway*

- A contribution of £1,000 for a S278 Agreement to provide a raised table at the entrance of the basement (Block A);
- A contribution of £2,000 for a S278 Agreement for two inset parking bays and a car club bay;
- A contribution of £10,000 for Legible London wayfinding signs;
- A contribution of £5,000 for a travel plan bond and £5,000 for monitoring fee;
- Development to be resident/visitor permit restricted; and
- The applicant to secure a car club operator to provide a vehicle for the proposed car club space.

#### *Maintenance of the flyover*

- Access to the flyover for inspections, maintenance and emergency repairs and removal of the Hub structure if necessary.

#### *Floodrisk*

- Maintenance strategy to ensure void space underneath block D remains clear for the lifetime of the development to ensure flood flowpaths are not obstructed.

#### *Children and young people's play space*

- Contribution of £15,000 towards off-site play provision

#### *Legal costs, administration and monitoring*

- S106 legal and administrative costs.

### **Conditions to be secured<sup>1</sup>**

- 1. Timing;
- 2. Approved plans and documents;
- 3. Dust and noise management plan;
- 4. Demolition and construction logistics plan;
- 5. Construction and site waste management plan;
- 6. Construction management strategy;
- 7. Drainage;
- 8. Drainage strategy;

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<sup>1</sup> Draft conditions have been prepared and will be published as an appendix to this report; this list provides a summary of the draft notice condition headings.



- 9. Drainage maintenance;
- 10. Site levels;
- 11. Culvert structural condition survey;
- 12. Pilling method statement;
- 13. Landscape strategy;
- 14. Cycle parking;
- 15. Lighting strategy;
- 16. Green roofs;
- 17. Rooftop gardens;
- 18. Biodiversity enhancement;
- 19. Playspace;
- 20. Landscape management and maintenance;
- 21. Landscape implementation;
- 22. Signage;
- 23. Public realm;
- 24. Materials;
- 25. Materials sample panel;
- 26. Appearance of the buildings;
- 27. Communal facilities for television reception;
- 28. Building appearance;
- 29. Strategy for window/door openings;
- 30. Appearance of Block E;
- 31. Window and doors reveals;
- 32. Building maintenance;
- 33. Combined heat and power plant testing;
- 34. Combined heat and power plant testing specification;
- 35. Overheating;
- 36. Wheelchair dwellings;
- 37. Storage;
- 38. Refuse storage;
- 39. Contamination;
- 40. Glare;
- 41. Air quality;
- 42. Air pollution mitigation measures;
- 43. Play space air pollution mitigation measures;
- 44. Car park ventilation;
- 45. Noise mitigation;
- 46. Noise levels;
- 47. Water consumption;
- 48. Parking management plan;
- 49. Access ramp to the basement;
- 50. Delivery and servicing plan for residential and non-residential uses;
- 51. Access to the buildings;
- 52. Access to basement;
- 53. Telecommunications;
- 54. Use class D;
- 55. Communications;
- 56. Individual telecommunication items;

- 57. Window glass;
- 58. Pedestrian gates and public access;
- 59. Non-residential opening hours;
- 60. Non-residential delivery hours;
- 61. Crime prevention measures;
- 62. Privacy;
- 63. Wind mitigation;
- 64. Inclusive access strategy;
- 65. Air quality of the proposed combined heat and power (CHP) system;
- 66. Details of air quality tests undertaken on the installed CHP system; and
- 67. Combined heat and power (CHP) technical analysis.

## **Informatives**

- 1. Policies;
- 2. Pre-application engagement;
- 3. Wheelchair homes;
- 4. Thames Water – groundwater risk management permit;
- 5. Thames Water – erection of building or underpinning work over the line of, or within 3 metres of public sewer;
- 6. Flank windows;
- 7. Considerate Contractor Code of Practice;
- 8. Party Wall etc Act 1996;
- 9. Residents’ parking permits;
- 10. Plans;
- 11. Compliance with planning conditions requiring submission and approval of details before development commences;
- 12. Crime prevention;
- 13. Environmental Permit (formerly Flood Defence Consent)
- 14. Mayor Community Infrastructure Levy;
- 15. Harrow Community Infrastructure Levy; and
- 16. Approved plans and documents.

## **Publication protocol**

9 This report has been published seven days prior to the Representation Hearing, in accordance with the GLA procedure for Representation Hearings. Where necessary, an addendum to this report will be published on the day of the Representation Hearing. This report, any addendum, draft decision notices and the Mayor of London’s decision on this case will be made available on the GLA website:

<https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/public-hearings/palmerston-road>

## **Site description**

10 The 0.69 hectare application site is located within Harrow and Wealdstone Opportunity Area, the ‘Heart of Harrow’ Housing Zone and is part of allocated *Site 6: Palmerston Road/George Gange Way* in the Harrow and Wealdstone Area Action Plan (2013).

11 The irregular shaped site comprises of a parcel of land located on the south side of the Palmerston Road/George Gange way roundabout and beneath the George Grange Way flyover, which traverses and oversails the site. The flyover supports footway and one lane of traffic in each direction and links Wealdstone with Harrow town centre (via Station Road). The site has a frontage on Palmerston Road to the north and Masons Avenue to the south. The eastern and western boundaries are formed by neighbouring properties. The site slopes from south to north, with the northern part of the site approximately three metres higher than the southern part of the site.

12 The majority of the site is designated as a Business and Industrial Use Area on the Council's Policies Map, except for the southern-most part of the site which lies outside of this designation. The western part of the site is within Wealdstone District Centre. The site is largely cleared with the exception of, on the eastern side of the flyover, workshop buildings which accommodate car related uses and a detached house; and on the western side of the flyover, four two-storey houses (let privately on a short term basis by the applicant), vacant workshop buildings (B2 use) and two buildings used for commercial food manufacturing and catering business (B2 use).

13 The surrounding context is of a predominantly low-rise urban character with a rich mix of surrounding uses (including employment, commercial, residential, education and community). The site is not in a conservation area and there are no designated heritage assets on the site, however, Harrow and Wealdstone Station (Grade II Listed Building), 21 The Bridge and No.36 High Street (both Locally Listed) lie in the vicinity of the site.

14 The site is well-served by public transport, with seven bus routes available within a 200 metres radius, and rail, Underground and Overground services available from Harrow and Wealdstone Station (110 metres away). Overall, the site has a very good public transport accessibility level (PTAL) of five, on a scale of zero to six(b) – where six(b) denotes the most accessible locations.

## **Details of the proposal**

15 The proposal seeks full planning permission for the redevelopment of the application site to provide 186 residential units (Use Class C3), 1,165 sq.m. of office floorspace (Use Class B1) and 695 sq.m. of flexible commercial and community floorspace (Uses Classes A1, B1, D1, D2) in buildings between one and 17 storeys in height.

### Housing

16 The application would provide 186 new homes, of which 74 units would be affordable and 112 units would be private. Of the 74 affordable homes, 22 would be for affordable rent and 52 would be offered through intermediate products. All of the affordable units would be provided as one, two or three bedroom flats and would be located across buildings A, B, C and E.

### Other land uses

17 A 1,165 sq.m. workspace facility with a gallery and event space would be located in the Hub (Building D) that is situated at the southern-most part of the site and fronts Masons Avenue. Six units comprising a total of 695 sq.m. of flexible commercial and community floorspace would be located at the ground floors of buildings A, B, C and E. The space beneath the flyover will be landscaped and designed to provide a new communal space for residents, workers and the general public.

### Layout and height

18 The scheme comprises five distinct buildings (Buildings A-E). Buildings B and C are the two central tall elements and vary from 15 to 17 storeys at their tallest. They also include double height

ground floor, with lower shoulder blocks of 10 – 11 storeys respectively. Buildings A and E on the west and eastern edges step down to five and four storeys. These four buildings sit at each side of the flyover. Building D fronts Masons Avenue and would comprise two individual blocks of up to three storeys, one of which has a single storey and is located immediately beneath the flyover.

### Transport

19 A total of 69 car parking spaces are proposed, of which 30 would be in double stackers in the basement of building A. A total of 65 spaces would be for residents, including 23 single-level spaces for disabled residents, with the remaining four designated disabled spaces for commercial users of the site. A total of 14 active and 14 passive electric vehicle charging points and 329 cycle parking spaces are also proposed within the basement.

### Environmental Impact Assessment

20 A Screening Opinion was sought from the Council to determine whether an Environmental Impact Assessment (EIA) was required for the proposed development (LPA reference P/4695/15) under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011 (as amended). The Screening Opinion concludes that the development was not considered to be EIA development within the meaning of the EIA Regulations. The decision was based on the information known at the time and selection criteria for screening schedule 2 development of the Environmental Impact Assessment Regulations 2011 (as amended). This decision was given without prejudice to any final determination of a planning application submitted for this development.

## **Relevant planning history**

21 There is various planning history relating to the industrial and business use of the site, with the most recent applications being the following:

22 In 2012, a planning application was approved by Harrow Council to use vacant land for the parking of vehicles in connection with the provision of MOT testing services within the existing vehicle repair garage at 14-16 Masons Avenue (ref: P/1021/12, granted on 13 July 2012).

23 In 2011, a planning application was approved by Harrow Council to use the existing car park as a hand car wash (sui generis) with a new canopy at 37-41 Palmerston Road (ref: P/1855/11, granted on 5 September 2011).

24 In 2010, a planning application was approved by Harrow Council to construct of a single storey warehouse (use class B8) to replace previous warehouse at 29 Masons Avenue (ref: P/0219/10, granted on 29 April 2010).

## **Current application**

### Pre-application

25 On 17 December 2015 a pre-planning application meeting was held at City Hall. This included attendees from Harrow Council as well as those representing the applicant. On 22 January 2016 an advice report was issued to the applicant. The report stated that “GLA officers support the proposed residential and commercial mixed use redevelopment of this local employment site, which would jointly increase housing supply and likely employment densities within the Opportunity Area. The design approach is generally well considered, and whilst the proposed building heights represent a significant juxtaposition with the context, GLA officers support the scale of ambition

which responds well to Opportunity Area and Housing Zone potential, and the objective to promote the regeneration of Wealdstone town centre". The applicant was advised that in preparing the future application the issues with regard to housing; social infrastructure; urban design; inclusive access; sustainable development; and, transport should be addressed.

### Stage one

26 On 4 May 2016 Harrow Council notified the Mayor of London that a planning application had been submitted that was of potential strategic importance, referring the case under Categories 1A and 1C of the Schedule to the Mayor of London Order 2008.

1A 1. "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats"; and,

1C 1.(c) "Development which comprises or includes the erection of a building of... more than 30 metres high and is outside the City of London".

27 On 5 June 2016 the Mayor considered a GLA planning report reference D&P/3825/01. This report advised Harrow Council that the scheme was broadly supported in strategic planning terms but that the application did not yet fully comply with the London Plan. Moreover, the Mayor encouraged further discussion between the applicant and the respective Planning and Housing departments of Harrow Council and the GLA with a view to achieving a 50% provision of affordable housing on a habitable room basis.

### Council decision

28 On 16 November 2016, Harrow Council, against officer's recommendation to grant, resolved to refuse planning permission, and on 3 January 2017 it advised the Mayor of this decision. The reasons for refusal were:

- i. "The proposal would be an overdevelopment, with excessive and overbearing height, bulk, mass, scale and intensity, to the detriment of local character and amenity, contrary to policies DM1 of the Local Plan, AA1, AAP3, AAP4, and AAP6 of the Harrow and Wealdstone Area Action Plan, CS1 and CS2 of the Core Strategy, and 7.4, 7.6 and 7.7 of the London Plan."
- ii. "The proposal fails to provide sufficient design quality or community benefit to justify the proposed tall buildings on this site, whilst failing to mitigate overshadowing and other amenity impacts, contrary to policies AAP6 of the Harrow and Wealdstone Area Action Plan and 7.7 of the London Plan."
- iii. "The proposal is not in conformity with the designated use, scale, height and intensity of this site, contrary to policy AAP5 in the Harrow and Wealdstone Area Action Plan."
- iv. "The proposal would harm the settings of local strategic views, contrary to policy DM3 of the Local Plan."
- v. "The proposal fails to provide sufficient parking or to mitigate local traffic impacts, contrary to policies DM1 and DM42 of the Local Plan, CS1 of the Core Strategy and 6.12 of the London Plan."
- vi. "The proposal would provide unacceptable overshadowing to the local area, to the detriment of local amenity, contrary to policies DM1 of the Local Plan, CS1 of the Core Strategy, and 7.6 and 7.8 of the London Plan."

## Stage two

29 On 9 January 2017, the Mayor considered a GLA planning report reference D&P/3825/02. Having regard to; the details of the planning application; the matters set out in Harrow Council's delegated report and draft decision notice, and; the fact that the policy tests set out within Article 7 of the Order had been met in that (a) the development has a "significant impact on the implementation of the London Plan", (b) the development "has a significant effect on more than one borough", and (c) that there are "sound planning reasons for the Mayor to intervene", the Mayor issued a direction under Article 7 of the Order that he would act as the Local Planning Authority for the purpose of determining the application.

30 Since the Mayor issued this direction, GLA officers have worked with the applicant to resolve the outstanding issue, notably a further review of affordable housing as explained in paragraphs 96-99 below.

## Amendments since the Mayor called in the application

31 The affordable housing tenure mix has been amended following changes to the affordable housing funding programme since the Mayor issued this direction. The total number of affordable housing units remain the same (74 units) but the affordable rented units has shifted from 28 affordable rented units to 22 and 46 intermediate units to 52. No other amendments have been made and the overall quantum of development and its design remains the same.

## Site visit

32 The Mayor undertook an accompanied site visit on 28 February 2017, with GLA and TfL officers, representatives from Harrow Council, and the applicant team.

## **Relevant legislation, policies and guidance**

33 In determining this application the Mayor must determine the applications for planning permission in accordance with the requirement of s.70(2) of the Town and Country Planning Act 1990 and s.38(6) of the Planning and Compulsory Purchase Act 2004. In particular the Mayor is required to determine the application in accordance with the development plan unless material considerations indicate otherwise. The development plans for present purposes comprise the 2016 London Plan (consolidated with alterations since 2011), Harrow Council's adopted Local Plan Core Strategy (2012) and Policies Map, Development Management Policies Local Plan (2013).

34 The Mayor is also required to have regard to national planning policy in the form of the NPPF and NPPG, as well as supplementary planning documents and, depending on their state of advancement, emerging elements of the development plan and other planning policies. The following are therefore also relevant material considerations:

- National Planning Policy Framework; and
- Harrow and Wealdstone Area Action Plan (2013).

35 The relevant material planning considerations relate to: land use principle (mixed use development, employment, retail, housing, local infrastructure); housing and delivery of affordable housing (including tenure, mix, density, quality); urban design and historic environment (including tall buildings, views, public realm); inclusive design; amenity; sustainable development and climate change; environmental issues; transport; and, mitigating the impact of development through planning obligations. The relevant planning policies and guidance at the national, regional and local levels are as follows:

## **National planning policy and guidance**

36 The National Planning Policy Framework (NPPF) provides the Government's overarching planning policy, key to which, is a presumption in favour of sustainable development. The NPPF defines three dimensions to sustainable development: an economic role contributing to building a strong, responsive and competitive economy; a social role supporting strong, vibrant and healthy communities; and, an environmental role contributing to protecting and enhancing our natural, built and historic environment. The relevant components of the NPPF are:

- Chapter 1 Building a strong, competitive economy;
- Chapter 2 Ensuring the vitality of town centres;
- Chapter 4 Promoting sustainable transport;
- Chapter 6 Delivering a wide choice of high quality homes;
- Chapter 7 Requiring good design;
- Chapter 8 Promoting healthy communities;
- Chapter 10 Meeting the challenge of climate change;
- Chapter 11 Conserving and enhancing the natural environment; and,
- Chapter 12 Conserving and enhancing the historic environment.

37 The Technical Guide to the National Planning Policy Framework and National Planning Practice Guidance are also material considerations.

## **Regional planning policy and guidance**

38 The London Plan 2016 is the Spatial Development Strategy for Greater London. The relevant policies within the London Plan are:

- Policy 1.1 Delivering the strategic vision and objectives for London;
- Policy 2.6 Outer London: Vision and Strategy;
- Policy 2.7 Outer London : Economy;
- Policy 2.8 Outer London :Transport;
- Policy 2.13 Opportunity Areas and Intensification Areas;
- Policy 3.2 Improving health and addressing health inequalities;
- Policy 3.3 Increasing housing supply;
- Policy 3.4 Optimising housing potential;
- Policy 3.5 Quality and design of housing developments;
- Policy 3.6 Children and young people's play and recreational facilities;
- Policy 3.8 Housing choice;
- Policy 3.9 Mixed and balanced communities;
- Policy 3.10 Definition of affordable housing;
- Policy 3.11 Affordable housing targets;
- Policy 3.12 Negotiating affordable housing on individual schemes;
- Policy 3.13 Affordable housing thresholds;
- Policy 3.16 Protection and enhancement of social infrastructure;
- Policy 4.1 Developing London's economy;
- Policy 4.2 Offices;
- Policy 4.3 Mixed use development and offices;
- Policy 4.4 Managing industrial land and premises;
- Policy 4.7 Retail and town centre development;
- Policy 4.8 Supporting a successful and diverse retail sector;

- Policy 4.12 Improving opportunities for all;
- Policy 5.1 Climate change mitigation;
- Policy 5.2 Minimising carbon dioxide emissions;
- Policy 5.3 Sustainable design and construction;
- Policy 5.5 Decentralised energy networks;
- Policy 5.6 Decentralised energy in development proposals;
- Policy 5.7 Renewable energy;
- Policy 5.9 Overheating and cooling;
- Policy 5.10 Urban greening;
- Policy 5.11 Green roofs and development site environs;
- Policy 5.12 Flood risk management;
- Policy 5.13 Sustainable drainage;
- Policy 5.14 Water quality and wastewater infrastructure;
- Policy 5.15 Water use and supplies;
- Policy 5.16 Waste net self-sufficiency;
- Policy 5.17 Waste capacity;
- Policy 5.18 Construction, excavation and demolition waste;
- Policy 5.21 Contaminated land;
- Policy 6.1 Strategic approach;
- Policy 6.2 Providing public transport capacity and safeguarding land for transport;
- Policy 6.3 Assessing the effects of development on transport capacity;
- Policy 6.4 Enhancing London's transport connectivity;
- Policy 6.5 Funding Crossrail and other strategically important transport infrastructure;
- Policy 6.7 Better streets and surface transport;
- Policy 6.9 Cycling;
- Policy 6.10 Walking;
- Policy 6.11 Smoothing traffic flow and tackling congestion;
- Policy 6.12 Road network capacity;
- Policy 6.13 Parking;
- Policy 7.1 Lifetime neighbourhoods;
- Policy 7.2 An inclusive environment;
- Policy 7.3 Designing out crime;
- Policy 7.4 Local character;
- Policy 7.5 Public realm;
- Policy 7.6 Architecture;
- Policy 7.7 Location and design of tall and large buildings;
- Policy 7.8 Heritage assets and archaeology;
- Policy 7.14 Improving air quality;
- Policy 7.15 Reducing noise and enhancing soundscapes;
- Policy 8.2 Planning obligations; and,
- Policy 8.3 Community Infrastructure Levy.

39 The following published supplementary planning guidance (SPG), strategies and other documents are also relevant:

- Housing SPG (March 2016);
- Land for Industry and Transport SPG (September 2012);
- Town centres SPG (July 2014);
- Shaping neighbourhoods: play and informal recreation (September 2012);



- Social infrastructure SPG (May 2015);
- Accessible London: achieving an inclusive environment SPG (October 2014);
- Shaping neighbourhoods: character and context SPG (June 2014);
- The control of dust and emissions during construction and demolition SPG (July 2014);
- Sustainable design and construction SPG (April 2014) ; and
- Crossrail Funding SPG (March 2016).

40 The following draft SPG is also relevant:

- Affordable Housing and Viability SPG (draft for consultation, November 2016. Consultation closed on 28 February 2017).

### **Local planning policy and guidance**

41 Harrow Council's adopted Local Plan Core Strategy (2012), Development Management Policies Local Plan (2013) and Harrow and Wealdstone Area Action Plan (2013) contain the local planning policies for the borough. The relevant policies are:

*Harrow Core Strategy:*

- Policy CS1 Overarching Principles; and
- Policy CS2 Harrow & Wealdstone.

*Development Management Policies:*

- Policy DM1 Achieving a High Standard of Development;
- Policy DM2 Achieving Lifetime Neighbourhoods;
- Policy DM3 Protected Views and Vistas;
- Policy DM6 Areas of Special Character;
- Policy DM7 Heritage Assets;
- Policy DM10 On Site Water Management and Surface Water Attenuation;
- Policy DM11 Protection and Enhancement of River Corridors and Watercourses;
- Policy DM12 Sustainable Design and Layout;
- Policy DM14 Renewable Energy Technology;
- Policy DM15 Prevention and Remediation of Contaminated Land;
- Policy DM21 Enhancement of Biodiversity and Access to Nature;
- Policy DM24 Housing Mix;
- Policy DM28 Children and Young People's Play Facilities;
- Policy DM41 Evening Economy;
- Policy DM45 Waste management;
- Policy DM49 Telecommunications; and
- Policy DM50 Planning Obligations and Schedule 3.

*Harrow and Wealdstone Area Action Plan:*

- Policy AAP3 Wealdstone;
- Policy AAP4 Achieving a High Standard of Development throughout the Heart of Harrow;
- Policy AAP5 Density and Use of Development;
- Policy AAP6 Development Height;

- Policy AAP7 Creation a New Public Realm;
- Policy AAP9 Floor Risk and Sustainable Drainage;
- Policy AAP10 Harrow & Wealdstone District Energy Network;
- Policy AAP13 Housing within the Heart of Harrow;
- Policy AAP15 Supporting the business sector in Wealdstone;
- Policy AAP18 Secondary Frontages, Neighbourhood Parades, and Non-Designated Retail Parades;
- Policy AAP19 Transport, Parking and Access within the Heart of Harrow; and,
- Policy AAP20 Harrow & Wealdstone Green Travel Plan;
- AAP Site Allocation 6.

42 The following Council planning guidance and document is also relevant:

- Harrow Planning Obligations and Affordable Housing SPD (2013);
- Harrow Residential Design Guide SPD (2010);
- Harrow Accessible Homes SPD (2010);
- Harrow Access for All SPD (2006);
- Harrow Views Assessment (2012); and
- Code of Practice for the Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2016).

#### Harrow Council's Community Infrastructure Levy

43 London borough councils are able to introduce Community Infrastructure Levy (CIL) charges which are payable in addition to the Mayor's CIL. Harrow Council's CIL came into effect on 16 September 2013. The Harrow CIL charging schedule sets a rate of £110 per sq.m. for residential (Use Class C3) and £100 per sq.m for retail (Use Class A1). There is a nil charge for office (Use Class B1) and community or leisure uses (Use Class D1 and D2).

### **Response to consultation**

44 As part of the planning process, Harrow Council carried out two rounds of consultation in respect of this application to take account of the August 2016 and October 2016 revisions, consulting all statutory bodies and the local public. All consultation responses, and other representations received, are summarised below. All responses and representations received to date, both by the Council and the Mayor of London, have been made available to the Mayor and have been taken into account in this report.

#### **Statutory consultees responses to Harrow Council**

##### Greater London Authority (including Transport for London)

45 The Mayor's consultation stage comments (GLA report ref: D&P/3825/01 dated 5 June 2016) and the Mayor's Stage 2 decision (GLA report ref: D&P/3825/02 dated 9 January 2017) are set out in those reports and referred to in the 'Relevant planning history' section above.

##### Environment Agency

46 Environment Agency raised no objection, acknowledging the validity of the applicant's site-specific response to managing flood risk. The Agency nevertheless sought the inclusion of a flood mitigation maintenance strategy as part of the Section 106 agreement, as well as planning

conditions to require submission of a culvert structural condition survey – and safeguards to ensure the structural integrity of the culvert during construction.

#### Metropolitan Police

47 Metropolitan Police raised no objection, but recommended that the Council imposes a planning condition requiring the applicant to secure ‘Secured By Design’ certification for the proposed development.

#### Thames Water

48 Thames Water raised no objection, but recommended that the Council imposes a pre-commencement planning condition requiring submission and approval of a drainage strategy (detailing any on and/or off-site works). Thames Water also sought the inclusion of a planning condition to control piling.

#### Ministry of Defence (Northolt Airport Safeguarding)

49 Ministry of Defence raised no objection to the proposal, subject to the inclusion of a planning condition to secure approval of a construction management strategy - detailing the proposed use of cranes and other tall construction equipment.

#### Campaign for a Better Harrow Environment

50 Campaign for a Better Harrow Environment raised an objection to the proposal due to: departure from Local Plan policy on building height; inadequate flood mitigation strategy; and loss of employment land/general scepticism as to whether the proposed development would generate the number of jobs envisaged for this site by the Local Plan.

### **Individual neighbourhood responses**

51 Within its planning committee report, Harrow Council reported that it had received 11 responses and three separate petitions against the development proposal. All responses were provided to the GLA when the application was referred back to the Mayor at Stage 2 and have been made available to the Mayor in advance of the hearing.

52 The points of objection raised within the neighbourhood responses relate to: departure from Local Plan policy; inadequate response to housing need; building height; impact on local views; insufficient architectural quality; excessive density; overdevelopment; inappropriate response to context; insufficient quality of public realm and amenity space; risk of antisocial behaviour; environmental impacts (including wind tunnelling and ground stability); drainage issues and flood risk; loss of trees; lack of sustainability measures; impacts on residential amenity (including loss of daylight/sunlight, overshadowing and loss of privacy); conflicts with Human Rights Act; insufficient social infrastructure; inadequate site access arrangements (and associated risks to public safety); noise; traffic generation; lack of car parking; and, potential to constrain future maintenance of the George Gange Way flyover.

53 Following the Mayor’s direction, the Council received three letters of objection raising concerns about the impact of the proposed development and other development in the area on existing local infrastructure; social problems and anti-social behaviours that will result from a dense development; the height and density of the proposed buildings; noise and pollution from cars; lack of amenity space and poor rubbish collections.

## **Representations made to the Mayor of London**

54 Since the Mayor issued the direction to take over the application, the Mayor has received three emails (one supporting the application and two objecting to it). No representations addressed directly to the Mayor were received prior to this. The email of support welcomed the provision of new homes to help solve the housing crisis. One of the emails objecting to the application reiterated the Campaign for a Better Harrow Environment's concerns raised with the Council at the initial consultation stage (as detailed above) in relation to: the impact of the development and population growth on the area, the regeneration of the town centre and the need for social infrastructure; the low number of jobs that would be actually created by the development; and the height of the proposed buildings and its effect on neighbouring properties and the protected views of Harrow Hill. The other email objecting to the proposal raised concerns with regard to traffic, the size of the development, the impact on amenity and existing infrastructure, and the poor quality of the proposed accommodation.

### **Representations summary**

55 All the representations received in respect of this application have been made available to the Mayor in printed form however, in the interests of conciseness, and for ease of reference, the issues raised have been summarised in this report as detailed above.

56 The issues raised by the consultation responses and various other representations received are addressed as appropriate within the material planning considerations section of this report, and, where necessary, through the proposed planning conditions, planning obligations and/or informatives outlined in the recommendation section of this report, or subsequent addendum.

### **Material planning considerations**

57 Having regard to all of the relevant circumstances; relevant planning policy at the local, regional and national levels; and, the consultation responses and representations received, the principal planning issues raised by the application that the Mayor must consider are:

- Land use principles (Harrow and Wealdstone Opportunity Area, Housing Zone, mixed use development, employment and residential uses; local infrastructure);
- Housing (including affordable housing, density, and residential quality);
- Urban design and historic environment;
- Inclusive design;
- Neighbourhood amenity (including daylight, sunlight, overshadowing, privacy/overlooking; noise/disturbance; wind; light spill);
- Sustainability and climate change (including energy, flood risk, sustainable drainage, biodiversity);
- Environmental impacts (including air quality, land contamination and waste management);
- Transport; and
- Mitigating the impact of development through planning obligations.

58 These issues are considered within the sections that follow.

## Land use principles

59 The site is in Outer London, within the Harrow and Wealdstone Opportunity Area and the Heart of Harrow Housing Zone, is also on the edge of Wealdstone town centre and has a very good public transport accessibility. Harrow Council also recognises the site as a key development site within the Harrow and Wealdstone Area Action Plan. The principle of redevelopment must be considered in the context of the London Plan and borough policies relating to the above designations as well as the NPPF, together with other policies relating to mixed-use development, employment, offices, and retail and community uses. In terms of the proposed uses, the following is noted:

60 The NPPF identifies a set of core land-use planning principles which should underpin both plan-making and decision-taking. Those of particular relevance to the site are that planning should:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

61 The London Plan identifies Outer London, its town centres and neighbourhoods as playing a vital role in the life and prosperity of the capital. London Plan Policy 2.7 on the Outer London economy encourages boroughs to identify and bring forward capacity in and around town centres with good public transport accessibility to accommodate leisure, retail, and civic needs and especially higher density housing. Wealdstone town centre is classified as a district centre with potential for medium growth in the London Plan. Policy 2.7 also encourages boroughs to manage and improve the stock of industrial capacity to meet both strategic and local needs, including those of small and medium sized enterprises (SMEs), start-ups and businesses requiring more affordable workspace.

62 The London Plan also identifies Opportunity Areas as the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. London Plan Policy 2.13 deals with development in Opportunity Areas and London Plan Table A1.1 sets out the strategic policy direction for the Harrow and Wealdstone Opportunity Area, recognising the scope to accommodate a substantial proportion of the borough's future housing need in the Opportunity Area through the delivery of higher density residential and mixed use development on key strategic sites and renewal areas. Table A1.1 identifies the Opportunity Area as having the capacity to accommodate at least 2,800 homes and 3,000 jobs up to 2031. The entire Harrow and Wealdstone Opportunity Area is also designated as a Housing Zone and it is envisaged that this will help unlock and accelerate delivery of more than 5,000 new homes over the next ten years through targeted investment, engagement and planning.

63 At the local level, the Council's Core Strategy (2012) focusses on the Opportunity Area of Harrow and Wealdstone to deliver growth through higher density residential and mixed-use development, as a location with high levels of public transport accessibility and where there is capacity to accommodate and benefit from major change. Local Plan Policy CS1 incorporates a policy commitment to deliver the employment and housing growth figures set out in the London Plan on sites identified and allocated in an area action plan.

64 As required by the Core Strategy, the Harrow and Wealdstone Area Action Plan (AAP) (2013) seeks to establish the Harrow and Wealdstone Opportunity Area as the 'Heart of Harrow' and identifies sub areas and sites with significant development opportunities over the Plan period. The application site falls within the Wealdstone Central sub area and is part of allocated *Site 6: Palmerston Road/George Gange Way*, which comprises 5 parcels of land in total. Two parcels of land are the subject of this planning application. The key objectives for this allocated site comprise:

- strengthen the spatial definition of this part of Wealdstone
- improve the impression of Wealdstone for drivers along George Gange Way
- achieve this via the introduction of a cluster/family buildings.

65 The target outputs for the total allocated site area are 95 homes and 95 jobs. The site's allocation expects the leading land uses on this site to be office (Class B1) and/or industrial (Class B2), and supporting land uses to be enabling residential (Class C3) and/or training/education (Class D1) and/or student accommodation (Sui Generis).

66 Local Plan Policy AAP 3 Wealdstone, Policy AAP 5 Density and Use of Development, and Policy AAP15 Supporting the Business Sector in Wealdstone are relevant to this application and require development on allocated sites to be in general conformity with the site objectives and development parameters set out in the sites' allocation within Chapter 5 of the Area Action Plan (2013).

67 The application site is not identified as Strategic Industrial Land (SIL) but is designated as a Business and Industrial Use Area on the Council's Policies Map, except for the southern part of the site which lies outside this designation. The existing employment space on the site is industrial in nature with a total of 2,214 sq.m. currently occupied by workshop buildings accommodating car related uses and a commercial food manufacturing and catering business (B2 use), as well as buildings that have been vacant for more than three years. It is understood that the existing businesses sustain 24 full time employment (FTE) jobs.

68 The proposal seeks to deliver a residential-led mixed use development with 186 residential units, 1,165 sq.m. of contemporary, flexible office floorspace for individual, small and medium sized businesses and start-up companies in the Hub building (block D), in addition to 695sq.m. of flexible retail/commercial/community floorspace (Use Classes A1, B1, D1, D2) in six separate units across the site.

69 Local Plan Policy AAP 3 Wealdstone requires development within all the Wealdstone sub areas to strengthen the district centre including the High Street's vibrancy and vitality, and improve the environment and identity of Wealdstone as a location for business and industrial activity and for family living. Local Plan Policy AAP 15 B supports proposals for enabling mixed use development on allocated sites in a Business and Industrial area, if it complies with the criteria set out in part B of the policy. In summary, the policy criteria seek to ensure the following:

- Compliance with the development parameters set out in the site's allocation;
- Retention, renewal or intensification of appropriate levels of business and employment, in particular the delivery of accommodation to meet the needs of small and medium sized business and industrial enterprises;
- Limitation to the enabling uses;
- High standard of design and amenity on site commensurate to the mix of uses proposed;
- A design which ensures the activity and level of amenity of adjacent sites will not be adversely affected by the mixed use activity proposed;

- Capability of sustaining the infrastructure servicing needs of the development;
- Adequate access and inclusion of appropriate measures to ensure the capacity and safety of adjacent road network is not detrimentally affected.

70 As the proposal is residential-led, it is acknowledged that the overall balance of uses is not in accordance with the land uses identified for this site in the adopted AAP and site allocation 6, which provides for development to be employment-led, with residential development identified as an “enabling land use”. The proposed Use Classes A1 and D2 are not identified as one of the “leading and supporting land uses” for the site set out in the AAP but proposed Use Classes B1 and D1 are. It is also acknowledged that the total amount of employment floorspace would be lower than the amount currently on the site, and that the commercial floorspace proposed would result in a significant shift in the nature of the employment space at the site, away from general industry, and towards office-led employment. The application would therefore be in conflict with elements of the development plan and Local Plan Policies AAP3, AAP5, and AAP15.

71 However, the proposal would make more efficient use of a prominent and highly accessible brownfield site on the edge of Wealdstone town centre delivering much needed homes within the Harrow and Wealdstone Opportunity Area and Housing Zone. The provision of 186 new homes (including 74 affordable homes) would make a significant contribution towards achieving the housing targets for the Opportunity Area, making up 7% of the indicative capacity.

72 Noting the specific characteristics of employment space supply and demand in the borough, which identifies significant potential for new office development on town centre sites and mixed use development (Harrow Employment Land Review 2010), the proposed office floorspace would be in line with London Plan Policy 2.7 on Outer London and contribute to one of the objectives of Local Policy AAP15, which seeks to deliver accommodation for small and medium sized businesses. It would also be in accordance with the parameters of allocated Site 6 which identify B1 office employment as one of the “leading land use” for the site.

73 The proposed 695 sq.m. of flexible retail/commercial/community floorspace centre would provide services for existing and future local residents and would be in line with Local Plan Policy AAP18 which supports the provision of town centre, community and economic uses at ground floor level within non-designated parades in Wealdstone district centre, provided there is no impact on neighbouring amenity and an appropriate frontage is provided. The proposed flexible retail/commercial/community would not be detrimental to the amenity of neighbouring occupiers and would complement the role and function of Wealdstone town centre.

74 The applicant’s revised Economic Statement advises that up to approximately 150 operational full time employment (FTE) jobs would be created by the proposed development, which is significantly higher than the 24 FTE jobs currently on the site. The proposal would therefore enable delivery of considerably higher employment densities at this site and exceed the AAP target for approximately 95 jobs to be delivered across the whole of allocated Site 6.

75 In this respect, the proposal would be consistent with London Plan Policies 2.7 and 2.13, which seek to optimise residential and non-residential output and densities in outer London, opportunity area and town centre locations as well as London Plan Policies 4.7, 7.1, and Harrow Local Plan policies CS1L and AAP18. Having regard to compliance with these elements of the development plan, together with other consideration in this report with respect to design, amenity, infrastructure, servicing and highways; and, the objectives of the Harrow and Wealdstone Opportunity Area and Housing Zone more generally, GLA officers are satisfied that material considerations exist to justify the conflict with elements of local Policies AAP3, AAP5, and AAP15.

## Workspace

76 The principal employment offer comprises a 1,165sq.m. employment hub with flexible modern workspace for individuals, local start-up business and small and medium sized enterprises. The Mayor's aspiration to support small business growth is set out in his new vision for London: A City for All Londoners. Affordability will be a key component to the success of the workspace. Whilst the applicant does not propose to directly control rental levels, it intends to enter into partnership with an established workspace provider in order to offer a flexible and accessible package of workspace terms designed to incubate and support new businesses. These terms include: co-working space (resulting in lower equivalent rental levels per unit of occupation); flexible occupation terms (with users only paying for the level of services required to meet their immediate needs); and no rental deposits or financial guarantees. An employment management plan for approval by the Council will be agreed through the S106 agreement to secure details on the management of the Hub building and the services provided to the occupants/businesses. As part of this, GLA officers recommend the inclusion of an obligation to prioritise the operation of the Hub by a recognised workspace provider.

## Principle of development conclusion

77 As set out above, whilst the proposed residential-led mixed use redevelopment of the site would be in conflict with elements of the development plan (specifically Local Plan Policies AAP3, AAP5 and AAP15 which concern, amongst other matters, land uses at the application site), given the site's context within the Harrow and Wealdstone Opportunity Area, the Heart of Harrow Housing Zone, its proximity to Wealdstone town centre and Harrow and Wealdstone station, the strategic priority afforded to housing and compliance with other elements of the development plan, GLA officers are satisfied that material considerations exist to justify departure from these particular site-specific elements of the development plan. The application includes the provision of replacement employment floorspace in accordance with strategic requirements and of a form which accords generally with the Council's expectations for the site, and as such is supported. The proposal would make a significant contribution towards the wider policy and regeneration objectives of the Opportunity Area, including housing and employment. The principle of the proposed uses therefore accords with the NPPF; London Plan Policies 2.7, 2.13, and 4.7; and Harrow Local Plan Policies CS1, and AAP18.

## **Local infrastructure**

78 London Plan Policy 3.16 (Social infrastructure) requires boroughs to ensure that adequate social infrastructure provision is made to support new developments. Since the introduction of the borough's community infrastructure levy (CIL), CIL receipts from new development are expected to take the place of traditional individual s106 contributions towards the provision of necessary additional social infrastructure such as school places, healthcare facilities and leisure facilities. The Borough CIL receipt from this development is estimated to be up to £1,398,577 (this figure is net of anticipated social housing relief). Site specific works, relating to highway infrastructure and public realm to mitigate the impacts of the development, are recoverable via the s106 agreement, as set out in paragraphs 250-267 below. In addition, this site is subject to significant public funding towards infrastructure which will help unlock the potential for higher density development on the site and deliver the objectives of the Opportunity Area and Housing Zone.



## Housing

79 The NPPF encourages the effective use of land through the reuse of suitably located previously developed land and buildings. London Plan Policy 3.3 provides explicit strategic support for the provision of housing within London, and sets a target for the Council to deliver a minimum target of 593 homes per year over the period 2015 to 2025.

80 London Plan Policy 2.13 (and supporting Table A1.1) recognises the significant potential of the Harrow and Wealdstone Opportunity Area to accommodate new homes, and identifies a minimum of 2,800 new homes. A total of £31,400,000 of funding has been allocated to the Heart of Harrow Housing Zone to help unlock and accelerate the delivery of more than 5,200 new homes, including 1,545 affordable homes over the next ten years. The application site has been identified as one of a number of Origin sites due to come forward as part of the Zone but no set amount has been individually identified for this scheme.

81 Harrow Core Strategy Policy CS1 identifies Harrow and Wealdstone as the focus for regeneration, and in line with the London Plan, sets a target for a minimum of 2,800 net new homes to be delivered in the area over the Plan period.

82 The proposed housing-led development would contain 186 new homes, equating to 28% of the Council's minimum London Plan annual housing target. This would make a significant contribution to meeting and exceeding the minimum overall housing targets and those of the Harrow and Wealdstone Opportunity Area and the Heart of Harrow Housing Zone, and is strongly supported.

### Affordable housing

83 The London Plan contains a number of policies that guide the assessment of planning applications in respect of affordable housing provision. Policy 3.9 seeks a balanced mix of tenures in new developments to contribute towards achieving mixed and balanced communities. Policy 3.12 requires councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. At the local level, Overarching Policy CS1J of the Core Strategy (2012) sets a borough-wide affordable housing target of 40% of the housing numbers delivered from all sources of supply across the borough and calls for the maximum reasonable amount to be provided on development sites.

84 On 29 November 2016 the Mayor published his draft Affordable Housing and Viability Supplementary Planning Guidance (SPG) which sets out detailed guidance on the form and content of viability assessments, the requirements for review mechanism, and sets out the proposed 35% 'threshold' approach to viability. The public consultation on the draft document closed on 28 February 2017. Alongside the draft SPG, the Mayor also launched a new Affordable Homes Funding Programme for the period of 2016-21 (November 2016), which sets out the detail of new affordable products, rent benchmarks and grant rates.

85 On submission of the application, the applicant originally committed to deliver 186 homes, including 74 affordable housing units in the tenure mix set out in table 1 below. This affordable offer (40% in terms of units and 41% in terms of habitable rooms) was based on Origin Housing securing grant funding via the 2015-18 Affordable Homes Programme to help maximise the affordable housing on the scheme. The applicant's offer, which met the Council's strategic target for 40% affordable housing, was strongly supported by the GLA at consultation stage.

Unit type	Affordable rent	Shared ownership	Private market	Total
One-bedroom	4	20	44	<b>68</b>
Two-bedroom	20	23	68	<b>111</b>
Three-bedroom	4	3	0	<b>7</b>
<b>Total</b>	<b>28</b>	<b>46</b>	<b>112</b>	<b>186</b>
<b>Total (%)</b>	<b>15</b>	<b>25</b>	<b>60</b>	<b>100</b>

**Table 1:** Residential schedule approved at stage 2.

86 The financial viability position has been independently verified and, subject to the inclusion of a satisfactory review mechanism within the section 106 agreement, the scheme would deliver the maximum reasonable amount of affordable housing in accordance with London Plan Policy 3.12 and Core Strategy Policy CS1J. GLA officers have been in discussions with the applicant in response to the Mayor's request at consultation stage to explore all other means to achieve 50% affordable housing provision within this scheme, and, the scheme has also been reviewed in the context of the new Affordable Homes Programme 2016-21 Funding Guidance. This review has resulted in an amended tenure split, as set out below, ensuring affordable rents are based on the benchmarks established in the Mayor's Funding Guidance, whilst maintaining the overall 41% provision of affordable housing by habitable room.

87 The scheme will provide an increased provision of intermediate affordable housing, consistent with the objectives of the Harrow and Wealdstone Area Action Plan (AAP), which favours intermediate provision in Wealdstone Central. In summary, Table 2 sets out the updated residential schedule:

Unit type	Affordable rent	Shared ownership	Private market	Total
One-bedroom	3 (-1)	20	44	<b>67 (-1)</b>
Two-bedroom	13 (-7)	31 (+8)	68	<b>112 (+1)</b>
Three-bedroom	6 (+2)	1 (-2)	0	<b>7</b>
<b>Total</b>	<b>22 (-6)</b>	<b>52 (+6)</b>	<b>112</b>	<b>186</b>

**Table 2:** Revised residential schedule (showing net change since stage 2).

88 As set out above, 6 affordable rented homes have been replaced with 6 shared ownership units. Table 3 below clarifies the change in tenure in terms of unit and habitable room.

Tenure	Units	Unit %	Hab room	Hab rooms %	As % affordable
Affordable rent	22	12	69	<b>14</b>	<b>33</b>
Shared ownership	52	28	137	<b>27</b>	<b>67</b>
Private	112	60	292	<b>59</b>	
<b>Total</b>	<b>186</b>	<b>100</b>	498	<b>100</b>	

**Table 3:** Revised tenure split.

89 A tenure split of 67% shared ownership and 33% affordable rent by habitable room is now proposed. Details of the rents and income levels will be secured in the Section 106 agreement.

<b>London Affordable Rent</b> (weekly rents, exclusive of service charge)	
One-bedroom	£144.26
Two-bedroom	£152.73
Three-bedroom	£161.22
<b>London Shared Ownership</b>	
One-bedroom	Gross household income of £90,000
Two-bedroom	Gross household income of £90,000
Three-bedroom	Gross household income of £90,000

**Table 4:** London Affordable Rent benchmarks for 2017-18 as set out in Affordable Homes Programme 2016-21 Funding Guidance.

90 The affordable tenure split, at 67:33 broadly accords with the Harrow and Wealdstone Area Action Plan and Policy AAP13C, which seeks to support mixed and balanced communities in the area. Greater flexibility in tenure type and affordable housing product in Opportunity Areas and Housing Zones is also promoted in the Mayor’s consultation draft SPG on Affordable Housing and Viability, and the London Plan.

91 Having regard to Harrow’s local policy in the AAP and the characteristics of the affordable housing offer more generally, GLA officers support the balance proposed in accordance with Local Plan Policy CS1, AAP13, London Plan Policies 3.9, 3.11 and 3.12, and the Mayor’s consultation draft Affordable Housing and Viability SPG. The financial viability position has been independently verified and a review mechanism is proposed within the section 106 agreement; the application therefore complies with London Plan Policy 3.12 and Core Strategy Policy CS1J

#### Housing mix

92 London Plan Policy 3.8 and the Housing SPG promote housing choice in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. London Plan Policy 3.11 states that priority should be accorded to the provision of affordable family housing. Policy DM24 of the Development Management Policies Local Plan requires development proposals to secure an appropriate mix of housing on site and to contribute to the creation of inclusive and mixed communities, having regard to the target mix for affordable housing set out in the Council’s Planning Obligations SPD; the priority to be afforded to the delivery of affordable family housing; and the location of the site, the character of its surroundings and the need to optimise housing output on previously developed land. Harrow Planning Obligations and Affordable Housing Supplementary Planning Document (SPD) sets out the following target percentage mix:

- Social/affordable rent: 1 bed 2 persons – 15%, 2 bed 4 persons – 48%, and 3 bed 5-6 persons – 28%
- Intermediate: 1-bed – 20%, 2-bed – 50% and 3-bed – 20%

93 The proposed housing mix provides predominantly 1 and 2 bedroom units with 4% family sized housing, all of which would be affordable family sized units, which is supported by London Plan Policy 3.11 and Local Plan Policy DM24. It is recognised that one and two bed units are more suitable for flatted development, which this site will predominantly provide. The three bed units are proposed to be located largely at ground level, which are more suitable for family dwellings.

94 Given the location of the site next to the Palmerston Road/George Gange way roundabout and the George Grange Way flyover, it is accepted that family housing may not be suitable in this location, and it is considered that the proposed mix of home types/sizes would respond to the location of the site and the character of its surroundings whilst optimising the housing output of this allocated site within the Harrow and Wealdstone Opportunity Area and would make a positive

contribution to the creation of inclusive and mixed communities in Wealdstone Central. Having regard to the site circumstances, the proposed housing mix is acceptable.

#### *Off-site contribution*

95 It was proposed at consultation stage that a £90,000 contribution should be secured towards off-site affordable housing and a planning obligation was recommended to this effect. Given that the application provides 41% affordable housing (by habitable room) with grant based on the Mayor's Affordable Homes Programme 2016-21 and exceeds the 35% threshold approach set out in the Affordable Housing and Viability SPG consultation draft, it is considered that any surplus arising from an improvement in residential values or build costs should be reassessed through a review mechanism, details of which are provided below.

#### *Review mechanism*

96 In line with London Plan Policy 3.12, the Mayor's Housing SPG, and the consultation draft Affordable Housing and Viability SPG, a viability review mechanism will be secured within the S106 agreement. In terms of general principles, a review mechanism sets out requirements to re-evaluate the viability of a scheme at a certain point in time or in phases, refreshing and updating inputs and assumptions that are relevant at that time. If a scheme is more financially viable than when approved then the review mechanism would normally trigger the provision of additional affordable housing, either on-site, off-site or in the form of financial contributions towards affordable housing elsewhere.

97 An early review mechanism is proposed for this development if the Enabling Works have not been substantially implemented within two years of the date of consent. This will be forward-looking and will analyse the development's build costs and values at that time, securing the provision of additional affordable housing on the site up to a level of 50% of the scheme, if the viability of the scheme improves.

98 The review mechanism includes an affordable housing cap at 50% in view of the grant made available to the scheme and in line with the Mayor's intention that half of new housing should be affordable.

99 Officers are satisfied that the review mechanism is required to ensure that the maximum reasonable level of affordable housing is secured over the lifetime of the development. The details of the review mechanism will be secured through a planning obligation in the S106 agreement.

#### Density

100 London Plan Policy 3.4 states that taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output within the relevant density range shown in Table 3.2. The site has the characteristics of an urban area with a public transport accessibility level (PTAL) of 5. The London Plan matrix therefore suggests a residential density of between 200-700 habitable rooms per hectare for this site. Local Plan Policy AAP 5 *Density and Use of Development* states that residential development proposals should achieve densities within the appropriate London Plan density range.

101 The density of the proposed development would be 720 habitable rooms per hectare. This would exceed the typical range identified by the London Plan. The Mayor's Housing SPG states, at paragraph 7.5.8, that "Densities in opportunity areas and on other large sites may exceed the relevant density ranges in Table 3.2 of the London Plan, subject to development achieving the highest standards in terms of residential and environmental quality and proposals addressing the

other qualitative concerns set out in Section 1.3 of the SPG". Given the site's location within an Opportunity Area and a Housing Zone, its high transport accessibility, the considerations on the high quality of the design and residential standards which are considered below, and the Harrow and Wealdstone's objectives for the regeneration of Wealdstone, the density is acceptable in line with London Plan Policy 3.4 and Local Plan Policy AAP5 has been addressed.

### Housing quality

102 Policy 3.5 within the London Plan seeks to ensure that housing developments are of the highest quality internally, externally, and in relation to their context and to the wider environment. Table 3.3, which supports this policy sets out minimum space standards for dwellings. The Mayor's Housing SPG builds on this approach, and provides further detailed guidance on key residential design standards including minimum standards for amenity space, unit to core ratios, floor to ceiling heights and maximisation of dual aspect units.

103 Harrow Core Strategy Policy CS1 K requires a high standard of design and layout across all tenures within a development and consistent with the London Plan and its associated SPG. Local Plan Policy AAP4 requires new homes within the Heart of Harrow to achieve a high standard of residential quality, whilst Policy AAP 13 sets out a range of criteria to ensure that mixed, sustainable communities are created. Policy DM 1 of the Development Management Policies document requires all development to achieve a high standard of privacy and amenity, and sets out a range of criteria to assess the design and layout of proposals. The Council's Residential Design Guide supplementary planning document (SPD) sets out that the minimum space standards for new homes set out in the London Plan will be applied to all new residential development in Harrow.

### *Residential standards*

104 The proposed dwellings would meet or exceed the minimum space standards established in the London Plan. All residential cores are accessed directly from the public realm, and the floor plates are well-proportioned with no more than 7 units sharing a core in accordance with strategic guidance. Corridors would also receive natural light and be naturally ventilated. The majority of the residential units would be dual aspect, with a total of 23 units single aspect only; however, none of these units would be north facing, and only two would contain three bedrooms. Although the Housing SPG advises that single aspect dwellings that are north facing and which contain three or more bedrooms should be avoided, it is recognised that a small amount of single aspect units is inevitable in an urban context and on this constrained site. Nevertheless, the east-west orientation of the blocks and proposed internal floor to ceiling heights of a minimum of 2.5 metres will help maximise daylight/sunlight penetration into the flats. As a result, the scheme is generally in accordance with the standards set out within the Mayor's Housing SPG, and is considered to provide a high standard of residential accommodation.

### *Amenity space*

105 The Housing SPG promotes the provision of 5 sq.m. of private outdoor space for one and two person dwellings, and an extra 1 sq.m. per additional occupant. The Council's Residential Design Guide SPD advises that the amount of amenity space to be provided will be informed by the London Plan standards, the needs of the future occupants of the development and the character of the area.

106 With the exception of two dwellings, all of the residential units will have access to private outdoor space, in the form of a balcony, a winter garden or a private garden, that meets or exceeds the guidance. The two dwellings without a private outdoor space will have a size that exceeds the Mayor's space standard and will have access to a communal roof garden in the development.

Overall, the scheme meets the Mayor's guidance for the provision of private and communal amenity space.

#### *Internal daylight*

107 A daylight report has measured the performance of habitable rooms within the proposed development based on a minimum recommended average daylight factor (ADF). For the purpose of the assessment, a selection of rooms within the ground and first floors of the development (representing the worst case scenario as these are at the lowest levels of the development) has been tested. The reported daylight results concludes that 93% of the living room/kitchen/dining rooms/ bedroom tested would comply with the Building Research Establishment (BRE) guidelines, which recommends that ADF values of 1% should be achieved in bedrooms; 1.5% in living rooms and 2% in kitchens.

108 As the figures reveal, the new development would not achieve 100% compliance with the recommendations of the BRE guidelines. However, as advised in the Housing SPG, BRE guidelines on assessing daylight should be applied sensitively and sensibly to higher density development in London, particularly in central and urban settings. In the site's context, it is therefore expected that a number of units will not meet the BRE guidelines. As set out above, the majority of the flats would have dual aspects; all flats would meet or exceed the London Plan minimum space standards; the majority of flats would have a private balcony and all flats would have accessed to communal roofspace. Overall, the proposal is considered to provide acceptable internal daylight for future residents.

#### *Noise*

109 Local Plan Policy DM1 requires a high standard of amenity taking into account noise, hours of operation and vibration. The allocation Site 6 requires noise challenges to be considered as part of any design considerations. Furthermore, London Plan Policy 7.15 sets out criteria by which development proposals should manage noise.

110 In relation to external noise, noise levels at the site's location are affected predominantly by road traffic movement coming from the George Grange Way flyover and busy roundabout. The assessment of noise impact submitted with the application states that noise climate at the site is considered to be typical for a moderate busy urban environment. The acoustic performance has been assessed and consequently there are varying glazing recommended. The thickest glazing is proposed near the flyover and a condition is recommended requiring a more detailed assessment of the specific flats/rooms requiring mitigation, together with a detailed specification of the level of mitigation required.

111 The Council's committee report concludes that it is possible to mitigate the impact of external noise environment by the installation of glazing to an appropriate acoustic environment; GLA officers concur with this conclusion and recommend that suitable conditions is secured.

112 The design of the development has also been arranged to promote horizontal arrangements and repeated layouts over several floors to minimise conflict between room-use (i.e bedrooms vs living rooms) in line with Harrow's Residential Design Guide SPD.

#### *Outlook and privacy*

113 Consideration has been given to the outlook between the proposed blocks, which have separation distance of between 4.2 metres and 46 metres.

114 As identified in the Council's planning committee report there would be some level of visibility between homes on the same level and some perception of visibility to/from homes on other levels, particularly the short separation distance between blocks C and E (4.2m). With specific regard to blocks C and E, non-habitable room windows are proposed on the northern elevation of block E; it is recommended that a planning condition requiring these non-habitable room windows to be obscure-glazed and non-opening below 1.7m above finish floor level is secured. This will achieve an acceptable standard of privacy for future occupiers of blocks C and E as concluded in the Council's committee report. GLA officers concur with this assessment.

115 With regard to blocks B and C, it is acknowledged that the close proximity of the layout could result in some actual/perceived overlooking impacts. Whilst this impact could also be mitigated by the use of obscure-glazing as with block E, as concluded by the Council in its committee report, the subsequent impact on design quality and the benefit to future occupiers of two aspects of outlook outweigh any impact. GLA officers concur with this conclusion.

116 The roof terrace on Block E will utilise hard and soft landscaping elements to provide appropriate levels of privacy to units within block C. It is recommended that details relating to privacy on the roof terrace be addressed as part of the detailed landscaping, which is controlled by condition.

117 The Council in its planning report concluded that the proposal would secure a standard of visual privacy for future occupiers that is commensurate with the high density urban character of the proposal and its location. Any identified impact can be appropriately mitigated through the use of planning conditions, which have been included. GLA officers agree with the Council's conclusions.

#### *Children's play space*

118 London Plan Policy 3.6 sets out that housing schemes should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. The Mayor's supplementary planning guidance *Shaping Neighbourhoods: Play and Informal Recreation* sets a benchmark of 10 sq.m. of useable child play space to be provided per child, with under-5 child play space provided on-site as a minimum. The SPG also specifies that boroughs may choose to use their own benchmark standard when calculating play space requirements. Local Plan Policy AAP 11 requires all major development to provide sufficient play space on site to meet the needs of the development, whilst Policies AAP 13 and DM 28 reiterate the need for children's play space. The Council's Planning Obligations SPD, informed by Harrow's PPG 17 Study, sets a quantitative standard of 4 sq.m. of play space per child.

119 Based on the revised tenure mix, GLA officers have calculated that the development has the potential to accommodate 28 children, 14 of which are expected to be under five years old. This generates a play space requirement of 284 sq.m., of which 140 sq.m. should be provided as door-stop play space based on the GLA benchmark of 10sq.m. of child play space to be provided per child. Harrow's local benchmark of 4sq.m. would require 113 sq.m. of play space to be delivered.

120 A total of 260 sq.m. of play space is delivered on site for 5-11 year olds. No provision is proposed for children over 11 years old. To mitigate the requirement in respect of that age cohort, a £15,000 contribution to improve off-site provision in the vicinity of the site will be secured by the Council as part of the S106 agreement, which the Council has confirmed will be used to improve the quality and facilities at existing open space in the vicinity of the development (the details of which are to be determined at a later stage).

121 The proposed play space will be located adjacent to both the Hub and residential Block E, ensuring high levels of overlooking/passive surveillance. The play space would receive some level of

sunlight, although it is accepted that the area beneath the flyover would be shaded. As noted in the air quality section of this report, mitigations to protect children against the concentration of nitrogen dioxide at the proposed playground location during pollution events will be required and this will be secured through a condition. A condition will also secure the submission of a play strategy including details on provision for children with disabilities and special sensory needs. This is welcomed and in line with the Mayor's Play and Informal Recreation SPG.

122 Subject to the above conditions and obligations being secured, the provision of play space would be in accordance with London Plan policies 3.6, 7.2 and 7.14 and Local Plan policies AAP11 and AAP13, DM1 and DM28.

### Housing conclusion

123 The proposal would optimise the residential potential of this Opportunity Area site in the Heart of Harrow Housing Zone and make a significant contribution to housing and affordable housing delivery in Harrow. The financial viability position has been independently verified and, subject to the inclusion of a satisfactory review mechanism within the section 106 agreement, the scheme will deliver the maximum reasonable amount of affordable housing. The housing schedule responds to the need to support mixed and balanced communities and provides a mix of dwelling sizes. The scheme will also achieve good practice residential design and amenity standards, and subject to conditions and obligations being secured will adequately provide for children's play space. Accordingly, the proposed housing provision is strongly supported in accordance with the NPPF; London Plan Policies 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.12, 7.15; and, Harrow's Local Plan policies CS1, AAP4, AA5, AAP11 and AAP13, DM1 and DM28.

## **Urban design**

124 Chapter 7 of the NPPF states that Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter seven, which address both general design principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design principles for development in London. Other relevant design policies in this chapter include specific design requirements relating to inclusive design (Policy 7.2); designing out crime (Policy 7.3); local character (Policy 7.4); public realm (Policy 7.5); architecture (Policy 7.6); tall and large scale buildings (Policy 7.7); and heritage assets (Policy 7.8).

125 Harrow's Core Strategy Policy CS1 seeks to protect the character of Harrow's suburbs and town centres. Policy DM1 on Achieving a High Standard of Development of the Development Management Policies Document requires all development proposals to achieve a high standard of design and layout. This assessment of the design and layout relates to the massing, bulk, scale and height of the proposed building; the appearance; context; space around buildings; the need to retain or enhance existing landscaping; the functionality of the development; the safe, sustainable and inclusive access.

126 Policy AAP3 of the Harrow and Wealdstone AAP requires development within Wealdstone to be of a massing, bulk and scale appropriate to its district centre designation and to the site surroundings; to contribute to the enhancement of the urban realm and visual amenity of the district centre as a key transport gateway into the Heart of Harrow; to contribute to the broader east-west connectivity; to provide a design which respects, and relates positively to, the centre's heritage and character in terms of architecture, streetscape and road layout; to make a positive contribution to the perception of safety and security within the centre; and to create an accessible,



family friendly environment. Local Plan Policy AAP4 seeks to achieve a high standard of development throughout the Heart of Harrow.

### Height and massing

127 London Plan Policy 7.7 sets out a number of criteria for the consideration of tall buildings, including where they can be considered, how they should relate to their surroundings, enhance legibility and the skyline, be sustainable and contribute towards local regeneration. The London Plan identifies that tall building locations should be identified as part of a plan-led approach and should generally be limited to sites within opportunity areas, areas of intensification or town centres with good access to public transport and should only be considered in areas whose character would not be adversely impacted by the scale, mass or bulk of a tall or larger building. This site is within a highly accessible location within an Opportunity Area, a town centre and has been subject to a plan-led approach in the form of the Area Action Plan.

128 Local Plan Policy DM1 requires development to have regard to the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers. The Harrow and Wealdstone Area Action Plan establishes a policy framework for tall buildings within the Opportunity Area. Local Plan Policy AAP6 requires development to be guided by the parameters set out in each allocated site and the relevant requirements of Local Plan Policy AAP6. The policy also states that proposals for taller buildings must be justified in community benefits as well as urban design terms, and will also only be considered acceptable if they are 'landmark' buildings.

129 The allocated *Site 6: Palmerston Road/George Gange Way* establishes the maximum height for buildings on the application site at 6 storeys and states that additional storeys require 'special justification based upon additional outcomes or architectural/design considerations'. *Site 6: Palmerston Road/George Gange* also seeks to 'establish a visible collection of prominent high quality gateway buildings to Wealdstone that improve identity for this area.' This application proposes to construct 5 blocks of up to 17 storeys in height.

130 As the proposal is above 6 storeys in height as per Local Plan Policy AAP6 special justification would be needed and providing this case can be made, the scheme would meet the requirements of Policy AAP6. The site is located in the Harrow and Wealdstone Opportunity Area and on the edge of Wealdstone town centre. It is also situated in an accessible location less than 200 metres from Harrow and Wealdstone station. Furthermore, the applicant's intention to provide tall buildings in this area would create a new and clearly defined urban context and would deliver the Harrow and Wealdstone Area Action Plan's ambitions for allocated Site 6 to 'establish a visible collection of prominent high quality gateway buildings to Wealdstone that improve identity for this area'.

131 The massing and heights strategy successfully addresses the immediate built context of the site by stepping down in scale to respond to the character and proportions of the two and three storeys Victorian terrace housing along Masons Avenue, with taller blocks positioned towards the northern edge, framing the flyover and introducing an appropriate sense of 'enclosure' to the Palmerston Road roundabout as sought by the parameters of allocated Site 6. This arrangement also helps to optimise sunlight penetration to the public realm within the southern portion of the site, with the majority of overshadowing to the north being absorbed by the significant width of the roundabout.

132 The applicant has responded to the challenging geometries of the site by introducing a simple arrangement of distinct massing elements, which successfully frame the public realm with consistent double height frontages responding to the height of the flyover. The offset plan form of taller blocks provides efficient footprints, resulting in a unified family of refined buildings of varying height, forming a distinctive 'gateway' between Wealdstone and Harrow.

### *Height and massing conclusion*

133 It is considered that the applicant through a carefully considered design process has made a special justification for the height proposed. Through its contribution to housing, employment and regeneration, the scheme will also deliver significant community benefits. The development will deliver an attractive design with quality materials and detailing, quality public realm which provides active uses and new routes improving local permeability and connectivity to the surrounding. The scheme is considered to comply with the requirements of AAP6.

### Architectural appearance and materials

134 The simple building forms are complimented by clean-lined detailing and subtle articulation achieved through varied window alignments and open corner balconies. The applicant proposes the use of Cenia limestone for the primary facing material for the tallest elements and brick cladding for the lower rise components to distinguish between character areas and provide a sculptural quality to the blocks in longer range views. The uniform cladding would provide visual consistency between taller blocks either side of the flyover, accentuating the appearance of a family of buildings and a gateway.

135 The final choice of materials and quality of detailing will have a significant impact on the quality of development as a whole. In this respect, a planning obligation will be secured requiring the applicant to retain the existing architect or one of equivalent standard until the development is completed, or, to submit a Design Code prior to the commencement of the development. Key details such as window reveals, balconies, ground floor frontages and samples of facing materials will be secured through conditions.

### Strategic and local views

136 As set out in the historic environment section of this report, the proposed tall buildings would not impact on strategic or local views adversely.

### Ground floor layout and public realm

137 The layout of the ground floor is successful in terms of creating active ground floor uses and a new public realm. The inclusion of commercial uses, a gallery and event space at the Hub and residential entrances at ground floor will provide natural surveillance and activity. The layout of the proposed buildings will also help create a coherent piece of public realm at either side of the flyover unified via a zone of shared space running underneath the flyover with, as stated above, commercial/community uses, and a play area at ground floor. Conditions on the landscaping and lighting of the space, as well as conditions on its management, maintenance and use will be secured to ensure that it delivers a space of quality that can be used and appreciated by residents, workers and visitors alike.

138 The arrangement of the buildings establishes a new pedestrian route through the site linking Masons Avenue in the south with Palmerston Road in the north. The opening up of this new route, which improves local permeability and creates a new connection towards the Harrow and Wealdstone station is supported and would also contribute to delivering the key design principles of the AAP that encourages pedestrian movements between the station and the town centre.

### Designing out crime

139 London Plan Policy 7.3 and Local Plan Policies CS1E and AAP4 seek to ensure developments incorporate 'Secure by Design/Designing out Crime' principles.

140 A Secured By Design Statement has been submitted with the application. The applicant has considered the interaction of the buildings with the public realm, ensuring that the public spaces (including the space under the flyover) and pedestrian routes along the boundaries of the site are overlooked by active retail/community/commercial uses at ground and upper floors to generate a high level of daytime/evening activity within the development and to prevent anti-social behaviour. The inclusion of appropriate ambient light under the flyover will assist in creating a secure and inviting space. A gated access is used to restrict access to non-residents between the hours of 22:30 and 06:30 hours as the site could feel isolated during these times. Car parking within the proposed basement area will be accessed by residents via lift or stair cores from the residential floors. Lighting within the car park together with details of how the basement can be safely accessed by vehicle will be secured through a car parking management plan. There will be no general public access to the bin storage areas. A suitable condition is recommended to ensure the development will achieve Secured by Design certification prior to occupation.

141 As such, the proposals are acceptable with respect to designing out crime and comply with London Plan 7.3 and Harrow Policies CS1E and AAP4.

#### Landscaping and trees

142 Local Plan Policy AAP 12 *Improving Access to Nature* requires all major development proposals to incorporate features that support the protection, enhancement, creation and management of biodiversity within the Heart of Harrow. The proposed landscaping strategy is based around a shared space approach with areas of planting to help define areas of public realm and pedestrian routes through the site, and to promote biodiversity. A condition requiring a revised landscaping strategy is suggested to ensure the development makes provision for hard and soft landscaping and contributes to the creation of a high quality, accessible, safe and attractive public realm in Wealdstone.

143 There are some trees at present on the application site, however, it is understood that these trees are not protected by a Tree Preservation Order. Whilst the loss of the trees would be regrettable, it is considered that there is scope to plant new trees as part of the landscaping scheme that is required to come forward by planning condition. There is therefore no objection to the loss of the existing trees.

#### Contribution to local regeneration

144 As stated earlier in this report, the site would make an effective use of the existing brownfield land by delivering a high quality, high density residential development with new commercial, retail and community uses in a town centre location. This will enhance the vitality and viability of Wealdstone District Centre and promote its regeneration in accordance with the ambition of Local Plan Policy AAP3.

#### Urban design conclusion

145 Given the site's context within an Opportunity Area and Housing Zone, its proximity to Wealdstone town centre and Harrow and Wealdstone station, its contribution to housing, employment and regeneration, GLA officers are satisfied that the scheme complies with Policy AAP6 of the Harrow and Wealdstone AAP. Furthermore, it is considered that overall, and subject to the above conditions and obligations being secured, the development would deliver an attractive design with quality materials and detailing, quality public realm which provides active uses and a new route improving local permeability and connectivity to the surrounding area. In line with the parameters of allocated Site 6, it has been demonstrated that outcomes and design considerations exist to justify the scale of the development. Overall, the design of the proposal is well resolved and accords with the NPPF, London Plan Policies 7.1, 7.3, 7.4, 7.5, 7.6, and 7.7, Local Plan Policies CS1

and DM1 and the requirements of Policy AAP6 in terms of its impact on and contribution to urban design.

## Historic environment

146 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions.

147 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes clear that special regard must be had to the desirability of preserving Listed Buildings, their settings, or any features of special architectural or historic interest that they may possess. The *Barnwell Manor Wind Farm Energy Limited v East Northamptonshire District Council* case tells us that "Parliament in enacting section 66(1) did intend that the desirability of preserving listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."

148 Paragraph 132 of the NPPF states that when considering the impact of a proposal on the *significance* of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Paragraph 132 goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The effect of an application on the significance of a non-designated heritage asset should also be taken into account in determining the application as set out in paragraph 135 of the NPPF. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

149 London Plan Policy 7.8 states that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate and that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Local Plan Policy DM7 states that the conservation of heritage assets will be afforded priority over other policies when assessing proposals affecting heritage assets, and sets out detailed criteria for the consideration such proposals.

150 As noted in the site description section of this report in paragraph 13, the application site does not contain or adjoin any listed buildings and is not in a conservation area. However, there are three designated heritage assets in the area. These are:

- the Grade II Listed Harrow and Wealdstone railway station, 110 metres away from the site;
- the locally Listed building at 21 the bridge, 77 metres from the site; and
- the locally Listed building at 36 High Street, 200 metres from the site

151 It is noted that the applicant's Conservation Statement concludes that the impact of the proposal upon the heritage assets is limited. With regard to the Grade II Listed building, whilst the submitted assessment concludes that the significance of the station is within the station itself rather than within its setting and therefore the significance of the station would not be affected by the proposed development, GLA officers note that there are two separate listings. The station platform buildings are listed (Grade II) under reference 1253986 and the station building itself is listed (Grade II) under reference 1253982, and further to the assessment in the urban design section of this report, GLA officers are of the view that the setting of the station would not be harmed by the proposed development. As for the two locally Listed buildings identified above, the

assessment has found that the setting of the locally listed buildings would be unaffected. Visuals have been submitted to illustrate the applicant's conclusions on this matter. GLA officers concur with these conclusions.

152 In conclusion, and having had special regard pursuant to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act, whilst it is acknowledged that the proposed development would change the townscape of Wealdstone, it is considered that the historical significance of the three heritage assets would be preserved. The proposal would therefore satisfy national policy, London Plan Policy 7.8, and Harrow Local Plan Policies CS1B and DM7.

### Strategic and local views

153 The application site does not lie in any of the strategic views identified in London Plan Policy 7.11 and the London View Management Framework (LVMF) Supplementary Planning Guidance. Policy DM3 of Harrow's Development Management Policy Local Plan identifies local protected views in Schedule 3 to be safeguarded in accordance with the adopted Harrow Views Assessment document (2012). The application site lies within the Wider Setting Consultation Area of two locally protected views:

- Protected Views Setting Corridor: Roxborough Road Footbridge: It provides views towards St Mary's Church and Harrow-on-the Hill and a view towards Harrow Weald Ridge.
- Protected Views Setting Corridor: Proposed Country Park at Wood Farm: It provides views towards Central London, Wembley Stadium and Harrow-on-the Hill Conservation Area/St Mary's Church, a Grade I listed Building.

154 The Visual Impact Assessment (VIA) submitted with the application considers 15 separate view points. Importantly, it assesses the impact of the development on the Wider Setting Consultation Area of the two locally protected views sited above. The visualisations within the VIA demonstrate that with regard to:

- The view from Roxborough Road Footbridge: one of the proposed buildings would be visible from the view point and would protrude slightly above nearby pitched roofs, however, the height of this protrusion would be commensurate with the height of the buildings in the foreground. The applicant's assessment concludes that the impact of the development would therefore be negligible. Officers note that the height of the protrusion would not extend above the wider consultation setting area shown in Schedule 3 of the Local Plan and agree with the VIA's conclusions.
- The view of the Country Park at Wood Farm: the development would lie to the right of St Mary's Church and Harrow-on-the Hill foreground and the majority of the development would lie behind the hill in the foreground. The VIA advises that at worst the top two storeys of the tallest tower would be visible but given the distance of the view any impact is judged to be negligible. Officers note that the development would lie outside of the protected view setting corridor for the view. Officers agree with the VIA's conclusions.

155 Overall, having regard to the visualisations and analysis within the VIA, GLA officers are satisfied that the development would maintain the viewers' ability to recognise and appreciate the landmark qualities of St. Mary's Church, Harrow-on-the Hill and the Harrow Weald Ridge and would have no effect on the composition of protected views identified in Harrow Development Management Policy Local Plan.

### Historic environment conclusion

156 The development would not cause harm to the character or setting of the three heritage assets that lie in the vicinity of the application site, nor would it harm the composition of Harrow's local protected views. The proposed development would satisfy the requirements of the NPPF,

London Plan Policy 7.8, and Local Plan Policies CS1, DM3 and DM7 in relation to the historic environment.

## **Inclusive design**

157 Chapter 6 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area.

158 London Plan Policy 7.2 and the Mayor's Accessible London: Achieving an inclusive environment SPG require that all development meets the highest standards of inclusive design and access for disabled people, and that the design process has considered how everyone will be able to use the places and spaces that are proposed. Policy 3.8 requires that 90% of new housing meets Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and 10% meets Building Regulation requirement M4(3) 'wheelchair user dwellings', designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Policy DM2 of the Council's Development Management Policies Local Plan also promotes accessible and inclusive design.

159 It is proposed that 90% of the proposed units will meet the Building Regulations standard M4 (2) and 10% of the proposed 186 homes will be 'wheelchair user dwellings' (19 units) in accordance with the Building Regulations standard M4(3), with two affordable rent flat being wheelchair accessible. A condition will secure the accessible housing requirements M4(2) and M4(3). The construction of 10% of the affordable rented homes as wheelchair accessible will be secured in the S106 agreement.

160 A total of 27 Blue Badge car parking spaces for both disabled residents and commercial users would be provided in the basement. As mentioned in paragraph 243 of the transport section of this report, details of the accessibility of the basement car park requires further consideration and it is therefore recommended that details are reserved and required by condition.

161 To deal with the change in level at the site, a landscape strategy will be secured by condition to ensure that inclusive access across the site will be achieved, and a shared surface strategy would be in place to secure tactile paving and pedestrian safe zones to ensure the safety of elderly and disabled residents and visitors using the site. The accessibility of the proposed play space is covered in the play space section of this report in paragraph 161.

162 Subject to the provision of additional information on the landscaping and inclusive design strategies and accessibility to the blue badge basement car parking, to be secured by condition, the development would greatly improve the accessibility of the built form and associated public realm for residents and visitors alike. The proposed development would be walkable, provide a choice of homes, including wheelchair accessible/ adaptable homes, and provide accessible shops and places to spend time and to work. This quality environment would contribute to the creation of a 'lifetime neighbourhood' and is strongly supported. The proposal would therefore be in accordance with the NPPF; London Plan Policies 3.8, 7.1 and 7.2; and Policies DM1 and DM2 of the Harrow's Development Management Policies Local Plan.

## **Neighbouring amenity impacts**

163 A core principle of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. London Plan Policy 7.6 states that the design of new buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings in relation to privacy, overshadowing, wind and microclimate. In addition, London Plan Policy 7.7 states that tall

buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence and overshadowing amongst other things. London Plan Policy 7.15 seeks to reduce and manage noise associated with development.

164 At the local level, Core Strategy Policy CS1B requires development to respond positively to the local context in terms of design, siting, density and spacing. Policy DM1 requires all development to achieve a high standard of privacy and amenity, and sets out a number of privacy and amenity considerations.

#### Neighbouring amenity context

165 The application site is in an urban location surrounded by a mix of uses, including employment, commercial, education and community uses. There are also a number of residential properties located close to the site, which the applicant has identified as being likely to be impacted on in terms of overlooking, sense of enclosure and light.

166 The principal impacts on residential amenity that need to be considered in this case are privacy/overlooking; daylight and sunlight/overshadowing; noise and disturbance; and light pollution. These factors have previously been considered in detail by Council officers and have also been independently assessed by their consultants. The findings of this assessment have found the proposal would not detrimentally impact upon the amenity of neighbouring occupiers.

#### Privacy/outlook

167 Harrow Local Plan Policy DM1 undertakes to assess privacy and amenity considerations having regard to, among other things, the prevailing character of amenity and the need to make effective use of land; the relationship between buildings and site boundaries; and the visual impact when viewed from within the buildings and outdoor spaces.

168 GLA officers have reviewed the LB Harrow officers committee report in terms of impact on privacy and concur with its assessment of the impact of this development on this aspect of amenity. The key elements of that analysis are set out in the following paragraphs.

169 The front part of Block A would be 5 storeys high (16.2m to top of parapet). The scale of this part of the building has been informed by the scale of its nearest neighbour, Birchfield House which is also a five storey building. A distance of 19.8m is proposed between these two buildings. The facing elevations would both feature a number of window openings, and it is noted that many of these would be primary windows. However, it is considered that the separation distance of 19.8m would be sufficient to mitigate any intervisibility between these residential buildings and / or harm in terms of loss of outlook from the residential units within Birchfield House.

170 The rear part of Block B would be 2 storeys high (6.8m). The scale of this part of the building has been informed by the terrace of two-storey properties to the south of the application site. A distance of 13.6m is proposed between the original two-storey outriggers along this terrace and the two-storey rear wall of block A, in which a number of secondary windows are proposed. The windows in block A and the windows in the neighbouring terrace would be at an angle rather than directly facing each other. It is considered that the proposed distance and angled relationship would sufficiently mitigate any intervisibility between these residential buildings and / or harm in terms of loss of outlook from the residential units.

171 A 6.6m distance is proposed between the two-storey rear corner of block A and the nearest rear corner of Station House. Station House is predominantly in B1 use, but also has authorised D1 uses on the ground floor. Although commercial premises are not as sensitive as residential premises, an environment within which office and other commercial premises can function practically and

without undue distraction can reasonably be expected. Having regard to the proposed site layout, occupiers of Station House would view the proposed block A at an oblique angle. It is considered that this together with the two-storey height of block A (at the rear) would prevent intervisibility and loss of outlook from Station House.

172 Block B (between 9 and 17 storeys) and block C (between 10 and 15 storeys) would have the greatest visual presence on the application site. These blocks would appear as substantial buildings within the surrounding area.

173 It is acknowledged that block B and C in particular would undoubtedly give rise to a significant change in outlook for the occupiers of neighbouring properties, and in some instances actual and perceived loss of privacy. It is noted that a number of objections have been received on this basis. However, this needs to be balanced against the other development plan policies applicable to the development that promote town centre intensification and regeneration, and to justification for tall buildings on this particular site set out in the Urban Design section of this report.

174 Taking the above matters into account, it is considered on balance that the harm in terms of the impacts on the visual and residential amenities of some neighbouring occupiers is outweighed by the desire to achieve the above-mentioned planning objectives.

175 Block D would comprise the Hub building and would front Masons Avenue. The western-most part (unit 05) would be two/three storey's in height. The front wall of this unit would align with the front wall of the adjacent two storey terrace. The submitted plans show that the projecting three-storey rear wall would comply with the 45 degree code in the horizontal plane in relation to the nearest recessed rear corner of No. 25 Masons Avenue. Having regard to this and the separation distance between the projecting western flank wall of unit 05 and the eastern flank wall of the two-storey outrigger at No. 25 (8.8m), it is considered that the proposed two/three storey height of unit 05 would not give rise to unacceptable visual impacts on the occupiers on the 1PstP floor residential unit at No. 25 or indeed the occupiers of the ground floor commercial unit at No. 25. At ground floor level, it is considered that the proposal would represent an improvement to the amenity of the occupiers of the ground floor commercial unit at No. 25 when compared to the existing situation whereby single storey workshop buildings are sited along the full depth of the western shared boundary. In terms of privacy, there are no flank wall windows on the western flank wall of unit 05 that would give rise to loss of privacy for the occupiers at No. 25.

176 The eastern-most part of the Hub building (unit 06) would be single storey in height. The nearest neighbours to this proposed structure would be No. 47 Masons Avenue, a single family dwellinghouse. The front wall of this unit would align with the front wall of the adjacent two storey terrace before stepping out by 2m at a width of 8.5m. It is considered that this stepped arrangement is important to protect the visual amenities of the occupiers of No. 47. The eastern flank wall would be sited along the eastern site boundary, the shared boundary with No. 47 Masons Avenue. The proposed single storey building would project 6m beyond the main flank wall of No. 47. However, it would be buffered by the presence of a single storey projection at No. 47 Mason Avenue.

177 Block E would have four storeys. It would be sited 31m from the two-storey rear walls of Nos 47 and 49 Masons Avenue. This distance is considered sufficient to prevent intervisibility between facing windows. It is acknowledged that block E would be sited 8m from the rear gardens of these neighbouring residential dwellings. Harrow officers noted that during the course of the planning application, revised drawings were received showing the removal of private balconies from the southern elevation of block E. These were replaced by secondary windows, which would give rise to less overlooking than the originally proposed balconies.



178 It is acknowledged that the presence of a four storey building in this location would bring about significant change for the occupiers of properties along Masons Avenue, particularly No's 47 and 49. However, given the depth of the rear gardens at these properties (approximately 23.4m) and their siting to the south of block E, it is considered on balance that the proposed siting of block E would not be detrimental to the outlook of the occupiers of No's 47 and 49 Masons Avenue.

179 Block E would be sited just 3.8m from the two-storey building located along the eastern site boundary. However, this building is orientated away from the application site and there are no windows on the western elevation of this building. As such, it is considered that the proposal would not give rise to loss of outlook, loss of privacy or undue impacts for the occupiers of this building.

180 A communal roof garden is proposed on top of block E which could provide opportunities for future occupiers to overlook the neighbouring rear gardens along Masons Avenue in particular. However, it is considered that adequate mitigation could be achieved by obscuring sections of the enclosure to the communal roof garden. Such mitigation may be secured as a condition of any planning permission.

181 Policy DM1 of the Local Plan undertakes to assess amenity having regard to: the prevailing character of privacy and the need to make effective use of land; the overlooking relationship between windows and outdoor spaces; and the distances between facing windows to habitable rooms and kitchens. Applying these considerations to the circumstances of the application site and the relationship of the proposed development to its immediate and wider surroundings, it is considered that the proposal – subject to the mitigation recommended – would achieve an appropriate standard of privacy for neighbouring occupiers.

#### Daylight and sunlight

182 The applicant has submitted a full daylight/sunlight assessment that considers the impact of the proposal upon existing adjoining properties. The tests were undertaken in accordance with the British Research Establishment (BRE) guidelines with specific reference to Vertical Sky Component for assessing daylight and Annual Probable Sunlight Hours (APSH) for assessing sunlight. It also assessed average daylight factor (ADF) for the proposed properties being built. The applicant's technical study has been independently assessed by the Council's specialist consultants.

183 Vertical Sky Component (VSC): This method of assessment is a "spot" measurement of daylight, taken at the mid-point of a window. It represents the amount of visible sky that can be seen from that reference point from over and around the obstruction in front of the window. That area of visible sky is expressed as a percentage of an unobstructed hemisphere of sky and therefore represents the amount of daylight available for that particular window. The maximum VSC value is almost 40% for a completely unobstructed vertical wall or window. A window may be adversely affected if its VSC measured at the centre of the window is less than 27% and less than 0.8 times is former value.

184 It should be noted that the 27% VSC recommended guideline is based on a low density suburban housing model, and in an urban environment it is recognised that VSC values in excess of 20% are considered as reasonably good, and that VSC values in the mid-teens are deemed acceptable.

185 Average Probable Sunlight Hours (APSH): In relation to sunlight and overshadowing, the assessment sets out an analysis of APSH of windows which face the site and are located within 90° of due south (as per the application of the BRE Guidelines). A window may be adversely affected if a point at the centre of the window receives for the whole year less than 25% of the APSH, including at least 5% of the APSH during the winter months (September 21 to March 21) and less

than 0.8 times its former sunlight hours during either period, and for existing neighbouring buildings, if there is a reduction in total APSH which is greater than 4%.

186 To confirm, the BRE Guidelines are intended for building designers, developers, consultants and local planning authorities. The advice it gives is not mandatory and should not be used as an instrument of planning policy. Of particular relevance, it states: *“This guide is a comprehensive revision of the 1991 edition of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice. It is purely advisory and the numerical target values within it may be varied to meet the needs of the development and its location.”* As stated above, the guidelines are based on a suburban model, and in urban areas such as this one, VSC values of less than 27% would be considered to maintain reasonable daylight conditions.

#### Daylight:

187 The applicant has assessed all the relevant windows of all the properties. The submitted report shows that the BRE standards will not be met for all the properties, and those that show losses beyond BRE recommendations are as follows:

- 1 - 46 Birchfields

188 This five-storey residential property includes 46 flats. The sunlight and daylight assessment identifies a reduction in VSC to 8 flats. The ground floor level of the east facing elevation has the lowest daylight levels but retains a residual VSC of 22.21%. The Council’s independent assessment concludes that ‘whilst reductions in daylight are greater than the BRE recommended level, the flats within 1-46 Birchfields will be left with good levels of daylight by an urban standard and will not actually be left with poor levels of natural illuminance’. GLA officers concur with this assessment.

- 15 Masons Avenue

189 The daylight standard is not met for the living room or the kitchen. However the resulting VSC for the living room window will be 20.23%, which as stated above, is considered to preserve reasonable daylight conditions in an urban area. Furthermore, the kitchen is normally not considered as habitable room. Therefore, this property will continue to receive acceptable daylight conditions.

- 17 Masons Avenue

190 The daylight standard is not met for the bedroom and the living room. However the resulting VSC for the living room window will be 20.66%, which will preserve reasonable daylight conditions. The bedroom is left with a VSC of 14.02%. Whilst this is below the recommended daylight levels, it is noted that bedrooms have a lesser requirement for daylight and it is noted that this is comparable to the existing daylight to other bedrooms at Masons Avenue.

- 19 Masons Avenue

191 The BRE standard is not met for the dining room and one bedroom. The dining room will retain 20% VSC, which is reasonable in an urban setting and the bedroom will retain VSC in the high teens, which will preserve reasonable daylight conditions in an urban location.

- 21 Masons Avenue

192 The daylight standard is not met for the living room and kitchen. As stated above the kitchens are not generally considered habitable rooms. The dining room will retain 20% VSC, which

is reasonable in an urban setting, and the bedroom will retain VSC in the high teens, which will preserve reasonable daylight conditions in an urban location.

- 23 Masons Avenue

193 The daylight standard is not met for the dining room and bedroom. The dining room retains 18.22% VSC and the bedroom 16.89% VSC. Whilst this property experiences reduction in VSC beyond recommended levels, and residents will materially notice the change, reasonable daylight is retained for these rooms.

- 25 Masons Avenue

194 The daylight standard is not met for the studio at ground floor and living room and kitchen of the flat at first floor and residents will materially notice the change. The studio retains 14.48% VSC, the living room 17.04% VSC and the bedroom 16.89% VSC. Whilst this property experiences reduction in VSC beyond recommended levels, reasonable daylight is retained for these rooms.

- 47 Masons Avenue

195 In this property only the results for the kitchen do not meet the BRE standard. The kitchen is normally not considered as habitable room, therefore, this property will not be left with poor living conditions.

- 22 Palmerston Road

196 This is not a residential building; however, it will be left with good daylight and in any case will be left with good day light.

#### Sunlight:

197 All assessed windows within 90 degrees of due south meet reasonable standard for sunlight. The development would have no adverse impact on sunlight. The Council's committee report states that there will be a negligible impact; GLA officers concur with this assessment.

#### Daylight and sunlight conclusion

198 GLA officers have considered the findings of the applicant's and the Council's independent assessment and the BRE's advice. The proposal will result in some daylight impacts in relation to neighbouring properties; however, this is accepted in the context of the site redevelopment in an urban area, where high density development is encouraged by local and London Plan policies. The Council planning officers confirmed in their planning report that they considered the impact on neighbouring properties in terms of daylight and sunlight to be acceptable; GLA officers concur with this view. The proposed development therefore complies with London Plan Policy 7.6 and Local Plan Policy DM1.

#### Noise and disturbance

199 London Plan Policy 7.15 seeks to reduce and manage noise associated with development. Local Plan Policy DM1 requires a high standard of amenity taking into account among other things, noise, hours of operation, and vibration. The allocation AAP Site 6 requires noise challenges to be considered as part of any design considerations.

200 With regard to noise related to servicing and delivery coming from the new development, weekly waste and recycling collections and deliveries in relation to the new commercial uses can be expected as in any urban environment. As stated in the other environment issues of this report, a condition will ensure that potential noise and disturbance associated with this operation is mitigated. In terms of commercial/community activity, conditions are proposed on the general hours of use as well the use of amplified sound, plant and machinery and the extension of the commercial activity outside the building to ensure reasonable compatibility between the commercial users and the living conditions of occupiers residing within and surrounding the development.

201 Overall, it is not envisaged that noise and any vibration/dust/fumes/light pollution would be beyond that which may be expected within such an urban environment and is expected to be somewhat less than with the extant uses. Subject to the above conditions being secured, the proposal would be in keeping with London Plan Policy 7.15 and Local Plan policy DM1 and the parameters of AAP Site 6.

#### Light spill

202 The proposed development is likely to result in some light spillage, given the scale and height of the buildings, although this is not expected to have a more significant impact than any other new development in an urban environment. As details of lighting have not been submitted for consideration, it is proposed that details of lighting associated with the development be controlled through a planning condition.

#### Wind

203 The submitted wind climate review assesses the pedestrian level wind microclimate around the site. The report concludes that the proposed buildings are likely to lead to significant changes to the pedestrian wind climate on the site itself with some limited effects beyond the site. However, the report advises that a number of mitigation measures can be secured to maintain a suitable environment for pedestrian transit across most areas. It is therefore proposed that canopies and screens at building entrances be introduced to increase comfort close to the doors. These have been included in the revised drawings. It is also suggested that planting of an appropriate height will increase comfort in all areas. GLA officers are satisfied with the technical assessment and mitigation measures proposed by the consultant and subject to a condition securing the recommended mitigations that would achieve appropriate reductions in wind speed to relevant areas, the proposal's impact upon local wind turbulence would be acceptable.

#### Neighbouring amenity impacts conclusion

204 The assessment above has been based on the information provided by the applicant and analysis by borough officers and GLA officers. It is acknowledged that that the proposal will bring about a significant change in outlook for neighbouring occupiers, and that daylight, noise, and wind impacts from the development in relation to neighbouring properties are likely to occur. The Council officers confirmed in their planning committee report that the impacts were, on balance, acceptable and GLA officers concur with this view. It is acknowledged as part of this assessment that such impacts can be anticipated if growth is to be delivered within the Opportunity Area. It is therefore considered that, on balance, subject to a comprehensive schedule of planning obligations and planning conditions, the predicted impacts are acceptable and therefore comply with the NPPF, London Plan Policies 7.6, 7.7, 7.15 and Local Plan Policies CS1 and DM1.

## Sustainability and climate change

205 Chapter 10 of the NPPF states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

206 London Plan climate change policies, set out in Chapter five, collectively require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions. London Plan Policy 5.2 sets out an energy hierarchy for assessing applications as set out in more detailed below. London Plan Policy 5.3 ensures future developments meet the highest standards of sustainable design and construction, and London Plan Policies 5.9-5.15 promote and support the most effective climate change adaptation measures including passive thermal regulation, urban greening, and water management. London Plan Policy 7.19 seeks to ensure that wherever possible, development proposals make a positive contribution to the protection, enhancement, creation and management of biodiversity.

207 Policy CS1U of Harrow Council's Core Strategy and the Area Action Plan complement London Plan policies by establishing requirements for sustainable design and construction techniques that maximise the energy efficiency of new buildings, minimise the use of mains water, minimise carbon dioxide emissions and seek to promote and secure opportunities for decentralised energy, especially in the Harrow and Wealdstone Opportunity Area, on-site renewable energy generation, and urban greening. The policy also requires development to achieve an overall reduction in flood risk and increase resilience to flood events. The Development Management Policies DPD set out requirements for sustainable urban drainage, rainwater harvesting, flood risk assessments and surface water management. Local Plan Policy DM13 supports decentralised energy systems and Policy M14 renewable energy technology.

### Energy strategy

208 At the time of the submission of the application, London Plan Policy 5.2 required all major developments to achieve a minimum improvement in carbon dioxide emissions of 40% beyond Part L of the Building Regulations 2010. This is taken to be broadly equivalent to a 35% improvement in emissions below Part L of the Building Regulations 2013. In accordance with the principles of Policy 5.2 the applicant has submitted an energy statement for the scheme, setting out how the development proposes to reduce carbon dioxide emissions.

### *Sustainable design and construction (Be Lean)*

209 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting and centralised mechanical ventilation (MEV) systems.

210 In order to address the requirement of London Plan Policy 5.9, the demand for cooling will be minimised through the incorporation of thermal mass, shading and solar reflective glass on south facing windows, green roofs, natural ventilation and assistive mechanical ventilation when necessary. The applicant has undertaken an overheating analysis using thermal dynamic modelling to assess the overheating risk within the conditioned areas of the building; its results demonstrate that both the bedrooms and living/kitchen/dining rooms within the residential units pass the overheating requirements in accordance with current regulations. However, during more extreme weather scenarios the temperatures experienced within the units do not demonstrate compliance. Additionally, the Part L compliance worksheets provided suggest a medium risk of overheating for some of the dwellings. To

avoid the risk of overheating, the applicant is proposing to include other passive measures such as higher ventilation rates and further blinds. In addition, overheating evidence has been provided which demonstrates reduced overheating risks.

#### *District heating (Be Clean)*

211 The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The Council is currently exploring the feasibility of a district-wide decentralised energy network for the Harrow and Wealdstone Opportunity Area to respond to the Core Strategy's commitment, however, there is no certainty at this point in time to the viability, design and installation of such a future district-wide network. The applicant has provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available. A site heat network is proposed and would be supplied from a single energy centre located at basement level with a gas fired combined heat and power (CHP) system as its lead heat source. GLA officers have requested that the final specifications of the CHP system be reviewed prior to the commencement of works on site to ensure that the proposed CHP is of high quality and good practice. This will be secured by condition.

212 A planning obligation will be secured through the S106 agreement to require that an agreed route for infrastructure be safeguarded to ensure that it would be technically feasible to extend the proposed site wide heat network to enable a connection to any future district-wide decentralised energy network in close proximity. A planning obligation is also sought to ensure that the on-site energy centre be laid out with sufficient space to allow expansion and technical feasibility of the proposed CHP to also serve the rest of the developments of the AAP Site 6, except for the southern portion of the AAP site. Although there is a culvert to the south, it is currently not expected that the energy centre is sized to meet the southern load due to financial viability constraints. Nevertheless, this route should be safeguarded to facilitate an area-wide district network, should one become available.

#### *Renewable energy (Be Green)*

213 The applicant investigated the feasibility of a range of renewable energy technologies and is committing to install 400 sq.m. (60kWp) of Photovoltaic (PV) arrays on the main roofs of Blocks B and C as demonstrated on plans.

#### *Overall carbon savings*

214 Overall the measures proposed in the current energy strategy result in a 37% reduction in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development. This exceeds the target set within Policy 5.2 of the London Plan targets.

#### Flood risk and sustainable drainage

215 The south and east of the application site fall within Environment Agency Flood Zone 3, defined as having a high probability of flood risk. The rest of the site falls in Flood Zone 2. Parts of the site are also at risk of surface water flooding. In addition to this, the Wealdstone Brook culvert traverses the southern side of the site (north of the proposed Hub building and the properties along Masons Avenue and south of the proposed blocks A, B, C and E).

216 London Plan Policy 5.12 seeks to manage flood risk and Policy 5.13 requires developments to utilise SUDs aiming to achieve greenfield run-off rates and manage surface water run-off close to the source. Local Plan Policy AAP9 requires that proposals on allocated sites demonstrate that the development is designed and laid out to be resistant, resilient and safe from all sources of flooding and that there is a net flood risk reduction.

217 In response to the distribution of the flood risk at the site, several measures are proposed to mitigate the flood risk. The flood risk assessment (FRA) submitted with the application confirms that all residential units would be located at least 300mm above the 1 in 100 flood level and that the commercial units would be located where the maximum flood depth is calculated to be 50mm. A flood resilient approach would also be adopted for the units that could experience some flooding. The commercial premises in the highest risk areas would be closed and evacuated in the event that a flood warning is issued. A flood evacuation plan would also be prepared as a precautionary measure for all residents and staff. The submitted plans show that a five metre distance is proposed between the existing culvert and the proposed basement. No form of accommodation is proposed within the basement. The development has therefore been appropriately designed to specifically address flood risk. The Environment Agency in its representations to the Council confirmed that it was satisfied with the adequacy of the FRA. Overall, the proposal is acceptable with regard to its approach to flood risk management, London Plan Policy 5.12 and Local Plan Policies CS1 and AAP9.

218 With regard to sustainable drainage, the proposals incorporate various sustainable urban drainage techniques. These include planting provided on the roof of block E and on the roofs of blocks D and C and the provision of three subterranean attenuation tanks as the main sustainable urban drainage feature to reduce the surface water runoff rates to 5 l/s. In this case, this is above a greenfield run-off rate for this site (which is approximately 3l/s) but is also significantly less than 50% of the existing discharge rate in line with Policy 5.13. The applicant's proposed approach is therefore acceptable. Conditions on drainage have been recommended, including details of the proposed green roofs. Overall, the applicant has satisfactorily demonstrated compliance with London Plan Policy 5.13, Local Plan Policies CS1 and AAP9.

#### Biodiversity

219 London Plan Policy 7.19 seeks to ensure that wherever possible, development proposals make a contribution to the protection, enhancement, creation and management of biodiversity. London Plan Policies 5.10 and 5.11 call for the provision of green infrastructure on site, including planting, green roofs and green walls. Local Plan Policy AAP 12 requires all major development proposals to incorporate features that support the protection, enhancement, creation and management of biodiversity within the Heart of Harrow.

220 As set out earlier in paragraph 218 of this report, the proposal makes provision for green roofs and on-site planting. The site is considered to be of very limited ecological value, so its development would not be detrimental to biodiversity. Details of the green roofs will be secured as part of the hard and soft landscaping details will be required as a condition of any planning permission.

#### Sustainability and climate change conclusion

221 The proposed development would minimise carbon dioxide emissions to meet London Plan targets. The development would not increase flood risk and would deliver sustainable urban drainage benefits over the existing situation at the site and deliver urban greening. In these respects, the development is in compliance with the NPPF; the London Plan Policies in Chapter 5 and Policy 7.19; Local Plan Policies CS1, AAP9 and DM13 and DM14.

### **Other environmental issues**

#### Air quality

222 London Plan Policy 7.14 requires development to minimise exposure to existing poor air quality, reduce construction emissions and be air quality neutral. The Mayor's Sustainable Design

and Construction and Control of Dust and Emissions During Demolition and Construction SPGs provide further guidance in relation to air quality issues.

223 The entire borough of Harrow is designated as an Air Quality Management Area (AQMA) for nitrogen oxide (No<sub>2</sub>) and particulates (PM<sub>10</sub>).

224 An Air Quality Assessment, which considers the air quality implications of the proposal during the demolition and construction phase and following the completion of the development has been provided as part of the application's submission. The assessment concludes that the proposed development is air quality neutral in terms of building emissions and transport emissions.

225 When considering the demolition and construction phase, the assessment concludes that the potentially significant impacts during this phase will be mitigated through an air quality and dust management plan during construction in line with the Mayor's SPG. The submission of an air quality and dust management plan prior to commencement of the development as part of a demolition and construction logistics and management plan will therefore be secured as a condition.

226 When considering the impacts of traffic during the operational phase, the assessment has used the conservative worst case assumptions to assess the impact on NO<sub>2</sub> and PM<sub>10</sub> concentrations based on the Department for Transport counts and traffic data provided in the transport assessment. To consider whether the proposal would increase exposure to poor air quality (NO<sub>2</sub> and PM<sub>10</sub> concentrations) the assessment modelled the predicted concentrations at 28 locations within the proposed development and surrounding the site. The assessment concludes that with the exception of the first floor of block B, the impact of the proposal would be negligible.

227 The report proposes a ventilation system to mitigate this impact and concludes that with this in place, the overall impacts would be negligible. A condition will be secured to ensure this is in place. The report also highlights a risk of nitrogen dioxide concentration in the external play area during pollution events. To ensure that the amenity of the future occupiers of the development is protected, a planning condition therefore requires that a study be undertaken over a winter period to establish the risk of unacceptable pollution levels happening at the proposed location of the playground. Should the study demonstrate that the nitrogen dioxide hourly mean limit value is likely to be exceeded, a management plan to ensure there will be no occupation of the playground or amenity areas for more than an hour during pollution events is required to be submitted in writing and agreed with the Local Planning Authority before the development commences.

228 The submitted air quality report has shown that mitigation measures can be implemented to mitigate the impact of air pollution from traffic and conditions will be secured accordingly. Furthermore, the proposal seeks to manage the number of on-site car parking spaces and provision is made for electric vehicles and cycle parking.

229 The submitted Air Quality report makes a number of assumptions about the design of the combined heat and power (CHP) system. Since the submission of documents the energy strategy has been refined and GLA officers have asked for a detailed technical report setting out the final specifications of the CHP system to be secured by condition. In order to demonstrate that the proposed CHP system will be consistent with the aims of London Plan Policy 7.14 as well as the requirement that the development be Air Quality Neutral, the applicant will need to provide a revised air quality assessment that takes into account the final specifications. This assessment will be secured by condition.



230 Subject to the above conditions being secured and the results of the tests being satisfactory, in the context of an urban, highly accessible site, the application would be considered to be compliant with planning policy concerning air quality.

#### Land contamination

231 In accordance with the requirements of the NPPF, London Plan Policy 5.21 and Local Plan Policy DM15, the applicant has assessed the likely contamination of the site. The contaminated land report has identified potential sources of contamination and risk from contaminated soil, contaminated surface water or ground water and ground gas and vapour.

232 The potential presence of contamination will require further investigation to identify a suitable remediation strategy for the construction and operational phases. As a result, planning conditions are recommended to ensure that measures are agreed and in place to identify and manage potential sources of contamination during the demolition and construction phases of the development. Subject to compliance with these conditions, it is considered that the site can be appropriately remediated for the proposed uses.

#### Waste

233 London Plan Policy 5.16 seeks to minimise reuse and recycle waste and Policy 5.18 requires applicants to produce site waste management plans to arrange for the efficient handling of waste materials. Core Strategy Policy CS1X promotes waste as a resource and encourages increased re-use of materials and recycling. Local Plan Policy DM45 requires proposal to make waste management provision on site and to: provide satisfactory storage volume; ensure satisfactory access for collectors and collection vehicles; and be located to avoid nuisance to occupiers and adverse visual impacts. Detailed local design guidance is set out in the Council's Code of Practice for the Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2016). The Code of Practice states that for flats, communal and high rise development, a two-bin system is recommended.

234 The application proposes residential and commercial waste storage at surface level with residents accessing the bin stores in their blocks and commercial tenants accessing the bin store in block D by fob. The Council has advised that this provision meets the requirements of the above mentioned Code and a condition will secure an appropriate ratio of each type of refuse bin. Refuse collection would take place from the inset bay on Masons Avenue on a weekly basis. As mentioned in paragraph 200, a condition will ensure that the potential noise and disturbance associated with this operation is mitigated.

235 With regard to construction waste, a condition will secure the preparation of a full site waste management plan demonstrating compliance with the development plan policies prior to the commencement of the development and to be approved by the Council.

236 Subject to securing the above conditions, the application would be considered to be compliant with local policy CS1X and DM45 regarding waste.

#### Environmental issues conclusion

237 Subject to the inclusion of various necessary planning conditions mentioned above and satisfactory test results, GLA officers are satisfied that the proposed development would acceptably mitigate its own environmental impact. Accordingly, the application complies with the NPPF, London Plan Policies 5.16, 5.21, 7.14, and Harrow Local Plan Policies CS1, DM15 and DM45.

## Transport

238 The NPPF emphasises the role that transport policies play in achieving sustainable development and achieving wider sustainability and public health objectives. The NPPF specifically stipulates that people should be given a real choice about how they choose to travel. New development should be located and designed to prioritise sustainable transport modes such as walking and cycling, with access to high quality public transport facilities, create safe and secure layouts that minimises conflicts between traffic and cyclists or pedestrians and considers the needs of people with disabilities. Parking levels should take account of the accessibility of the development, the type, mix and use of development, the availability of and opportunities for public transport, local car ownership levels and an overall need to reduce the use of high-emission vehicles.

239 The London Plan applies the NPPF principles within the strategic approach for transport in London, and Chapter 6 of the Plan sets out the Mayor's policies on transport. Policy 6.1 sets out the strategic approach and in this case the other most relevant policies are: Policy 6.3 Assessing effects of development on transport capacity; Policy 6.9 Cycling; Policy 6.10 Walking; Policy 6.12 Road network capacity; Policy 6.13 Parking; Policy 8.2 The Mayor's priorities for planning obligations; and Policy 8.3 Mayoral Community infrastructure levy.

240 The Council's Development Management Policies Local Plan includes Policies DM42 Parking Standards, DM43 Transport Assessment and Travel Plans and DM44 Servicing. Also relevant is the Council's Harrow and Wealdstone Area Action Plan, which states that "the high public transport accessibility and range of amenities available within the Heart of Harrow make it an ideal place for more intensive mixed-use development with users able to rely more on travel by sustainable transport modes (walking, cycling and public transport). It also states that "the Council, in association with Transport for London, will prepare a Green Travel Plan for the Heart of Harrow. The green travel plan is intended to encourage residents and local business to live and operate in a more sustainable way across the whole of the Heart of Harrow". It concludes "there are a number of local improvements that could be made to incorporate safe and attractive cycling facilities and improve pedestrian accessibility. Much of this could be funded by new development."

### Access, highways impact, public transport

241 The access to the car parking and servicing for the development would respectively be via and on Masons Avenue. These aspects of the development are acceptable subject to the necessary agreements with Harrow as highway authority. It is also considered that public transport has sufficient capacity to accommodate the impacts of this development and the highway impacts of the development are also acceptable.

### Parking

242 Harrow Council resolved to refuse permission for this development for reasons which include insufficient (residential) car parking. The applicant's transport assessment (TA) includes an on-street car parking survey. This was undertaken on a weekday in the early hours of the morning to represent the time of most pressure given parking is "uncontrolled" at that time currently. The results indicate that of the 124 on-street parking spaces within a 200 metre walk distance of the site 28 spaces were available during the first survey and 27 during the second survey, i.e. 77% and 78% occupancy respectively. It is not until parking space occupancy rises above 80% overall that an area is generally considered to be suffering from parking stress. However, to address concerns about over-spill parking, a S106 obligation is recommended preventing occupiers, other than Blue Badge holders, from being able to obtain permits for the controlled parking zone (CPZ) in the area;

and funding for the extension of the hours of controls from the present 10am to 11am and 2pm to 3pm, Monday to Friday, to cover night time parking.

243 At approximately 0.35 spaces per unit it is acknowledged that the proposed level of parking provision falls within the London Plan standards and is therefore acceptable. The applicant has committed to the provision in the basement of disabled parking, electric vehicle charging points (active and passive) and cycle storage to minimum London Plan quantitative standards. However, the detailed design and arrangement for cycle parking and access is not considered wholly appropriate or convenient and does not accord with the guidance in the London Cycling Design Standards. Disabled parking and management arrangements also need further consideration. These are issues that can be addressed at the detailed design stage and therefore it is recommended that details are reserved and required by condition to be submitted and approved prior to implementation.

#### Walking/cycling

244 In accordance with the aims of London Plan Policies 6.9 and 6.10, the improved pedestrian permeability and link between the station and the district centre which would be delivered as part of the development is supported. Public wayfinding to/from the site in the form of Legible London signing has also been proposed and both should be secured through the S106 agreement.

#### Delivery, construction and travel planning

245 Whilst it would be best practice to provide exclusively on-site servicing, given site constraints and the nature of the uses, the two proposed bays on public highway for servicing are accepted. According to the auto-tracking supplied, neither of these bays should impact on the existing bus stop opposite the site (Palmerston Road). A detailed servicing management plan should be secured by condition, especially since bays cannot be reserved for the exclusive use of the vehicles servicing the site.

246 The van-sized delivery space proposed in the basement is in a cramped position where rear unloading will take place in the path of cars circulating through the carpark. Furthermore access and management arrangements are unclear. If this provision is to be retained it is recommended that these matters be addressed through the above recommended basement layout and servicing management plan condition.

247 The construction and travel plans are acceptable; these should be conditioned to be submitted in detail for approval, prior to implementation.

#### Highway infrastructure

248 It will be necessary to get access to the flyover for inspections, maintenance and emergency repairs to keep the structure safe and functional. A planning obligation will ensure this will be achieved.

#### Transport conclusion

249 Subject to conditions and submission of detailed supporting plans to manage construction, servicing, travel and parking, as well as detailed designs for parking and a car-and-permit-free legal agreement, the application is considered to be in accordance with local Policies DM42, DM43 and DM44 and strategic transport policies. Section 106 contributions should be secured towards public realm wayfinding and infrastructure improvements for pedestrians and cyclists to mitigate the impacts of the scheme.

## **Mitigating the impact of development through planning obligations**

250 The NPPF states that “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”.

251 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) states that a Section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are now statutory tests.

252 At the regional level, London Plan Policy 8.2 sets out the Mayor’s priorities for planning obligations, and states: “Affordable housing; supporting the funding of Crossrail where this is appropriate (see Policy 6.5); and other public transport improvements should be given the highest importance”.

253 In local terms, Local Plan Policy DM50 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, and to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal. The Council’s Planning Obligations and Affordable Housing Supplementary Planning Document (SPD) sets out the Council’s approach, policies and procedures in respect of the use of planning obligations. Harrow’s Community Infrastructure Levy will ensure that new development helps to fund the cost of new and enhanced strategic infrastructure.

254 Pursuant to the consideration within the previous sections of this report, and in line with the policy context set out above, GLA officers propose to secure a number of planning obligations required to appropriately mitigate the impact of this proposed development. A full list of the obligations proposed in this case is provided within the Section 106 legal agreement section of this report in paragraph 8. However, where appropriate, GLA officers provide additional commentary below to support the consideration within this report, and to inform the proposed detailed drafting of a section 106 legal agreement.

### Affordable housing

255 As discussed in the housing section of this report, 74 affordable units will be secured, comprising 52 shared ownership units and 22 affordable rent units. Details of affordable housing definitions, fit out, the income thresholds for the intermediate accommodation, rent levels for the affordable rented units and the retention of the affordable units at the proposed rent levels in perpetuity, will be set out in the section 106 agreement.

256 GLA officers propose an early review mechanism if the Enabling Works have not been implemented within two years of the date of consent. The review will establish whether, in the light of increasing viability, additional affordable can be accommodated on site, up to a level of 50% of the scheme.

257 In addition, an obligation has been agreed to ensure that 10% of the affordable rented homes be constructed as wheelchair accessible from the outset.

## Employment and training

258 In accordance with Harrow's Planning Obligations SPD, a contribution from the development has been requested to fund local employment and training programmes to optimise the local economic benefits of the construction of the development. It is also requested that the applicant provides a training and recruitment plan and implements it using reasonable endeavours to secure the use of local suppliers and apprentices during the construction of the development.

259 An employment management plan will also secure details of the management of the Hub building and the services provided to the occupants/businesses. To support small businesses and affordability, this will include an obligation to prioritise the operation of the Hub by a recognised workspace provider.

## Design

260 To ensure the delivery of a development with high quality design, a planning obligation is sought to require the developer to use reasonable endeavour to retain the existing architect (or one of equivalent standard) until the development is completed; or, for the applicant to submit a Design Code (for approval by the Council) prior to the commencement of the development that details the quality of the external materials of the finished development and other design parameters.

## Energy

261 The implementation of the proposed site-wide CHP system will be secured through planning conditions. A planning obligation is sought to require the proposed on-site energy centre to be laid out with sufficient space and an agreed route for infrastructure to be safeguarded to ensure that it will be technically feasible to extend the proposed combined heat and power network to serve the remainder of the allocated site and allow opportunity to connect to a wider area network. The applicant will be required to use reasonable and commercially sensible endeavours to connect to this district wide network when it becomes available.

## Transport

262 Transport mitigation measures and off-site highway works will be required to mitigate the impacts of the proposed development. A section 278 agreement will facilitate highway improvements through the provision of a raised table at the entrance to the basement to improve pedestrian accessibility and safety. A £1,000 contribution is required for order-making related to these works. Two inset parking bays suitable for servicing on Palmerston Road and Masons Avenue and a car club bay on Masons Avenue will be also delivered via a S278. A £2,000 contribution is required to cover these works to the highways associated with the development.

263 To ensure that no additional transport stress is placed on the public highway following the development, to support 'permit-free' development in areas with high levels of public transport accessibility, and to promote sustainable modes of transport, the section 106 will also secure:

- a) £10,000 for Legible London wayfinding signs around the site to assist those going to and from the development;
- b) A bond of £5,000 to secure the implementation of the measures set out in the revised travel plan, in addition to £5,000 monitoring fees to cover the cost of monitoring the travel plan.
- c) a car club space provided off-site to be delivered via a S278;
- d) a resident/visitor permit restriction to exclude future occupiers of the development (except for disabled people) from applying for on-street parking permits. This will free-up spaces for car club vehicles instead.

### Maintenance of the flyover

264 To keep the flyover structure safe and functional, measures will be secured through an obligation to allow access to it for inspections, maintenance and emergency repairs.

### Flood risk

265 To mitigate the risk of flood risk, a planning obligation is required to ensure that the proposed void space beneath block D (where the highest probability of flood risk is) is maintained so that it does not become blocked over time and potentially pose a flood risk.

### Off-site play space

266 A £15,000 contribution will be secured to manage the increased demand upon the existing facilities.

### Other requirements

267 The legal costs associated with the preparation of the planning obligation and the Council's administrative costs associated with monitoring compliance with the obligation terms will also be secured.

## **Legal considerations**

268 Under the arrangements set out in Article 7 of the Order and the powers conferred by Section 2A of the Town and Country Planning Act 1990 the Mayor is the Local Planning Authority (LPA) for the purposes of determining this planning application ref: P/1619/16.

269 Section 35 of the Greater London Authority Act 2007 inserts section 2F into the Town and Country Planning Act 1990 a requirement that for applications the Mayor takes over, the Mayor must give the applicant and the LPA the opportunity to make oral representations at a hearing. He is also required to publish a document setting out:

- who else may make oral representations;
- the procedures to be followed at the hearing; and,
- arrangements for identifying information, which must be agreed by persons making representations.

270 The details of the above are set out in the Mayor's Procedure for Representation Hearings which reflects, as far as is practicable, current best practice for speaking at planning committee amongst borough councils.

271 In carrying out his duties in relation to the determination of this application, the Mayor must have regard to a number of statutory provisions. Listed below are some of the most important provisions for this application.

272 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

273 Section 70(4) defines “local finance consideration” as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

274 In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by Central Government to local councils for increasing the number of homes and their use.

275 These issues are material planning considerations when determining planning applications or planning appeals.

276 Furthermore in determining any planning application and connected application, the Mayor is required by section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan (i.e. the London Plan and the adopted Local Plan) unless material considerations indicate otherwise.

277 Other guidance, which has been formally adopted by Harrow Council and the GLA (e.g. Supplementary Planning Documents and Supplementary Planning Guidance), will also be material considerations of some weight (where relevant). Those that are relevant to this application are detailed in this Representation Hearing report.

278 Officers are satisfied that the current report to the Mayor has had regard to the relevant provision of the development plan. The proposed section 106 package has been set out and complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

279 As regards Community Infrastructure Levy (CIL) considerations, the Mayoral CIL payment associated with this development is estimated to be up to £450,763.

280 In accordance with his statutory duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Mayor shall have special regard to the desirability of preserving Listed Buildings, their settings and any features of special architectural or historic interest which they possess. The Mayor is also required to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas which may be affected by the proposed development (section 72 of the of the Planning [Listed Buildings and Conservation Areas] Act 1990).

281 Where the Mayor takes over an application, he becomes responsible for the section 106 legal agreement, although he is required to consult the relevant borough(s). In this instance, there have been a series of lawyer led meetings to discuss the section 106 content, and it has progressed on a number of key issues, whilst others remain outstanding at this point in time. Both the Mayor and the Borough(s) are given powers to enforce planning obligations.

282 When determining these planning applications, the Mayor is under a duty to take account of the provisions of the Human Rights Act 1998 as they relate to the development proposal and the conflicting interests of the applicant and any third party affected by, or opposing, the application, in reaching his decision. Planning decisions on the use of land can only be taken in line with the Town and Country Planning Acts and decided in accordance with the development plan unless material considerations indicate otherwise.

283 The key Articles to be aware of include the following:

- (a) Article 6 - Right to a fair trial: In the determination of his civil rights and obligations... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- (b) Article 8 - Right to respect for private and family life: Everyone has the right to respect for his private and family life, his home and his correspondence.
- (c) Article 1 of the First Protocol - Protection of property: Every person is entitled to the peaceful enjoyment of his possessions.

284 It should be noted, however, that most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted i.e. necessary to do so to give effect to the Town and Country Planning Acts and in the interests of such matters as public safety, national economic well-being and protection of health, amenity of the community etc. In this case this Representation Hearing report sets out how this application accords with the Development Plan.

285 Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are now statutory tests.

286 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Mayor as Local Planning Authority), that the Mayor as a public authority shall amongst other duties have due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

287 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

288 Officers are satisfied that the application material and officers' assessment has taken into account the equality and human rights issues referred to above. Particular matters of consideration have included provision of accessible housing and parking bays, the provision of affordable and family housing and the protection of neighbouring residential amenity.

## **Conclusion**

289 As detailed above Section 38(6) of the Planning and Compensation Act 2004 requires the decision to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

290 When assessing the planning application the Mayor is required to give full consideration to the provisions of the Development Plan and all other material considerations. He is also required to consider the likely significant environmental effects of the development and be satisfied that the importance of the predicted effects and the scope for reducing them, are perfectly understood.

291 When considering the proposals, GLA officers have had special regard to the desirability of preserving the setting of listed buildings in the vicinity of the proposed development.



292 In preparing this report, officers have taken into account the likely environmental impacts and effects of the development and identified appropriate mitigation action to be taken to reduce any adverse effects. In particular, careful consideration has been given to the proposed conditions and planning obligations which will have the effect of mitigating the impact of the development.

293 This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has found that the proposed development is acceptable in terms of land use principles; housing (affordable housing, mix, density, quality, play and amenity space); urban design (comprising issues of tall buildings, and public realm); historic environment; inclusive design; neighbouring amenity; sustainable development and climate change; environmental issues; transport; and mitigating the impact of development through planning obligations.

294 Accordingly, the recommendations set out at the beginning of this report are proposed.

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