



Appeal Decision

Site visit made on 6 February 2008

by **J S Deakin FRICS**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
25 February 2008

Appeal Ref: APP/M5450/A/07/2060641 71 Bridge Street, Pinner HA5 3HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Zed Homes against the decision of the Council of the London Borough of Harrow.
- The application Ref P/1907/07/CFU dated 16 June 2007 was refused by notice dated 11 October 2007.
- The development proposed is demolition of existing disused timber framed, steel roofed buildings and redevelopment for residential (30 units) with associated amenity space and one disabled parking space.

Decision

1. I allow the appeal, and grant planning permission for demolition of existing disused timber framed, steel roofed buildings and redevelopment for residential (30 units) with associated amenity space and two disabled parking spaces at 71 Bridge Street, Pinner HA5 3HZ in accordance with the terms of the application, Ref P/1907/07/CFU dated 16 June 2007 and the plans submitted with it, and as subsequently amended, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No taxable occupation of any part of the building hereby approved shall take place until pedestrian safety measures (tactile paving and a guard rail) have been installed at the junction of the access road and the Bridge Street footway, in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The safety measures shall thereafter be retained.
 - 3) No development shall take place within the area of archaeological interest until the applicants, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
 - 4) Prior to commencement of the development hereby permitted, a detailed schedule of measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the appeal site shall be submitted to and approved in writing by the local planning authority. These details shall include requirements that (i) all main entrance door sets to individual dwellings and communal entrance door

- sets shall be made secure to standards set out in BS PAS 24-1:1999 – ‘Security Standards for domestic door sets’ and (ii) all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards set out in BS 7950 – ‘Security Standards for domestic window sets’. The works shall be fully implemented prior to first occupation of the development in accordance with the approved details, and shall thereafter be retained.
- 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
 - 6) No demolition or site works in connection with the development hereby permitted shall commence until the frontage and boundaries of the site have been enclosed by a close boarded fence and gates to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed and the development is ready for occupation.
 - 7) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building, the ground surfacing and the boundary treatment hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 8) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Soft landscape works shall include planting plans and schedules of plants, noting species, plant sizes and proposed numbers/densities.
 - 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of two years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
 - 10) Prior to the first taxable occupation, the building shall be insulated against external noise sources in accordance with the assessment and recommendations of the W.A. Hines & Partners Noise Assessment Report dated 30 May 2007.
 - 11) The proposed parking spaces shall be used only for the parking of private motor vehicles in connection with the development hereby permitted and for no other purposes. Signs shall be erected indicating that the parking

- spaces are for disabled parking only and parking shall be restricted to those vehicles displaying a disabled parking permit.
- 12) Prior to the first taxable occupation of the building, external lighting of the site and the approach from Bridge Street shall be installed in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority. The details shall include the amount of lighting measured in lux.
 - 13) Before the development is commenced, details of the levels of the buildings, roads and footpaths in relation to adjoining land and highway and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with such details as approved.
 - 14) Before the development hereby permitted commences, details of the storage and disposal of refuse/waste and the vehicular access thereto shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the works have been completed in accordance with the approved details.
 - 15) No development shall take place until an independently verified Code for Sustainable Homes Report that achieves a Code Level 4 rating or above for each residential unit (in accordance with the Code for Sustainable Homes Technical Guide, March 2007 DCLG) has been submitted to and approved in writing by the local planning authority. Each residential unit shall be constructed in accordance with the Report before it is first occupied.
 - 16) Before the development hereby permitted begins, a detailed investigation of the site shall be undertaken to assess the effect of any residual contamination and the results shall be submitted in writing to the local planning authority. The survey shall be taken at such points and to such depth as the local planning authority may stipulate. If necessary, a scheme for decontamination of the site shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented and completed before any residential unit hereby permitted is first occupied.

Main issues

2. I consider that the main issues are (i) whether residential development would be compatible with the locality; and (ii) the impact of the surroundings on the living conditions of future residents, with particular regard to the outlook from the flats.

Preliminary Matters

3. The appellants have entered into a Unilateral Undertaking, dated 4 February 2008, under section 106 of the Town and Country Planning Act 1990. In brief, the Owner covenants to (i) prepare a Travel Plan and (ii) to provide Affordable Housing Units as part of the development.
4. The original plans showed one disabled parking space but, following discussions with the Council's Planning Officer, revised plans (1528/111RevB) were

submitted on 7 August 2007. These show an additional disabled space and I have therefore amended the wording of the planning permission.

Reasons

Compatibility with the locality

5. The appeal site is within the Pinner District Centre as defined in the adopted Harrow Unitary Development Plan 2004 (UDP). It is close to shops, local services and public transport. The site is unused and contains various derelict sheds and structures. The general principle of redevelopment of this sustainable brownfield site would accord with PPS1, PPS3, the London Plan, and the UDP which seek to promote the effective use of land, by re-using land that has been previously developed.
6. The site adjoins predominantly commercial premises and a railway track. There is residential accommodation to the south west beyond the railway line and a few residential units above the Bridge Street shops. The access road to the site is narrow but the appellants' Transport Statement indicates that the current usage is very small. Future use, as access to the flats, is likely to be lower than the previous use which was associated with the motor trade.
7. The new buildings would be well screened from Bridge Street by the existing shops on the frontage. Consequently, the development would have no significant visual impact on the nearby Conservation Area. The new flats would be visible from the flats and house on the other side of the railway line but there would be a separation distance of approximately 50m. Furthermore, the block would be seen in conjunction with other high commercial buildings in the District Centre
8. An 'Environmental Noise Assessment (Trains & Traffic)', dated 30 May 2007, has been prepared on behalf of the appellants by W.A.Hines & Partners. The Assessment said that: *"a survey of the site indicated the principal source of noise on the site to be from the traffic on the adjoining rail lines with some noise from the traffic on Bridge Street. The traffic noise from Bridge Street was generally screened from the site by intervening buildings. To the front and side of the site noise from air conditioning plant associated with the shops and vehicles associated with the Post Office was also noticeable. The noise from these sources however was not significant"*. Para 5.05 of the Assessment stated that the residential layout of the site had been specifically designed to mitigate the effects of the prevailing noise sources on the internal conditions. The Assessment concluded that the proposed building design and layout, together with the specific measures recommended, would ensure that acceptable internal and external noise conditions are achieved, relative to the prevailing external noise sources.
9. The Council makes general comments that the Hines Assessment does not address some of the noise sources. However, it has not submitted any detailed evidence to challenge the findings of the Assessment. I consider that the Noise Assessment satisfactorily covers all relevant aspects of noise around the site and that the implementation of the various mitigation measures would protect the living conditions of future residents from undue noise. A condition could be imposed, as suggested by the Council (condition 10), to ensure that adequate

insulation would be installed. Subject to this, I consider that the development would comply with UDP Policy EP25.

10. I conclude that the development would not result in an unsatisfactory quality of residential environment and that it would be compatible with the locality. The scheme would comply with UDP Policies D4 and D5, and with PPS3.

Living Conditions of future residents

11. Most of the flats would look out over the sunken garden and amenity area. Although facing towards commercial premises behind the Bridge Shops, most of the principal windows would be at least 18m from the site boundary. Flats on the upper floors would have open views over lower buildings whilst ground floor flats would have the benefit of the garden. There would be no habitable room windows facing towards the Post Office and only very limited direct views of the backs of the Bridge Street shops. A few flats would overlook the railway line but there would be long views towards the residential areas to the south west.
12. I consider that the surrounding buildings would not be oppressive or unduly dominating when seen from within the proposed flats. Although views from some of the flats would be towards commercial premises, none of these are particularly unattractive or offensive. In my opinion, the living conditions of future residents would not be significantly harmed by the outlook from the flats. Consequently the scheme would comply with UDP Policy D4 and with PPS3.

Unilateral Undertaking

13. UDP Policy H5 requires that affordable housing should be provided in schemes for 15 or more dwellings. The likely minimum percentage of affordable housing to be negotiated on suitable sites should be 30%. The appeal proposal is for nine units which would satisfy this standard. No on-site parking would be provided apart from the two disabled spaces and I consider that it is necessary and reasonable for the developers to prepare a draft Travel Plan for the benefit of future residents.
14. I conclude that the Unilateral Undertaking in respect of both Affordable Housing and a Travel Plan is necessary and relevant to the development, and is fairly and reasonably related in scale and kind to the proposed development. In these respects the Undertaking passes the tests set out in Circular 5/05.

Conditions

15. The Council has suggested various conditions which should be applied if the appeal is to be allowed. When considering these, I have taken account of advice in Circular 11/95. I use the Council's numbers when referring to these.
16. The Bridge Street footway is on land outside the control of the appellants and I have reworded No.2 as a negative or Grampian condition. This condition is necessary to protect the safety of pedestrians using the Bridge Street footway.
17. I impose a condition to secure the provision of archaeological excavations and subsequent recording of finds in the interest of national and local heritage.

18. I have simplified the requirements of No.4 in line with the suggestions made by the appellants' agents. This condition is necessary in the interests of reducing the risks of crime.
19. I impose conditions (Nos.5-10) relating to boundary treatments; temporary fencing during construction works; prior approval of external materials; landscaping; tree protection; and future management of the landscaped areas. These conditions are necessary to protect the amenities of nearby residents and to safeguard the character and appearance of the area. The agents argue that No.7 is unnecessary as details have already been submitted. However, even if the submitted details are acceptable, it is necessary to have a condition requiring that the development be carried out in accordance with the approved details.
20. I have already discussed the need for noise insulation in accordance with the Hines Assessment and impose a condition to secure this.
21. Parking spaces should be laid out prior to occupation. It is the intention of the parties that these should be used for disabled parking and I have amended the wording to clarify this.
22. The agents suggest that it is unnecessary to include the words 'and approach from Bridge Street' in No.15 (now No.12). In my opinion, it necessary for lighting to be provided in this narrow and relatively secluded entrance in the interest of public safety. I impose the condition as originally suggested.
23. Details of the levels are required in order that the heights of the buildings and surfaced areas shall be in keeping with the surrounding properties. Information about refuse disposal arrangements is required in the interests of public hygiene and neighbours' amenity. I note the agents' argument that this condition is unnecessary but the same remarks apply as to No.7.
24. I have reworded No.18 (now No.15) to follow the agents' suggestions. I consider that this gives more detail and reflects the importance of the design of Sustainable Homes.
25. The Preliminary Site Investigation Report prepared by Harrison Environmental Consultancy stated that the site was not considered suitable for residential or commercial development without some form of remedial activity. I therefore impose a condition requiring further detailed investigation of possible contamination.
26. In my opinion, it is not necessary to impose Nos.12-14 relating to sewage and surface water as these aspects are covered by other legislation, such as the Building Regulations.

J S Deakin

INSPECTOR